

In the Matter Of:

IN THE MATTER OF THE 2021 REDISTRICTING PLAN

Nicole Borromeo

January 10, 2022

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1 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
2 THIRD JUDICIAL DISTRICT AT ANCHORAGE

3
4 IN THE MATTER OF THE
5 2021 REDISTRICTING PLAN.
6 _____/

Case No. 3AN-21-08869 CI
(Consolidated)

**CERTIFIED
TRANSCRIPT**

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10 VIDEOTAPED DEPOSITION OF NICOLE BORRONEO

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Pages 1 - 318
Monday, January 10, 2022
9:00 a.m.

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Taken by Counsel for Plaintiff
at
Zoom Internet
Anchorage, Alaska

IN THE MATTER OF THE 2021 REDISTRICTING PLAN
Nicole Borromeo on 01/10/2022

<p>1 A-P-P-E-A-R-A-N-C-E-S Page 2</p> <p>2</p> <p>3 For For City of Valdez, Mark Detter, Municipality of Skagway and Brad Ryan: Robin O. Brena, Esq. 4 Jake W. Staser, Esq. Jack Wakeland, Esq. 5 BRENA, BELL & WALKER, P.C. 810 N Street, Suite 100 6 Anchorage, Alaska 99501 907/258-2000</p> <p>7</p> <p>8 For Matanuska-Susitna Borough and Michael Brown: Gregory Stein, Esq. 9 Stacey C. Stone, Esq. HOLMES WEDDLE & BARCOTT, P.C. 10 701 West 8th Avenue, Suite 700 Anchorage, Alaska 99501 907/274-0666</p> <p>11</p> <p>12 For Felisa Wilson, George Martinez and Yarrow Silvers: 13 Holly C. Wells, Esq. Zoe Danner, Esq. 14 BIRCH HORTON BITTNER & CHEROT 510 L Street, Suite 700 15 Anchorage, Alaska 99501 907/802-2998</p> <p>16</p> <p>17 For Calista Corporation, William Naneng And Harley Sundown: 18 Michael S. Schechter, Esq. Eva R. Gardner, Esq. 19 Benjamin J. Farkash, Esq. ASHBURN & MASON, P.C. 20 1227 West 9th Avenue, Suite 200 Anchorage, Alaska 99501 907/276-4331</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 I-N-D-E-X Page 4</p> <p>2 EXAMINATION BY PAGE</p> <p>3 Mr. Brena 12</p> <p>4 Ms. Stone 154</p> <p>5 Mr. Schechter 182</p> <p>6 Ms. Wells 278</p> <p>7</p> <p>8</p> <p>9 EXHIBITS</p> <p>10 Exh 31 Transcript of 9-9-21 Alaska 16 Redistricting Board Meeting (223 pgs)</p> <p>11</p> <p>12 Exh 32 Final Plan ANCSA Overlay (1 pg) 141</p> <p>13</p> <p>14 Exh 33 Maps Version 1 through 4 (16 pgs) 147</p> <p>15</p> <p>16 Exh 34 Text Messages (4 pgs) 162</p> <p>17</p> <p>18 Exh 35 Notes (4 pgs) 177</p> <p>19</p> <p>20 Exh 36 Notes (5 pgs) 316</p> <p>21</p> <p>22 Exh 37 Article (4 pgs) 316</p> <p>23</p> <p>24</p> <p>25</p>
<p>1 APPEARANCES/Continued: Page 3</p> <p>2</p> <p>3 For Intervenors Doyon Limited, et al.: Nathaniel Amdur-Clark, Esq. 4 SONOSKY, CHAMBERS, SACHSE, MILLER & MONKMAN, LLP 725 East Fireweed Lane, Suite 420 5 Anchorage, Alaska 99503 907/258-6377</p> <p>6</p> <p>7 For Alaska Redistricting Board: Matt Singer, Esq. 8 Lee Baxter, Esq. SCHWABE, WILLIAMSON & WYATT 9 420 L Street, Suite 400 Anchorage, Alaska 99501 907/339-7125</p> <p>10</p> <p>11 Court Reporter and Videographer:</p> <p>12 Kasidy Lomeli, CSR 13 Randy Andrews, CLVS PACIFIC RIM REPORTING, LLC 14 711 M Street, Suite 4 Anchorage, Alaska 99501 907/272-4383</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 ANCHORAGE, ALASKA; MONDAY, JANUARY 10, 2022 Page 5</p> <p>2 9:05 A.M.</p> <p>3 -o0o-</p> <p>4 THE VIDEOGRAPHER: Good morning. We are going</p> <p>5 on the record at 9:05 a.m. Alaska Time.</p> <p>6 This is the video deposition of Nicole Borromeo</p> <p>7 taken by the plaintiffs in the matter of the 2021</p> <p>8 Redistricting Plan, in the Superior Court, State of</p> <p>9 Alaska, Third Judicial District at Anchorage, Case</p> <p>10 Number 3AN-21-08869.</p> <p>11 This deposition is being held via</p> <p>12 videoconference on the Zoom Internet platform,</p> <p>13 January 10th, 2022. My name is Randy Andrews, here</p> <p>14 today on behalf of Pacific Rim Reporting, located at 711</p> <p>15 M Street, Suite 4, Anchorage, Alaska 99501. The court</p> <p>16 reporter today is Kasidy Lomeli, also with Pacific Rim</p> <p>17 Reporting.</p> <p>18 Would counsel present please identify</p> <p>19 themselves for the record, beginning with the noticing</p> <p>20 attorney.</p> <p>21 MR. BRENA: Good morning. This is Robin Brena.</p> <p>22 I'm here with Jake Staser. Jack Wakeland will also be</p> <p>23 joining us for Brena, Bell & Walker, and our clients are</p> <p>24 Valdez and Skagway.</p> <p>25 MS. STONE: This is Stacey Stone with the law</p>

<p style="text-align: right;">Page 6</p> <p>1 firm of Holmes Weddle & Barcott. We represent the 2 Matanuska-Susitna Borough and Michael Brown. 3 MR. FARKASH: This is Ben Farkash with the law 4 firm of Ashburn & Mason. I'm here with my colleagues, 5 Eva Gardner and Mike Schechter, and we represent Calista 6 Corporation, William Naneng, and Harley Sundown. 7 MR. SINGER: Do we have Birch Horton? 8 MS. WELLS: Yes. This is Holly Wells with 9 Birch Horton. We represent Felisa Wilson, 10 George Martinez, and Yarrow Silvers. And I also have my 11 colleague, Zoe Danner, attending for observation 12 purposes today. 13 MR. SINGER: And good morning. I'm Matt Singer. 14 I'm here for the Alaska Redistricting Board and the 15 witness, Ms. Borromeo. 16 MR. AMDUR-CLARK: This is Tanner Amdur-Clark for 17 Sonosky, Chambers for -- for Doyon Limited, Tanana 18 Chiefs Conference, Fairbanks Native Association, Ahtna 19 Incorporated, Sealaska, Donald Charlie, Rhonda Pitka, 20 Cherise Beatus, and Gordon Carlson, collectively known 21 as the Intervener Defendants. Thank you. 22 THE VIDEOGRAPHER: Great. Thank you. 23 Will the court reporter please swear in the 24 witness. 25 THE COURT REPORTER: Ms. Borromeo, if you would</p>	<p style="text-align: right;">Page 8</p> <p>1 First, will you please agree to provide clear, 2 verbal answers, yeses or nos as opposed to head 3 shaking or mm-hmm or uh-huh? 4 THE WITNESS: Yes. 5 MR. FARKASH: It's important that there's only 6 one person speaking at a time while we're on the 7 record. Please let the questioning attorney finish 8 their question and then provide your answer. 9 Sound good? 10 THE WITNESS: Yes. 11 MR. FARKASH: We have been taking breaks 12 roughly every hour, but there's plenty of flexibility, 13 and we will almost always be able to accommodate you 14 if you need to take a break during the course of your 15 testimony, but if you've just been asked a question, 16 please answer the question before taking a break. 17 Will that work for you? 18 THE WITNESS: Yes. 19 MR. FARKASH: If you don't understand the 20 question, just say so. The questioning attorney will 21 be happy to rephrase. 22 Okay? 23 THE WITNESS: Yes. 24 MR. FARKASH: Your attorney may object to some 25 of the questions that are asked. Unless your attorney</p>
<p style="text-align: right;">Page 7</p> <p>1 please raise your right hand. 2 (Oath administered.) 3 THE WITNESS: I do. 4 THE COURT REPORTER: Okay. And, Counsel, you 5 may proceed. 6 NICOLE BORROMEO, 7 deponent herein, being sworn on oath, 8 was examined and testified as follows: 9 10 MR. BRENA: Good morning, Ms. Borromeo. 11 THE WITNESS: Good morning, again. 12 MR. BRENA: My name is Robin Brena, and I'll be 13 the lead questioner today. But we're going to start 14 out, just for consistency among our witnesses, 15 Mr. Farkash is just going to go through some of the 16 rules of the road for deposition testimony. 17 So, Mr. Farkash, would you, please. 18 THE VIDEOGRAPHER: And if you could just -- 19 MR. FARKASH: Thank you, Mr. Brena. 20 And one more good morning, Ms. Borromeo. 21 As an experienced attorney, these questions 22 will likely be old hat for you, but as Mr. Brena 23 alluded to, we still feel that they are useful to get 24 everybody on the same page for the day. So thank you 25 for your patience.</p>	<p style="text-align: right;">Page 9</p> <p>1 instructs you not to answer the question, please 2 answer the question once your attorney has stated his 3 objection for the record. 4 Agreed? 5 THE WITNESS: Yes. 6 MR. FARKASH: Your attorney may specifically 7 direct you not to answer a question. For example, 8 your attorney may believe that a question 9 impermissibly delves into privileged material. In 10 that case, allow the attorneys, or to be more precise, 11 I should say your attorney and the questioning 12 attorney, to attempt to resolve the issue, or if they 13 cannot, either wait for the judge's instructions, or 14 the questioning attorney may just move on to other 15 questions until resolution is possible. 16 Okay? 17 THE WITNESS: Yes. 18 MR. FARKASH: Do you have any notes with you 19 today or otherwise plan to reference any notes other 20 than the exhibits that the parties have provided to 21 you? 22 THE WITNESS: No. 23 MR. FARKASH: Will you agree to refrain from 24 consulting with third parties during the course of 25 your testimony today?</p>

<p>Page 10</p> <p>1 THE WITNESS: With the exception of my 2 attorneys, yes. 3 MR. FARKASH: With the exception of your 4 attorney, and if you do need legal advice from your 5 attorney during the course of your testimony, will you 6 please agree to either have the conversation on the 7 record or request that we go off the record so that 8 you can consult with your attorney in confidence? 9 THE WITNESS: Yes. 10 MR. SINGER: I object to the question. We're 11 not going to -- Ms. Borromeo does not need to agree to 12 have a conversation with counsel on the record. 13 Go ahead. 14 MR. FARKASH: So, Mr. Singer, I'm not quite 15 sure I understand the basis for your objection. 16 MR. SINGER: Well -- 17 MR. FARKASH: I mean, the idea -- 18 MR. SINGER: Go to the next question. Go to 19 your next question. I made my -- I made my objection. 20 MR. FARKASH: Okay. Are you under the influence 21 of any drugs, alcohol, or other intoxicants that could 22 affect your testimony today? 23 THE WITNESS: No. 24 MR. FARKASH: How about any medical conditions? 25 THE WITNESS: No.</p>	<p>Page 12</p> <p>1 EXAMINATION 2 BY MR. BRENA: 3 Q Ms. Borromeo, I've been told almost every day of 4 my life I need to speak up, so if you have any 5 difficulty hearing me at all, please -- please -- please 6 let me know. 7 A Mine's more like "pipe down." 8 Q Yeah. Okay. Well, between the two of us, we 9 should be just perfect, then. 10 A Okay. 11 Q I want to start this deposition by thanking you 12 for your public service to the Redistricting Board. 13 A You're welcome. 14 Q And also for your service to AFN. I think what 15 you're doing is important and matters to Alaska, and I 16 want you to know that I recognize that. 17 A Thank you. 18 Q I'm going to ask you some -- some background 19 questions. 20 Where did you grow up? 21 A McGrath, primarily. My father worked 22 construction, and we fished in the summers, Bristol Bay 23 commercial fishing. So various parts of the state, but 24 primarily McGrath. 25 Q Okay. Your father also worked at the Valdez</p>
<p>Page 11</p> <p>1 MR. FARKASH: Do you understand that you are 2 under oath and that what you say here is sworn testimony 3 and can be used in court? 4 THE WITNESS: Yes. 5 MR. FARKASH: You will have the opportunity to 6 review the transcript after we are done and supplement 7 or change answers, but the fact that you changed your 8 answer can be brought up in court, so it's important to 9 give your best answer today. 10 THE WITNESS: Yes. 11 MR. FARKASH: And that being, if you think of an 12 answer to an earlier question or think you need to 13 change an answer, feel free to let the attorney 14 questioning you know on the record. 15 THE WITNESS. Yes. 16 MR. FARKASH: Ms. Borromeo, thank you very much. 17 That's my last question for you. 18 And with that, Plaintiffs main attorney, 19 Mr. Brena, will get started with the substantive 20 questions for the day. 21 THE VIDEOGRAPHER: Excuse me. Just one second. 22 Let's go off the record at 9:12. 23 (Off record.) 24 THE VIDEOGRAPHER: On the record at 9:13. 25 ///</p>	<p>Page 13</p> <p>1 Marine Terminal, did he not? 2 A He did. He was the union steward for a number 3 of years. 4 Q How many years did he work there? 5 A I'm going to say he worked there the entire time 6 I was when in high school up until he passed away, which 7 was when I was in college. So I'm going to say 8 somewhere between five and ten. 9 Q Okay. At the time that he was working at the 10 Valdez Marine Terminal, your -- your family was living 11 in McGrath? 12 A Yes. 13 Q Okay. And so he would -- would he -- would he 14 travel back and forth, and how often would he travel 15 back and forth? What was his schedule? 16 A My parents were divorced at the time. So he 17 lived in Valdez. My mom lived in McGrath with us, 18 although I was at Mt. Edgecumbe for most of -- of that 19 time, and then at the University of Alaska, Anchorage. 20 Q Okay. You're an executive vice president and 21 general counsel for AFN; correct? 22 A I am. Yes. 23 Q And you've worked with -- with several reputable 24 law firms in Alaska, Hobbs, Patton, Sonosky, Chambers; 25 correct?</p>

<p style="text-align: right;">Page 14</p> <p>1 A Yes.</p> <p>2 Q You're a Doyon shareholder?</p> <p>3 A Yes.</p> <p>4 Q Was your -- was your mother a Doyon shareholder?</p> <p>5 A My mother is a Doyon shareholder. My</p> <p>6 grandmother was as well. So I own two classes of</p> <p>7 shares, Class A, which is the original stock, and then</p> <p>8 Class C for after-borns.</p> <p>9 Q And with regard to your father, was he a Doyon</p> <p>10 shareholder?</p> <p>11 A No. He's not Native.</p> <p>12 Q Okay. You're also a board chair for -- and I</p> <p>13 don't know what the acronym goes by, but MTNT, L,</p> <p>14 Limited; correct?</p> <p>15 A Yes.</p> <p>16 Q And -- and will you tell me what that is,</p> <p>17 please.</p> <p>18 A It is the village corporations for McGrath,</p> <p>19 Takotna, Nikolai, and Telida. Our shareholder members</p> <p>20 permitted us to join together and form one corporation</p> <p>21 under ANCSA, so that is what we did.</p> <p>22 My mother previously chaired the board, and so</p> <p>23 did my grandmother. So I'm one of the first</p> <p>24 third-generation board chairs in the state, and for our</p> <p>25 corporation.</p>	<p style="text-align: right;">Page 16</p> <p>1 this, I'm sure.</p> <p>2 MR. BRENA: Indeed, we will.</p> <p>3 MR. SINGER: Is this -- have we marked this as</p> <p>4 Exhibit 24 previously?</p> <p>5 MR. BRENA: Jake?</p> <p>6 MR. STASER: I -- I don't believe so.</p> <p>7 THE VIDEOGRAPHER: No.</p> <p>8 MR. STASER: Randy, can you confirm whether</p> <p>9 we've marked September 9th?</p> <p>10 THE VIDEOGRAPHER: We have not marked</p> <p>11 September 9th. Exhibit 24 was the November 5th.</p> <p>12 MR. SINGER: Oh, okay.</p> <p>13 MR. BRENA: What is our -- what is our next</p> <p>14 exhibit number, Randy?</p> <p>15 THE VIDEOGRAPHER: That will be Exhibit 31.</p> <p>16 MR. BRENA: Okay. Could we please mark the</p> <p>17 September 9th transcript of the Board as Exhibit</p> <p>18 Number 31.</p> <p>19 (Exhibit 31 marked.)</p> <p>20 MR. STASER: 44?</p> <p>21 MR. BRENA: Page 44.</p> <p>22 BY MR. BRENA:</p> <p>23 Q Can you see the screen okay, Ms. Borromeo?</p> <p>24 A I can.</p> <p>25 Q Okay.</p>
<p style="text-align: right;">Page 15</p> <p>1 Q Okay. And you were appointed to your position</p> <p>2 on the Redistricting Board by the Speaker of the House,</p> <p>3 were you not?</p> <p>4 A Former Speaker of the House, Bryce Edgmon, yes.</p> <p>5 Q You've -- you've been in Southeast Alaska --</p> <p>6 well, let me do this: I'd like to go to something that</p> <p>7 you said on September 9th --</p> <p>8 A Okay.</p> <p>9 Q -- at page 44, and we will pop it up on your</p> <p>10 screen. You're happy to --</p> <p>11 A Okay.</p> <p>12 Q -- follow along in the transcript, but I hope to</p> <p>13 have it legible on the screen so we can both...</p> <p>14 MR. SINGER: We made copies, so if you want a</p> <p>15 paper copy, just tell me.</p> <p>16 THE WITNESS: Okay.</p> <p>17 MR. BRENA: Jake, if I can get -- 44, please, of</p> <p>18 September 9th. Her comments are on line 13 through 21.</p> <p>19 You're in the minutes. I'm talking about the</p> <p>20 transcript.</p> <p>21 MR. STASER: I'm sorry. Did you say</p> <p>22 November 9th?</p> <p>23 MR. BRENA: September 9th.</p> <p>24 You can tell we're a well-oiled machine here.</p> <p>25 THE WITNESS: We'll get there by the end of</p>	<p style="text-align: right;">Page 17</p> <p>1 A Yes. Is there a way for -- oh, there we go.</p> <p>2 Thank you. I was going to say --</p> <p>3 Q Yeah.</p> <p>4 A Okay.</p> <p>5 Q Now, I just -- I found this -- this -- your --</p> <p>6 your -- your comment interesting.</p> <p>7 "I think" --</p> <p>8 A Okay.</p> <p>9 Q -- "just as we move forward and map, I'm going</p> <p>10 to be particularly concerned with keeping communities of</p> <p>11 interest together, grouping socio and economic villages</p> <p>12 and communities together. I don't want this exercise of</p> <p>13 bringing in the Denali, Mat-Su, and Anchorage to be too</p> <p>14 focused on data and deviations."</p> <p>15 Would you explain -- would you explain what --</p> <p>16 what you meant by this statement, please.</p> <p>17 A Is there a way that I can see the entire</p> <p>18 exchange, not just my response? I don't have --</p> <p>19 Q Yes. Of course.</p> <p>20 A Okay.</p> <p>21 MR. SINGER: I've -- I've handed the witness a</p> <p>22 paper copy of the transcript so she can look at the</p> <p>23 proceeding, the following pages.</p> <p>24 BY MR. BRENA:</p> <p>25 Q So I believe the answer is the report by the --</p>

<p style="text-align: right;">Page 18</p> <p>1 Mr. Torkelson about different deviations in different -- 2 in Mat-Su, Denali, and Anchorage. 3 A Thanks. I've read the transcript. 4 Can you ask your question again, Mr. Brena? 5 Q Yeah. I was just asking, you said, "I just 6 think as we move forward and map, I'm going to be 7 particularly concerned with keeping communities of 8 interest together, grouping socio and economic villages 9 and communities together." So let me just stop there. 10 Would you explain what you meant, please. 11 A I don't know that I meant anything other than 12 what I -- what I said, that I wanted to keep the 13 communities of interest together, and grouping 14 socioeconomic villages and communities together. 15 Q Okay. But you go on and say you don't want this 16 to be an exercise too focused on data and deviations, to 17 paraphrase. 18 A Yes. 19 Q Is -- is what you're trying to express here, is 20 the concept that people that have socioeconomic 21 integration should be grouped together? 22 A Yes. That's what's required by the 23 constitution. 24 Q Yes. And that was your -- your particular area 25 of focus and concern; is that fair?</p>	<p style="text-align: right;">Page 20</p> <p>1 particularly lines 16 through 19. 2 MR. STASER: For the record, this is Exhibit 14. 3 THE WITNESS: Exhibit 14. And what lines again, 4 Mr. Brena? 5 MR. BRENA: 16 through 19. 6 MR. SINGER: And I've placed Exhibit 14 in front 7 of the witness, a paper copy. 8 MR. BRENA: I'm sorry. Mr. Singer, I was in a 9 side conversation. I did not hear what you said. 10 MR. SINGER: I just wanted the record to reflect 11 that I placed the paper copy of the same exhibit in 12 front of the witness. 13 MR. BRENA: Thank you. 14 THE WITNESS: Okay. I have it. And refer down 15 to 16 through 19? 16 MR. BRENA: Yes. 17 THE WITNESS: Okay. 18 MR. BRENA: That's the -- those are the -- 19 that's the clause that I'm going to ask you questions 20 on. 21 THE WITNESS: Okay. 22 BY MR. BRENA: 23 Q So, "and then in this last day, to pull the wool 24 over the public's eyes." Would you explain what you 25 meant by "pull the wool over the public's eyes like</p>
<p style="text-align: right;">Page 19</p> <p>1 A No. 2 Q Okay. You said, "I'm going to be particularly 3 concerned." Are you saying that you were not going to 4 be particularly concerned? 5 A I'm particularly concerned with what we referred 6 to as "The Big Three" that's required by the 7 constitution, that the districts be compact, contiguous, 8 and socioeconomically integrated. And, yes, I was 9 particularly concerned that there would be socioeconomic 10 integration. 11 Q Okay. Now, I'd like to go to the -- so before 12 we leave this, I mean, this is a focus. 13 You do believe that it's -- that it's important 14 to have people who are socio-economically integrated 15 grouped together to the degree possible; is that fair? 16 A Yes. 17 Q Okay. So I'd like to go to -- I sort of started 18 at the beginning, and now I'm going to go to the end -- 19 A Okay. 20 Q -- to the -- to the conversations starting on 21 11-10 at page 4. 22 THE WITNESS: Can you find that for me, Matt? 23 MR. SINGER: I'm sorry. The Nov- -- you're 24 looking at the November 10th transcript? 25 MR. BRENA: Yes. November 10th, page 4, and</p>	<p style="text-align: right;">Page 21</p> <p>1 this"? 2 A This relates to the Senate pairings in Eagle 3 River and East Anchorage. I didn't believe that it was 4 a fair pairing that we had discussed the pairing on 5 record to the extent that was possible, and that's what 6 that comment refers to. 7 Q Okay. And that particular pairing, you -- you 8 talk about a "nonsensical pairing that groups Downtown 9 Anchorage all the way out into Chugiak. I can't support 10 that." 11 Do you see that phrase? 12 A Yes. 13 Q And so what makes it -- and -- and we're going 14 to go through each reason that you stated after the 15 vote -- 16 A Sure. 17 Q -- but in -- in what -- what -- when you said 18 "nonsensical," why is it nonsensical? 19 A Because in my mind, then and now, there was a 20 better option, and that would have been to pair the two 21 Eagle River districts. 22 Q Okay. So if there's a better option of -- of 23 socio-economic integration, then to suggest a lesser 24 option is what you characterized as nonsensical. 25 Did I characterize that fairly?</p>

<p style="text-align: right;">Page 22</p> <p>1 A No, you didn't. That was one variable that I 2 was considering. I was also looking at the impact that 3 it would have on the entire pairings for Anchorage as a 4 whole, and there -- there was more than just the 5 socio-economic connection. 6 Q Okay. And like I said, we'll go through each of 7 those. 8 A Sure. 9 Q So -- but you talk about the groups, Downtown 10 Anchorage all the way out to Chugiak. Would you explain 11 why that -- why you said that, why that was important to 12 the characterization of this as nonsensical? 13 A Because, again, I thought the better option 14 would be just to pair the two Eagle River districts. 15 Q Okay. But I'm curious about your language, "all 16 the way out into Chugiak groups. Downtown Anchorage all 17 the way out into Chugiak." 18 Why did you say "all the way out"? 19 A I'm not sure how to answer that question other 20 than how I already have, because I thought that the 21 better, logical pairing would have been the two Eagle 22 River districts, the east districts; downtown, then, 23 would be with JBER, and this -- this was a very 24 expansive Senate district now geographically. 25 Q Okay. So this is a geographic reference, "all</p>	<p style="text-align: right;">Page 24</p> <p>1 Q And then again, we come back to alternatives, 2 compared to the other alternatives you thought would 3 have done a better job of fitting the socio-economic 4 criteria; is that fair? 5 A Yes. 6 Q Okay. I'd like to go to page 10, line 21. And 7 I don't even know if we need to go there. 8 The chairman suggested, after Ms. Bahnke spoke, 9 that she could put together -- on line 21, put together 10 some kind of a minority report. 11 Do you see that suggestion by the Chair? 12 A I do. 13 Q Now, it was both you and Ms. Bahnke that refused 14 to sign the final resolution; correct? 15 A Yes. 16 Q And so did you consider putting together a 17 minority report? 18 A No. 19 Q Okay. And why not? 20 A Because it's not required by the constitution, 21 and we were either going to sign -- I was asking for 22 myself, I was either going to sign the final 23 proclamation or not, but I wasn't going to put together 24 a shadow proclamation that would hold no weight. 25 Q Well, it may or may not hold weight; right?</p>
<p style="text-align: right;">Page 23</p> <p>1 the way out," that you considered this a far distance 2 under these circumstances, to put these together; is 3 that fair? 4 A That's fair. 5 Q Okay. Are the circumstances that made this a 6 far distance, are they related to the socio-economic 7 grouping, or are they related to other factors other 8 than socio-economic grouping? 9 A Related to a number of factors. You have to 10 balance the entire area that you're working with. So 11 these two pairings had implications on other pairings 12 within the Municipality of Anchorage -- 13 Q Okay. So -- 14 A -- and -- 15 Q So -- I'm sorry. I started to speak over you 16 because I thought you were done. Would you please 17 finish your answer, if you haven't. 18 A And I didn't think that this was the most 19 compelling pairing or that -- I thought there were 20 better options. 21 Q So, first, you agree it's important to take a 22 look at the ramifications of the pairing beyond just a 23 pairing to take a look at the -- at the whole map and 24 those impacts; correct? 25 A Yes.</p>	<p style="text-align: right;">Page 25</p> <p>1 That's for the court to decide, is it not? 2 A Yeah. 3 Q Okay. All right. All right. 4 I want to go to the conversation, the colloquy 5 on this day, starting on page 17. 6 And did you see that I -- that I also sent 7 over an article that commented on the colloquy? 8 A I don't have an article in front of me. I have 9 the transcript only. 10 MR. BRENA: Okay. 11 MR. SINGER: Are you -- are you wanting the 12 witness to look at one of the documents you sent over, 13 Mr. Brena? 14 MR. BRENA: No. No. Not yet. I'm just wanting 15 to be sure that she was aware that I had sent over two 16 or three things, and one was the article in The Midnight 17 Sun. The caption was "I Pray Litigation is Swift and 18 Just," and so... 19 MR. SINGER: Just for the record, Ms. Borromeo 20 has not seen any of the new exhibits that counsel 21 provided last night. She... 22 MR. BRENA: Okay. All right. 23 BY MR. BRENA: 24 Q So -- so I'm starting on 17, and -- and if you 25 need to go back and read it more in context, please take</p>

<p style="text-align: right;">Page 26</p> <p>1 a minute and do that, but what I intend to do with my 2 questions is go through them. 3 You gave five reasons why you refused to sign -- 4 A Yes. 5 Q -- and I want to go through and explore each 6 one. 7 A Okay. 8 Q So are you -- have you reviewed the context of 9 this conversation sufficiently so that you're ready to 10 proceed? 11 A Just give me two minutes, please. 12 MR. BRENA: Could we go off the record for just 13 a moment, Randy, while she has an opportunity to do 14 that? And then just indicate when you're ready. 15 THE WITNESS: Thank you. 16 THE VIDEOGRAPHER: Going off the record at 9:32. 17 (Off record.) 18 THE VIDEOGRAPHER: On the record at 9:33. 19 BY MR. BRENA: 20 Q Okay. So beginning on line 17, you say, 21 "First." Okay. "First, the most reasonable Senate 22 pairings for Eagle River would have been to join House 23 Districts 22 and -- and 24. These districts share the 24 same streets." 25 So you agree that one socio-economic factor to</p>	<p style="text-align: right;">Page 28</p> <p>1 and "including." 2 Are there more specific factors that you think 3 should be considered that weren't on this list that 4 come to mind? 5 A There are a few. How I typically explain this 6 to Alaskans when we were taking public testimony 7 throughout the state is if Alaskans live, work, and play 8 together, they should be districted together. 9 Q Okay. Thank you. 10 All right. Now, you point out here that 11 "Eagle River has also been trying to exit the 12 Municipality of Anchorage for some time." 13 Do you believe that that's a factor that 14 should be considered by the Board? 15 A Yes. 16 Q Okay. And -- and -- and can you explain why 17 that's important? 18 A Because they subjectively don't feel a close tie 19 to the municipality and other parts of the municipality. 20 Q Okay. So this goes to public opinion with 21 regard to whether people feel that they're part of a 22 common group? 23 A Yes. 24 Q Okay. All right. Do you have any sense for 25 whether that's a majority of the people in Eagle River,</p>
<p style="text-align: right;">Page 27</p> <p>1 consider is whether the people that you're joining 2 together share the same streets; correct? 3 A Correct. Yes. 4 Q Neighborhoods, they share the same 5 neighborhoods? 6 A Yes. 7 Q You agree that that's a factor too as well, yes? 8 A Yes. 9 Q Businesses, that they -- that they frequent the 10 same businesses within each other's community; fair? 11 A Yes. 12 Q Schools, the schools are considered; true? 13 A Yes. 14 Q Watersheds, that geographically, that they share 15 the same watersheds; correct? 16 A Yes. 17 Q And then you say, "and more," and it says 18 "including electrical co-ops." 19 So to the degree that they share electric 20 co-ops or common utilities, you believe that that's a 21 factor that should be considered in considering 22 socio-economic integration; correct? 23 A I do. 24 Q Okay. Now, the "and more," you're listing them 25 specifically and then you put the "and more" in there</p>	<p style="text-align: right;">Page 29</p> <p>1 or that -- that are trying to exit, or -- or a minority 2 group of people -- 3 A I don't. 4 Q -- numbers? Okay. All right. 5 "Second point: There is no populated area, 6 not even a military gate, that connects Districts 24 7 and 23." 8 Why does that matter? 9 A Because they're going to be sharing a same 10 Senate district, and I -- I would have liked to see 11 other options, because there were better options. 12 Q Okay. And how many -- but before we get back 13 into a discussion of the options, this particular point 14 about not having a populated area between them, why did 15 you bring that specific point forward? What 16 significance does that have? Does that suggest that 17 people don't live, work, or play together? 18 A No. What it meant and what -- what it means to 19 me, is that there were better options to nest the two 20 House districts under a single Senate seat that would 21 have had more integration between two districts. 22 Q Okay. And so we're back to -- we're trying -- I 23 mean, part of this exercise, at least an important part 24 of this exercise, is to put the people in the same 25 districts together that live, work, and play together,</p>

<p style="text-align: right;">Page 30</p> <p>1 as you've said; correct?</p> <p>2 A Yes.</p> <p>3 Q And that are socio-economically integrated with</p> <p>4 each other, which is another way of saying it; correct?</p> <p>5 A Yes.</p> <p>6 Q Now, I'd like to go to the next page, on</p> <p>7 page 18.</p> <p>8 A Okay.</p> <p>9 Q We're starting on line 8. You're saying, "the</p> <p>10 Board failed to consider."</p> <p>11 Now, you're starting to discuss here -- well,</p> <p>12 are you starting to discuss here what some of, what</p> <p>13 you consider to be, the better options are?</p> <p>14 A Yes.</p> <p>15 Q Okay. So before we get into the specific</p> <p>16 language, Ms. Borromeo --</p> <p>17 A Yes.</p> <p>18 Q -- what are -- what are the better options here?</p> <p>19 A To pair the two Eagle River districts together.</p> <p>20 Q Okay. That's -- that's a single option, but</p> <p>21 you've been speaking -- you've been speaking plurally</p> <p>22 while we've been discussing options. What -- what other</p> <p>23 options are better than the one that was selected?</p> <p>24 A Well, because the Eagle -- I don't believe that</p> <p>25 there was a better option of the two Eagle River House</p>	<p style="text-align: right;">Page 32</p> <p>1 considered that option?</p> <p>2 MR. SINGER: Objection. Foundation.</p> <p>3 Go ahead.</p> <p>4 THE WITNESS: Because Ms. Marcum never presented</p> <p>5 it as an option.</p> <p>6 BY MR. BRENA:</p> <p>7 Q Okay. So the options that were being discussed</p> <p>8 by the Board were only the options that Ms. Marcum</p> <p>9 presented with regard to this particular pairing?</p> <p>10 A Ms. Bahnke also presented some options. I would</p> <p>11 say they weren't considered. So I'm not exactly sure</p> <p>12 how to answer that question. And I had also ran through</p> <p>13 some options as well, but our options were not</p> <p>14 considered, just Board Member Marcum's, in my opinion.</p> <p>15 Q Okay. And how did that come to pass in that</p> <p>16 fashion, that -- that two of the board members wanting</p> <p>17 to discuss other options than one of the board members</p> <p>18 has proposed that their options were not considered?</p> <p>19 Why did that happen that way?</p> <p>20 A The chairman didn't allow for discussion on the</p> <p>21 record about the other options.</p> <p>22 Q Okay. All right. Now, to go -- to -- to circle</p> <p>23 back, you felt that pairing Eagle River was the best</p> <p>24 option. Now, the second part of my original question</p> <p>25 was: but there were other options that you felt would</p>
<p style="text-align: right;">Page 31</p> <p>1 districts. I want --</p> <p>2 Q Okay. So that --</p> <p>3 A -- to make that clear. But there were other</p> <p>4 options within the Municipality of Anchorage that were</p> <p>5 never discussed either.</p> <p>6 Q Okay. So you think that pairing the Eagle River</p> <p>7 districts would have been the best option --</p> <p>8 A Correct.</p> <p>9 Q -- but not the -- okay -- but not the only</p> <p>10 option that was better than the one selected; correct?</p> <p>11 Do you want me to say that again?</p> <p>12 A Yeah. That's a two-part question.</p> <p>13 Q Okay. It is. That's fair. Yes.</p> <p>14 So the first part was that pairing Eagle River</p> <p>15 together was, in your judgment, the best option --</p> <p>16 A Yes.</p> <p>17 Q -- correct?</p> <p>18 A Yes.</p> <p>19 Q Okay. Did the Board -- you felt the Board</p> <p>20 failed to consider that option sufficiently?</p> <p>21 A Yes.</p> <p>22 Q Okay. Did you feel that the Board considered</p> <p>23 that option at all?</p> <p>24 A No.</p> <p>25 Q Okay. Do you know why the Board never even</p>	<p style="text-align: right;">Page 33</p> <p>1 have been superior to the option that was ultimately</p> <p>2 selected other than to just pair the two Eagle Rivers;</p> <p>3 correct?</p> <p>4 A Yes.</p> <p>5 Q And what were they?</p> <p>6 THE WITNESS: Can I see the final map, Matt?</p> <p>7 MR. BRENA: Certainly. Our crack team is right</p> <p>8 on it.</p> <p>9 THE WITNESS: The number is --</p> <p>10 MR. BRENA: We should take a break here. Just</p> <p>11 kidding. I'm just giving Jake a bad time. I apologize.</p> <p>12 THE WITNESS: Don't you guys have a paper copy</p> <p>13 of the map?</p> <p>14 MR. SINGER: Yeah. Just for the record, it's</p> <p>15 better if we're all looking at the same thing.</p> <p>16 THE WITNESS: Oh, okay.</p> <p>17 BY MR. BRENA:</p> <p>18 Q While we're waiting for that to come up, you</p> <p>19 think it's important that the Board consider as many</p> <p>20 options as it can to try and meet its constitutional</p> <p>21 mandate; right?</p> <p>22 A Yes. As many viable options, I would say.</p> <p>23 Q Okay. And that anything that restricts in the</p> <p>24 Board's process, that restricts the discussion of viable</p> <p>25 options is -- challenges whether or not the Board is</p>

<p style="text-align: right;">Page 34</p> <p>1 fulfilling its constitutional mandate; is that fair? 2 MR. SINGER: Objection. Form. 3 THE WITNESS: Can you be more -- more specific? 4 BY MR. BRENA: 5 Q Okay. So if there is a viable option, the Board 6 should consider it; true? 7 A Yes. 8 Q Okay. If there's anything that bars the Board 9 from considering viable options, then that represents a 10 challenge to the Board to fulfill its constitutional 11 mandate; true? 12 MR. SINGER: Objection. Form. 13 So the -- 14 THE WITNESS: That's what I want. 15 MR. SINGER: -- Anchorage final is part of 16 Exhibit 7, and it's -- 17 MR. BRENA: Excuse me, Counsel. 18 MR. SINGER: -- 13 -- 19 MR. BRENA: I have a question pending. 20 MR. SINGER: Go ahead. 21 MR. BRENA: Randy, can I have the question read 22 back? 23 THE VIDEOGRAPHER: That would be Kasidy. 24 Kasidy, can you read that back? 25 (Record read.)</p>	<p style="text-align: right;">Page 36</p> <p>1 challenge to the Board to fulfill its constitutional 2 mandate? 3 A Yes. 4 MR. SINGER: Object to form and asked and 5 answered. 6 BY MR. BRENA: 7 Q Okay. Okay. Thank you. 8 Okay. So, all right, is this the -- 9 Ms. Borromeo, you asked for the map. And let me put 10 in this context. 11 We were discussing, first, what you felt the 12 optimum pairing should be -- 13 A Okay. 14 Q -- then you said that there were other options 15 that you felt were more -- that were better options than 16 the ones selected, and I asked you what they were, and 17 you asked to see the map. 18 So here's the map. Can you please tell me 19 what other options that you may have been referring to 20 in answering me that you felt were better than what 21 the Board ultimately selected, but that had to do with 22 something other than pairing the Eagle River district? 23 A So if I understand the question correctly -- and 24 you're asking for another option that does not pair 22 25 with 24?</p>
<p style="text-align: right;">Page 35</p> <p>1 MR. SINGER: Objection. Form. 2 THE WITNESS: I would say "no." 3 BY MR. BRENA: 4 Q Okay. So there are con- -- constraints that can 5 be placed on the Board's consideration of viable options 6 that you believe is consistent with its constitutional 7 duties? 8 MR. SINGER: Objection. Form. 9 THE WITNESS: I'm -- I'm sorry, Mr. Brena. I'm 10 having a hard time tracking this -- this question. 11 BY MR. BRENA: 12 Q Okay. Let -- let -- let me try again a 13 different way. 14 We agree that if there's a viable option, that 15 it ought to be considered by the Board; correct? 16 A Yes. Yes. 17 Q Okay. All right. So in this case it's your 18 opinion that there were viable options that were not 19 considered by the Board; correct? 20 A We're still talking about the Eagle River 21 pairings? 22 Q Yes. That's what I meant by "in this case." 23 A Yes. 24 Q Okay. If there's a situation in which viable 25 options are not considered, then that represents a</p>	<p style="text-align: right;">Page 37</p> <p>1 Q Yes. 2 A Okay. So another option would be to pair 22 3 with 9, or 22 with 12. Those also would have been other 4 options for the Board to consider. 5 Q Any others? 6 A I -- no. In -- and in my mind, for better 7 options, no, because I would not have paired either of 8 the Muldoon seats, that would be 20 or 21, with 9 Eagle River. 10 Q Okay. So you've identified two other options; 11 correct? 12 A Correct. 13 Q Okay. So you believe that there were three 14 options that were superior to the option that the Board 15 selected; correct? 16 A Yes. 17 Q And -- and you believe that the Board did not 18 consider any of those three options before it made its 19 choice; correct? 20 A I would say the Board did not adequately 21 consider them. Now, again, Member Bahnke and I also put 22 options on the table, but it was just in the sense of, 23 "this is how I present the Senate pairings." There was 24 not an ample time for discussion and debate on our 25 Senate pairings.</p>

<p style="text-align: right;">Page 38</p> <p>1 Q Okay.</p> <p>2 A Or really Member Marcum's, to be fair.</p> <p>3 Q Okay. Were the two options that you represented</p> <p>4 the ones that Member Marcum was presenting?</p> <p>5 A Right now?</p> <p>6 Q Yes. Yes. You -- you mentioned -- okay. I</p> <p>7 want to be sure that we're not -- so I asked you what</p> <p>8 options weren't adequately considered by the Board.</p> <p>9 You've listed three.</p> <p>10 A Yes.</p> <p>11 Q You just modified an answer to say that -- that</p> <p>12 there were also mis- -- so none of these three options</p> <p>13 were presented to the Board by Ms. -- by Member Marcum;</p> <p>14 correct?</p> <p>15 A Member Marcum had, if I recall, at least four</p> <p>16 options that she wanted to run through, and she said she</p> <p>17 was going to put them on the record, but then she</p> <p>18 started talking about her Senate pairings and things got</p> <p>19 a little convoluted. I don't know that I ever saw all</p> <p>20 four clear options of what Ms. Marcum wanted to do.</p> <p>21 Q Okay. All right. If I can go back to page 18.</p> <p>22 A Yes.</p> <p>23 Q I think that --</p> <p>24 MR. SINGER: Counsel, just for the record, could</p> <p>25 you -- we were looking at -- at the Board proclamation</p>	<p style="text-align: right;">Page 40</p> <p>1 BY MR. BRENA:</p> <p>2 Q All right. So your -- your list of reasons, on</p> <p>3 page 17, you said the first point and the second</p> <p>4 appointment. You never say what the third point is, but</p> <p>5 on page 19 you talk about the fourth point. I believe</p> <p>6 that your third point begins on line 16; is that -- is</p> <p>7 that correct?</p> <p>8 A Yes, it is.</p> <p>9 Q Okay. All right. So I had a little note that</p> <p>10 said "third," but I wanted you to confirm that that was</p> <p>11 right.</p> <p>12 Okay. "It's also worth noting that the</p> <p>13 now-paired South Muldoon and Eagle River through</p> <p>14 Senate Seat K do not have a single road connecting</p> <p>15 them."</p> <p>16 Okay. What do you mean by they don't have a</p> <p>17 single road connecting them?</p> <p>18 A I was talking about a road that would have run</p> <p>19 west to east versus north to south. So there's --</p> <p>20 there's no direct access from South Muldoon to Eagle</p> <p>21 River because --</p> <p>22 Q Okay.</p> <p>23 A -- there's not a road running on the east, west</p> <p>24 access, and there's also a mountain range there.</p> <p>25 Q Okay. And then you go on to say, "meaning the</p>
<p style="text-align: right;">Page 39</p> <p>1 most recently. So if you're moving to another exhibit,</p> <p>2 could you state the exhibit number?</p> <p>3 MR. STASER: That was Exhibit 7.</p> <p>4 THE WITNESS: 14.</p> <p>5 MR. SINGER: And now what are we moving back to?</p> <p>6 MR. BRENA: We're moving back to the transcript</p> <p>7 of --</p> <p>8 MR. STASER: Exhibit --</p> <p>9 MR. BRENA: -- September 10th on page 18, where</p> <p>10 we've been -- which is Exhibit 18.</p> <p>11 MS. STONE: It's Exhibit 14.</p> <p>12 MR. BRENA: 14. I apologize.</p> <p>13 THE WITNESS: Okay.</p> <p>14 MR. SINGER: And you mean November 10th or</p> <p>15 September?</p> <p>16 MR. BRENA: November 10th.</p> <p>17 THE WITNESS: I have it.</p> <p>18 MR. BRENA: Okay. All right. So -- and if I</p> <p>19 can get up the bottom half of the page, of page 18,</p> <p>20 please, Jake.</p> <p>21 If we do it off the screen in these Zoom</p> <p>22 meetings, then -- then I'm comfortable that what you're</p> <p>23 looking at is the same thing that I'm looking at,</p> <p>24 which -- which -- which Counsel Singer pointed out as</p> <p>25 well, so it's -- it's helpful.</p>	<p style="text-align: right;">Page 41</p> <p>1 residents in 21 have to drive almost four miles down</p> <p>2 Muldoon Road, through District 20, before even reaching</p> <p>3 the Glenn Highway and then have to drive another</p> <p>4 12 miles north before they can exit into Eagle River."</p> <p>5 So what you're pointing out is, is that they</p> <p>6 paired for a Senate seat two House districts, that</p> <p>7 someone would have to drive 16 miles; they would have</p> <p>8 to exit -- they would have to drive 16 miles in order</p> <p>9 to access the two centers of population?</p> <p>10 A Yes.</p> <p>11 Q Okay. All right.</p> <p>12 A You might want to check the mileage, though.</p> <p>13 I'm not an expert there.</p> <p>14 Q Now -- now -- now, part of this is that they</p> <p>15 have to leave the district. So they can't get on one</p> <p>16 road and go from one district to the other district.</p> <p>17 They have to go through a different House district in</p> <p>18 order to connect these two districts by road; correct?</p> <p>19 A Correct. With the modification that they have</p> <p>20 to go through two House districts. They have to go</p> <p>21 through 20 and 23 to get to 24.</p> <p>22 Q Okay. And why is that a problem?</p> <p>23 A Because there were better options.</p> <p>24 Q Okay. So -- but better options assumes that</p> <p>25 this is a factor that matters. Why does -- why should</p>

