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FEDERAL SUBSISTENCE BOARD
RURAL DETERMINATION PROCESS PUBLIC COMMENT
BEFORE HEARING OFFICER
CHUCK ARDIZZONE

Dimond Hotel
Anchorage, Alaska
February 18, 2015
7:00 o'clock p.m.

Presenter: Robbin LaVine, Facilitator
Office of Subsistence Management

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Computer Matrix Court Reporters, LLC
135 Christensen Drive, Second Floor
Anchorage, AK 99501
907-243-0668/sahile@gci.net

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P R O C E E D I N G S

(Anchorage, Alaska - 2/18/2015)

(On record)

MR. ARDIZZONE: All right, everybody.
It's 7:15. We gave an extra 15 minutes for people to show up. I think what we'll do, we'll run through what we have and if, you know, people come in, we'll take testimony. If they don't, we'll -- I guess we'll end early.

But I'm going to follow my scrip tonight and I guess I'll go around the room -- since there's so few people, why don't we go around the room, we can introduce ourselves. That will be okay? You'll be able to get them?

REPORTER: If they come up to the microphone.

MR. ARDIZZONE: If you -- we'll turn on the mic and everybody come up. I'll start with myself. I'm Chuck Ardizzone. I'm the Deputy Assistant Regional Director for the Office of Subsistence Management.

MS. LAVINE: I'm Robbin LaVine, anthropologist with the Office of Subsistence Management.

MR. MIKE: I'm Donald Mike, Regional Council coordinator.

MR. LIND: My name is Orville Lind. I'm Native liaison for Office of Subsistence Management.

MS. CELLARIUS: I'm Barbara Cellarius. I'm the subsistence coordinator for Wrangell-St. Elias National Park and Preserve.

MR. EVANS: I'm Tom Evans. I'm a wildlife biologist for the U.S. Fish and Wildlife Service, Office of Subsistence Management.

MR. BRYDEN: I'm Jeff Bryden out of Moose Pass.

MS. PETRIVELLI: I'm Pat Petrivelli, the BIA subsistence anthropologist out of Anchorage.

1 MR. ARDIZZONE: And I see Mr. Mike
2 Fleagle in the back of the room.
3
4 MR. FLEAGLE: I'm Mike Fleagle. I'm with
5 Senator Dan Sullivan's office. I'm going to listen in.
6
7 MR. ARDIZZONE: He used to be the
8 Chairman of the Federal Subsistence Board.
9
10 If you guys will introduce yourself in
11 the back then.
12
13 MR. KING: I'm Mark King, vice president
14 Native Village of Eyak.
15
16 MR. OPHEIM: Mike Opheim, Southcentral
17 RAC.
18
19 MR. ARDIZZONE: Well, thank you, everyone
20 for the introductions. I just want to thank everyone for
21 attending tonight's meeting. It's an opportunity for you
22 to provide input to the Federal subsistence rural
23 determination process.
24
25 Specifically the Board is -- the Board
26 at the direction of the Secretaries of Interior and
27 Agriculture is seeking your comment on the proposed rule
28 on how the Board will make rural determinations in the
29 future. The Board is not currently seeking comments on
30 which communities are rural or nonrural. That part of
31 the process will come after the rulemaking is complete.
32 The Board is accepting comments on this proposed rule
33 that will get presented tonight through April 1st, 2015.
34 Tonight will be the opportunity oral or written comments.
35
36 As I said, my name is Chuck Ardizzone.
37 I'm the deputy assistant regional director at the Office
38 of Subsistence Management. Tonight I'm here to serve as
39 a meeting facilitator, so my job is to make sure everyone
40 here who would like to make oral or written comments on
41 the proposed rule is able to do so. The meeting has been
42 scheduled to last until 9:00 tonight; however, if we
43 don't have anybody testifying, we will end early.
44
45 We have a court reporter with us tonight,
46 Nathan Hile. He's going to record any of our
47 conversations tonight, and those recordings will be
48 transcribed and provided to the Board.
49
50 During the comment portion of the

1 meeting, we will not be answering any questions. This
2 is a time for us to listen to what the public has to say.
3 And those comments will then be forwarded to the Board.

4
5 There will be another -- a number of
6 meetings across the state on this rural determination
7 process. There's one here tonight, Southcentral, and
8 also in Seward Pen tonight. There will be one in Bristol
9 Bay on February 24th. One in the Yukon Delta region in
10 Bethel on the 5th. One in the Western Interior Region on
11 the 4th of March in Fairbanks, and that will also cover
12 the Eastern Interior Region. There will be a meeting in
13 the Northwest Arctic Region in Kotzebue on March 9th.
14 There will be one in the Southeast Region on March 17th
15 in Sitka. There will also be one March 16th in Saxman,
16 and that is an earlier scheduled meeting, 11:00 a.m. to
17 2:00 p.m. And then the North Slope Region in Barrow on
18 March 17th. There is a -- I have a list of those, and
19 this list is also on our website, so if people need, they
20 can go to our website and find the meeting locations and
21 phone-in numbers.

