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

2
3 (Ketchikan, Alaska - 9/24/2013)

4
5
6 (On record)

7
8 MR. LORRIGAN: Good evening. Thank you
9 for coming tonight. As you know, you're here to give
10 comment on the Federal Subsistence Board's request for
11 public comment on the rural determination process. The
12 criteria that are used to evaluate what is rural and
13 what's nonrural.

14
15 I'd like to thank the community leaders
16 who have enacted this. Lee Wallace, Willard Jackson,
17 gunalcheesh, for helping arrange this fine turnout. I'd
18 like to have Lee come up and give a welcome to everybody
19 from Saxman, please.

20
21 MR. WALLACE: Thank you, Jack, and thank
22 you members of FSB. I really want to thank the
23 InterAgency Committee that really made the decision to
24 come back to the Ketchikan area, the Saxman area.
25 Originally this meeting was scheduled to be in Petersburg
26 and it was in Saxman's best interest that it was held
27 here locally so we could have a better turnout. As
28 members of the Southeast RAC and the FSB know, a lot of
29 times it's just been on my shoulders to attend the
30 meetings that occurred for rural status.

31
32 So tonight, with the citizens of Saxman
33 coming here and standing together, it's very meaningful
34 to me and hopefully it's meaningful for the FSB based on
35 testimonies and verbal comments, written comments to be
36 turned in by the deadline of November 1st.

37
38 With that, I'd like to just thank each
39 and every one of you for taking time out of your busy
40 schedules to be here. I know earlier today we were asked
41 -- there were a number of different conversations during
42 breakouts. Finally in the Ketchikan/Saxman area the
43 cohos are running. My son came home from work, and he's
44 been out fishing quite a bit this past summer, and I
45 said, son, it's okay, if you really want to go fishing,
46 go fishing. I said you can submit your written comments
47 by November 1st. But he chose, Dad, I'll show up here
48 tonight and I'll go fishing tomorrow.

49
50 So, with that, I'm just going to close

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

9

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

14

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

18

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

22

23 (Invocation)

24

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

33

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

42

43 My name is Jack Lorrigan. I'm the Native
44 liaison for the Office of Subsistence Management. I'm
45 originally from Sitka and I've also spent time here in
46 Ketchikan. My grandmother was Nellie Burton. The
47 grandmother that raised me was Blanche Isaacs Ohneck. I
48 got my degree at Sheldon Jackson. Adopted into the
49 Coho's, L'uknax.a'di. One of my names is Klei si'eesh
50 from Angoon and Kaa Wootk' from Rudolph Walton side.

1 Thank you again for coming and allowing us on your land.

2

3

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

13

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

25

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

35

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

47

48 If we run out of time, please submit your
49 comments in writing prior to November 1, 2013. Handouts
50 are available with addresses on the back table. I'd like

1 to have Federal Staff introduce themselves. We'll end
2 with the Board members and then you can give your
3 remarks. Steve, could you lead us off.

4
5 MR. KESSLER: Good evening. I'm Steve
6 Kessler with the U.S. Forest Service. I serve on the
7 Federal Subsistence Board's InterAgency Staff Committee.
8 I'm located in Anchorage, but I've lived many years in
9 Juneau, Yakutat and Sitka.

10
11 MR. LARSON: My name is Robert Larson.
12 I'm from Ketchikan. I live in Petersburg now with the
13 Forest Service. I am the Southeast Regional Advisory
14 Council's coordinator and work with the Southeast
15 Subsistence Council.

16
17 MR. REEVES: My name is Jeff Reeves. I'm
18 a subsistence biologist with the Forest Service in the
19 Prince of Wales and Ketchikan area.

20
21 MR. PELTOLA: Good evening. My name is
22 Gene Peltola, Jr. I'm the Assistant Regional Director
23 for the Office of Subsistence Management. I'm stationed
24 in Anchorage. Born and raised in Bethel, Alaska.

25
26 MR. LORRIGAN: Is that it for -- okay, go
27 ahead, Tony.

28
29 MR. CHRISTIANSON: Oh, they want us to
30 use the mic. Good evening, everybody. Thank you guys
31 for the nice attendance. My name is Anthony
32 Christianson, otherwise known as Tony Peele in the
33 village. In this big fighting hall here too. I've been
34 known to have a few rounds. Let's get it light here.

35
36 I'm also the mayor of Hydaburg besides my
37 Federal Board seat. I've been mayor for seven years and
38 I'm very interested in this rural determination process
39 and look forward to a final outcome for the community of
40 Saxman and for Ketchikan and look forward to all the
41 testimony you have tonight to provide and help us make a
42 decision in that determination.

43
44 Again, we're here tonight on a fact-
45 finding mission to hear what the public has to say about
46 the process that's been posted in the Federal Register
47 and now taking comments and public testimony and also the
48 opportunity to consult with the government on what its
49 process is and how they're going to look into the future
50 and make these determinations and create a system and

1 establish criteria so we don't have to go through several
2 years of fighting through the system to try to make
3 change. Again, I hope that the process tonight fits your
4 needs and you feel that your comments are well received
5 and we look for the best outcome for your community.

6

7 Thank you.

8

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

16

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

23

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

27

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

34

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

41

42 As Ms. Pendleton mentioned, the Federal
43 Subsistence Program is made up of the Fish and Wildlife
44 Service, BLM, Bureau of Indian Affairs, the National Park
45 Service, and the heads of these agencies in Alaska as
46 well as three rural members who sit on the Federal
47 Subsistence Board and we're fortunate to have both Beth
48 and Tony here to hear your concerns tonight. The Federal
49 Subsistence program is responsible for managing
50 subsistence on Federal public lands.

1 What I want to do tonight is to give you
2 a brief overview of the Federal Subsistence Program and
3 to provide some background and context for thinking about
4 rural and nonrural status and it's relationship to you
5 all and to Saxman in particular. So I want to talk about
6 background and give you a little bit of information about
7 what has brought us here and I want to talk about the
8 current Federal Subsistence Board process for determining
9 rural status.

10

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

17

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

31

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

43

44 Now Congress did not provide a definition
45 of rural. What we do have is a paragraph in a Senate
46 report that comments on Title VIII and indicates cities
47 that Congress thought to be nonrural and these included
48 Ketchikan, Juneau, Anchorage and Fairbanks. The Senate
49 report provided examples of rural communities such as
50 Dillingham, Bethel, Nome, Kotzebue, Barrow and the Senate

1 report goes on to say and other Native and non-Native
2 villages scattered throughout the state.

3
4 Part of the background that we have to
5 work with is not simply ANILCA but a Ninth Circuit Court
6 determination of what the term rural meant or what
7 Congress meant by the term rural. What the Ninth Circuit
8 Court decided in 1988 was that rural refers to sparsely
9 populated areas and that hunting and fishing resource use
10 is only one indication of rural.

11
12 Let me just read you a sentence from that
13 Circuit Court's opinion. The court noted that Congress
14 did not limit the benefits of the statute, that is
15 ANILCA, to residents of areas dominated by a subsistence
16 economy. Instead it wrote broadly, giving the statutory
17 priority to all subsistence users residing in rural
18 areas. So we have ANILCA and we have the Ninth Circuit
19 Court ruling from 1988 and that provides sort of the
20 background for thinking about rural and nonrural status.

21
22 From this map you can see the areas that
23 are rural. Most of Alaska under these definitions are
24 considered rural areas and there are a few -- you can see
25 the dark spots. Those are the non-rural areas at this
26 point. You may be able to see these population figures
27 are not -- at the top we have Anchorage and Fairbanks and
28 Wasilla, Palmer and the Kenai area and the Juneau area.
29 These are all nonrural. The Ketchikan area too, which in
30 2000 had a little over 13,000 people.

31
32 Population alone, and I'll get into this
33 in a moment, is not the only indicator because you can
34 see Valdez down there with 4,000 people that's considered
35 a nonrural area. So population alone is not the only
36 criteria the Board is looking at when it's determining
37 rural status.

38
39 So I'll go through the current process
40 that the Board uses at this point. I'm going to talk
41 about how communities are grouped together initially and
42 then with that grouping then the Board considers
43 population size, but that's not enough. It also looks at
44 a series of rural characteristics. It makes these
45 determinations on a 10-year cycle based on the U.S.
46 Census. I'm going to talk a little bit about the
47 information that the Board uses to make these
48 determinations.

49 So the first issue, grouping of
50 communities. How are communities aggregated or grouped

1 together to figure out a population size. The criteria
2 the Board uses are these three. Do 30 percent or more of
3 working people commute from one community to another, do
4 they share a common high school attendance area and,
5 finally, are the communities in proximity and road
6 accessible to one another. So these are the criteria
7 that the Board has developed to think about how
8 communities are economically, socially and communally
9 integrated. Once the Board makes that determination of
10 integration, then it can figure out a population size for
11 those communities.

12
13 So the question that the Board would like
14 you all to address is are these aggregation or grouping
15 criteria useful, do they make sense, do they portray what
16 rural communities are like in Alaska or not. If they're
17 not, are there other ways of thinking about how
18 communities are socially and communally and economically
19 integrated that are more accurate and more useful for
20 determining the rural status of a community.

21
22 So once the Board aggregates or groups
23 together communities, then the next question is
24 population. Right now the Board presumes that
25 communities with 2,500 people in them and below are
26 rural. Between 2,500 and 7,000 there's no presumption of
27 whether there's a rural or nonrural status. In other
28 words, the Board hasn't decided. Then above 7,000 the
29 Board presumes that it's a non-rural community.

30
31 So the Board is asking the question about
32 population numbers. Do these population figures make any
33 sense for thinking about rural communities in Alaska. Is
34 the 2,500 figure useful? Should we adjust the upper
35 figure of 7,000? Are they useful population figures?
36 The Board would like your input on that question too.

37
38 So once the Board has grouped communities
39 together and ascertained population size, then it asks
40 questions about rural characteristics and these are the
41 characteristics that the Board looks at. It looks at use
42 of fish and wildlife in an area, looks at the economic
43 development diversity of a community or a grouping of
44 communities, it looks at local infrastructure, it looks
45 at transportation networks and educational institutions
46 and uses these characteristics to try to figure out rural
47 status of particular communities. So it goes community
48 by community and looks at each of these characteristics
49 in making its determination.

50

1 So again the question the Board asks are
2 these characteristics useful for thinking about rural
3 status. Do they reflect what it means to be rural in
4 Alaska. If not, what are better characteristics that the
5 Board could use for thinking about in ascertaining or
6 figuring out rural communities.

7
8 Finally the Board looks at rural status
9 every 10 years based on the census data. So every 10
10 years the U.S. conducts a census and the Board uses that
11 process to gather population figures, to gather other
12 kinds of characteristics that I've just gone through and
13 the question the Board would like you to ask is whether
14 or not it should continue to have a 10-year cycle or are
15 there some other cycles or have no review at all. We'd
16 like some information on that.

17
18 The Board also makes out-of-cycle
19 determinations in special circumstances when people
20 request the Board to review a rural determination
21 finding, for example, and it's done so on the Kenai
22 Peninsula.

23
24 Then finally, as I mentioned, the Board
25 gets its information from the U.S. Census as augmented or
26 influenced by and with additional information from the
27 Alaska Department of Labor. So those are the two
28 information sources required by regulation for the Board
29 to look at.

30
31 So should there be a 10-year review or
32 not and, if not, is there some better rationale for
33 thinking about a review of rural status; 10 years, 20
34 years, 50 years. The Board is interested in your opinion
35 on this issue.

36
37 Finally, are there other comments that
38 you'd like to make. Is there other information that we
39 haven't -- or questions that we haven't been asking and
40 information that you would like to give the Board. It
41 would be helpful for the Board to understand in
42 determining rural and nonrural status.

