

Review of the Rural Determination Process

A Briefing for the Federal Subsistence Board

April 15, 2014

Background

The Alaska National Interest Lands Conservation Act (ANILCA), Title VIII, Section 802 asserts that “the purpose of this title is to provide the opportunity for rural residents engaged in a subsistence way of life to do so.”

In drafting ANILCA, however, the Congress did not define the term “rural.”

Senate Report No. 96-413, which comments on Title VIII, provides examples of *cities* excluded from rural status—“Ketchikan, Juneau, Anchorage, and Fairbanks”—and examples of *communities* that are rural—“such as Dillingham, Bethel, Nome, Kotzebue, Barrow, and other Native and non-Native villages scattered throughout the State.” The Senate Report further indicates the dynamic nature of rural communities and the inevitability of change: “[T]he Committee does not intend to imply that the rural nature of such communities is a static condition: the direction of the economic development and rural character of such communities may change over time.” Such change is not necessarily from rural to nonrural; it may also be from nonrural to rural.

Secretarial Review

In October 2009, the Secretary of the Interior initiated a Subsistence Program Review; the Secretary of Agriculture later concurred with this course of action. The review concluded, among other things, that the Federal Subsistence Board (Board) should review the process for rural determinations, with input from the Subsistence Regional Advisory Councils (Council). If needed, the Board should then make recommendations to the Secretary of the Interior and the Secretary of Agriculture for changes to the process for rural determinations.

Federal Subsistence Board Review

At its January 17-21, 2012 public meeting, the Federal Subsistence Board elected to conduct a global review of the rural/nonrural determination process. The review started with recommendations from the Regional Advisory Councils, comments from the public, and consultations with Tribes and ANCSA Corporations. With the review underway, the Board stayed the 2007 final rule, in which rural determinations would have otherwise come into effect in May 2012. The Board determined that the 1991 rural/nonrural determinations would remain in place pending the outcome of its review of the rural determination process. Adak was the singular exception, whose status changed from nonrural to rural in 2007.

Federal Register Notice

In a Federal Register notice, published December 31, 2012 (77 FR 77005), the Board identified five elements in the rural determination process for public review: Population thresholds; rural characteristics;

aggregation of communities; timelines, and information sources. The Board posed eight general questions for members of the public to consider regarding these five elements and one question requesting any additional information on how to make the process more effective.

Population thresholds. A community or area with a population below 2,500 will be considered rural. A community or area with a population between 2,500 and 7,000 will be considered rural or nonrural, based on community characteristics and criteria used to group communities together. Communities with populations more than 7,000 will be considered nonrural, unless they possess significant rural characteristics. In 2008, the Board recommended to the Secretaries that the upper population threshold be changed to 11,000.

(1) Are these population threshold guidelines useful for determining whether a specific area of Alaska is rural?

(2) If they are not, please provide population size(s) to distinguish between rural and nonrural areas, and the reasons for the population size you believe more accurately reflects rural and nonrural areas in Alaska.

Rural characteristics. Population is not the only indicator of rural or nonrural status. Other characteristics the Board considers include, but are not limited to, the following: Use of fish and wildlife; development and diversity of the economy; community infrastructure; transportation; and educational institutions.

(3) Are these characteristics useful for determining whether a specific area of Alaska is rural?

(4) If they are not, please provide a list of characteristics that better define or enhance rural and nonrural status.

Aggregation of communities. Communities that are economically, socially, and communally integrated are considered in the aggregate in determining rural and nonrural status. The aggregation criteria are as follows: Do 30 percent or more of the working people commute from one community to another; do they share a common high school attendance area; and are the communities in proximity and road-accessible to one another?

(5) Are these aggregation criteria useful in determining rural and nonrural status?

(6) If they are not, please provide a list of criteria that better specify how communities may be integrated economically, socially, and communally for the purposes of determining rural and nonrural status.

Timelines. The Board reviews rural determinations on a 10-year cycle, and out of cycle in special circumstances.

(7) Should the Board review rural determinations on a 10-year cycle? If so, why; if not, why not?

Information sources. Current regulations state that population data from the most recent census conducted by the U.S. Census Bureau, as updated by the Alaska Department of Labor, shall be utilized in the rural determination process. The information collected and the reports generated during the decennial census vary between each census; data used during the Board's rural determination may vary.

(8) These information sources as stated in regulations will continue to be the foundation of data used for rural determinations. Do you have any additional sources you think would be beneficial to use?

(9) In addition to the preceding questions, do you have any additional comments on how to make the rural determination process more effective?

Opportunities to Participate

The public comment period for the review of the rural determination process opened December 31, 2012 and closed on December 2, 2013. The original public notice closed the comment period November 1, 2013; the extension was posted as a result of the partial government shutdown in October 2013.