<p style="text-align: right;">Page 42</p> <p>1 it matter that someone has to drive out of their 2 district, assuming your mileage is right, by -- by 3 six -- by 16 miles in order to go from -- from one 4 district to the other between the population centers? 5 Why should that matter? 6 A Because it was, in my view, an unreasonable 7 hardship on the residents of 21 and 22 to be having to 8 drive through two districts, so that their senator could 9 be in -- available to the residents of 21 and 22. 10 Q Okay. Playing the devil's advocate for just a 11 moment, it's 16 miles. Assuming that your mileage is 12 correct -- 13 A Okay. 14 Q -- that's a 20-minute drive to get from one 15 district to the other. Why should that even be 16 something that's considered? 17 A Because there's better options. If we would 18 have paired 20 and 21, that's a -- pulling a number out, 19 five-mile radius, all in -- in the same area up and down 20 Muldoon. And if we would have paired 24 and 22, the 21 senator and -- and the residents would, then, have had 22 one Eagle River district and wouldn't even have to come 23 into the Greater Anchorage area. 24 Q Okay. But my question is -- and I understand 25 that there are better options that wouldn't do that --</p>	<p style="text-align: right;">Page 44</p> <p>1 economic enterprise," I think is your quote, and -- and 2 is the point that you're making there, is that folks 3 from Eagle River don't necessarily go to this part of 4 Muldoon, and so it questions the socio-economic 5 integration of the two? 6 A Yes. 7 Q Okay. And then you say, "it's almost entirely 8 residential." 9 And so, again, you're making the point that 10 you're connecting Eagle River with a residential part 11 of Anchorage in which there are not natural 12 socio-economic ties; correct? 13 A Yes. 14 Q So if an option would have been available that 15 would have connected Eagle River to a commercial part of 16 Anchorage, that would have been a better option; 17 correct? 18 A Yes. 19 Q And if an option would have been presented that 20 had less road mileage between Eagle River and Anchorage, 21 that would have been a better road -- that would have 22 been an indication of a better pairing as well; correct? 23 A Yes. 24 Q Okay. Now, I asked -- on page 19, it says, "I 25 believe this part of Muldoon is traveling this far" --</p>
<p style="text-align: right;">Page 43</p> <p>1 A Okay. 2 Q -- but the question is: Why is that a goal? Is 3 that a goal because this suggests that the people don't 4 live, work, or play together? 5 A That's not one of the considerations for the 6 Senate pairings. 7 Q Okay. 8 A For the Senate pairings, the House districts 9 just have to be physically touching each other. 10 Q Okay. So then why was this a factor? This 11 distance, why was this a factor in your mind at all? 12 A Because there were better options for the 13 Eagle River Senate pairing. 14 Q Okay. So let me be sure. I think we're talking 15 a bit circularly. 16 A Okay. 17 Q So I'm asking why the mileage between the 18 population centers matters to your thinking, and you're 19 answering "because there's better options." Better 20 options considering the mileage between the population 21 centers? 22 A Yes. I did consider the mileage between the 23 population centers. 24 Q Okay. All right. Now, you say, "this part of 25 Muldoon, this south part is not a bustling hotbed of</p>	<p style="text-align: right;">Page 45</p> <p>1 hold on. I've got to -- I've got to put these two pages 2 together so Jake can back up. 3 "It's almost" -- okay. Starting on line 25, 4 "and for us to pull the wool over the State's eyes and 5 believe that this part of Muldoon is traveling this 6 far to shop, play, and recreate is absurd." 7 So what you're saying is, is that the folks in 8 Eagle River don't have socio-economic connections to 9 the residential part of Muldoon that they were paired 10 with; correct? 11 A Yes. 12 Q Okay. And -- and so that represented an absurd 13 pairing in your terms; right? 14 A It did. 15 Q And to pair places that don't -- to pair these 16 two, that "traveling this far," that's a reference to 17 the 16 miles, to "shop, play, and recreate" is pulling 18 the wool over the state's eyes in your judgment; 19 correct? 20 A Yes. 21 Q Okay. Now we're to the fourth point on page 19. 22 And, now, I don't fully understand this point. 23 "It was told to me that I had already 'won too much.'" 24 Do you see that -- do you see that -- that -- 25 your language there?</p>

<p style="text-align: right;">Page 46</p> <p>1 A Yes.</p> <p>2 Q Who -- who told that to you?</p> <p>3 THE WITNESS: Is that something I answer?</p> <p>4 MR. SINGER: I don't believe it was an</p> <p>5 attorney-client communication.</p> <p>6 THE WITNESS: Okay.</p> <p>7 MR. SINGER: If you know the answer.</p> <p>8 THE WITNESS: It was John Binkley.</p> <p>9 BY MR. BRENA:</p> <p>10 Q Okay. So what was the context of him telling</p> <p>11 you that you had already "won too much"?</p> <p>12 A You'll have to ask him what the context is. I</p> <p>13 can speak to you on how -- on what he said. But are you</p> <p>14 asking about what conversation that occurred in?</p> <p>15 Q Yes.</p> <p>16 A Okay. We were talking at the maps about the</p> <p>17 Senate pairings in Anchorage. During one of our work</p> <p>18 sessions where we were exploring the Senate pairings of</p> <p>19 Fairbanks, actually -- so I asked him to meet me at the</p> <p>20 map wall and to walk me through what he had envisioned</p> <p>21 for the Senate pairings in the Fairbanks North Star</p> <p>22 Borough. He is a resident of Fairbanks, so I wanted to</p> <p>23 consider his points.</p> <p>24 And while we were at the map, I said, "While I</p> <p>25 have you here, John, can I tell you how I would present</p>	<p style="text-align: right;">Page 48</p> <p>1 let me just run through how I would pair Anchorage."</p> <p>2 Q Okay. Now, when you recited the conversation to</p> <p>3 me just now, you said that he said that you had won a</p> <p>4 lot already, but in your quote, you said, in -- in -- in</p> <p>5 a different part of your testimony today, that he said</p> <p>6 that you had won too much. Did he say that you had won</p> <p>7 too much, or did he say that you'd win -- that you'd won</p> <p>8 a lot? Which did he say?</p> <p>9 A He said that I -- I won too much.</p> <p>10 Q Okay. What was your understanding of what he</p> <p>11 was talking about when he said you won too much in terms</p> <p>12 of the district maps? What did he mean? What was your</p> <p>13 understanding of what he meant?</p> <p>14 A That the House map that the Board adopted was</p> <p>15 largely based on v.4, which was the map that I drew.</p> <p>16 Q Okay. And what did you win in v.4 that he was</p> <p>17 referring to?</p> <p>18 A I don't know. That's a question for John.</p> <p>19 Q Okay. So you had no understanding of what he</p> <p>20 meant by that you had won too much when the Board</p> <p>21 adopted v.4?</p> <p>22 A I mean, if you look at the Board's adoption of</p> <p>23 the proclamation for the House plan and overlay it over</p> <p>24 my v.4 --</p> <p>25 Q Yes.</p>
<p style="text-align: right;">Page 47</p> <p>1 the pairings for Anchorage?" And he agreed.</p> <p>2 And I said, "Okay. Well, we start with pairing</p> <p>3 the two Eagle River districts," and immediately he says,</p> <p>4 "You know, I don't know about that."</p> <p>5 And I asked him, "What do you mean you don't</p> <p>6 know about it? These are two districts that split a</p> <p>7 community. They -- they -- they should be paired</p> <p>8 together again."</p> <p>9 And he paused and said, "You know, Nicole, if</p> <p>10 you look at the House map and everything that you</p> <p>11 accomplished drawing it, you've -- you've already won a</p> <p>12 lot in this process, and now it's time that we allow</p> <p>13 others to get some wins in."</p> <p>14 Q And what did you say?</p> <p>15 A I said, "Won't we win if we present a fair map</p> <p>16 that is not going to sustain a bunch of court</p> <p>17 challenges?" Or sorry, "that -- that will be able to</p> <p>18 sustain any legal challenges?"</p> <p>19 Q And what did he say? I'm just trying to get</p> <p>20 through the conversation here.</p> <p>21 A And he said -- he -- he didn't really say much</p> <p>22 more after that. He just sort of, you know, shrugged</p> <p>23 his shoulders. I could tell that we were having a</p> <p>24 moment of impasse here. So I said, "Well, let's --</p> <p>25 let's -- let's move off of the Eagle River pairings, and</p>	<p style="text-align: right;">Page 49</p> <p>1 A -- there's a lot of similarities.</p> <p>2 Q Okay. So it's your understanding of what he was</p> <p>3 talking about is he was saying, "Look, Nicole, you've</p> <p>4 already won too much. We adopted your House -- your</p> <p>5 Version 4, so let's give someone else a win on the</p> <p>6 Senate pairings"?</p> <p>7 A Yes.</p> <p>8 Q Did I characterize it right? Okay.</p> <p>9 A Yes, you did.</p> <p>10 MR. BRENA: All right. Okay. We've been at it</p> <p>11 for about an hour, and -- and this is a logical</p> <p>12 breakpoint for me. And let's go ahead, if -- if you</p> <p>13 were trying to take a break every 10 minutes (as</p> <p>14 spoken.) So does that work?</p> <p>15 THE WITNESS: Yes.</p> <p>16 MR. BRENA: Okay. So how long would you like to</p> <p>17 break for? 10 minutes or 15 minutes? What would you</p> <p>18 like?</p> <p>19 THE WITNESS: 10 minutes is sufficient for me.</p> <p>20 MR. BRENA: Okay. All right.</p> <p>21 THE VIDEOGRAPHER: Off the record -- sorry --</p> <p>22 off the record at 10:06.</p> <p>23 (Off record.)</p> <p>24 THE VIDEOGRAPHER: On the record at 10:15.</p> <p>25 ///</p>

<p>Page 50</p> <p>1 BY MR. BRENA:</p> <p>2 Q Ms. Borromeo, you were just referring to</p> <p>3 Version 4. We were just talking about -- I think one of</p> <p>4 the things that you just said was if you compare your</p> <p>5 Version 4 with the final map that was adopted, they're</p> <p>6 very similar; is that -- is that a fair statement?</p> <p>7 A Yes.</p> <p>8 Q Okay. Now, the Version 4, you were the creator</p> <p>9 of Version 4? That's was your --</p> <p>10 A Yes.</p> <p>11 Q Okay. And that was presented to the Board and</p> <p>12 adopted by the Board on September 20th; is that correct?</p> <p>13 A Yes.</p> <p>14 Q Okay. And had you shared it, what members of</p> <p>15 the Board had you shared your Version 4 with prior to</p> <p>16 September 20th?</p> <p>17 A None.</p> <p>18 Q Okay. And so you had -- you had just created it</p> <p>19 before and presented it at the September 20th meeting</p> <p>20 and hadn't shared it with any other member of the Board?</p> <p>21 A Yes.</p> <p>22 Q And do you have in mind -- you posed an</p> <p>23 interesting question. If I could superimpose Version 4</p> <p>24 on top of the final one, I would have done that for the</p> <p>25 purposes of this deposition, and I think you just</p>	<p>Page 52</p> <p>1 is -- that many of them expected so that they would</p> <p>2 really feel as though the Board was hearing their</p> <p>3 suggestions, comments, et cetera.</p> <p>4 During that process as well, a -- a ton of</p> <p>5 public testimony was coming in that talked about the</p> <p>6 different versions. And based on -- on all of that,</p> <p>7 meaning the public testimony, what I heard from</p> <p>8 Alaskans at the hearings, the public testimony that I</p> <p>9 read, I would make adjustments to v.4, and that's what</p> <p>10 I presented the final week there of the House</p> <p>11 conversations, and that became what we were referring</p> <p>12 to shorthand as v.4 Best.</p> <p>13 Q Okay. I'm afraid I asked my question</p> <p>14 awkwardly --</p> <p>15 A Okay.</p> <p>16 Q -- given your answer.</p> <p>17 A Sorry.</p> <p>18 Q No, no. If it were your fault -- there's no</p> <p>19 reason for you to apologize for my imprecision of</p> <p>20 language.</p> <p>21 The -- I was interested in what changes were</p> <p>22 made from Version 4 to the map, from Version 4 to the</p> <p>23 final.</p> <p>24 A Okay. Starting in Southeast, there were changes</p> <p>25 around grouping Skagway, Klukwan, and Haines with</p>
<p>Page 51</p> <p>1 invited me to but I'm not that nimble.</p> <p>2 Do you have in mind what the major differences</p> <p>3 were? You consider the final map House district</p> <p>4 pairings to be the -- to be a version that started</p> <p>5 with Version 4; correct?</p> <p>6 A Yes.</p> <p>7 Q Okay. And can you tell me how Version 4 evolved</p> <p>8 after you presented it to the Board on September 20th?</p> <p>9 A Thank you.</p> <p>10 Q -- the final map?</p> <p>11 A I can. And thank you. Yes.</p> <p>12 We engaged in an extensive public hearing</p> <p>13 schedule. We visited 26 communities. I personally</p> <p>14 went to 23 of those 26 communities. We took statewide</p> <p>15 testimony on at least two occasions. We started with</p> <p>16 public hearing, public testimony at every one of our</p> <p>17 public hearings as a Board.</p> <p>18 When we went to the individual communities, we</p> <p>19 did a little bit of what we called a hybrid</p> <p>20 presentation, where we would have the different maps</p> <p>21 on the wall. The Board would make ourselves available</p> <p>22 to explain the different options to the members of the</p> <p>23 public who came to those hearings. And then if the</p> <p>24 community wanted to, and I would say 95 percent did,</p> <p>25 we would then go into the formal hearing format that</p>	<p>Page 53</p> <p>1 Downtown Juneau to what became the Mendenhall Valley.</p> <p>2 That was a big change. We also removed two communities</p> <p>3 on Prince of Wales Island and district them with</p> <p>4 Ketchikan and Wrangell, those boroughs. No changes</p> <p>5 beyond that, to my recollection, were made in Southeast.</p> <p>6 When we come up to the Prince William Sound</p> <p>7 coast district, we opted to bring in Seward from the</p> <p>8 Kenai Peninsula into that district based on its ties to</p> <p>9 Prince William Sound. So -- so that was a change</p> <p>10 between v.4 and v.4 Best.</p> <p>11 On the other side of the Kenai Peninsula, we</p> <p>12 also took in -- we took into District 37 Port Graham</p> <p>13 and Nanwalek. There was some exchanges of communities</p> <p>14 between 38, 39, and 37 from -- before two v.4 Best.</p> <p>15 The District 1 stayed the same. District 36</p> <p>16 stayed the same. There was a whole new drawing of the</p> <p>17 Fairbanks North Star Borough in terms of where I would</p> <p>18 have broken the borough boundary versus what the Board</p> <p>19 settled on for its excess population.</p> <p>20 There was minor changes to the Mat-Su Valley</p> <p>21 between v.4 and v.4 Best, primarily to equalize</p> <p>22 populations because we could have gotten to better</p> <p>23 deviations. And then the same principle applied for</p> <p>24 the Municipality of Anchorage, minor deviations --</p> <p>25 excuse me -- minor adjustments to the districts for</p>

<p style="text-align: right;">Page 54</p> <p>1 compactness and deviations.</p> <p>2 Q Thank you.</p> <p>3 If I understand the progression of the final</p> <p>4 map, it started with v.4, it went to v.4 Best, and</p> <p>5 then it was adopted as a final plan?</p> <p>6 A Yes. I would just add one caveat, that there</p> <p>7 were some similarities between v.4 Best and Alt v.3,</p> <p>8 which was the later version of v.3.</p> <p>9 So, for example, our Districts 40 matched up.</p> <p>10 Our Southeast were very similar as well. Our VRA</p> <p>11 districts were pretty similar. So there was some</p> <p>12 overlap between Alt v.3 and v.4 Best.</p> <p>13 Q Anything else, or does that cover the</p> <p>14 progression? I'm just trying to take the final map --</p> <p>15 A Sure.</p> <p>16 Q -- trying to understand where it began and how</p> <p>17 it got there, and so let me just state it back so --</p> <p>18 A Okay.</p> <p>19 Q -- I can make it clear.</p> <p>20 A Okay.</p> <p>21 Q It started with v.4; correct?</p> <p>22 A Well, that's -- that's what I was talking about.</p> <p>23 When you say "did it start with v.4," there were</p> <p>24 similarities between v.3 and v.4. So to the extent that</p> <p>25 the Board agreed on those similarities, it's tomatoes</p>	<p style="text-align: right;">Page 56</p> <p>1 Now, we were working through September 10th,</p> <p>2 and there was -- there was five reasons, and we were</p> <p>3 on number four, and we'd been exploring what one --</p> <p>4 one too much meant, and it meant your House -- your</p> <p>5 House pairings from -- from v.4.</p> <p>6 And then I'd like to go back to page 19,</p> <p>7 because there was a final --</p> <p>8 A Isn't it --</p> <p>9 Q -- a final reason you gave.</p> <p>10 A Isn't it -- I just want to be clear that we're</p> <p>11 talking about November 10th, not September 10th.</p> <p>12 Q Yes. November 10th.</p> <p>13 A Okay. And then the other clarification is you</p> <p>14 said we were talking about the -- the House pairings.</p> <p>15 It was the House drawings; right?</p> <p>16 Q Yes. Yes.</p> <p>17 A Okay. Okay.</p> <p>18 Q Yes. Yes. That's correct.</p> <p>19 A All right. All right. I understand.</p> <p>20 Q The House -- the House -- the House district</p> <p>21 drawings --</p> <p>22 A Okay.</p> <p>23 Q -- is what we just went through.</p> <p>24 A Yep.</p> <p>25 MR. BRENA: Okay. All right. So can we get</p>
<p style="text-align: right;">Page 55</p> <p>1 versus tomatoes.</p> <p>2 Q Okay.</p> <p>3 A Did you start with v.3 to get it, or did you</p> <p>4 start with v.4 because they were identical? Do you see</p> <p>5 what I'm saying?</p> <p>6 Q Yes.</p> <p>7 A Okay.</p> <p>8 Q So -- so the -- so the origin of the concepts</p> <p>9 that were ultimately memorialized in v.4 started with</p> <p>10 v.3, v.3 and v.4, and then went to v.4 Best, and then</p> <p>11 went to the final plan?</p> <p>12 A Yes.</p> <p>13 Q Okay. That was the progression from the</p> <p>14 beginning to the final plan?</p> <p>15 A Yes.</p> <p>16 Q Okay. All right. Excuse me for just a moment.</p> <p>17 Okay. Was there a v.7 between v.4 Best and</p> <p>18 the final plan?</p> <p>19 A A v.7?</p> <p>20 Q Yes. It doesn't come to mind?</p> <p>21 A It doesn't come to mind.</p> <p>22 Q Okay.</p> <p>23 A Not that the Board had adopted or ever</p> <p>24 entertained.</p> <p>25 Q Okay. So let me go back.</p>	<p style="text-align: right;">Page 57</p> <p>1 page 19 up? The "finally" at the bottom of</p> <p>2 November 10th, please, Jake. Okay. Can we zoom in on</p> <p>3 line 18 through 25?</p> <p>4 BY MR. BRENA:</p> <p>5 Q Okay. So this was the final reason you gave on</p> <p>6 the record that you -- that -- that you were refusing to</p> <p>7 sign the final plan; correct?</p> <p>8 A Correct.</p> <p>9 Q Okay. So it said "that splitting Eagle River</p> <p>10 into two Senate seats would extend the electoral</p> <p>11 influence of the community resulting in more</p> <p>12 representation."</p> <p>13 Now, that's something that -- that</p> <p>14 Member Marcum expressly said; correct?</p> <p>15 A Yes.</p> <p>16 Q Okay. So why was that a problem for you?</p> <p>17 A Because it's not a rational reason to pair</p> <p>18 districts.</p> <p>19 Q Is there anything wrong with extending the</p> <p>20 electoral influence of one community?</p> <p>21 A Yes.</p> <p>22 Q What -- what's wrong with it?</p> <p>23 A It's outside of the constitutional parameters by</p> <p>24 which we are guided in drafting the map.</p> <p>25 Q Why?</p>

<p style="text-align: right;">Page 58</p> <p>1 A Because the constitutional criteria says that 2 we're supposed to draft for compact, contiguous, 3 socio-economically integrated districts, and then to the 4 extent possible, equalize as practicable, make sure the 5 districts are the same size, and then pair the Senate -- 6 pair the House districts into a Senate seat based on 7 whether or not they're -- they're touching. 8 Taking things into consideration, such as 9 giving a particular part of the state more influence 10 is not listed in our constitution, and it's irrational 11 there to me, then. 12 Q Okay. And so you said, "I played that for you." 13 And so that's -- so you played her saying that 14 to the Board. Is that what you -- is that what you mean 15 there? 16 A I played it into the record for all of Alaska to 17 hear and the Board, yes. 18 Q It actually came across as "indecipherable" in 19 the transcript, but -- but you're going to hear it for 20 the next several months because everyone that sues us is 21 going to play it over and over again too. 22 So -- so -- and -- and the reasons that you feel 23 that I should be playing it over and over again are 24 because it's fundamentally wrong to -- to -- to give one 25 community undue influence under our structure; right?</p>	<p style="text-align: right;">Page 60</p> <p>1 A -- or maybe I answered it all together in one. 2 Q Okay. I think that you just answered my -- 3 A Let's start again. 4 Q Okay. So please explain why you believe that 5 that pairing exposes the Board to claims of racial 6 gerrymandering. 7 A Because there was a better pairing that was more 8 compelling, which would have been to join Districts 22 9 and 24. It would reunite the community of Eagle River. 10 I felt as though pairing 22 and 24 looked like a 11 minority region, to grab minority voters and have their 12 vote diluted by District 22, and to me that's -- that 13 exposed the Board to a claim of racial gerrymandering. 14 Q Okay. And -- and -- and why did you believe 15 that the Board's action in that Senate pairing exposed 16 the Board to claims of partisan gerrymandering? 17 A Well, for much of the same reason. Again, there 18 was a better pairing between 22 and 24, and we would 19 have united Eagle River. There was no reason to reach 20 into South Muldoon when you could have paired the 21 Eagle River districts together. And it seemed as though 22 we were trying to, once again, dilute votes in 23 District 21. 24 Q Okay. Now, would you agree that diluting votes 25 for any reason raises constitutional challenges?</p>
<p style="text-align: right;">Page 59</p> <p>1 A Right. 2 Q Okay. And -- and then, "So, far from being 3 compelling rationale, her observation exposes claims of 4 racial and partisan" -- go to the next page, Jake -- 5 "gerrymandering." 6 Now, I'm curious about the -- would you 7 explain why it exposes the Board to claims of racial 8 gerrymandering? 9 A Yes. Because when you take District 22, which 10 is primarily Caucasian, high income, and pair it with 11 District 21, which is primarily -- or which is almost -- 12 which is higher numbers of minority voters with a lower 13 income, that -- that was telling to me. Also, 14 Eagle River is -- is known to be a very conservative 15 part of the community, whereas South Muldoon is -- is 16 more diverse. And that's what I meant by the partisan 17 gerrymandering. 18 Q Okay. And I was just asking about the racial 19 part. 20 A Oh, sorry. I thought you were asking about the 21 partisan. 22 Q No. I was going to ask about the partisan in a 23 moment. 24 A Oh, I answered that backwards, then, so -- 25 Q Okay.</p>	<p style="text-align: right;">Page 61</p> <p>1 A Yes. 2 Q I'd like to go down to line 18 on page 20. 3 So you say, "Unfairness or gerrymandering in 4 even two Senate districts is not meeting our 5 constitutional mandate. The federal vote dilution and 6 numerous violations that have occurred in Eagle River 7 and Muldoon over the past two days have prevented me 8 from signing the proclamation." 9 So when you're talking about federal vote 10 dilution -- we just talked about vote dilution. You 11 agreed that it would be a constitutional concern 12 anytime that -- that one groups' vote were diluted for 13 the benefit of another group; correct? 14 A Yes. 15 Q And so -- but here you're saying "federal vote 16 dilution." Are you talking about a specific -- are you 17 talking about whether or not it complies with the Voting 18 Rights Act? 19 A I'm sorry. There was, I think, a small plane in 20 the background. I didn't hear your question. Alaska 21 problems. 22 Q Yeah. So you say "federal voting dilution." 23 That's a specific phrase. So this isn't -- 24 A Yeah. 25 Q -- a general comment. Is this a comment on</p>

<p style="text-align: right;">Page 62</p> <p>1 whether or not this pairing may meet the Voting Rights 2 Act, the Federal Voting Rights Act requirements? 3 A No. 4 Q Okay. 5 A I was not referring to the Voting Rights Act, if 6 that's what you're asking. 7 Q Yes. 8 MR. SINGER: Counsel, can we off the -- off the 9 record for just a second? 10 MR. BRENA: Yes. Of course. 11 THE VIDEOGRAPHER: Off the record at 10:34. 12 (Off record.) 13 THE VIDEOGRAPHER: Yes. On the record at 10:35. 14 BY MR. BRENA: 15 Q Okay. Now, you used the phrase on line 21 "and 16 numerous violations." 17 Have we covered all of the violations that you 18 felt have occurred? Or let me just say it this -- ask 19 it this way: What violations are you referring to 20 when you refer to "numerous violations that have 21 occurred in Eagle River and Muldoon over the past two 22 days"? 23 Okay. I wasn't sure if you could hear me. 24 A I -- I can. 25 I was referring to what we just discussed,</p>	<p style="text-align: right;">Page 64</p> <p>1 that that pairing was -- was so wrong, where we had done 2 everything up until that point right, and for that to be 3 what we ended on was unfortunate. 4 Q Okay. Now, it looked like you were referring to 5 something in front of you while we were talking. Were 6 you just -- 7 A Oh, I have the hard copy. I have the hard copy 8 of the transcript -- 9 Q Okay. 10 A -- so I don't have to have my glasses on, 11 because -- 12 Q Okay. 13 A -- it's blurry to see the screen. 14 Q All right. We just -- we -- we didn't have a 15 pleasant experience with notes the other day, so... 16 A Uh-oh. 17 Q Yeah. Okay. 18 Now, I'd like to change topics on you quite 19 dramatically and go from the Senate pairings to Skagway 20 and Haines. 21 A Okay. 22 Q Are you familiar with those communities? 23 A I am. 24 Q Would you tell me what the nature of your 25 familiarity is with those communities?</p>
<p style="text-align: right;">Page 63</p> <p>1 that I believe exposed the Board to a racial 2 gerrymandering claim by doing the minority region to 3 that district, because there were two other districts 4 above it that we have to, you know, go through, which 5 we had discussed already in 23 and 20. I also thought 6 that it exposed the Board to the partisan 7 gerrymandering claim. So those were the other various 8 issues that -- that I was talking about. 9 And we have already discussed the lack of 10 discussion on the record about the Senate pairing. So 11 that was my procedural objection, if you -- if you 12 will. 13 Q Okay. So the -- the things that we've talked 14 about and the things that you've just summarized are 15 what you meant when you said "numerous violations," and 16 nothing beyond that? 17 A Correct. Nothing beyond that. 18 Q Okay. All right. You don't really look forward 19 to being deposed, do you? 20 A I kind of do, because as an attorney, you don't 21 really get to be on this side of -- of the deposition. 22 I've never been here. I'm not a litigant. I'm a 23 transactional attorney. 24 Q Oh, okay. 25 A So, yes. And I -- I also think that, you know,</p>	<p style="text-align: right;">Page 65</p> <p>1 A When I was at Mt. Edgecumbe High School from 2 1994 to 1998, I played a number of varsity sports. So I 3 traveled extensively throughout Southeast during that 4 time, including to those communities, for basketball, 5 cross-country, and other high school student 6 government-related purposes. 7 Q Okay. Have you traveled in those communities 8 since high school? 9 A Yes. I went to Haines as part of the public 10 testimony process, but I've not been to Skagway since 11 high school. So, sorry. Yes to Haines. No to Skagway. 12 Q Okay. Now, one of the comments you made was 13 about -- about walking in Downtown Haines, how it felt 14 like Downtown Juneau. You felt, didn't you, that it 15 would be a better pairing to pair Haines and Skagway 16 with Downtown Juneau? 17 A I felt that it was a viable option, that we 18 should proceed -- that we should pursue as a Board and 19 that the public should be able to react to. 20 Q Okay. And that you had -- there was several 21 times when you expressed that concern; is that fair? 22 A I wouldn't classify it as a concern. I would 23 classify it as a viable option, yes. 24 Q Okay. Are you also familiar with -- with Juneau 25 and the Mendenhall Valley?</p>

<p>Page 66</p> <p>1 A I am.</p> <p>2 Q Okay. And what's the nature of your -- of your</p> <p>3 experience and travel in Juneau and Mendenhall Valley?</p> <p>4 A I lived there as a small child when my dad</p> <p>5 worked for -- with construction doing projects in</p> <p>6 Southeast. I also traveled, like I said, extensively</p> <p>7 throughout Southeast when I was at Mt. Edgecumbe, and</p> <p>8 Juneau tends to be the hub community that flights would</p> <p>9 go in and out of or, you know, ferry exchanges.</p> <p>10 And then most recently, for my prolonged time in</p> <p>11 Juneau, I clerked for Judge Collins before she retired</p> <p>12 as the Superior Court Judge of presiding officer for the</p> <p>13 First Judicial District in Juneau, and my current</p> <p>14 profession takes me to the state capital quite</p> <p>15 frequently.</p> <p>16 Q Okay. Are you aware of -- of any elected</p> <p>17 official that supported pairing Haines and Skagway with</p> <p>18 the Mendenhall Valley?</p> <p>19 A No. Not -- nobody comes to mind.</p> <p>20 Q Okay. Now, I'd like to go to 9- --</p> <p>21 September 20th transcript at page 27 through 30.</p> <p>22 A Can you tell me the exhibit number?</p> <p>23 MR. BRENA: Jake, what is the exhibit number of</p> <p>24 the September 20th transcript, please?</p> <p>25 MR. STASER: Exhibit 15.</p>	<p>Page 68</p> <p>1 Q Do you -- do you agree with the reasons that he</p> <p>2 gave for the pairing, that those are reasons that should</p> <p>3 properly be considered?</p> <p>4 A I do.</p> <p>5 Q And you see that he referred to Senator Kiehl as</p> <p>6 well?</p> <p>7 A I do.</p> <p>8 Q And Senator Kiehl gave testimony beginning on</p> <p>9 page 28, to the bottom of page 28.</p> <p>10 A Yes.</p> <p>11 Q Continuing forward, and did you agree with the</p> <p>12 reasons that Senator Kiehl offered for pairing Skagway</p> <p>13 and Haines with Downtown Juneau?</p> <p>14 A Are you asking if -- if I agree that I see the</p> <p>15 reasons, or that I agree that they're rational reasons?</p> <p>16 Can you give more context about how I should agree?</p> <p>17 Q Yeah. Do you agree that the reasons that</p> <p>18 Senator Kiehl advanced are legitimate and valid reasons</p> <p>19 to consider pairing Skagway and Haines with Downtown</p> <p>20 Juneau?</p> <p>21 A I do.</p> <p>22 Q Okay. Now, at page 182, now, this is -- this</p> <p>23 is your explaining of what you're proposing; right?</p> <p>24 A Yes, it is.</p> <p>25 Q Okay. And you're explaining why you linked</p>
<p>Page 67</p> <p>1 MR. BRENA: Exhibit 15.</p> <p>2 THE WITNESS: Okay. Hold on one second. All</p> <p>3 right. I'm there.</p> <p>4 MR. BRENA: You're faster than I was. Give me</p> <p>5 just a moment, please.</p> <p>6 Can we go off the record for just a minute,</p> <p>7 please, Randy.</p> <p>8 THE VIDEOGRAPHER: We're off the record at</p> <p>9 10:42.</p> <p>10 (Off record.)</p> <p>11 THE VIDEOGRAPHER: On the record at 10:43.</p> <p>12 BY MR. BRENA:</p> <p>13 Q Can we go to page 27, please.</p> <p>14 A 27. Okay. I'm there.</p> <p>15 Q Okay. Now, on 27, you were asking</p> <p>16 Senator Begich -- you said, "I have one final question,</p> <p>17 and this is a particular area of the state that I have</p> <p>18 struggled with. Your Proposed District 33 couples</p> <p>19 Downtown Juneau with Haines and Skagway. We've heard</p> <p>20 testimony to the opposite. Can you please remind the</p> <p>21 Board why you've chosen to couple Haines and Skagway</p> <p>22 with Downtown Juneau?"</p> <p>23 Do you see Senator Begich's explanation for</p> <p>24 why he paired Skagway and Haines with Downtown Juneau?</p> <p>25 A I do.</p>	<p>Page 69</p> <p>1 Skagway and Haines to Downtown Juneau --</p> <p>2 A Yes.</p> <p>3 Q -- are you not?</p> <p>4 A Yes.</p> <p>5 Q And so you mentioned that they're heavy tourism</p> <p>6 communities. Would you explain why that was important</p> <p>7 to your thinking?</p> <p>8 A It shows evidence of socio-economic integration.</p> <p>9 Q And -- and why does it show evidence of that?</p> <p>10 A Juneau has a bustling tourism economy, and so</p> <p>11 does Skagway in the summer months.</p> <p>12 Q Are you aware that Juneau is the number one</p> <p>13 destination port in Alaska?</p> <p>14 A No. But I will stipulate to that if that's what</p> <p>15 you tell me.</p> <p>16 Q Okay. Subject to check?</p> <p>17 A Yeah.</p> <p>18 THE WITNESS: I can't see him. I don't know</p> <p>19 what happened. There's a meeting reminder on my screen</p> <p>20 now. Can you fix it?</p> <p>21 MR. SINGER: Oh.</p> <p>22 THE WITNESS: Sorry. Just one second,</p> <p>23 Mr. Brena.</p> <p>24 MR. BRENA: You're not missing anything, believe</p> <p>25 me.</p>

<p style="text-align: right;">Page 70</p> <p>1 THE WITNESS: Thank you. There we go. 2 Can you restate your question? I'm sorry. 3 BY MR. BRENA: 4 Q Yeah. I said, would you also check, subject to 5 check, that Skagway is the number three destination 6 tourist port in Alaska? 7 A Yes. 8 Q Okay. You point out that it's particularly 9 reliant on cruise ships and the economy that presents 10 those communities. 11 Did -- did you understand -- there was 12 testimony to this effect. Did you attend the Skagway 13 Zoom community outreach? 14 A No. 15 Q Okay. Did you review the summaries of what the 16 folks said there? 17 A No. 18 Q Okay. Would you agree, subject to check, that 19 as a result of COVID stopping the cruise ships to 20 Skagway, that 95 percent of the economy of Skagway 21 collapsed? 22 A Yes. 23 Q And you say here on lines 11 and 12 on page 182 24 that, "which I thought was very similar to Downtown 25 Juneau."</p>	<p style="text-align: right;">Page 72</p> <p>1 residents if they were visiting Juneau. 2 Q Let me -- let me phrase this differently. 3 Would you agree that the vast majority of 4 commercial economic activity between Skagway and Haines 5 is with -- is with -- is with Downtown Juneau and that 6 district? 7 A Yes, I would. 8 Q Okay. And would you agree that the vast 9 majority of -- of -- of trips concerning accessing 10 legislators, municipal offices, state and federal 11 offices, that the vast majority of those connections, 12 that Downtown Juneau is not just a commercial hub but 13 it's also a political hub for Skagway and for Haines? 14 A I don't have any personal knowledge to that, but 15 if that's what Haines and Skagway testify to, then I'm 16 willing to stipulate to it. 17 MR. BRENA: Okay. Now, I'd like to go to 18 November 2nd of the Board. And, Jake, if you can 19 refresh me, before I -- as to what exhibit that may be. 20 THE WITNESS: What number exhibit is that? 21 MR. STASER: Exhibit 19. 22 MR. BRENA: It's Exhibit 19. 23 THE WITNESS: I don't have 19. Can I have 19? 24 Maybe it's just not 19 in my -- oh, wait. Sorry. We're 25 on November 2nd.</p>
<p style="text-align: right;">Page 71</p> <p>1 Why is Skagway and Haines similar to Downtown 2 Juneau? What did you mean there? 3 A I was referring to the cruise ships industry. 4 Q Okay. Now, are you aware of whether or not any 5 major cruise ships dock in the Mendenhall Valley? 6 A I'm not aware of any, no. 7 Q Now, are you familiar with the flight schedules 8 of the Skagway and Haines communities into the airport 9 in Juneau? 10 A No. 11 Q So are you aware that -- that the Downtown 12 Juneau district, District 4, is a commercial hub for the 13 Skagway and Haines community to shop at? 14 A I don't have any personal knowledge, but I would 15 assume so. 16 Q Okay. There is no real place, no real 17 destination shopping in the Mendenhall Valley that's 18 within District 3, is there? 19 A There are. 20 Q Where? 21 A True Value is out there. There's also several 22 auto shops out in the Valley. There's a few good 23 secondhand consignment stores as -- as well. 24 So there is economic activity in the Valley that 25 I would imagine would be useful for Haines and Skagway</p>	<p style="text-align: right;">Page 73</p> <p>1 MR. BRENA: Yeah. November 2nd. 2 THE WITNESS: Okay. 3 MR. BRENA: Exhibit 19. 4 THE WITNESS: I'll just get closer to the 5 screen. Go ahead. 6 MR. BRENA: At page 88. 7 MR. SINGER: Here you go. 8 THE WITNESS: Thank you. 9 MR. SINGER: The witness has a paper copy of 10 the exhibit. 11 BY MR. BRENA: 12 Q Okay. You see in line 9 through line 17, Board 13 Member Simpson -- can we expand it on the screen, just 14 what he's saying, please? -- he's explaining that -- 15 that the principal difference is -- is how he's -- he's 16 putting the Valley with Haines, Skagway, and Gustavus. 17 Do you see that? 18 A Yes. 19 Q Okay. And he's offering, as a reason, that 20 there's a ferry system link. 21 Do you see that? 22 A What line? 23 Q Line 15, the last word, and line 16, the first 24 word. 25 A Are you on page 88 still?</p>

<p style="text-align: right;">Page 74</p> <p>1 Q Yes.</p> <p>2 A Of the 2nd of November?</p> <p>3 Q Yes.</p> <p>4 A Okay. Mine...</p> <p>5 Q It's on -- it's on the screen.</p> <p>6 A That's not what my 15 says.</p> <p>7 MR. STASER: Exhibit 19.</p> <p>8 MR. BRENA: Exhibit 19.</p> <p>9 MR. SINGER: What -- what -- are you looking at</p> <p>10 the -- the transcript from --</p> <p>11 MR. BRENA: Yes.</p> <p>12 MR. SINGER: -- November 2nd?</p> <p>13 MR. BRENA: Yes.</p> <p>14 MR. SINGER: And which page?</p> <p>15 MR. BRENA: 88.</p> <p>16 THE WITNESS: 88.</p> <p>17 MR. SINGER: This is page -- oh, it's a</p> <p>18 different -- 80 of the --</p> <p>19 THE WITNESS: Oh, I'm sorry. There's -- there's</p> <p>20 an exhibit page number, and then there's a transcript</p> <p>21 page number. Okay. I'm sorry. I was on the wrong</p> <p>22 page. And that's...</p> <p>23 (Reads from document.)</p> <p>24 THE WITNESS: Okay. Yes. I'm there.</p> <p>25 ///</p>	<p style="text-align: right;">Page 76</p> <p>1 BY MR. BRENA:</p> <p>2 Q Okay. You don't have any reason to doubt</p> <p>3 that -- that the ferry terminal link for Skagway and</p> <p>4 Auke Bay is essentially a ferry terminal link to the</p> <p>5 downtown district or District 4?</p> <p>6 A No.</p> <p>7 Q Okay. Now, that was -- so in your mind, if</p> <p>8 people are using a ferry terminal to access District 4,</p> <p>9 if the social -- if -- I'm going to ask you to assume</p> <p>10 the socio-economic significance of the ferry link is</p> <p>11 linking Skagway and Haines with District 4 in Downtown</p> <p>12 Juneau.</p> <p>13 A Okay.</p> <p>14 Q If that's true, then the ferry terminal link,</p> <p>15 even though it is physically in District 3, you ought to</p> <p>16 take into consideration where the folks are going;</p> <p>17 right?</p> <p>18 MR. SINGER: Objection. Form.</p> <p>19 BY MR. BRENA:</p> <p>20 Q Ultimately?</p> <p>21 A No. That's not what we're required to do under</p> <p>22 the constitution. So if we look at the process as the</p> <p>23 Court describes it in Hickel, when we draw a House</p> <p>24 district, the Court's clear that we should make</p> <p>25 compactness our first consideration, then continuity,</p>
<p style="text-align: right;">Page 75</p> <p>1 BY MR. BRENA:</p> <p>2 Q Okay. Now, you're familiar with the -- with the</p> <p>3 ferry terminals at Auke Bay; right?</p> <p>4 A Yes.</p> <p>5 Q Are you familiar that the ferry system in</p> <p>6 Southeastern Alaska has become increasingly sporadic?</p> <p>7 A Unfortunately I am, yes.</p> <p>8 Q Would it be fair to characterize it as</p> <p>9 unreliable?</p> <p>10 A No.</p> <p>11 Q Okay. Are you aware that -- that during months</p> <p>12 at a time, the ferry -- the ferry system is suspended</p> <p>13 all together?</p> <p>14 A Yes.</p> <p>15 Q Okay. So when we talk about the link, the ferry</p> <p>16 system link at Auke Bay, wouldn't it fair to say that</p> <p>17 the majority of people that go from Skagway and Haines</p> <p>18 and arrive in Auke Bay, their ultimate destination would</p> <p>19 be the House district that includes Downtown Juneau?</p> <p>20 MR. SINGER: Objection. Foundation.</p> <p>21 THE WITNESS: I -- I don't have personal</p> <p>22 knowledge on how to answer that. That's a question,</p> <p>23 again, for Skagway and Haines residents. But if that's</p> <p>24 what they testify to, then I'm willing to stipulate to</p> <p>25 it.</p>	<p style="text-align: right;">Page 77</p> <p>1 followed by socio-economic integration. So that was</p> <p>2 also another variable that the Board was weighing during</p> <p>3 the placement of Haines and Skagway, is what's the most</p> <p>4 compact, contiguous district.</p> <p>5 And throughout the transcript, and -- and my</p> <p>6 time, quite frankly, in drafting this part, that was a</p> <p>7 challenge because I was conceding compactness and</p> <p>8 contiguity to try and make that socio-economic</p> <p>9 connection.</p> <p>10 Q Okay. Let me -- my question was just about the</p> <p>11 ferry system.</p> <p>12 A Oh, sorry.</p> <p>13 Q And -- and it wasn't intended to be about --</p> <p>14 so...</p> <p>15 A Okay.</p> <p>16 Q When you're looking at socio-economic</p> <p>17 integration --</p> <p>18 A Sure.</p> <p>19 Q -- and you're taking a look at where the ferry</p> <p>20 system lands, the ferry system, for the residents of</p> <p>21 Skagway and Haines, provides access to both</p> <p>22 District 3 and District 4 locations; correct?</p> <p>23 A It does, yes.</p> <p>24 Q Okay. And so assuming that a majority of the --</p> <p>25 of the socio-economic integration through the ferry link</p>

<p style="text-align: right;">Page 78</p> <p>1 is to District 4, then the fact, then looking at the 2 ferry as -- as an element in socio-economic integration 3 should suggest that Haines and Skagway should be 4 compared with Downtown Juneau, not half of the Valley; 5 right? 6 A That is a rational option, yes. 7 Q All right. Now -- now you -- you -- you covered 8 some ground there that I -- that I wasn't intending to 9 cover -- 10 A Sorry. 11 Q -- but -- but can't you make District 3 just 12 around the Valley and make the numbers work, so it's 13 just a nice, compact, rectangle of Mendenhall? 14 A Yes. 15 Q Okay. So -- so -- so you said you conceded 16 compactness. Not something I'm going to do. The -- I 17 mean, so just looking at House District 3 -- 18 A Okay. 19 Q -- it went from a nice, compact district in the 20 Valley to include that whole end of Southeast Alaska; 21 right? Okay. So that -- that isn't increasing the 22 compactness of House District 3 at all, is it? It's -- 23 it's making it far less compact to reach up to Skagway 24 and Haines and Gustavus as it was -- than it currently 25 is with regard to the House district that holds the</p>	<p style="text-align: right;">Page 80</p> <p>1 MR. BRENA: Yeah, no, excuse me. 2 BY MR. BRENA: 3 Q I mean as exists today, yours hasn't gone into 4 effect yet, so... 5 A Yes. You're correct. 6 Q So for the past decade, Skagway and Haines and 7 Downtown Juneau have been in one district; right? 8 A Correct. 9 Q Okay. So there isn't any question, is there, 10 that that district meets the constitutional criteria for 11 compactness and continuity because it has for a decade; 12 right? 13 A Yes. 14 Q Okay. And have the -- have the populations 15 changed very much in Juneau, Skagway, and Haines in the 16 last decade? 17 A There has been an overall reduction in 18 population in Southeast, yes. 19 Q Okay. All right. All right. So I want to just 20 go back to this criteria. 21 A Okay. 22 Q So the ferry system, my point about the ferry 23 system, my question about the ferry system is: If 24 people in Skagway and Haines are going to Downtown 25 Juneau on the ferry system, right, mostly, then that</p>
<p style="text-align: right;">Page 79</p> <p>1 Mendenhall Valley; correct? 2 MR. SINGER: Objection. Form. 3 THE WITNESS: Yes. Based on the second 4 criteria, which is contiguity. 5 BY MR. BRENA: 6 Q Okay. Now -- okay. Now -- 7 A I'm sorry. I'm having a little bit of a hard 8 time with these questions because we -- I never, from a 9 drafting standpoint, took in one vari- -- variable in a 10 vacuum. There were always the three that we had to 11 balance and then a criteria of order based on Hickel. 12 But if -- if you don't want to talk about the other two 13 and only focus on the third, there's -- there's going to 14 be a lot left to translation here. 15 THE WITNESS: Can you take this one back? 16 BY MR. BRENA: 17 Q Okay. Well, Skagway and Haines and Downtown 18 Juneau are connected today; right? 19 A Skagway, Haines -- connected today? 20 Q Yeah. The -- the district connects. The 21 current political district includes Skagway, Haines, and 22 Downtown Juneau; right? 23 MR. SINGER: Objection. Form. 24 Are you discussing the 2013 proclamation or the 25 2021?</p>	<p style="text-align: right;">Page 81</p> <p>1 favors the socio-economic integration in connecting 2 Skagway and Haines with Downtown Juneau; right? 3 A I'm sorry. Can you repeat the question? 4 Q Yes. 5 If the actual socio-economic integration is 6 that the people from Skagway and Haines are 7 predominantly using the ferry system to access 8 Downtown Juneau, then the ferry system is a factor 9 that weighs in favor of integrating Skagway and Haines 10 and Downtown Juneau; correct? 11 A Yes. 12 Q Okay. Now, Board Member Simpson said the fish 13 processing plant that's on the north end. Do you have 14 any idea why he referred to the fish processing plant 15 next to the Auke Bay ferry terminal? 16 A No. 17 Q Do you have -- do you have any knowledge or 18 understanding, did you hear any testimony or read any 19 testimony by anybody that suggested that the communities 20 of Skagway or Haines or Gustavus used the fish 21 processing plant next to Auke Bay? 22 A No. 23 Q Okay. All right. I'd like to go to, it's the 24 same transcript, at page 90, 92, specifically 91. 25 And, I'm sorry, I may be repeating a question</p>