43
44 So we have a number of ways for you to
45 get information to the Board. One is in this public
46 forum. You can submit your comments online. You can
47 give your comments directly to one of the staff members
48 here if you've got them written out. You can mail them
49 in or you can fax them in. Here's the information that
50 we have.

1 So this goes through what I just
2 mentioned. You can provide comments. Thank you very
3 much. We look forward very much to your comments through
4 the rest of the evening.

5
6 I thank you for your attention.

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

21
22 The first speaker I'd like to call is Mr.
23 Willard Jackson. I'd also like to apologize beforehand,
24 since there's so many people here and we have a limited
25 amount of time, we don't want to offend anybody and
26 please understand it's not our intent.

27
28 MR. JACKSON: Gunalcheesh. I want to
29 welcome the shaade hanis, Harvey Shields, Chuck Denny,
30 Milton Jackson, Martin Perez, Sr., Nel Klaus (ph), Aunt
31 Lizzy Denny, Sarah Abbott, my sister Martha Ann Denny.
32 My grandmother -- I am from Saxman. I was raised in
33 Saxman. We came into Saxman in 1892. We migrated there
34 from Tongass along with the Cape Fox. The movement
35 occurred because of things that were happening on Tongass
36 and other places. Dleit kaa was moving into the area.
37 White man was moving into the area, so we had to move.

38
39 The village of Tongass and Cape Fox moved
40 together two miles south of Ketchikan. It didn't have a
41 name at the time. William Saxman, who was on Tongass
42 Island with Sheldon Jackson, built a small church there,
43 Presbyterian. William Saxman moved with five of our
44 tribal brothers from Tongass Island in search of another
45 place to live. In their journey coming this way, their
46 canoe capsized and they drowned. They were never found.
47 Later on in that process, the tribal leaders, the shaade
48 nakx'i and Nel Klaus and Sheldon Jackson chose to move us
49 two miles south of Ketchikan.

50

1 When you go to Saxman and you come in
2 Saxman, you can see the city hall. That city hall is one
3 of the very first buildings built in the community. It
4 was a church. Around that church all the shaade nakx'i
5 built their family houses around there. They wanted
6 their children to learn. Assimilation is what we were
7 looking at at that particular time in moving into white
8 man's culture. Change.

9
10 Once again change is happening at this
11 regional board level in making decisions, just like
12 Sealaska did, and who is going to be left out. Sealaska
13 ratified that and allowed others to come in. I was in
14 Anchorage, along with Lee, and testifying on behalf of
15 Saxman when the Board chose to go on recess and in less
16 than a half an hour came out and made a decision and that
17 decision was to leave Saxman out.

18
19 If you look at the history of Saxman,
20 from the time they came from Cape Fox, it's one of the
21 oldest villages along the Tongass in the Southeast area.
22 I truly believe that the history of this council,
23 regional council, can change history and change direction
24 to a tribe of only 400 that are striving for a better
25 life for their children and their grandchildren and yet
26 the ones unborn.

27
28 I would say to the Board please review
29 what was said over the last few years from the time the
30 decision was made and where Saxman is at today.

31
32 Gunalcheesh. Thank you very much.

33
34 MR. LORRIGAN: Gunalcheesh. Thank you
35 very much. Are there folks on the phone? Could we have
36 people on the line please introduce yourself.

37
38 MR. THOMAS: Sam Thomas, Craig Tribal
39 Association.

40
41 MR. LORRIGAN: Thank you, Sam.

42
43 Anybody else?

44
45 (No response)

46
47 MR. LORRIGAN: We're picking up some
48 background noise here at the meeting. If there's anybody
49 else online, we can hear it. So if you'd please mute
50 your phone or dial it down a little bit. We're picking

1 it up on this end. Thank you for attending.

2

3 Next I have Joe Williams, Jr.

4

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

12

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

19

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

29

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

35

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

43

44 It really concerns me when members of our
45 village are taken to court because they have six or seven
46 fish too much, yet when I go to the airport I see boxes
47 and boxes and boxes and boxes of salmon leaving this
48 community of Alaska. Why aren't they taken to court I'm
49 asking myself.

50

1 Saxman is a place of which I choose to
2 live. It's by my choice. I'm not forced to live there.
3 I chose to come back to my community and live. I chose
4 to raise my children because of the lifestyle that Saxman
5 presents and part of that lifestyle is being able to go
6 fishing at any time, to be able to go hunting at any
7 time, to get clams at any time and to do that. Yet now
8 it really concerns me that those who do that a lot more
9 than I do -- right now I'm 70 years of age. It's hard
10 for me to go out fishing now. It's harder for me to go
11 out and pick the berries like we used to.

12
13 But, you know, one of the most exciting
14 things is when a young boy comes and leaves some fish on
15 my front porch. That's the way it was. That's the way it
16 was and the white man doesn't understand that. He thinks
17 that we're lucky that we do that. It isn't luck. That's
18 the way we were raised, a subsistence lifestyle. Please
19 know I am very eternally grateful for the young men that
20 do that for me because I just cannot do that anymore
21 because it's somewhat of a challenge for me. Because of
22 one decision a couple years ago we're now fighting for
23 our life as far as our way of living.

24
25 I remember when I was tribal president
26 for 12 years I had an opportunity to visit with Senator
27 Ted Stevens. I said, you know, Senator, you need to get
28 this from where it is today. You talk about a government
29 to government relationship with the Federally recognized
30 tribes and yet we, as a Federally recognized tribe, have
31 to deal with a committee of the Federal government. I'm
32 not sure that that is a government-to-government
33 relationship. I would prefer, as I told him, that the
34 Federally recognized tribe, as a government, decides how
35 this is going to work. We police ourselves more
36 severely, okay.

37
38 A good example of that -- and I'll close
39 with this. Years ago, I couldn't have been seven or
40 eight years of age, and I went fishing at a creek, which
41 is right now right close to Saxman. I decided I'd get as
42 much fish as I can drag and that's exactly what I did.
43 When I took it to my grandmother, my grandmother was
44 upset with the fact that I got so much fish. Well, I was
45 a pretty proud little boy because I got this for my
46 grandmother. As the days passed, other members in the
47 community said, Joe, you better not catch so much fish,
48 it's not good. These are relatives in today's world are
49 no longer alive, but they scolded me for catching so much
50 fish.

1 I'm sharing this with you because this is
2 the way life was then and this is the way life should be
3 today, where our small community of Saxman can police
4 ourselves. Again, it was a decision that was made
5 without any serious serious consultation with the
6 Federally recognized tribe of Saxman, without any one
7 person coming to Saxman and saying tell me how it is.
8 After the decision was made, here you are.

9
10 For that I am grateful, but to see this
11 lifestyle slipping from my hands in my lifetime is a
12 pretty shameful thing. Pretty shameful thing. For that
13 I'm pleading with your Board to take a serious look and
14 that is when someone picks up a hand of sand, hang onto
15 that hand of sand as tightly as they can and no matter
16 how tight they hang onto that sand, drips of it -- some
17 of the grains will fall out and that's what's happening
18 now. The grains of what we are accustomed to is slipping
19 from my hands. Will it ever return? That is the
20 decision that's in your hands.

21
22 So give honor where honor is due to our
23 Tlingit people of Saxman.

24
25 Thank you.

26
27 MR. LORRIGAN: Thank you. Edward John.
28 Again, I hate to limit people, but we have a limited
29 amount of time.

30
31 MR. JOHN: I have one that I am going to
32 be reading. It's a testimony to the Federal Subsistence
33 Board on 9/24/2013 submitted by the Saxman elders and the
34 people here, the Saxman elders. And I also have one that
35 I want to put in personally. This represents Saxman
36 right now and the elders.

37
38 I want to thank everyone that is here
39 tonight and I hope that what we're doing tonight will
40 have some positive results. We have been provided notice
41 that the Federal Subsistence Board is asking for comment
42 on rural determination. For the record, our names are
43 printed and signed to this testimony. I have that sheet
44 at the back here.

45
46 We want to give this testimony. Alaska
47 is unique among all the states because of the land and
48 waters teaming with natural resources that are essential
49 food sources for us. These are critical food services,
50 provide food and materials for our nutrition, spiritual,

1 culture and traditional use. The Federal subsistence
2 regulations require that rural or nonrural status of
3 communities or areas be reviewed every 10 years. I might
4 add just that in the past possibly more than 10, 20 years
5 I don't think Saxman has grown, 400 and something people.
6

7 We believe the 10-year period for small
8 and modest communities like Saxman are taxing and
9 demanding and difficult, especially since in 1990 Saxman
10 passed and became a rural community through two decades
11 and through this time there has been no major change in
12 our community and its characteristics. Saxman places a
13 huge value on the rural status and would like the Federal
14 Subsistence Board to protect Saxman as a rural community.
15 After all, this is the designation of the Federal
16 Subsistence Board that gave to Saxman for two decades.
17

18 The Federal Subsistence Board's first
19 question asking whether it is suitable to use population
20 thresholds as a guide for determining rural is not the
21 best measure. Population threshold should not be used
22 because any number selected is arbitrary and random.
23 Currently an unfairness is occurring because Saxman falls
24 under current regulations that if the population is less
25 than 2,500 is rural. Saxman population is 411. However,
26 the Federal Subsistence Board wishes to view Saxman as
27 nonrural.
28

29 When the Alaska Native Lands Claim
30 Settlement Act in 1971 occurred, Congress expressed a
31 clear intention that Alaska Native subsistence interest
32 be protected. Congress then passed another act, the
33 Alaska Native Interest Lands Conservation Act in which
34 this regulatory law spoke to the use of the customary and
35 traditional consumption.
36

37 It is common knowledge the original
38 people who first lived in this great land of Alaska used
39 everything that comes from the earth and waters; the
40 fish, the cedars, the ferns, the deer, the seal, the
41 seagulls and rice and much more to bringing the resources
42 used in our homes to consume and to heal ourselves and to
43 thrive because God placed us here. It is hard to believe
44 that a small community like Saxman is not to be protected
45 by these acts of Congress that it passed. Please
46 reestablish this for Saxman and make us the rural
47 community we should be.
48

49 Another question you have is in number
50 five, are the aggregation criteria useful in determining

1 rural and nonrural status. The word aggregation is not
2 a word the average Alaskan would use. The Federal
3 Subsistence Board has placed Saxman to be economically,
4 socially and communally integrated and it's considered to
5 be in the aggregate with neighboring community. This is
6 far from the truth.

7
8 Saxman isn't a community integrated by
9 any means. It is a small, separate and distinct village
10 wanting to do something better for its grandchildren,
11 whether a school was created along with churches,
12 fraternal organizations, a water system, and Head Start
13 program, and a place where our traditional customs have
14 been kept alive. I might mention I am a pastor of a
15 church out there in Saxman. We are self-reliant. We
16 have our own government in Saxman and protection from a
17 village public safety officer.

18
19 What characteristics make a specific area
20 rural. Here are four comments on this. A rural
21 community like Saxman is to have its own geographical
22 area separating it out from another area. Saxman has its
23 own city limits. The Saxman area encompasses one square
24 mile of land. The city limits designate that we are
25 segregated and delineated and distinct from any other
26 place. This is a boundary that determines where our city
27 starts and where it ends. Within this boundary we are
28 self-reliant with our own municipal government that
29 incorporated in 1929.

30
31 In 1934, the Indian Reorganization Act
32 established our very own tribal government for Saxman.
33 We are not mixed in with any other Federally recognized
34 tribe or municipality. Rural characteristics oftentimes
35 means the area is quiet, it is private, without industry
36 or businesses or major, three or four main highways that
37 we don't have keeping the metro area alive in the day as
38 well as night. It is a place without taxi cabs and
39 businesses going for 24 hours a day, seven days a week.
40 Saxman is quiet and private.