The Councils were briefed on the public notice during their winter 2013 meetings. At their fall 2013 meetings, the Councils provided a public forum to hear from the residents of their regions, deliberate on rural determination processes, and provide recommendations for changes to the Board.

Testimonies from members of the public were recorded during hearings held to solicit comments on the rural determination process. Hearings occurred in Barrow, Ketchikan, Sitka, Kodiak, Bethel, Anchorage, Fairbanks, Kotzebue, Nome, and Dillingham. A PowerPoint presentation and time for discussion and dialogue on specific questions were provided prior to each hearing.

Government-to-government consultations on the rural determination process were held between members of the Board and Tribes. Formal consultations were held between members of the Board and Alaska Native Claims Settlement Act (ANCSA) corporations.

Summary of Recommendations from Regional Advisory Councils

The Councils provided several comments about **population thresholds**. Few Councils made specific recommendations regarding the current population threshold criteria, noting rather that they were generally arbitrary. One Council recommended the presumptive rural threshold be increased to 11,000. One Council suggested the presumptive non-rural threshold should be increased to 20,000. Several noted that rural characteristics should be weighed more heavily than population thresholds. Only one Council expressed support for the current population thresholds.

The Councils provided many comments about **aggregation**. Four Councils suggested eliminating aggregation. Most Councils noted that the current application of aggregation is arbitrary and produces inconsistent results. One Council suggested that communities need to be provided better opportunities to demonstrate whether or not any aggregation factors are applicable. Other Councils noted that any increase of population due to outside development (i.e., mines, military bases) should not be aggregated. Additionally, one Council noted that 30 percent of working people commuting from one community to another was too low of a threshold to aggregate those communities, and communities that show a high reliance on fish and wildlife should not be aggregated.

The Councils provided most of their comments on the **rural characteristics**. The Councils recommended numerous additional criteria to consider for rural characteristics. More than one Council noted the importance of cultural and spiritual factors that should be considered, and that geographic remoteness and isolation should be considered. One Council suggested removing educational institutions

and not including any infrastructure that is constructed for temporary use. One Council noted that gardening and whether a community is a “resident zone community” under National Park Service regulations were indicative of rural characteristics. Two Councils noted that not being connected to the road system should be an automatic qualifier for rural status. Some Councils recommended that the Board give substantially more weight to rural characteristics than to population thresholds, and the use of fish and wildlife should be accorded the most weight among rural characteristics.

The Councils provided several comments about the rural review **timeline**. Most Councils recommended the Board move to completely eliminate the 10-year review. Five Councils specifically suggested that a review should only be conducted if there has been a significant change, for example if a community’s population has substantially increased or decreased since the last determination. One Council suggested that when a review is conducted, it should be made using a 5-year average to avoid temporary population spikes. Several Councils said the 10-year review is stressful on communities and a waste of time, finances, and resources. Only one Council supported maintaining the current 10-year review.

The Councils made few comments about what **sources of information** to use in the process. Most Councils supported the use of the U.S. Census data, but provided additional suggestions for data sources such as Tribal databases, harvest reports, property taxes, and the Alaska Permanent Fund Dividend registry.

Councils provided some recommendations for how the Board could otherwise improve the process, including allowing rural residents to remain Federally-qualified subsistence users if they move to a non-rural area purely for economic reasons (e.g., employment). One Council suggested that verification of the rural nature of such individuals could occur by confirming registration with a local Tribal Council (i.e., IRA). Other Councils noted there needs to be more transparency and clarity in how the Federal Subsistence Board arrives at its rural determinations. The Councils noted that their recommendations on rural status should be given deference by the Board.

Summary of Public Comments

The Board received 475 substantive comments from various sources, including individual citizens, members of regional advisory councils, and other entities or organizations (e.g., non-profit Native corporations, borough governments). This section of the briefing does not include results of Tribal consultations. The comments of members of the regional advisory councils include both recommendations made by motion and vote and recommendations made during the course of discussions among council members.

One analyst reviewed each comment for specific suggestions and recommendations made to the Board. Appendix A contains detailed results of the analysis of public comments.

The Board received 101 comments about population thresholds. Most recommended that the Board move to completely eliminate the use of population thresholds because these are arbitrarily and inconsistently applied by agencies. Many recommended replacing population thresholds with more appropriate community characteristics. Some recommended that the upper population threshold be increased from 7,000 to a number in the range 10,000 to 30,000. Few indicated general support for using population thresholds. Some recommended doing something else regarding population.

The Board received 114 comments about rural characteristics. Most recommended that the Board either add or eliminate characteristics; some recommended a combination of both. Some recommended that the Board give substantially more weight to rural characteristics than to population thresholds. Few indicated support for the current list of rural characteristics. Some recommended doing something else regarding rural characteristics.

