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FEDERAL SUBSISTENCE BOARD  
RURAL DETERMINATION PROCESS PUBLIC COMMENT  
BEFORE HEARING OFFICER  
PAUL McKEE

Old St. Joe's Hall  
Nome, Alaska  
February 18, 2015  
7:00 o'clock p.m.

Presenter: Jeff Brooks, Facilitator  
Office of Subsistence Management

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P R O C E E D I N G S

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(Nome, Alaska - 2/18/2015)

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(On record)

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MR. McKEE: Okay. I think we can get started now. I wanted to give it a few minutes, but I think that anybody that might show up is already here. If they're not, we'll hopefully give -- they'll come in as I'm giving the presentation.

So I want to thank everybody for attending tonight's public meeting. This is an opportunity for you to provide input to the Federal Subsistence Board's rural determination process. Specifically, the Board at the direction of the Secretaries of Interior and Agriculture is seeking your comment on the proposed rule on how the Board will make rural determinations in the future.

The Board is not currently seeking comments on which communities are rural or nonrural. That part of the process will not come until after this rulemaking is completed.

The Board is accepting comments on this proposed rule until April 1st, 2015, and tonight will be an opportunity for you to provide oral or written comments.

My name is Chris McKee, and I'm the Wildlife Division chief for the Office of Subsistence Management in Alaska. And tonight I'm here to serve as the meeting facilitator, so my job is to make sure that everyone here who would like to make oral or written comments on the proposed rule is able to do so. The meeting has been scheduled to last until 9:00 p.m. tonight in order to receive your comments.

We have with us here tonight Tina, who is a court reporter, and she will be recording and then transcribing your comments.

During the comment portion of the meeting, we will not be answering any questions, thus allowing us time to listen to you and hear your comments. Those comments will then be forwarded on to the Federal Subsistence Board.

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1                   There are several other places in the  
2 State where this same public process is going to be  
3 happening. There are several copies of the proposed rule  
4 back there on the table if anyone's interested in it.  
5 And we've already had the meeting in Kodiak. The one in  
6 Southcentral [sic] is going go be coming up in Yakutat;  
7 Southcentral in Anchorage tonight; the Bristol Bay in  
8 Naknek; Y-K Delta in Bethel; the Western and Eastern  
9 Interior meeting in Fairbanks; of course, here in Nome  
10 tonight; the Northwest Arctic Regional Council meeting in  
11 Kotzebue; and then finally the North Slope Regional  
12 Council meeting in Barrow, and that's the last one in the  
13 middle of March.

14  
15                   So because of the importance of your  
16 comments, it's necessary that we follow certain  
17 procedures during this meeting. As you entered the  
18 meeting room, you were asked to sign in. It's important  
19 that every person present sign in so that we have a  
20 complete record of all persons who have attended or will  
21 be participating in the meeting.

22  
23                   If you plan to make oral comments  
24 tonight, please fill out a speaker card like this one,  
25 the pretty yellow ones here. Also if you are attending  
26 this meeting or submitting comments on behalf of a group  
27 or organization, please indicate the name of the group or  
28 entity that you represent.

29  
30                   Again, I'd like to emphasize that the  
31 principal purpose of the public comment part of this  
32 meeting is to receive information and comments from you  
33 on the record, and we don't -- it doesn't look like we  
34 have a huge amount of people here. We were originally  
35 going to try to limit comments to a certain comment  
36 period, but unless we get a much larger crowd, I think we  
37 can afford to be a little bit more liberal in the public  
38 comments if people want to speak up for a little bit  
39 longer.

40  
41                   So if we run out of time, you can submit  
42 your comments in writing prior to the April 1st deadline  
43 that I mentioned earlier. And handouts are available  
44 with information on how to provide your written comments.  
45 All that stuff is there on the table there in the back.

46  
47                   So tonight we have Jeff Brooks who is  
48 going to be presenting PowerPoint slide presentation, and  
49 I'll let Jeff get on with it.  
50

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1 MR. BROOKS: Thank you, Chris. Good  
2 evening, ladies and gentlemen. My name is Jeff Brooks,  
3 and I work for the Office of Subsistence Management in  
4 Anchorage. And tonight I'm going to give you a brief  
5 presentation on the proposed rule.