41
42 We would like to protect our slower pace
43 of life and would be against congested traffic or taxis,
44 ambulances, sirens and traffic continually are moving.
45 Our homes are few, mixed in between the forest, mountains
46 and ocean. We want to protect this rural character. The
47 housing subdivisions are small and haven't occurred
48 except for three in Saxman's lifetime.

49
50 With your permission, I'd like to read

1 what I have here for myself. This was for our Saxman
2 elders here. Do I have your permission to read what I
3 have personally.

4

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

7

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

18

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

32

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

40

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

49

50 The present use of subsistence is a

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

10

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

19

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

28

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

40

41 I'd like to say in closing that this past
42 summer I had some fishermen that I was acquainted with
43 give me a call and they called me up and said, Pastor
44 John, I have a few fish here and I'm wondering do you
45 know anybody that can use it. I said, yes, I do. They
46 said when will you pick it up. I said I'll be right out
47 the door as soon as I hang up the phone. I went down to
48 meet them, took the fish, cleaned it, filleted it, put it
49 in some bags and took it up to people that I know could
50 use it. Some were widows, some were sick, some were

1 hurting, some were suffering in one way or another,
2 unable to fish anymore. So I did everything I could to
3 try to make sure that they had something in their freezer
4 because somebody showed some kindness.

5
6 Tonight I'm asking that you would also
7 show your kindness to the people that are behind me from
8 Saxman and let us really get back to considering the
9 people before we start talking about the dollar signs or
10 population or the areas that might connect. If the roads
11 weren't there right now, I don't know how long Ketchikan
12 would last, but I know the people out there in Saxman
13 know the way to keep that food and have a supply on hand.

14
15 Again, I'd like to thank you for giving
16 me the time. If I went over a little bit, I'm asking you
17 just take it.

18
19 Thank you.

20
21 MR. LORRIGAN: Thank you, Reverend.

22
23 MR. JOHN: Who do I give this to?
24 Anybody here?

25
26 MR. LORRIGAN: Can you hand it to the --
27 actually I'll take it. Cal, can you grab that from him,
28 please. Isabella McGilton. You're not an elder.

29
30 MS. MCGILTON: My name is Isabella
31 McGilton Williams. My parents are Ivan Williams and
32 Florence McGilton. I live with my grandma Patricia
33 Williams. We are from Saxman. My grandma is from the
34 Saanyaa Kwaan of old Cape Fox Village. She's from the
35 Brown Bear House. I am nine years old. I am in the 4th
36 grade.

37
38 Saxman is a small village with few people
39 living in a few homes. We have one church. We have one
40 Head Start school. We have our own senior citizen
41 housing for our older people. We have city hall where my
42 parents pay for water and sewer. We have a tribal office
43 that helps us and we don't go to Ketchikan for help. Our
44 way of life is to include fish. If you stayed with me
45 for one month, you would find out how much we eat fish.

46
47
48 I am learning about my culture and I hear
49 or read about our connections to the land. I know it is
50 true. Saxman is unique because of my grandma's people

1 who came from Cape Fox Village. We have lots of totem
2 poles. Saxman starts out in one spot and ends one mile
3 from the start. It is quiet compared to a bigger city.
4 I'm glad I live in a small village like Saxman.

5
6 Thank you for letting me share how
7 Saxman's size is up to be rural.

8
9 MR. LORRIGAN: Thank you, Isabella.

10
11 (Applause)

12
13 MR. LORRIGAN: George Suckinaw James.
14 Again, we're trying to keep people to five minutes if we
15 can do it, please.

16
17 MR. G. JAMES: I'm going to try to outdo
18 Ed. No.

19
20 MR. LORRIGAN: Thank you, sir.

21
22 MR. G. JAMES: Thank you, Mr. Chairman.
23 (In Tlingit) I have several comments. I'll cut it short.
24 I have some printed, so I won't have to go over all of
25 them. You can read it in your spare time. To make us
26 here in Ketchikan nonrural, whoever does that will be
27 committing genocide. The person that commits genocide
28 will be served with anywhere from \$1 million to \$5
29 million. If you hurt us in part or in whole, under the
30 Genocide Convention, which the United States is a party
31 to, you can be held liable and spend as much as 20 years
32 in jail.

33
34 The following laws here that I have that
35 are Federal law that even the State of Alaska has got to
36 abide by it. The grandfather's clause in part, Black's
37 Law states, provisions in a new law or regulation
38 exempting those already in part or existing situation
39 which is being regulated. An exception to a restriction
40 that allows all those already doing something to continue
41 doing it even if they would be stopped by the new
42 restriction. So what our grandfathers did we still can
43 do.

44
45 One thing that should be brought out, the
46 reason why the state of Alaska came into existence, they
47 believed that they purchased Alaska from Russia. That
48 never happened. Alexander I of Tsarist Russia,
49 communication statements stated merchants must now trade
50 through the established forts and settlements. In

1 response to the claim, Secretary of State John Quincy
2 Adams on behalf of the United States President James
3 Monroe declared in diplomatic communications that this
4 Territory was not part of the Russian Empire and asserted
5 that the Natives were independent tribes inhabiting an
6 independent territory. These diplomatic communications
7 gave full citations under the Law of Nations as to why
8 Russia did not acquire the region of Alaska. They
9 haven't. We know that.

10

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

22

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

35

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

1 including any Alaska native village corporation. This is
2 taken from a 5,000-page document.

3
4 There's several laws here that pertain to
5 us that recognize our inherent rights.

6
7 MR. LORRIGAN: Mr. James, could you
8 summarize.

9
10 MR. JAMES: Yes, I will. I've got one
11 more to go. I'll cut it short and I'll just hand this
12 over to whoever will take it. This would be the last
13 one. There's a whole host of Federal laws here, several
14 pages.

15
16 Rights of Indians is not impaired by
17 boundaries. This is Public Law -- R.S. 1839, Public Law
18 980213, nothing in this Title shall be construed to
19 impair rights of person or property pertaining to the
20 Indians in any Territory, so long as such rights remain
21 un-extinguished by treaty between the United States and
22 such Indians, or to include any Territory which, by
23 treaty with any Indian tribe, is not, without the consent
24 of such tribe embraced within. It states here too, you
25 can't do that without our consent. You can't pass law
26 for us unless we give you permission. This is Federal
27 law.

28
29 There's so many laws. We got a lot of
30 these laws out of the University of Washington law
31 library. I used to spend my winters in Seattle and the
32 University of Washington gave us tribal judges cards to
33 the law library, so we got to get a lot of these laws out
34 of there.

35
36 So I just wanted to let you know that
37 these laws are here and I'll hand it to whoever will take
38 them and I'll make time for somebody else because I
39 understand that we can also write in too.

40
41 Thank you.

42
43 MR. LORRIGAN: Thank you, sir.

44
45 Don Westlund.

46
47 MR. WESTLUND: My name is Donald
48 Westlund. I live at 15067 Lizzy Lane. It's 15 miles
49 north Tongass. It's approximately nine miles from the
50 city limits of Ketchikan. Saxman is approximately less

1 than one mile from the city limits of Ketchikan. I ask
2 you who is more rural. I believe I am. Not showing any
3 disrespect for Saxman. I understand their situation, but
4 Saxman is tied to Ketchikan. The borough of Ketchikan.
5 Not necessarily the city, but the borough. They vote in
6 the borough's elections, the borough bus goes to Saxman
7 City Hall. It stops five miles from my house. Saxman
8 has two legislative.....

9

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

15

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

18

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

27

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

39

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

46

47 Again, no disrespect to Saxman, but we
48 live on an island and that's the way it should be looked
49 at, as being rural. I mean, by God, the only way to get
50 here is by plane or by boat. All of our supplies come by

1 boat. Everybody buys their groceries from the same
2 store. We're a community. So if you're going to rule
3 Saxman is a rural community, then Ketchikan is also a
4 rural community.

5
6 Thank you.

7
8 I'll cut it short because I have other
9 obligations.

10
11 MR. LORRIGAN: Thank you, sir. If you
12 have something written, you can hand it to Cal at the
13 back table.

14
15 MR. WESTLUND: I don't have anything
16 written.

17
18 Thank you.

19
20 MR. LORRIGAN: Thank you.

21
22 Debra James.

23
24 MS. D. JAMES: Thank you, Mr. Chairman.
25 This is my husband Charles Murphy James. He's 77 and we
26 have been living in Saxman since he brought me up here in
27 1997. He's been living in Ketchikan since 1957 when his
28 large extended family moved over here from Craig and
29 Klawock.

30
31 Since I arrived in July of 1997 with my
32 husband I have learned a lot. We live in Saxman. We
33 have lived in Saxman since I arrived. Every summer we
34 have spent fishing and putting up fish and canning and
35 smoking and freezing. We also pick and can various
36 varieties of berries and pick beach asparagus and jar it.
37 In the fall, it's time to hunt and put up deer. Nothing
38 goes to waste on the deer. What we cannot eat we use for
39 traditional Native crafts.

40
41 I, myself, am an eighth Native American
42 from down south and I've been adopted into my husband's
43 clan and been given two different names. Every winter is
44 spent crafting and gathering together with family and
45 other social events with Native people, such as potlucks,
46 memorials, weddings and funerals. We also bring our
47 subsistence foods to share. The only things we buy at
48 the store in Ketchikan are staples such as rice, flour
49 and sugar that we cannot get in any other way.

50

1 We live on my husband's small Social
2 Security check. Ninety percent of our food is
3 subsistence gathered. Now that my husband and I are
4 older we must rely on younger relatives and friends to
5 provide the deer and fish that we need.

6
7 Please reconsider your ruling that Saxman
8 is no longer rural. The people have not changed their
9 way of living despite the change of status of Saxman. We
10 are a small, separate community who rely on hunting,
11 fishing and gathering and our Native traditions. No one
12 I know in Saxman considers themselves a part of Ketchikan
13 and have as little to do with Ketchikan as possible.
14 Please reconsider your ruling and allow Saxman people to
15 continue their subsistence and traditional ways of
16 living.

17
18 My husband added this. All Natives
19 should be considered rural when it comes to subsistence
20 no matter where they live. Our younger Natives go out
21 and gather subsistence food for us older ones and we give
22 them a little money for their gas. This should not be a
23 crime. This happened recently in Hydaburg with a person
24 being charged for accepting gas money from the elders.

25
26 When a Caucasian moves into Alaska, he
27 automatically receives more rights than a Native who have
28 lived here all of his or her life and this is not right.
29 I've lived in small villages all over the country and I
30 have never been to one that is as unique as Saxman. I
31 have been accepted into the community there and I live as
32 a part of the community there. It's vastly different
33 from any other town or even a large village.

34
35 I beg the Board to reconsider their
36 ruling.

37
38 Thank you.

39
40 MR. LORRIGAN: Thank you. Is Franklin
41 James the gentleman who was here? It's 8:30 and we have
42 roughly a half hour of limited time. We might go a
43 little over. But try to condense our testimonies.

44
45 Thank you.

46
47 MR. F. JAMES: Thank you, Mr. Chairman.
48 My name is Franklin H. James, Sr. Tlingit name Aanke
49 (ph), which means town by myself. I am the first
50 shareholder from Shaakan Kwaan (ph) and I am speaking

1 under the umbrella on AB Camp 14, which I'm a counselor.
2 Mr. Chairman, if I make some errors in speaking, I
3 apologize. I just had a triple bypass and five weeks of
4 radiation. My doctor told me not to get mad or excited,
5 so I'll try to behave.

6

7 MR. LORRIGAN: Gunalcheesh.

8

9 MR. F. JAMES: But anyway, you know, a
10 lot of you guys -- I see one sitting up there, one elder
11 sitting there -- that was around while we were a
12 territory. Just before we became a state, I'm not going
13 to mention names, we had a senator that flew to all the
14 Native villages telling them don't become a reservation.
15 Don't become a reservation or you'll be second class
16 Indians. If you ask me today, we are still second class
17 Indians.