The Board received 90 comments about aggregation. Most recommended the Board completely eliminate aggregation. Many recommended the Board change how it does aggregation. Some indicated that aggregation eliminates the subsistence priority for some communities. Some indicated that the concept of aggregation is too confusing to be useful. Few indicated support for the current aggregation criteria. A few recommended doing something else regarding aggregation.

The Board received 66 comments about the rural review timeline. Most recommended the Board move to completely eliminate the 10-year review. Some said the 10-year review is a stressful burden on communities and a waste of time and resources. Some indicated support for doing a 10-year review. Others recommended the timeline for review be increased.

The Board received 42 comments about what sources of information to use in the process. Some recommended the Board use Tribal consultation as a primary source of information. Others recommended giving deference to the regional advisory councils on the rural status of their communities. A few recommended the Board rely more on community feedback. Few indicated support for using the 2010 Census data. Many recommended using other sources of information such as the Wolfe and Fischer report and subsistence harvest surveys.

The Board received 60 comments recommending how it could otherwise improve the process, including eliminating the rural/non-rural label, extending the comment period, deferring to the regional advisory councils, and redefining the process as an issue of food security and health.

Formal Consultations with Tribes and ANCSA Corporations

Three consultations were held telephonically with Tribes and ANCSA corporations on the rural determination process¹.

A total of 20 Tribes, three Tribal or village associations, and 12 ANCSA corporations participated with Federal staff, Board members, and their designees in consultations on the rural determination process. Some of those on the telephone only listened and did not directly discuss the rural determination process. This section includes those who spoke on the record. A Board member or their designee provided a wrap up of each call to validate that the consultation was accurately recorded.

Summary of Tribal Consultation

The Tribes that participated generally recommended that the revised rural process should allow Tribal members living in nonrural areas to return to their villages to gather subsistence foods. Economic factors

¹ There will be an opportunity for face-to-face consultation with Tribes and ANCSA corporations at the April 15 Federal Subsistence Board meeting.

cause them to live in non-rural areas, but they still need to access their traditional foods. Several callers requested a Native preference for subsistence needs.

The Native Village of Kotzebue. The Native Village of Kotzebue pointed out that ANILCA only defines or mentions rural, not non-rural, and wondered why this was part of the dialogue.

The Native Village of Kotzebue said that population thresholds are arbitrary and therefore should not be used to trigger a review of a communities' rural status. Rural characteristics are more important in the process than population thresholds. Instead, the Board should develop a different trigger for initiating rural reviews. For example, the Board could begin rural reviews based on a change in community characteristics or other issues that have become common knowledge to federal or state subsistence managers.

The Kenaitze Tribe. The Kenaitze Tribe's area, with its non-rural status, makes it difficult for Tribal members to subsist. The Kenaitze Tribe is now in a position in which applying for Federal and State grants has become necessary to assist their community. The Tribe expressed concern about the 2,500 population threshold. The Tribe thought that unless a community is connected to a road system it should remain rural. The Kenaitze Tribe requested that population thresholds be eliminated and other characteristics should be used to define rural because the population numbers appear to be an arbitrary means of determination.

The Kenaitze Tribe conducted a needs assessment to help it define subsistence use, schooling, employment, and medical needs, which could be used to help the Board make a recommendation to the Secretaries. Board member Sue Masica was interested in this information, and felt the Board should consider how different the Kenaitze are from the rest of the Kenai population.

The Kenaitze Tribe proposed an exemption to the rural determination process for all Tribal members. It feels that Tribal people have been denied fishing opportunities, which threatens the very heart of who they are. The Tribe stated, "The rural determination process focuses on customary and traditional use as a geographic area. This is flawed logic. Customary and traditional people and their customary and traditional use should be considered, rather than the geographic boundaries."

The Sun'aq Tribe. The Sun'aq Tribe stated that other departments of the Federal government have looked into the definition of rural. A number of provisions have allowed for rural enclaves within an urban area. The caller felt that this concept should be further explored.

The Sun'aq Tribe also had a question about the entire timeline for the rural determination process: At what point will the Federal Subsistence Board decide what they are going to recommend to the Secretaries? What's next?

Native Villages of Napaskiak and Napakiak. The Native Village of Napaskiak requested to be exempt from all rural determinations. The Native Village of Napakiak supported this position.

The Knik Tribe. The Knik Tribe said the discussion should focus on 50 CFR 100.15. It also supported the comments of the Kenaitze Tribe. The Knik Tribe recommended the Board consider the U.S. Census-mapped Alaska Native village areas to be exempt from the rural determination process.

Native Village of St. Mary's. The Native Village of St. Mary's said that subsistence resources are affected by the size of the community relying on them plus those harvesters from outside areas. The Native Village of St. Mary's thought that population thresholds may be useful. It supported a Tribal rights stance. It also said that smaller communities along the river most likely will remain rural, but Bethel could get large enough that it could lose its status if the process is not changed.