6  
7 And as Chris mentioned there are  
8 materials at the back of the table by the sign-up sheet.  
9 There's a press release that announced it, and it also  
10 provides that dates and times and places of more public  
11 meetings on this topic. And then there's the Federal  
12 Register notice which contains the proposed rule, and  
13 this is what we're asking people to comment on now.

14  
15 This rule is part of a Secretarial review  
16 of the Federal Subsistence Management Program, and that  
17 review was initiated to make sure that the program is  
18 basically meeting the needs of rural Alaskans.

19  
20 And I'm going to try to give this to you  
21 in a light manner where you can hear a little bit about  
22 what the proposal is, and this is again in that proposed  
23 rule in the Federal Register.

24  
25 So please advance the slide, Carl. Thank  
26 you.

27  
28 Okay. This is -- it's about you, it's  
29 about rural residents of Alaska. And a year ago we were  
30 in the process of taking public comments on a different  
31 notice. We put up before the public the ways that the  
32 Federal Subsistence Board now currently makes rural  
33 determinations, and we asked them what they thought of  
34 that system. And we received almost 500 comments. There  
35 were about 475 that were very meaningful to the request  
36 for information, and they provided recommendations to the  
37 Federal Subsistence Board on how to change the program,  
38 the actual rural determination process. And we heard  
39 from various sources, including individual citizens,  
40 members of Regional Advisory Councils, Alaska Native  
41 tribes, Alaska Native corporations, and other entities  
42 and organizations. We heard from city governments and  
43 borough governments as well.

44  
45 And what is this about? It's about  
46 seeking public comments on a proposed rule to change the  
47 rural determination process. We're going to be asking  
48 you if you agree or disagree with changing the current  
49 regulations on rural determinations as proposed by the  
50 Secretaries, and then we're going to ask you what else do

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1 you think about the proposed rule.

2

3 As far as where, this is a statewide  
4 rule.

5

6 And when, after the Board meets in June  
7 or July of 2015 and makes its recommendations to the  
8 Secretaries, a final rule will be published which may or  
9 may not differ from the proposed rule.

10

11 Slide, please.

12

13 As I noted earlier, the reason why this  
14 proposed rule is before this public and we're seeking  
15 comments is because this was initiated as part of the  
16 Secretarial review of the Federal Subsistence Management  
17 Program. And these rural determinations, as many of you  
18 know in the room, particularly the members of the Council  
19 here tonight, is very important to rural residents of  
20 Alaska, because it is only rural residents of areas  
21 identified as rural that are eligible to harvest under  
22 Federal subsistence regulations. on Federal public lands  
23 and waters in Alaska.

24

25 Slide, please.

26

27 This slide gives you a little bit of  
28 information about what the current regulations are and  
29 what the proposed changes would be. Right now, under the  
30 current regulations, the Federal Subsistence Board groups  
31 communities or areas -- it may group communities or areas  
32 that are economically, socially, communally, culturally  
33 similar or integrated. That's one of the things that is  
34 done in the current procedure. That is also one of the  
35 things that the public had a lot to say about last year.  
36 A lot of people disagreed with that procedure, the  
37 aggregation or grouping procedure of communities. They  
38 felt that communities were pretty individual for the most  
39 part and should not be grouped.

40

41 Also, the current process evaluates a  
42 community's rural or nonrural status using guidelines  
43 defined by the Secretaries, such as population thresholds  
44 and economic developments. And those are in regulation  
45 now, and there's a lot of details in there now about  
46 population thresholds and those economic development  
47 criteria.

48

49 Under this proposed language of the  
50 proposed rule, the Board would evaluate a community's

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1 nonrural status using a broader array of relevant  
2 information, and it would rely heavily on recommendations  
3 from the Regional Advisory Councils and other public  
4 input. And you may notice that that is different from  
5 what is written above. Above it says that the Board  
6 evaluates a community's rural or nonrural status. In  
7 this new proposed rule, the Board will be evaluating a  
8 community's nonrural status only.

9

10 This new proposal also accounts for  
11 regional differences, to allow some flexibility from  
12 region to region since the regions of the State are quite  
13 vast and different. And basically the bottom line, and  
14 the Federal Register that contains the proposed rule says  
15 this, but the proposed change would increase flexibility  
16 in the decisionmaking process and recognize the unique  
17 nature of Alaskan communities.