18

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

34

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

46

47 They've been doing stuff like this to our
48 people too long. Every year we have to argue for 10 or
49 12 fish to take home. Travel all the way up the river
50 for 10 fish. Ship these people out to Klawock or

1 someplace to get two or three pounds of bacon. You can't
2 buy it in Ketchikan. You can't buy it in Juneau. You
3 guys heard me speak on this before up there in Juneau and
4 Anchorage. But that's what they're doing to us, shipping
5 us all the way up river. Cheaper to buy it at Phillip's.

6
7 You take a look at -- I heard a person
8 speak today, Ketchikan should be a rural area. Make the
9 whole state of Alaska rural. Take a look at Petersburg.
10 That's the one you guys should be fighting with. That is
11 the richest country in Alaska if not the whole U.S., yet
12 they don't tamper with them saying you should be
13 nonrural. They're playing games with Saxman and I think
14 that's a bunch of bologna.

15
16 Not too long ago -- these guys know my
17 case. So do they. I won it, but five days we're still
18 not done. We're still not -- things have got to clear
19 up. But the idea is my term was up and I said if you
20 guys let me work with you, I guarantee they'll never buy
21 me again on the rural status. We'll stay rural forever.
22 I recall Mr. Wallace heard at that time, but since then
23 my (indiscernible) retired.

24
25 But getting down -- I didn't want to
26 speak too long because I can't. I would like to -- I
27 guess the deadline you say is November 1st. I was kind
28 of out of commission here, in the hospital all summer,
29 but I would like to get a letter out to you guys on yein.
30 They're trying to make a hard hat diver out of me. A
31 long time ago we used to use sticks. One pointed end of
32 a hook and bring it up. Get three or four hundred yein
33 on a tide. Now you can't find yein any place around
34 Craig and Klawock, Ketchikan. You have to go way away to
35 try to find it. That has to come to a stop.

36
37 They made fun of us when I was a kid when
38 I was cleaning it. Turn it inside out. Look at those
39 people, how can they eat that slug or that big worm until
40 the dollar sign hit their eyes. No matter what it is on
41 our foods, when it hits their eyes, I'll tell you same
42 way as our herring roe on kelp. Everything is taken away
43 from us.

44
45 Another thing I really want to hit you
46 guys with is on sockeyes. My background, I've been a
47 skipper all the way from the Bering Sea, Aleutian
48 Islands, all the way down to here and through Canada when
49 we used to be able to halibut fish in Canada and all the
50 way down to Oregon. I dragged, I trawled. I skippered

1 herring. I got all kinds of background in fisheries. I
2 know that 12 months out of the year on all our
3 subsistence foods that we need to eat to survive that our
4 people did.

5
6 So I'd like to draft something to you
7 guys on that when I get a chance. What gets me on the
8 reds, they go by the book. They must have learned it in
9 Texas. They go by the book. They open the season by the
10 book for sockeyes and close it by the book. Even Mike
11 Douville knows it. He's a fisherman from way back. I
12 knew him since he was a little kid. The weather dictates
13 the travel of the fish. It tells you. If it's more or
14 less northerly winds, northeasterly winds, northwesterly
15 winds, you're going to be able to fish offshore. It's
16 going to be late. Yet they'll close it. Then got over
17 abundance and all they do is waste all our money going up
18 the river to Cutler Bay, to Yes Bay, and they're slowly
19 closing off all our areas.

20
21 I'd really like to get you guys -- you
22 guys have got to get updated on this stuff here and I
23 know very well this young fellow knows what I'm talking
24 about because he heard me speak. To me, like I say, I
25 apologize because right now I have a hard time speaking
26 and I lost my voice, but that will come back. But,
27 anyway, gunalcheesh.

28
29 MR. LORRIGAN: Thank you, sir. You sound
30 very good to me tonight.

31
32 Nora DeWitt.

33
34 MS. N. DEWITT: Thank you. Mr. Chairman,
35 Board members. As stated, my name is Nora DeWitt. I'm
36 a resident of Saxman. I serve on the Saxman Tribal
37 Council. My tribal name is (in Tlingit) of the L'eeneidi
38 Dog Salmon Clan out of Juneau. I was adopted by my
39 father-in-law and married into the DeWitt family and was
40 captured and brought to Saxman. I married in 1971 and I
41 moved to Saxman in 1973.

42
43 In living in Ketchikan, I wasn't happy
44 and I wanted to go back home to Nevada, but Joe Williams,
45 Sr., a fine man, was mayor and tribal council president
46 of Saxman, offered my husband a home and we moved to
47 Saxman. You know, when we moved to Saxman my spirit knew
48 this was where I belonged. My spirit knew the land and
49 I found home. I've lived here ever since and I have not
50 had the desire to move back to Nevada. I have been

1 welcomed into the Cape Fox people. I dance with them, I
2 sing with them, we gather, we celebrate and it's a good
3 thing.

4

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

11

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

20

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

28

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

40

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

48

49 As the gentleman spoke earlier in
50 speaking about how far out north he lived, the difference

1 is he's a neighborhood. He's a neighborhood of the
2 overall Ketchikan area. We are not a neighborhood. We
3 are our own city. We are our own tribe. Our city has
4 its boundaries, its municipal boundaries, and our tribe
5 has its village boundaries. The municipal boundaries are
6 a little bit wider than the tribal boundaries, but we
7 have our own boundaries. Let me tell you, people know
8 when you enter Saxman. We know if you belong.

9
10 Saxman has its own clan structure that is
11 specific to Saxman and it is observed and it is paid
12 attention to, just as Ketchikan has theirs. We know what
13 it is and our clan leaders are expected to follow it and
14 we are expected to do what our clan leaders request us to
15 do.

16
17 As a guest of the clan, and that's what
18 I am because I'm not a member of the clan, I respect them
19 and I abide by whatever their wishes are. I might add
20 that Saxman once had its own chief and it had chiefs of
21 both the Eagle and both the Raven moiety.

22
23 Saxman is sought out as a favorite tour
24 site and named specifically the Village of Saxman.
25 Saxman creates its own job force, mainly seasonal jobs,
26 but over half the community works during the season with
27 Cape Fox Tours for our tour program.

28
29 Saxman has it's own water and sewer
30 services and let me tell you that has been a battle
31 through the years. You don't know how many times the
32 borough has tried to take our water. Has tried to make
33 us feel like we need their water to survive because we
34 can't take care of our own. Thankful to the city
35 fathers, they maintain an independence there and we have
36 our own services.

37
38 Many of our projects and such are funded
39 through Federal and State funding and that's specifically
40 to the city of Saxman and specifically to the Organized
41 Village of Saxman, which again maintains our autonomy.

42
43 Having a road connecting doesn't mean we
44 are integrated to Ketchikan. We are not rural. This is
45 unfair and should not count against our small community.
46 This does not diminish Saxman as Saxman does have its own
47 identity. As I said, we are municipal and we are tribal.

48
49 As far as the rural characteristics go,
50 subsistence is our way of life out there. The foods are

1 hunted and gathered and they not only feed the body, but
2 it feeds the spirit. It builds healing and it is a
3 sacred resource and we value and cherish it. Sometimes
4 the younger man, as mentioned before, just dropped fish
5 off at our door and that's the way of life. They help
6 us. I'm a widow and my nephews and my neighbors they
7 bring the fish to me and they offer it. It brings tears
8 to my eyes because these boys, these young men think
9 about me and I appreciate it.

10

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

20

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

28

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

37

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

46

47 Saxman is unique and it isn't a part of
48 Ketchikan. It stands on its own. It's based on its own
49 criteria of being itself, a city, a village and a tribe.
50 Therefore I call upon you to reconsider your decision and

1 designate Saxman's rural status back as nothing was
2 changed. We are still the same.

3

4 Thank you.

5

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

14

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

17

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

20

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

22 Thanks.

23

24 MR. LORRIGAN: Thanks. Harvey Shields.

25

26 MR. SHIELDS: Thank you, Mr. Chairman,
27 Board members. My name is Harvey Shields. My Tlingit
28 name is (in Tlingit). I was born and raised in Saxman,
29 63 years next month. I was born and raised on
30 subsistence hunting and fishing with my parents and many
31 other members of my family. Graduated from KI here and
32 subsistence was what I was brought up on.

33

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

44

45 I say that because I can't teach my
46 nieces and nephews what my parents have given me as the
47 songs and dances that we do to this day, nor can I teach
48 that to my grandkids because subsistence ain't there.
49 When we got a home in Saxman, I moved out there and the
50 first thing I built was a smokehouse. That was over 20-

1 something years ago and I haven't used it to this day
2 because our subsistence was taken from us. No fish to
3 put up for the winter, put up for one year parties and
4 things like that, but I do go hunting and I share that
5 when I get enough to share.

6
7 You've heard a lot of comments on
8 everything that we wish we could get back and hold onto.
9 Holding on to our songs and dances. I'm the clan leader
10 of the Saanyaa Kwaan Cape Fox Dancers. To hang onto that
11 and not let that go, of what my aunts and uncles has
12 taught us to carry on. My dad is from Sitka. My mother
13 is from Wrangell. So, with that, I've learned a lot
14 about subsistence from my aunts and uncles.

15
16 My Uncle Joe Williams, when they used to
17 go out on a big -- he's a seiner. He'd bring a whole
18 bunch of fish in for the community. I miss that because
19 that's where the work began, but we sure enjoyed it come
20 wintertime. Now we don't see hardly any smokehouses
21 within the community going. I just hope at some point
22 that things will turn for the betterment of our community
23 that we could get that status back for all of us. And
24 all communities, we all mean well to help our elders and
25 to move forward with everything that's there.

26
27 With that, I thank you for the time this
28 evening for hearing not only myself but other members of
29 our community that has spoken.

30
31 Gunalcheesh.

32
33 Thank you.

34
35 MR. LORRIGAN: Haw'aa. Sarah Abbott.

36
37 MS. ABBOTT: I'll just comment on some of
38 the things that -- my name is Sarah Abbott. My husband
39 was Tom Abbott and we used to get a lot of fish. We had
40 a smokehouse. Now we don't have a smokehouse because we
41 don't get no fish anyway. But I'd like to thank Nora for
42 speaking for us and also Winona because it's important
43 for us for our subsistence way of life. I think this
44 past year I put up about 17 cases of seal meat. What I
45 do is just hand them out to the elders. Even if I am an
46 elder I try to help the ones that -- some can't eat it
47 and some can.

48
49 But what we miss most is our fish because
50 that's our way of life and now we can't get it. This

1 year was pretty bad all over, but there are times when we
2 want to get it and then it's taken from us. The hardest
3 thing is when you know your family is trying to help you
4 and then it's taken from us.

5
6 Again, I'm glad that Nora touched on what
7 she talked about a few minutes ago. The same with my
8 brother Harvey. Subsistence way of life is kind of hard
9 for us because we don't get help from Ketchikan. We're
10 by ourself. We try very hard to be neighborly, but
11 sometimes it doesn't work. There's other people that
12 interfere with what we're trying to do good with and then
13 it disappears.

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

27
28 This is what I want to comment on. Thank
29 you.

30
31 I'm not a good speaker like some people.

32
33 Gunalcheesh.

34
35 MR. LORRIGAN: Thank you.

36
37 Haw'aa.

38
39 Melvin Charles.

40
41 MR. CHARLES: Gunalcheesh. My name is
42 Melvin Charles and I am (in Tlingit) and (in Tlingit) the
43 grandchild of the first house. Under our constitution
44 there should be no tax to the Indians. Under subsistence
45 comes necessary good health and common law right of
46 support, exclusive license on the resources, the majority
47 control or total control of our resources as to the
48 common people of the land. Majority or total control of
49 our resources. What are we harvesting? Nothing. We
50 cannot even get a little bit. Many of our people cannot

1 even get a portion of their food.