Summary of Consultations with ANCSA Corporations

Bethel Native Corporation. The representative from the Bethel Native Corporation (BNC) stated that most local villages that are close to each other do not want to be grouped together in a rural determination scenario. BNC requested that representatives from the Federal Subsistence Program speak to the State on behalf of rural communities and their current rural determinations.

BNC requested that the upper population threshold be changed from 7,000 to 12,000. BNC was in favor of the 10-year review. It recommended using the State of Alaska subsistence food survey and 150 pounds per person per year as a minimum threshold for subsistence food usage necessary to be rural.

Sealaska. The Sealaska Corporation urged the Board to immediately act to reinstate Saxman's rural status and that of other similarly situated communities and review their status as rural or non-rural based on their independent characteristics in the ongoing Secretarial review. Since the Board has already extended a compliance date for the change in status required by the 2007 Final Rule, reinstating Saxman's rural status would have no administrative impact. It would however eliminate the need for Saxman to file a lawsuit challenging the 2007 Final Rule, which it will have to do by July 2014, long before the completion of the ongoing review. This would be a very simple solution and would save both the Federal government and the Native Village of Saxman the costs involved in litigation.

Sealaska recommended that the Board take into consideration the cultural integrity and cultural practices around subsistence that rural communities and native people have and look at the social integration among community members. In Southeast Alaska there is a communal system, a Clan system, a House system that integrates their communities, and this is particularly evident in the community of Saxman.

Sealaska advised the Board to look at the spiritual relationship that Native people have to their wildlife. The State of Alaska and the courts have already recognized that there are religious and spiritual dimension to subsistence hunting and fishing among Native peoples.

Sealaska recommended that the Board look at the distribution systems or the sharing of fish and wildlife that goes on in Native communities. It is anything but an individually-based activity. Sealaska emphasized that the Federal government is in the position to protect a subsistence way of life and the trust responsibility between the federal government and Alaska Native peoples. It felt the rural characteristics are a crucial definition of a rural community and that the population numbers are an

arbitrary measure of what is or is not rural. Aggregation of communities, commuting, and the sharing of a high school are inappropriate measures of a community's rural status. It felt that the presence of a Federally-recognized Tribe in the community should carry weight in the rural determination process.

Alternatives to the Current Rural Determination Process

The Interagency Staff Committee and Office of Subsistence Management staff developed a list of six alternatives, based on recommendations from the Councils, consultation with Tribes and ANCSA corporations, and comments from the public. The alternatives are as follows (Appendix B).

1. No change to the current process.
2. No change, except eliminate the 10-year review.
3. No change, except eliminate the 10-year review, increase the upper population threshold to 11,000, and add geographic remoteness and isolation to the list of rural characteristics.
4. Define "rural" as communities or areas with a population less than 15,000, using current aggregations.
5. Define "rural" as communities or areas with a population less than 15,000, using current aggregations, with the exception of the Southcentral area, for which current rural determinations will remain in regulation.
6. Identify specific communities and areas as nonrural; all other communities and areas are therefore rural. These determinations will be made by the Secretaries of the Interior and Agriculture in Subpart B of Subsistence Management Regulations for Public Lands in Alaska.

Next Steps

- The Board may decide to forward to the Secretaries recommendations for improving the rural determination process.
- The Secretaries may decide to propose a rule to change the current rural determination process, based on the Board's recommendations; the public, Councils, Tribes, and ANCSA corporations would have the opportunity to comment or consult during that rule-making process.
- The Secretaries would publish a final rule specifying the rural determination process.
- If the Secretaries did publish a final rule specifying a different process to be used, the Board would use it to make rural determinations (except in the case of Alternative 6), publishing those determinations in a proposed rule; the public, Councils, Tribes, and ANCSA corporations would have the opportunity to comment or consult on that proposed rule.
- The Board could then publish a final rule with the revised determinations as to the rural status of communities or areas; if no new rule making is done by March 1, 2017, the 2007 rule would become enforceable.

Appendix A

Synthesis of Public Comments on the Rural Determination Process

Staff at the Office of Subsistence Management read appropriate public transcripts and letters containing comments about the rural determination process; populated a database with the comments; and placed the comments into the five elements (i.e., categories) described in the Federal Register notice (77 FR 77005) dated December 31, 2012. We added “other” as a category to capture comments that addressed question number nine in the notice and other comments that did not specifically address one of the five elements.