18

19 Slide, please.

20

21 This is an -- these are just excerpts  
22 from Federal regulations, and the one on the left is the  
23 current regulations. The one on the right is the new.  
24 I don't expect you to read this, but I'll be giving you  
25 what the new regulation language is a little bit later,  
26 and if you're interested, I can read to you the current  
27 regs. I have those in front of me. But you can see just  
28 by sheer words on the page that it appears to be less  
29 complex.

30

31

32 MR. SMITH: It looks like there's a typo  
33 on the one on the left.

34

35 MR. BROOKS: Oh, was that Tim?

36

37 MR. SMITH: Yeah.

38

39 MR. BROOKS: Yeah, where was it?

40

41 PUBLIC: He's just kidding.

42

43 MR. SMITH: The 14th line.

44

45 MR. BROOKS: Oh, yeah, you've got pretty  
46 good eyes. Did you have some of that carrot soup  
47 tonight?

48

49 MR. SMITH: Yeah.

50

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1 MR. BROOKS: Okay.

2

3 (Laughter)

4

5 MR. BROOKS: All right. The proposed  
6 changes. Instead of using these criteria that are listed  
7 in regulation now, strictly relying on things like  
8 population thresholds, rural characteristics, grouping of  
9 communities, different types of information sources, and  
10 attempting to apply those standards statewide, the Board  
11 would rely on the Councils, the Subsistence Regional  
12 Advisory Councils, and the public to provide information  
13 to the Federal Subsistence Board and make rural  
14 determinations on a regional level.

15

16 The proposed rule would eliminate the  
17 mandatory 10-year review process, instead changes to  
18 rural status would be based on proposals submitted to the  
19 Board. Now, we're not exactly sure what the -- you know,  
20 the details of this would be, but obviously that is one  
21 way that the Federal Subsistence Board could consider a  
22 community's nonrural status is by an analysis of a  
23 proposal to do that, and it would probably be similar to  
24 the current regulatory process. It's very possible that  
25 the final rule would have other methods including that.

26

27

28 This is the last slide, and it basically  
29 gives you the wording of this proposed rule. And I  
30 believe this is 100.15, rural determination process,  
31 subsection (a), the Board determines which areas or  
32 communities in Alaska are nonrural. And then it will  
33 list the current determinations; and then, (b) by default  
34 all other communities and areas are therefore rural.

35

36 Our question to the public tonight is, do  
37 you agree with these changes? And it would be helpful in  
38 your comments to say why or why not; if you disagree, why  
39 not or why.

40

41 And I believe that's the end of the  
42 presentation, and if there are any questions at this  
43 point, I will be happy to try to answer those before we  
44 go into the actual public comment.

45

46 (No comments)

47

48 MR. BROOKS: Pretty easy crowd tonight.

49

50 MR. McKEE: This could be a pretty quick

0008

1 meeting. Do we have anybody that's still out in any of  
2 these phones that would like to testify.

3

4 MR. OXEREOK: Just a question.

5

6 MR. BROOKS: Yes, a question would be  
7 fine, Amos.

8

9 MR. OXEREOK: Do you think these  
10 proposed changes would make it easier for the regions to  
11 get rural status?

12

13 MR. BROOKS: Well, right now the -- I  
14 mean, the communities that are determined to be rural  
15 would stay rural for the most part. I guess, you know,  
16 what is going to be happening now is that the Board is  
17 going to be determining which communities are nonrural,  
18 and everything else will be rural. So it seems to be  
19 less complicated and maybe easier to me. I don't know if  
20 that's really what you're asking, but, I mean, the burden  
21 of proof would not be on the community to prove that it's  
22 rural; it would be on somebody else to prove that it's  
23 nonrural.

24

25 MR. McKEE: And that was a point that was  
26 made at the Kodiak meeting last week, that it was really  
27 interesting how they phrase it. You know, right now the  
28 way they put it, we have to defend, we have to prove that  
29 we're rural, we have to defend our rural status. But  
30 then under this approach, it would be up to somebody else  
31 to prove that the community is nonrural. So it's  
32 shifting the burden of proof I think is a good way of  
33 putting it.