2

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

12

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

24

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

33

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

42

43 I had my double-headed raven hat. My
44 friend over there in Craig would not go with me because
45 I would not get a permit. I said I am not going to get
46 a permit. I'm not going to get it. I said if you're
47 with me, you're with me. You want to get a few pounds
48 and settle for that, I said I'm getting what I can. We
49 had an 18-foot skiff and we loaded that up and we only
50 had a few inches on both sides clearance before we

1 submerged. The Fish and Game was coming right towards us
2 just like a torpedo. I told my friend, I said put your
3 camera on and record it. I had my double-headed raven
4 hat with me and I put it right on my head and I looked at
5 those Fish and Game coming by. They did not acknowledge
6 us. They went right by and they could plainly see there
7 was only two of us.

8
9 All I'm saying is every person that I
10 know are on strong medications. I also said that I'm 73
11 years old and I take zero medications. Zero. Everybody
12 that knows me knows that I live on my food. I would love
13 to provide this for everybody that I can. Ketchikan has
14 a right for a rural status. It is not their fault that
15 they're inflicted. They cannot obtain that land.
16 Ketchikan cannot gain all of their land back again. Any
17 land that is given to the common people in trust cannot
18 be infringed upon by other territory, county, borough,
19 city or state and that is in the law.

20
21 The eulachons that come up, we cannot
22 even touch them. Beautiful eulachons. The volcanic rock
23 bed, the eulachons go up and there would be little
24 puddles of volcanic rock where the tide goes out and the
25 eulachons are there, yet we cannot touch them. Now we
26 cannot even get any sea cucumbers. Why? It's
27 overharvested. Nobody can get any abalone any more. Our
28 herring fish is getting depleted. No more. Everywhere
29 it's getting worse. Never in my life have I ever seen
30 king salmon eating bowheads and crabs.

31
32 MR. LORRIGAN: Can you summarize, please.

33
34 MR. CHARLES: That's all.

35
36 Thank you.

37
38 MR. LORRIGAN: I apologize.

39
40 Thank you.

41
42 Mr. Sanderson.

43
44 MR. SANDERSON, JR.: Thank you, Mr.
45 Chairman. My boy would like to say something. What
46 would you like to say, Luke?

47
48 LUKE: Support Saxman.

49
50 MR. SANDERSON, JR.: He said support

1 Saxman. Good job, buddy. Do you want to sit down, baby?
2 Okay. Thank you. Thank you for this opportunity to
3 speak. I'll make it brief. I'd like to acknowledge the
4 mayor of my hometown, Mr. Anthony Christianson. To the
5 elders behind me, please excuse me. My back is turned
6 against you. I'll be addressing the Board.

7
8 My name is Robert Sanderson, Jr. I serve
9 on the executive committee of the Tlingit and Haida
10 Central Council. We have a citizenship of 28,000 world
11 wide, which is about 16,000 reside in Alaska. Every year
12 in April the communities here in Southeast Alaska gather
13 in Juneau for the Tribal Assembly. The Tribal Assembly
14 passed a resolution supporting Saxman's rural subsistence
15 status. About 19 communities, about 130 delegates.

16
17 What's not getting talked about right now
18 is the criteria. We need to talk about the criteria. We
19 need to have it put up on the screen so our members in
20 the audience may see the criteria. Can everybody hear me
21 okay? Okay. Thank you. We need to talk about criteria
22 because that is what is going to get Saxman to where they
23 need to be.

24
25 The rationale for these comments should
26 address the following components of the current rural
27 determination process: population thresholds, rural
28 characteristics, aggregation of the communities, timeline
29 and information sources. All ideas on how to improve the
30 rural determination process consistent with ANILCA Title
31 VIII and the Ninth Circuit Court of Appeals case law
32 association with the definition of rural will be
33 considered.

34
35 The Central Council supports Saxman in
36 their rural status. What we need to do now is look at
37 solutions on how to get that rural determination back to
38 Saxman.

39
40 Over the years there has been a lot of
41 issues that have been affecting our communities in
42 Southeast Alaska and this ties into what I'm going to say
43 about how it affects Saxman. Bycatch in the Gulf of
44 Alaska of chinook and halibut. Tens of thousands of
45 chinook king salmon are caught in the bycatch pollock
46 fishery by massive trawlers. These fish are kicked off
47 over the side. By law, they cannot keep them. Last week
48 one trawler, one trawler, killed off 104 tons of halibut.
49 Kicked off over the side in the Gulf of Alaska.

50

1 When we take one fish over the limit,
2 we're cited, our gear is taken, often jailed. Sometimes
3 our gear is not even returned. Our people should not
4 have to go 40 miles to go set their gear to try and feed
5 their families. They should be able to drop their gear
6 right in front of their communities and head right on out
7 and do what they need to do to support their families
8 like the sport fishermen do. They really really need to
9 do that.

10
11 Saxman is a village. They're their own
12 village and we need to support that. One vote caused all
13 this. One vote. Something needs to be done about this.
14 To the powers that be, please hear our testimonies.
15 Listen to our elders and listen to what they have to say.

16
17
18 This resource is getting privatized. It
19 really is. Pretty soon we're going to be nobody. That
20 doesn't even go for -- that's not just for the tribes but
21 it's just for your everyday population. It's run by big
22 powerful corporations that run these fisheries. We need
23 to understand that.

24
25 I'm not going to take too much more time,
26 Mr. Chair. I realize we have a lot of people that want
27 to speak, but, in closing, again, the Central Council
28 supports Saxman's rural determination and getting it
29 back.

30
31 Mr. Chair, those are my comments and I
32 wish you all very well.

33
34 Thank you.

35
36 Haw'aa.

37
38 MR. LORRIGAN: Thank you.

39
40 Haw'aa.

41
42 Jaeleen Araujo.

43
44 MS. ARAUJO: Thank you for the
45 opportunity to be here. My name is Jaeleen Araujo. My
46 Tlingit name is (in Tlingit). I've also been given the
47 name of (in Tlingit). I'm L'eeneidi, originally from
48 Angoon. I'm here in my capacity as the vice president
49 and general counsel for Sealaska Corporation. I'm here
50 on behalf of our more than 20,000 tribal member

1 shareholders and I'm here in support of the community of
2 Saxman and to provide some comments on the criteria so
3 that Saxman's situation can be corrected and so that no
4 other communities can be impacted the way Saxman has been
5 impacted.

6
7 At the outset, I know this isn't what
8 you're here to talk about, but I think it's important to
9 state that Sealaska, as a general matter, supports a
10 Native plus rural preference. I think we could avoid a
11 lot of the problems we're having today if we didn't
12 simply use the rural standard. Moving to an urban
13 setting, which is what a lot of our people have had to
14 do, including myself, doesn't make us any less Native.
15 Having people who have come to move to our homeland, our
16 beautiful homeland, shouldn't make us any less Native or
17 entitled to our inherent rights to eat our traditional
18 foods, to harvest our traditional foods, to share our
19 traditional foods.

20
21 But that's not what you're here to talk
22 about and I know that requires a change in the Federal
23 law, but I think it's important to get that on the record
24 and I hope that the Board would consider making that
25 recommendation to their agencies to support a change in
26 that standard.

27
28 I also want to point out an important
29 recent conversation that I had with a Federal employee.
30 I won't name any names. I won't name the agency. But I
31 thought it was an interesting off the record discussion
32 after I testified at the September 11th meeting up in
33 Anchorage. I had an employee say to me or ask me what
34 does it really mean to Saxman to not be rural. Is it
35 really a big deal. Does it really impact Saxman. When
36 I look at the Federal and State standards, the
37 regulations look exactly the same, so why -- maybe
38 there's a little difference. Maybe they get a few extra
39 days to hunt deer. Maybe they get a few extra fish. And
40 I couldn't believe it. Yes, it makes a difference.

41
42 I'm here to say that, yes, the rural
43 status makes a difference. It's all that we have to
44 protect this right. It's not a Native preference. It's
45 a rural preference, but that's all that we have and I
46 want to make it clear that it is a difference that's very
47 important to our rural subsistence users.

48
49 To go into the criteria, and I know
50 that's what you're here to hear about, I want to first

1 touch on the population criteria. As others have stated,
2 I think this is a very arbitrary criteria. It doesn't
3 clearly identify communities that depend on our
4 subsistence resources. You come into this problem that
5 we're having here in Saxman where you have co-resident
6 communities so that population becomes very arbitrary
7 because you're lumping communities together.

8
9 If you look at the next criteria,
10 aggregation, you run into the same problems. It's not a
11 good criteria when you're looking at things like
12 commuting to work. Think about commuting to work in
13 Alaska. How many people do you know commute on a monthly
14 basis, on a bi-weekly basis, on a weekly basis, on a
15 daily basis to another community. How common is that in
16 Alaska and why should that be looked at as a means to
17 make a community nonrural.

18
19 High school attendance. Many of us live
20 in communities that can't support a high school anymore.
21 We don't have enough students to meet the criteria to get
22 state funding. So, again, it's too common, so how can
23 that be something to look at in terms of aggregating
24 communities. Road access. How can the mere existence of
25 a road mean the community is nonrural?

26
27 I think again I want to just emphasize
28 that the primary and paramount criteria the Board should
29 be looking at is the rural characteristics of a
30 community. The use of the fish and wildlife resources,
31 the cultural integrity of the community. The cultural
32 practices of the community. Are there distinct social,
33 political and communal characteristics in this community?
34 If so, if they're distinct, then they should be looked at
35 on their own and not lumped in with a neighboring
36 community. As you've heard from all these residents here
37 from Ketchikan and Saxman, they are distinct communities,
38 so I think it's very important that we look at these
39 social, political and communal characteristics.

40
41 Another thing I think the Board should
42 think about as a characteristic is the existence of a
43 Federally recognized tribe. Is there an active, intact
44 tribe. This can be a factor to show cultural integrity
45 and practices.

46
47 As a final comment on informational
48 sources, right now it appears that the Board only looks
49 at census information. I think there could be other
50 sources of information that could be very helpful to the

1 Board. In particular, I think our tribes can be a
2 significant source of information about subsistence
3 users, about the types of resources that are used, about
4 the number of users.

5
6 Even the information that was shared
7 today at the RAC about the number of deer that were
8 caught in the community, about the catch in certain
9 streams, about the number of permit holders, the number
10 of users. Even that kind of information I think is even
11 more helpful than census data because it's just numbers
12 that talk about how many people live here. What it
13 doesn't tell about the character of these people who live
14 here.

15
16 I guess, in closing, I just want to say
17 that I hope that you'll take to heart some of these
18 comments and maybe a lot of it wasn't specific to the
19 criteria, but I think it points to a lot of the actual
20 rural characteristics of the communities and I hope it
21 will steer you away from simply the population criteria
22 and aggregating communities together.

23
24 On behalf of Sealaska we will submit more
25 detailed written comments on this issue before the
26 November deadline.

27
28 Thank you.

29
30 MR. LORRIGAN: Thank you, Jaeleen. We
31 have roughly 40 minutes left to go. I don't know if
32 we'll get through to everybody, but we'll try. We need
33 the comments to shorten up. I'd like to get to
34 everybody, but I don't know if that's going to be
35 possible. Freddie Sched. I can't read the last name,

36
37 S-C-H-E-D.

38
39 UNIDENTIFIED VOICE: Fred Seludo.

40
41 MR. LORRIGAN: Fred Seludo. If you can
42 make it short, that would be great.