<p style="text-align: right;">Page 82</p> <p>1 that I asked earlier because I forgot your answer.</p> <p>2 A Okay.</p> <p>3 Q Did you -- did you review any of the testimony</p> <p>4 that was conducted in the outreach by summary, review --</p> <p>5 review the -- review the tape of what the citizens of</p> <p>6 Skagway asked for?</p> <p>7 A Yes. I had heard from the citizens of Skagway</p> <p>8 early on. And, in fact, when we were presenting this,</p> <p>9 if -- if you go back up to page 87, I mention that</p> <p>10 citizens from Skagway had testified about the desire for</p> <p>11 them to be districted in the Valley.</p> <p>12 Q Okay. That's a specific reference to</p> <p>13 Kathy Hosford's comments and one other person early on</p> <p>14 in the process; right?</p> <p>15 A That's true. Yes. I'm just trying to be</p> <p>16 inclusive in the answer.</p> <p>17 Q Yes.</p> <p>18 A I did not review the transcripts from the Zoom</p> <p>19 meeting with the City of Skagway and the residents. I</p> <p>20 did not review anything that came in afterwards as to</p> <p>21 what they had instructed their desires in writing.</p> <p>22 Q Now, do you believe, if a community explains</p> <p>23 what they're socio-economically integrated with, that</p> <p>24 the Board should hear their voice?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 84</p> <p>1 had integration between Skagway and Haines and Downtown</p> <p>2 Juneau; right?</p> <p>3 A Yes.</p> <p>4 Q Okay. So aside from member Simpson and</p> <p>5 Kathy Hosford, are you aware of anybody that suggested</p> <p>6 that Skagway should not continue to -- Skagway and</p> <p>7 Haines should not continue to be paired with Downtown</p> <p>8 Juneau?</p> <p>9 A Not at this time.</p> <p>10 Q Okay.</p> <p>11 A No. No.</p> <p>12 Q There was one other person in the call-in with</p> <p>13 Kathy that said that she supported Kathy. So just --</p> <p>14 just so the record's clear. I referred to that before.</p> <p>15 A Yes.</p> <p>16 Q So I -- I misstated my question slightly. But</p> <p>17 other than -- than those brief comments early on by</p> <p>18 Kathy Hosford, then, and -- and who supported her.</p> <p>19 Okay. Now --</p> <p>20 THE WITNESS: Can I just pop off the screen for</p> <p>21 one second to get my jacket? I'm getting a little cold.</p> <p>22 MR. BRENA: Sure. Let's go off the record.</p> <p>23 THE VIDEOGRAPHER: I have about -- this is the</p> <p>24 end of Media Unit No. 1, deposition of Nicole Borromeo.</p> <p>25 We're off the record at 11:09.</p>
<p style="text-align: right;">Page 83</p> <p>1 Q Okay. If -- are you aware that the mayor of</p> <p>2 Skagway supported the continued district with Haines and</p> <p>3 Skagway and Downtown Juneau?</p> <p>4 A Yes.</p> <p>5 Q Are you aware that the assembly of the city and</p> <p>6 borough of Skagway unanimously -- unanimously supported</p> <p>7 the continuing -- continuing their relationship as</p> <p>8 between Skagway, Haines, and Downtown Juneau?</p> <p>9 A Yes.</p> <p>10 Q Are you aware that the city manager supported</p> <p>11 the linkage being in the same district between Skagway,</p> <p>12 Haines, and Downtown Juneau?</p> <p>13 A No. But if you tell me so, I will believe it.</p> <p>14 Q Okay. Subject to check, then you'll --</p> <p>15 A Yes.</p> <p>16 Q -- accept that? Okay. Okay.</p> <p>17 We went through Senator Begich, and we went</p> <p>18 through Senator Kline (as spoken), and they explained</p> <p>19 to the Board reasons why Skagway and Haines should be</p> <p>20 socio-economically integrated with Downtown Juneau;</p> <p>21 right?</p> <p>22 A Yes.</p> <p>23 Q And there were other maps that were offered,</p> <p>24 including the one by the Doyon group, and -- and that</p> <p>25 included -- that indicated that -- advanced maps that</p>	<p style="text-align: right;">Page 85</p> <p>1 (Off record.)</p> <p>2 THE VIDEOGRAPHER: On the record. This is the</p> <p>3 beginning of Media Unit No. 2, deposition of</p> <p>4 Nicole Borromeo. The time is 11:10.</p> <p>5 BY MR. BRENA:</p> <p>6 Q Are you ready to proceed, Ms. Borromeo?</p> <p>7 A Yes. Thank you.</p> <p>8 Q Now, on page 91, at the top he's saying, "The</p> <p>9 reason it's been given is that they both have cruise</p> <p>10 ships going to them. I mean, every place in Southeast</p> <p>11 has cruise ships going to it."</p> <p>12 Does the Valley have cruise ships going to it?</p> <p>13 A No.</p> <p>14 Q Okay. So the cruise ships going to it is a link</p> <p>15 between Skagway, Haines, and Downtown Juneau; correct?</p> <p>16 A Yes.</p> <p>17 Q Not a link between Skagway, Haines, and the</p> <p>18 Valley; correct?</p> <p>19 A Yes.</p> <p>20 Q Okay. Now -- now, Member Simpson goes on to</p> <p>21 explain the fact that "Downtown Juneau is a seat of</p> <p>22 government; state, federal, and municipal government is</p> <p>23 the anchor of the economy on the south end."</p> <p>24 Doesn't this suggest that Skagway and Haines</p> <p>25 would need to go to the seat of government if they had</p>

<p style="text-align: right;">Page 86</p> <p>1 political things to discuss rather than to the Valley?</p> <p>2 A If they were in Juneau, yes.</p> <p>3 Q Yes. Yeah. This is in the context of Skagway</p> <p>4 and Juneau.</p> <p>5 A Okay. Yes.</p> <p>6 Q Okay. So, yes. So the fact that Downtown</p> <p>7 Juneau is the seat of government, is a socio-economic</p> <p>8 factor that suggests linking Skagway and Haines to</p> <p>9 Downtown Juneau should be done; right?</p> <p>10 A Yes. It's a factor to consider.</p> <p>11 Q Okay. Not the fact that Downtown Juneau is a</p> <p>12 seat of government is not a reason to link Skagway and</p> <p>13 Haines with the Valley, is it?</p> <p>14 A Can you rephrase the question?</p> <p>15 Q Okay. The fact that Downtown Juneau is the seat</p> <p>16 of government --</p> <p>17 A Yes.</p> <p>18 Q -- suggests greater, not less socio-economic</p> <p>19 integration with Skagway and Haines; correct?</p> <p>20 A Yes.</p> <p>21 Q Now, he goes on to say -- he talks about the</p> <p>22 difference in the type of people that reside in these</p> <p>23 areas, white-collar versus blue-collar. Does that go to</p> <p>24 the similarity or dissimilarity of the areas, or does</p> <p>25 that go -- or does that go to the integration of the</p>	<p style="text-align: right;">Page 88</p> <p>1 community; right?</p> <p>2 MR. SINGER: Objection. Foundation.</p> <p>3 THE WITNESS: No. I think it also depends on</p> <p>4 the type of Alaskan that is traveling from those</p> <p>5 communities from Juneau.</p> <p>6 So, for example, if you have a tribal member</p> <p>7 from Haines and Klukwan that is going to Juneau, they</p> <p>8 may be going to receive services from Tlingit & Haida</p> <p>9 Indian Central Council, Tlingit & Haida Indian Tribes</p> <p>10 which is headquartered in the Valley, and that's</p> <p>11 primarily why and where they would be traveling to in</p> <p>12 Juneau.</p> <p>13 So it's hard to answer in -- in a way that</p> <p>14 would give a blanket response for the type of</p> <p>15 individual from Haines and Skagway that's accessing</p> <p>16 Juneau.</p> <p>17 BY MR. BRENA:</p> <p>18 Q Do you know whether or not the Tlingit & Haida</p> <p>19 community in the Valley is in District 3 or District 4?</p> <p>20 A They have offices and space in -- in both</p> <p>21 districts.</p> <p>22 Q Do you know where they're headquartered, in</p> <p>23 District 3 or District 4?</p> <p>24 A They're headquartered in --</p> <p>25 THE WITNESS: Can I actually see the map?</p>
<p style="text-align: right;">Page 87</p> <p>1 areas?</p> <p>2 A I didn't hear your first comparison.</p> <p>3 Q Okay.</p> <p>4 A Integration and what?</p> <p>5 Q Okay. Let me -- let me ask it this way.</p> <p>6 A Okay.</p> <p>7 Q Assuming that Member Simpson is correct that</p> <p>8 there's blue-collar workers in the Valley and</p> <p>9 white-collar workers in Downtown Juneau and there's also</p> <p>10 blue-collar workers in Skagway and Haines, then does</p> <p>11 that say anything at all about the socio-economic</p> <p>12 integration of those communities, or does that go to the</p> <p>13 similarity of those communities?</p> <p>14 A I would say the latter, similarity.</p> <p>15 Q Okay. Now, if everybody's blue-collar in Haines</p> <p>16 and Skagway, then where do they need to go for their</p> <p>17 professional services if not Downtown Juneau; right?</p> <p>18 A Yes.</p> <p>19 Q So with regard to professional services, not</p> <p>20 just commercial and shopping, but with regard to</p> <p>21 professional services, to the degree that his</p> <p>22 observation is correct, then the citizens of Skagway and</p> <p>23 Haines would have to go to Downtown Juneau in order to</p> <p>24 get legal, accounting, the technical services that you</p> <p>25 would expect to find in a white-collar service</p>	<p style="text-align: right;">Page 89</p> <p>1 Let me just verify before I give you an answer.</p> <p>2 MR. SINGER: This is the proclamation.</p> <p>3 THE WITNESS: Where's the blown-up version?</p> <p>4 MR. SINGER: It should be --</p> <p>5 THE WITNESS: Is it in there? Okay. Hold on.</p> <p>6 There we go.</p> <p>7 MR. BRENA: Can I ask what map you're looking</p> <p>8 at, Ms. Borroneo?</p> <p>9 MR. SINGER: The page number of the -- we're</p> <p>10 looking at the proclamation, and...</p> <p>11 MR. BRENA: Can we get it up?</p> <p>12 THE WITNESS: Do you see it? Am I using the</p> <p>13 wrong one?</p> <p>14 MR. SINGER: The camera is right there.</p> <p>15 THE WITNESS: The camera is right here.</p> <p>16 MR. SINGER: It's ARB22, is the Bates number.</p> <p>17 MR. STASER: For the record, this is Exhibit 7.</p> <p>18 MR. BRENA: Can we zoom in on -- on the Valley,</p> <p>19 please.</p> <p>20 THE WITNESS: Okay. What was your question,</p> <p>21 Mr. Brena?</p> <p>22 BY MR. BRENA:</p> <p>23 Q You mentioned people traveling, perhaps, from</p> <p>24 the Haines Native community. I assume you meant the</p> <p>25 Village Corporation of Klukwan, to -- to -- to the</p>

<p style="text-align: right;">Page 90</p> <p>1 Valley because there was -- because there was a Native 2 community headquarters in the Valley, and I asked you: 3 Is that Native community headquarters in District 3 or 4 4? 5 A On this map, it's in District 4. 6 I do want to add a clarification, though. 7 Tlingit & Haida doesn't serve village corporations. It 8 serves fairly recognized tribes, so it wouldn't be the 9 Village Corporation for Klukwan. It would be the tribe. 10 Q Yes. 11 A But, yes, on -- on the map, how it's broken 12 down, Tlingit & Haida's headquarters are going to be in 13 District 4. Where we're experiencing a little bit of, I 14 think, confusion, is I generally, and I think several 15 Alaskans, refer to anything kind of past Lemon Creek as 16 the Valley. 17 Q Well, and -- and one of the things that the 18 final map does is not only separate Skagway and Haines 19 from downtown and the airport, but it also splits the 20 Valley in half; right? 21 A Yes. 22 Q Okay. Now, do you know where the high school 23 is? 24 A Which one? 25 Q The one in the Valley.</p>	<p style="text-align: right;">Page 92</p> <p>1 MR. SINGER: Objection. Form. Argumentive. 2 BY MR. BRENA: 3 Q I mean, that's the way the math works; isn't it? 4 MR. SINGER: Objection. Form. Argumentive. 5 THE WITNESS: I would say that this is the final 6 map, that the Board did not disregard, which is we 7 weighed them and decided on what we considered to be a 8 better option. 9 MR. BRENA: Okay. 10 MR. SINGER: Counsel, we've been going about an 11 hour. Can we take a short break? 12 MR. BRENA: If I can, just finish a few more 13 questions in this line. 14 Ms. Borromeo, are you okay? 15 THE WITNESS: Yep. 16 BY MR. BRENA: 17 Q Okay. I'm really trying to -- my 18 characterization you pushed back on. I'm really trying 19 to get to how the numbers work. 20 A Okay. 21 Q If -- if -- if you -- if you want to connect the 22 Valley with Skagway and Haines, you've got to cut the 23 Valley in half. That's the way the numbers work; right? 24 A Yes. 25 MR. BRENA: Okay. Let's take a break.</p>
<p style="text-align: right;">Page 91</p> <p>1 A No, I do not. 2 Q Would you accept, subject to check, it's right 3 where the cursor is? 4 A I have two cursors on my screen. 5 Q Okay. 6 A I have a hand and then I have an arrow. 7 Q So, I mean, the way that this worked -- 8 A Okay. 9 Q -- in order to get -- in order to disregard 10 every public official or former legislator or current 11 legislator that spoke asking for continuing linkage 12 between Skagway and Haines and Downtown Juneau, in order 13 not to do that, if you add Skagway and Haines in, you 14 add roughly 1,000 people from Skagway; correct? 15 A Yes. 16 Q You add 2,000 people from Haines; right? 17 A Yes. 18 Q You add a couple hundred people from Gustavus; 19 right? 20 A Yes. 21 Q So the consequence of disregarding the 22 socio-economic connectedness between Skagway, Haines, 23 and Downtown Juneau is that you have to come up here in 24 the Valley and get 3,000 people out of the middle of the 25 Valley in order to make the numbers work; right?</p>	<p style="text-align: right;">Page 93</p> <p>1 THE VIDEOGRAPHER: We're going off the record at 2 11:21. 3 (Off record.) 4 THE VIDEOGRAPHER: On the record at 11:30. 5 MR. BRENA: I wanted to go to Exhibit 2, which 6 is November 4th on page 18. 7 Jake, if you could take us to page 18, please. 8 THE WITNESS: November 4th, Exhibit 2, page 18. 9 MR. BRENA: Yes. And you can zoom in on 10 Ms. Borromeo's comments starting on line 14, please, 11 Jake, towards the end of the page. 12 Let's see. We have a little bit of a technical 13 difficulty. Now I can't see you, Ms. Borromeo. Hold on 14 just a second, please. 15 BY MR. BRENA: 16 Q Do you see your comments, "this region still 17 gives me pause"? 18 A I do. 19 Q This is November 4th. 20 So first you point out that the coalition, 21 which includes the regional corporation in 22 Southeastern Alaska, Sealaska, supports and has 23 advanced maps to the Board's consideration that -- 24 that have Skagway, Haines, and Downtown Juneau; right? 25 A Right.</p>

<p>Page 94</p> <p>1 Q Okay. And then you go on to say, "taking the 2 residents of Juneau, that when we heard at public 3 hearing." 4 And let me ask you: Was there any testimony 5 that you recall of somebody suggesting splitting the 6 Valley in half? 7 A No. 8 Q Okay. The residents of Juneau, did they not, 9 wanted the Valley separated from downtown; right? 10 A Yes. 11 Q Okay. All right. So when you're talking about 12 "talking to the residents of Juneau when we held a 13 public hearing" -- so, now, we just talked about how the 14 numbers worked, that you could either split the Valley 15 in half; in order to separate Skagway, Haines, and 16 downtown, you had to split the Valley in half; correct? 17 A Yes. 18 Q Okay. Nobody suggested splitting the Valley in 19 half; right? 20 A I would have to go back and look at the maps and 21 all of the testimony. 22 Q Okay. But nobody comes to mind? That wasn't -- 23 A Nobody comes to mind right now, no. 24 Q That wasn't the theme of the testimony in your 25 memory of it; right?</p>	<p>Page 96</p> <p>1 Q Okay. Do you think -- I mean, I will represent 2 to you, if you'll accept subject to check, that with 3 regard to the Zoom meeting with the Board for the -- for 4 the public outreach with Skagway, that Kathy Hosford, 5 again, was the only Skagway resident that spoke about 6 Skagway and Haines being paired with the Valley. 7 Can you accept that, subject to check? 8 A Yes. 9 Q Okay. Now, but even Kathy Hosford, there was no 10 conversation of splitting the Valley in half in order to 11 obtain that. Well, okay, let me -- let me ask the 12 question differently. 13 You said the sentiment -- you were talking 14 about, "talking with the residents of Juneau when we 15 held the public hearing." 16 And those are the comments we've talked about; 17 right? 18 A Yes. 19 Q "And the sentiment that I got from the community 20 was that they really did want to be redistricted with 21 Haines and Skagway downtown"; right? 22 So this is your comment on what the Juneau 23 residents wanted; right? 24 A Yes. 25 Q Okay. Skagway requested a special meeting</p>
<p>Page 95</p> <p>1 A No. The testimony around this part of the state 2 centered on whether or not Haines and Skagway should be 3 districted with downtown, and the split that the 4 community of Juneau wanted didn't have to do with the 5 Valley. 6 Q Okay. So, I'm sorry, is it fair to say that the 7 majority of -- well, the vast majority of the people who 8 spoke to the issue suggested that the Valley be held 9 whole and separated from Downtown Juneau? 10 A Yes. 11 Q Okay. So people from Downtown Juneau didn't 12 want to split the Valley in half; right? 13 A Yes. 14 Q People from the Valley didn't want to split the 15 Valley in half; right? 16 A Yes. 17 Q People from Skagway didn't want you to split the 18 Valley in half; right? 19 A I don't know the answer to that, because like I 20 said before, I hadn't had the opportunity to review the 21 Skagway testimony as I would have liked. 22 Q Okay. 23 A They wanted to be -- I would say they wanted to 24 be districted with downtown. I don't know what they 25 wanted for the Valley.</p>	<p>Page 97</p> <p>1 and -- and took the position that they would like to be 2 districted with downtown; right? 3 A Yes. 4 Q Okay. And so -- and you say, "The weight of the 5 testimony -- starting on line 7 -- "The weight of the 6 testimony, in my mind, weighs in favor of keeping Haines 7 and Skagway, who are currently districted with Downtown 8 Juneau, in the Downtown Juneau district"; right? That 9 was -- 10 A Yes. 11 Q Okay. And then you -- you pointed out that 12 Senator Begich gave several socio-economic examples, 13 that -- that you cited that as a reason for your 14 position; right? 15 A Yes. 16 Q Trade routes, booming cruise ship industries, 17 and -- and what they share in common; right? 18 A Yes. 19 Q Okay. Now, at any point did the Board put out 20 there that in order to integrate Skagway and Haines with 21 the Valley, that that would mean splitting the Valley in 22 half? Was that -- was that tradeoff ever discussed with 23 the citizens of Juneau, Skagway, or Haines? 24 A Yes. 25 Q Okay. Well, that tradeoff wasn't -- wasn't</p>

<p>Page 98</p> <p>1 apparent until they tried to draft the final version of 2 Southeastern; right? 3 A No. 4 Q Okay. So did you hear any testimony from 5 anybody on the topic of splitting the Valley in half? 6 A Not to the specific point of splitting the 7 Valley in half, I did not hear testimony to. What I did 8 hear testimony to was whether or not the residents of 9 the region preferred Board Version 3, which had always 10 districted Haines and Skagway with downtown, or 11 Version 4, which I drafted and put those communities -- 12 I'm sorry -- Version 3 put them in the Valley, my 13 version put them downtown. 14 So there was opportunity to review those 15 options in Haines, Juneau, and through several other 16 parts of the region, but I didn't particularly 17 engage -- I didn't have any specific conversations 18 about are we going to split the Valley in half. It 19 was in part of a larger context of where should these 20 communities be districted. 21 MR. BRENA: Would you agree -- can we get 22 the -- the final? 23 MR. STASER: Do you want the 2021 final? 24 MR. BRENA: Yeah. The current final. The 2021 25 final zoomed up on the Valley.</p>	<p>Page 100</p> <p>1 A Okay. 2 Q -- which is presumed to be socio-economically 3 integrated, you still have to take into consideration 4 socio-economic factors; right? 5 MR. SINGER: Objection. Misstates the law. 6 MR. BRENA: But my question didn't go to -- my 7 question didn't go to whether or not the law requires 8 them. 9 BY MR. BRENA: 10 Q I was asking your opinion for socio-economic 11 integration, wouldn't you agree that the people on the 12 left side of the Valley are more socio-economically 13 integrated with the people on the right side of the 14 Valley than they are with Skagway and Haines? 15 THE WITNESS: I can't hear him. 16 MR. BRENA: You can't hear me? 17 MR. SINGER: Sorry. We had a little glitch. 18 Can you ask the question again? It got interrupted. 19 BY MR. BRENA: 20 Q Okay. Wouldn't you agree that the people on the 21 left side of the Valley of Riverside Drive -- 22 A Okay. 23 Q -- are more socio-economically integrated with 24 the people on the right side of Riverside Drive than 25 they are with Skagway and Haines?</p>
<p>Page 99</p> <p>1 And I won't go through each school district, 2 or -- although I'd like to. I'm afraid. 3 THE WITNESS: Well, that's why I actually 4 approached this -- 5 MR. BRENA: Yeah, yeah. 6 THE WITNESS: -- the school districts. 7 MR. BRENA: Okay. So can we zoom in more in the 8 Valley, Jake? Okay. All right. 9 BY MR. BRENA: 10 Q Okay. Do you know what the road is that 11 separates the Valley in half that they used? 12 A I believe it's -- no, I don't. I can guess, but 13 no. 14 Q Would Riverside be your guess? 15 A Yes. 16 Q Okay. Now, is there any socio-econ- -- do you 17 believe that the people on the left side of the Valley 18 are socially integrated more with the people on the 19 right side of the Valley than they are with the people 20 of Skagway and Haines? 21 A Because they're in a borough, they are presumed 22 to be socio-economically integrated for the city and 23 borough of Juneau. 24 Q My question presumed to be, even when you draw 25 lines, district lines through a borough --</p>	<p>Page 101</p> <p>1 MR. SINGER: Objection. Form. 2 THE WITNESS: Meaning the people on the left 3 side of Riverside Drive are more -- which -- which? The 4 people on the left or the right? 5 BY MR. BRENA: 6 Q The people on the left side of Riverside Drive 7 are more socio-economically integrated with the people 8 in the Valley on the right side of Riverside Drive than 9 they are with the residents of Skagway and Haines and 10 Gustavus. 11 Would you agree to that? 12 A Yes. 13 Q Okay. So would you agree that -- that just 14 looking at socio-economic factors, that -- that Skagway 15 and Haines are more socio-economically integrated with 16 District 4, Downtown Juneau, than they are of 17 Mendenhall Valley? 18 A When I consider Juneau, I consider it as a 19 whole, so I think that Haines and Skagway are 20 socio-economically integrated with Juneau as a whole. I 21 didn't get into that level of analysis because Juneau is 22 in a borough. 23 Q Okay. But the whole point is here, Skagway and 24 Haines aren't in that borough; right? 25 A Right.</p>

<p style="text-align: right;">Page 102</p> <p>1 Q Okay. So we're figuring out -- I'm just looking 2 at socio-economic integration. 3 A Okay. 4 Q Okay. Isn't it true that Skagway and Haines, in 5 your judgment, are better socio-economically integrated 6 with downtown than the left half of the Mendenhall 7 Valley? 8 A No. 9 Q You don't think so? Why not? 10 A Because, again, I think of Juneau as a whole 11 community, not its neighborhoods. 12 Q Okay. But I'm asking you a question about the 13 neighborhoods; right? 14 A Right. 15 Q You distinguished in Muldoon between residential 16 and commercial neighborhoods within Anchorage; right? 17 A Right. 18 Q Okay. So I'm asking you that type of question 19 with regard to Juneau. 20 Isn't it true that the residents of Skagway 21 and Haines are more socio-economically integrated with 22 District 4 with Downtown Juneau than they are with the 23 left half of the Mendenhall Valley? 24 MR. SINGER: Objection. Asked and answered. 25 This is the third time the question's been asked.</p>	<p style="text-align: right;">Page 104</p> <p>1 You distinguished different districts within the 2 Municipality of Anchorage on socio-economic factors. 3 Okay. What I'm asking you to do is to do that here. 4 A But you're asking me to compare apples to 5 oranges, because when I was focused on Anchorage, I was 6 dealing with one municipal boundary for the borough. 7 Here, we're dealing with two different boroughs and 8 combining them together to form districts. 9 Q Okay. 10 A So it's not the same analysis and comparison. 11 Q Ms. Borromeo, the Board had, and we've gone 12 through it -- 13 A Right. 14 Q -- a whole conversation about whether Skagway 15 was greater socio-economically integrated with the left 16 side of the Valley or with downtown; correct? 17 A Correct. Yes. 18 Q In deciding in where to draw the line, the Board 19 went through the whole conversation; right? 20 A Yes. 21 Q Okay. The Board took testimony, extensively, on 22 whether Skagway and Haines was more socio-economically 23 integrated with downtown or the left side of the Valley; 24 right? 25 A Yes.</p>
<p style="text-align: right;">Page 103</p> <p>1 You're free to answer it the same way. You 2 don't have to give him a different answer just because 3 he asks the question. 4 MR. BRENA: Please don't coach the witness. 5 MR. SINGER: Well, you're not -- you're wasting 6 time by asking the same question four times just because 7 you don't like -- 8 MR. BRENA: No. She is rejecting the premise, 9 and I'm asking her to accept the -- 10 MR. SINGER: She doesn't have to accept your 11 premise. She -- 12 MR. BRENA: Mr. Singer. 13 MR. SINGER: Go ahead. 14 MR. BRENA: Please keep your talking objections 15 to nil. 16 BY MR. BRENA: 17 Q Okay. Ms. Borromeo. 18 A The answer is still "no." 19 Q Because you look at the borough as one 20 socio-economic unit? 21 A Yes. 22 Q Okay. That's not how you looked at Muldoon, 23 Ms. Borromeo. You -- 24 A That's -- 25 Q -- compared the residential from the commercial.</p>	<p style="text-align: right;">Page 105</p> <p>1 Q Okay. So please answer the question -- 2 A Okay. 3 Q -- of whether you feel that Skagway and Haines 4 are more socio-economically integrated with downtown or 5 the left half of Mendenhall Valley? 6 MR. SINGER: Objection. Asked and answered. 7 THE WITNESS: I don't know how I can answer that 8 differently than I already have. 9 BY MR. BRENA: 10 Q You can simply say whether you think it's 11 greater socio-economically integrated with the left-hand 12 side of the Valley or with downtown. 13 Is Skagway and Haines more socio-economically 14 integrated with Downtown Juneau and -- or with the 15 left-hand side of the Mendenhall Valley? 16 MR. SINGER: Objection. Form. Asked and 17 answered. 18 THE WITNESS: Skagway and Haines are 19 socio-economically integrated with all of Juneau. 20 BY MR. BRENA: 21 Q Ms. Borromeo, I'm asking you -- we have two 22 House districts here. 23 A Yes. 24 Q Okay. And you take into consideration 25 socio-economic factors in determining whether people</p>

<p style="text-align: right;">Page 106</p> <p>1 work together, live together, and play together; right?</p> <p>2 A Yes.</p> <p>3 Q And you do that in forming your House districts;</p> <p>4 right?</p> <p>5 A Yes.</p> <p>6 Q And you did that in every House district in the</p> <p>7 state; right?</p> <p>8 A Yes.</p> <p>9 Q Okay. So does Skagway and Haines -- are they</p> <p>10 more socio-economically integrated with District 4 or</p> <p>11 District 3 that includes the left half of</p> <p>12 Mendenhall Valley?</p> <p>13 A Haines and Skagway have ties to each district.</p> <p>14 That's -- that's -- that's a subjective answer.</p> <p>15 Q Ms. Borromeo, I'm aware of that.</p> <p>16 MR. SINGER: Let the witness finish. Let the</p> <p>17 witness finish.</p> <p>18 BY MR. BRENA:</p> <p>19 Q Oh, I'm sorry. Were you not done?</p> <p>20 A No. I wasn't done.</p> <p>21 I'm not trying to be difficult, and I'm trying</p> <p>22 to -- to help move us on from this.</p> <p>23 Do -- do Haines and Skagway believe that they</p> <p>24 have a stronger socio-economic connection to</p> <p>25 District 4 than District 3? I think the answer to</p>	<p style="text-align: right;">Page 108</p> <p>1 Kathy Hosford. Every bit of the other testimony</p> <p>2 suggested that they be -- that Skagway and Haines be</p> <p>3 linked to downtown.</p> <p>4 Is that false?</p> <p>5 A Yes, it is false. For example, when we were in</p> <p>6 the community of Haines, this is something that I asked</p> <p>7 everybody who came to give us feedback on. This was</p> <p>8 very early on in our travels. And they said they didn't</p> <p>9 really have a strong preference, that they weren't</p> <p>10 willing to put anything on the record, that maybe they</p> <p>11 would turn in written comments later. Their other</p> <p>12 suggestion at the time was not to be districted with</p> <p>13 Juneau at all, that Haines and Skagway just wanted its</p> <p>14 own district separate from Juneau. There was also talk</p> <p>15 that I heard third-hand hearsay that Skagway wanted that</p> <p>16 as well. But of course we can't just district Haines</p> <p>17 and Skagway by themselves because we needed to get to</p> <p>18 the ideal district target of 18,335.</p> <p>19 Q Let me -- is everything you just said not in the</p> <p>20 record?</p> <p>21 A I don't know.</p> <p>22 Q We're talking about the --</p> <p>23 MR. SINGER: Objection. Form.</p> <p>24 BY MR. BRENA:</p> <p>25 Q -- on-the-record conversations you had.</p>
<p style="text-align: right;">Page 107</p> <p>1 that is "yes."</p> <p>2 Do I believe, personally, that they have a</p> <p>3 stronger connection or did the Board? What are you</p> <p>4 asking?</p> <p>5 Q Did you personally believe that Skagway and</p> <p>6 Haines have -- have a greater socio-economic integration</p> <p>7 with Downtown Juneau in District 4 than District -- than</p> <p>8 -- than the left half of Mendenhall?</p> <p>9 A Yes. I think they had a strong connection to 4,</p> <p>10 stronger than 3, which is why I presented it that way in</p> <p>11 draft form for the public to react to. I did not</p> <p>12 believe, though, that they had no socio-economic</p> <p>13 connection to 3. I believe --</p> <p>14 Q I understand.</p> <p>15 A -- that that was -- that was always going to be</p> <p>16 a tough question. I thought it could go either way</p> <p>17 then. I still think it could go either way now.</p> <p>18 Q Okay. In deciding which way it goes, do you</p> <p>19 think you should lead -- listen to the community leaders</p> <p>20 if it's a close call?</p> <p>21 A Yes.</p> <p>22 Q I mean -- I mean, literally, the only feedback</p> <p>23 that you guys got that suggested this pairing, was from</p> <p>24 someone that wasn't aware that it would split the Valley</p> <p>25 in half, and it was a single person in Skagway, i.e.,</p>	<p style="text-align: right;">Page 109</p> <p>1 Is there -- is there any evidence in the</p> <p>2 record of anything you just said?</p> <p>3 A Yes. If you look at the Haines transcripts, I</p> <p>4 don't believe that anybody gave public testimony there.</p> <p>5 I don't know if they sent in material. I think that</p> <p>6 would be evidence that -- that it didn't happen.</p> <p>7 Q Let me ask it this way.</p> <p>8 A Okay.</p> <p>9 Q Let's just stay with your memory.</p> <p>10 Okay?</p> <p>11 A Okay.</p> <p>12 Q Did anybody from Haines say, "Pair us with the</p> <p>13 left side of the Mendenhall Valley"?</p> <p>14 A No.</p> <p>15 Q Okay. So when they were talking about</p> <p>16 continuing to be paired, they were talking about going</p> <p>17 with an all rural district or being paired with Juneau</p> <p>18 at all; right?</p> <p>19 A Right.</p> <p>20 Q Okay. When they were talking about continuing</p> <p>21 the pairing with Juneau, they were talking about</p> <p>22 continuing the pairing with Juneau with Downtown Juneau;</p> <p>23 correct?</p> <p>24 A Incorrect.</p> <p>25 Q Okay. So they discussed it both ways?</p>

<p style="text-align: right;">Page 110</p> <p>1 A Yes.</p> <p>2 Q Did anybody from Haines, to your memory, ever</p> <p>3 express a preference for them to be linked with the left</p> <p>4 half of the Mendenhall Valley instead of with</p> <p>5 Downtown Juneau?</p> <p>6 A No.</p> <p>7 MR. BRENA: All right. Let's see here. How are</p> <p>8 we doing on time? It's 11:54. I'm about to go into a</p> <p>9 whole new topic. Want to take a lunch break?</p> <p>10 MR. SINGER: We have -- we have lunch coming at</p> <p>11 12:15. Why don't we, if we could, go another</p> <p>12 20 minutes, just so we're not waiting around.</p> <p>13 MR. BRENA: Okay. It would have been nice to</p> <p>14 know that in advance, but I'll go ahead, and give me</p> <p>15 just a minute off the record.</p> <p>16 THE VIDEOGRAPHER: Off the record at 11:55.</p> <p>17 (Off record.)</p> <p>18 THE VIDEOGRAPHER: On the record at 11:55.</p> <p>19 MR. BRENA: 99. So I'd like to go to 99 at</p> <p>20 page 77 and 78, please.</p> <p>21 THE WITNESS: What exhibit number is that?</p> <p>22 MR. BRENA: September 9th, Jake.</p> <p>23 MR. STASER: Randy, can you tell us what we</p> <p>24 marked that exhibit as today?</p> <p>25 THE VIDEOGRAPHER: Yeah. Actually, that was 31.</p>	<p style="text-align: right;">Page 112</p> <p>1 A Version 1, v.1.</p> <p>2 Q Okay. You've become muddled for some reason as</p> <p>3 well.</p> <p>4 MR. SINGER: We were -- sorry. I was trying to</p> <p>5 get a copy, a paper copy in front of her of the same</p> <p>6 document and --</p> <p>7 MR. BRENA: Okay.</p> <p>8 MR. SINGER: -- we were shuffling notebooks.</p> <p>9 MR. BRENA: All right.</p> <p>10 BY MR. BRENA:</p> <p>11 Q Okay. So, v.1, and -- and then you said, "We</p> <p>12 started this version of the draft plan with your</p> <p>13 suggestion that the Fairbanks North Star Borough remains</p> <p>14 intact."</p> <p>15 Do you see that statement?</p> <p>16 A Yes.</p> <p>17 Q Okay. Now, the "your" in there is Chairman</p> <p>18 Binkley?</p> <p>19 A Yes.</p> <p>20 Q Okay. So can you tell me, what was Chairman</p> <p>21 Binkley's position at this point with regard to the</p> <p>22 Fairbanks North Star Borough?</p> <p>23 A That it should remain intact.</p> <p>24 Q That the Borough boundaries should remain</p> <p>25 completely intact?</p>
<p style="text-align: right;">Page 111</p> <p>1 THE WITNESS: 31.</p> <p>2 MR. BRENA: I'm sorry. What was it, Randy?</p> <p>3 THE VIDEOGRAPHER: Exhibit 31.</p> <p>4 MR. BRENA: 31, September 9th.</p> <p>5 You're coming across muddled, Randy. I'm not</p> <p>6 sure why.</p> <p>7 THE WITNESS: 31, 9, September 9th. That's what</p> <p>8 he's going to ask me about. It's in here. 31. 31.</p> <p>9 Number 9.</p> <p>10 MR. SINGER: No. Hold on a second. We have</p> <p>11 these tabs. September...</p> <p>12 THE WITNESS: It's all right. Let me just look</p> <p>13 at the screen. I'll just get closer.</p> <p>14 MR. BRENA: Okay. I'd like to, Jake, take a</p> <p>15 look at the bottom of 77 and the top of 78. Okay.</p> <p>16 BY MR. BRENA:</p> <p>17 Q Ms. Borromeo, do you need to familiarize</p> <p>18 yourself with the context of this, of your comment?</p> <p>19 A Nope.</p> <p>20 Q You're ready to go?</p> <p>21 A Yep.</p> <p>22 Q Okay. All right. So you're speaking against a</p> <p>23 plan. Which plan were you speaking against?</p> <p>24 A v.1.</p> <p>25 Q I'm sorry. I...</p>	<p style="text-align: right;">Page 113</p> <p>1 A Yes.</p> <p>2 Q Okay. And -- and do you have in mind when he</p> <p>3 changed that position?</p> <p>4 A Yes.</p> <p>5 Q When did he change that position?</p> <p>6 A The week of November 4th.</p> <p>7 Q Okay. And do you know why he changed that</p> <p>8 position?</p> <p>9 A Because I presented a strong argument and legal</p> <p>10 grounds, and he --</p> <p>11 Q Okay.</p> <p>12 A -- didn't want to get sued like I didn't want to</p> <p>13 get sued.</p> <p>14 Q Okay. So what were your grounds? What were</p> <p>15 your legal grounds? What was your argument?</p> <p>16 A That by keeping the borough boundaries intact,</p> <p>17 it would overpopulate those districts by 4,000 Alaskans.</p> <p>18 The deviations would be unacceptable, that other draft</p> <p>19 plans would be able to show that they could have drafted</p> <p>20 that part of the state where the populations would have</p> <p>21 been as close as practicable to the ideal target</p> <p>22 population, and that it would, therefore, violate the</p> <p>23 "one person, one vote" principle and land us in</p> <p>24 litigation.</p> <p>25 Q Okay. And you said, "with the highest</p>

<p style="text-align: right;">Page 114</p> <p>1 deviations yet, that we have populated on the map." 2 A Correct. 3 Q Would you tell me what you're talking about 4 there, please. 5 A At that time, if memory serves, all of John's 6 deviations were around 4.5 to 4.75 percent for the 7 borough. 8 Q So in his efforts to keep the Fairbanks Borough 9 boundaries completely intact, he was advancing maps that 10 had the highest deviations of any that were being 11 considered by the Board? 12 A Yes. 13 Q Okay. And, now, at page 79, line 2, there's a 14 conversation about time constraints. 15 A Yes. 16 Q What time constraints were you referring to? 17 A The constitutional constraints regarding when we 18 published a draft plan within the 30 days from receiving 19 the census data. 20 Q Okay. So at this point you were trying to get 21 out -- you were trying to adopt a proposed plan within 22 the 30-day period provided to the constitution; right? 23 A Yes. Yes. 24 Q Okay. And so that was the time constraint that 25 was -- that was -- that was -- that was on -- that was</p>	<p style="text-align: right;">Page 116</p> <p>1 looking at, because it looks like you've -- you've moved 2 to a different page. 3 THE WITNESS: Well, I'm -- I'm flipping through 4 the transcript, so... 5 Sorry. I'll wait for you to ask me questions. 6 BY MR. BRENA: 7 Q Okay. Well, what greater context are you 8 talking about? 9 A Thank you, Mr. Brena, for that question. 10 Q You're welcome. 11 A The exercise that John was trying to do at this 12 point that I was happy to proceed with on an 13 exercise-basis, was to see if we could draw a draft plan 14 that preserved all of the boundaries of the boroughs, 15 and we started with his home borough of Fairbanks North 16 Star. And I said, "Okay. You know, let's -- let's just 17 game this out to see how far it gets"; right? 18 Well, within an hour or two we were already 19 considering breaking the Mat-Su Borough and the 20 Municipality of Anchorage. And that's when his 21 exercise, in my mind, ended, because he wanted to 22 preserve some borough boundaries but not all. And for 23 his borough, his home borough to be overpopulated by 24 20 percent, Mat-Su to be underpopulated by 20 percent, 25 Anchorage to be underpopulated by 20 percent, it didn't</p>
<p style="text-align: right;">Page 115</p> <p>1 on the conversation? 2 A Yes. 3 Q Okay. All right. Now, on page 80, Chairman 4 Binkley says on line 22 -- on page 80 on line 22, he 5 says, "And I appreciate your willingness to support 6 keeping the Fairbanks North Star Borough intact as one 7 socio-economic integrated area." 8 Do you see that? 9 A Yes. 10 Q He's thanking you for supporting keeping the 11 Fairbanks Borough completely intact? 12 A Yes. 13 Q Okay. Now, it's obvious from the get-go, wasn't 14 it, that Fairbanks was overpopulated by 4,000 people? 15 A Painfully obvious. 16 Q Okay. But here is the chairman thanking you for 17 your willingness to continue to support keeping that 18 borough intact, as you draw -- as you drew district 19 maps; correct? 20 A Yes. But you have to read that part of the 21 transcript in the greater context. 22 Q Okay. 23 THE WITNESS: And should I just go into what the 24 greater context is, or do I wait for him -- 25 MR. SINGER: It just depends on what you're</p>	<p style="text-align: right;">Page 117</p> <p>1 make sense to me then and it doesn't make sense to me 2 now, that you would not break the borough boundary for 3 Fairbanks North Star but you would break the borough 4 boundary between the Mat-Su Borough and the Municipality 5 of Anchorage. 6 So I never intended for John's exercise in 7 borough boundaries to become Version 1, which is why I 8 worked through lunch drafting Version 2 just to show 9 that you could preserve those boundaries, that we 10 didn't have to cherry-pick which boundaries were more 11 important than others. 12 Q It would be fundamentally wrong to the task of 13 the Board to protect the boundaries of Fairbanks to a 14 greater degree than the borough boundaries for other 15 boroughs; correct? 16 A Correct. 17 MR. BRENA: I'm going to ask that we take a 18 break there. I went through that segment to try to 19 accommodate you as best I could, Mr. Singer. Can we 20 have our lunch break now, please? 21 MR. SINGER: Okay. 22 MR. BRENA: Okay. Thank you, Ms. Borromeo. 23 THE VIDEOGRAPHER: We'll go off the record at 24 12:05. 25 (Off record.)</p>

<p style="text-align: right;">Page 118</p> <p>1 THE VIDEOGRAPHER: On the record at 12:53. 2 THE WITNESS: Did somebody turn up the heat? 3 No. Down. Yeah. Up, down, all around. 4 I can't hear him if he's speaking. 5 MR. BRENA: I just went off. Can you hear me 6 now? 7 THE WITNESS: Oh, okay. I can hear you now. 8 Yes. Thank you. Welcome back. 9 MR. BRENA: Can you zoom in on it? 10 Randy, whenever we're on record. I'm ready. 11 THE VIDEOGRAPHER: I'm sorry. Yes. We're on 12 the record. 13 MR. BRENA: Oh, we are? Okay. I'm sorry. 14 THE VIDEOGRAPHER: That's okay. We can't hear 15 you now, though. 16 THE WITNESS: Can you hear me? 17 MR. BRENA: Yes. 18 THE VIDEOGRAPHER: I can hear you. Yeah. Okay. 19 Yeah. We're on the record at 12:54. Go ahead. 20 BY MR. BRENA: 21 Q Okay. Ms. Borromeo, good afternoon. 22 A Good afternoon. 23 Q I wanted to talk about the horseshoe district 24 with you. 25 A Would that be 36?</p>	<p style="text-align: right;">Page 120</p> <p>1 there are eight different mathematical ways to measure 2 compactness. Did you apply any of them to District 36? 3 A I don't know which eight variables you're 4 referring to. 5 Q Okay. Let me ask you it in the reverse, then. 6 What measures, if any, of compactness did the 7 Board apply before adopting District 36? 8 A Again, we looked at the district -- district's 9 water tributaries, mountain ranges, regions from an 10 Alaska Native perspective. Those were the type of 11 things that I remember considering. I can't speak to 12 the entire board. 13 Q Do you think -- okay. Did you use any objective 14 measure of compactness before the Board voted to adopt 15 House District 36? 16 A Can you define "objective measure of 17 compactness"? 18 Q One measure of compactness, for example, is to 19 measure the perimeter of the district. That's a 20 mathematical calculation that you apply to the 21 perimeter. Did you apply that mathematical measure of 22 compactness to House District 36? 23 A No. 24 Q Did you apply any objective in any of the 25 objective measures for determining compactness to House</p>
<p style="text-align: right;">Page 119</p> <p>1 Q Yes. 2 And just for the record, we're looking at the 3 final map; correct? 4 A Yes. 5 Q -- Ms. Borromeo? 6 A Yes. 7 Q Okay. So what does "compactness" mean to you? 8 A That a district should be as -- as tight as 9 possible, not have a lot of strange appendages that 10 seek -- that protrude out from the district, that the 11 boundaries can be explained through either geographical 12 features or other clearly ident- -- identifiable means. 13 That's what it means. 14 Q District 36 looks like it's about the size of 15 California. Does that seem about right to you? 16 A It's a large geographical area. That does not 17 mean that it's not compact. And I don't know what it 18 relates to on the Lower 48 map, but if you have evidence 19 of that, I will stipulate to it. 20 Q Oh, no. I was just asking for your eyeball. 21 I'm not asking you to rely on me for that. 22 Do you know how many square miles it is? 23 A I do not. No, I don't. 24 Q When you made the determination of compactness 25 as it applies to District 36, my understanding is that</p>	<p style="text-align: right;">Page 121</p> <p>1 District 36? 2 A Is it possible for you to run through the other 3 seven just like you did for the perimeter? 4 Q Oh, well, if I could, I think I'd be teaching at 5 MIT instead of -- instead of cross-examining here. 6 The Supreme Court has measured, has commented, 7 and I know several of your comments reflected knowledge 8 and information as to the authority, but in that 9 authority they comment on the different measures, not 10 specifically, but they say how many there are. 11 A Okay. I don't -- 12 Q So -- 13 A -- recall which ones they are. 14 Q -- so -- so let me ask it this way. 15 A Okay. 16 Q Did the Board apply any objective measure, 17 mathematically calculable, measure to determine the 18 compactness of House District 36? 19 A If you're referring to square footage or any 20 other measure of mileage, we did not. But, again, what 21 falls into the bailiwick of other objective -- objective 22 measures, I don't know how to define that term or how 23 you're defining it. So I'm not comfortable answering 24 that part, but I will tell you we did not measure the 25 square mileage of 36.</p>