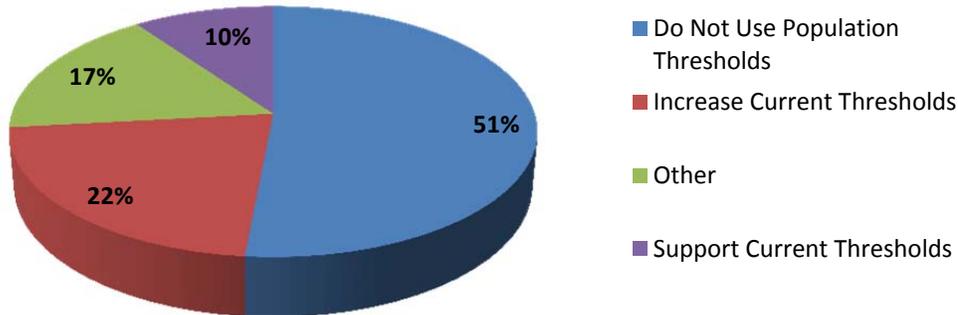
The staff input 496 total public comments into the database; 475 were determined to be substantive. By substantive, we mean comments that meaningfully addressed the rural determination process and made concrete recommendations to the Federal Subsistence Board (Board).

The Board received 278 comments from individual citizens representing the public, 137 comments from members of subsistence regional advisory councils, 37 comments from Alaska Native entities, and 25 comments from other entities (e.g., city and borough governments). Comments from members of the regional advisory councils include both recommendations formally made by motion and vote and recommendations made in the course of discussions and deliberations among council members prior to a formal motion.

This appendix is a synthesis of the public comments. It does not include results from formal consultations with Tribes and ANCSA corporations, which are separate from public comments. A single analyst reviewed all public comments in the database and wrote a brief analysis of each substantive comment. The analyses primarily focused on concise recommendations made to the Board concerning each of the five categories. The analyst grouped each recommendation into subcategories for each category, including the other category.

Population Thresholds

The Board received 101 substantive comments about population thresholds, subdivided into four types of recommendations:



In 52 comments, respondents recommended that the Board move to eliminate the use of population thresholds because these are inadequate in the context of most Alaskan communities, arbitrarily and inconsistently applied by federal agencies, and lack empirical evidence to support their use in making rural determinations. Many of these comments strongly recommended that the Board replace population thresholds with more appropriate rural and/or community characteristics, both qualitative and quantitative. Respondents thought that these would better reflect the nature of communities in Alaska. The characteristics listed include:

- geographical remoteness
- isolation
- annual income
- unemployment rate
- distance to urban markets
- a community's history of subsistence use
- other holistic cultural, political, social, and economic characteristics

In 22 comments, respondents recommended that the current, upper population threshold be raised from 7,000 to a number in the range of 10,000 to 30,000. Specific suggestions included 11,000, 15,000, 20,000, and 25,000.

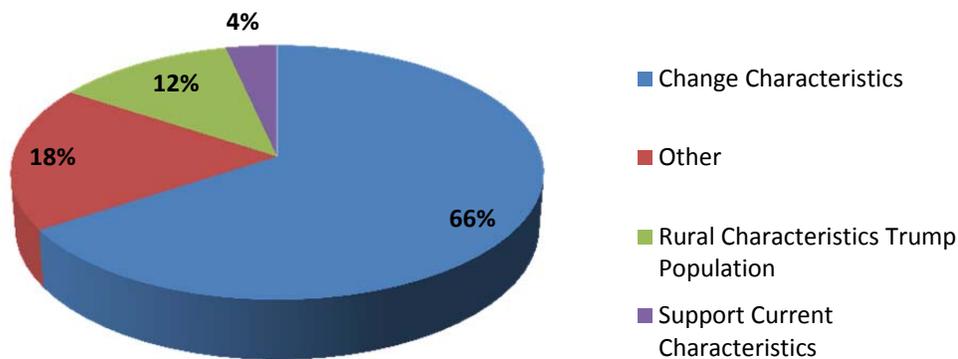
Seventeen comments recommended the Board do something else regarding population thresholds, including:

- Adopt and apply the rural development thresholds used by U.S. Department of Agriculture, which range from 2,500 to 50,000.
- Use the Permanent Fund Dividend population numbers.
- Exclude increases in populations due to industrial developments such as mining.
- Enhance monitoring of natural population growth for individual communities.
- Use population densities.

Ten comments indicated general support for using population thresholds in the rural determination process.

Rural Characteristics

The Board received 114 substantive comments about rural characteristics, subdivided into four types of recommendations:



In 75 comments, respondents recommended that the Board change the list of rural characteristics that it applies in the rural determination process. These comments contained requests to add or eliminate rural characteristics from the current list, some requested doing both. For example, some suggested that the Board add “geographical remoteness” and “subsistence use patterns” and eliminate diversity of economy; community infrastructure; transportation; and educational institutions.

No comments indicated a desire to remove use of fish and wildlife from the list, however some recommended that it be changed to “use of fish and wildlife *for subsistence*.” A written comment from a tribal government told the Board “subsistence use of fish and wildlife is the one essential crux of Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and is

synonymous with the definition of rural in Alaska; use of fish and wildlife as a land use category is essential in any rural determination process used by the Board now and in the future.”