43
44 UNIDENTIFIED VOICE: Yes, it's written
45 out. I'm reading this on behalf of Fred Seludo. Just
46 for the record, I'd like to note that I'm reading this
47 testimony on behalf of Fred Seludo, 2553 Eagle Avenue,
48 Saxman, Alaska. My name is Fred Seludo. I'm Saanya
49 Kwaan Tlingit. My mother's people come from the original
50 Cape Fox Village, but moved to Saxman in 1893-1894. I'm

1 a fisherman and make a living for myself in my community
2 off the lands and waters surrounding Saxman. The ability
3 to do so helps our family every day, every year.

4
5 I have a few comments to make. It is
6 difficult to have us prove every 10 years Saxman is
7 rural. We have to show what makes us rural and why
8 subsistence is important to us when subsistence harvest
9 is only a very small portion of the overall take of
10 resource each year. I think the percentage told to me is
11 that subsistence use is only 1 percent take while sports,
12 charter and commercial fish take is the bulk of the use.
13 I think this is highly unfair. I think you should
14 reevaluate the small community like Saxman. Only where
15 there is major change to our size growth and economy.

16
17 We continue to subsist and have to. If
18 I didn't fish, things would decline for my family and the
19 families that help bring fish too. The mere health of
20 our people will suffer. We've eaten fish our whole
21 lives. It's a traditional food for our people. Fish and
22 other ocean catch is the standard diet here. However, we
23 subsist on berries, greens, seaweed, deer and use certain
24 resources for healing and medicine. Take this away and
25 witness a culture suffer.

26
27 I provide fish for a few individuals
28 right now and it's their only food source because of
29 limited income or means. They wouldn't have any type of
30 food if it wasn't for my knowledge that they're in need.
31 Cancer is becoming a big disease amongst our people and
32 natural preventative cures are known among our people. We
33 gather these natural remedies from our land.

34
35 Another point. We take care of one
36 another in Saxman. State or Federal programs regulate
37 with rules, yet our traditional way of caring is
38 different. We don't have one another to fill out an
39 application. We know who we can call upon for help and
40 we know each other's expertise or talent in Saxman. We
41 rely upon one another to get things done. Emphasis is
42 placed on helping one another in Saxman. We are small in
43 size with a population of 411 people with fewer than 110
44 homes and a few paved roads to drive, have self-relying
45 governments, law endorsements, church, a boback (ph) and
46 a water system.

47
48 This is the final paragraph. I teach my
49 nieces, nephews and other young people about fishing. I
50 do this when I can. I believe it is necessary for them

1 to know I spoke today to have a rural status designation
2 because it's our survival.

3
4 I want to thank you for hearing me out
5 today. I've lived here all my life. Not much has
6 changed each of the 10 years when you've granted rural
7 status. It's important to know our historical link to
8 the land, our cultural use and how we operate as a self-
9 reliant community. We are independent and how we do
10 things in Saxman is ours and ours alone. We're not
11 gathered together or a collection of another community or
12 they with ours.

13
14 If you lived in one of our houses, you'd
15 see the vast difference of how we separate. You'd
16 realize our dependence on fish. No law will eliminate
17 our way of life to live as we've done for generations.
18 We're fighting for our survival today. Thank you. I
19 hope you learned that rural status for Saxman means our
20 survival.

21
22 That's on behalf of Fred Seludo.

23
24 MR. LORRIGAN: Thank you.

25
26 Cheryl DeWitt.

27
28 MS. C. DEWITT: Cheryl DeWitt (in
29 Tlingit). My name is Cheryl DeWitt. I am Tlingit,
30 Paiute and Shoshone and I come from Saxman. I want to
31 briefly reiterate some of the distinct characteristics of
32 Saxman being a rural community very briefly. It was
33 mentioned that we have a distinct community with a
34 Federally recognized tribe, a second class municipality,
35 an ANCSA corporation.

36
37 I also want to mention that we have First
38 Responder services. We have a village patrol officer and
39 we're currently working within our community to negotiate
40 EMS and fire department services with the city and
41 borough of Ketchikan.

42
43 I'm here today also to discuss the
44 tangible characteristics in the rural determination
45 process. For me, as a young person just completing my
46 education, one of the aspects is having an education
47 infrastructure within our community. Currently our
48 children do go to Ketchikan for schooling. However, I
49 remember when I was in high school I neglected to go to
50 Ketchikan for high school. I quit going to high school

1 when I was a junior primarily because it didn't fit the
2 needs that I had and the upbringing that I had.

3
4 I opted to go to home school and I don't
5 think that there is a mechanism to address or measure how
6 many students are going to online schools and how many
7 students are in correspondence schools, which I know in
8 the past Saxman has had worked with the PACE school,
9 which is out of Craig. We've had many students who
10 successfully completed that program from grades
11 elementary school through high school, which was
12 independent studies. I really want to emphasize that
13 although there are some people that do commute to
14 Ketchikan, the educational institutions are nowadays
15 home-based with the technology that we have.

16
17 With respect to specific recommendations
18 on the rural determination process, I just want to
19 highlight that we are talking about tangible
20 characteristics, an infrastructure within the community.
21 I also really want to highlight that the intangible
22 characteristics of a community is what really makes the
23 community. The ability to identify your role in society,
24 your relationship with people and how the society
25 functions in general and how that distinguishes one
26 community from another.

27
28 I want to highlight that in Saxman what
29 I'm talking about is not specifically just a legality of
30 indigenous rights because I recognize that that
31 discussion is beyond the scope of the folks that are at
32 the table at the moment. What I'm talking about though
33 is more than numbers. Is recognizing that, for me, to be
34 able to learn from the land. If you want to talk about
35 traditional ecological knowledge, that's one way to
36 equate that in the college academic world, but for me to
37 be able to identify relationships and identify, you know,
38 my role as a person in a community, in a Tlingit
39 community, is very very unique.

40
41 If I was just able to just go off to
42 college and not have the background that I did and the
43 support from the Native community, I don't feel like I
44 would have been that successful in the things that I've
45 done. That equates to not only just the community in
46 terms of its geographical distribution, but the
47 characteristics of being in a rural community.

48
49 Acknowledging that there is an
50 identifiable culture, whether it be Native or non-Native,

1 I recognize is an ongoing debate in terms of ANCSA and in
2 terms of ANILCA, but I just want to point out that it is
3 an extremely important characteristic when we're talking
4 about a rural determination process that we do consider
5 what egalitarian societies have to offer and trying to
6 navigate what that might look like in Alaska.

7

8 Thank you so much.

9

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

15

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

23

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

33

34 Online I found an article written by Neil
35 Torquiano from Channel 2 News stating Alaska ranks 28th
36 when it comes to a report by the National Center on
37 Family Homelessness. The study finds that more than 1.6
38 million children or 1 in 45 children were homeless in
39 2010. It shows an increase of 38 percent from 2007 to
40 2010 during the economic recession. The recession has
41 been a manmade disaster for vulnerable children.

42

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

1 according to the National Assessment of Education
2 Progress.

3
4 In the State's report card, the State
5 notes that Alaska does have an active State InterAgency
6 Council on homelessness and ranks Alaska's 10-year plan
7 to end homelessness as extensive. Vermont tops the list
8 with the least number of homeless children and Alabama is
9 ranked at the bottom of the list with the most number of
10 homeless children.

11
12 There is an old Chinese saying: Give a
13 man a fish and he will eat for a day. Teach a man to
14 fish and he will eat for a lifetime. We need to
15 passionately grab the other person by their hand and
16 educate with the love of family and friends. If we start
17 teaching our people to respect the land, they soon will
18 be so busy they will have no time for alcohol and drugs
19 and health issues will subside due to the activity level
20 of personal subsistence.

21
22 The only way that we are going to beat
23 the problem is by standing strong together. Use your
24 knowledge and skills for the betterment of the people.
25 Build a lasting legacy. Accept that your ultimate
26 purpose is to help everyone become successful and always,
27 always remember we are our ancestors.

28
29 Thank you.

30
31 MR. LORRIGAN: Gunalcheesh.

32
33 Henry Brannon.

34
35 MR. BRANNON: Hi. My name is Henry
36 Brannon. I live in Saxman now, but before I lived there
37 I lived over on Pennock Island and that's not considered
38 rural either. I had to commute back and forth in open
39 skiff, wind blowing through my hair, saltwater splashing
40 on my face, living in a cabin completely off the grid, no
41 electricity except for what I supplied with the generator
42 that I could run one tank through a day. No address, no
43 street, and yet I wasn't considered rural, you know.
44 What the heck is that?

45
46 Your criteria for being rural is a bunch
47 of hogwash, you know. How can you say a person is not
48 rural when they're living out in the sticks, totally off
49 the modern system. Now I live in Saxman and there's
50 bears running up and down the street and wolves are

1 howling just over the rise. I don't use oil. I burn
2 exclusively wood and eat a lot of subsistence food. You
3 know, our pantry has got subsistence food in it, our
4 freezer has subsistence food.

5
6 I looked at your display up here the
7 first of the night and I thought, yeah, your population
8 criteria looks pretty accurate, you know. You've got
9 like three spots in the state that are nonrural, but then
10 you take this political formula you call aggregation and
11 use that to tie in people that are rural and make them
12 look nonrural on paper when they're totally rural and
13 it's just not right. I wonder why are you doing that
14 unless it's special interest, money related, you know,
15 for a big business to take everything and leave nothing
16 for the common person in Alaska by somehow coming up with
17 this formula to make a new reality to where people that
18 are really rural that are on paper nonrural.

19
20 If you just go outside and use your own
21 two eyes and the senses God gave you, you can plainly see
22 that the people in Saxman are rural, the people outside
23 the Ketchikan city limits are rural. The whole doggone
24 state is rural except for maybe those four cities inside
25 their city limits, you know, that your map showed at the
26 beginning of the night. All this extra stuff that you
27 use to cloud up the picture and distort the facts, it's
28 all hogwash.

29
30 That's all I've got to say.

31
32 MR. LORRIGAN: Thank you.

33
34 John Wallace.

35
36 MR. WALLACE: Good evening. My name is
37 John Wallace. I'm from Saxman. I'm really glad to hear
38 such a strong number of people speaking on behalf of
39 Saxman and fighting for what we really need, the way it's
40 supposed to be. I'm not a good public speaker. I kind
41 of was just going to fill time up. A lot of people spoke
42 words that I was thinking about speaking and I don't
43 really want to repeat them. It's just really important.
44 It's just the way we've been for years and years, whether
45 we're from Saxman or from different places.

46
47 Sorry, it's hard for me to put words
48 together all of a sudden. I didn't think I was going to
49 get my name called. I thought I was going to hit the
50 10:00 o'clock time limit. But as a young person, the

1 only male in my immediate family trying to provide for my
2 family, for myself and the elders and neighbors and just
3 the way we were brought up to be, it's really important
4 to me. Excuse me. I didn't think I'd get this way.

5
6 It's just really important and I'd really
7 hate to see it disappear. It can't disappear. I have a
8 really strong feeling that it won't disappear and they're
9 going to have a lot warriors if it did who are going to
10 go out and go and get their fish, go and get everything
11 that we need that's ours. I don't want to sound negative
12 that we're going to go get it no matter what, but I don't
13 want it to be that way.

14
15 I guess the one thing I thought of was
16 just like recently reading the newspaper about they're
17 going to take away food stamps, they're going to do a big
18 old cut. That and what we get off the land and water and
19 from around us is kind of what a lot of people in our
20 community of Saxman survive off. It's survival mode now.
21 It feels like we're fighting just to survive. So I don't
22 see why we have to fight for that. It just should be our
23 given right. It's all on paper. Just make you guy's
24 jobs easier and just keep us rural. I don't know why
25 such a big hassle.

26
27 Just do us right and keep us rural.

28
29 Thank you.

30
31 MR. LORRIGAN: Thank you, John. We're
32 getting really short on time. It's getting close to
33 10:00. I had a discussion with the Chairman and for
34 those people who cannot come to the RAC meeting tomorrow
35 -- are there people here who can attend the meeting
36 tomorrow that could testify tomorrow? Could you identify
37 yourselves, please.