<p style="text-align: right;">Page 122</p> <p>1 Q Okay. So allow me to define objectiveness as 2 something that can be mathematically calculated. 3 A Okay. 4 Q Did the Board apply any objective measure, 5 meaning mathematically calculated measurement of 6 compactness with House District 36? 7 A No. 8 Q Did it do it with any House district? 9 A No. 10 Q Okay. Now -- now, when I look at 36, I grew -- 11 I grew up in Skagway, and when I grew up in Skagway, 12 there wasn't a road out of Skagway, okay, to take you 13 back. 14 Now, there's a big difference in communities 15 with roads and without roads, isn't there? 16 A Yes. 17 Q Okay. What's the difference? I mean, 18 socio-economically, culturally, what's the difference 19 between -- why did you agree with me that there was a 20 difference, and what difference were you referring to in 21 agreeing with me? 22 A So I agree up in District 36 in McGrath. Bush 23 communities, that's what the Interior sort of refers to, 24 off-road system communities. They don't have access to 25 the type of industry that on-road system -- industry and</p>	<p style="text-align: right;">Page 124</p> <p>1 right? 2 A Yes. 3 Q Okay. Now -- now, historically and 4 traditionally, whether or not a community is -- is -- is 5 a rural community, meaning off the road system or is on 6 the road system, has a different set of socio-economic 7 drivers associated with analysis; right? 8 A This is where I go back to it's a yes-and-no 9 question for me, because it depends on the region too. 10 Q Okay. Well, explain the "yes" part first. 11 A Okay. 12 Q So -- so explain to me why rural communities, 13 meaning communities that are off the main road systems, 14 have different socio-economic drivers from communities 15 that are on road systems. 16 A It goes back to what I previously said about 17 access to different types of services and industries 18 that are more challenging to access than those that are 19 on the road system. 20 Q Okay. And so what does that mean in terms of -- 21 why does that matter in Alaska? 22 A In what context? I mean, in terms of people 23 that grew up in the Bush are just a little tougher than 24 those who grew up in Anchorage, Fairbanks, and Juneau, 25 and more resourceful, and -- or does -- I need some</p>
<p style="text-align: right;">Page 123</p> <p>1 conveniences that on-road system communities typically 2 do. So we can't just hop in our car and drive to the 3 local Fred Meyer or go through the McDonalds drive-thru. 4 If there's a part broken, we can't pop into NAPA. It's 5 a huge exercise to be able to access those types of 6 stores and others. 7 Q So you'd agree that -- that if a -- if a 8 community is on the road system, that it has different 9 types of socio-economic drivers than a community that's 10 off the road system in Alaska; is that fair? 11 A I'm trying to figure out how to answer that. 12 It's a yes-and-no question for me. 13 Q Let me try it this way, then... 14 A Okay. 15 Q Okay. When you say rural Alaska, you mean 16 communities that are off-road, off the main roads? 17 A That is what I mean, yes. 18 Q Okay. So when I look at 36, about a portion of 19 it, a significant portion of it is on the road system, 20 yes? 21 A Yes. 22 Q And a significant -- about, well, maybe a third 23 of it is on the road system? 24 A Somewhere in there, yes. 25 Q And two-thirds of it is off the road system;</p>	<p style="text-align: right;">Page 125</p> <p>1 context for that. 2 Q Okay. All right. Well, the context is the 3 socio-economic drivers that the Board is obligated to 4 take into consideration; right? 5 A Mm-hmm. 6 Q Okay. Within the context of those main 7 socio-economic drivers, I mean, let's compare rural 8 Alaska with -- with the Alaska that's on the road 9 system. 10 A Okay. 11 Q Okay. Are there differences in the way that the 12 schools are often funded? 13 A It depends on the school district, and -- and, 14 again, it -- it depends on the region. But as I view 15 our state, we are an oil and gas driven state, so 16 there's not one region of the state that does not depend 17 on the oil and gas industry to fuel our economy. So 18 we're all socio-economically integrated that way. 19 Now, some school districts have it easier than 20 others, if they're able to benefit from real property 21 taxes associated with the oil industry. But overall, 22 our primary economy in Alaska is oil and gas, and then 23 certain regions have different secondary, I would say, 24 economic drivers, like fishing, for example, or tourism. 25 Q All right.</p>

<p style="text-align: right;">Page 126</p> <p>1 THE WITNESS: I don't know if I'm answering his 2 question right. 3 MR. SINGER: If you don't understand the 4 question, you can just ask him -- 5 THE WITNESS: Oh, did -- did I answer that 6 right? 7 BY MR. BRENA: 8 Q Well, "right" would be -- would be your 9 judgment. Whether -- 10 A Okay. 11 Q -- you answered it, perhaps you could ask my 12 opinion. 13 A Okay. 14 Q But all -- all I'm really trying to do, I mean, 15 you know that -- I mean, you just testified for 16 Congress -- before Congress about -- about the 17 differences between rural Alaska, Bush, rural Alaska 18 and -- and the main communities in Alaska, did you not? 19 A I did. 20 Q Okay. And -- and rather dramatic testimony, I 21 might add, and pointing out the many differences and 22 hardships that -- that -- that many of the communities, 23 many of the Native communities that live off the road 24 system have to endure in order to try to get equal 25 representations.</p>	<p style="text-align: right;">Page 128</p> <p>1 with Bethel? There are other factors to consider that 2 would prohibit that, such as compactness and contiguity. 3 Q Okay. Well, let's -- I'm just talking about 4 socio-economic factors. I -- 5 A Okay. 6 Q -- tried to talk about compactness. So every- 7 -- we'll talk about connectedness in a minute. 8 A Okay. 9 Q But, so Holy Cross and Copper River. 10 A Yes. 11 Q Or Holy Cross and Glennallen. 12 A Yes. 13 Q Okay. Do you consider those socio-economically 14 integrated communities? 15 A I do. 16 Q Okay. How would you go from Holy Cross to 17 Glennallen? 18 A You would... 19 Q By land route. Let's start there first. 20 A By what? 21 Q By land. How would you go from Holy Cross to 22 Glennallen by land? 23 A I'm not as familiar with the Yukon as I am the 24 Kuskokwim. So I don't know, for example, if you can 25 take the Yukon River south and then hook up with Tanana</p>
<p style="text-align: right;">Page 127</p> <p>1 Did I read your testimony, that part of it, at 2 least, roughly correctly? 3 A Yes. I would say it was brilliant, not 4 dramatic, but you said my testimony correctly. 5 Q Okay. So what I'm -- what I'm just exploring 6 is, I'm looking at House District 36... 7 A Yes. 8 Q And I see part of it on the road system, part of 9 it not on the road system; right? 10 A Right. 11 Q Okay. But there's dramatic differences between 12 communities on the road system and off the road system, 13 aren't there? 14 A Not in the Interior in the Ahtna region. 15 Q Well, okay. Not in the Interior in the Ahtna 16 region. Okay. Let's take Glennallen. 17 A Okay. 18 Q Okay. Does Glennallen, is that 19 socio-economically integrated with one of the Native 20 villages in the KY Delta (as spoken)? 21 A If we go back to my earlier premise that the 22 whole entire state is connected through the oil and gas 23 industry, I would say "yes." 24 Is -- is Glennallen socio-economically 25 integrated to the degree that it should be districted</p>	<p style="text-align: right;">Page 129</p> <p>1 or Chena to get to Fairbanks and then drive to 2 Glennallen. 3 But how I would get there if I lived in Holy 4 Cross, is I would charter a plane to Fairbanks or hop on 5 whatever regular commercial flight there is, and then 6 from Fairbanks drive to Glennallen. 7 Q Okay. 8 A I suppose you could walk. 9 Q Well, I'm just wondering, I mean, I'm exploring 10 the land route -- 11 A Okay. 12 Q -- between the two. 13 Is -- is there a community that you... 14 A Are you asking is it -- is it possible to drive 15 from Glennallen to Holy Cross? Is that what you're 16 asking? 17 Q No. I'm asking you, if you wanted to actually 18 physically go by land -- 19 A Okay. 20 Q -- between Holy Cross and Glennallen, could you? 21 A I don't know. 22 Q Okay. If you did, you'd probably go through a 23 couple of boroughs to get there, wouldn't you? 24 A Yes. 25 Q Okay. And do you have any idea of what the</p>

<p style="text-align: right;">Page 130</p> <p>1 distance would be to do that?</p> <p>2 A No.</p> <p>3 Q It would be a long way, wouldn't it?</p> <p>4 A It would.</p> <p>5 Q Okay. So Holy Cross is not on the road system;</p> <p>6 correct?</p> <p>7 A Correct. It's not.</p> <p>8 Q Okay. Now, traditionally, off the road system</p> <p>9 you have many -- much of the trade between regions</p> <p>10 occurred by river, did it not?</p> <p>11 A Yes.</p> <p>12 Q Okay. So is there a river route from Holy Cross</p> <p>13 to Glennallen?</p> <p>14 A That's what I was going back to before. The</p> <p>15 short answer is I don't know.</p> <p>16 Q Okay. Would you accept, subject to check, that</p> <p>17 there's not because there's a major mountain range</p> <p>18 between the two of them?</p> <p>19 A Yes.</p> <p>20 Q Okay. All right. I'm not trying to put you on</p> <p>21 the spot or embarrass you. I'm just -- I'm just</p> <p>22 exploring the degree to which House District 36 is truly</p> <p>23 socio-economically integrated.</p> <p>24 So how many -- so there's no land route.</p> <p>25 There's no water route. What would the air route be?</p>	<p style="text-align: right;">Page 132</p> <p>1 Glennallen specifically did the Board consider before</p> <p>2 they put it in a district with Holy Cross?</p> <p>3 A We considered the ANCSA region ties. A lot of</p> <p>4 the testimony that came from the Doyon Coalition, Ahtna</p> <p>5 as -- as well, as a member of that coalition testified</p> <p>6 extensively in our Anchorage hearings and submitted</p> <p>7 written testimony as -- as to the ties. Both Ahtna CEO</p> <p>8 Michelle Anderson and Doyon CEO Aaron Schutt, had given</p> <p>9 the Board examples of the historic trade routes between</p> <p>10 the Athabascans from the Dena'ina country and the Ahtna</p> <p>11 part of the region.</p> <p>12 So there was historic ties as well. I believe</p> <p>13 there was also mention of both of their work in the</p> <p>14 oil industry, again, as contractors for some of the</p> <p>15 drillers on the North Slope. Those are the things</p> <p>16 that stick out in my mind.</p> <p>17 Q Okay. Did any of those include references to</p> <p>18 Glennallen that you recall?</p> <p>19 A No. I don't remember singling out a particular</p> <p>20 community in 36.</p> <p>21 Q Is Glennallen a traditional Ahtna village?</p> <p>22 A I don't know. I'm from the Doyon region. I'm</p> <p>23 not as familiar with the Ahtna region.</p> <p>24 Q Okay. Are you aware of whether there's been any</p> <p>25 trade from any of the western part of Alaska with</p>
<p style="text-align: right;">Page 131</p> <p>1 A What I described, which is Holy Cross to</p> <p>2 Fairbanks, Fairbanks to Glennallen. Or --</p> <p>3 Q There's --</p> <p>4 A -- nowadays you could just charter a single</p> <p>5 service if you wanted to charter from Holy Cross</p> <p>6 straight to Glennallen --</p> <p>7 Q Do you have any idea how much it would cost to</p> <p>8 charter a plane from Holy Cross to Glennallen?</p> <p>9 A I should know because my husband works for</p> <p>10 Ryan Air, but I don't. I don't know. I'm going to say</p> <p>11 a couple thousand, maybe five.</p> <p>12 Q Is there -- are there regular -- are there</p> <p>13 regular air flights into Glennallen?</p> <p>14 A No. Not from Holy Cross, to my knowledge.</p> <p>15 Q Are there commercial air flights between</p> <p>16 Fairbanks and Glennallen?</p> <p>17 A I don't know.</p> <p>18 Q Anchorage and Glennallen?</p> <p>19 A I don't know.</p> <p>20 Q Okay. So there's no road route. There's no</p> <p>21 river route. There's no air route, probably. So one is</p> <p>22 on the road and one is not.</p> <p>23 Is Glennallen predominantly Native?</p> <p>24 A I don't know the answer to that either.</p> <p>25 Q Okay. What socio-economic indicators for</p>	<p style="text-align: right;">Page 133</p> <p>1 Glennallen ever?</p> <p>2 A I'm not aware of any.</p> <p>3 Q Okay. All right. Now...</p> <p>4 A I -- I should clarify. When you say "western,"</p> <p>5 in my mind, I hear Yukon-Kuskokwim Delta.</p> <p>6 Q I mean, the western side of House District 36,</p> <p>7 which includes a little of both of those.</p> <p>8 A Okay. So there -- there have been trade</p> <p>9 established within the whole region 36 between the</p> <p>10 different groups of Athabascans, yes.</p> <p>11 Q Okay. But my question goes to their trade with</p> <p>12 Glennallen.</p> <p>13 A Again, I'm not an expert on Glennallen.</p> <p>14 Q Okay.</p> <p>15 A I don't know.</p> <p>16 Q Do you remember any conversation in the Board</p> <p>17 where they talked about the socio-economic integration</p> <p>18 of -- of Glennallen with the remainder of House</p> <p>19 District 36?</p> <p>20 A Not other than what I already answered, which is</p> <p>21 we did not have specific conversations about communities</p> <p>22 like that.</p> <p>23 Q Okay. Now, if we went through the same colloquy</p> <p>24 with regard to Copper River, would the questions and</p> <p>25 answers be the same?</p>

<p style="text-align: right;">Page 134</p> <p>1 A I don't know what types of questions and 2 answers -- 3 Q Okay. 4 A -- or what... 5 Q Was there any -- was there conversation between 6 the Board about the socio-economic integration factors 7 that link a community like Holy Cross in rural Western 8 Alaska and the western part of House District 36 with 9 Copper River? 10 A Yes. And that's what I referred to before with 11 Ms. Anderson and Mr. Schutt's testimonies. 12 Q Okay. All right. How many different ANCSA 13 corporate boundaries are in House District 36? 14 THE WITNESS: Do you have a map of the ANCSA 15 regions? 16 MR. SINGER: Well, you can ask the lawyer. 17 THE WITNESS: Do -- do you have a map of ANCSA 18 regions? 19 MR. SINGER: Can you pop it up? 20 MR. BRENA: Yeah. We can pop one up for you. 21 THE WITNESS: Okay. The answer is either two or 22 three. I can't remember Cook Inlet's boundary, but for 23 sure, it's the Doyon region and the Ahtna region. 24 MR. BRENA: Okay. Let's pop it up. 25 THE WITNESS: Let's see where CIRI is.</p>	<p style="text-align: right;">Page 136</p> <p>1 together? 2 A I wouldn't use the word "goal," but I viewed it 3 as something that we should attempt to do if possible. 4 So I would view it as a consideration. 5 Q Okay. And the same with regard to Ahtna, that 6 to the degree that Ahtna could be kept intact, it should 7 be? 8 A Yes. 9 Q Okay. And -- and did you also view it as -- as 10 desirable to the degree that you could keep Doyon and 11 Ahtna together, that you should? 12 A Yes. 13 Q Okay. Now, in order to keep House District 36, 14 do you know -- in the form that it's in, do you know how 15 many borough boundaries you broke? 16 A Two. Three. Two. Where's -- where's the -- 17 okay. We broke Fairbanks North Star, Denali, and -- so 18 two. 19 Q No. Mat-Su at Cantwell; right? 20 A I thought that just went into -- yes. Three. 21 Three. 22 Q Okay. So to keep that configuration together, 23 you broke into three borough boundaries; right? 24 A No. We broke the Fairbanks North Star Borough 25 because it was overpopulated, but we did breach the</p>
<p style="text-align: right;">Page 135</p> <p>1 MR. BRENA: While we're waiting for that -- oh, 2 we don't have to wait for that. 3 THE WITNESS: Oh, I was hoping you would overlay 4 this on top of the -- the map. 5 MR. BRENA: Okay. 6 THE WITNESS: If -- if you tell me, Mr. Brena, I 7 will accept for the purposes of... 8 MR. BRENA: Well, I don't -- I don't want to 9 tell you and be wrong. So can we go off the record for 10 a moment, and we'll try to get an overlay. 11 THE WITNESS: Okay. Thank you. 12 THE VIDEOGRAPHER: Going off the record at 1:19. 13 (Off record.) 14 THE VIDEOGRAPHER: On the record at 1:21. 15 THE WITNESS: Okay. 16 BY MR. BRENA: 17 Q So, Ms. Borromeo, you asked about an overlay of 18 the ANCSA boundaries with -- over House District 36. 19 The red lines are the ANCSA boundaries. 20 My pending question to you was: How many ANCSA 21 districts are there in House District 36? 22 A There's two ANCSA regions that I can see on this 23 overlay, Doyon and Ahtna. 24 Q Okay. Now, do you view it as a goal to keep 25 Doyon and the villages together, Doyon villages</p>	<p style="text-align: right;">Page 137</p> <p>1 boundaries of Denali and Mat-Su to add Cantwell to 36. 2 Q Okay. You could have -- you realize that Valdez 3 has been linked with Fairbanks in the past? 4 A Can you define what you mean by "linked"? 5 Q House district has gone from Valdez to 6 Fairbanks. 7 A I don't of any personal knowledge of that, but 8 I'm willing to stipulate to it if you say so and can 9 prove it. 10 Q Okay. That one I will just ask you to accept 11 subject to check, then. 12 A Okay. Subject to check, yes. 13 Q All right. 14 A Subject to check. 15 Q So if I -- if I tell you something that's not 16 true, you can come back and correct it on the record. I 17 don't... 18 A I understand. Okay. That's the right 19 terminology. 20 Q All right. 21 A Subject to check. 22 Q All right. So the -- the -- the 4,000 people in 23 Fairbanks could have been married with the people in 24 Valdez, couldn't they have, along the Richardson road 25 corridor?</p>

<p style="text-align: right;">Page 138</p> <p>1 A Yes, they could have.</p> <p>2 Q Okay. Now, that wouldn't have kept Ahtna and</p> <p>3 Doyon together; right?</p> <p>4 A No.</p> <p>5 Q And it wouldn't have left Cantwell that broke</p> <p>6 two boroughs into -- into Ahtna's ANCSA -- ANCSA</p> <p>7 boundaries; right?</p> <p>8 A No. It -- it -- it still could have.</p> <p>9 Q Well, could have or not --</p> <p>10 A It just depends on how you draw it.</p> <p>11 Q Yep.</p> <p>12 A You asked, could we draw Fairbanks to Valdez?</p> <p>13 Yes. Could we have drawn it in a way to take Cantwell?</p> <p>14 Yes. Could we have drawn it in a way to leave Cantwell?</p> <p>15 Yes. So there's -- there's different ways to draw it.</p> <p>16 Q Fair enough.</p> <p>17 A Okay.</p> <p>18 Q But what's the population of Cantwell? You know</p> <p>19 it's a couple hundred?</p> <p>20 A Two hundred.</p> <p>21 Q Yeah. Okay.</p> <p>22 So you could have drawn that district so as</p> <p>23 not to go into the Mat-Su district at all; correct?</p> <p>24 A Yes.</p> <p>25 Q And that would have paired Valdez with</p>	<p style="text-align: right;">Page 140</p> <p>1 Q Yes. And it's a community.</p> <p>2 A Okay. I didn't know if you were referring to it</p> <p>3 as the region, because in -- in my ANCSA mind, sometimes</p> <p>4 I think of it as a region.</p> <p>5 It could have included Copper River, yes.</p> <p>6 Q Okay. All right. Copper Center.</p> <p>7 You're familiar that -- that the utility that -- do you</p> <p>8 know where Valdez gets its electricity from?</p> <p>9 A I don't.</p> <p>10 Q Oh, do you know that the utilities for Valdez</p> <p>11 and Copper Center are -- are integrated?</p> <p>12 A I'll accept --</p> <p>13 Q Socio-integrated.</p> <p>14 A -- subject to check.</p> <p>15 Q What's that?</p> <p>16 A Accept subject to check.</p> <p>17 Q Okay. All right. So -- so it would have been</p> <p>18 possible for the Board to consider Valdez as part of a</p> <p>19 district up the Richardson corridor like it was to</p> <p>20 include part of the overpopulation in Fairbanks as</p> <p>21 Valdez was requesting; right?</p> <p>22 A Not only would it have been possible, but we</p> <p>23 did.</p> <p>24 Q Okay. All right. So -- and Valdez -- and that</p> <p>25 could have been possible without breaking into Mat-Su,</p>
<p style="text-align: right;">Page 139</p> <p>1 Glennallen, who it's highly socio-economically</p> <p>2 integrated with; correct?</p> <p>3 A No.</p> <p>4 Q You don't think that Glennallen and Valdez are</p> <p>5 highly socio-economically integrated?</p> <p>6 A Oh, maybe I misunderstood your question. I</p> <p>7 thought you meant could we swap Cantwell for Valdez, and</p> <p>8 in that regard, my answer is "no" because the</p> <p>9 populations are different.</p> <p>10 Q Yes, no, you understood the question differently</p> <p>11 than I intended to ask it.</p> <p>12 A Okay. Can you rephrase it?</p> <p>13 Q Yes.</p> <p>14 So you could have -- you could have drawn a</p> <p>15 district that joined Valdez with Glennallen, right,</p> <p>16 without going into the Mat-Su Borough?</p> <p>17 A It would not be allowed to stop at Glennallen,</p> <p>18 but the district boundaries could include those two</p> <p>19 communities, plus we would need to figure out where the</p> <p>20 additional 9,000 Alaskans would come from to round out</p> <p>21 the district.</p> <p>22 Q And it could have included Copper River, right,</p> <p>23 who is the also highly -- it could have included</p> <p>24 Copper River; correct?</p> <p>25 A Is Copper River a town?</p>	<p style="text-align: right;">Page 141</p> <p>1 without breaking into Denali, and only breaking into</p> <p>2 Fairbanks from the south; right?</p> <p>3 A That's one possibility, correct.</p> <p>4 Q And the numbers would work to do that; right?</p> <p>5 A Yes.</p> <p>6 MR. BRENA: Okay. Could we just go off the</p> <p>7 record for a minute, please, Randy? I want to review my</p> <p>8 notes.</p> <p>9 THE VIDEOGRAPHER: Off the record at 1:30 p.m.</p> <p>10 (Off record.)</p> <p>11 THE VIDEOGRAPHER: On the record at 1:32.</p> <p>12 MR. BRENA: Okay. Can we identify the last</p> <p>13 exhibit which contain the ANCSA overlay over the final</p> <p>14 plan of the Board as -- as Exhibit Number 32, please.</p> <p>15 (Exhibit 32 marked.)</p> <p>16 MR. BRENA: Are you ready, Randy?</p> <p>17 THE VIDEOGRAPHER: Yeah. That would be</p> <p>18 Exhibit 32. Go ahead.</p> <p>19 MR. BRENA: Can we go to the next one, please.</p> <p>20 MR. STASER: This is Exhibit 4.</p> <p>21 BY MR. BRENA:</p> <p>22 Q All right. I just want to -- so would you</p> <p>23 accept, subject to check, that this is the 2002</p> <p>24 redistricting final plan?</p> <p>25 A Yes.</p>

<p>Page 142</p> <p>1 Q And you see that -- that Valdez is paired with 2 the communities along the Richardson Highway to 3 Fairbanks? 4 A Yes. Some of them. 5 Q Yes? 6 A Yes. 7 Q Okay. And are you aware of the -- of the 8 commerce that flows over the Richardson Highway from 9 Valdez to Fairbanks? 10 A Some of it. 11 Q You're aware that Valdez is the -- is the 12 northernmost ice-free port in the United States? 13 A I am now. 14 Q Okay. And -- and that freight and shipments 15 come in from there for shipment up the Richardson 16 Highway and into Fairbanks? Are you aware of that? 17 A I am now. 18 Q Okay. Were you aware of that before now? 19 A I was aware that there was freight movement 20 between Valdez and Fairbanks. I didn't understand to 21 the degree that you've educated me about the origins of 22 the freight. 23 Q Okay. All right. Did the Board specifically 24 consider joining Valdez with Fairbanks in the fashion it 25 was done in 2002?</p>	<p>Page 144</p> <p>1 population balances by region? Did you review any of 2 that? 3 A I don't recall. The thing that sticks out is 4 the map. Valdez Version 1 is what sticks out in my mind 5 from what Valdez submitted. 6 Q Okay. And then you mentioned that -- that 7 Valdez filed extensive comments. You -- you -- you 8 skimmed them but did -- did not read them carefully. 9 Is that your testimony? 10 A That is, unfortunately. We went to Valdez early 11 on in the public hearing process, and that was at my 12 insistence, because Valdez was going to be a place that 13 had different drafting possibilities. I wanted to hear 14 early from the community, from the greater region as to 15 what the desire was. 16 And when we went to Valdez, they hadn't 17 submitted comments. They hadn't drawn a full 40 map. I 18 asked them to, to please get that in. And they did 19 submit comments, but I remember it came very late in the 20 process as we were sitting down to finalize the House 21 map. 22 Q Okay. You're aware that -- that the City of 23 Valdez unanimously requested to be included with the 24 Richardson Highways to which they are socio-economically 25 integrated?</p>
<p>Page 143</p> <p>1 A I would have to check v.3. Can we -- can we 2 pull up v.3? Or I'll stipulate, subject to check. 3 Q Well, I -- I do not believe that v.3 joined 4 Valdez and Fairbanks at all. Is there confusion on 5 that? Would you like to check it? 6 A I would like to see v.3, yes. 7 MR. BRENA: Can we see v.3, please. 8 BY MR. BRENA: 9 Q While we're waiting for that, did you review the 10 comments from the City of Valdez? 11 A I skimmed the comments from the City of Valdez. 12 They were quite extensive, and they came in during a 13 very busy time. I remember seeing the map, though, that 14 the city submitted, and I thought that it was 15 unconstitutional and not a better option than we 16 presented. That was the main thing that stuck out from 17 the comments. 18 Q Okay. Did you see the resolution? Were you 19 aware that the City of Valdez filed a couple of things 20 with the Board? 21 A Okay. 22 Q Did you review the City of Valdez' resolution? 23 A No. 24 Q Did you review what was -- did you review any 25 attachments to the resolution that included the</p>	<p>Page 145</p> <p>1 A I'll accept, subject to check. 2 Q Okay. And that that was the mayor's position as 3 well? 4 A I'll accept, subject to check. 5 Q And that that was the city manager's position 6 too? 7 A She's a firecracker. I'll accept, subject to 8 check. 9 Q That's the city clerk. 10 A Oh, that's -- that's the city clerk? 11 Q Yeah. 12 A You know who I'm talking about, then. 13 Q Yeah. Sheri, of course. 14 A Yeah. 15 Q That's who we're talking about. 16 A Oh. 17 Q Who is the -- who is the... 18 A Oh, I like Sheri. I'm here for Sheri all day 19 long. That lady is... 20 Q Is amazing. 21 A She is. 22 Q Yeah. She is the National Chairman of City 23 Clerks in the United States. 24 A That does not surprise me at all. 25 Q Yeah. Okay.</p>

<p style="text-align: right;">Page 146</p> <p>1 So did -- I mean, Valdez has historically been 2 paired with the Richardson community to the north 3 going up into Fairbanks or with Prince William Sound 4 communities to the south. It has never before been 5 pushed as far into the Mat-Su as -- as what the 6 current version does. 7 Do you realize that in the current pairing, 8 that almost 80 percent of the population in that 9 district is in the far western part of the Mat-Su 10 Borough? 11 MR. SINGER: Objection. Form. 12 Go ahead and try to answer. 13 THE WITNESS: I'm sorry. He -- he -- he made an 14 objection and I lost train of thought. Can you ask me 15 your question again, Robin? 16 BY MR. BRENA: 17 Q Do you realize that 80 percent of the population 18 in the district that the Board has placed Valdez in is 19 in the far western part of the Mat-Su in the -- in the 20 Wasilla and Palmer subdivisions? 21 MR. SINGER: Objection. Form. 22 THE WITNESS: I'll accept, subject to check. I 23 don't know the percentages. 24 BY MR. BRENA: 25 Q Okay. You didn't look at the percentages of the</p>	<p style="text-align: right;">Page 148</p> <p>1 about options to consider, did you guys take a look at 2 how they'd done it in the past, just to see what 3 they'd done? 4 A I can't speak to -- 5 MR. SINGER: Objection. Foundation. 6 Go ahead. 7 THE WITNESS: I can't speak for the other four 8 members when you say "you guys." I didn't, because I 9 was appointed to the 2020 Redistricting Board, not the 10 2010, not the 20- -- 2000, et cetera. So I wanted to 11 receive the 2020 census data and work with the numbers 12 that Alaska has right now. 13 So some of these previous versions are asking 14 for answers that, in my mind, are apples to oranges, 15 because these districts from the previous years were 16 almost twice as large as our current districts. So we 17 were not working with the same data. 18 BY MR. BRENA: 19 Q Okay. I appreciate that the census data 20 changes. Do you know how much it changed for Valdez? 21 A Hardly any for Valdez, but, again, we don't look 22 at Valdez in a vacuum. We look at the whole state. And 23 much to our surprise, the rural districts all pretty 24 much held constant or grew in population, which nobody 25 would have predicted. Maybe somebody. But the vast</p>
<p style="text-align: right;">Page 147</p> <p>1 population densities -- 2 A No. 3 Q -- of who you were matching Valdez with? No? 4 A No. That's not a constitutional requirement. 5 Q And I said subdivisions. I meant the suburbs of 6 those communities. 7 MR. BRENA: Can we get the map back up? We were 8 on the 2002 map. 9 MR. STASER: Randy, can we designate this as 10 Exhibit 33? It's identified as Maps Version 1 11 through 4. This is Version 3. 12 (Exhibit 33 marked.) 13 THE WITNESS: Whose map is this? 14 MR. SINGER: This is Board Proposed v.3. 15 THE WITNESS: Okay. 16 BY MR. BRENA: 17 Q Okay. You had asked to see Version 3 to see 18 whether or not Valdez had been paired with the Fairbanks 19 North Star Borough. 20 A Okay. 21 Q Do you see that they're not? 22 A I do. 23 Q Okay. Can we go back to -- so 2002 we were 24 looking at. Let's go to 2013. 25 And, Ms. Borromeo, when you guys were thinking</p>	<p style="text-align: right;">Page 149</p> <p>1 majority of demographers would not have expected that 2 result. And then overall, the state did not grow in 3 population, and there were other regions that 4 significantly lost population, Southeast being one of 5 them. So this was a very strange year. It's also a 6 pandemic year, you know, so... 7 Q If I can just get us focused back on 2013. 8 A Okay. We're back -- 9 Q So... 10 A -- to 2013, yep. 11 Q So the census data for Glennallen, has that 12 changed much? 13 A I don't know. I can't remember. 14 Q Cordova? 15 A I don't believe so. 16 Q Copper Valley? 17 A I can't recall. 18 Q The communities running up the Richardson 19 corridor? 20 A I can't recall. 21 Q Okay. All right. So this is 2013. You see 22 that Valdez was paired with the -- many of the 23 Richardson Highway communities, right up to the 24 Fairbanks boundary and just went into Mat-Su enough to 25 pick up the population that it needed.</p>

<p>Page 150</p> <p>1 Do you see this?</p> <p>2 A I do.</p> <p>3 Q Okay. All right. Do you agree that Valdez is</p> <p>4 highly socio-economically integrated with Glennallen?</p> <p>5 A I don't know your definition of "highly." I --</p> <p>6 I agree that that is -- that there are socio-economic</p> <p>7 ties.</p> <p>8 Q Would you agree that it is more</p> <p>9 socio-economically integrated with Glennallen than it is</p> <p>10 with the suburbs of Wasilla?</p> <p>11 A No.</p> <p>12 Q What are the ties between Wasilla and Valdez</p> <p>13 that make it socio-economically integrated at all?</p> <p>14 A The oil and gas industry, the winter caribou</p> <p>15 hunting that happens with the Nelchina herd, the fishing</p> <p>16 and other recreating around Lake Louise. Those are some</p> <p>17 that come to mind.</p> <p>18 Q Okay. Is -- is Wasilla a commercial hub for</p> <p>19 Valdez that you know of?</p> <p>20 A I don't have personal knowledge of that.</p> <p>21 Q Do you know whether or not people from Valdez</p> <p>22 get services from Wasilla?</p> <p>23 A I believe they do.</p> <p>24 Q Okay. Well, I mean, in relative terms, wouldn't</p> <p>25 you agree that Glennallen is much more</p>	<p>Page 152</p> <p>1 to Valdez that you know -- that you know of personally.</p> <p>2 A I would say gas. I remember when we used to</p> <p>3 drive down to see my dad, we would stop in sometimes</p> <p>4 Palmer and Wasilla to get gas before we headed down the</p> <p>5 highway. Food, sometimes lodging, depending on the time</p> <p>6 of the trips.</p> <p>7 Q You would lodge in Wasilla on your way to</p> <p>8 Valdez?</p> <p>9 A Not me personally, but you asked about what I</p> <p>10 conceive.</p> <p>11 Q All right.</p> <p>12 A Yeah. I conceive people stopping in...</p> <p>13 Q Ms. Borromeo, I mean, realistically here, when</p> <p>14 Valdez goes through the Mat-Su, it's headed to</p> <p>15 Anchorage, isn't it?</p> <p>16 A I don't have personal knowledge to --</p> <p>17 Q Okay.</p> <p>18 A -- answer that question.</p> <p>19 MR. BRENA: All right. And may I go off the</p> <p>20 record for just a moment.</p> <p>21 THE VIDEOGRAPHER: Off the record at 1:48.</p> <p>22 (Off record.)</p> <p>23 THE VIDEOGRAPHER: On the record at 1:49.</p> <p>24 BY MR. BRENA:</p> <p>25 Q Is Valdez -- are there any -- is it paired with</p>
<p>Page 151</p> <p>1 socio-economically integrated to Valdez than Wasilla?</p> <p>2 MR. SINGER: Objection. Asked and answered.</p> <p>3 THE WITNESS: No, I don't.</p> <p>4 BY MR. BRENA:</p> <p>5 Q You don't. Okay. How about Copper Valley?</p> <p>6 A As compared to what?</p> <p>7 Q That Valdez is more socio-economically</p> <p>8 integrated with Copper Valley than with Wasilla?</p> <p>9 MR. SINGER: Objection. Form.</p> <p>10 Are you talking about Copper Center?</p> <p>11 MR. BRENA: Copper Center.</p> <p>12 THE WITNESS: That's a hard answer for me to</p> <p>13 give, because I do believe that there are services that</p> <p>14 the Mat-Su provides to Valdez that would be on a larger</p> <p>15 scale than what the Ahtna villages are -- what you're</p> <p>16 referring to, that the Copper Center villages could do.</p> <p>17 BY MR. BRENA:</p> <p>18 Q Okay. Would you -- would you mention any</p> <p>19 particular service that you have personal knowledge of</p> <p>20 that Mat-Su provides to Valdez, that Wasilla provides to</p> <p>21 Valdez? Any specific service that --</p> <p>22 A Are you talking about, like, a government</p> <p>23 service?</p> <p>24 Q You just used the word "services." I'm asking</p> <p>25 you: Please tell me one service that Wasilla provides</p>	<p>Page 153</p> <p>1 any of the Richardson Highway communities at all?</p> <p>2 A I was talking to counsel about this ahead of</p> <p>3 time, because I don't know how you define a Richardson</p> <p>4 Highway community. When I think of this region, I think</p> <p>5 of primarily the Ahtna villages.</p> <p>6 Q Okay. Is Valdez --</p> <p>7 A So include me a definition of who would be in</p> <p>8 your category of Richardson Highway communities.</p> <p>9 Q Okay. Just follow the Richardson.</p> <p>10 A Okay.</p> <p>11 Q All the names on it.</p> <p>12 A Okay.</p> <p>13 Q Are any of those in House District 29 in which</p> <p>14 Valdez is in?</p> <p>15 A No.</p> <p>16 Q Okay. I'm a little confused by your answer.</p> <p>17 Are there villages not on the map that you're</p> <p>18 considering in your answer?</p> <p>19 A No.</p> <p>20 Q Okay. So Valdez, in what the Board did, are you</p> <p>21 aware of any time ever when Valdez -- when the district</p> <p>22 that's drawn goes north, that Valdez was not paired with</p> <p>23 any Richardson Highway communities?</p> <p>24 A No, I don't. I'd have to look that up.</p> <p>25 MR. BRENA: All right. All right. Well,</p>

<p style="text-align: right;">Page 154</p> <p>1 Ms. Borromeo, it's a pleasure to meet you under these, 2 even if they are difficult, circumstances. Thank you. 3 Thank you for your answers and your patience with me. 4 My time should have been up probably an hour ago, but it 5 is up now. So thank you. 6 THE WITNESS: Thank you, Mr. Brena. 7 MS. STONE: Counsel, do we want to take a break? 8 THE WITNESS: Sure. 9 MR. SINGER: Okay. We'll take ten. 10 MS. STONE: Perfect. See everybody at 2:00. 11 THE VIDEOGRAPHER: We'll go off the record at 12 1:51. 13 (Off record.) 14 THE VIDEOGRAPHER: On the record at 2:02 p.m. 15 EXAMINATION 16 BY MS. STONE: 17 Q Good afternoon. My name is Stacey Stone. As I 18 stated earlier, I'm the attorney for the 19 Matanuska-Susitna Borough and Michael Brown. 20 I apologize at first if I seem somewhat 21 repetitive. I just want to make sure I don't 22 misrepresent your testimony and that we get an accurate 23 record today. 24 So to start, can you please explain to me your 25 understanding of the Board's charge to formulate</p>	<p style="text-align: right;">Page 156</p> <p>1 Q Let's talk about population. You indicated that 2 it's necessary to, as much as practicable, hit a 3 population number. When the Board was considering 4 population, how did the Board address those population 5 needs to meet with the number that was developed as a 6 result of dividing the population by 40? 7 A I don't understand your question. Can you 8 rephrase it, please? 9 Q When you were considering mapping, how would you 10 consider population? At what point would it come in, 11 and how did you address it? 12 A Through the tools? That we have the software? 13 I'm -- let me answer it, and then if I don't give the 14 answer, you can ask follow-up questions. 15 Q Thank you. 16 A So the software that we had allowed us to see 17 the number of Alaskans that we were adding to each 18 district, and it allowed us to see the percentage that 19 we were under and over. So we tried to hit as -- I 20 shouldn't say "we," because not -- I'll say "I." What I 21 tried to do is hit that 18,335, when was our target 22 ideal population based on Alaska's 2020 census data 23 divided by the 40 House districts. 24 Q And when you were looking at that 18,335, was 25 there some deviation, in your opinion, was considered</p>
<p style="text-align: right;">Page 155</p> <p>1 districts within the state of Alaska? 2 A Yes. The constitution requires that we look at 3 three criteria: compactness, contiguity, socio-economic 4 integration, and then we work to make sure that the 40 5 districts have as close to practicable population as 6 each other. 7 Q And I believe earlier today you said you were 8 particularly concerned with socio-economic factors. 9 Did I understand your testimony correctly? 10 A Can we go back to the part of my earlier 11 testimony that you're referring to? 12 MS. STONE: Madam Court Reporter, I'm not sure 13 if you're able to. 14 BY MS. STONE: 15 Q But, Ms. Borromeo, let me re-ask the question. 16 A Okay. 17 Q Did you -- did -- in your opinion, was it 18 particularly important to consider socio-economic 19 factors? 20 A Yes. All of them were important, yes. 21 Q And was one factor more important than any other 22 factor? 23 A No. Other than what the Court has instructed us 24 to follow in Hickel, which is compactness, that's our 25 first charge, contiguity, socio-economic integration.</p>	<p style="text-align: right;">Page 157</p> <p>1 acceptable? 2 A Yes. 3 Q And what was that deviation? 4 A Whatever is constitutionally permissible. It's 5 usually a couple percent. For -- 6 Q And -- 7 A -- the federal government, for example, it's 8 10 percent. Alaska doesn't have a percentage. But 9 in -- in my mind, subjectively, I tried to keep that 10 number under 5 percent. 11 Q And where did you derive a 5 percent number? 12 A Again, it was just a subjective number. 13 Q And when you would see a district go over or 14 under, at any point in your recollection did the Board 15 look at the 40 districts overall to compare the 16 deviations? 17 A Yes. 18 Q And when you compared the deviations, did you 19 notice any region more overpopulated than any other 20 region? 21 A Yes. There were regions that were both 22 overpopulated and underpopulated, several. 23 Q Do you -- do you recall what the most 24 overpopulated region was? 25 A I don't.</p>

<p style="text-align: right;">Page 158</p> <p>1 Q Do you have -- you said you studied the U.S. 2 census. Do you have knowledge of where the greatest 3 population growth was in the last census? 4 A There are several different variables to measure 5 it. So, for example, the city and borough of Skagway 6 was -- experienced a big population increase. The 7 Mat-Su Borough on whole had an increase. So it just 8 depends on what specific category you're asking. 9 Q But you do agree that the Matanuska-Susitna 10 Borough grew in the last ten years; is that correct? 11 A Yes. 12 Q And do you recall a presentation from the 13 Matanuska-Susitna Borough regarding their desires with 14 regard to the map? 15 A Yes. 16 Q And what do you recall about that presentation? 17 A That they preferred, if possible, to have six 18 districts. Based on census data, they had a population 19 for 5.8 districts, so round that up to six, that they 20 wanted those six districts to have exclusive 21 Matanuska-Susitna Borough residents. And then from 22 there, they wanted districts that were built around the 23 incorporated cities and then other parts of the borough. 24 That's what I recall. 25 Q And do you recall any testimony from any member</p>	<p style="text-align: right;">Page 160</p> <p>1 to consider court precedent when considering 2 socio-economic integration, or is it necessary to 3 consider the current -- current socio-economic 4 considerations for pairing areas together? 5 A I heard that as a two-part question. Can you 6 ask single questions? 7 Q Let me pull up an exhibit. Just a moment. 8 A Okay. 9 Q And, actually, let me ask you a couple of 10 questions first. 11 A Okay. 12 Q There's been testimony in the record that board 13 members were offered both a laptop and a cellular 14 telephone. Did you accept the offer of either one of 15 those items of equipment? 16 A Yes. 17 Q And did you accept both or just one? 18 A Both. 19 Q And did you use your personal cellphone at any 20 time? 21 A Yes. 22 Q And have you produced text messages in this 23 litigation regarding conversations that you had on your 24 personal cellphone? 25 A Yes.</p>
<p style="text-align: right;">Page 159</p> <p>1 of the Matanuska-Susitna -- excuse me. Withdraw the 2 question. 3 Do you recall any testimony from any resident 4 of the Matanuska-Susitna Borough or any representative 5 on behalf of the Matanuska-Susitna Borough requesting 6 that they be paired with Valdez? 7 A No. 8 Q Do you recall any testimony from any resident of 9 Valdez or any representative from Valdez requesting that 10 they be paired with the Matanuska-Susitna Borough? 11 A Yes. 12 Q And who do you recall receiving that testimony 13 from? 14 A There was a woman in Valdez who testified in 15 support of v.4. 16 Q Are there any other people that you recall 17 testifying on behalf of a pairing between Valdez and the 18 Matanuska-Susitna Borough? 19 A From -- from Mat-Su again, or just generally? 20 Q From the two areas, either Matanuska-Susitna or 21 Valdez, do you recall any residents or representatives 22 from that area, other than the woman that you've 23 identified testifying in favor of that pairing? 24 A Not at this time that I can recall, no. 25 Q You've referenced court precedent. Is it proper</p>	<p style="text-align: right;">Page 161</p> <p>1 Q And I don't believe that this has been 2 identified as an exhibit yet, but let me lay the 3 foundation first. 4 Is this a copy of text messages from your 5 cellphone? 6 A Yes. 7 MR. SINGER: Stacey, can you give us the Bates 8 number, please? 9 MS. STONE: Yes. Sorry. We are at ARB00155156 10 through ARB00155159. And since it's multiple pages, I 11 can either run through them on the screen, or, Matt, if 12 you have them there, we can wait to confirm -- 13 MR. SINGER: I have the paper. So you're -- 14 you're starting at 156 and then going sequentially to 15 the next pages? 16 MS. STONE: Correct. To 159. 17 MR. SINGER: I'll -- I'll put those pages in 18 front of the witness. 19 THE WITNESS: Thank you. 20 MR. SINGER: It's a little hard to see the -- 21 your screen. It's only the top half of the page. 22 THE WITNESS: Okay. I'm there. 23 BY MS. STONE: 24 Q And these pages that are marked with the last 25 three digits, 156 to 159, are these all text messages</p>