34

35 MR. BROOKS: Is that it? Anybody on the  
36 phone that would like to make a comment.

37

38 (No comments)

39

40 MR. McKEE: Wow, okay. I was expecting  
41 some comments, but, well, I mean, we still have -- I  
42 mean, we just started. We had this place reserved until  
43 9:00, so now would be the time to make a comment if  
44 you're interested. Go ahead.

45

46 MR. JOHNSON: Well, if nobody here  
47 tonight wants to make a comment, if you could let  
48 everybody know that the Council will be addressing this  
49 tomorrow morning, and that would be an opportunity for  
50 people to also come in and see this presentation, and if



0009

1 they wanted to provide comments at that time, they can  
2 either come up to the microphone and provide comments  
3 directly to the Council, or they can also submit written  
4 comments that will be part of the public comments that  
5 are made aid the Board for this process.

6

7 And even though we're done with this  
8 public meeting here tonight and with the Council  
9 tomorrow, we still have, and I know this is part of your  
10 script yet, there's still more opportunities to provide  
11 other public comments. I'll let Chris address that.

12

13 MR. McKEE: Yeah, I mean, in addition to  
14 here, obviously like he said, like Carl said, there will  
15 be opportunities to submit the comment directly written.  
16 So this is not the end of the process. this is actually  
17 more the beginning of the process. So if you don't feel  
18 comfortable addressing it in the public setting, there  
19 are other ways to submit it, and like I said in the  
20 beginning, you have until April of this year to submit  
21 your comments. So there's still plenty of time and more  
22 than one way to do it.

23

24 Tomorrow during the Regional Advisory  
25 Council would be a really good opportunity to do it as  
26 well, just because there's going to be a lot more  
27 discussion. You hear interaction between the Regional  
28 Advisory Council members. They might bring up some type  
29 of subject matter or subjects that you didn't think of  
30 before, so it might be more relevant to come here and  
31 attend it tomorrow. That might stimulate something in  
32 your mind as to what you might want to comment on. So,  
33 yeah, this is not the only opportunity.

34

35 But if there's nobody else -- if there's  
36 no one that wants to comment, I guess I'll just -- I  
37 guess we can close the meeting, unless we want to hold it  
38 over for a little bit longer.

39

40 MR. KATCHEAK: I have a question. This  
41 is Ted. What would considered rural? Would it be how  
42 many people that live in a rural village? Or is it how  
43 many people that live in one community? What would be  
44 determined as rural?

45

46 MR. BROOKS: Thank you, Ted. Well, right  
47 now the current process does use population numbers.  
48 So.....

49

50 MR. JOHNSON: Jeff, I can -- I have that

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1 on the top of my head.

2

3 MR. BROOKS: Yeah, so it's 2500.

4

5 MR. JOHNSON: Yeah, so under 2500 is  
6 deemed automatically rural. And then there's a threshold  
7 between 2500 and 7,000 where it's not one way or the  
8 other, it's neutral. And then anything over 7,000 is non  
9 -- is considered not rural, but that could still change,  
10 because there are these other characteristics they call  
11 rural characteristics that the Board could consider to  
12 determine whether or not a place over 7,000 is rural.  
13 But that's the current system.

14

15 Under the proposed system, you would not  
16 have to rely on those population criteria. It could be  
17 one thing that could be considered, but it wouldn't be a  
18 requirement. And really how it's kind of conceived at  
19 this point is that the Regional Advisory Councils with  
20 comments from the public would really be the ones who  
21 determined what criteria matter for their region. You  
22 know, for example again, with Kodiak, they have a lot of  
23 island-based communities, and they consider the fact that  
24 they're islands, they're much more remote, and therefore,  
25 you know, more rural by definition. That's a factor that  
26 matters in that region; whereas up here, you may have  
27 different things that you consider whether or not a  
28 community is rural.

