



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

September 18, 2013

MEMO TO: Jay Sweeney, Interim Administrator
Mayor and Assembly

FROM: Marlene Campbell, Government Relations Director

SUBJECT: Federal Subsistence Board Public Hearing on the Rural
Determination Process in Sitka

Last week we learned that in addition to the open comment process, the Federal Subsistence Board is holding a public hearing in Sitka from 4:00 to 6:00 PM Friday, September 27 in Harrigan Centennial Hall. It may be desirable for the Assembly to take an official position by Resolution to submit with the City and Borough of Sitka's summary comments on possible changes to the Federal Rural determination process.

Sitka Tribe of Alaska and CBS have been working on separate and much more detailed written responses to submit in writing prior to the November 1 deadline, but Resolution 2013-16 will provide a general outline on major points that could better define and simplify the process for Sitka to retain its Rural Subsistence status. The Resolution will also provide an Assembly-approved template for CBS testimony at the public hearing.

Attached is the meeting notice and more information about the Federal Subsistence Board review of rural determination process for your information. There are several other documents providing more background information and various measurements of rural subsistence use totaling several hundred pages that I could make available if anyone wants considerably greater backup. Please contact me for further information or questions (campbell@cityofsitka.com e-mail or 747-1855 phone).

Thank you for your consideration.

**CITY AND BOROUGH OF SITKA
RESOLUTION NO. 2013-16**

**A RESOLUTION BY THE CITY AND BOROUGH OF SITKA, ALASKA,
COMMENTING ON THE FEDERAL SUBSISTENCE MANAGEMENT PROGRAM'S
RURAL DETERMINATION PROCESS**

WHEREAS, the Federal Subsistence Board initiated a review of the rural determination process on December 31, 2012, requesting comments on the following components of the process: population thresholds, rural characteristics, aggregation of communities, timelines and information sources, with a submission deadline of November 1, 2013; and

WHEREAS, Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) provides a subsistence priority for rural Alaska residents for harvesting fish and wildlife resources on Federal public lands, and only residents of communities or areas determined to be rural are eligible under Federal subsistence regulations for the subsistence priority; and

WHEREAS, Sitka is an isolated Rural Subsistence community unconnected to any road system, and the vast majority of Sitka residents harvest large quantities of traditional, personal, and subsistence use fish and game year-round for both themselves and for others consistent with a rural community, as well documented by studies, surveys, and personal testimony community-wide for a large variety of fish, game, and other subsistence resources; and

WHEREAS, Sitka has had to struggle to keep its Rural Subsistence status which Sitka residents consider part of their basic cultural, economic and social identities, since its population exceeds the arbitrary population ceiling. Federal Regulations state a community with a population of more than 7,000 will be considered non-rural unless the community possesses significant characteristics of a rural nature, but this arbitrary threshold is invalid for Sitka, which has repeatedly substantiated its Rural Subsistence status, with over 90 percent of Sitka residents directly involved in subsistence gathering; and

WHEREAS, the rural determination process should be modified, as the Secretary of the Interior called for in 2009, to "ensure that the [Federal Subsistence Management] program is best serving rural Alaskans and that the letter and spirit of Title VIII [of ANILCA] are being met."

NOW, THEREFORE, BE IT RESOLVED, that the Assembly of the City and Borough of Sitka recommends several modifications to improve the rural determination process. Modify the population threshold to delete the arbitrary 7,000 beyond which a community will be presumed non-rural and change the threshold to 11,000 as recommended by the

47 Secretaries of the Interior and Agriculture in 2010 as a guideline only, since the current
48 threshold levels fail to accurately define a rural Alaska community.

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50 **BE IT FURTHER RESOLVED**, that the rural determination process be modified to
51 better permit rural subsistence communities to identify their rural characteristics,
52 including widespread use of fish, wildlife, and other wild resources, through Alaska
53 Department of Fish and Game Subsistence studies, Coastal Management Subsistence
54 research, and other information sources; geographic isolation; lack of connection to a
55 regional road system; and importance of fish and other wild resources to the economic
56 base; as the basis for retaining their continued rural designation.