<p style="text-align: right;">Page 162</p> <p>1 that you sent and received?</p> <p>2 A Yes.</p> <p>3 MS. STONE: I'd like to admit this as an</p> <p>4 exhibit, Randy. I apologize. I don't recall what</p> <p>5 exhibit we're on.</p> <p>6 THE VIDEOGRAPHER: No problem. Exhibit 34.</p> <p>7 MS. STONE: Thank you.</p> <p>8 (Exhibit 34 marked.)</p> <p>9 BY MS. STONE:</p> <p>10 Q And who was it that you were conversing with in</p> <p>11 these text messages?</p> <p>12 A I was talking with Tanner from the law firm of</p> <p>13 Sonosky Chambers. He was representing the Doyon</p> <p>14 Coalition.</p> <p>15 Q If you'll flip to me -- flip with me to</p> <p>16 page 157.</p> <p>17 A Okay.</p> <p>18 Q I just wanted to confirm, your text messages are</p> <p>19 in blue; is that correct?</p> <p>20 A Correct.</p> <p>21 Q And on Wednesday, November 3rd at 5:02 according</p> <p>22 to this document, you asked Mr. Amdur-Clark, "Is there</p> <p>23 case law saying we can put Valdez with Mat-Su?"; is that</p> <p>24 accurate?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 164</p> <p>1 important to consider case precedent, or is it more</p> <p>2 important to consider current socio-economics?</p> <p>3 A That's not how I viewed the socio-economic</p> <p>4 variable.</p> <p>5 Q Okay. Explain to me how -- how you viewed the</p> <p>6 socio-economic variable.</p> <p>7 A I didn't take case precedents into consideration</p> <p>8 for evidence that a socio-economic connection exists,</p> <p>9 per se. I was taking case law into consideration in</p> <p>10 terms of had that socio-economic integration variable</p> <p>11 been litigated before and what did the court find as to</p> <p>12 it.</p> <p>13 Q You discussed several -- for several minutes</p> <p>14 today the Ahtna region, and you've also discussed the</p> <p>15 importance of considering boroughs and how boroughs, by</p> <p>16 their nature, are socio-economic.</p> <p>17 Did I understand your testimony correctly?</p> <p>18 A You did.</p> <p>19 Q And in your opinion, as a board member, what's a</p> <p>20 more important consideration, the consideration of</p> <p>21 keeping the Ahtna region together, or the consideration</p> <p>22 of keeping the Denali Borough together?</p> <p>23 A Alaska law is pretty clear on that point. We</p> <p>24 have to consider borough and local boundaries of</p> <p>25 government. It doesn't say anything about ANCSA</p>
<p style="text-align: right;">Page 163</p> <p>1 Q And what was your intention in asking</p> <p>2 Mr. Amdur-Clark that question?</p> <p>3 A It was clarification from a previous public</p> <p>4 hearing where either him or Senator Begich, I couldn't</p> <p>5 recall which, had said that there was case law</p> <p>6 supporting the pairing of Valdez and Mat-Su, and I</p> <p>7 hadn't received it from staff or the ARB's counsel. The</p> <p>8 court case that I had received was the screenshot on the</p> <p>9 next page, the Supreme Court case. And when I read that</p> <p>10 case, I didn't see anything about Valdez and Mat-Su. So</p> <p>11 I wanted to make sure that I had the exchange that we</p> <p>12 had during the public hearing clarified.</p> <p>13 Q So I go back to my question: How do you weigh</p> <p>14 the prior court decision regarding socio-economics with</p> <p>15 your duty to consider current socio-economics pursuant</p> <p>16 to the constitution?</p> <p>17 A It was just historical evidence --</p> <p>18 Q So, again, is it more --</p> <p>19 A -- that had been done --</p> <p>20 Q Go ahead. Sorry.</p> <p>21 A It's okay.</p> <p>22 Just historical evidence that had been done</p> <p>23 before, similar to the Nikiski, South Anchorage pairings</p> <p>24 in the past. That's the context.</p> <p>25 Q And so my prior question was: Is it more</p>	<p style="text-align: right;">Page 165</p> <p>1 boundaries.</p> <p>2 MS. STONE: Counsel, I'm going to pull up the</p> <p>3 September 20th transcript, which I believe is marked as</p> <p>4 Exhibit 15.</p> <p>5 THE WITNESS: September 20th.</p> <p>6 MS. STONE: And let me know when you're ready</p> <p>7 with that.</p> <p>8 THE WITNESS: 167...</p> <p>9 I'm ready.</p> <p>10 BY MS. STONE:</p> <p>11 Q Is it fair to say that you spent considerable</p> <p>12 time with staff and other board members building out</p> <p>13 maps that were presented to the Board?</p> <p>14 A No. I think it would be fair to say that I</p> <p>15 spent considerable time with staff, not necessarily with</p> <p>16 my colleagues on the Board, building out maps.</p> <p>17 Q And which --</p> <p>18 A I did spend time with --</p> <p>19 Q Oh, sorry.</p> <p>20 A Sorry.</p> <p>21 I -- I did spend time with my colleagues, but</p> <p>22 not the same amount of time that I spent with Peter and</p> <p>23 TJ, and I consider my time spent with TJ and Peter</p> <p>24 significant, whereas I wouldn't consider the time that I</p> <p>25 spent with John, Budd, and Bethany on v.4 as</p>

<p style="text-align: right;">Page 166</p> <p>1 significant. So there's a distinction in my mind.</p> <p>2 Q Thank you for that.</p> <p>3 A Yeah.</p> <p>4 Q Considering the four versions that were adopted</p> <p>5 by the Board -- and I'm not talking about third-party</p> <p>6 versions, and I'm not talking about the plan --</p> <p>7 A Okay.</p> <p>8 Q -- of those four -- four versions, which ones</p> <p>9 did you participate in creating?</p> <p>10 A All four.</p> <p>11 Q Okay. And did you have more participation in</p> <p>12 any four than any of the others?</p> <p>13 A Yes.</p> <p>14 Q And which ones were those?</p> <p>15 A 4 and 2.</p> <p>16 Q And I just want to look at your -- what your</p> <p>17 comments were at the meeting on November 5th, beginning</p> <p>18 on page 167.</p> <p>19 A Okay.</p> <p>20 Q So Mr. Binkley is moving to Version 4, and you</p> <p>21 say, "Thank you, Mr. Chairman. Everybody get</p> <p>22 comfortable, because I said last Friday that I'm going</p> <p>23 to move to withdraw Version 2 and replace it with what</p> <p>24 now, we're going" -- excuse me -- "and replace it with</p> <p>25 now what we're going to call Version 4, and I did that</p>	<p style="text-align: right;">Page 168</p> <p>1 Q So when you were looking at Version 2, is it</p> <p>2 accurate to say that the only consideration was given to</p> <p>3 Anchorage and not any other part of the state?</p> <p>4 A Yes.</p> <p>5 Q In your recollection, which maps did the Board</p> <p>6 adopt within the 30-day constitutional period under</p> <p>7 Section 10 of the constitution?</p> <p>8 A 1 and 2.</p> <p>9 Q But it's your testimony today that 2 took into</p> <p>10 consideration no other area of the state but Anchorage;</p> <p>11 correct?</p> <p>12 A No. That's not what I'm saying here.</p> <p>13 Q Okay. Explain to me what you're saying.</p> <p>14 A Okay. What I was saying here, and I'm sorry if</p> <p>15 I wasn't clear then or now, is that my v.2, the only</p> <p>16 unique drafting in v.2 that was different than v.1 was</p> <p>17 the Municipality of Anchorage, because I only had an</p> <p>18 hour over lunch to work on it. So I didn't have enough</p> <p>19 time to do the Kenai how I would want or the Mat-Su or</p> <p>20 Fairbanks North Star or the rest of the state.</p> <p>21 So I took what the Board had previously worked</p> <p>22 on, and there were some parts of the state that I -- I</p> <p>23 had also worked on for that version, and just focused on</p> <p>24 Anchorage for the hour.</p> <p>25 Q So it's your testimony -- I want to make sure I</p>
<p style="text-align: right;">Page 167</p> <p>1 because Version 2 was never a complete buildout for me.</p> <p>2 What it was, was an exercise to show Alaskans and the</p> <p>3 Board that you could draw Anchorage in a way that</p> <p>4 respected the municipal boundaries and primarily the</p> <p>5 Mat-Su boundary to the north."</p> <p>6 Did I represent your comments accurately as</p> <p>7 they're transcribed?</p> <p>8 A Yes.</p> <p>9 Q And going on, you said, "So I did not spend any</p> <p>10 time tinkering with the other 30 -- not 39 -- the other</p> <p>11 districts outside of the muni itself."</p> <p>12 Did I represent that comment accurately?</p> <p>13 A Yes. And I'm referring to Version 2 there.</p> <p>14 Yes.</p> <p>15 Q And referring to Version 2, when you say the</p> <p>16 "muni itself," is that the Municipality of Anchorage?</p> <p>17 A It is.</p> <p>18 Q And you go on to say, "I just focused on</p> <p>19 Anchorage only for an hour, and I want to make sure that</p> <p>20 Alaskans understand that, that that was the premise</p> <p>21 of -- of Version 2, to show that the Municipality of</p> <p>22 Anchorage could remain whole without taking some</p> <p>23 population from the north."</p> <p>24 Did I read that accurately?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 169</p> <p>1 understand you, and I don't want to misstate -- it's</p> <p>2 your testimony that you took Board Version 1 and tweaked</p> <p>3 it to be -- to present Board Version 2 which took an</p> <p>4 additional look at Anchorage; is that correct?</p> <p>5 A That's correct. And thanks for that</p> <p>6 clarification.</p> <p>7 MS. STONE: Counsel, if you'll give me just a</p> <p>8 moment, please. I have a couple more exhibits, but I</p> <p>9 just want to make sure we're in order before I present</p> <p>10 them.</p> <p>11 We can go off the record, probably for two</p> <p>12 minutes, and I probably only have about five more</p> <p>13 questions.</p> <p>14 THE VIDEOGRAPHER: Off -- off the record at</p> <p>15 2:21.</p> <p>16 (Off record.)</p> <p>17 THE VIDEOGRAPHER: On the record at 2:22.</p> <p>18 BY MS. STONE:</p> <p>19 Q Based on your last statement, it sounds like you</p> <p>20 spent considerable time ensuring that Anchorage was --</p> <p>21 would stay as a whole municipality; is that correct?</p> <p>22 A No.</p> <p>23 Q Can you explain to me how you took into</p> <p>24 consideration keeping the Anchorage municipality</p> <p>25 together versus keeping the other boroughs together or</p>

<p style="text-align: right;">Page 170</p> <p>1 the other municipalities or cities?</p> <p>2 A Maybe I'm being too technical in my response to</p> <p>3 your answer, but you asked if I took considerable time</p> <p>4 in v.2, and I don't consider an hour to be considerable</p> <p>5 time for a municipality, but it's what I had over lunch.</p> <p>6 Did I take time not to break the borough</p> <p>7 boundaries? Yes, I did. I would have liked more time</p> <p>8 than an hour. But the drafting exercise of v.1 went in</p> <p>9 a different direction than I thought it would, so I</p> <p>10 needed to present just another option to show that you</p> <p>11 could preserve borough boundaries for Mat-Su and</p> <p>12 Anchorage.</p> <p>13 Q So we've had testimony from Mr. Simpson that he</p> <p>14 looked at coming up from the north -- or from the south,</p> <p>15 as Southeast is the first area. We've had testimony</p> <p>16 that Mr. Binkley wanted to start in Fairbanks. We've</p> <p>17 had testimony from you that there was considerable -- or</p> <p>18 that you took a look at Anchorage -- excuse me for using</p> <p>19 the word "considerable" -- but in your recollection,</p> <p>20 where's the consideration for the Matanuska-Susitna</p> <p>21 Borough?</p> <p>22 A What do you mean, where was the consideration?</p> <p>23 Q Do you think that the Matanuska- -- in your</p> <p>24 opinion --</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 172</p> <p>1 process. It was a constitutional process.</p> <p>2 And I will tell you, that at least from my</p> <p>3 drafting point, Ms. Stone, that I did not give any</p> <p>4 borough undue priority or preference in my drafting.</p> <p>5 And I'll add to that too, that when -- when it</p> <p>6 comes to the Mat-Su, just like when it came to the</p> <p>7 Fairbanks North Star Borough, they were dealing with a</p> <p>8 population deficit, whereas the Fairbanks North Star</p> <p>9 Borough was dealing with a population overage --</p> <p>10 overage, and that's a consideration that we had to</p> <p>11 deal with as a board too.</p> <p>12 Q Can you extrapolate on what you mean by deficit</p> <p>13 versus overage?</p> <p>14 A Sure. So when we took the census data from --</p> <p>15 the 2020 census data, when we took that data and divided</p> <p>16 it by the number of House districts and then broke that</p> <p>17 down by region, the Mat-Su Borough could support 5.8</p> <p>18 House districts, but it didn't have enough population in</p> <p>19 its own right to round out that sixth House -- House</p> <p>20 district.</p> <p>21 Q And --</p> <p>22 A So additional population had to be brought in</p> <p>23 outside of the borough to fill that seat.</p> <p>24 Q Do you agree with me that the final plan that --</p> <p>25 excuse me. Let me withdraw that.</p>
<p style="text-align: right;">Page 171</p> <p>1 Q -- was the Matanuska-Susitna Borough treated</p> <p>2 similarly as Southeast, Fairbanks, and Anchorage?</p> <p>3 A Yes.</p> <p>4 Q And what do you base that on?</p> <p>5 A All of the constitutional considerations that we</p> <p>6 had to weigh in drafting a full 40. That's -- that's my</p> <p>7 shorthand term for a map of all 40 districts.</p> <p>8 So the process would be a lot easier, and when</p> <p>9 I first started drafting it was easier because I did</p> <p>10 it based on a regional approach, where, for example, I</p> <p>11 would just take the North Slope and the Northwest</p> <p>12 Arctic, and then the next day I would focus on the</p> <p>13 Kenai Peninsula, and then the next day I would focus</p> <p>14 on Southeast, and then I'd come back and I would do</p> <p>15 the Aleutians. I'd come into Cook Inlet and do</p> <p>16 Anchorage, and then I would do Mat-Su. But when I</p> <p>17 combined all of those regions together, there were</p> <p>18 different pressure points, because whatever you do in</p> <p>19 one district affects another district, and it just</p> <p>20 goes on and on and on like that.</p> <p>21 So there were considerations by me given to</p> <p>22 all 40 districts. Decisions had to be made, though,</p> <p>23 based on our constitutional constraints that required</p> <p>24 considerations that perhaps some Alaskans and</p> <p>25 organizations don't agree with, but it was a fair</p>	<p style="text-align: right;">Page 173</p> <p>1 A Okay.</p> <p>2 Q All six districts that lie within the</p> <p>3 Matanuska-Susitna Borough included in the final plan,</p> <p>4 would you agree with me that all six of those are over</p> <p>5 the ideal quotient?</p> <p>6 A Yes.</p> <p>7 Q And you have --</p> <p>8 A I -- I --</p> <p>9 Q Go ahead.</p> <p>10 A Sorry. You cut me off.</p> <p>11 I would say they're over, but they're within</p> <p>12 the constitutionally permissible deviation.</p> <p>13 Q And like I said, what we talked about earlier,</p> <p>14 you were just considering an arbitrary number; is that</p> <p>15 correct?</p> <p>16 A No.</p> <p>17 MR. SINGER: Objection. Misstates her</p> <p>18 testimony.</p> <p>19 THE WITNESS: No. We were not considering an</p> <p>20 arbitrary number. We were considering the</p> <p>21 constitutionally required number, which is to take the</p> <p>22 census population and divide it by the number of house</p> <p>23 districts that we were asked to draw under the</p> <p>24 constitution, which is 40. So that number is the exact</p> <p>25 opposite of arbitrary. It's set and determined.</p>

<p style="text-align: right;">Page 174</p> <p>1 BY MS. STONE:</p> <p>2 Q Just a moment. Let me pull these up real quick.</p> <p>3 A Okay.</p> <p>4 MS. STONE: Counsel, we're looking at 162641.</p> <p>5 THE WITNESS: What does that mean, Matt?</p> <p>6 MR. SINGER: Your notes.</p> <p>7 THE WITNESS: Okay.</p> <p>8 MR. SINGER: Nicole, it might be in the stack of</p> <p>9 Mat-Su documents that I handed you that had your text</p> <p>10 messages. Do you still have that stack?</p> <p>11 THE WITNESS: Oh, yeah, I do. 641.</p> <p>12 Oh, I'm there. I'm there, Ms. Stone.</p> <p>13 BY MS. STONE:</p> <p>14 Q Okay. Thank you.</p> <p>15 So I'm going to be referring to ARB00162641</p> <p>16 through ARB00162644.</p> <p>17 A Yes.</p> <p>18 Q Can you please identify this document for me?</p> <p>19 A I can. So after we adopted v.1 and v.2, I spent</p> <p>20 a whole entire day working with the state demographer,</p> <p>21 and then extra time working with our director and</p> <p>22 executive director on drafting a full 40 plan. And</p> <p>23 these are my notes that I, then, intended to and did</p> <p>24 refer to on record as to where my boundary lines were,</p> <p>25 because I figured that at some point during the course</p>	<p style="text-align: right;">Page 176</p> <p>1 Q Was that a name that you assigned to the AFFR</p> <p>2 plan?</p> <p>3 A Yes, it is, because the AFL-CIO was one of the</p> <p>4 coalition members and the largest one. So in my mind, I</p> <p>5 just correlated it with AFL-CIO.</p> <p>6 Q And going on, it says: Doyon, et al., Interior</p> <p>7 ANC plan.</p> <p>8 Why did you call it the "Interior ANC plan"?</p> <p>9 A Because it was a coalition of Interior entities</p> <p>10 and other ANCs outside of the Interior. So you have --</p> <p>11 from -- from the Interior, you have Doyon, TCC, and FNA,</p> <p>12 but then you also have two other regional ANCs, Ahtna,</p> <p>13 and Sealaska.</p> <p>14 Q Okay. And then going on to page 643, it says:</p> <p>15 AFFER, and you called it "the republican plan."</p> <p>16 Why did you call it "the republican plan"?</p> <p>17 A Because it was championed by Randy Ruedrich, who</p> <p>18 is the former chairman, or I don't know what his title</p> <p>19 is, but he -- he used to run the Republican Party. I'm</p> <p>20 sorry. I don't know the exact title, but he was</p> <p>21 affiliated with the Republican Party.</p> <p>22 Q And then we go on and we see ADP, and what did</p> <p>23 that represent to you?</p> <p>24 A The Democrat Party's plan, the Alaska Democrat</p> <p>25 Party's plan.</p>
<p style="text-align: right;">Page 175</p> <p>1 of litigation or otherwise, it would be important to</p> <p>2 remember why I was grouping certain parts of the state</p> <p>3 together in districts.</p> <p>4 Q And so I see on the first page, 1641, you say:</p> <p>5 Tom B/SMC --</p> <p>6 A Yep.</p> <p>7 Q -- and it's called the "no deviation plan."</p> <p>8 Where did that term "no deviation plan" come</p> <p>9 from?</p> <p>10 A Me. That's just my shorthand of how I was kind</p> <p>11 of breaking their -- their plans down.</p> <p>12 Q And why did you call it the "no deviation plan"?</p> <p>13 A Because his deviations were extremely low and</p> <p>14 very tight, but it led to some odd couplings and</p> <p>15 districts that wouldn't necessarily meet the other</p> <p>16 constitutional requirements. And that's what happens</p> <p>17 when you have a drafter who focuses too much on</p> <p>18 deviations, other things suffer. And what I found</p> <p>19 suffered in some of his pairings on behalf of the Senate</p> <p>20 Minority Coalition was compactness, contiguity, and</p> <p>21 socio-economic integration.</p> <p>22 Q So then we go to the bottom of that page and the</p> <p>23 second page, it says AFFR, and then it indicates "labor</p> <p>24 plan."</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 177</p> <p>1 Q So I just wanted to confirm. I understand you</p> <p>2 made these notes based on a thorough review you did in</p> <p>3 working with staff and both the Board and the state; is</p> <p>4 that correct?</p> <p>5 A Yes.</p> <p>6 Q I --</p> <p>7 A I -- I would just shrink down to "state" to just</p> <p>8 mean Eric, the demographer. It wasn't, like, the whole</p> <p>9 entire state government. It was just Eric.</p> <p>10 Q Thank you for that clarification.</p> <p>11 MS. STONE: Randy, can we mark this one as an</p> <p>12 exhibit as well, please.</p> <p>13 THE VIDEOGRAPHER: Yeah. This will be Exhibit</p> <p>14 Number 35.</p> <p>15 (Exhibit 35 marked.)</p> <p>16 MS. STONE: And, Counsel, we're going to go to</p> <p>17 646 to 650.</p> <p>18 THE WITNESS: 646. Okay. I'm there.</p> <p>19 BY MS. STONE:</p> <p>20 Q Can you identify this document for me as well?</p> <p>21 A Yes. This is -- wasn't it the same -- okay.</p> <p>22 This is my -- my notes to myself regarding the</p> <p>23 boundaries of the districts that I drew.</p> <p>24 Q And do you recall what version this related to?</p> <p>25 A 4.</p>

<p>Page 178</p> <p>1 Q And I just want to make sure I understand your 2 notes. 3 A Okay. 4 Q Going to the bottom of 162646, Item Number 7, 5 you have 25, which I assume means District 25; is that 6 correct? 7 A In -- as it related to district -- as it related 8 to v.4, yes. 9 Q And you indicate Valdez and rural Mat-Su, and 10 you indicated "TAPS." 11 A Yeah. 12 Q Describe to me what you mean by "TAPS." 13 A I meant, in my mind, that was going to be a TAPS 14 district, because it followed the border of the Pipeline 15 on the east side. It was just a geographical marker. 16 Q And you put in bullet point "a," it says: MSB 17 equals 20 percent under pop. 18 What did you mean by that? 19 A Matanuska-Susitna is 20 percent underpopulated. 20 Q And was that the 5.8 that you were referring to, 21 or was it something different? 22 A It was the 5.8. 23 Q And you indicated that in 2001 redistricting 24 cases, AKSC equals permissible to connect Valdez and 25 Mat-Su; is that correct?</p>	<p>Page 180</p> <p>1 A Yes. 2 Q And why did you feel that was important to note 3 if it was in an acceptable range? 4 A Because even if a deviation is -- is in an 5 acceptable range, what we want to show is that the 6 district is as close as practicable on populations that 7 they could be. And I knew that these deviations could 8 be lower, and it was something that I wanted to work on 9 in my v.4 Version Best, which I was fortunate to have 10 the help of Bethany in bringing down. 11 MS. STONE: And, Counsel, just one more moment, 12 please. We'll go off the record. I'm almost complete. 13 THE WITNESS: Oh, sorry. I wasn't done 14 answering. 15 MS. STONE: We can go back on the record for a 16 moment. 17 MR. SINGER: Let the witness finish. 18 THE VIDEOGRAPHER: Go ahead. 19 THE WITNESS: Okay. Thank you, Ms. Stone. I 20 took a -- I took a breath there. 21 The other thing that the case law tells us and 22 that we've been instructed, is that to the extent 23 possible, populations should be equalized within a 24 borough. So why this stuck out to me at the time was 25 that you can see in my then District 29, I had 1.76 as</p>
<p>Page 179</p> <p>1 A Yes. 2 Q So is it fair to say that you relied on that 3 case law in determining that Mat-Su and Valdez could be 4 paired? 5 A No. 6 Q So why did you include it if you weren't relying 7 on it? 8 A I included it as a reason in case I needed to 9 rebut the fact -- if -- if -- if there was a challenge 10 as to why I mapped Valdez with the Mat-Su Borough, I 11 wanted to have some case law that I could present to 12 rebut it, but it wasn't a primary means or reliance for 13 me in mapping Valdez into Mat-Su. The constitution is 14 what I fell back on in drafting that district. 15 Q And then if we go and we look at Items 8 and 9 16 and 10 -- 17 A Okay. 18 Q -- would you agree that all of those, that 20 -- 19 what's identified in Version 4 is 28, 29, and 30, that 20 those all fall within the Matanuska-Susitna Borough? 21 A They do. 22 Q And on all three of these, you indicated that 23 the deviation that you presented was high; is that -- 24 A I did. 25 Q -- correct?</p>	<p>Page 181</p> <p>1 a deviation, but then down in 28, my deviation was 2 4 percent. Even though I believe there was an 3 argument that these were permissible, I wanted to 4 equalize them across the borough. 5 MS. STONE: Thank you. 6 We can go off the record again. Just a moment, 7 please. 8 THE VIDEOGRAPHER: We're going to go off the 9 record. This is the end of Media Unit No. 2, deposition 10 of Nicole Borromeo. The time is 2:37. 11 (Off record.) 12 THE VIDEOGRAPHER: On the record. This is the 13 beginning of Media Unit No. 3, deposition of 14 Nicole Borromeo. The time is 2:40. 15 MS. STONE: I have no further questions. Thank 16 you for your time today. 17 THE WITNESS: Oh, you're welcome. Thank you. 18 Is that it? 19 MR. SINGER: I think Calista and the East 20 Anchorage plaintiffs -- 21 THE WITNESS: Oh. 22 MR. SINGER: -- will have questions. So you're 23 halfway -- 24 THE WITNESS: Halfway done. Okay. 25 MR. SINGER: -- through the lawyers, yeah. More</p>

<p style="text-align: right;">Page 182</p> <p>1 than halfway through the questions, I would expect.</p> <p>2 THE WITNESS: Okay.</p> <p>3 MR. SINGER: Is it Mike, or...</p> <p>4 MR. SCHECHTER: Yeah. Sorry. Let's go off the</p> <p>5 record, and can we take -- can we take our five- to</p> <p>6 ten-minute break now? And then we'll be ready to go.</p> <p>7 MR. SINGER: Sounds good. We'll see you at</p> <p>8 2:50.</p> <p>9 THE VIDEOGRAPHER: Off the record at 2:41.</p> <p>10 (Off record.)</p> <p>11 THE VIDEOGRAPHER: On the record at 2:52.</p> <p>12 EXAMINATION</p> <p>13 BY MR. SCHECHTER:</p> <p>14 Q Ms. Borromeo, am I pronouncing that correctly?</p> <p>15 A You are. Thank you.</p> <p>16 Q Thank you.</p> <p>17 My name is Mike Schechter. I represent Calista</p> <p>18 Corporation, William Naneng, and Harley Sundown in this</p> <p>19 litigation?</p> <p>20 And I'd like to echo the other folks, and thank</p> <p>21 you for your time and service on the Board. It's nice</p> <p>22 to meet you, although unfortunate under the</p> <p>23 circumstances.</p> <p>24 A It's nice to meet you too, Mike.</p> <p>25 Q I -- in your discussion with Mr. Brena, I heard</p>	<p style="text-align: right;">Page 184</p> <p>1 A Yes.</p> <p>2 MR. SINGER: Object to form.</p> <p>3 BY MR. SCHECHTER:</p> <p>4 Q And so considering Versions 3 and 4 and then the</p> <p>5 other four maps that the Board adopted, is it your</p> <p>6 understanding at the time they were adopted, would any</p> <p>7 of those six maps have passed constitutional muster?</p> <p>8 A Yes.</p> <p>9 Q And as a member of the board -- some of these</p> <p>10 questions, I apologize in advance, are going to be a</p> <p>11 little basic and go over some other ground that some of</p> <p>12 the other attorneys have covered, but I want to make</p> <p>13 sure that you and I are seeing eye to eye about your</p> <p>14 understanding of -- of the Board's process and make sure</p> <p>15 we're just on the same page.</p> <p>16 A Okay.</p> <p>17 Q You're familiar with the requirement that an</p> <p>18 Alaska House district shall contain as nearly as</p> <p>19 practicable a relatively integrated socio-economic area?</p> <p>20 A Yes.</p> <p>21 Q And that requirement applies to all 40 House</p> <p>22 districts?</p> <p>23 A Yes.</p> <p>24 Q What about Senate districts?</p> <p>25 A The Senate district does not have that same</p>
<p style="text-align: right;">Page 183</p> <p>1 a little bit about what you did. I'd like to talk about</p> <p>2 that for just a quick second more.</p> <p>3 You graduated law school in 2007?</p> <p>4 A Yes.</p> <p>5 Q And then you were admitted to the Alaska Bar in</p> <p>6 2012?</p> <p>7 A Somewhere in there, yes.</p> <p>8 Q What were you doing in between?</p> <p>9 A My husband was a P-3 Naval Flight Officer, so we</p> <p>10 had orders to both -- from the time I graduated to then,</p> <p>11 we had orders to Wing 2 at Kaneohe Bay, Marine Corps</p> <p>12 Base on O'ahu.</p> <p>13 Q Oh.</p> <p>14 A So I was -- I was living in Hawaii.</p> <p>15 Q Not too shabby. Certainly a little bit better</p> <p>16 posting than Oak Harbor.</p> <p>17 A Yes. I agree.</p> <p>18 Q I spent a year on Whidbey after college, and I</p> <p>19 liked it, but I got to live in Coupeville.</p> <p>20 A Yes.</p> <p>21 Q So, sorry, that was just my idle curiosity.</p> <p>22 The Board adopted eight maps, ultimately, for</p> <p>23 public discussion. Is it fair to say it rescinded</p> <p>24 the -- the adoption of 1 and 2 or replaced Versions 1</p> <p>25 and 2 with Versions 3 and 4?</p>	<p style="text-align: right;">Page 185</p> <p>1 requirement.</p> <p>2 Q So you don't believe that there's a requirement</p> <p>3 for a relatively integrated socio-economic area within a</p> <p>4 Senate district?</p> <p>5 A I'm referring to what the constitution requires.</p> <p>6 Q Okay. Can -- can you distinguish for me what</p> <p>7 you believe is required versus what the constitution</p> <p>8 requires?</p> <p>9 A From the House to the Senate?</p> <p>10 Q Yes.</p> <p>11 A Yes. So for the House, the districts need to be</p> <p>12 drawn in a matter that are compact, contiguous,</p> <p>13 socio-economically integrated, and then contain as</p> <p>14 close -- as near as practicable the same population for</p> <p>15 all 40 districts.</p> <p>16 When it comes to the Senate pairings, there's</p> <p>17 a lot more latitude for the Board, and really the only</p> <p>18 constitutional requirement is that two House districts</p> <p>19 be physically touching each other. I can't remember</p> <p>20 the legal term for that.</p> <p>21 Q Contiguous?</p> <p>22 A Yes.</p> <p>23 Q Okay. And -- but it sounds like you don't think</p> <p>24 con- -- contiguity enough, alone, is sufficient for you</p> <p>25 to approve of a Senate district pairing; is that fair?</p>

<p>Page 186</p> <p>1 A No. It's not fair. 2 Q Okay. Can you tell me what's not fair about it? 3 A Are you referring to the Eagle River pairing, 4 specifically? Can -- can we talk about an example? 5 Q Yeah. Sure. I'm happy to talk about an 6 example. That makes things easier. 7 A Okay. So when it came to the Eagle River 8 pairing, even though those two districts did touch, 9 because Board Member Marcum had stated on record that 10 the benefit in her pairs was that it gave the community 11 more representation, that, to me, was no longer a 12 rational reason that I could support, even if they did 13 touch. 14 Q What if Board Member Marcum hadn't said that, 15 would you have approved the Eagle River pairings? 16 A I would not have objected as strenuously. 17 Q And we'll come back to Senate districts in a 18 little bit. 19 A Okay. 20 Q Well, let me ask this: Do you think it's 21 appropriate to consider the impact on voting populations 22 when you're looking at Senate districts? 23 MR. SINGER: Objection. Vague. 24 THE WITNESS: Yeah, I don't understand that 25 question either.</p>	<p>Page 188</p> <p>1 that are often funded through the Permanent Fund 2 royalties or they're receiving Permanent Fund Dividends, 3 yes. 4 Q Would that sort of -- would that sort of minimal 5 degree be sufficient for considering two places 6 socio-economically integrated for purposes of 7 redistricting? 8 A In the example that you gave, we have 9 compactness and contiguity problems that would prevent a 10 pairing like that. 11 Q Under- -- understood. 12 Would you give some examples of areas in the 13 state that are not boroughs or cities that you believe 14 are a relatively integrated socio-economic area so we 15 can better understand how you think about that? 16 A The communities in District 36. 17 Q All of them, all the way across? 18 A Yes. They're all socio-economically integrated. 19 Q At a constitutional level? 20 A Yes. 21 Q Could you -- could you provide some other 22 examples? And maybe some that aren't in the same 23 district. 24 A I don't -- I don't understand what -- what you 25 want me to do.</p>
<p>Page 187</p> <p>1 BY MR. SCHECHTER: 2 Q Okay. We'll -- we'll come back to those in a -- 3 in a different way later on. 4 A Okay. 5 Q What does the requirement for a House district 6 to be a relatively integrated socio-economic area mean 7 to you? 8 A That Alaskans that live together, work together, 9 play together should vote together. That's my 10 shorthand. 11 Q How about -- how you about your longhand? 12 A I don't know that I have a longhand. That's how 13 I can conceptualize that requirement. 14 Q Could we agree that there is some minimal degree 15 of socio-economic integration in any two areas you can 16 pick in the state? 17 A Yeah. That goes back to what I was talking with 18 Mr. Brena before. We're an oil and gas state; you know, 19 we're -- we're all tied to that industry. 20 Q But -- so, for example, Adak and Glennallen are 21 socio-economically integrated at some level as -- as 22 parts of the same state? 23 A Based on the example that I just gave with us 24 being an oil and gas state, so as long as those 25 residents are receiving the benefits of state services</p>	<p>Page 189</p> <p>1 Q So the -- the districts, as -- as the board sees 2 them and as you see them, my understanding is you 3 supported all 40 districts; is that right? 4 A Correct. 5 Q So you -- you see those as socio-economically -- 6 relatively socio-economically integrated areas for the 7 purposes of redistricting? 8 A I do. 9 Q Okay. So I think all of the parties here have, 10 well, at least four of the five parties have some set of 11 objections to what the Board did. So those are -- those 12 are areas, you know, the parties disagree on as -- as to 13 whether or not they are socio-economically integrated; 14 is that fair? 15 A That's fair. I'd like to add, too, that the 16 parties haven't presented the Board with better options, 17 and that what the Board did was constitutional, whether 18 or not it resulted in a particular pairing, such as 19 Valdez or Skagway or some of the communities in the 20 YK Delta. What the Board did on balance for the 40 21 districts is constitutional, and what the parties here 22 suggested during the process did not result in a better 23 map, or quite frankly, meet some of the constitutional 24 requirements that the Board had to consider. 25 And that's the difference between the Board</p>

<p style="text-align: right;">Page 190</p> <p>1 maps and the third-party maps. Third-party maps are 2 not bound by constitutional constrictions. They 3 should have followed them, and in that case, for 4 example, Valdez, we would not have been presented with 5 an 11-district map. But that's the luxury that a 6 third-party mapper has that the Board doesn't have. 7 Q You're talking about some of the third-party 8 maps that weren't adopted by the Board for discussion? 9 A Yep. Yep. I was trying to provide a full 10 answer to your question. 11 Q I understand. 12 I'll have some more questions and maybe we'll 13 get back to the examples and can maybe better 14 understand what we're discussing when it -- when it 15 comes to socio-economic integration. 16 A Okay. 17 Q What is your understanding of how municipal 18 boundaries are treated for determining if an area is 19 relatively socio-economically integrated? 20 A The areas within a borough are presumed to be 21 socio-economically integrated as a matter of law. 22 Q Is that true of cities, municipalities as well? 23 A Yes. 24 Q Are there different levels of socio-economic 25 integration?</p>	<p style="text-align: right;">Page 192</p> <p>1 contiguous but are not socio-economically integrated. 2 A Again, I -- I go back to the whole state is 3 socio-economically integrated. But I understood your 4 question, and maybe I need to modify my answer, is 5 you -- you asked me in terms of more or less, so -- 6 Q Sure. 7 A -- that's the answer that -- that I gave. 8 Q So, sorry, and I'm starting to use shorthand 9 without having to agreed to you with it first. 10 We agree that everything in the state, to some 11 degree, is socio-economically integrated; correct? 12 A Yes. 13 Q And -- and some places are, more or less, 14 socio-economically integrated? 15 A Yes. 16 Q Okay. So going forward, when I ask you about 17 whether or not something is socio-economically 18 integrated, can we agree that I mean relatively 19 socio-economically integrated for purposes of 20 redistricting? 21 A If you tell me what your definition of 22 "relatively socio-economically integrated for the 23 purpose of redistricting" means. 24 Q A constitutional level of socio-economic 25 integration.</p>
<p style="text-align: right;">Page 191</p> <p>1 A Yes. 2 Q Some places are less socio-economically 3 integrated with others, and some places are more 4 socio-economically integrated with others? 5 A Yes. 6 Q Is minimal socio-economic integration sufficient 7 for purposes of redistricting? 8 A Of course. It is not in Hickel. No. 9 Q What does -- what does "minimal integration" 10 mean to you? 11 A There aren't sufficient ties to demonstrate 12 socio- -- socio-economic integration. 13 Q Can you give me an example of a place that -- 14 two places that may not demonstrate that? And maybe two 15 places that you would otherwise find to be close enough 16 to each other that someone could consider them compact 17 and contiguous. 18 A So two examples that I would say don't 19 demonstrate socio-economic integration would be Valdez 20 and the rural Interior villages. 21 And the second part of your question? I'm 22 sorry. It was a two-part question. I only heard -- 23 only remember the first part. 24 Q Okay. I -- I think you were getting to Valdez, 25 examples of -- of places that maybe compact and</p>	<p style="text-align: right;">Page 193</p> <p>1 A Yes. 2 Q And, I mean, you would agree that there are 3 places in the state that might be compact and contiguous 4 but do not contain a constitutional level of 5 socio-economic integration? 6 A Yes. 7 Q And having had that discussion, would you agree 8 that Valdez is one of those places? It is compact, 9 relatively compact and contiguous with the Interior 10 villages, but it is not socio-economically integrated 11 with them at a constitutional level? 12 A I would not agree with that. 13 Q Okay. Why not? 14 A Because I think that you could, for 15 constitutional thresholds, show a socio-economic 16 integration, but is it the best option considering the 17 other 39 districts that you're also dealing with? 18 There's -- there's just more factors that we have to 19 weigh as a Board. 20 And this, again, goes back to what I was 21 discussing with Ms. Stone earlier in terms of, you know, 22 how I originally started the process, where I just went 23 region by region to see if I could, you know, do it. 24 That part flew through easy. But when you start to 25 bring all of those regions together, what you do in one</p>

<p style="text-align: right;">Page 194</p> <p>1 district is going to have a downstream effect on another 2 district, and it might not show up for 10 or 15 3 districts later, but everything is tied together. 4 Q So the -- would it be fair to say, then, for an 5 example like Valdez and the Ahtna villages on -- on the 6 Richardson Highway, they may be socio-economically 7 integrated, and they may be so at a constitutional 8 level, but balancing everything together, ultimately, in 9 your mind, not appropriate to have in the same district? 10 A I would say there were better options for the 11 Board on balance of the whole plan that prevented 12 putting Valdez with a lot of the rural Interior 13 villages. 14 Q Can you think of any examples of communities 15 that either you, yourself, or the Board as a whole 16 determined had some socio-economic integration but too 17 little to meet the constitutional requirement? 18 A Not off the top of my head. 19 Q Okay. Similar question. Very low 20 socio-economic integration but still sufficient to be 21 constitutional. Any communities like that come to mind? 22 A Not off the top of my head. 23 Q How do Alaska Native Corporations relate to the 24 question of socio-economic integration? 25 A Because the regional corporations, through</p>	<p style="text-align: right;">Page 196</p> <p>1 the socio-economic integration was greater than the 2 presumption within a borough? 3 A I would say there was a rational demonstration, 4 which is what's required. 5 Q Apart from ANCSA boundaries, did the Board take 6 Native populations into account when drawing its 7 districts? 8 A Yes, we did. We have to under the VRA. 9 Q How did you do that? 10 A We looked at the VRA members, what it required. 11 We had the benefit of advice from counsel, as well as a 12 VRA expert. Most of those discussions, some of them 13 occurred in Executive Session. 14 Q And when you did that, did you consider Native 15 Alaska -- Native Alaskans as a whole, or did you 16 consider unique Native Alaskan identities, for example, 17 you know, Inupiaq or Yup'ik, or, you know, potentially 18 even smaller divisions, villages or such? 19 A It's -- it's a broad question that should be 20 broken up. We -- we considered all of those -- we 21 considered most of those that you listed, but for 22 different purposes. 23 So, for example, when we did the VRA analysis, 24 we did not break it down by Aleut versus Athabascan, 25 Inupiaq, Tlingit, because the VRA just has Alaska</p>
<p style="text-align: right;">Page 195</p> <p>1 ANCSA, had to demonstrate socio-economic integration to 2 draw -- draw their geographic boundaries. It's evidence 3 of socio-economic integration. 4 Q And it's -- it's been 50 years since -- since 5 ANCSA. Are those -- those boundaries still useful for 6 that purpose? 7 A Yes. But they're not the only factor, but they 8 are useful. 9 Q Sure. If they were the only factor, I think we 10 may not be having this meeting. 11 So how do you balance ANCSA boundaries versus 12 borough boundaries? 13 A Borough boundaries is a legal requirement that 14 we have to take into consideration. The Board does not 15 have to take ANCSA boundaries into consideration. One 16 is "need to do." The other is a "nice to do." 17 Q And when you were -- but the Board did decide to 18 break some borough boundaries in favor of ANCSA 19 boundaries; is that correct? 20 A No. That's not correct. The Board decided to 21 break some borough boundaries because certain parts of 22 the state demonstrated a socio-economic integration with 23 another district that the Board felt comfortable with in 24 drawing the lines. 25 Q Would you -- would you say, in those instances,</p>	<p style="text-align: right;">Page 197</p> <p>1 Natives as a whole. When we talked about grouping 2 certain communities into a district, we did consider 3 culture at -- at that point and languages for the 4 socio-economic integration component. 5 Q Would you give some examples of that, that 6 latter use that you identified? 7 A So, for example, when we started at the top of 8 the state with District 40, we decided to couple the 9 Northwest Arctic Borough with the North Slope Borough 10 into one district. It was a little bit overpopulated 11 but we decided not to break the borough boundaries 12 because the deviations didn't require us to. It was 13 also a VRA district, so we were comfortable with the 14 deviation in -- in that district. 15 When we came down the west coast of Alaska into 16 District 39, we did try and adhere to a separation 17 between the Upper Kuskokwim, Athabascan villages and the 18 Lower Yukon villages, keeping the Athabascans in with 19 District 36, and -- and keeping the Inupiaq and Eskimos 20 of -- of 39 together, bringing in some Yup'ik Eskimos as 21 well to round out the population requirement for the 22 district. 23 Is that the type -- type of example you're 24 looking for, or did I provide a wrong... 25 Q Sure. No.</p>

<p>Page 198</p> <p>1 A Okay.</p> <p>2 Q No. That's exactly what I think would be</p> <p>3 worthwhile to talk about.</p> <p>4 When you say Eskimo Yup'ik, can you identify</p> <p>5 what villages or what areas you're talking about? And</p> <p>6 if a map is helpful to you at any time, just let me</p> <p>7 know. I've got lots of them.</p> <p>8 A Sure. So there's -- there's two types of</p> <p>9 Eskimos in Alaska, arguably three, depending on what</p> <p>10 anthropologist you're talking to, but we have the</p> <p>11 Inupiaq of the North Slope, and then you have the Yup'ik</p> <p>12 as well coming down the west coast. And, I mean, I</p> <p>13 consider the Aleut not to be Eskimo, to be its own</p> <p>14 separate grouping.</p> <p>15 So like I said, some folks will include the</p> <p>16 Aleut in the umbrella organization of Eskimos, others</p> <p>17 will not. But there's two primary groups of Eskimos,</p> <p>18 the Inupiaq and the Yup'ik. They do share a lot of same</p> <p>19 cultural norms, just like, for example, the Athabaskan</p> <p>20 people from the Interior where I'm from have some</p> <p>21 cultural similarities with the Navajo in the Lower 48.</p> <p>22 So we did take those things into consideration.</p> <p>23 Q Do you distinguish between -- I don't -- I don't</p> <p>24 know that I have a better way of asking this. Do you</p> <p>25 distinguish between Yup'ik with an apostrophe and Yupik</p>	<p>Page 200</p> <p>1 who the minority group members are because they could be</p> <p>2 majority at, you know, any given time, but I have</p> <p>3 general knowledge.</p> <p>4 Q Understood.</p> <p>5 So from a general perspective, what do the</p> <p>6 ANCSA regions mean to their shareholders?</p> <p>7 A It differs by region. But generally, it is a</p> <p>8 common bond throughout the region for individual</p> <p>9 shareholders.</p> <p>10 Can you -- can you define "meaning"? Because</p> <p>11 I -- I don't know if you're talking about, is this a</p> <p>12 philosophical bond, or is this a dividend check that</p> <p>13 we receive every year?</p> <p>14 Q I mean, I -- I guess I'm looking for you to --</p> <p>15 for those answers, more than -- I'm just asking, you</p> <p>16 know, a very general question in terms of, you know,</p> <p>17 how -- you know, and maybe -- you know, what are</p> <p>18 those -- what do the ANCs mean to the other residents</p> <p>19 within the region, might -- might help focus the</p> <p>20 discussion a little bit.</p> <p>21 A Non-shareholder residents of the region, what do</p> <p>22 the ANCs mean to them?</p> <p>23 Q Sure.</p> <p>24 A I don't -- I don't -- I don't know. I can't</p> <p>25 answer that. I don't have personal knowledge. For some</p>
<p>Page 199</p> <p>1 without an apostrophe?</p> <p>2 A Yes. The first one is spelled correctly.</p> <p>3 Q Well, and they're -- are they -- they also are</p> <p>4 two different languages, is that --</p> <p>5 A They're -- they're different dialects, yes,</p> <p>6 within the -- the Yup'ik culture. And there's Yup'iks</p> <p>7 and Cup'iks, and the dialects differ depending on</p> <p>8 whether or not you're from the coast or whether you're</p> <p>9 more inland on a river, just like the Athabaskan</p> <p>10 country. We've got 12 different dialects in the Doyon</p> <p>11 region.</p> <p>12 Q So for you personally, do you think that ANCSA</p> <p>13 regions should matter in the redistricting process?</p> <p>14 A To the extent that it evidences socio-economic</p> <p>15 integration, yes. That's -- that's where I believe the</p> <p>16 ANCSA regional boundaries come into consideration.</p> <p>17 Q As -- and you work for AFN?</p> <p>18 A I do.</p> <p>19 Q Okay. Do you consider yourself particularly</p> <p>20 well-informed on ANCSA regions and their relationships</p> <p>21 with their shareholders and residents of the regions?</p> <p>22 A Yes.</p> <p>23 Q What -- what do the --</p> <p>24 A With the caveat that the only constant in Native</p> <p>25 politics has changed, so I can't include exactly today</p>	<p>Page 201</p> <p>1 of them, it's a job.</p> <p>2 Q Are there -- are there services that -- that</p> <p>3 ANCs typically provide to some of the regions?</p> <p>4 A Typically, not services. They provide economic</p> <p>5 benefits, although I guess you could say there are some</p> <p>6 land services that the regional ANC -- oh, hello? Oh,</p> <p>7 no.</p> <p>8 Q I think that's on your end.</p> <p>9 A Is it on my end?</p> <p>10 THE VIDEOGRAPHER: No. Somebody else just</p> <p>11 entered the waiting room and probably two computers open</p> <p>12 in the same room. We should be okay now.</p> <p>13 MR. SCHECHTER: Okay.</p> <p>14 THE WITNESS: Okay. I'm sorry, Mike. Can you</p> <p>15 ask the question? I forgot it.</p> <p>16 BY MR. SCHECHTER:</p> <p>17 Q Sure. What do...</p> <p>18 A Oh, what services do -- do the ANCs provide.</p> <p>19 So the ANCs have a constant -- have a</p> <p>20 statutory duty to provide economic benefit -- benefits</p> <p>21 to their shareholders. Social services are handled by</p> <p>22 the regional tribal non-profit organization. So those</p> <p>23 are the ones that typically help with workforce</p> <p>24 development, WIC, SNAP, HUD type of things, so --</p> <p>25 Q And are the --</p>

