

Appendix 7
Notice and Public Hearings
Compliance with ANILCA Section 810

Notice and hearing(s) are required if any alternative in an EIS, including the cumulative case, is found to have a significant restriction on subsistence uses. The notice and hearing requirements of Section 810 shall be combined with the EIS process. When an EIS is being prepared, **Notice** consists of four official actions, all of which must be accomplished before the hearing(s) in the affected community(s), and before the end of the comment period for the DEIS.

1. For EISs, Federal Register Publication of the ANILCA 810 Findings, and, if available, the date(s) and location(s) of all hearings—this should be included within the Notice of Availability of the related DEIS.
2. Give notice by way of letter to the Commissioner of the Alaska Department of Fish and Game;
3. Give notice by way of letter to the Chairperson of the appropriate Regional Advisory Council(s); and
4. Give notice by way of media (i.e., newspapers, radio) or other appropriate means (i.e., flyers, newsletters to boxholders) to communities in the vicinity of where the ANILCA 810 Hearing(s) will be held.

Notice must be given in advance of the hearing, and should be no less than 15 days prior to the hearing (43 CFR 1610.2). Comments regarding the ANILCA 810 findings should be accepted for the duration of the public comment period.

Notice and hearing(s) are required for an EA only if the selected alternative is found to have a significant restriction to subsistence use, and the Authorized Officer, in consultation with State Director, would like to approve the action. **Notice** in this situation consists of the listed official actions 2 through 4 above, all of which must be accomplished before the hearing(s) in the affected community(s), and before the end of a comment period that might have been established for the EA. Notice must be given in advance of the hearing, and should be no less than 15 days prior to the hearing

810 Hearings must be held in the vicinity of the area involved and should be held concurrently with DEIS Public Meetings (if applicable and if scheduled). The purpose of the hearing should be explicitly stated to those in attendance at the meeting/hearing that the purpose of being there is twofold: 1) to receive comments on the DEIS (if applicable); and 2) to present the findings of the ANILCA 810 Evaluation, and receive input from subsistence users on ways to help mitigate impacts. Note that a hearing not identified as a Section 810 public hearing will not fulfill the legal requirements of ANILCA Section 810.

A summary of the ANILCA Section 810 Findings and rationale should be presented prior to opening the hearing for public comments/testimony. Time should also be allotted for questions and answers, especially concerning the proposed action or the ANILCA Section 810 Findings. The summary and the Q&A need not be recorded. However, a statement regarding the purpose of the hearing, including the hearing process, must be read into the record, and then the floor

opened to comments/testimony from the audience. It is very important for this portion of the hearing to be recorded in its entirety, especially if the Section 810 analyst is not present.

Frequently, comments at hearings are limited to a set amount of time, such as 3 minutes or 5 minutes, especially if there are a large number of individuals wanting to testify. All Alaska Native cultures are oral-traditional, meaning that the spoken word is held in high regard, and that it is through telling that information is transmitted from generation to generation. As a result, it may be very difficult for individuals to condense their concerns, potential mitigation measures, and other relevant knowledge into a set time period of mere minutes. One solution to this is to let everyone speak within the set time period, and then reopen the hearing to those who would like to add to their previous comments.

Other hearings issues to consider:

- A translator should be provided if the community is bilingual.
- Refreshments are a common courtesy, and denote respect and thanks to the community for their hospitality.
- Having an “Open House” before the hearing is an effective way to share information about the proposed action and ANILCA Section 810 Findings in an informal and unhurried way.
- Although the Authorized Officer has the option of not proceeding with the proposed action as a result of testimony from subsistence users, it is important to stress at the hearing(s) that a primary purpose of the hearing is to elicit mitigation measures or other suggestions/recommendations that could be incorporated to minimize or eliminate impacts to subsistence use.
- Handouts, large-format maps, and any other pertinent information should be made available for community participants.