38
39 MR. LEIGHTON: Ron Leighton.

40
41 MR. LORRIGAN: Anybody else?

42
43 MR. MONTEITH: Daniel Monteith.

44
45 MR. LORRIGAN: Okay. Anybody else?

46
47 MR. WALLACE: Lee Wallace.

48
49 MR. LORRIGAN: Anybody else?

50

1 MR. JAMES: Embert James.

2

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

6

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

14

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

24

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

31

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

47

48 With that little bit of history, I'll go
49 ahead and end there. I just wanted to basically state
50 that there are some things that need to change here. I

1 don't want to pretend to have the answers. Some of the
2 things I did hear tonight basically came down to the
3 aggregation and how can that aggregation change to be
4 able to recognize the rights of a community that is in a
5 very unique situation and it has had its rights taken
6 from it over and over again. This is just one more right
7 that will put our people in a position to where they're
8 going to try to figure out how they're going to be able
9 to put food on their table. It will hurt an entire
10 community of people.

11
12 With that, I'd like to end and thank you
13 for your time.

14
15 Gunalcheesh.

16
17 MR. LORRIGAN: Thank you very much.

18
19 MR. ADAMS: I'm just standing in until he
20 gets back. We have Diane Ames. Am I saying it right?

21
22 MS. AMES: No. I'd like to have my clan
23 speak before I do if there's time. I'm just giving some
24 opinions (indiscernible).

25
26 MR. ADAMS: Come forward, please.

27
28 MS. AMES: My name is Diane Ames. I've
29 lived here since 1995 and I fell in love with it here
30 because the community as a whole in Saxman very much so
31 helps each other get by. I mean if somebody needs help,
32 you might not know the person across the street and they
33 come and help you. I've seen many -- I've seen this
34 culture working, loving, playing together, joy, sadness.
35 We work side by side to protect our way of life, feed the
36 elders and our children.

37
38 Simply put, the incorporation of Saxman
39 into Ketchikan Borough puts money into the hands of the
40 Borough. It's not really going to help Ketchikan per se
41 or the people in Ketchikan. They consider Prince of Wales
42 rural, but they've got more roads than we do.

43
44 Why do they want to regulate something
45 that has worked for years and years. Incorporation isn't
46 going to help Ketchikan and it will really hurt Saxman.
47 I've been a resident of Saxman.

48
49 OPERATOR: Please pardon the
50 interruption. Your conference contains less than three

1 participants at this time. If you would like to
2 continue, press *1 now or the conference will be
3 terminated.

4

5 MR. ADAMS: Sorry about that.

6

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

18

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

28

29 Thank you.

30

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

34

35 Is Holly Churchill here?

36

37 (No response)

38

39 MR. ADAMS: I guess not.

40

41 John Sherwood.

42

43 MR. SHERWOOD: Hello. My name is John
44 Clint Sherwood. I grew up in Saxman and I was hoping
45 that I would be able to speak before the elders here
46 because I was going to ask everybody that fished within
47 the last two months to stand up right now out of
48 everybody that has got out and gotten fish. Went out and
49 fished. Okay. Now, you see that. Now just imagine how
50 many elders walked out of here because it's too late and

1 they've got to go to sleep. Imagine how many of them
2 would have stood up. Not very many.

3
4 Now we get 20 boats around us when we
5 pull in to the boat launch. Twenty boats around us. Me
6 and my cousin Tony are the only boat that the Coast Guard
7 zoomed right up to and asked for all our paperwork and
8 asked what we had. Twenty boats around us and not one of
9 them got pulled over. None of them. We didn't even get
10 nothing. We got like six crab, but we got pulled over,
11 you know. We got pulled over.

12
13 I've never been on food stamps my whole
14 life. Not one time. I never asked for nothing from the
15 State ever. At a young age, I don't want to admit it,
16 but I did deal. I used to sell weed. But then my cousin
17 took me out and he took me out on a boat and I went and
18 got myself a 6-horse and it took me two hours and
19 something to get to Boswick on a 6-horse and I was happy
20 to go out and get crab. I didn't care how long it took.
21 I got there, I got my crab and I was happy on a little
22 boat. I'd wait for another boat to drive by just so I
23 could catch his wave so I could go half a mile faster.
24 That was what I was proud of. I wasn't proud of selling
25 weed. I wasn't proud of having nice stereos, nice guns,
26 nice knives. I wasn't proud of that, but I had it all.
27 I had everything I wanted brought to me.

28
29 When I went out on that 6-horse I was
30 proud, you know. Start taking that away and what are we
31 going to have, you know. We're going to have a bunch of
32 people breaking the law to get a couple of extra fish for
33 the elders and for us just to try to even get gas money
34 to go back out, you know, but then we're selling it and
35 we can't sell it. But then how are you going to go back
36 out on the boat to be able to get more fish and more crab
37 and stuff for the elders, you know. You bring somebody
38 a fresh fileted halibut, fresh fileted king salmon,
39 they're going to hug you and they're not going to want to
40 let go. I felt proud when I did that. It's took a long
41 time for me to do that because everybody here knows me.
42 Everybody in Saxman knows me, that that's what I did.

43
44 You go to the bait stores, you go to any
45 store, anywhere that sells anything that has to do with
46 fishing and you see all these charter boats that got 20
47 halibut, right. We go set a skate and we get lucky if we
48 get three halibut, you know. But you've got all these
49 charter boats getting all these fish, but they don't get
50 pulled over all the time. Is that what we've got to do?

1 Do we got to get our own charter boats or what, you know?

2

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

8

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

13

14 Thank you guys for your time.

15

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

20

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

32

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

38

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

42

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

46

47 MR. LORRIGAN: Thank you.

48

49 (Off record)

50

1 (Testimony from 9/25/2013 AM)

2

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

15

16 So, Jack, go ahead.

17

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

27

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

32

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

40

41 MR. LORRIGAN: All right.

42

43 (Pause)

44

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

47

48 MR. MONTEITH: (In Tlingit) Gunalcheesh.
49 My name is Daniel Monteith. Presently I reside in
50 Douglas, Alaska. I'll try and be very brief and thank

1 you very much to the Regional Advisory Council for
2 allowing us to come in today and finish off our
3 testimonies.

4
5 Plain and simple, I'd like to ask the
6 Federal Subsistence Board to reinstate Saxman's rural
7 determination and subsistence priority because I believe
8 it's based on a previous decision that was based on
9 arbitrary data and weak scientific analysis. I ask you
10 today to please reverse this active ethnocide and that's
11 really what it is. A Federal policy and Board decision
12 of ethnocide.

13
14 I'll be brief on some of the things that
15 I prepared after the testimonies given last night. The
16 Tlingit people have been here since time immemorial. The
17 archeological records back this up that they've been here
18 for thousands of years.

19
20 There was a lot of testimony given last
21 night about the history of Saxman and many of the people
22 relocating to Saxman, the Saanya Kwaan and the Taan ta
23 Kwaan. Plain and simple, some of the things that elders
24 shared with me over 20 years ago, those elders who aren't
25 with us anymore, said that one of the reasons why they
26 came to Saxman was they were promised by the Federal
27 government and missionaries, medical assistants, and this
28 was in particular in the form of small pox vaccines
29 because in the 1860s small pox had gone through and had
30 a devastating impact on the Saanya Kwaan and Taan ta
31 Kwaan is going through a 30-year cycle, 1893-94. So they
32 were very concerned about that, particularly for their
33 young people.

34
35 They also came with the promise of a
36 mission. And finally, interestingly enough because the
37 Federal Subsistence Board used this against them, their
38 children going outside of Saxman to Ketchikan for high
39 school. They came with the promise of a school.

40
41 Over the past century after 1893-94,
42 there are so many ways in which Saxman, to any rational
43 social scientist has proved, their independent status, a
44 municipal government. They recognized by Congress in the
45 sense of the Indian Reorganization Act of having a tribal
46 IRA. Ketchikan Indian Corporation or Ketchikan Indian
47 Community as they're known today, both have separate
48 tribal governments and this should be recognized by a
49 Federal Subsistence Board. It's recognized by other
50 agencies and aspects of the Federal government.

1 Today Saxman continues to be recognized
2 by the State of Alaska on many different levels,
3 including being a second class municipality. Nora, I
4 believe, covered many aspects of the municipality and all
5 the services they represent. The government also
6 represented under the Federal government by acts of the
7 Indian Self-determination Act and so many grants and
8 contracts they pursue today.

9
10 It should be clear to the Board that
11 Saxman is an independent separate village from Ketchikan.
12 Here, amongst specific suggestions with regard to rural
13 criteria and aggregate grouping, first and foremost the
14 process and criteria should be open, transparent and
15 simple. Some of the things that transpired in the final
16 decision I think are inexcusable and inexplicable.

17
18 The rural criteria should not be based on
19 population thresholds, rather rural status should be
20 based on historical, cultural, political, economic,
21 social sources, both qualitative and quantitative
22 sources. They should be holistic. This idea of -- and
23 I think the Regional Advisory Council will talk about it
24 more today. The idea of what are the characteristics in
25 a qualitative sense.

26
27 Aggregate criteria should no longer be
28 called that. What does that mean. That's something you
29 get when you go to the rock dump or something for rocks
30 or something. Aggregate should be referred to as
31 grouping. I think most folks in Alaska understand the
32 term grouping.

33
34 Plain and simple, communities should not
35 be grouped unless they say they are. Arbitrary variables
36 of commuting to different communities, high school
37 attendance, place of employment, proximity to roads and
38 concrete box retailers is a poor indicator of ruralness
39 or grouping and should be abandoned for more, as I've
40 already said, qualitative, political, economic,
41 historical and social, cultural sources.

42
43 The Board should not review the status of
44 communities every 10 years unless there's been a major
45 demographic change. This 10-year cycle is exhausting to
46 small communities, financially, physically and otherwise.
47 It's also unwise in terms of Federal budget cuts.

48
49 Finally, the Board should trust the
50 Regional Advisory Council. This one size fits all

1 criteria in process does not fit a state as culturally
2 and ecologically diverse as Alaska. (In Tlingit)
3 Gunalcheesh.

4

5 MR. LORRIGAN: Thank you.

6

7 Gunalcheesh.

8

9 Holly Churchill.

10

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

20

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

30

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

40

41

42 Those of us that might not be schooled in
43 the medical or health wise, but we are seeing an
44 increasing amount of people of our youths in this
45 generation with diabetes juvenile for no other reason
46 that should have any of these diseases that hadn't been
47 previously around, but also mental illness. Being a
48 mother that has a child that has a disorder, I know
49 directly that in the lack of our foods it is so important
50 and I see that out in Saxman.

1 Maybe we can't help our community here,
2 Ketchikan, to get rural status because of Congress, but
3 because of us, members that live here, we care about our
4 people and we care about the people of Saxman and we
5 would ask you to consider for them to be reinstated for
6 rural status.

7
8 Thank you.

9
10 MR. LORRIGAN: Gunalcheesh.

11
12 Haw'aa.

13
14 Ronald Leighton.

15
16 MR. LEIGHTON: Good morning. Thank you
17 for allowing me to come speak to you. Mr. Chair, I would
18 like for you people to review the maps here. There's a
19 purpose that I'm bringing these maps forward. I'm here
20 on behalf of the Organized Village of Kasaan and we are
21 here to support Saxman in their effort to continue their
22 subsistence ways. We don't like the word subsistence, so
23 we use customary and traditional use.

24
25 It's important to think on these maps
26 here. Saxman is fighting to keep their rural status
27 because you're saying Ketchikan, which is urban, links
28 them together. Well, I'm here to say that we're using
29 the wrong criteria. The urban and the rural should not
30 be used. When you have people in communities such as
31 Ketchikan that can demonstrate and have demonstrated for
32 a number of years that they are not only dependent and
33 have a need for their subsistence, they also can
34 demonstrate that they have utilized this for a number of
35 years. I think this is very important for the Board to
36 understand and look at this as a process of their
37 determination on who can retain a level of subsistence.