<p style="text-align: right;">Page 202</p> <p>1 A Sorry.</p> <p>2 Q -- are those usual --</p> <p>3 A -- services.</p> <p>4 Q Are they're -- are the regional non-profits</p> <p>5 usually tied in some way to the ANCs in terms of funding</p> <p>6 or relationships? And you can -- you can talk about</p> <p>7 specific ones that you know about, if you'd like.</p> <p>8 A Sure. Typically not funding, but relationships,</p> <p>9 yes.</p> <p>10 Q What -- what do you mean by relationships?</p> <p>11 A They'll coordinate at a higher level. A lot of</p> <p>12 them will have collaborative meetings on a regular basis</p> <p>13 so they can stay abreast of what each are doing in their</p> <p>14 respective scope areas and see how they can support each</p> <p>15 other.</p> <p>16 Q So in an associat- -- in an organization like</p> <p>17 the Association of Village Council Presidents would</p> <p>18 coordinate with the Calista Corporation and maybe the</p> <p>19 Yukon-Kuskokwim Health Corporation on the services and</p> <p>20 needs of the folks in the Calista region; is that fair?</p> <p>21 A That's fair, yes.</p> <p>22 Q And is -- is there a similar setup in the Doyon</p> <p>23 region?</p> <p>24 A Yes.</p> <p>25 Q Would you describe that?</p>	<p style="text-align: right;">Page 204</p> <p>1 A Yeah. Same geographic service delivery area.</p> <p>2 Q And so Doyon would be to Calista as Tanana</p> <p>3 Chiefs Conference would be to the Association of Village</p> <p>4 Council Presidents comparing the Calista regions and the</p> <p>5 Doyon regions; is that fair?</p> <p>6 A Yes.</p> <p>7 Q And do those other organizations outside of the</p> <p>8 ANCs themselves, places like TCC or Association of</p> <p>9 Village Council Presidents, do those also further</p> <p>10 demonstrate socio-economic integration?</p> <p>11 A Yes.</p> <p>12 Q Do you feel that the Alaska Native Corporations,</p> <p>13 the ANCs, are qualified to comment on district</p> <p>14 boundaries in the redistricting process?</p> <p>15 A I feel every Alaskan and every Alaskan</p> <p>16 organization is qualified and welcome to comment.</p> <p>17 Q Do you think it's appropriate for them to</p> <p>18 comment on behalf of the residents of their region?</p> <p>19 A That's a question for leadership of those</p> <p>20 organizations, not me.</p> <p>21 Q Well, when you -- when you hear from, say,</p> <p>22 Andrew Guy, who's the -- the CEO of Calista, do you</p> <p>23 accept that as a board member, that he's reasonably</p> <p>24 speaking on behalf of the Calista region?</p> <p>25 A No.</p>
<p style="text-align: right;">Page 203</p> <p>1 A I don't have any personal knowledge, but I would</p> <p>2 hope and expect that Doyon CEO Aaron Schutt is</p> <p>3 coordinating with the interim president of TCC</p> <p>4 Brian Ridley and they, in turn, are speaking with</p> <p>5 Fairbanks Native Association, who I believe is still</p> <p>6 headed by Steve Ginnis.</p> <p>7 Again, a lot of these organizations have</p> <p>8 overlapping goals and missions in the same service</p> <p>9 delivery and/or population, so there -- there is</p> <p>10 coordination, plus there's a high degree of politics</p> <p>11 in -- in this realm as well, so --</p> <p>12 Q And --</p> <p>13 A -- coordinating for that reason.</p> <p>14 Q And TCC is the Tanana Chiefs Conference?</p> <p>15 A Yes. Sorry.</p> <p>16 Q No, that's okay.</p> <p>17 And has a similar or identical regional</p> <p>18 fingerprint to the Doyon Corporation?</p> <p>19 A No.</p> <p>20 Q It doesn't? How does it differ?</p> <p>21 A I mean, in terms of service delivery area, it's</p> <p>22 the same boundary as Doyon's boundary, but their</p> <p>23 missions are totally different.</p> <p>24 Q Sure. So I was just asking specifically about</p> <p>25 the geographics.</p>	<p style="text-align: right;">Page 205</p> <p>1 Q How do you -- how do you accept his testimony?</p> <p>2 How does that impact you?</p> <p>3 A Well, the example that I would give to that is,</p> <p>4 I'm a Doyon shareholder. Doyon takes certain positions</p> <p>5 publicly that, for example, some parts of our region</p> <p>6 don't agree with. So when the CEO of Doyon or the board</p> <p>7 chairman of Doyon makes a public statement on behalf of</p> <p>8 the Doyon region, it's on behalf of the leadership of</p> <p>9 the corporation, but collectively as a whole region, we</p> <p>10 don't always agree on policy and other matters.</p> <p>11 In terms of Andrew, though, I would say I do</p> <p>12 respect and accept that what Andrew says is on behalf</p> <p>13 of the executive management team and board of</p> <p>14 directors of the corporation, but I don't pretend that</p> <p>15 what Andrew says is how every single Calista</p> <p>16 shareholder feels.</p> <p>17 Q Did you hear -- and if I recall correctly, you</p> <p>18 specifically, at some point in the redistricting</p> <p>19 process, asked for the Calista leadership to testify; is</p> <p>20 that correct?</p> <p>21 A I did. I did, yes. Because Mr. Ruedrich was</p> <p>22 giving what I believe to be hearsay testimony on what</p> <p>23 Calista wanted. And so I said, "It would be helpful to</p> <p>24 hear directly from Calista itself." And it wasn't that</p> <p>25 I didn't trust the veracity of what Mr. Ruedrich was</p>

<p style="text-align: right;">Page 206</p> <p>1 saying, but it's always best to get information straight 2 from the horse's mouth. 3 Q I totally understand that. 4 And did you hear similar sentiments both 5 before and after you asked for Calista leadership's 6 testimony from other folks in the Calista region? 7 A Similar sentiments as to what? 8 Q As to the things that Calista was seeking in the 9 redistricting process, or, you know, what they thought 10 might be appropriate for districting of the region. 11 A It's such a broad question. You asked if I 12 heard similar sentiments from others in the Calista 13 region, or did you have a qualifier there and I didn't 14 pick up on it? 15 Q No, I don't. My only qualifier was both before 16 and after Mr. -- 17 A Oh. 18 Q -- Guy testified. 19 A Sorry, Mike. One more time. Restate the 20 question. 21 Q I think you have the question right, but I'm 22 asking both before and after Mr. Guy testified; is that 23 correct? 24 A I don't know what the original question was. 25 MR. SINGER: Objection to form.</p>	<p style="text-align: right;">Page 208</p> <p>1 Q -- in the redistricting process. 2 A Yes. Yes. And, in fact, I heard from AVCP 3 president and CEO Vivian Korthuis too, and I explained 4 to Vivian and everyone from the YK Delta that wanted to 5 be kept whole, that it was not constitutionally 6 possible, because the ideal target population we were 7 dealing with was 18,335, and Calista region was 26,000 8 upwards. So there was no constitutional way that that 9 region of ANCSA could be kept whole. It was just not 10 going to be legal under our constitution. 11 Q We'll come back to that in a little bit. 12 But when you asked -- when you asked Mr. Guy 13 or -- or Calista leadership to come testify, in -- in 14 addition to there being an issue of Mr. Ruedrich 15 speaking on behalf of -- of Calista as hearsay, as you 16 said, was there -- why, in particular, did you want to 17 hear from Calista leadership? 18 A Because I didn't appreciate the fact that AFFER 19 was making representations on Calista's behalf when we 20 hadn't heard from Calista. So it would have been 21 different, in my mind, if it had been an AFFER/Calista 22 plan and we had a document that said this is being 23 presented for consideration on behalf of both the 24 Alaskans for Fair and Equitable Redistricting and the 25 Calista Corporation. But instead what happened was it</p>
<p style="text-align: right;">Page 207</p> <p>1 BY MR. SCHECHTER: 2 Q That's on me. 3 Okay. Before Mr. Guy testified, had you heard 4 similar sentiments that he expressed about the Calista 5 region from folks in the region; in other words, 6 people other than Randy Ruedrich? 7 A Yes. 8 Q Do you recall who those were? 9 A We received a letter immediately in the process 10 early on from Hooper Bay. I believe it was one of the 11 Nanengs who was associated with the City of Hooper Bay. 12 They had a resolution. It stuck out because I remember 13 thinking that, "Wow, this is great to see a Native 14 village following the process," and that's -- that's why 15 it stuck out to me, and -- and that it was, again, early 16 on in the process. 17 Q Okay. And did you hear similar sentiments to 18 what Mr. Guy expressed after he came to testify from 19 other folks in the Calista region? 20 A When you say about what he expressed, what 21 specifically? There were several things that Andrew 22 expressed. 23 Q I think the one that predominates in my mind is 24 that the Calista region be kept as whole as possible -- 25 A Okay.</p>	<p style="text-align: right;">Page 209</p> <p>1 was presented as, "This is an AFFER plan, and oh, by the 2 way, Calista likes X, Y, and Z about the plan." So I 3 was trying to confirm that, indeed, Calista did like X, 4 Y, and Z about the plan. 5 Q And was that confirmed for you? 6 A Some parts. 7 Q What parts weren't confirmed for you? 8 A We spent a lot of time focused just on Districts 9 39 and 38 and 37. I don't know that we ever requested 10 or that Calista gave a preference to the other regions 11 in the state. I remember most of the discussion focused 12 around the YK Delta. 13 Q Do you consider language to be a relevant factor 14 in socio-economic integration? 15 A Yes. 16 Q Okay. For example, folks who spoke Central 17 Yup'ik be with other folks who speak Central Yup'ik? 18 A To the extent that the constitutional 19 requirements that we were drafting around allow for it, 20 yes. 21 Q Sure. And Inupiaq with Inupiaq? 22 A Yes. Same answer, to the extent that the 23 constitution provides for -- allows for it. 24 Q Do you know what language is spoken primarily in 25 Bethel?</p>

<p style="text-align: right;">Page 210</p> <p>1 A I don't know the dialect, but it's Yup'ik.</p> <p>2 Q Would you trust, subject to verification, that</p> <p>3 it's Central Yup'ik?</p> <p>4 A Yes.</p> <p>5 Q And that would be different from something like</p> <p>6 St. Lawrence Island Yup'ik, which is spoken in Savoonga</p> <p>7 or Gambell?</p> <p>8 A Yes.</p> <p>9 Q And would those folks be able to communicate</p> <p>10 with each other well?</p> <p>11 A It's always surprising to me how well they do</p> <p>12 communicate with each other, yes. And, in fact, I used</p> <p>13 to work with a couple of colleagues at AFN, Nelson</p> <p>14 Angapak, who is from Toksook, and then Judy Jaworski,</p> <p>15 whose family is from Elim. And Judy was telling me the</p> <p>16 story once about -- Nelson frequently converses in</p> <p>17 Yup'ik. It's his first language. And Judy had been</p> <p>18 picking up on conversations for decades between them</p> <p>19 that he was having with other people, and one day she</p> <p>20 just sort of answered part of the question, and he</p> <p>21 looked at her and said, "You understand what I'm</p> <p>22 saying?" She said, "Yes. All of these years I've been</p> <p>23 listening and understanding what you're talking about."</p> <p>24 So there -- there is similarity in language,</p> <p>25 and it makes it possible to -- to track conversations.</p>	<p style="text-align: right;">Page 212</p> <p>1 Q But not, like, a high level political</p> <p>2 conversation?</p> <p>3 A I don't have any personal knowledge, but I'm</p> <p>4 willing to stipulate, subject to check, probably not.</p> <p>5 Q How does language relate to fair representation?</p> <p>6 A In what respect?</p> <p>7 Q Is it important to have representatives that</p> <p>8 understand you and that you can communicate with?</p> <p>9 A It's always helpful. Is it required under</p> <p>10 Alaska's constitution? No. Again, we're drafting</p> <p>11 districts that are compact, contiguous, and</p> <p>12 socio-economically integrated. We take several factors</p> <p>13 into consideration, and languages is just about one of</p> <p>14 those factors.</p> <p>15 Q Would you agree that, if there is a language</p> <p>16 barrier between a citizen and a representative, that</p> <p>17 that would be indicative of -- of less socio-economic</p> <p>18 integration?</p> <p>19 A Not necessarily.</p> <p>20 Q Why not? I'm not saying no socio-economic</p> <p>21 integration. I'm just saying less.</p> <p>22 A Between a voter and their representative? And</p> <p>23 I'm saying not necessarily, no.</p> <p>24 Q Do you consider access and transportation to be</p> <p>25 a relevant factor in socio-economic integration; for</p>
<p style="text-align: right;">Page 211</p> <p>1 Q You wouldn't rely to them to translate each</p> <p>2 other, though?</p> <p>3 A I wouldn't rely on what?</p> <p>4 Q You wouldn't rely on one of them to translate</p> <p>5 the other, like, at a you know, fluency level, at a high</p> <p>6 fluency level?</p> <p>7 A No, I wouldn't.</p> <p>8 Q What do people speak in Nome?</p> <p>9 A I don't know the answer to that. English, but</p> <p>10 the Native language, I -- I don't know the answer to</p> <p>11 that. I know there's King Island, and they may have a</p> <p>12 separate dialect from other parts of the region.</p> <p>13 Q But you are aware that people who speak Central</p> <p>14 Yup'ik can't communicate with people who speak Inupiaq;</p> <p>15 is that fair?</p> <p>16 A Can't communicate or can?</p> <p>17 Q Cannot. Cannot.</p> <p>18 A They can.</p> <p>19 Q Can they communicate well at a level of -- you</p> <p>20 know, high level of fluency?</p> <p>21 A High level of fluency, no. Basic understanding,</p> <p>22 yes.</p> <p>23 Q Okay. So, you know, courtesies, hello, goodbye,</p> <p>24 where's the library, that sort of thing?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 213</p> <p>1 example, the ability to travel within a region?</p> <p>2 A Yes.</p> <p>3 Q Would you agree that transportation matters to</p> <p>4 fair representation? Specifically if a community cannot</p> <p>5 access a region where its representatives live because</p> <p>6 there are no transportation connections, would that be a</p> <p>7 problem?</p> <p>8 A Yes. And it's unfortunately a reality of most</p> <p>9 of the Bush districts. There's just no in-roads, in and</p> <p>10 out. You come by air. You come by water. And if</p> <p>11 you're lucky enough to have a good freeze, sometimes you</p> <p>12 can come over the land in the winter.</p> <p>13 Q What is a hub community in rural Alaska?</p> <p>14 A What -- what is a hub community?</p> <p>15 Q Yes.</p> <p>16 A It's a larger community that serves as a smaller</p> <p>17 service area for economics, entertainment, social</p> <p>18 services for corresponding villages that are related to</p> <p>19 that hub community.</p> <p>20 Q Could you give some examples of the hub</p> <p>21 communities in Western Alaska?</p> <p>22 A Utqiagvik, Nome, Kotzebue, Bethel, Dillingham,</p> <p>23 Unalaska.</p> <p>24 Q Do you consider other infrastructure or services</p> <p>25 to be a relevant factor in whether something is</p>

<p style="text-align: right;">Page 214</p> <p>1 socio-economically integrated --</p> <p>2 MR. SINGER: Objection.</p> <p>3 MR. SCHECHTER: -- for example...</p> <p>4 MR. SINGER: Go ahead.</p> <p>5 MR. SCHECHTER: What's your -- you need to state</p> <p>6 the basis of your objection, Matt.</p> <p>7 MR. SINGER: Well, I was objecting --</p> <p>8 MR. SCHECHTER: You just said objection.</p> <p>9 MR. SINGER: -- and then you said "for example,"</p> <p>10 so I was premature.</p> <p>11 THE WITNESS: Can you start at the beginning?</p> <p>12 MR. SCHECHTER: Yes. Yes, I can, if Matt will</p> <p>13 settle down over there.</p> <p>14 THE WITNESS: Settle down, Matt.</p> <p>15 BY MR. SCHECHTER:</p> <p>16 Q Do you consider other infrastructure to be a</p> <p>17 relevant factor in socio-economic integration; for</p> <p>18 example, healthcare?</p> <p>19 A Yes.</p> <p>20 Q What about social services, such as law</p> <p>21 enforcement?</p> <p>22 A Yes.</p> <p>23 Q What about school districts?</p> <p>24 A Yes.</p> <p>25 Q I believe you testified earlier, and please</p>	<p style="text-align: right;">Page 216</p> <p>1 Q Fair enough.</p> <p>2 Can you discuss, generally, how the Board</p> <p>3 approached the district boundaries for Districts 37,</p> <p>4 38, and 39? And if there's -- if you'd like to, for</p> <p>5 us to put up a map, we're happy to do that.</p> <p>6 A No. I don't need a map.</p> <p>7 We actually started at the top of the state with</p> <p>8 District 40, and then we came down the west coast. When</p> <p>9 we combined the North Slope Borough with the Northwest</p> <p>10 Arctic Borough, it pretty much reached the target ideal</p> <p>11 population. There was a slight deviation upwards, but</p> <p>12 the Board was willing to accept it for the sake of</p> <p>13 keeping the Northwest Borough entirely intact.</p> <p>14 And, again, the definition or the -- the court</p> <p>15 ruling that a borough meets the definition of</p> <p>16 socio-economic integration, that was a factor for us</p> <p>17 as well. Then we started in the Bering Straits</p> <p>18 region. That is District 39. Came down the coast,</p> <p>19 wanted to keep the Bering Straits region as intact as</p> <p>20 possible. And when we got down around the exchange</p> <p>21 there between the YK Delta and the Bering Straits</p> <p>22 region, like around Kotlik and whatnot, we had to keep</p> <p>23 going down south because there wasn't enough</p> <p>24 population to fulfill the requirements of the 18,335</p> <p>25 and 339.</p>
<p style="text-align: right;">Page 215</p> <p>1 correct me if I'm wrong, that how people feel about</p> <p>2 where they belong is relevant to socio-economic</p> <p>3 integration; is that -- is that correct?</p> <p>4 A No.</p> <p>5 Q How is that incorrect?</p> <p>6 A Because they need to give examples of the --</p> <p>7 objective examples of socio-economic integration are</p> <p>8 important in the redistricting process. Subjective</p> <p>9 perceptions are not. So I consider a feeling to be more</p> <p>10 of the latter than the former.</p> <p>11 Q So if the person testifying what the citizen's</p> <p>12 feeling was connected to "I feel more socio-economically</p> <p>13 integrated with X region because that's where I travel</p> <p>14 for shopping and to see my doctor and call the troopers</p> <p>15 if I needed to," would -- is that what you're talking</p> <p>16 about?</p> <p>17 A That's an example of the former. That's an</p> <p>18 objective example as to why they're connected. But</p> <p>19 if -- if they're just going to have a feeling of</p> <p>20 connectedness without more, "I live in Ketchikan but I</p> <p>21 feel very connected to an Anaktuvuk Pass," that's not</p> <p>22 going to cut it for redistricting purposes.</p> <p>23 Q That may not be compact or contiguous either?</p> <p>24 A That is true. There are other problems that</p> <p>25 would present.</p>	<p style="text-align: right;">Page 217</p> <p>1 And we also knew that the YK Delta region,</p> <p>2 Calista boundaries, if you will, that had 26,000</p> <p>3 Alaskans in it, which was going to be way too much for</p> <p>4 just one district. So Calista region was going to</p> <p>5 have to shed population both to the north and to the</p> <p>6 south in order to meet the district populations that</p> <p>7 were required based on the 2020 census data.</p> <p>8 So we took as little as we could. We also</p> <p>9 understood, from John's experience living out in the</p> <p>10 region, and others who had testified, and Melanie and</p> <p>11 I working and also lived experience, that there are</p> <p>12 clusters of communities in -- in rural Alaska that</p> <p>13 should, if possible, be districted together.</p> <p>14 So we brought in Hooper Bay, Scammon Bay,</p> <p>15 Chevak as a cluster of three. That almost got us --</p> <p>16 that got us close to the district ideal population for</p> <p>17 39, then we came down to 38. We also looked at some</p> <p>18 school districts around here while we were drafting 39</p> <p>19 and 38. 38 is the primary, I guess, Calista or AVCP</p> <p>20 region, if you will. It's just 100 percent contained</p> <p>21 within Calista and AVCP service delivery -- service</p> <p>22 delivery boundaries.</p> <p>23 Then we came down to District 37. That was in</p> <p>24 District -- in the previous cycle, stretched all the</p> <p>25 way up into the Interior, but because the district</p>

<p style="text-align: right;">Page 218</p> <p>1 numbers were 18.3 compared to 15.1 last time around, 2 we could shrink that area again and not have 3 Athabascans pulled into that district. 4 And to our great benefit, the census data that 5 was returned from those districts didn't present any 6 real VRA problems because those districts held 7 constant in their populations and/or grew in 8 populations. So they fairly easily rounded out their 9 district's population requirements, and they were 10 compact, and they were contiguous. So that's how we 11 approached it. But ANCSA boundaries did guide us 12 in -- in that decision because that's an unorganized 13 borough area of the state. 14 Q If -- if you're starting at the top from -- from 15 the 40 area, how do you get to the question of making 16 sure that Athabascans are not included in 40, 39, 38, 17 37? 18 A Well, from a 40 perspective, we just followed 19 the Northwest North Slope's borough boundary. So we 20 didn't bring in Allakaket and Bettles, for example, into 21 the North Slope. We followed the borough boundary. 22 Q What about for 39? 23 A Same thing. We followed the boundary between 24 Doyon and Bering Straits. 25 Q And what about the southern part of 39, which is</p>	<p style="text-align: right;">Page 220</p> <p>1 districts. And the coast districts have historically 2 been the VRA districts. So we wouldn't want to share -- 3 what am I saying? -- so -- so we decided to share 4 population among the VRA districts. 5 Q Does -- does the Board's decision not to group 6 the Athabascans with folks on the coast play into part 7 of this? Does it force Calista to be split into three 8 regions? 9 A No. That decision was made based on a thorough 10 analysis of our Big Three and a 40-district plan. It 11 never was just about Calista or the Athabascans. It was 12 about all 40 districts. 13 Q Outside of Fairbanks, though, Doyon is in one 14 district; is that correct? 15 A Even with Fairbanks, Doyon is in one district. 16 Q Well, sorry. I -- I consider -- I've heard the 17 joke that Fairbanks is the largest Doyon village. 18 A It's not a joke. It's fact. 19 Q Yeah. I mean, Fairbanks is several districts 20 that fit within the -- the Doyon region. 21 A Yes. 22 Q So -- but outside of Fairbanks, all of the rest 23 of Doyon is one House district? 24 A Yes. 25 Q And Ahnna fits in one House district?</p>
<p style="text-align: right;">Page 219</p> <p>1 between Calista and Doyon? 2 A Again, there wasn't enough population in 39 by 3 itself. So it needed more population, and we had made a 4 decision as a Board to look to that population from the 5 coast, from the Yup'ik population as opposed to the 6 Athabascan population, because there's more similarities 7 between the Yup'ik and Inupiaq versus Athabascan. 8 Q And -- 9 A The -- the Calista region was significantly 10 overpopulated, so it had to shed population. 11 Q The -- one of the other things you just said was 12 that the Calista region had to shed population both 13 north and south. Is it your understanding that the 14 Calista region is -- at 26,000 people, is that more than 15 two House districts' size? 16 A Can I -- can I do some math on paper really 17 quick? It's been a long day. 18 It's one and a half. 19 Q Okay. So at one and a half, why -- why does it 20 need to be split both north and south, which I take to 21 mean split into three districts instead of two? 22 A Because there wasn't enough population in 37 and 23 39. So, for example, you couldn't just split the 24 Calista region into two House districts without it 25 having a negative implication on the rest of the 38</p>	<p style="text-align: right;">Page 221</p> <p>1 A Yes. Because they did not have enough 2 population to become their own House districts, whereas 3 Calista had ample population to be one whole House 4 district plus a whole bunch of other options. 5 Q Okay. I -- I guess -- I guess what I'm asking 6 is: Why -- why wasn't more of an effort made to keep as 7 much of Calista together as possible; in other words, in 8 two House districts? 9 A You have to basic map, and you can't house all 10 of the Calista region into one House district. It had 11 to shed population, and we decided to shed population to 12 the north and to the south, because when you're coming 13 down the coast, you need another two to 3,000 Alaskans, 14 and District 37 needed Alaskans as well. And there's 15 not a lot of population on the northern boundary of 16 District 37 before you get over across the Inlet to 17 Anchorage and Kenai Peninsula. 18 So the -- the decision was made based on the 19 population needs of 37 and 38. We weren't trying to 20 make decisions just based on what Calista wanted. It 21 was based on what was needed for a fair and balanced 22 House plan. But we didn't make decisions based on 23 what any particular group wanted. We took what they 24 said into consideration, and to the extent that we 25 could make it work, we tried to make it work, and we</p>

<p style="text-align: right;">Page 222</p> <p>1 could not make what Calista wanted to work, work. 2 Q Is it -- is it fair to say that the -- that 3 Doyon, the Doyon area being in one district, was 4 consistent from Versions 3 and 4 of the Board's maps 5 through the final plan? 6 A I would have to go back and look at v.3. I can 7 say that it was consistent on v.4. And if you tell me 8 it is for v.3, I would accept it, subject to check. 9 MR. SCHECHTER: Randy, would you mind bringing 10 up Exhibit 7, please. 11 Ms. Borroneo, do you need a break? 12 THE WITNESS: It would be helpful, just five 13 minutes, so I can to use the restroom. Am I fidgeting? 14 I was just looking, I'm like, when did we take a break? 15 I don't need a full ten minutes. Five would be more 16 than great. 17 MR. SCHECHTER: That'd be great. 18 THE WITNESS: Okay. 19 MR. SCHECHTER: Randy, let's go off the record, 20 please. 21 THE VIDEOGRAPHER: All right. We'll go off the 22 record. The time is 3:50. 23 (Off record.) 24 THE VIDEOGRAPHER: And on the record at 3:56. 25 ///</p>	<p style="text-align: right;">Page 224</p> <p>1 Q They asked to be in District 39 at the end? 2 A They asked to put Chevak into 38. We wanted to 3 keep them all together. That was the cluster of 4 communities I was referring to in the beginning, but 5 this is what Chevak -- or Calista had asked for, and 6 this is ultimately what the Board adopted. 7 Q Calista asked for all three to be in the same 8 district as Bethel; is that correct? 9 A Yes. They did that too, but it was impossible 10 because of the cascading impacts that it would have on 11 the rest of the state, primarily the VRA districts. 12 Q What other cascading impacts were there? 13 A That's what I was talking about. It would have 14 underpopulated 39. It would have underpopulated 37. 15 Q So setting aside what the Board thought would be 16 an appropriate balance between all the districts, is 17 it -- is it possible to have Hooper Bay, Scammon Bay, 18 and Chevak in a district with Bethel on a constitutional 19 map? Is that map theoretically possible? 20 MR. SINGER: Objection. Form. 21 THE WITNESS: I don't know. 22 MR. SINGER: Go ahead. 23 THE WITNESS: I don't know. I've -- I've never 24 drafted it. I've never explored it. To the extent that 25 it was presented through the AFFER map, there were</p>
<p style="text-align: right;">Page 223</p> <p>1 BY MR. SCHECHTER: 2 Q Ms. Borroneo, let's talk about the specifics of 3 District 39. 4 A Okay. 5 Q Let me zoom out a little bit so you can see that 6 I'm -- we have ARB000057, which is part of Exhibit 7 of 7 the depositions. This is -- this is the actual Board 8 proclamation district. 9 Do you see that? 10 A Yes. 11 Q Can you tell me the northernmost Calista village 12 in District 39? 13 A Kotlik. 14 Q And everything to the north of there is a 15 Bering Straits village; is that correct? 16 A Yes. 17 Q So Stebbins and St. Michael are not in the 18 Calista region? 19 A Correct. 20 Q And Chevak is in District 38? 21 A Yes, it is. 22 Q And Hooper Bay and Scammon Bay are in 23 District 39? 24 A Yes. Because that's what Calista asked for at 25 the end.</p>	<p style="text-align: right;">Page 225</p> <p>1 several constitutional problems that I identified with 2 the AFFER map, particularly in Southeast and other 3 areas. So I don't know that it's possible. I don't 4 know. 5 BY MR. SCHECHTER: 6 Q And when we talked earlier, I thought it would 7 be your testimony that all of the maps that were 8 adopted, all six maps that were adopted for discussion 9 with the public were constitutional. 10 A Oh, thank you for the opportunity to clarify 11 that, because that's not what I meant. I meant all of 12 the Board-drafted maps were constitutional. I didn't 13 mean that all of the maps that we adopted period were 14 constitutional, because that, again, goes back to the 15 conversation that we had earlier or that I had with 16 Ms. Stone, that we're bound by constitutional criteria 17 in drafting whereas the third parties aren't. So that's 18 why they can couple whoever they want, or in the case of 19 Valdez, present an 11-district map. We could never 20 present an 11-district map. But when I say the six that 21 the Board adopted, I want to be very clear. It's v.1, 22 v.2, v.3, v.4, Alt v.3, and v.4 Best. Those are the six 23 that I'm talking about. 24 Q So why would you adopt the other four maps for 25 discussion with the public if they had constitutional</p>

<p style="text-align: right;">Page 226</p> <p>1 infirmities?</p> <p>2 A For purposes of discussion, to explain why</p> <p>3 certain things would not be permitted in a final map.</p> <p>4 And, in fact, the AFFER map was one that I identified a</p> <p>5 lot of constitutional problems with, and the only reason</p> <p>6 that I supported taking it on the road, is because its</p> <p>7 version of Mat-Su was supported by the borough of</p> <p>8 Mat-Su. I didn't want to, in fact --</p> <p>9 THE WITNESS: Can I talk about this, or is this</p> <p>10 attorney-client privilege about what me and Lee talked</p> <p>11 about?</p> <p>12 MR. SINGER: Lee is one of your lawyers, so I</p> <p>13 think if you -- if the two of you were -- if you were</p> <p>14 obtaining legal advice from Lee, then that's</p> <p>15 confidential and you should not disclose it.</p> <p>16 THE WITNESS: I don't know if I would consider</p> <p>17 it legal advice, thought. I would consider it --</p> <p>18 MR. SINGER: Why don't we -- can we take a --</p> <p>19 let's take a second off record.</p> <p>20 MR. SCHECHTER: Sure.</p> <p>21 THE VIDEOGRAPHER: Off the record at 4:01.</p> <p>22 (Off record.)</p> <p>23 THE VIDEOGRAPHER: On the record at 4:01.</p> <p>24 THE WITNESS: Okay. So I remember the question.</p> <p>25 I can just answer, unless you need to ask it again for</p>	<p style="text-align: right;">Page 228</p> <p>1 already said that is unconstitutional. They drew the</p> <p>2 Interior in a way that was completely destructive to a</p> <p>3 full 40 map, and then -- yes.</p> <p>4 So suffice it to say, there were major</p> <p>5 problems that I identified with AFFER's plan that was</p> <p>6 not constitutional, so I'm glad that we got to</p> <p>7 re-visit which maps I -- I was referring to earlier</p> <p>8 that I thought were constitutional. I didn't like the</p> <p>9 way that this part of the state was drawn on AFFER's</p> <p>10 plan. I thought that the Board did it better, and I'm</p> <p>11 happy with the version that the -- that the Board</p> <p>12 adopted.</p> <p>13 Q Thank you for that explanation.</p> <p>14 Looking at District 39 now, can you describe</p> <p>15 for me what the socio-economic connections are between</p> <p>16 the Calista villages, Kotlik in the south, and the</p> <p>17 northern part of District 39?</p> <p>18 A There's some common hunting and fishing. They</p> <p>19 also do some festival overlap as -- as well. There was</p> <p>20 a salmon return suppression in the YK Delta, and they</p> <p>21 fished in -- in the Bering in Norton Sound. So those</p> <p>22 were considerations that I -- that I weighed.</p> <p>23 Q Is there a passenger airline service from any of</p> <p>24 these villages to Nome? Sorry. Any other Calista</p> <p>25 villages to Nome?</p>
<p style="text-align: right;">Page 227</p> <p>1 formality.</p> <p>2 BY MR. SCHECHTER:</p> <p>3 Q No. Please go ahead.</p> <p>4 A Okay. So when it came to adopting third-party</p> <p>5 maps, I was not in favor of bringing the AFFER plan on</p> <p>6 the road. I identified a number of constitutional</p> <p>7 deficiencies with it. And I was speaking with one of</p> <p>8 our counsel, Lee Baxter, during the meeting that we</p> <p>9 adopted third-party plans, and I said the only thing</p> <p>10 that I like about AFFER's plan is how AFFER drew the</p> <p>11 Mat-Su Borough. And also the Doyon Coalition had some</p> <p>12 problems that nobody picked up on during the submission</p> <p>13 phase there, so they withdrew their part of Mat-Su and</p> <p>14 said, "We support AFFER's drawing of Mat-Su." The</p> <p>15 Mat-Su Borough also supported AFFER's drawing of Mat-Su.</p> <p>16 So I asked Lee, "Can I propose only adopting the</p> <p>17 Mat-Su Borough of AFFER and take that on the road?" And</p> <p>18 he said -- he told me that for purposes of ease of</p> <p>19 administration, just adopt the whole plan, the whole map</p> <p>20 that AFFER presented.</p> <p>21 And I said, "Okay. Well, I do have problems</p> <p>22 with pretty much every other district that they had</p> <p>23 presented." I mean, they wanted to split the Northwest</p> <p>24 Arctic Borough just to get a deviation better. They</p> <p>25 wanted to split Saxman from Ketchikan, which the court</p>	<p style="text-align: right;">Page 229</p> <p>1 A Outside of a charter, not that I know of, but</p> <p>2 there's 56 Calista villages. So I don't know the -- I</p> <p>3 don't know the commercial airline flights of all of</p> <p>4 them. And then Bering Straits has another, you know, 36</p> <p>5 villages.</p> <p>6 Q Sorry. For right now, we're talking about the</p> <p>7 Calista villages in District 39, so...</p> <p>8 A Okay. I don't know of any regularly</p> <p>9 commercially scheduled flights occurring between those</p> <p>10 villages and Nome.</p> <p>11 Q Okay. And the folks in the Calista villages in</p> <p>12 39, they get their health services through the</p> <p>13 Yukon-Kuskokwim Health Corporation in Bethel; is that</p> <p>14 correct?</p> <p>15 A Or the Alaska Native Medical Center or</p> <p>16 Southcentral.</p> <p>17 Q But not in Nome, not -- not through the</p> <p>18 Norton Sound Health Corporation?</p> <p>19 A Generally, no.</p> <p>20 Q And --</p> <p>21 A Now, if they were in Nome for some reason and</p> <p>22 they needed service, I would imagine they would go to</p> <p>23 Norton Sound Health Corporation.</p> <p>24 Q Right. I would suspect that someone in an</p> <p>25 emergency is going to the nearest -- nearest hospital,</p>

<p style="text-align: right;">Page 230</p> <p>1 but someone going for -- going to the doctor for an 2 annual physical, let's say, the folks in these Calista 3 villages are going to Bethel; is that correct? 4 A It depends on what's needed. Sometimes they may 5 bypass that and go straight to Anchorage. 6 Q But their health services are not in Nome, 7 generally? 8 A Generally, no. 9 Q And the -- the villages of the Bering Straits 10 Corporation, District 39, they do get their health 11 services primarily through Nome; is that correct? 12 A Yes. 13 Q Okay. And their -- their transportation, their 14 air transportation, their regularly-scheduled passenger 15 flights from the Bering Straits villages are typically 16 through Nome; is that correct? 17 A Yes. 18 Q Where -- where are troopers dispatched from for 19 the Calista villages in District 39? 20 A That's a loaded question for me. 21 Q We -- 22 A Arguably, nowhere, but I don't know the answer 23 to that question. 24 Q Okay. We have had similar testimony from our 25 witnesses, that when they are called and they do show</p>	<p style="text-align: right;">Page 232</p> <p>1 doesn't mean that there's no social-economic integration 2 within 39 on balance. 3 Q Do you recall any testimony from members of the 4 public that tied the Calista villages and the southern 5 half of 39 with the northern half of 39? 6 A I don't, but I'll also say that I remember 7 receiving public testimony early on, as I was talking 8 about, from Hooper Bay, and I had requested that the 9 Board visit Hooper Bay as part of our public outreach. 10 And when we called Hooper Bay, the tribal council had no 11 idea what we were even talking about. They thought we 12 wanted to come vote in Hooper Bay. So different people 13 understand things differently. 14 Q Do you think maybe that was a language problem? 15 A I don't know what it was. 16 Q Did you rely on that mix-up with the village 17 council in forming your thoughts about socio-economic 18 integration of a district? 19 A No, I did not. And, again, we needed to take 20 compactness, contiguity into consideration, in addition 21 to socio-economic -- sorry -- compactness, contiguity, 22 in addition to socio-economic integration. 23 So, I mean, I -- I appreciate the fact that your 24 clients and others want to be so focused on 25 socio-economic integration, but it's just one of the</p>
<p style="text-align: right;">Page 231</p> <p>1 up, they show up from Bethel. 2 A Okay. 3 Q But, yeah, point well-taken. We'll leave the 4 troopers out of this for a second. 5 St. Michaels and Stebbins and the villages 6 of -- the Bering Straits villages in District 39, to 7 the extent that they have housing authority services, 8 those are coordinated through -- through Nome; is that 9 correct. 10 A I would have to refer to the boundaries of the 11 tribally-designated housing entities. I'll stipulate to 12 it, subject to check. 13 Q Okay. Stipulating to that same check, or 14 subject to that same check, the Calista villages in 15 District 39 would receive those services through 16 Calista-related entities in Bethel; is that correct? 17 A Subject to check, yes. 18 Q Would it be fair to say that the districts, that 19 the Calista villages in District 39 are more 20 socio-economically integrated with the Calista region 21 and Bethel than they are with the Bering Straits region 22 and Nome? 23 A I would say there's a rational social-economic 24 integration within District 39 as a whole, although 25 there may be more ties, yes, with -- with 38, but that</p>	<p style="text-align: right;">Page 233</p> <p>1 three factors, and the Court has been pretty specific 2 that there are two other ones that are weighted more 3 heavily. 4 Q The other two are weighted more heavily? 5 A Yes. So if -- if we look at Hickel and how the 6 Court says that the plan should be drafted, it's for 7 compactness, contiguity, and then socio-economically, 8 then you equalize the districts to make sure that 9 they're as close as practicable population-wise. 10 And, you know, in -- in a perfect world, we 11 could give all 200-plus Alaska communities exactly 12 what they wanted, but then that would lead to some 13 districts with just, for example, Haines and Skagway, 14 and that's what the constitution, you know, says, we 15 cannot have just a district of 4,000 residents. 16 Q Sure. I mean, would a district that had Chevak, 17 Hooper Bay, and Scammon Bay in the same district as 18 Bethel, would that not be compact and contiguous? It 19 just means touching; right? 20 A I would have to see how you draw that district, 21 because you could draw a district that is not compact 22 and contiguous even though it has Hooper Bay, Scammon 23 Bay, and Chevak with Bethel. So I would need to see how 24 you draw the whole district. I would also need to see 25 how it balances and impacts the full 40.</p>

<p style="text-align: right;">Page 234</p> <p>1 Q Did you rely on the testimony of Member Bahnke 2 in addressing the connections between the northern parts 3 of 39 and southern parts of 39 and the Bering Straits 4 region not wanting to be grouped with inland villages? 5 A Yes. One of the many testimonies that I relied 6 on. 7 MR. SCHECHTER: Randy, we're looking at 8 Exhibit 23. 9 THE WITNESS: Oh, I remember this day. 10 BY MR. SCHECHTER: 11 Q Would you read what Member Bahnke said starting 12 on line 2? 13 A Yes. 14 "I mean, I can take off my Redistricting Board 15 hat and speak as a regional tribal leader for the 16 Kawerak Region" -- 17 "CHAIR BINKLEY: Uh-huh. 18 "MEMBER BAHNKE: -- and let" -- 19 Oh, am I going too fast? 20 Q Sorry. Yeah, no, I just -- I just wanted what 21 Member Bahnke had to say. Sorry. Sorry. You can -- 22 you can -- finish with what Member Bahnke had to say. 23 A In line 6 or am I done at 4? 24 Q Yes, please. 25 A Okay. At line 6, "and let you know that there</p>	<p style="text-align: right;">Page 236</p> <p>1 border and then went pretty far south too. So there 2 were people watching and that were testifying, yes. 3 Q So when they say the Interior rural Fairbanks 4 hub communities, do they mean everything within the 5 Doyon region, or do they just mean the further ones? 6 A You'll have to ask Melanie what she meant by 7 that. 8 Q How did you take it to mean? 9 A I took it to mean the Doyon villages. 10 Q All of them? 11 A Yes. 12 Q And do you believe that there is no 13 socio-economic integration between those villages and 14 folks in coastal Alaska? 15 A I believe there's socio-economic integration, 16 specifically economic integration with all Alaskans 17 because of our industry, you know, being heavy oil and 18 gas and we haven't diversified it. So there is economic 19 integration there. 20 I don't know that I would go as far as Melanie 21 did and say there's no socio-economic integration, but 22 that's how that member felt about that issue. 23 Q Is there a -- do you believe that there's a 24 constitutional level of socio-economic integration 25 between those communities and communities on the coast?</p>
<p style="text-align: right;">Page 235</p> <p>1 is no socio-economic integration between western coastal 2 rural Alaska and the Interior rural Fairbanks hub 3 communities." 4 Q Do you think it's appropriate for a member of 5 the Board to take off their hat, so to speak, as a 6 Redistricting Board member, and then be testifying on 7 behalf of their own tribal organization? 8 A I think that we were selected for appointment 9 based on our individual skills and talents and 10 professional and personal experience. So I think it 11 would have been inappropriate for us not to share those 12 benefits with our colleagues. 13 Q How many other folks testified from Ms. Bahnke's 14 region on a similar note? 15 A I couldn't tell you off the top of my head. 16 Q Do you recall any? 17 A From the Bering Straits region? 18 Q Yes. 19 A I do recall some when we went to Nome. The 20 former mayor came. There were a few other folks that 21 wandered in, a handful, I would say less than five. And 22 this was a particular area of concern for that region 23 because during the last cycle, one of the early 24 iterations of the Board had taken Nome and drawn it all 25 the way -- districted it all the way to the Canadian</p>	<p style="text-align: right;">Page 237</p> <p>1 A I thought there was a better option which we did 2 and we adopted. 3 Q I understand that, but that's -- that's not my 4 question. 5 A Okay. 6 Q Do you believe that there is a constitutional 7 level of socio-economic integration between some subset 8 of Doyon villages and villages in the coastal -- western 9 coastal region of Alaska? 10 A I can't think of any examples that jump to mind. 11 Q No villages in the Doyon region 12 socio-economically integrated with Western Alaska? 13 A Western Alaska or the Bering Straits region? 14 Q Either the Doyon region -- sorry. Excuse me. 15 Either the Bering Straits region or the Calista region. 16 A I would say there's more socio-economic 17 integration between the Doyon region and the Calista 18 region than there is the Doyon region and the 19 Bering Straits region. I mean, traditionally, our 20 people were -- were separate and there was wars between 21 us. 22 MR. SCHECHTER: Randy, I sent you this a little 23 while ago. Let's add this as the next exhibit. 24 THE VIDEOGRAPHER: District 36. 25 MR. SCHECHTER: Actually, you know what, we</p>