Other additions to the list of rural characteristics included:

- diversity of subsistence resources available
- cost of living and inflation rates
- spiritual, cultural, and ceremonial practices of people who have a subsistence way of life
- community identity
- patterns of boom and bust cycles over time
- access to cell phone and Internet services
- production and use of wild foods
- traditional practices of sharing, bartering, and gift giving
- a community’s customary and traditional uses of resources in its area
- presence of an organized tribal government
- proximity to urban areas and available services such as medical care
- patterns of reciprocity and dependence on one another for survival
- length of time in a place/duration of existence in a place
- gardening

In 14 comments, respondents recommended the Board give substantially greater weight to rural community characteristics than it gives to population thresholds when making rural determinations.

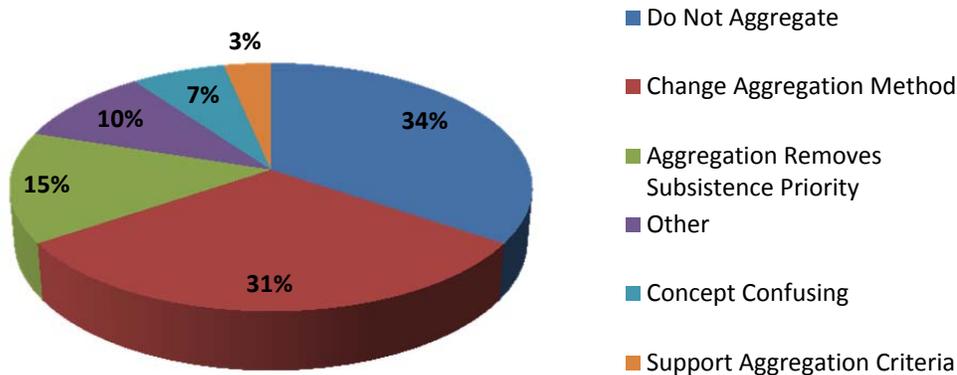
Twenty-one comments recommended that the Board do something else regarding rural characteristics, including:

- Weight rural and/or community characteristics as the most important criterion.
- Weight “use of fish and wildlife” as the most important rural characteristic.
- Designate all island communities rural.
- Adapt and use some of the rural characteristics used by the State of Alaska (e.g., extent of sharing of subsistence resources).
- Adopt and apply the rural characteristics outlined in Wolfe and Fischer (2003).
- Do not apply one-size-fits-all criteria across communities.
- Use the three criteria in Section 804 of ANILCA as rural characteristics.

Four comments indicated general support for applying the current list of rural characteristics.

Aggregation of Communities

The Board received 90 substantive comments about aggregation, subdivided into six types of recommendations:



In 36 comments, respondents recommended the Board move to completely eliminate aggregation from the rural determination process. Many indicated that the current method of aggregation is biased and inappropriate. In general, these respondents recommended that the Board evaluate communities based on their unique histories and individual sets of characteristics.

In 28 comments, respondents recommended the Board change how it applies the concept of aggregation. Suggestions included:

- Only apply aggregation where a large urban center is closely connected to smaller communities located beyond its municipal boundaries.
- Determine how population influxes due to mining, oil, and/or military developments affect the current aggregation criteria.
- Do not aggregate communities just because they are connected by road.
- Do not aggregate any community that has its own city council.
- Do not aggregate any community that has a federally-recognized tribe.
- Only aggregate communities that are physically linked to urban centers by highway.
- Eliminate all the criteria used for aggregating communities because these are not useful for demonstrating a community's rural characteristics.
- Increase the percentage of working people commuting from 30 to 50 percent.
- Only eliminate the commuting for work criterion.
- Only eliminate the sharing of a common high school criterion.
- Do not use the current criteria alone; use these in conjunction with communities' histories, demographics, and political divisions.

- Defer to the knowledge and insights of the regional advisory councils when deciding which aggregation criteria to apply.

Thirteen comments indicated that aggregation takes away the subsistence priority of some communities, which is legally protected under ANILCA Title VIII.

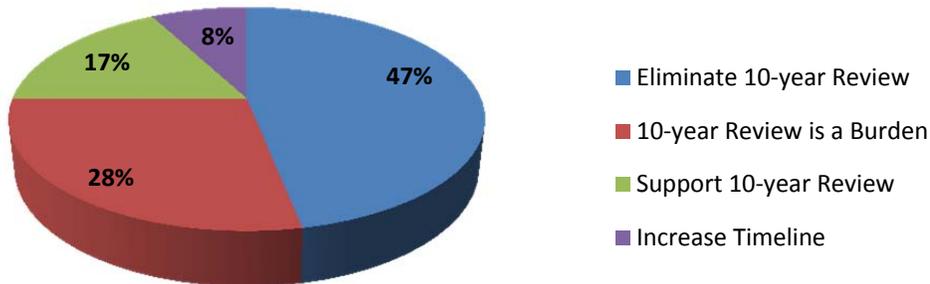
Six comments indicated that some people find the concept of aggregation to be confusing, both in how the concept is applied and the word is defined.