29

30 So there wouldn't be these kind of rigid  
31 criteria that exist currently. It would be much more  
32 flexible from region to region to define what factors  
33 they consider to be important about considering whether  
34 or not a community is nonrural. Not just that, not only  
35 would it simplify, but it really puts the power to help  
36 determine this back into the hands of the Regional  
37 Advisory Councils and the local people. So it's really  
38 a more -- not only is it more simplified, but it also  
39 puts this -- a lot of the decisionmaking power back to  
40 the people who are affected by it and would be affected  
41 by it the most. And you saw the difference between what  
42 we have now and what would be -- what would happen in  
43 terms of the amount of regulations under the proposed  
44 rule, so it is quite a simplification of regulations, not  
45 just the written anyway, so.....

46

47 MR. BROOKS: Yeah, Ted, so the answer to  
48 your question is we don't have the specifics worked out.  
49 That would come in another process. There's no --  
50 probably won't be a set population number or threshold.

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1

2                   But the proposed rule, I believe on the  
3 second page, it does give some insight here. It says the  
4 Board would make nonrural determinations. So first of  
5 all, they wouldn't be evaluating a community and saying  
6 it's rural. They would be evaluating community and  
7 saying they're nonrural, and they would be doing that  
8 based on some broad, general things. For example, here  
9 in the rule it says they would use a broad approach that  
10 takes into consideration population size and density.  
11 That population density is how close together the people  
12 live. It doesn't really mean the number. It means how  
13 close they are. Economic indicators, whether or not  
14 there's a military or industrial, mining facilities  
15 nearby or in the community. A community's use of fish  
16 and wildlife. The degree of remoteness and isolation,  
17 which is what Carl was alluding to when he talked about  
18 Kodiak. The island communities feel isolated, and they  
19 feel like that means that they're not -- or they are  
20 rural, not nonrural. And any other relevant material and  
21 information provided by the public. And the Board would  
22 rely heavily on the recommendations of the Regional  
23 Advisory Councils, like the one you sit on.

24

25                   I hope that helps.

26

27                   MR. KATCHEAK: So I understand that Nome  
28 would not fit in that category, but it's under 7,000  
29 people?

30

31                   MR. BROOKS: Yes, sir. I'm not -- I  
32 don't know the population of Nome, but right now it's  
33 determined to be rural. And in the -- if this proposed  
34 rule was adopted, the Board would make a decision whether  
35 or not Nome is nonrural, and I don't know exactly what  
36 criteria they would use, but it more than likely wouldn't  
37 be the population size alone, or even the population size  
38 with other things.

39

40                   MR. JOHNSON: Right. The current Federal  
41 regulations, they would be revised to remove some of  
42 those specific guidelines, including some of these  
43 population data and aggregation information. So again  
44 we're talking about a revision, a simplification, a  
45 streamlining of the process.

46

47                   MR. KATCHEAK: So if the population of  
48 Nome was scattered in miles and miles of groups of  
49 people, would that be considered rural?

50

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1 MR. BROOKS: Yeah, what you're referring  
2 to is population density and that is listed here in the  
3 language of the proposed rule as something that could be  
4 considered. And I would think that the logic would be if  
5 a population was scattered, like you said, that, you  
6 know, it would less likely be considered nonrural, which  
7 means, yes, they would retain the rural status if that  
8 was the criteria they were looking at. That's I think  
9 how the population density would work if that was what  
10 they were looking at.

11  
12 PUBLIC: On those neutral communities,  
13 are those communities that all come under the current  
14 rural and nonrural designation, because they'd be not  
15 part of the nonrural?

16  
17 MR. JOHNSON: I think to explain better  
18 that neutral zone of the 2500 to 7,000, again it's  
19 somewhat of a legal term. Yeah, we -- the under 2500 was  
20 kind of automatically considered rural, although it could  
21 be countermanded by characteristics that suggested it's  
22 not rural, just like -- and then the 2500 to 7,000 range,  
23 most of those are still rural communities, unless there  
24 were some of these other characteristics that the Board  
25 would look at that would suggest that it's not rural,  
26 like, say, for example, the Prudhoe Bay oil field. While  
27 geographically it's remote and rural, there are a lot of  
28 characteristics about it that suggest it's not rural. So  
29 they were still for the most part deemed rural, it's just  
30 that it wasn't an automatic consideration that they were  
31 rural. You had to look at other factors to determine  
32 whether or not they were rural.

33  
34 And which makes this process a lot more  
35 simple, because now you would look at what communities  
36 are nonrural. And I guess the general sense was, it's  
37 easier to say, yeah, that's nonrural. It's easier to say  
38 what communities are nonrural than it is which ones are  
39 rural.