22
23 There will also be two meetings for
24 consultation. There will be a tribal consultation
25 meeting on March 23rd starting at 9:30. That notice has
26 been out. And then March 24th for ANCSA corporations,
27 also starting at 9:30.

28
29 Because of the importance of your
30 comments, it is necessary that we follow certain
31 procedures during the meeting. As you entered the room,
32 you were asked to sign in. It is important that everyone
33 sign in so we have a complete record of all the
34 individuals who participate in this meeting. If you plan
35 to make oral comments tonight, please fill out a speaker
36 card. Speaker cards are gold. They look like this.
37 Also, if you're attending this meeting or submitting
38 comments on behalf of a group or organization, please
39 indicate the name of your group or entity that you
40 represent.

41
42 Let me emphasize that the principal
43 purpose of this public comment -- or this public meeting
44 is to comment on the proposed rule and to receive
45 information and comments from you for the record. Since
46 we don't have many people in the room, I don't have to
47 limit comments at this time to a certain length of time,
48 but if we get a bunch of comments, I guess I will just
49 readdress that later.

50

1 If we run out of time, please submit your
2 comments in writing prior to the 1st of April.

3
4 Let's see. And with that being said, we
5 will have a PowerPoint on the proposed rule, and the
6 presenter's name is Robbin LaVine.

7
8 MS. LAVINE: Good evening. Those of you
9 listening on line, I am going to run through a brief
10 PowerPoint presentation, but I will be talking you
11 through it, and I'll be talking those who are attending
12 here in person through this Power Point.

13
14 And again my name is Robbin LaVine with
15 the Office of Subsistence Management.

16
17 MR. ARDIZZONE: And pardon my
18 interruption, but I failed to ask who was on line. I
19 think we heard Dan Sharp was on line, but I didn't ask if
20 there was anyone else on line. If there's someone else,
21 could you please identify yourself for the record. Did
22 someone just come on?

23
24 MR. PIERCE: Yes, George Pierce.

25
26 MS. LAVINE: Could you please state your
27 name again? Can you hear us here?

28
29 MR. PIERCE: Yes, I can hear you there.

30
31 MS. LAVINE: And you are?

32
33 MR. PIERCE: George Pierce.

34
35 MS. LAVINE: George Pierce for the
36 record. Thank you so much. We're just introducing and
37 we're going to discuss the proposed rule on rural
38 determination, and once I'm through with the briefing, we
39 will be looking for public comment.

40
41 MR. PIERCE: Thank you.

42
43 MS. LAVINE: Thank you. So once again my
44 name is Robbin LaVine. I'm with the Office of
45 Subsistence Management.

46
47 At this stage in the rural determination
48 review process, the Board is requesting recommendations
49 from the Council and the public on their proposed rule,
50 and we'll talk about it in just a minute.

1 During the previous meeting cycles, the
2 Board received 476 substantive comments from various
3 sources, including individual citizens, members of the
4 Regional Advisory Councils, tribes, Alaska Native
5 corporations, and other entities and organizations such
6 as boroughs and city governments.
7

8 You now are being asked to consider
9 whether you agree or disagree with changing the current
10 regulations on rural determinations as proposed by the
11 Secretaries. The rule would be effective statewide.
12

13 After the Board meets in June of 2015 and
14 makes its recommendations to the Secretaries, a final
15 rule will be published which may or may not differ from
16 the proposed rule.
17

18 This proposed rule was initiated based on
19 the findings of the of the Secretarial review of the
20 Federal Subsistence Management Program. Rural
21 determinations are important, because only residents of
22 areas identified as rural are eligible to harvest under
23 Federal subsistence regulations on Federal public lands
24 in Alaska.
25

26 So currently the Board can right now
27 determine rural communities through aggregation of
28 communities or areas that are economically, socially, and
29 communally integrated. They evaluate a community's rural
30 or nonrural status using guidelines defined by the
31 Secretaries, such as population thresholds and economic
32 development. Under the proposed regulations, the Board
33 would evaluate a community's nonrural status using a
34 broad array of relevant information and rely heavily on
35 the recommendations of Regional Advisory Councils. They
36 would also recognize regional differences.
37

38 The proposed regulatory change would
39 increase flexibility in the decision making process and
40 recognize the unique nature of Alaskan communities.
41

42 Right now I have a slide up that just
43 shows for illustration purposes that the old or actually
44 regulations right now take up a full page. The new,
45 proposed rule takes up two sentences. And we'll talk
46 through that next.
47

48 So instead of using, as they do in the
49 current rule only population thresholds, rural
50 characteristics, aggregation of communities, varying

1 information sources, and attempting to apply those
2 standards statewide, the Board would rely on the Councils
3 and the public to provide information to the Board and
4 make rural determinations on a regional level.

5
6 The proposed rule would eliminate the
7 mandatory 10-year review cycle. Instead, changes to
8 rural status would be based on proposals submitted to the
9 Board.