Three comments indicated support for applying the current list of aggregation criteria.

Four comments recommended that the Board do something else regarding aggregation such as carefully consider the impacts of aggregation on subsistence practices such as trading and sharing.

Timelines

The Board received 66 substantive comments about the rural review timeline, subdivided into four types of recommendations:



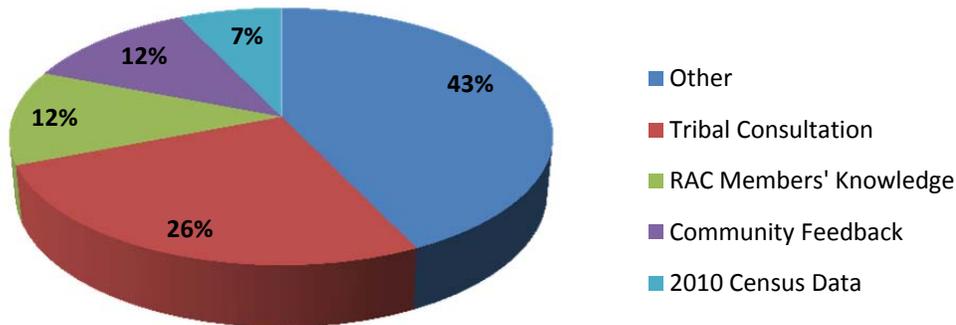
In 30 comments, respondents recommended the Board completely eliminate the 10-year review of rural status. As reflected by 18 comments, the main rationale for eliminating the 10-year review is because it is viewed as a stressful burden on communities and a waste of time and resources for both communities and federal agencies.

Eleven comments indicated support for doing a 10-year review. In five comments, respondents recommended that the timeline for review be increased (e.g., 15-year intervals, 100-year intervals, review rural determinations only when a community’s population exceeds the upper threshold).

Two comments recommended that the Board do something else regarding timelines (i.e., decrease the interval between rural reviews, make rural status permanent unless a substantial change warrants otherwise).

Information Sources

The Board received 42 substantive comments about what sources of information to use in the process, subdivided into five types of recommendations:



In 11 comments, respondents recommended the Board use tribal consultation as a primary source of information for making rural determinations.

Five comments recommended relying on the knowledge of the regional advisory councils by giving them deference concerning the rural status of the communities they represent.

Five respondents recommended using feedback from the affected communities as a primary source of information (e.g., ask community residents what they think makes their community rural and what would have to change before they would consider their community to be non-rural).

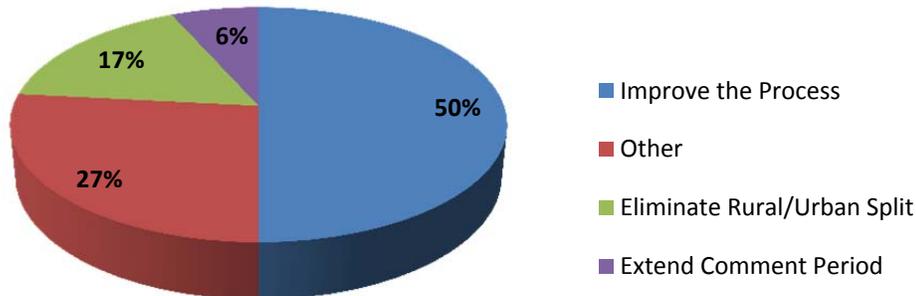
In 18 comments, respondents recommended that the Board use other sources of information such as:

- the intent of ANILCA Title VIII
- Wolfe and Fischer (2003)
- Permanent Fund Dividend database
- State of Alaska regulations
- subsistence harvest surveys conducted in a systematic and scientific manner

Three comments indicated support for using the 2010 Census data.

Other Recommendations

The Board received 60 substantive comments recommending something be done to otherwise improve the process, subdivided into four types of recommendations:



In 30 comments, respondents recommended how the Board should improve the rural determination process. Suggestions included:

- Eliminate the state-wide approach; replace it with a region-by-region approach because the regional advisory councils are only qualified to talk about their regions.
- Provide more time for formal tribal consultation and public participation.
- Improve communication, outreach, and education for the regional advisory councils and the public.
- Apply “rural plus Native” or tribal affiliation for deciding who has subsistence priority.
- Adapt and apply the process used by the National Oceanic and Atmospheric Administration and the National Marine Fisheries Service for subsistence halibut harvest.
- Consider health and nutrition in the process.
- Host meetings on rural determinations in rural communities outside of hub cities and urban centers.
- Use only one process for making rural determinations; the dual system is too burdensome for subsistence harvesters.
- Apply improved social science data and analyses in the process to account for dynamic cultural identities.
- Abandon the state’s system of Game Management Units on federal public lands because it prevents a fair and accurate rural determination process.
- Remove legal constraints.
- Make the results of tribal consultation available to the regional advisory councils before they are asked to deliberate on the process.

