

United States Senate

WASHINGTON, DC 20510

August 14, 2014

The Honorable Sally Jewell
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250-0001

Dear Secretary Jewell and Secretary Vilsack:

I write to voice strong support for the efforts by Saxman, Alaska, to retain its rural status for purposes of a subsistence priority under the Alaska National Interest Land Conservation Act (ANILCA), as well as for the rule changes regarding the rural determination process recently proposed by the Federal Subsistence Board (FSB).

In 2007 the FSB adopted a rule which grouped Saxman with the nearby community of Ketchikan, thereby eliminating the ability of Saxman residents to have priority access to subsistence resources upon which their cultural and social identities have depended for countless generations. This action occurred despite the fact that Saxman had been determined to be a rural community by the FSB in 1990, as well as recommended in 2005 for inclusion on a list of rural communities by staff of the Office of Subsistence Management (OSM). Public comment at the time was also overwhelmingly in support of Saxman's retention of its rural status.

In fact, based upon an analysis of the community, OSM staff recommendation, and public input, the FSB's initial action had been the adoption of a proposed rule in 2006 that retained Saxman's rural status. With the concurrence of the regional Advisory Council, the FSB had correctly concluded that Saxman had unique socioeconomic and cultural characteristics and therefore should not be grouped with Ketchikan for subsistence purposes. Despite public testimony overwhelmingly supporting the proposed rule at hearings held by the FSB in Ketchikan and Saxman in the fall of 2006, the FSB inexplicably changed its mind and in December 2006 adopted a rule grouping Saxman with Ketchikan. The rule, which reclassified Saxman and nine other areas as nonrural, became final in June 2007. Fortunately, the Secretaries at the time held the rule in abeyance for 10 years and ordered the FSB to engage in another rural/ non-rural rulemaking process.

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In April 2014, the FSB at long last made a common sense decision by proposing significant changes that greatly simplify the rural determination process. The proposed rule in essence would have the FSB determine which communities in the state are nonrural, with all communities and areas not so identified being considered rural. The proposed rule has numerous advantages over the one currently in place, not the least of which would be removing the fear of rural communities that rural status might change as a result of a mandatory review every 10 years.

Finally, as you know, Saxman recently filed a lawsuit against both Departments and the FSB to prevent the implementation of the final rule. It is my understanding the suit was filed at least in part to preserve a judicial remedy to this issue, as Saxman had a 6 year statute of limitations to challenge a final action taken by the Board.

The proposed rule has broad support, including from the Alaska Federation of Natives and the Organized Village of Saxman. Rather than requiring Saxman or your Departments to unnecessarily expend scarce financial resources on litigating Saxman's right to a subsistence priority, I respectfully request that you:

- (1) Use your authority to determine that Saxman is a rural community
- (2) Expedite final adoption of the proposed rule.
- (3) Request local Regional Advisory Council recommendations on the other 9 areas.

Thank you for your consideration of my request. The people of Saxman and other areas in Alaska affected by the FSB rulemaking deserve no less. Please do not hesitate to contact me directly or have your staff contact Andrea Sanders in my office at (202) 224-9599 to discuss this issue.

Sincerely,



Mark Begich
United States Senator

Cc: Lee Wallace, President, Organized Village of Saxman IRA Council
Julie Kitka, President, Alaska Federation of Natives