40  
41 We have another question?

42  
43 MS. DIETRICK: I have a question. My  
44 name is Mary Dietrick.

45  
46 In the next 10 or 15 years, you know, the  
47 port, they've been talking about the port that's going to  
48 be placed here at Nome. With the international world  
49 coming in, what is the timeline that, with an industry  
50 coming in, that you're going to give the status away from

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1 being rural?

2

3 MR. McKEE: That -- I think that would be  
4 a very hard question to answer. And I don't it would  
5 give a specific timeline.

6

7 MR. BROOKS: Well, yeah, the whole point  
8 of this new process is there wouldn't be a timeline any  
9 more. There wouldn't be the every 10-year review, and  
10 there wouldn't be the rigid criteria that exists right  
11 now which say you have to look at population as a factor,  
12 whereas one of the issues that came up quite a bit at the  
13 public meetings the last time around was the belief the  
14 people in the communities should not be defined by  
15 external development factors that come in, that they  
16 don't control, whether it's, you know, military bases  
17 coming in or roads being built or mining facilities being  
18 constructed.

19

20 And so the idea here is the people of  
21 Nome and the people of Seward Peninsula, they get to say,  
22 and their Regional Advisory Council gets to say what  
23 factors are most relevant for them on what defines  
24 nonrural status. And that's the intent at this time is  
25 to not -- to eliminate all those criteria that were  
26 required to be looked at by the Federal Subsistence Board  
27 and, as we often like to say about our program, that it's  
28 a bottom-up management scheme, where the recommendations  
29 and the proposals come from the people. And this  
30 approach to doing rural would be a lot more like that, in  
31 that the most relevant factors for what is nonrural in  
32 the region would come from the people and come from the  
33 Regional Advisory Council. And then the Council would  
34 then make its recommendations to the Board.

35

36 I hope that answers your question.

37

38 MS. DIETRICK: Part of my question.

39

40 MR. JOHNSON: Along with -- part of that  
41 bottom-up process, the whole reason that we're now  
42 dealing with this simplified process is because the Board  
43 made the decision to go towards this more simplified  
44 process after receiving something I think approaching 500  
45 comments from the public expressing their dissatisfaction  
46 with the criteria that were used in the past, so this  
47 kind of -- like I said, it's -- like Jeff alluded to,  
48 it's like kind of -- you'll be able to -- it will make it  
49 a lot clearer to say, yes, that is definitely nonrural  
50 rather than going through all these multiple criteria for

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1 determining rural status. So in my mind, it's a lot more  
2 -- it is a lot more responsive to the public and the  
3 input we've gotten from them and the Councils in the  
4 past, so I think this is a huge simplification of it. It  
5 takes away a lot of these criteria that people found both  
6 unnecessary and confusing.

7

8 MR. MCKEE: Is it Marie or Maria?

9

10 MS. DIETRICK: Marie.

11

12 MR. MCKEE: Marie. Thank you for your  
13 question. What was the other part of it?

14

15 MS. DIETRICK: The other part of it is,  
16 you know, if the land starts staying leased out to these  
17 big corporations or international corporations and they  
18 bring their own systems in -- of course they're going to  
19 bring their own systems in. We're just a port. You saw  
20 the expansion of Anchorage, Alaska. They're lying in  
21 wait for something like that. Most people that come to  
22 Nome is for jobs. This is the only way, there's no jobs  
23 in the village. I myself have to take a nine-month job  
24 up here, but I know my status as being a rural person.  
25 That's something I won't ever want to give up, and I  
26 shouldn't have to give up, because of international laws  
27 or people coming here and, you know, leasing land, and,  
28 of course, it's going to be very tempting. Look how fast  
29 that Anchorage, boom and boom and boom. It's scary.

30

31 MR. BROOKS: Yes. And they lost their  
32 rural status, if they ever -- it is scary and I.....

33

34 PUBLIC: (Indiscernible - away from  
35 microphones)

36

37 MR. BROOKS: No. Yeah, it's hard to  
38 judge when that might or ever happen to Nome, but I would  
39 hope that the people who remain living here in history,  
40 especially in smaller communities, will be able to retain  
41 their subsistence way of life. And I think as long as  
42 Title VIII of ANILCA is in effect, that will be the case  
43 for communities who actually practice that as a way of  
44 life. But it's hard to predict.