- Apply the Criterion-Referenced Assessment Method outlined by Wolfe and Fischer (2003).
- Consider fish and wildlife populations in the rural determination process.
- Consider various definitions of rural as used by other agencies.

In 10 comments, respondents recommended completely eliminating the rural/non-rural dualistic label because it threatens the subsistence priority of many Alaskan communities and the ways of life of many Alaska Native peoples.

In 16 comments, respondents recommended doing something else, including:

- Give deference to the regional advisory councils.
- Redefine the rural determination process as an issue of food security and health.
- Adopt and use an Alaskan Native priority with international declarations on the rights of indigenous people.
- Use a point system or similar metric to determine rural status.

Four respondents recommended extending the comment period because more time is needed to provide meaningful input and recommendations about the rural determination process used by the Board.

Appendix B. Alternatives for the Rural Determination Process

Alternative*	Short Summary	Relationship to Comments	Pros	Cons
1	No change.	Most comments suggest various changes to the current process; a few comments suggest making no changes to the process.	Maintains continuity with current process. Few results of rural status determinations have been controversial.	Widely perceived as flawed. Has resulted in a few controversial determinations, such as Saxman and the Kenai Peninsula. Requires a periodic review even when there have been no change.
2	No change, except eliminate 10-year review.	Many comments suggest that a review should happen only in the event of substantial change to a community or area. 10-year review is a stressful burden on communities and a waste of government resources.	Eliminating review alleviates anxiety of a 10-year review among communities. Reduces periodically time-consuming and redundant staff work.	Would likely continue to be widely perceived as flawed.
3	No change, except eliminate 10-year review, increase upper population threshold to 11,000, and add geographic remoteness and isolation to the list of rural characteristics.	Comments ranged from not using population numbers to increasing the upper limit to 10,000 or as high as 30,000. 11,000 was most commonly mentioned. New recommended rural characteristics are geographic remoteness and isolation.	11,000 was the population of the smallest community/area mentioned as rural in the Senate report for ANILCA Title VIII. 11,000 had previously been recommended to the Secretaries by the Federal Subsistence Board. The public has supported this threshold change as better reflective of rural. Geographic remoteness and isolation captures rural characteristics that might otherwise not be accounted for using other characteristics.	A threshold of 11,000 does not alleviate the anxiety of communities or areas as they gain population over time. The use of geographic remoteness and isolation adds to the complexity of the evaluation of rural characteristics.
4	Define rural as communities or areas with populations less than 15,000 using current	In general, when population thresholds were discussed, the majority of commenters proposed a number of between 10,000 and 30,000.	Helps provide assurance that growing rural hub-communities will continue to be considered rural. A single threshold simplifies the determination process by using available and relatively accurate	The addition of communities/areas to the pool of Federally-qualified subsistence users may result in increased competition for resources among those hunting, fishing or trapping under Federal subsistence regulations. If affected

Alternative*	Short Summary	Relationship to Comments	Pros	Cons
	aggregations.		information. Similarly sized and situated communities, such as Kodiak and Ketchikan, would be categorized the same.	fish/wildlife populations cannot accommodate additional rural users, limitations on subsistence, based upon ANILCA 804 criteria, may become necessary.
5	Define rural as communities or areas with populations less than 15,000 using current aggregations. Current rural determinations for Southcentral remain in force.	Comments described a community or area's geographic remoteness and isolation as rural characteristics. Road accessible communities with relatively easy access to urban centers are viewed differently than those similarly sized communities in remote areas.	Same as #4. Recognizes the determinations made to date in Southcentral Alaska that have undergone considerable review and discussion. Competition for Federal fish and wildlife subsistence resources would be unchanged in Southcentral.	Same as #4. Uneven application of "rural" across the State.
6	Identify specific communities and areas as non-rural; all other communities and areas are therefore rural. Determinations made by the Secretaries of the Interior and Agriculture (Subpart B).	Many comments suggested that a review of a community's rural status should happen only if there is substantial change. (No specific comments were received to move the determinations to the Secretaries' responsibility.)	Fits well with the notion of no periodic review, since review of determinations would occur infrequently and only when deemed necessary by the Secretaries.	Reduces flexibility to modify boundaries as communities or areas change. Decisions are made in DC, rather than locally. Could be viewed as a less open and transparent process.

*All alternatives except 1 would have no periodic review; review would be by petition. (See Alternative 2 for pros and cons, which would also apply to Alternatives 3-6).