<p style="text-align: right;">Page 238</p> <p>1 don't need to do that. Sorry. We can just -- we can 2 just look at District 36 as adopted right now. We're 3 looking at Exhibit 7. 4 BY MR. SCHECHTER: 5 Q So, Ms. Borromeo, the villages of Grayling, 6 Anvik -- I'm going to pronounce this incorrectly. 7 Please correct me -- Shageluk and Holy Cross, those are 8 Doyon villages on the Yukon River; is that correct? 9 A Correct. 10 Q And they would naturally share fishing issues 11 and such with villages further down river, including in 12 the Calista region? 13 A Yes. 14 Q And this area, actually, as far as I know, is 15 served by Ryan Air. Do you -- do you have a basis to 16 know that or not know that? 17 A I do have a basis to know that, yes. 18 Q Okay. So traveling from Grayling, Anvik, 19 Shageluk or Holy Cross, where -- where would you travel 20 to get really anywhere else in the state by scheduled 21 passenger air service? 22 A It depends on the regional carriers at the time. 23 I -- I've seen it a couple of different ways. A lot of 24 times -- this is what we refer -- we refer to in the 25 Doyon region as the "gash" subregion. They will either</p>	<p style="text-align: right;">Page 240</p> <p>1 between these four villages and other Calista villages? 2 A I can't think of any. 3 Q Would it surprise you if some existed, though? 4 A No. Because I couldn't think of any five 5 minutes ago, and you reminded me about the Aniak 6 connection. 7 Q Fair enough. 8 Let's also talk about the McGrath area, which 9 I believe you're from. 10 A I am. 11 Q Okay. McGrath, Nikolai, Takotna are on the 12 Upper Kuskokwim River; is that correct? 13 A They are. 14 Q Okay. And the -- the Kuskokwim headquarters are 15 not far from there; is that correct? 16 A Correct. 17 Q Okay. So unlike the Yukon which stretches 18 across most of Northern Alaska, the Kuskokwim is pretty 19 much in this area between Doyon and the Calista region; 20 is that correct? 21 A Yes. 22 Q So you'd expect that there would be similar 23 concerns about fishing rights on the Kuskokwim shared 24 with McGrath, Takotna, Nikolai, and Calista villages on 25 the Lower Kuskokwim?</p>
<p style="text-align: right;">Page 239</p> <p>1 come through Anchorage, or if there's another carrier, 2 Grant, for example, they may start running regular 3 service, or Alaska Air Transit out to these areas as 4 well, and those are just two examples of regional 5 operations. It depends on the small regional carrier. 6 Ryan Air, though, I will say, is predominantly 7 cargo. They don't do a lot of passenger service. They 8 make an exception for Unalakleet and some of the other 9 surrounding villages because that's their home or 10 origin, but they're not a passenger airline. It's a 11 charter airline, and they run -- they run cargo. 12 Q But the cargo connection would be a significant 13 socio-economic connection, would it not? 14 A What cargo connection are you talking about? 15 Q Between these four villages, Grayling, Anvik, 16 Shageluk, Holy Cross and wherever their cargo is flying 17 in from. 18 A I don't know about significant, but it's an 19 example. 20 Q But it's a way that -- that they may -- they're 21 connected with Aniak, for example, where those 22 flights -- where most of the those Ryan flights 23 originate; is that correct? 24 A Yes. 25 Q Are there other socio-economic connections</p>	<p style="text-align: right;">Page 241</p> <p>1 A I'll stipulate to that. I -- I grew up 2 commercial fishing in Bristol Bay, so I don't have as 3 much, even though I'm from McGrath, knowledge of the 4 inter-tribal fishing on the Kuskokwim. I'm more 5 familiar with Bristol Bay's fishing industry. 6 Q And traveling from Takotna, McGrath, Nikolai, 7 you would travel through Anchorage and other places, not 8 directly through Fairbanks, typically, is that correct, 9 by passenger air service? 10 A Right. Now the regular passenger air service is 11 through Anchorage, correct. At other times, though, it 12 has been through Fairbanks. But right now, it's through 13 Anchorage. 14 Q The -- for all of the Doyon region, the Doyon 15 headquarters, Tanana Chiefs Conference headquarters, the 16 Chief Isaac Health Center, those are all within the City 17 of Fairbanks; is that correct? 18 A Correct. 19 Q And the City of Fairbanks is not within 20 District 36; is that correct? 21 A Correct. 22 Q Okay. So in -- in determining how to connect 23 District 36 with some portion of the Fairbanks Borough, 24 how -- how did you go about making that decision? 25 A Extreme deference was given to John.</p>

<p>Page 242</p> <p>1 Q And...</p> <p>2 A I had a different way.</p> <p>3 Q What was your way?</p> <p>4 A I would have broke the borough boundary around</p> <p>5 Eielson Air Force Base.</p> <p>6 Q And what was the reasoning for John's way?</p> <p>7 A Either -- either way would have been</p> <p>8 constitutionally permissible. It took John a lot to</p> <p>9 come around to breaking the borough boundaries. And</p> <p>10 because he lives in Fairbanks, I did want to show</p> <p>11 deference to him on where he thought that the boundary</p> <p>12 should be broken, and he presented a rational argument</p> <p>13 on the record and justification. I said this is not how</p> <p>14 I would have done it, but that the chairman had</p> <p>15 presented a rational basis and that I was willing to</p> <p>16 support what he put forward for consideration, and I</p> <p>17 did.</p> <p>18 MR. SCHECHTER: Randy, I'm pulling up</p> <p>19 Exhibit 15, which is the September 20th meeting</p> <p>20 transcript.</p> <p>21 THE WITNESS: Can you get me a snack?</p> <p>22 MR. SCHECHTER: I'm changing my mind about this</p> <p>23 exhibit.</p> <p>24 THE WITNESS: We should talk about it.</p> <p>25 ///</p>	<p>Page 244</p> <p>1 about each of the ANCSA regions.</p> <p>2 A I really like this map. Sure. Let's talk about</p> <p>3 them.</p> <p>4 Q Okay. Let's start at the top.</p> <p>5 A Okay.</p> <p>6 Q The Arctic Slope Regional Corporation.</p> <p>7 A Yes.</p> <p>8 Q Is that in one House district or two?</p> <p>9 A One.</p> <p>10 Q I would agree with you. I will just point out</p> <p>11 there's a small part that pops into District 36 here,</p> <p>12 but I think you and I would agree that no one lives in</p> <p>13 this part of District 36; is that correct?</p> <p>14 A Correct. I was referring to all of the</p> <p>15 villages. Yes.</p> <p>16 Q Okay. And we'll have that issue in a couple of</p> <p>17 other places --</p> <p>18 A Okay.</p> <p>19 Q -- that we'll cover.</p> <p>20 But -- so -- but Bering Straits is in -- is in</p> <p>21 one House district. And --</p> <p>22 A That's --</p> <p>23 Q -- looking at NANA, also in one House district;</p> <p>24 is that correct?</p> <p>25 A Yes.</p>
<p>Page 243</p> <p>1 BY MR. SCHECHTER:</p> <p>2 Q What would you like to talk about, about this</p> <p>3 exhibit?</p> <p>4 A How Senator Begich was proposing to split the</p> <p>5 YK Delta into three districts. I thought that it would</p> <p>6 have been a better idea to consolidate them into two so</p> <p>7 they weren't spread out over -- or he was talking about</p> <p>8 three, sorry. And it provided additional evidence as to</p> <p>9 others that -- that wanted it split as well, into three.</p> <p>10 Q And it eventually did end up splitting to three,</p> <p>11 was it not?</p> <p>12 A Yes. This is a hard thing for the Calista</p> <p>13 region to -- to reconcile when they see a region like</p> <p>14 Doyon that has kept whole or Ahtna that has been kept</p> <p>15 whole, and they think, "Well, why can't we be kept whole</p> <p>16 because it's more powerful?" Really, they have enough</p> <p>17 residents to be split into more districts and to</p> <p>18 potentially control more seats in the future.</p> <p>19 Q Let's -- let's talk about that a little bit.</p> <p>20 A Okay.</p> <p>21 Q So I will represent to you that this is an</p> <p>22 accurate map of the Board-approved plan, and I'm going</p> <p>23 to put the ANCSA boundaries on it.</p> <p>24 A Okay.</p> <p>25 Q And we can scroll around. Let's -- let's talk</p>	<p>Page 245</p> <p>1 Q Bering Straits is in one House district?</p> <p>2 A Yes.</p> <p>3 Q As we've discussed, Calista is in three?</p> <p>4 A Yes.</p> <p>5 Q The Aleut Corp, they're in one House district;</p> <p>6 correct?</p> <p>7 A Yes.</p> <p>8 Q Do you want me to -- I can -- I can highlight</p> <p>9 their boundary.</p> <p>10 A Okay. Yes, they are.</p> <p>11 Q Koniag is in two, but does anybody live in the</p> <p>12 District 37 portion of Koniag's House district?</p> <p>13 A Not to my knowledge.</p> <p>14 Q So Koniag is, effectively, all in House</p> <p>15 District 5?</p> <p>16 A Yeah. There may be a few handful of folks that</p> <p>17 were put there for differential privacy reasons or</p> <p>18 whatnot. But, yeah, not any communities or anything</p> <p>19 that I know of over across the bay.</p> <p>20 Q When you say "differential privacy reasons,"</p> <p>21 you're talking about the census technique to make sure</p> <p>22 that people can't be identified by their census tract?</p> <p>23 A I am.</p> <p>24 Q And the Sealaska region, they're -- that -- that</p> <p>25 Alaska Native Corporation matches up with the four House</p>

<p style="text-align: right;">Page 246</p> <p>1 districts that are within its region?</p> <p>2 A I can't see Sealaska. Can you move your cursor</p> <p>3 over?</p> <p>4 Okay. And you said Sealaska is in four House</p> <p>5 districts?</p> <p>6 Q Yes.</p> <p>7 A Yes, it is.</p> <p>8 Q And -- and those House districts match roughly</p> <p>9 with the boundaries of Sealaska?</p> <p>10 A Yes.</p> <p>11 Q Ahtna, as we've talked about, is in two House</p> <p>12 districts --</p> <p>13 A Yes.</p> <p>14 Q -- but do -- are there any Ahtna villages or any</p> <p>15 significant population in the District 29 portion of</p> <p>16 Ahtna's region?</p> <p>17 A Again, you have to define what "significant"</p> <p>18 means. Cantwell is there.</p> <p>19 Are you talking about 29, or...</p> <p>20 Q I'm talking about 29.</p> <p>21 A Okay. I don't see any Ahtna villages in 29.</p> <p>22 Q Okay. So for the most part, Ahtna is -- is in</p> <p>23 one House district?</p> <p>24 A Ahtna -- Ahtna's population is in one</p> <p>25 House district. Ahtna's lands are in two.</p>	<p style="text-align: right;">Page 248</p> <p>1 Chugach lands are split over several House</p> <p>2 districts; is that correct?</p> <p>3 A It is. They have a lot of islands.</p> <p>4 Q And -- but Chugach is, compared to Bristol Bay</p> <p>5 in terms of population, shareholders, and the population</p> <p>6 of the region, a much smaller population; is that fair</p> <p>7 to say?</p> <p>8 A General number as Alaska Native shareholders?</p> <p>9 What? What are we talking about?</p> <p>10 Q Alaska Native shareholders is one example. I</p> <p>11 believe there's only 2,000.</p> <p>12 A I haven't looked at Chugach's enrollment numbers</p> <p>13 lately. Chugach is a smaller region, but I -- I don't</p> <p>14 know the number of shareholders or descendants that they</p> <p>15 have. I will stipulate, subject to check, that</p> <p>16 Bristol Bay is larger.</p> <p>17 Q And Chugach, as an entity, do they participate</p> <p>18 significantly in the redistricting process?</p> <p>19 A No.</p> <p>20 Q Did you -- you didn't hear much testimony, if</p> <p>21 any, about -- did you hear any testimony about keeping</p> <p>22 Chugach as one region? Or one House district, excuse</p> <p>23 me.</p> <p>24 A From Chugach Alaska Corporation?</p> <p>25 Q From anyone.</p>
<p style="text-align: right;">Page 247</p> <p>1 Q Okay.</p> <p>2 A How about that?</p> <p>3 Q That seems reasonable.</p> <p>4 A Okay.</p> <p>5 Q As we've talked about, Doyon outside of the</p> <p>6 Fairbanks Borough and city is in one House district; is</p> <p>7 that correct?</p> <p>8 A Outside of -- outside of what?</p> <p>9 Q Outside of the city and borough of Fairbanks,</p> <p>10 it's otherwise in one House district?</p> <p>11 A Yes, it is.</p> <p>12 Q Okay. And I think -- are you willing to</p> <p>13 stipulate that a discussion of CIRI is not a worthwhile</p> <p>14 endeavor for this conversation about how Anchorage --</p> <p>15 Alaska Native Corporations match up with House</p> <p>16 districts?</p> <p>17 A Enthusiastically.</p> <p>18 Q Okay. And that's because it covers 20-something</p> <p>19 House districts in the state?</p> <p>20 A Yes.</p> <p>21 Q Oh, I -- I almost left someone out.</p> <p>22 The Bristol Bay Native Corporation, which I</p> <p>23 believe is our last one, also in one House district?</p> <p>24 A Yes.</p> <p>25 Q Okay. Oh, sorry, Chugach.</p>	<p style="text-align: right;">Page 249</p> <p>1 A From anyone in the region, nothing comes to mind</p> <p>2 right now.</p> <p>3 Q Okay. So is it fair to say that for the most</p> <p>4 part, Calista is the only Native Corp that got split</p> <p>5 into more districts than its population would indicate?</p> <p>6 A Can you rephrase the question?</p> <p>7 Q Calista has -- the Calista region has population</p> <p>8 for approximately one and a half House districts as we</p> <p>9 discussed earlier; is that correct?</p> <p>10 A Correct.</p> <p>11 Q But it is split into three?</p> <p>12 A Correct.</p> <p>13 Q Okay. And it's also split into two Senate</p> <p>14 districts; is that not correct?</p> <p>15 A Correct.</p> <p>16 Q So on balance, if a -- if a community has the</p> <p>17 population of approximately one and a half House</p> <p>18 districts, is it better or worse for them to be in one</p> <p>19 Senate district or two?</p> <p>20 A What do you mean by "better or worse"?</p> <p>21 Q Are they more fairly represented in one Senate</p> <p>22 district or two Senate districts?</p> <p>23 A What do you mean by "fairly"?</p> <p>24 Q Let's back up a little bit.</p> <p>25 A Okay.</p>

<p style="text-align: right;">Page 250</p> <p>1 Q Do you agree that a central principle over the 2 redistricting process is "one person, one vote"? 3 A Yes. 4 Q Do you agree that fair representation matters? 5 A Yes. 6 Q Do you agree that splitting a cohesive voting 7 population with similar interests across multiple 8 districts could dilute a person's voting power? 9 A One more time on that one, Mike. 10 Q Sure. 11 Do you agree that splitting a cohesive voting 12 population with similar interests across multiple 13 districts could dilute a person's voting power? 14 MR. SINGER: Objection. Form. 15 THE WITNESS: I don't know what you mean by 16 "cohesive voting population." Are you asking me to 17 assume that Calista is a cohesive voting population of 18 shareholders? 19 BY MR. SCHECHTER: 20 Q Did -- did you and the Board assume that for 21 purposes of -- of trying to keep them -- I mean, it 22 sounded like you did try to keep them together as much 23 as you could; is that correct? 24 A We tried to keep the region together as much as 25 we could --</p>	<p style="text-align: right;">Page 252</p> <p>1 theoretically be diluting a person's voting power? 2 A I would say "no," because I don't know that 3 Calista cohesively votes together as a block, and the 4 question asked me to presume that they do. 5 Q What if you just assume on the basis of a 6 socio-economically integrated population, if you could 7 fir them into one or two districts and then you split 8 them across three, would that dilute their voting power? 9 A Again, the voting power that we were concerned 10 about was the VRA criteria, not Calista's. It would 11 have been improper for us to consider Calista's voting 12 power. It's not improper for us to consider Alaska 13 Native voting power. 14 Do you see the difference? 15 Q I do. 16 How do you distinguish between considering 17 Calista as a region in the first part of the process 18 versus in the second part of the process? 19 A What process are you referring to? 20 Q The redistricting process as a whole. In the 21 first part, it seemed like there was a lot of work to at 22 least attempt to keep the Calista region together, and 23 then not so much on the -- on the back end. 24 A I would say there was no work to keep the 25 Calista region together in the first part of the</p>
<p style="text-align: right;">Page 251</p> <p>1 Q Yes. 2 A -- but we weren't focused on where to place a 3 particular Calista shareholder. This part of the state, 4 again, you have to remember, these are our historic VRA 5 districts. So some decision was made based on keeping 6 and protecting the VRA principles of these districts. 7 Q And that would include -- 8 A For -- for example, let's -- let's game out what 9 you're suggesting here, right, and putting Calista into 10 two regions; right? Well, then, what do we do with 37? 11 Then we're going to have to take in other population. 12 And where do we get that population from, and is it 13 going to dilute the VRA numbers in 37 such that we would 14 have a VRA challenge? 15 These are the things that the Board was playing, 16 and there's no requirement in the VRA that we give 17 deference to an ANC or an ANC shareholder. So we didn't 18 single Calista out in that manner for consideration. 19 Q But is it fair to say that you did consider the 20 testimony of the region, and really there was discussion 21 amongst the Board keeping the Calista region together as 22 much as possible; is that fair? 23 A That's fair. 24 Q Okay. So if you -- so if you split that region 25 up across multiple districts, is that -- could that</p>	<p style="text-align: right;">Page 253</p> <p>1 process. They have 26,000 residents of that region. It 2 was impossible and unconstitutional for us to map them 3 together. The Calista region was always split, and 4 every version of every map has split the Calista region. 5 So there -- there was no attempt to keep the Calista 6 region together. 7 Q And there was no -- there was no attempt to 8 minimize the split into two districts instead of three? 9 A No. Because we had Voting Right -- Voting Right 10 implications, and we had to think about the other 11 regions as well. So what Calista wanted would have put 12 too much downstream constraints on our entire map. 13 MR. SCHECHTER: Randy, I'm turning back to 14 Exhibit 7. 15 THE WITNESS: And actually, hold on a second. I 16 think that Bethany and I at one point did try a few 17 different iterations, if -- if memory is correct. But 18 I -- I don't know if the work that we did was for 38 or 19 for 37. But the other problem that we ran into is when 20 we were exchanging populations based on communities, 21 they're not all weighted equally; right? This is apples 22 and oranges. So I can't exchange Platinum with Chevak. 23 The populations are totally different. 24 So we -- we did try to, you know, consider to 25 the extent that it was constitutional and that it</p>

<p style="text-align: right;">Page 254</p> <p>1 would lead to a fair and balanced full 40, what 2 everybody wanted. 3 I will say in the beginning stage of the 4 redistricting process, it was just receiving 5 information from the public. As we got farther down 6 the process, closer to the 90-day window, we were 7 having to make hard decisions based on all of the 8 factors that I stated below, the Big Three and then 9 the "one person, one vote," and we were not giving 10 undue deference to one particular community or one 11 particular organization or entity or individual in the 12 process. We were balancing the constitutional 13 requirements against all 40 districts. 14 So if we only had to worry about the Calista 15 region if we were drafting two districts, for example, 16 in the map, it would have been a lot easier for what 17 Calista wanted to end up in the final version, but 18 there's 38 other districts that we have to weigh. 19 BY MR. SCHECHTER: 20 Q That's fair. 21 When you're talking about thinking about other 22 things that you were moving, were you talking about 23 consist Quinhagak, Kwigillingok, and Kongiganak at the 24 south part of 38 and moving those to 37? 25 A Yeah. There was some exchange at the end that</p>	<p style="text-align: right;">Page 256</p> <p>1 VRA considerations, based on our constitutional 2 criteria, and this is the plan that we thought was the 3 best for Alaska on balance. 4 THE VIDEOGRAPHER: Mike, when you reach a good 5 spot, I've got about ten minutes left before I've got to 6 change. 7 MR. SCHECHTER: Why don't we take a break now. 8 I think I just want to check in with the other 9 co-counsel and stuff. 10 THE WITNESS: Okay. 11 THE VIDEOGRAPHER: One second. 12 This is the end of Media Unit No. 3, 13 deposition of Nicole Borromeo. The time is 4:45. 14 (Off record.) 15 THE VIDEOGRAPHER: On the record. This is the 16 beginning of Media Unit No. 4, deposition of Nicole 17 Borromeo. The time is 4:54. 18 MR. SCHECHTER: I'm going to put up another 19 district here -- 20 THE WITNESS: Okay. 21 MR. SCHECHTER: -- Ms. Borromeo. 22 THE WITNESS: Yes, sir. The Matt Singer 23 district? 24 MR. SCHECHTER: Why do you call it that? 25 THE WITNESS: Because it said "Matt Singer" on</p>
<p style="text-align: right;">Page 255</p> <p>1 happened. I can't remember the exact villages that were 2 moved out, but there -- there was some minor adjustment 3 that happened at Calista's urging. I was prepared -- I 4 was prepared to leave them as is in v.4 Best, but 5 Calista wanted Chevak, Hooper, and Scammon with Bethel, 6 so Chevak came into 38, and that pushed other 7 communities into 37. So the Board was trying to 8 accommodate Calista's request. 9 Q And it sounds like you ran into problems in 10 other parts of the map, but otherwise, moving those 11 three villages into District 37 you think possibly would 12 have -- you think would have created constitutional 13 districts for 38 and 37? 14 A If memory serves, it would have destroyed the 15 deviations. 16 Q And was the problem that you couldn't fix those 17 in other places? 18 A It would set off a chain reaction all the way up 19 the west coast, and then District 40 looks entirely 20 different, and then you've got to adjust 37, then you 21 get 36, and then you're into 35 and 34, and it's just 22 one thing after another, after another, and it's this 23 rolling tsunami of adjustments to other districts. 24 So the Board version drafted the cleanest breaks 25 that we could based on those ANCSA boundaries, based on</p>	<p style="text-align: right;">Page 257</p> <p>1 my screen. 2 MR. SCHECHTER: Oh. 3 BY MR. SCHECHTER: 4 Q Do you see District 37? 5 A I do. 6 Q Can you -- and you see Tyonek there to the east? 7 A I do. 8 Q What -- what borough is Tyonek a part of? 9 A Kenai Peninsula. 10 Q Okay. And is -- is Tyonek the only portion of 11 the Kenai Peninsula Borough that's in District 37? 12 A No. 13 Q What other parts are there? 14 A Port Graham and Nanwalek came over as well. 15 Q Those are -- those are areas on the Southern 16 Kenai Peninsula? 17 A They are. 18 Q Okay. And Tyonek -- Tyonek is west across the 19 Inlet on -- I don't know what they call it on the 20 peninsula, but maybe on the mainland? 21 A Yes. 22 Q How are Tyonek, and the other two villages you 23 just mentioned, socio-economically integrated with the 24 rest of the District 37? 25 A Through fishing. That was a consideration for</p>

<p>Page 258</p> <p>1 us. These three villages are also more traditional 2 Native villages, and so we added them to 37 to 3 strengthen the VRA provisions in 37. 4 Q You added those as part of the -- as -- as part 5 of the -- the districting, as part of the mapping 6 process? They were -- they were in District 37 from 7 early on? 8 A No. They came into District 37 at the end, the 9 week of the 4th. District 37 used to have one of the 10 lower deviations, and it was my recommendation to the 11 Board that we bring in Port Graham and Nanwalek for a 12 couple of different reasons: One, the Kenai Peninsula 13 was still overpopulated. 37 was underpopulated. By 14 adding Port Graham and Nanwalek to 37, it would help 15 bolster the VRA provisions in 37 which is a VRA 16 district, and there was sufficient social and economic 17 integration to make it happen. 18 Q Do the -- in your understanding, do the 19 deviations, as they exist now, do they need to be that 20 low in order for -- in order to be constitutional? 21 A Can you show me the current chart of deviations? 22 Q Sure. 23 A And key me into which districts you want me to 24 look at, please. 25 Q Any district, really. I mean --</p>	<p>Page 260</p> <p>1 folks who had concerns about socio-economic integration 2 have been better able to be accommodated if the Board 3 accepted a higher range of deviation? 4 A I didn't understand that to be Calista's main 5 point of contention. I thought that they wanted control 6 over the Senate seat. 7 Q Did the deviations present a -- in terms of the 8 domino effect, did -- did hewing to a particularly low 9 deviation prevent more changes to the map that might 10 have accommodated more people's issues? 11 A Can you give an example? 12 Q I mean, some -- it sounds like that you had a 13 number of issues across the state with folks who wanted 14 to be located in one place or another. Would have 15 allowing a higher degree of deviation, both positive or 16 negative in more districts, have for a map that better 17 took care of people's concerns? 18 A No. Because it wouldn't have been 19 constitutionally permissible, some of their concerns 20 that they wanted us to remedy. 21 Q You could have remedied some of them with -- 22 A Again -- 23 Q -- some higher deviations? 24 A -- we get into the rolling tsunami of other 25 constitutional constraints that it places on the whole</p>
<p>Page 259</p> <p>1 A On the low or high side? 2 Q Either way. It doesn't matter which way. Do 3 you need to use -- 4 A It doesn't. No. I was just trying to be 5 specific. All of these deviations are in the 6 constitutionally-permissible standard. 7 Q Could there be more deviation in the map and 8 still be constitutional? 9 A Yes. 10 Q Is there a good reason to maybe include more 11 deviation in the map? 12 A Not that I can think of. In fact, I would 13 decrease the deviation in 39 by putting the villages 14 back to how I had them in v.4 Best, then they can all be 15 at a negative 2 percent deviation instead of that one 16 almost being 5. 17 Q Why is that better? 18 A Because you don't need a high outlier deviation 19 like that when there were other options. 20 Q What are the other options? Oh, sorry. 21 A I just told you, my v.4 Best. But then that 22 wouldn't have accommodated what Calista wanted at the 23 end. So the reason that the 39 deviation is so high 24 right now is because that was at the request of Calista. 25 Q Would there have been -- would Calista and other</p>	<p>Page 261</p> <p>1 map as a package. 2 So, for example, we can't just district Haines 3 and Skagway together; right? That's what they wanted, 4 but we couldn't do it. And then with Calista wanting to 5 be in just two regions as opposed to three, it would 6 have damaged the integrity of 39, 40, 36, all of the 7 Fairbanks North Star Borough, rolling down the highway 8 to Denali, Mat-Su, Anchorage, Kodiak. There was just no 9 end to it. It was -- it was too destructive to the 10 entire plan. 11 Q Is this the only possible constitutional map? 12 A It's the map the Board adopted. 13 Q Is this the only possible constitutional map? 14 A I'm willing to stipulate that there are other 15 possibilities. 16 Q Other possible constitutional possibilities? 17 A Yes. 18 Q Did -- did the Board consider alternate Senate 19 pairings anywhere other than Anchorage? 20 A Yes. 21 Q Where? 22 A The Kenai Peninsula. AFFER had different Senate 23 pairings that they would like us to consider. And up in 24 the Fairbanks North Star Borough, there were other 25 Senate pairings that AFFER, and potentially other</p>

<p style="text-align: right;">Page 262</p> <p>1 entities also wanted us to consider. AFFER is the one 2 that stuck out. And then in the Mat-Su Borough. 3 Q And did those get -- how were those considered? 4 A We took public testimony on the last week of 5 work and discussed them. 6 Q Was a pairing of 40 and 36, and 39 and 38 ever 7 considered? 8 A 40 and 36, and 39 and 38, no, it was never 9 considered. 10 Q Do you know why not? 11 A I don't. 12 Q Would a pairing of 39 and 38 alleviate the 13 Calista region's issue in terms of having an appropriate 14 level of representation given their population size? 15 A No. 16 Q Why not? 17 A Because you still have some Calista shareholders 18 in 37, and remember that Calista just wanted to be in 19 two. 20 Q That's fair. 21 And I will stipulate that it would not solve 22 all of their problems, but would pairing 38 and 39 put 23 Calista closer to having their roughly one and a half 24 House district population in one Senate district as 25 opposed to having it split in much smaller pieces over</p>	<p style="text-align: right;">Page 264</p> <p>1 their -- their people? 2 MR. SINGER: Objection. Foundation. 3 THE WITNESS: That's a question for Doyon and 4 Ahtna. 5 BY MR. SCHECHTER: 6 Q When you say a VRA Senate district, are you 7 intending to mean a Senate district that has a majority 8 of Alaska Natives? 9 A I don't remember what the particular legal 10 trigger was, but, yes, it was focused on Alaska Native 11 populations. 12 Q So is the goal to have two VRA Senate districts? 13 A That's what the Board decided, yes. 14 Q Would you have decided something else? 15 A No. 16 Q If -- if we paired -- if -- if the Board were to 17 pair -- I say "we" -- I do not have a say in this. 18 A Maybe next time. You never know. 19 Q That's true. 20 If the Board were to pair 40 and 36, 39 and 21 38, and 37 with something else, would that not create 22 two -- at least two districts with a Alaska Native 23 majority? 24 A 36 doesn't have an Alaska Native majority, but 25 if you added the population to 40, I'd have to look at</p>
<p style="text-align: right;">Page 263</p> <p>1 two? 2 A Here again, we go back to the VRA, and these are 3 VRA districts, so they all need to be paired together. 4 So if we paired 38 and 39, it would force 37 and 38 to 5 be paired with a non-VRA district, and here again, we go 6 back to what Calista wants is unconstitutional. We 7 can't give them what they want. As much as they want 8 it, we still can't do it. 9 Q Unconstitutional for VRA purposes or 10 unconstitutional for the state constitution purposes? 11 A For -- well, we -- we coupled VRA districts. 12 Q Was there a VRA analysis done on Senate 13 districts? 14 A Not to my knowledge. We did have -- well, I -- 15 I'd have to speak with counsel about that. I will say 16 that we did not discuss the coupling of Senate pairings 17 for these VRA districts. 18 Q Why is District 36 to important to the Doyon and 19 Ahtna folks if it's -- if it's not a VRA district, per 20 se? 21 A Probably for the same reason that Calista being 22 in two districts is important to Calista. It's 23 subjective. 24 Q And do you think that Doyon and Ahtna believe 25 that it concentrates their voting power amongst their --</p>	<p style="text-align: right;">Page 265</p> <p>1 those numbers. It's possible. I'll stipulate, subject 2 to check. 3 Q But the Board didn't examine that theory? 4 A We did not. 5 Q Do you believe that the makeup of Senate 6 districts and how they're paired are important for 7 ensuring fair representation? 8 A I do. 9 Q And even if House districts on an individual 10 basis are fair, can a population's representation of the 11 Senate be diluted of how the Senate districts are 12 paired? 13 A Yes. 14 Q Ms. Borromeo, we're looking at Exhibit 15, which 15 is the transcript of the September 20th meeting, and 16 let's look at lines -- starting on lines 18 and going 17 onto page 54, line 3. 18 Would you read that part? 19 A 20 to 23? 20 Q Sorry. 18 on page 53 -- 21 A Okay. 22 Q -- to the sentence ending on line 3 of page 54. 23 A Okay. "I do have questions. Thank you very 24 much, Tanner (as spoken)" -- I don't remember saying 25 that, but -- "and Marna, for presenting on behalf of</p>

<p style="text-align: right;">Page 266</p> <p>1 your coalition, and I realize that you started with the</p> <p>2 premise to unite, once again, the Doyon region and its</p> <p>3 villages, and you've -- you've done so and I commend you</p> <p>4 for that.</p> <p>5 "When I was reviewing the map, though, I was</p> <p>6 asking myself at what cost this came at around the</p> <p>7 rest of the state, and particularly those other</p> <p>8 boroughs that my colleagues have asked about. I'd --</p> <p>9 I'd like to bring us a little -- for a little while to</p> <p>10 the Kenai" --</p> <p>11 Q That's -- that's good. That's good.</p> <p>12 A Oh.</p> <p>13 Q Why is the goal of uniting Doyon and its</p> <p>14 villages commendable?</p> <p>15 A Because that was their stated goal and they</p> <p>16 achieved it.</p> <p>17 Q But you're saying it's commendable. Why do you</p> <p>18 believe it's commendable?</p> <p>19 A Because they did what they set out to do.</p> <p>20 Q That's -- I think that's being commendable as to</p> <p>21 the completion of the goal, but are you -- are you not</p> <p>22 saying that the goal itself is not commendable?</p> <p>23 A No. I had no intention to comment on the goal.</p> <p>24 I recognize that they had a goal. They stated the goal,</p> <p>25 presented a map that achieved the goal, and it was a</p>	<p style="text-align: right;">Page 268</p> <p>1 A Yes. It's in three districts.</p> <p>2 Q You said your coalition, when you were speaking</p> <p>3 to Mr. Amdur-Clark, and you testified that you're a</p> <p>4 Doyon shareholder; correct?</p> <p>5 A Correct.</p> <p>6 Q Did you personally support this coalition?</p> <p>7 A No. I agreed with some of their ideas. I</p> <p>8 disagreed with others, but I wasn't personally vested in</p> <p>9 the coalition.</p> <p>10 Q How do you separate your -- your hats when</p> <p>11 you're in -- in that position?</p> <p>12 A I don't. I'm an ARB board member first and</p> <p>13 foremost throughout the process. I'm not a Doyon</p> <p>14 shareholder. I'm not a resident of Turnagain. I'm a</p> <p>15 board member.</p> <p>16 Q And as an attorney, you're aware of those issues</p> <p>17 of actual conflicts, and then appearance of conflict, or</p> <p>18 appearance of fairness issues, are you not?</p> <p>19 A In general terms, yes, general knowledge.</p> <p>20 Q Okay. So what would you say to a member of the</p> <p>21 public who is -- who is looking at this and they see a</p> <p>22 Doyon shareholder and Sealaska's general counsel putting</p> <p>23 together a plan with Sealaska in a coalition with Doyon</p> <p>24 to work on a map, putting forth a map and that -- that</p> <p>25 map is essentially, at least particularly, as it</p>
<p style="text-align: right;">Page 267</p> <p>1 full 40 map. So I commended them on their effort.</p> <p>2 Q What is the cost around the rest of the state</p> <p>3 that you're referring to?</p> <p>4 A The impacts that it had on the other 39</p> <p>5 districts. So my job is, as a board member, is to</p> <p>6 review the other districts that are presented by</p> <p>7 third-party mappers and make sure that it is going to be</p> <p>8 fair to the other 30 -- 39 districts and that we still</p> <p>9 have all of the constitutional provisions intact.</p> <p>10 Q And that cost around the state, that included</p> <p>11 splitting Calista into three House districts; correct?</p> <p>12 A I don't know that I was specifically referring</p> <p>13 to Calista, no.</p> <p>14 Q But that would have been one of the costs of</p> <p>15 the -- of the map presented by the Doyon Coalition;</p> <p>16 correct?</p> <p>17 A I don't know that that's what I was getting at,</p> <p>18 no.</p> <p>19 Q What costs were you getting at, then?</p> <p>20 A The balance of the other 39 districts.</p> <p>21 Q But one of those things on the Doyon map would</p> <p>22 have been splitting Calista into three regions, were</p> <p>23 they not?</p> <p>24 A Can I see the Doyon map?</p> <p>25 Q Sure.</p>	<p style="text-align: right;">Page 269</p> <p>1 pertains to the Doyon region, adopted?</p> <p>2 A Is what?</p> <p>3 Q How -- how does that -- how does a member of the</p> <p>4 public look at -- look at that and understand that what</p> <p>5 happened was fair?</p> <p>6 A I can't speak to how the public assesses its</p> <p>7 views to the map and the fairness.</p> <p>8 Q Did you or the other board members do anything</p> <p>9 to disclose those issues about yourselves?</p> <p>10 A Can you be more specific? What -- what issues</p> <p>11 about ourselves?</p> <p>12 Q Well, did you -- did you, for example, state</p> <p>13 during the redistricting process, particularly when you</p> <p>14 were working on -- on Doyon things, that you were a</p> <p>15 Doyon shareholder?</p> <p>16 A It was discussed. I don't know that it was</p> <p>17 brought up on the record. And then it's just general</p> <p>18 knowledge for some parts of the state that I'm a Doyon</p> <p>19 shareholder.</p> <p>20 Q So the -- the Board took no particular cautions</p> <p>21 to address conflicts of interest or the appearance of</p> <p>22 conflicts of interests?</p> <p>23 A I left that to our attorneys and staff.</p> <p>24 Q Are you aware of any specific or particular</p> <p>25 steps that they took?</p>

<p style="text-align: right;">Page 270</p> <p>1 A We had to disclose at the beginning what Board 2 affiliations we have. That's one of the steps I 3 remember. Beyond that, I'd have to go back and look at 4 the paperwork. We did file a complete and submit an 5 extensive amount of paperwork, I felt like, at the 6 beginning.</p> <p>7 Q Anything that you recall doing on the record?</p> <p>8 A No. I also don't recall being asked about it by 9 any member of the public. If they would have, I'd be 10 happy to disclose it.</p> <p>11 Q Has that paperwork been provided in discovery, 12 to your knowledge?</p> <p>13 A I don't know. There's three binders in front of 14 me that are three-inches thick. I don't know what's in 15 every single binder.</p> <p>16 Q I will stipulate that that is not all of the 17 binders.</p> <p>18 A Oh, God. Well, I -- I know the text messages 19 that I sent, and beyond that, I can't stipulate to 20 what's in these binders.</p> <p>21 Q Did the Board make any errors in its maps?</p> <p>22 A What do you mean by "error"?</p> <p>23 Q For example, early on, I believe there was a 24 mistake in the Ketchikan map in terms of how -- how the 25 lines were drawn. That wasn't, at least on the record,</p>	<p style="text-align: right;">Page 272</p> <p>1 run a systems test, if you would. That's how my 2 shorthand was of it.</p> <p>3 MR. SCHECHTER: Randy, this is one of the 4 materials I sent you earlier.</p> <p>5 BY MR. SCHECHTER:</p> <p>6 Q Ms. Borromeo, can you see this article from the 7 ADN?</p> <p>8 A Yes.</p> <p>9 Q Are you familiar with this article?</p> <p>10 A I believe I've seen it. I can't remember 11 exactly the context. I mean, I can't remember exactly 12 what it says, but I've seen parts of it. I don't have 13 an ADN subscription, so people will send me links or 14 screenshots here and there. I actually don't have a 15 subscription to any newspaper.</p> <p>16 Q Not to any?</p> <p>17 A Well, no, no, no. That's not true. I have one 18 for the New Pork -- New York Post or New York Times.</p> <p>19 Q The New York Post would have been...</p> <p>20 A Yeah, not -- not -- not the Post. I was 21 thinking Washington Post, but, no, New York Times.</p> <p>22 Q I'm originally from New York, and I -- the 23 New York Post is another level.</p> <p>24 A What is the New York Post? Is it, like, a 25 tabloid? Okay.</p>
<p style="text-align: right;">Page 271</p> <p>1 the Board discussed as being unintentional?</p> <p>2 A Yes. We did have some unfortunate software 3 issues at the beginning as some board members were 4 becoming comfortable with the software.</p> <p>5 Q What steps did the Board take to verify that its 6 information and maps were correct as the process went 7 on?</p> <p>8 A We relied on staff review, not adopting 9 decisions in real time to the extent that that was 10 possible to allow for staff review.</p> <p>11 Q And beyond that, did you -- did you mostly rely 12 on the public to alert you to errors?</p> <p>13 A We relied on our staff, yes, and sometimes 14 members of the public would -- would bring things to our 15 attention as well.</p> <p>16 Q Was there any formal quality control or control 17 assurance process in place?</p> <p>18 A Formal quality control or quality assurance 19 for -- for what specifically?</p> <p>20 Q For ensuring that the data in the maps were -- 21 were correct.</p> <p>22 A Yes. That's what I was talking about. We would 23 turn things over to the staff so they could run a 24 systems check to see if any census blocks had been left 25 out, inadvertently checked or not checked. They could</p>	<p style="text-align: right;">Page 273</p> <p>1 Q So in -- in this article, I'll highlight it here 2 for you.</p> <p>3 A Okay.</p> <p>4 Q You're quoted as saying, "Any delay on the part 5 of the Board to slow down the litigation process, I'm 6 going to be watching for as a board member."</p> <p>7 A Yes.</p> <p>8 Q What caused you to say that?</p> <p>9 A Nothing specifically caused me to say that. 10 I'm -- I know there's filing deadlines coming up, that 11 Alaskans want to run for certain House and Senate 12 districts, and that it's in the public's best interest 13 to resolve the litigation as soon as possible so that we 14 can have certainty in our map. I'm hoping that this 15 doesn't drag out like the previous board and we're doing 16 this for three years.</p> <p>17 Q Were there any specific concerns that -- that 18 caused you to say that?</p> <p>19 A I will say I thought that it was unfair that the 20 Board did not accept my skills and qualifications to 21 serve on the litigation committee, but that -- that may 22 be what I was referring to.</p> <p>23 Q Has anything happened since this article was 24 published that has caused you to be concerned as a board 25 member?</p>

<p style="text-align: right;">Page 274</p> <p>1 A No. The process is moving at lightening speed.</p> <p>2 Q So there's -- you don't believe there's any</p> <p>3 reason for the public or the plaintiffs to be concerned?</p> <p>4 A Not at this time.</p> <p>5 Q Just a couple more questions, and then I'll be</p> <p>6 done.</p> <p>7 A Okay.</p> <p>8 Q Did you take notes during the redistricting</p> <p>9 process?</p> <p>10 A Not really -- yes, I did.</p> <p>11 Q Where did you keep those?</p> <p>12 A With my binders.</p> <p>13 Q What happened after the proclamation was adopted</p> <p>14 with your notes?</p> <p>15 A They're probably still with the binders.</p> <p>16 Q Okay. Do you have handwritten notes?</p> <p>17 A I have handwritten notes from the hearings that</p> <p>18 I attended, yes.</p> <p>19 Q Okay. Were those -- were those provided to</p> <p>20 Counsel to be provided as part of the discovery in this</p> <p>21 process?</p> <p>22 A They have not been yet, no.</p> <p>23 Q Okay. Why not?</p> <p>24 A I've been very busy on a couple of pressing</p> <p>25 deadlines, and I -- I thought the request was just for</p>	<p style="text-align: right;">Page 276</p> <p>1 Calista region is more or less socio-economically</p> <p>2 integrated than the Doyon and Ahtna region?</p> <p>3 A I would say all of these districts are</p> <p>4 rationality, socially, economically integrated. I didn't</p> <p>5 get into a comparison of what's more or less when --</p> <p>6 when drafting. I looked for, is there a rational basis</p> <p>7 to group these communities and to draw the lines this</p> <p>8 way.</p> <p>9 Q And I understand that.</p> <p>10 Looking at them now, is -- is -- the Doyon,</p> <p>11 Ahtna region versus the Calista region, is one more or</p> <p>12 less socio-economically integrated than the other?</p> <p>13 A I don't think that Doyon is any more</p> <p>14 socio-economically integrated, 36, than the districts</p> <p>15 that Calista shareholders finds themselves in.</p> <p>16 Q Okay. Not -- not the districts. The -- the</p> <p>17 actual regions.</p> <p>18 A The -- the ANCSA regions?</p> <p>19 Q Is -- is the Calista region more or less</p> <p>20 economically -- socio-economically integrated than the</p> <p>21 Doyon and Ahtna regions?</p> <p>22 A Well, again, the Calista region is spread across</p> <p>23 three districts because it had excess population. We</p> <p>24 could not put them all in one, whereas we could put the</p> <p>25 entire Doyon region and the entire Ahtna region into one</p>
<p style="text-align: right;">Page 275</p> <p>1 text messages. So if I understood that wrong, I will</p> <p>2 work to supplement that as soon as possible. I</p> <p>3 apologize.</p> <p>4 Q You also took some typed notes; is that correct?</p> <p>5 A I don't know if I did take typed notes.</p> <p>6 Q Are you aware that the -- the plaintiffs have</p> <p>7 been provided typed notes taken by you?</p> <p>8 A I think most of -- okay. Sorry. When you said</p> <p>9 "during the process," in my mind I heard "public</p> <p>10 hearings." I did type notes during the entire</p> <p>11 redistricting process. Yes, I did.</p> <p>12 Q Okay. So there's -- there's effectively two</p> <p>13 sets of notes, one that's been provided and one that has</p> <p>14 not yet been?</p> <p>15 A Yes.</p> <p>16 Q When do you think you can provide those to your</p> <p>17 counsel to provide to us?</p> <p>18 A Wednesday.</p> <p>19 Q I'm sure we'll discuss that with Matt.</p> <p>20 A Okay.</p> <p>21 Q Thank you.</p> <p>22 So the last couple of questions. Looking at</p> <p>23 House District 36, the Doyon and Ahtna villages on the</p> <p>24 road system and across the road system, and looking at</p> <p>25 the -- the Calista region, do you think that the</p>	<p style="text-align: right;">Page 277</p> <p>1 district.</p> <p>2 Q I -- I understand your explanation for the</p> <p>3 districting decisions. I'm asking a different question</p> <p>4 here.</p> <p>5 A Okay.</p> <p>6 Q You know, is -- is the Calista region more</p> <p>7 socio-economically integrated than the Ahtna and Doyon</p> <p>8 regions?</p> <p>9 A No.</p> <p>10 Q Why not?</p> <p>11 A Because Calista is contained within District 38</p> <p>12 just by itself. So if anything, it has maybe more</p> <p>13 socio-economic integration by itself, whereas Ahtna and</p> <p>14 Doyon have to share a district.</p> <p>15 Q I guess -- I guess I don't understand what that</p> <p>16 means.</p> <p>17 A So you asked if -- if I thought the Doyon region</p> <p>18 and Ahtna region was more socio-economic than the</p> <p>19 Calista, and I'm -- than Calista, and I'm saying no</p> <p>20 because we have coupled Doyon and Ahtna together in 36,</p> <p>21 whereas we have consolidated all of Calista to just 38.</p> <p>22 Calista doesn't have to worry about any other ANCSA</p> <p>23 regions in 38. And then part of 39 and 36 also includes</p> <p>24 the excess population from the Calista region, which</p> <p>25 was, again, more than we could put into one district or</p>