45

46 One of the things we heard last year in  
47 the public comments was that once a community gets a  
48 rural determination, it should stay rural forever until  
49 something major occurs that would warrant reevaluating.  
50 And so eventually under this proposed rules, the Federal

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1 Subsistence Board would have to make a determination to  
2 the nonrural status of Nome.

3

4                   But what I'm hearing you say, and this is  
5 what we oftentimes forget, is that this rural  
6 determination is much more than a regulatory term. It's  
7 your identity, and it's tied to people, and it's what  
8 they have to say, yes, I am -- I do have a subsistence  
9 way of life, and I'm qualified under Title [sic] ANILCA  
10 to live that life. Title VIII of ANILCA. And right now  
11 the label is rural, and that's why I understand and many  
12 people in the room do, and in the agencies as well, that  
13 that rural status is more than just a label. It's tied  
14 to your identity. And it is scary for towns that see  
15 potential growth in the future.

16

17                   MR. MCKEE: I also think it's important,  
18 it bears repeating in my opinion, that the Board is going  
19 to rely heavily on recommendations from the Regional  
20 Advisory Councils on this. And the Regional Advisory  
21 Councils in each region represent the rural users, so the  
22 Council serves as that voice, in addition to any public  
23 comments, of course, that the Board would get, but the  
24 Regional Advisory Councils are the driving force behind  
25 the Federal Subsistence Program, and so if the Board is  
26 relying on their input heavily like it says in the rule,  
27 I think that goes a long way to protecting the kind of  
28 things that you've spoken about that are important to  
29 you, and are important to all rural users.

30

31                   So this is different than the way it was  
32 before. Not only does it simplify it, but it also puts  
33 a lot -- like I've said before, it puts into the hands of  
34 the users the determination to make sure that they remain  
35 rural. So I think it's.....

36

37                   MS. DIETRICK: Well, I'm not against it,  
38 because I understand the voice from the rural villages of  
39 this region, and they would always support for rural  
40 preference, and I don't think they'll ever try to  
41 classify a nonrural or urban area. It's pretty hard to  
42 say that as time passes, the impact of this opening up of  
43 the Arctic. I guess we should be happy not to live that  
44 long.

45

46                   MR. MCKEE: Well, I think again since the  
47 big part of that determination is going to be in the  
48 hands of the RACs and the people are the users I think is  
49 a powerful tool for keeping those areas that are rural,  
50 rural. And the fact that the Board is going to be taking

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1 that into consideration is the most important part of it.  
2 It's just like during the wildlife regulatory cycle  
3 process, the Regional Advisory Councils are the most  
4 important part, and with very few exceptions, the Federal  
5 Subsistence Board has to, what's the word I'm thinking  
6 of, defer to the Regional Advisory Councils, except for  
7 very few criteria, so they are the most important process  
8 and part of the whole Federal subsistence program. So  
9 they're going to play a very vital role in this rural  
10 determination process as well.

11

12 Well, like I said, this is not the only  
13 opportunity to comment. The forms that are needed to  
14 make written comments to submit before the April 1st  
15 deadline are up there, and again I would encourage  
16 anybody that wants to hear more about his tomorrow at the  
17 Regional Advisory Council to come back here. We start at  
18 9:00 a.m. and we'll be getting to that fairly soon I  
19 would think in the process.

20

21 I'd like to thank everybody that came in  
22 here tonight for participating. And the Federal Board is  
23 going to be looking forward to the comments on this issue  
24 from both the tribes, the ANCSA corporations, and the  
25 general public. So after all the comments are received  
26 and evaluated, then the final rule on the rural  
27 determination process will be adopted by the Secretaries  
28 of the Interior and Agriculture, and the next step will  
29 be where the Federal Subsistence Board makes the rural  
30 determination based on that final rule, so thanks,  
31 everybody, for coming tonight. And I hope as many of you  
32 can show up tomorrow. So thanks.

33

34

(Off record)

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(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 17 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 18th day of February 2015 in Nome, 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 28th day of February 2015.

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