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58 **FINALLY, BE IT RESOLVED**, that once a community has received its rural designation,
59 no timeline for reconsideration should be triggered unless there is substantive change in
60 the rural community's status sufficient to re-designate the community as urban, in order
61 to meet the intent of Title VIII of ANILCA which is to "protect and provide the opportunity
62 for continued subsistence uses on public lands." While the various administrative, land
63 and resource use and economic concepts that fit the "lower 48" states may meet federal
64 agency needs in the contiguous states, these components of the determination process
65 do not meet the needs of vast, isolated rural Alaska, which within Southeast Alaska
66 includes more than 17 million acres of the Tongass National Forest.

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68 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of
69 Sitka, Alaska on this 24th day of September, 2013.

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Mim McConnell, Mayor

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75 **ATTEST:**
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Colleen Ingman, MMC
78 Municipal Clerk
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U.S. Fish and Wildlife Service
Bureau of Land Management
National Park Service
Bureau of Indian Affairs

Federal Subsistence Board Meeting Advisory



Forest Service

For Immediate Release:
September 12, 2013

Contact: Jack Lorrigan
(907) 786-3953 or (800) 478-1456
Jack_lorrigan@fws.gov

Federal Subsistence Board to Hold Public Hearing on the Rural Determination Process in Sitka

The Federal Subsistence Board will hold a public hearing to accept public testimony and written comments on the Federal Subsistence Management Program's rural determination process. The hearing will be held on September 27, 2013, in Sitka at the Harrigan Centennial Hall from 4:00 p.m. to 6:00 p.m. The public is welcome to attend in person or telephonically (1-888-455-5897, passcode: 3344290). All testimony presented at these meetings will be recorded for the public record. Written comments received, including any personal information provided, will be available to the public.

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) provides a subsistence priority for rural Alaska residents for harvesting fish and wildlife resources on Federal public lands. Only residents of communities or areas determined to be rural are eligible under Federal subsistence regulations for the subsistence priority.

The Secretaries of the Interior and Agriculture are responsible for the process by which the rural determinations are made. The Federal Subsistence Board uses the Secretaries' process to make the rural determinations.

In 2009, the Secretary of the Interior called for a review of the Federal Subsistence Management Program to "ensure that the program is best serving rural Alaskans and that the letter and spirit of Title VIII [of ANILCA] are being met." As a result of the review, the Secretaries of the Interior and Agriculture directed the Federal Subsistence Board to conduct a review of the rural determination process and develop recommendations for the Secretaries on how to improve the process.

The Federal Subsistence Board initiated a review of the rural determination process on December 31, 2012 with the publication of a Federal Register Notice requesting comments on the following components of the process: population thresholds, rural characteristics, aggregation of communities, timelines and information sources. The deadline to submit comments is November 1, 2013.

The Federal Subsistence Board plans to meet April 15–17, 2014 in Anchorage to review all the comments it received during the public comment period. The Board may then make recommendations to the Secretaries of the Interior and Agriculture on possible changes to improve the process. These recommendations would be based on the Federal Subsistence Regional Advisory Councils' recommendations, results of Tribal and ANCSA corporation consultations, and public comments.

If the Secretaries make changes to the rural determination process, a proposed rule will be published in the Federal Register as required by the Administrative Procedure Act.

Meeting dates and locations are subject to change, please check before you go. For updated public hearing information, visit the Federal Subsistence Management Program website, <http://www.doi.gov/subsistence/index.cfm>, or contact the Office of Subsistence Management at 800-478-1456, (907) 786-3888 or by e-mail: subsistence@fws.gov.

Additional information on the Federal Subsistence Management Program and on the rural determination process is available on the Federal Subsistence Management Program's website.

If you need special accommodations for disabilities, please contact Jack Lorrigan by calling (907) 786-3953 or (800) 478-1456, or by e-mail: jack_lorrigan@fws.gov, or the Office of Subsistence Management approximately one-week prior to the meeting.

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