<p style="text-align: right;">Page 278</p> <p>1 two without significant damage to the rest of the map.</p> <p>2 MR. SCHECHTER: Ms. Borromeo, I really</p> <p>3 appreciate your time today.</p> <p>4 THE WITNESS: Thank you.</p> <p>5 MR. SCHECHTER: And hopefully we meet again</p> <p>6 under other circumstances.</p> <p>7 THE WITNESS: Thank you.</p> <p>8 MR. SINGER: Let's take 10 or 15 to let Nicole</p> <p>9 have a snack, and then we'll come back.</p> <p>10 THE VIDEOGRAPHER: We'll go off the record at</p> <p>11 5:29.</p> <p>12 (Off record.)</p> <p>13 THE VIDEOGRAPHER: On the record at 5:46.</p> <p>14 EXAMINATION</p> <p>15 BY MS. WELLS:</p> <p>16 Q Good evening, Board Member Borromeo. I will try</p> <p>17 to be brief, I promise, but I will move as quickly as I</p> <p>18 can. I know it's been a really long day.</p> <p>19 A It's okay. Take as long as you need.</p> <p>20 Q I'm going to start with some questions just</p> <p>21 about process.</p> <p>22 A Okay.</p> <p>23 Q Do you believe -- do you believe that the</p> <p>24 public's ability to participate in and -- and inform the</p> <p>25 redistricting process is an important and legally</p>	<p style="text-align: right;">Page 280</p> <p>1 asked for copies of the map. I don't know if -- if</p> <p>2 Peter and TJ were posting them in other places for extra</p> <p>3 coverage, but I do know that we had a very well-designed</p> <p>4 and administered website. They were also sending, I</p> <p>5 think, links out into a --</p> <p>6 MS. WELLS: Okay.</p> <p>7 THE WITNESS: -- Mailchimp, but I don't know</p> <p>8 where else things were posted.</p> <p>9 BY MS. WELLS:</p> <p>10 Q Do you recall on November 5th if the Board even</p> <p>11 created a pop-up, I think it was called a pop-up, to</p> <p>12 make it clear what the public was looking at, and also</p> <p>13 printed off versions for people in the room? If you</p> <p>14 don't recall, it's okay.</p> <p>15 A I don't recall.</p> <p>16 Q Okay.</p> <p>17 A I don't recall any pop-ups.</p> <p>18 Q Okay. And did the Board permit public testimony</p> <p>19 and comment after presenting the House district</p> <p>20 proposals on November 5th but before taking action on</p> <p>21 those proposals?</p> <p>22 A I can't remember the exact chronology.</p> <p>23 Q That's okay. I think a lot of this is clear in</p> <p>24 the record, so it's okay --</p> <p>25 A Okay.</p>
<p style="text-align: right;">Page 279</p> <p>1 necessary part of that process?</p> <p>2 A Yes.</p> <p>3 Q Is this why you repeatedly made efforts on the</p> <p>4 record to encourage and facilitate public process?</p> <p>5 A Yes.</p> <p>6 Q And if my memory serves me, you even championed</p> <p>7 the display of both versions of the House maps on a</p> <p>8 split screen hoping to allow the public to see them side</p> <p>9 by side; is that correct?</p> <p>10 A Yes.</p> <p>11 Q And the House district proposals were even</p> <p>12 posted online for public view before the Board</p> <p>13 determined if it had a consensus on either of them; is</p> <p>14 that correct?</p> <p>15 A Yes.</p> <p>16 Q In fact, I think the Board staff posted those</p> <p>17 map versions in multiple places; correct?</p> <p>18 MR. SINGER: Objection. Form.</p> <p>19 BY MS. WELLS:</p> <p>20 Q Okay. Did the -- did the Board staff post map</p> <p>21 versions in multiple places for the House maps?</p> <p>22 MR. SINGER: Objection. Form.</p> <p>23 THE WITNESS: I'll stipulate, subject to check.</p> <p>24 I know that we had a redistricting website, and that's</p> <p>25 primarily where I would refer the public to when they</p>	<p style="text-align: right;">Page 281</p> <p>1 Q -- if you don't remember.</p> <p>2 A Okay.</p> <p>3 Q When the Board considered the Senate pairings,</p> <p>4 did you expect the public participation and the process</p> <p>5 to mirror or be substantially similar to what the Board</p> <p>6 had used and done in the House district meeting?</p> <p>7 A Holly, I don't know if it's my end or your end,</p> <p>8 but I'm getting a little lag, so I'm missing some words.</p> <p>9 MR. SINGER: There's an audio issue, Holly, with</p> <p>10 the...</p> <p>11 MS. WELLS: All right. Let me see if I can</p> <p>12 adjust.</p> <p>13 THE WITNESS: Okay.</p> <p>14 MS. WELLS: Sorry. Because I'm on my -- I'm</p> <p>15 going to turn off my video and just put the phone closer</p> <p>16 to me.</p> <p>17 THE WITNESS: Okay. Okay.</p> <p>18 MS. WELLS: All right. Let's try that.</p> <p>19 THE WITNESS: That might help.</p> <p>20 MS. WELLS: Is this any better?</p> <p>21 THE WITNESS: I can hear you a lot louder. Yes.</p> <p>22 MS. WELLS: Okay. So let's try this.</p> <p>23 THE WITNESS: Okay.</p> <p>24 BY MS. WELLS:</p> <p>25 Q Did you expect the public participation and</p>

<p style="text-align: right;">Page 282</p> <p>1 process component of the Senate pairing meetings to 2 mirror the same level of public participation and 3 process from the House district meetings? 4 A No. 5 Q Why is that? 6 A Because we had taken the House maps on the road. 7 We went to 26 communities. It was a lot longer for the 8 public to -- to weigh in on the House district drawing 9 versus how much time that we knew they were going to 10 have for the Senate. So I didn't expect it to mirror or 11 be equal. 12 Q Okay. Did you expect the Board to provide 13 public test- -- or a period of -- an opportunity for 14 public testimony before adopting any Senate pairing 15 proposals? 16 A I did expect that, yes. 17 Q Did you expect them to allow the public to see 18 and have Senate pairing proposals in front of them 19 before those were adopted? 20 A I did, yes. 21 Q Did that happen? 22 A I can't remember. It was -- it was very 23 convoluted at the end. 24 Q Do you think that the Board presented the four 25 options presented by Board Member Marcum to the public?</p>	<p style="text-align: right;">Page 284</p> <p>1 's task was to come back the final week, adopt Senate 2 pairings, and then a final proclamation. 3 So when it came to the Senate pairings, we 4 started in, I believe, Southeast, but I could be wrong, 5 and we started coupling House districts together, and we 6 went around the state. I believe we had had some 7 preliminary discussion on Anchorage. There was some 8 questions among the Board at that point, so we decided 9 not to do Anchorage. We basically did the entire state 10 and then came back to Anchorage, and that was the final 11 pairings that we had to do on a borough or municipal 12 basis. 13 Q And when you were walking through the Anchorage 14 pairings, and more specifically the Eagle River, East 15 Anchorage pairings -- 16 A Yes. 17 Q -- had you had discussions with Board Member 18 Marcum or any other majority board member that day about 19 the pairings that she was going to propose? 20 A I don't know the definition of a "majority board 21 member." Someone over 18? 22 Q A majority board member for these purposes will 23 be a board member that voted with the majority on the 24 Senate pairings. How about that? 25 A Okay. Thank you for that definition.</p>
<p style="text-align: right;">Page 283</p> <p>1 A Certain -- that's -- that's one of those yes/no 2 answers for me. I remember that Bethany had started to 3 go through her preferred pairing options, and I had 4 questions that I was peppering her with. She was taking 5 questions from other board members. I don't know that I 6 ever fully understood what Bethany's four pairing 7 options would be, and therefore I don't know that it's 8 fair for me to surmise that the public would have 9 understood that either. 10 Q Okay. Could you talk to me about the events of 11 November 8th and 9th relevant to the adoption of the 12 Senate pairings for East Anchorage and/or Eagle River? 13 Can you just share with me sort of what you experienced? 14 Walk me through what occurred with those Senate pairing 15 meetings. 16 MR. SINGER: Objection. Form. 17 BY MS. WELLS: 18 Q Can you start from walking -- when the meeting 19 was convened on November 8th -- 20 A Okay. 21 Q -- and walk me through the Senate pairing 22 meetings and your participation in them? 23 A The whole meeting was about the Senate pairings, 24 so there -- there -- because by this point in the 25 process, we had adopted the House map. So now the Board</p>	<p style="text-align: right;">Page 285</p> <p>1 I did. I had a discussion with John. I had a 2 discussion with Budd too about the Senate pairings. 3 Q Was -- was it your understanding that they 4 had -- that they had decided what Senate pairings they 5 were in favor of regarding East Anchorage and Eagle 6 River? 7 MR. SINGER: Objection. Foundation. 8 THE WITNESS: No. It was not my understanding 9 that they had decided on it. 10 BY MS. WELLS: 11 Q At any point did you witness the -- the majority 12 board members, as we defined previously, meaning to 13 discuss Senate pairings? 14 A I witnessed them talking, not three at a time 15 that I could remember, two at a time here and there. I 16 don't know the specifics of what they were talking 17 about. I could imagine that some of it may have been 18 about the Senate pairings. 19 We were in a couple of different work sessions 20 at that point too, so the Board was discussing the 21 Senate pairings. Like, I had had a discussion with John 22 at the map wall. I had several discussions with 23 Melanie. She was having discussions with Budd, John and 24 Bethany, I think, at that point. We were all talking to 25 each other about the Senate pairings. But I don't</p>

<p style="text-align: right;">Page 286</p> <p>1 remember the three of them being clustered up at any 2 point, that I saw, anyway. 3 Q Did you know that Board Member Marcum intended 4 to propose Senate pairings on November 9th that differed 5 from the pairings proposed on November 8th? 6 A Yes. 7 Q And when did you get knowledge -- when did you 8 obtain knowledge of that? 9 A Hold on a second. Did I know that she intended 10 to present different pairings on the 9th than she did on 11 the 8th? 12 Q Yes. 13 A Yes. I got knowledge of that the morning of the 14 9th in a conversation that I had with Budd. 15 Q Did the other board members know that she 16 intended to -- did the Board discuss as a group, or was 17 it clear to the Board as a body, that she intended to 18 propose different Senate pairings on the 9th? 19 MR. SINGER: Objection. Foundation. 20 THE WITNESS: I can't answer that for them, if 21 it was clear to them or not. 22 BY MS. WELLS: 23 Q Okay. So it wasn't communicated to you all in 24 the same conversation? 25 A No.</p>	<p style="text-align: right;">Page 288</p> <p>1 pairing that had unanimous consent or consensus from the 2 Board? 3 A Because she had, like, four options that she 4 wanted considered. But, no, I don't know what she was 5 intending to do. It was very difficult to track all of 6 her four different options. 7 Q And when the pairings -- when you found out that 8 she was going to present different pairings than the 9 pairings presented to the public the day before, did you 10 have an opportunity to go through each of those pairings 11 with Board Member Marcum? 12 A No. 13 Q So when you -- when the motion was made on the 14 9th, did you understand exactly what changes had 15 occurred in those pairings, all of the changes? 16 A No. 17 Q Did she explain to the Board, as a body, what 18 those changes were in detail for all of those pairings? 19 A She had explained a lot, and there were a lot of 20 details given, but I did not, as a board member, 21 understand all of that, what she was talking about. 22 Q Did she explain on the record to the Board in 23 open session changes to her pairings? 24 A She did. 25 Q And when was that?</p>
<p style="text-align: right;">Page 287</p> <p>1 Q When voting on the pairings presented on the 2 9th, did you understand that while the pairing -- 3 pairing still split Eagle River, they changed five out 4 of the eight other Anchorage Senate districts? 5 MR. SINGER: Objection. Misstates the record. 6 MS. WELLS: What do you mean? 7 MR. SINGER: I disagree -- 8 MS. WELLS: Okay. 9 MR. SINGER: -- with your characterization of 10 the record. 11 MS. WELLS: Okay. 12 BY MS. WELLS: 13 Q Board Member Borrromeo, do you know how the 14 pairings on the 8th differed from the pairings on the 15 9th presented by Board Member Borrromeo? 16 A By me? 17 Q I'm sorry. Presented by Board Member Marcum. 18 A To my recollection, she did not suggest further 19 on the 9th that North Muldoon should be paired with 20 Eagle River. She had suggested that previously. There 21 was also, I think, some change-up around South Anchorage 22 and Hillside. The Board had reached consensus of that 23 Senate pairing early on, because -- but I don't know 24 that it was upheld in the final map. 25 Q Do you know why she would change a Senate</p>	<p style="text-align: right;">Page 289</p> <p>1 A I believe on the 9th at -- at some point. But, 2 again, there were so many different iterations that she 3 had. Like I said, I -- I never really completely 4 understood what she wanted as a full option one, a full 5 option two, a full option three, and a full option four. 6 I never achieved that level of understanding. 7 Q Okay. I think that's helpful. 8 As a member of the public, when you -- when 9 you went to watch the meeting on November 9th, the 10 meeting started with a motion by Board Member Marcum, 11 essentially. Was there any discussion by the Board 12 regarding those pairings on November 9th before 13 that -- before that meeting, before -- I mean, before 14 that motion? 15 So that's what I'm getting at. As a member of 16 the public, I would represent there wasn't. So I'm 17 trying to determine if there was a discussion on a 18 board level that maybe we missed as members of the 19 public. 20 A Got it. Can you just give me a little bit more 21 detail around what motion you're talking about? Are you 22 talking about her final pairings that was then seconded 23 and adopted? 24 Q Yes. 25 A Okay. And what was your question about that</p>

<p style="text-align: right;">Page 290</p> <p>1 motion?</p> <p>2 Q Was there a discussion by the Board, as a body,</p> <p>3 that day on those pairings before that motion was -- was</p> <p>4 made?</p> <p>5 A There was a discussion related to certain</p> <p>6 aspects of the pairings.</p> <p>7 Q Okay. So let's maybe --</p> <p>8 MS. WELLS: Randy, could you pull up the</p> <p>9 November -- the November 9th board meeting minutes? Or</p> <p>10 sorry. The transcript.</p> <p>11 And that is ARB -- oh, ARB -- so page 2,</p> <p>12 ARB007034 is the page that I'd like to take a look at.</p> <p>13 BY MS. WELLS:</p> <p>14 Q Board Member Borromeo, can you see the -- can</p> <p>15 you see the page starting with "audio commenced at</p> <p>16 timestamp 1:33:55"?</p> <p>17 A I can.</p> <p>18 Q Okay. Could you read to me what Chairman</p> <p>19 Binkley says?</p> <p>20 A On line 2. "Okay. We are going to come back</p> <p>21 into public session. We've been in Executive Session,</p> <p>22 kind of an extended one. A lot of legal issues to go</p> <p>23 through as we kind of close in on finalization for the</p> <p>24 Senate pairings that we've been working on this week,</p> <p>25 and -- yeah, Bethany?"</p>	<p style="text-align: right;">Page 292</p> <p>1 Q Okay. And this -- if this is the beginning of</p> <p>2 the November 9th hearing, or meeting, and there's no</p> <p>3 discussion, the motion is brought and then there's zero</p> <p>4 discussion of the districts, then does this refresh your</p> <p>5 recollection regarding what was presented to the public</p> <p>6 regarding these pairings before their adoption?</p> <p>7 A Yes.</p> <p>8 Q Okay. So looking back at this, was there a time</p> <p>9 where the Board discussed in public the pairings</p> <p>10 proposed and -- proposed by Board Member Marcum and</p> <p>11 adopted by the majority members of the Board?</p> <p>12 A Not to my recollection. I know we heard from</p> <p>13 the public on which districts they proposed to be</p> <p>14 paired, but I don't remember that they had an</p> <p>15 opportunity to react to our pairings on the record.</p> <p>16 Q And on November 9th, was there any -- before,</p> <p>17 when you read these pages, was there a moment where</p> <p>18 Board Member Marcum explained any difference between the</p> <p>19 pairings that the Board adopted and the pairings she</p> <p>20 proposed the night before?</p> <p>21 A On the record, no.</p> <p>22 Q Okay. Is it possible that the Board's</p> <p>23 discussions in Executive Session sometimes got confused</p> <p>24 with what they said on the record?</p> <p>25 MR. SINGER: Objection. Form.</p>
<p style="text-align: right;">Page 291</p> <p>1 Q Okay. So when I look at this transcript, this</p> <p>2 is the very first thing that is said on the record in</p> <p>3 front of the public.</p> <p>4 Is that your understanding as well?</p> <p>5 A Yes.</p> <p>6 Q Okay. And could you read to me what Board</p> <p>7 Member Marcum says after that.</p> <p>8 A "Yeah, Mr. Chairman, I'd like to move that we</p> <p>9 accept the following Senate pairings for Anchorage."</p> <p>10 Q Okay. Could you take a moment and read through</p> <p>11 the rest of this page and up to line 3 on the next page</p> <p>12 of the transcript?</p> <p>13 A Sure. "CHAIRMAN JOHN BINKLEY: Okay."</p> <p>14 MR. SINGER: Do you want her to read it out</p> <p>15 loud?</p> <p>16 BY MS. WELLS:</p> <p>17 Q You can read -- you can read it to yourself.</p> <p>18 You don't have to read it...</p> <p>19 A Oh, okay. Next page, please. Next page. Next</p> <p>20 page.</p> <p>21 Q Okay. Board Member Borromeo, do you see any</p> <p>22 place in these pages where the Board is discussing the</p> <p>23 Senate pairings? Other than identifying them, any</p> <p>24 discussion of them whatsoever before their adoption?</p> <p>25 A No. Not on this page.</p>	<p style="text-align: right;">Page 293</p> <p>1 BY MS. WELLS:</p> <p>2 Q And I'll give you a little bit of explanation.</p> <p>3 It often seemed like board members thought</p> <p>4 they had discussions in open session that are --</p> <p>5 that -- that we can't find in the transcripts around</p> <p>6 the record. If that were the case, why do you think</p> <p>7 that would happen?</p> <p>8 A You'll have to ask my four colleagues. I don't</p> <p>9 know why that would happen.</p> <p>10 Q Is it possible that they were having those</p> <p>11 discussions in Executive Session?</p> <p>12 MR. SINGER: Objection. Calls for speculation.</p> <p>13 BY MS. WELLS:</p> <p>14 Q Okay. I'll let it -- I'll let it by.</p> <p>15 To your knowledge, did Chair Binkley work with</p> <p>16 Board Member Marcum on her November 9th motion?</p> <p>17 A Define "work with."</p> <p>18 Q Well, in my experience, a chair of a government</p> <p>19 body often helps members craft a motion, make sure that</p> <p>20 they know what's coming so they can, you know, kind of</p> <p>21 keep the agenda rolling. Do you know if Chair Binkley</p> <p>22 fulfilled this role on November 9th with regard to Board</p> <p>23 Member Marcum's motion?</p> <p>24 A I don't have any actual knowledge of that, no.</p> <p>25 Q Okay. All right. I'm going to ask some</p>

<p style="text-align: right;">Page 294</p> <p>1 questions regarding the dilution analysis, so I'm going 2 to move -- move on from those process questions. 3 A Okay. 4 Q Were you involved at all in the creation of or 5 discussions regarding the request for information posed 6 to the redistricting Voting Rights Act consultants? So 7 basically, were you involved in the -- in drafting that 8 RFI that the Board submitted in its search for a VRA 9 consultant? 10 A I was. Budd and I were asked to serve on a 11 subcommittee. I can't actually -- you know what, I 12 better not say "yes," because I know that we did for the 13 law firm. I can't quite remember about the VRA experts. 14 Q Okay. Do you recall when the Board decided to 15 direct Bruce Adelson and Jonathan Katz to examine voting 16 patterns for Alaska Native, non-Alaska Native 17 minorities, and other individuals in the Anchorage area? 18 A Vaguely, it rings a bell. 19 Q Do you remember why the Board decided to take 20 this step? 21 MR. SINGER: Objection. Form. 22 BY MS. WELLS: 23 Q Why did the Board -- 24 MR. SINGER: I don't think you've established 25 that the Board took that step.</p>	<p style="text-align: right;">Page 296</p> <p>1 A I don't know. 2 Q Did the Board make a decision to expand its 3 examination of racial polarizing -- or racially 4 polarized voting? 5 A I can't recall a formal Board action to that. 6 Q Okay. Do you remember receiving this 7 supplemental analysis from the consultants? 8 A No. 9 Q Okay. And, really, I am just trying to get some 10 information regarding the process. 11 Do you remember having discussions about the 12 findings of the -- the supplemental analysis? 13 A I do remember having discussions, yes. There -- 14 there was a lot of paper -- Holly, I'm not trying to be 15 evasive here. There was just so much information. I 16 don't remember specifically reading through this 17 document. I remember we had discussions about it. We 18 had presentations from the VRA experts and that we -- we 19 did know -- know about VRA issues, but some of this I'm 20 going to have to read and jog my memory with. 21 Q Okay. And this is -- do you want to take a 22 minute just to read this paragraph? Would that be at 23 all helpful? 24 A Which paragraph? 25 Q The paragraph -- basically the supplemental</p>
<p style="text-align: right;">Page 295</p> <p>1 MS. WELLS: Okay. Randy, can we pull up the -- 2 it's in the promulgation. I think it's ARB00018. 3 THE VIDEOGRAPHER: Let's go off the record for 4 one second. 5 Off the record at 6:10. 6 (Off record.) 7 THE VIDEOGRAPHER: On the record at 6:12 p.m., 8 and let me share this. 9 BY MS. WELLS: 10 Q Board Member Borroneo, can you -- oh, here it 11 comes. All right. 12 Can you tell me the title of the document that 13 we're looking at? 14 A "Alaska Racially Polarized Voting Analysis For 15 2021 Redistricting Executive Summary." 16 Q Okay. This document states that the Board 17 was -- or that the consultants were asked to further 18 quantitatively examine voting patterns of Alaska Native, 19 non-Alaska Native minorities, and other individuals in 20 the Anchorage area. 21 Does that sound -- is that right to you? Is 22 that accurate? 23 A Yes. 24 Q Who asked the consultants to conduct this 25 examination?</p>	<p style="text-align: right;">Page 297</p> <p>1 analysis. 2 MR. SINGER: Is that on the screen now? 3 MS. WELLS: No. Oh, this is part of the 4 problem. 5 Randy, could you -- and I -- I apologize, 6 because I am -- again, I'm working off of 7 unanticipated tech issues. But, Randy if you could go 8 to page 107 of that document. 9 MR. SINGER: Proclamation. 10 MS. WELLS: Yeah. So it's the Redistricting 11 Board Proclamation, and you're in the appendices and 12 it's page 107. 13 THE VIDEOGRAPHER: That's actually what I'm on. 14 MS. WELLS: So my 107 is 113. So maybe the -- 15 MR. SINGER: What's the page number? 16 MS. WELLS: The page number... 17 MS. DANNER: Page 112 in the document. 18 MS. WELLS: There we go. All right. That'll 19 make more sense. 20 BY MS. WELLS: 21 Q So could you read this paragraph? 22 A Out loud or to myself? 23 Q Just to yourself, just to refresh your 24 recollection so we can just -- 25 A Okay.</p>

<p style="text-align: right;">Page 298</p> <p>1 Q -- discuss...</p> <p>2 A Sure. Done.</p> <p>3 Q Okay. Does this help? Do you have any</p> <p>4 recollection of -- of discussing this supplemental</p> <p>5 analysis with the consultants?</p> <p>6 A The times that we met with the -- with the</p> <p>7 experts was in Executive Session.</p> <p>8 THE WITNESS: Do I talk about that?</p> <p>9 MR. SINGER: No. That was privileged. You can</p> <p>10 talk about the...</p> <p>11 THE WITNESS: And you were there.</p> <p>12 MR. SINGER: Yeah. And then there was -- and</p> <p>13 then there was, you know, a conclusion, and we provided</p> <p>14 general advice to the Board after in an open session and</p> <p>15 we filed this report in open session. So that's the</p> <p>16 line you need to draw, is the difference between those</p> <p>17 two things, if you can, in your memory.</p> <p>18 MS. WELLS: So, Matt, I'm sorry. What are</p> <p>19 you -- I just want to make sure I understand what you're</p> <p>20 advising her here.</p> <p>21 MR. SINGER: Not to reveal any attorney-client</p> <p>22 conversation that took place in Executive Session, and</p> <p>23 then jogging her recollection that there was a</p> <p>24 presentation and discussion to the public, and including</p> <p>25 the presentation of this document.</p>	<p style="text-align: right;">Page 300</p> <p>1 submitted by the consultants? I'm just asking about its</p> <p>2 existence, that provided additional information</p> <p>3 regarding the method they used or their analysis? And</p> <p>4 I'm speaking solely to the supplemental analysis.</p> <p>5 A I can't remember.</p> <p>6 Q Okay. Do you recall, after looking this over --</p> <p>7 and I know I've asked this, but I just want to make sure</p> <p>8 now that you've had a chance to look it over -- do you</p> <p>9 remember addressing this issue of racially polarized</p> <p>10 voting in Anchorage separately as a Board?</p> <p>11 A Yes. And it was...</p> <p>12 Q Okay. All right. I'm going to switch gears,</p> <p>13 and I do not have that much more. So this should be</p> <p>14 over very soon.</p> <p>15 Was there any requirements and other Senate</p> <p>16 pairings or House districts that justified the Board's</p> <p>17 decision to pair Eagle River districts with East</p> <p>18 Anchorage districts?</p> <p>19 MR. SINGER: Objection. Form.</p> <p>20 BY MS. WELLS:</p> <p>21 Q In your opinion, were there any other Senate</p> <p>22 considerations for other Senate pairings that justified</p> <p>23 pairing Eagle River districts with East Anchorage</p> <p>24 districts?</p> <p>25 MR. SINGER: Objection. Form.</p>
<p style="text-align: right;">Page 299</p> <p>1 MS. WELLS: So was the presentation to the</p> <p>2 public and the presentation in Executive Session</p> <p>3 regarding the conclusion any different?</p> <p>4 MR. SINGER: The Executive Session was for the</p> <p>5 purpose of discussing anticipated litigation and to</p> <p>6 exchange candid legal advice. The -- and then the --</p> <p>7 and then we -- we turned to a public session and made a</p> <p>8 lengthy presentation about the Voting Rights analysis</p> <p>9 to -- to the Board and the public.</p> <p>10 MS. WELLS: Okay. But you're not saying</p> <p>11 that because -- you're not saying that they would</p> <p>12 provide an analysis saying we don't -- that it's not</p> <p>13 possible to conduct an analysis in public and that they</p> <p>14 would somehow have more to say about that analysis that</p> <p>15 would be privileged? I mean, this is just the results</p> <p>16 of the analysis, which is certainly part of the Board's</p> <p>17 mandated process; right? Which is I guess--</p> <p>18 MR. SINGER: Mr. Adel- -- Mr. Adelson is an</p> <p>19 attorney, and in addition to the report and statistical</p> <p>20 analysis that Mr. Adelson and Mr. Katz performed, we</p> <p>21 also sought legal advice from Mr. Adelson about</p> <p>22 potential or threatened litigation and strategy, and so</p> <p>23 he had more than one role.</p> <p>24 BY MS. WELLS:</p> <p>25 Q Okay. Was there any additional documentation</p>	<p style="text-align: right;">Page 301</p> <p>1 Ask if you understand -- answer if you</p> <p>2 understand the question.</p> <p>3 THE WITNESS: I don't understand the question.</p> <p>4 I'm sorry. Can you ask it another way?</p> <p>5 BY MS. WELLS:</p> <p>6 Q Basically, often there's something like a Voting</p> <p>7 Rights Act, that you're a Native-influenced district, or</p> <p>8 deviation issues that impact the Board's decision</p> <p>9 regarding another pairing. You talked about that</p> <p>10 earlier today, you know, certain -- and so was there</p> <p>11 anything like that, that required the Board, in your</p> <p>12 opinion, or justified the Board in pairing Eagle River</p> <p>13 districts with East Anchorage districts?</p> <p>14 A There was nothing, to my knowledge, that</p> <p>15 required us to -- and this is -- you're asking for two</p> <p>16 different things, requirement versus a justification, so</p> <p>17 I'm going to answer it in two parts.</p> <p>18 There was nothing that required us to pair</p> <p>19 South Muldoon with Eagle River. There was a</p> <p>20 justification in the sense that they were physically</p> <p>21 touching, so it met, the constitutional requirement,</p> <p>22 that they had to be physically touching, but there</p> <p>23 were other options for South Muldoon and Eagle River.</p> <p>24 Q Was there any -- was there a pairing elsewhere</p> <p>25 that in order to make that pairing lawful, it justified</p>

<p style="text-align: right;">Page 302</p> <p>1 or required or led, really led to any -- you know, and 2 really, I guess in that sense I'm saying it could be 3 justified, it could be a requirement, but was there a 4 pairing elsewhere that led the Board to make those Eagle 5 River pairings? 6 So sometimes you have a pairing in one area, 7 right, but then because of that pairing a -- a different 8 pairing is required somewhere else. Was there anything 9 like that, or was it based solely on the pairings 10 proposal by Board Member Marcum? 11 MR. SINGER: Objection. Form and foundation, in 12 that this member did not make that -- 13 MS. WELLS: That's okay. I'll abandon the 14 question. It's fine. 15 BY MS. WELLS: 16 Q Okay. Did you receive an e-mail from Randy 17 Ruedrich regarding Senate pairings? 18 A I can't recall. 19 Q Okay. If I show you -- I'm going to try to 20 refresh your memory. 21 A Okay. 22 MS. WELLS: Okay. Randy, could you pull up 23 page 10, Exhibit 3 of that exhibit. 24 Board Member Borromeo, have you seen this 25 document before?</p>	<p style="text-align: right;">Page 304</p> <p>1 that this was an e-mail in un-redacted form that came 2 to -- well, to at least some members of the Board, 3 would that make sense to you? 4 A I'll accept it, subject to check. 5 Q All right. Sounds good. 6 Can you help me look at this document and 7 understand what I'm seeing? 8 MR. SINGER: Objection. Foundation. 9 BY MS. WELLS: 10 Q Okay. But you can still answer. 11 MR. SINGER: If you know. 12 THE WITNESS: This -- 13 BY MS. WELLS: 14 Q You are a board member, and these are -- this is 15 information that went to the Board. I am -- I just want 16 to walk through it and understand what I'm seeing as you 17 see it. This was a document, I will represent, subject 18 to check, that was actually sent to the Board intended 19 for the Board to see it, though it would be useful to 20 walk through it with a Board member and understand how 21 you perceive this document, what it seems to say to you. 22 A So this is the first time I'm seeing this 23 document. Can I just have a minute or two to look at it 24 so I can figure out what it's trying to say? I see a 25 bunch of numbers and percentages.</p>
<p style="text-align: right;">Page 303</p> <p>1 THE WITNESS: No. 2 MS. WELLS: All right. Randy, could you pull up 3 page -- I think it's the same exhibit. It says page -- 4 this -- actually, could you pull up page 10? I'm sorry. 5 Exhibit 10, page 2. 6 BY MS. WELLS: 7 Q Have you seen this exhibit? 8 A Can I see the top of it? It looks similar to, I 9 believe, something that was passed out the last day from 10 AFFER. 11 Q Okay. All right. Randy, can we go back to -- 12 A I -- I can't say for sure. I'd have to look 13 at -- there was so much paper those last couple of days. 14 Q Okay. Well, I think that -- and we're going to 15 try. 16 A Okay. 17 Q We can walk through this a little bit 18 together -- 19 A Okay. 20 Q -- I think. But if we can go back to -- sorry, 21 Randy, bear with me -- back to, I think it's Exhibit 10, 22 but it says page 2. So I don't know if it's -- I'm 23 sorry. Can we go back to page 3? So that would be the 24 un-redacted version. 25 Board Member Borromeo, if I represent to you</p>	<p style="text-align: right;">Page 305</p> <p>1 MS. WELLS: Absolutely. And we can even take 2 five minutes, if that would be okay? 3 THE WITNESS: Can I have a paper copy of this? 4 Do we have a paper copy of this? 5 MR. SINGER: What's the -- 6 THE WITNESS: I don't even know what this is. 7 MR. SINGER: What's the Bates number? 8 MS. WELLS: It's -- for some reason this does 9 not have a Bates number, so we received it in production 10 without a Bates number, but it's next to -- 1740 was the 11 redacted version. So I don't know. We have not 12 found -- I don't know if someone else has found one with 13 a -- let me see if there's another version, because I 14 think we may have found one of the Bates numbers. Let 15 me see. Nope. Both of my versions do not have a Bates 16 number. 17 Does anybody else have a Bates stamped number 18 version of the un-redacted document? 19 THE WITNESS: I'm looking at the redacted 20 version. 21 MR. SINGER: Look at this. 22 THE WITNESS: Randy Ruedrich, testimony on 23 Sunday, attached, please find my proposal, my -- 24 THE COURT REPORTER: This is -- this is the 25 court reporter. Can you please slow down?</p>

<p style="text-align: right;">Page 306</p> <p>1 THE WITNESS: Oh, sorry. I'm just reading out 2 loud to myself. 3 Holly, can I have two or three minutes to figure 4 this out? This is the first time I'm looking at this. 5 MS. WELLS: Absolutely. 6 THE WITNESS: Thank you. 7 MS. WELLS: Matt, do you want to take a 8 five-minute break? 9 MR. SINGER: Sure. We'll go off. 10 THE WITNESS: Can we? 11 THE VIDEOGRAPHER: We'll go off the record at 12 6:30 p.m. 13 (Off record.) 14 THE VIDEOGRAPHER: On the record at 6:33. 15 THE WITNESS: Okay. So what was your question 16 again? I'm sorry. 17 BY MS. WELLS: 18 Q So I'm just trying to understand this document, 19 but I guess I'll start with this. 20 A Okay. 21 Q Okay. If I told you there were at least two 22 members, and we'll call them the "majority board 23 members" based on our earlier definition, that had this 24 document in front of them during the Senate pairing 25 deliberations, would that surprise you?</p>	<p style="text-align: right;">Page 308</p> <p>1 MS. WELLS: Okay. Matt. 2 BY MS. WELLS: 3 Q Can we walk through this document together? 4 My first would be: If we look to the far 5 left, we have a list of names. What do you think 6 those appear to be? To you, what are those? 7 A I would interpret them to be districts. 8 Q Okay. And then it says "Paired" and then it has 9 numbers. 10 A Yes. 11 Q Like 1 and 2, 3 and 3. What do you think that 12 refers to? 13 MR. SINGER: Objection. Foundation. 14 BY MS. WELLS: 15 Q You can still answer. 16 A I think it refers to the desired pairing of 17 House districts for the Senate seat. 18 Q Okay. And then we have a column that I think is 19 "Preferred," and then it says, "House," 1, 2, 3, and it 20 kind of goes down. What do you think this is doing? Do 21 you think this is providing preferred pairings. 22 A Which column are you in, Holly? 23 Q Well, it's kind of hard to tell what is under 24 what, but I think I'm under -- I'm under the word 25 "Preferred" and then the word "House."</p>
<p style="text-align: right;">Page 307</p> <p>1 A Yes. Because this is the type of information 2 that we agreed as a board that we did not want to 3 entertain, receive, or review. 4 Q Okay. So I'm trying to understand what type of 5 information this is, because I would represent to you we 6 have video footage of board members considering this, 7 and so -- 8 MR. SINGER: Objection. The video footage shows 9 them considering a redacted document. 10 MS. WELLS: Okay. 11 MR. SINGER: It's a different document. 12 MS. WELLS: That is inaccurate. That is not 13 what the video footage shows. 14 MR. SINGER: Let's not argue about what the 15 video footage shows. The video shows what it shows. 16 MS. WELLS: Yeah. And what about the direct 17 admissions of Board Member Marcum? 18 MR. SINGER: Holly -- 19 MS. WELLS: We have testimony -- 20 MR. SINGER: -- ask the witness -- 21 MS. WELLS: -- stating that she was looking -- 22 MR. SINGER: -- Holly, ask the witness a 23 question. 24 THE COURT REPORTER: One at a time, please. 25 MR. SINGER: Ask the witness your next question.</p>	<p style="text-align: right;">Page 309</p> <p>1 A Okay. So you're in the third column. 2 Q Yes. And then the -- and then I guess the 3 fourth column says "Preferred" and then it says 4 "Senate." 5 A Okay. 6 Q Okay. Maybe, you know what, I'm going to step 7 back. Let's walk through one full column, or a 8 column -- like, one full pairing and talk about each one 9 of those. I think that would be useful. So let's start 10 with -- and let's go down and let's use one that is 11 more -- potentially more relevant. 12 So if we go down, can you see the word 13 "Muldoon" on the sheet? 14 A Yes. 15 Q Okay. And you see the pairing 23 and 24? 16 A Yes. 17 Q Okay. And does that correspond with House 18 districts that were -- the Board was working with on 19 November 7th? 20 MR. SINGER: Objection. Foundation. 21 THE WITNESS: Can I see the map, Matt, or 22 somebody, of the districts that we were working with on 23 November 7th? 24 MR. SINGER: That's for -- that's for Holly to 25 do.</p>

<p>Page 310</p> <p>1 THE WITNESS: Oh.</p> <p>2 BY MS. WELLS:</p> <p>3 Q Okay. I don't know that -- I don't think we</p> <p>4 need to go all the way back there, so why don't I</p> <p>5 represent to you that those are districts in -- you</p> <p>6 know, that are Muldoon districts, or we'll just say</p> <p>7 East Anchorage districts.</p> <p>8 MR. SINGER: Well, objection. That's not --</p> <p>9 well, District 23 was North Muldoon district, and</p> <p>10 District 24 is an Eagle River district.</p> <p>11 MS. WELLS: Thank you, Matt. That's perfect.</p> <p>12 BY MS. WELLS:</p> <p>13 Q So Board Member Borromeo, can you, using that</p> <p>14 explanation from your counsel...</p> <p>15 MR. SINGER: Do you want me to show Member</p> <p>16 Borromeo Board Proposed v.4 Anchorage, which is what</p> <p>17 these -- what -- what was likely what these numbers are,</p> <p>18 potentially what these numbers are?</p> <p>19 MS. WELLS: No. I think we're okay. We can</p> <p>20 just...</p> <p>21 BY MS. WELLS:</p> <p>22 Q So we're looking at Muldoon Senate pairings, it</p> <p>23 looks like, and then we see that we have these preferred</p> <p>24 numbers and Senate districts, and then after that we</p> <p>25 have a last election date, it looks like.</p>	<p>Page 312</p> <p>1 district from the prior map.</p> <p>2 Q Okay. And then there's a column that says</p> <p>3 "Adequate." So I'll use two comparisons.</p> <p>4 So if you go up to the Ketchikan/Wrangell</p> <p>5 listing, which is the first one in the list...</p> <p>6 A Okay.</p> <p>7 Q When we read it across, we see Paired, 1 and 2,</p> <p>8 Preferred, House 1, Senate A, Last Election 2020,</p> <p>9 Stedman, Estimated Retained 95 percent, and then under</p> <p>10 Adequate it has a Y. And then it has Future Elections.</p> <p>11 So I -- you know, I -- I'm just trying to</p> <p>12 figure out what additional information this is</p> <p>13 providing for each of these pairings and for each of</p> <p>14 these representatives. But if you don't know, it's</p> <p>15 okay. I'm just trying to get a better idea.</p> <p>16 A Are you talking about the column that says</p> <p>17 "Adequate," or the whole document?</p> <p>18 Q Well, if you know what the column "Adequate"</p> <p>19 means isolated, you can answer that. If you think you</p> <p>20 have an understanding of what the document is trying to</p> <p>21 communicate to its recipients, you can answer that. If</p> <p>22 you know both, answer both.</p> <p>23 A There was so many questions --</p> <p>24 MR. SINGER: Objection. Form.</p> <p>25 THE WITNESS: -- packed into that.</p>
<p>Page 311</p> <p>1 Is that what you're seeing, Board Member</p> <p>2 Borromeo?</p> <p>3 A Yes.</p> <p>4 Q Okay. And then after the last election</p> <p>5 district, we have a name.</p> <p>6 A Yes.</p> <p>7 Q Okay. And when you look at those names, what's</p> <p>8 the name next to Muldoon?</p> <p>9 A I'm just putting an exhibit up to run across the</p> <p>10 screen. Muldoon, 23, 24, Wielechowski.</p> <p>11 Q Yes. Okay. That's what I'm seeing too.</p> <p>12 A Okay.</p> <p>13 Q And some of these have "Estimated Retained." Do</p> <p>14 you know what that means, estimated retained?</p> <p>15 MR. SINGER: Objection. Foundation.</p> <p>16 BY MS. WELLS:</p> <p>17 Q It's just a question. I don't know what it</p> <p>18 means. Do you know what it means or what you think it</p> <p>19 would mean?</p> <p>20 A I don't know what it means. That's the first</p> <p>21 question you asked. Your second question, what do I</p> <p>22 think it means?</p> <p>23 Q Yes.</p> <p>24 A I don't -- I -- I would think it could possibly</p> <p>25 refer to how much of the population is the same in the</p>	<p>Page 313</p> <p>1 BY MS. WELLS:</p> <p>2 Q Okay. Let's start: Do you know what adequate</p> <p>3 means? What do you think is adequate? What -- what do</p> <p>4 you think that column is referring to?</p> <p>5 MR. SINGER: Objection. Foundation.</p> <p>6 MS. WELLS: Well, this is a document that was</p> <p>7 sent to the board members, and so, but, I mean, I guess,</p> <p>8 you know what...</p> <p>9 MR. SINGER: Just let the -- just let the</p> <p>10 witness answer if she can; you know, it's not -- it's</p> <p>11 not helpful to her to start commenting.</p> <p>12 THE WITNESS: What do I think adequate means?</p> <p>13 Possibly whether or not there's adequate votes in the</p> <p>14 district to retain that senator, maybe. I don't know.</p> <p>15 I didn't draft this. That would be my best guess.</p> <p>16 BY MS. WELLS:</p> <p>17 Q Okay. All right. Thank you. I think that</p> <p>18 that's -- that's helpful. I have a better</p> <p>19 understanding. Okay.</p> <p>20 A Perhaps Mr. Ruedrich should be...</p> <p>21 Q Yes. And I'm hoping he'll help us understand</p> <p>22 the documents tomorrow.</p> <p>23 All right. Let me just look and see if</p> <p>24 there's any other questions, and hopefully I can get</p> <p>25 us out of here quickly.</p>

<p style="text-align: right;">Page 314</p> <p>1 All right. Why do you believe that the 2 majority board members proposed and ultimately adopted 3 the Eagle River pairings? 4 MR. SINGER: Objection. Foundation. 5 BY MS. WELLS: 6 Q As a member of the board, what findings do you 7 think led the majority board members to adopt the 8 Eagle River pairings? 9 MR. SINGER: Objection. Foundation. 10 MS. WELLS: Okay. So I want to be clear. 11 You're objecting to... 12 MR. SINGER: Holly, stop arguing with me. I'm 13 making -- 14 MS. WELLS: Matt, I will finish -- 15 MR. SINGER: -- I'm making the record -- 16 MS. WELLS: -- my sentence. It's not your job 17 to cut me off. All right. If you want to object to 18 what I'm saying, that's fine, but I want the record to 19 be clear. 20 So as -- this is a body and it makes decisions 21 as a body based on findings. So what you're telling me 22 is I have not set a foundation for her to answer a 23 question regarding the body's findings as a whole? I 24 just want to make sure, and I want the record to reflect 25 that.</p>	<p style="text-align: right;">Page 316</p> <p>1 Nicole Borromeo. Going off the record at 6:45. 2 (Proceedings concluded at 6:45 p.m.) 3 (Exhibits 36 and 37 marked.) 4 (Signature reserved.) 5 -o0o- 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 315</p> <p>1 MR. SINGER: Holly, I'm not going to argue with 2 you. You're asking this person for the reason that 3 other people made a decision. She lacks the foundation 4 for that. I've made my objection, and instead of -- 5 instead of trying to argue with me, let the witness 6 answer the question and then ask the next question. 7 BY MS. WELLS: 8 Q Board Member Borromeo, can you answer the 9 question as to what led the body to make its findings 10 regarding the Eagle River Senate pairings? 11 MR. SINGER: Objection. Foundation. 12 THE WITNESS: I cannot, no. 13 MS. WELLS: Okay. Thank you. 14 All right. I think that's all of my 15 questions. So I think we're hopefully -- well, I 16 guess Doyon may have some questions. No? 17 MR. AMDUR-CLARK: No questions from us. Thank 18 you. Thank you for time, Member Borr- -- Borromeo. 19 THE WITNESS: You're welcome. 20 MS. WELLS: Yes. Thank you for your patience, 21 really, and your service. 22 THE WITNESS: You're welcome. 23 THE VIDEOGRAPHER: Are we all set to go off the 24 record, then? 25 We will -- this concludes today's testimony of</p>	<p style="text-align: right;">Page 317</p> <p>1 CERTIFICATE 2 3 I, KASIDY LOMELI, Certified Shorthand 4 Reporter and Notary Public in and for the State of 5 Alaska, do hereby certify that the witness in the 6 foregoing proceedings was duly sworn; that the 7 proceedings were then taken before me at the time 8 and place herein set forth; that the testimony 9 and proceedings were reported stenographically by 10 me and later transcribed by computer transcription; 11 that the foregoing is a true record of the 12 testimony and proceedings taken at that time; 13 and that I am not a party to nor have I any 14 interest in the outcome of the action herein 15 contained. 16 IN WITNESS WHEREOF, I have hereunto set 17 my hand and affixed my seal this 11th day 18 of January, 2022. 19 20 21 22 23 24 25</p> <p style="text-align: right;"><i>Kasidy Lomeli</i> KASIDY LOMELI, CA CSR #14046 My Commission Expires 8/25/2024</p>

IN THE MATTER OF THE 2021 REDISTRICTING PLAN
Nicole Borromeo on 01/10/2022

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1 Errata Sheet

2

3 NAME OF CASE: IN THE MATTER OF THE 2021 REDISTRICTING PLAN

4 DATE OF DEPOSITION: 01/10/2022

5 NAME OF WITNESS: Nicole Borromeo

6 Reason Codes:

7 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10 Page ____ Line ____ Reason ____

11 From ____ to ____

12 Page ____ Line ____ Reason ____

13 From ____ to ____

14 Page ____ Line ____ Reason ____

15 From ____ to ____

16 Page ____ Line ____ Reason ____

17 From ____ to ____

18 Page ____ Line ____ Reason ____

19 From ____ to ____

20 Page ____ Line ____ Reason ____

21 From ____ to ____

22 Page ____ Line ____ Reason ____

23 From ____ to ____

24

25 _____

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