38
39 Personal use -- and this puzzles me up
40 and I'll tell you why. The subsistence and personal use
41 gatherers in the state probably only utilize about 1.2
42 percent, maybe 1.5 percent of the total resource. So I
43 don't know why they have to sit down here and try to
44 fight for this use. It's not depleting in any way any
45 resource. It doesn't add to the depletion. Personal use
46 is not as prioritized as subsistence and if you have
47 subsistence users, they are a way of tattle-tailing on
48 the over commercial harvest of certain resources. If we
49 are there to gather and we're not getting our traditional
50 customary levels easily, then there is a reason and the

1 reason is it's being overharvested or maybe there's a
2 disease or something in the system there that took this
3 out of the picture.

4
5 If everybody was just personal use, you
6 guys wouldn't have to listen to us. We come to you
7 saying we're not getting our personal use levels. Well,
8 so what. You're not priority. So I'm saying it's very
9 important throughout the state to realize and I think if
10 you guys would sit there and think about this for a
11 while.

12
13 If I could demonstrate where my family
14 had utilized some land prior to 1906, prior to the Tongas
15 being formed, my chances of getting that land are pretty
16 good. Getting it turned over to a patent in my family
17 name. I'm saying you've got to look a little bit further
18 than that and say, okay, if you can demonstrate -- and
19 the reason why I put those maps there.

20
21 This is a map of Ketchikan 1900. If you
22 look on that map there, you could see the city blocks,
23 mission, the streets are downtown there, and off to the
24 left portion of that map there you could see where it
25 says Indian Village. I'm going to argue with you that
26 that Indian Village is still there. It might be obscured
27 and everything, but it is definitely still there. This
28 tells you that the people that were living here was
29 living off the resources.

30
31 They're still living off the resources.
32 They were taught by their parents' grandparents and goes
33 way back. And we have been teaching. I've taught my
34 kids. I'm still teaching my nieces and nephews. There
35 is one -- our own loader head out there in Kasaan, right
36 at the bottom of it it says we are borrowing the resource
37 from our grandchildren and that's very important to
38 understand.

39
40 I think if you use and change your
41 process of criteria and bring in the fact that if
42 somebody can demonstrate -- the gentleman yesterday from
43 Pennock Island says, you know, they don't consider me
44 rural, but I live off the grid. There is people like
45 that. They're tribal and non-tribal that depend on this
46 and can demonstrate that they need and depend on the
47 resources. It's important that -- it's not a
48 conservation issue by giving them this subsistence rural
49 preference. I would say a subsistence preference, a
50 gathering preference or maybe a cultural preference and

1 maybe all of them combined and put into your process of
2 determination.

3

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

19

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

30

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

35

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

38

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

46

47 So, thank you.

48

49 MR. LORRIGAN: Thank you.

50

1 Mr. Wallace.

2

3 MR. WALLACE: Mr. Chair. If you would,
4 I'd like to request an elder, Joe Thomas, to come up,
5 please. Last night I asked Joe Thomas's presence this
6 morning. He's a Tlingit elder out in Saxman. I view
7 myself as a Haida having the opportunity to live in a
8 Tlingit village and I've had the humble experience of
9 having 11 years being elected as tribal president of the
10 Federally recognized tribe of OVS.

11

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

17

18 Thank you.

19

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

28

29 In Jesus' name we pray.

30

31 Amen.

32

33 Gunalcheesh.

34

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

47

48 With that stated, my comments have
49 changed, you know, throughout the whole process. We have
50 received the nine questions and we've been going through

1 the village with those nine questions and we have been
2 meeting as a council and inviting Cape Fox Corporation,
3 the city of Saxman to partake in our issue with answering
4 those nine questions and we've had the fortune of
5 receiving a BIA grant to assist us with that and with
6 that we have the assistance of Dr. Dan Monteith.

7
8 We will be submitting probably about a
9 58-page written testimony before the November 1st
10 deadline. With that stated, there's been discussion of
11 you'll receive all this oral testimony, all this written
12 testimony, and I've seen some of the binders at FSB and
13 they're thick. The question is, who really reads those?
14 Do you guys really read them? I mean there is a
15 statement I believe in the Q&As and going through the
16 timeline and by a certain date the FSB would review all
17 comments received. Our question is, well, just really, in
18 fact, that's going to be a lot of data to read for Tony
19 and for Beth and for the other four members of the FSB.

20
21 With that, I would really like
22 consultation for the FSB and for Staff members to meet
23 with the Organized Village of Saxman before the November
24 1st deadline and I want to have that consultation with
25 some dialogue, meaningful dialogue. It's something
26 that's been put out there and I would formally request
27 that.

28
29 My testimony today changed. It changed
30 through sidebar conversations. It was changed by
31 testimony that I heard last night and it was changed a
32 lot by a personal phone call. Yesterday afternoon I was
33 called back to the office to tend to some business,
34 tribal business, and that's why I'm really fortunate that
35 this meeting did come to this area. When I'm traveling
36 away from Saxman, I'm in contact through my iPad, through
37 emails, through my texting. So I just got this new
38 request to take care of some tribal business, so I went
39 back to the office.

40
41 I received this personal phone call from
42 a family member. Yesterday the Council, a couple of the
43 councils mentioned the issue of cancer. When I received
44 that phone call about my sister-in-law, she's been
45 battling cancer and the care providers are saying, well,
46 you've got X amount of months. When we heard that news,
47 it was devastating as you might well know if you've
48 experienced that.

49
50 With that, I would almost personally say,

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

9
10 Yes, we do demand and request that the
11 rural determination for Saxman be reversed. It's an
12 administrative thing that can happen. It's not a
13 congressional thing. We're not -- yeah, we may be trying
14 to change things legislatively and that takes time, but
15 really this decision can be handled with a stroke of a
16 pen or with a motion from the FSB or from the Secretary
17 of Interior or the Secretary of Agriculture. It really
18 can be an administratively thing done. Serving on the
19 IRA for the last 12 years we make decisions and sometimes
20 those motions come back to the table and those motions
21 can be changed.

22
23 With that, I know the FSB has a process
24 in the organization. Well, you go through the RFR and
25 then it has requirements that RFR has to meet. With that
26 all said -- my iPad keeps going off. Actually last
27 night's presentation it could have ended with the young
28 girl, the young 8-year-old girl. After hearing her read
29 her testimony, we should have all gone home instead of
30 being there till after 10:00 o'clock. I know the RAC
31 Council was here all day since 9:00 o'clock and here you
32 are after you were up until 10:00, so we didn't have to
33 be there.

34
35 Jamie made a comment on an unknown
36 person, unknown agency. How important -- is it really
37 important for Saxman's rural status? For the individual
38 making a decision like that really not being effected by
39 it, it probably doesn't mean a whole lot, but to us,
40 again, it's a way of life that we've been experiencing
41 since time immemorial and we want to continue that for
42 that young girl that was up here last night giving her
43 testimony. It's for her and her future generations, her
44 future children and grandchildren to enjoy what has been
45 ours since time immemorial. Unknown individual, unknown
46 agency.

47
48 The comment was Saxman really wasn't
49 hurt. It wasn't hurt legally yet, but, yes, Saxman has
50 been hurt ever since that decision to the vote that they

1 made years ago. A couple times individuals mentioned
2 that one vote changed things and, yes, it hurt us.

3
4 We're a Federally recognized tribe and we
5 operate on small funds, being a small and needy tribe.
6 That's the actual funding source that we receive in
7 Saxman. A small and needy tribe. The real thing about
8 being a Federally recognized tribe is that trust
9 responsibility that we have with the Federal government
10 and its agencies. That trust responsibility to manage
11 our land, our waters. What's really behind the battle
12 for Saxman is really a sovereign issue. If it didn't
13 really mean that much to us, we wouldn't even be battling
14 it, but it's important to us and that's why we're here.

15
16 You heard a lot about the history of
17 Saxman and where the people came from originally and that
18 will be further documented in our written documents.
19 Thresholds arbitrary. In my research and activity at
20 OVS, we recently applied for a USDA rural loan and to
21 apply for that rural loan and to be eligible for that
22 rural loan with the USDA out of the Sitka office, plain
23 and simple, it was 20,000. That's what they considered
24 rural. If USDA rural development is using 20,000 people
25 as a threshold, guess what. The only community in
26 Southeast would be Juneau that wouldn't be eligible for
27 that loan.

28
29 The Ketchikan Gateway Borough has applied
30 for that rural loan before and they've received funds
31 from the USDA. Beth, you're under the USDA being with
32 the Forest Service. In that loan process, that was the
33 criteria. That was the only thing mentioned. I hear
34 there was a brief paragraph on threshold. What happened
35 with criteria is somebody decided let's throw all this
36 different criteria and aggregation into the mix of it and
37 it was really unnecessary.

38
39 Plain and simple, the agency has got to
40 be fiduciary responsible to Federally recognized tribes.
41 By that, when you make decisions for Federally recognized
42 tribes, you're making it in the best interest of the
43 Federally recognized tribe. And that wasn't done.
44 There's two acts that you guys had to take into mind.
45 Alaska Native Claims Settlement Act and ANILCA Title
46 VIII. The intent of ANILCA is protect. There has been
47 no protection going on, not with the steady rules and
48 regulations that have been coming down the pike and the
49 heavy enforcement. This summer I heard of an individual
50 involved in the halibut subsistence. He was, to me,

1 harassed, profiled, and he was boarded four times in a
2 three-week period.

3
4 I'm going to summarize and close because,
5 yes, we will be submitting a final written report before
6 it's all said and done by November 1st. In closing, I've
7 been in my chapter of life serving as a public servant
8 serving with the Organized Village of Saxman for 12
9 years. I'm coming to the point where I want to go back
10 to my other chapter in life. You guys know that my real
11 avocation is being a carver. Without doubt, if there is
12 an unfavorable action that's not favorable to Saxman,
13 there will be a ridicule pole carved.

14
15 With all the different agencies that were
16 involved in the decision making, it would be -- when I
17 get into carving, it's pure pleasure. It doesn't seem
18 like work at all. It's in my DNA. I come from five
19 generations of carvers in my family. You know, you heard
20 from the mayor of Saxman last night and we have a totem
21 pole part that's visited by hundreds and thousands of
22 people. We have a ridicule pole of Secretary Seward.
23 It's really not my wish to do one for the FSB if there is
24 a determination like that. I'd like to maybe do the
25 opposite.

26
27 With that, I know we have a busy schedule
28 for the next day and tomorrow, so I'll close and thank
29 you for this time.

30
31 MR. LORRIGAN: Thank you. We'll close
32 public comment for this session on the rural
33 determination process. I'd like to invite the Board if
34 they have any closing comments.

35
36 MS. PENDLETON: Thank you. Last evening
37 and this morning were extremely helpful to me as a member
38 of the Federal Subsistence Board I think to gain a
39 greater understanding to hear the issues, the concerns,
40 the passion. It's brought some greater clarity for me.
41 I believe that the Board and as we continue through this
42 process has an important role to fulfill and I think a
43 big part of that has been this opportunity really just to
44 listen to gain greater understanding.

45
46 I just want to express my appreciation
47 and I know many of the folks are not here, but their
48 testimonies, everything from the little eight or nine
49 year old girl from the community of Saxman all the way up
50 to the elders are just greatly, greatly appreciated. I

1 thank all of those who provided comments. It's helped me
2 to gain a greater understanding.

3

4 Thank you.

5

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

19

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

29

30 Thank you.

31

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

35

36 (Off record)

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38

39 (END OF PROCEEDINGS)

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C E R T I F I C A T E

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

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

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