10
11 So this is the new regulation proposed by
12 the Secretary. And in it it says, the rural
13 determination process: (a) the Board determines which
14 areas or communities in Alaska are nonrural. Current
15 determinations are listed at. And then all other
16 communities and areas are therefore rural. So once again
17 the Board determines which areas or communities in Alaska
18 are nonrural, and all other communities and areas are
19 therefore rural.

20
21 Do you agree with these changes, and if
22 so, why; or do you disagree with these changes, and if
23 so, why. And we will now open the mic to your comments.

24
25 MR. ARDIZZONE: Thanks, Robbin. At this
26 time I don't have any names for testimony within the
27 room, so I will reach out on the phone. Pardon me. I
28 still go to the phone first I guess. So I'll go to the
29 phone first. I just got a yellow card, but if there's
30 anybody on the phone that would like to testify, please
31 give your name, and we'd like to hear what you have to
32 say.

33
34 MR. PIERCE: I'm George Pierce.

35
36 MR. ARDIZZONE: Go ahead, George.

37
38 MR. PIERCE: Yes. I live in Kasiloff,
39 Alaska. And from my understanding, the definition for
40 subsistence in the State law, everybody can gather
41 through subsistence no matter where they live. Is that
42 true?

43
44 MR. ARDIZZONE: That is true, but I guess
45 I would try and limit this conversation to comments on
46 the proposed rule is what we're looking for. But what
47 you said is correct. Under State everybody is a
48 subsistence user. So if you have comments on this rule,
49 that's what we're actually looking for.

50

1 MR. PIERCE: Well, then here's my
2 suggestion. I disapprove of that ruling to keeping the
3 Board able to distinguish who is rural and who is not
4 rural. It states in the constitution that all residents
5 of Alaska are entitled to subsistence no matter where
6 they live. Then I suggest that you honor the
7 constitution of the United -- of this state and give me
8 back my subsistence rights. They were taken away in 1995
9 by the State Fish Board and they called it personal use.
10 And now, because of that, I have -- the personal use
11 fishery will be shut down if there's a shortage of any
12 kind of fish. And they have been doing that the last few
13 years, shutting down the personal use fishery, so my
14 subsistence rights are being violated, and they changed
15 me from a subsistence user to a personal use, and not --
16 I'm a subsistence user, and I would really like somebody
17 to step up and do what the constitution of this State
18 says and make it to where everybody is entitled to
19 subsistence no matter where they live. I live 25 miles
20 from Ninilchik on the same highway as those folks.
21 There's more people that live in Ninilchik than Kasiloff,
22 and they have subsistence rights. This is wrong. You
23 need to fix this problem, and I sure hope you folks do
24 this one.

25
26 Thank you.

27
28 MR. ARDIZZONE: Thank you for your
29 comments.

30
31 Is there anyone else on line that would
32 like to comment on the proposed rule.

33
34 (No comments)

35
36 MR. ARDIZZONE: Hearing none, I'm going
37 to go back to the room here, and, Jeff Bryden, would you
38 like to come up and testify, please.

39
40 MR. BRYDEN: For the record my name is
41 Jeff Bryden. I'm currently a resident of Moose Pass,
42 Alaska.

43
44 I'm in favor of changing the rule to
45 break up the aggregate part of the ruling. And I
46 currently live in a community that is surrounded by
47 National Forest Service lands. I live approximately
48 eight miles from Cooper Landing and 35 miles for Seward.
49 Individuals from Cooper Landing, Hope, and Ninilchik can
50 come in my back yard and shoot a moose, and I can't

1 during the subsistence seasons. And the reason I feel
2 that Moose Pass has been excluded from subsistence is in
3 ordered by aggregating us into the Seward area, they can
4 keep Seward out. And we're unique in the community in
5 that we're only -- we're the only community that I know
6 of in Southcentral that actually has Federal lands
7 touching our community on multiple sides that doesn't
8 have subsistence rights, whereas the other communities
9 and such that aren't rural don't have actual Federal
10 lands touching them. So I'd really like to see it
11 changed so we can take some consideration in for the
12 ruralness of our community.

13

14 Thank you.

15

16 MR. ARDIZZONE: Thank you, sir.

17

18 I guess I'll go back to the phone. Is
19 there anybody else who would like to testify on the
20 phone.

21

22 (No comments)

23

24 MR. ARDIZZONE: Did not hear anybody else
25 speak up on the phone, I guess we'll move on unless I
26 hear something differently.

27

28 I've now called on all those person's who
29 indicated on speaker cards or on the phone that they
30 wanted to make oral comments. Is there anybody in the
31 audience or on the phone one more time that I might have
32 missed.

33

34 (No comments)

35

36 MR. ARDIZZONE: Since there are no
37 further comments, I guess I'll close this meeting at this
38 time. You may submit written comments after this meeting
39 until April 1st. All the addresses and instructions for
40 submitting the comments are included on our website.

41

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

1 Thank you for your testimony tonight.
2 Have a good night.

3

4 (Off record)

5

6 (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)

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