

**INTERAGENCY STAFF COMMITTEE RECOMMENDATION**  
**THRESHOLD ANALYSIS OF RURAL/NONRURAL REVIEW RFR07-01**

**Oppose** rural/nonrural review request for reconsideration RFR07-01.

**Justification**

Federal subsistence management regulations pertaining to rural/nonrural determinations require that communities and areas that are economically, socially, and communally integrated be considered in the aggregate. The three indicators the Board directed staff to use in the evaluation of groupings were subject to public comment early in the review process, and were described again in the proposed rule, but are not in themselves regulatory standards. The Board has the latitude to develop and provide analytical guidance to staff in order to effectively implement regulations.

The existing determinations on the Kenai Peninsula, entering this decennial review, consisted of the defined nonrural Kenai Area, Homer Area, and Seward Area groupings, with all other places considered rural. The purpose of using the grouping indicators of proximity/road connectedness, shared high school attendance area, and 30% worker commuting level, as directed by the Board, in this case was to evaluate the indications of whether a subject community under analysis should be considered integrated with one of the three existing groupings. In the case of the Kenai Area and the Homer Area, the assignments for staff analysis were to examine communities and areas immediately surrounding each of these two independent nonrural groupings. The Board's assignment was not to initiate integration of the entire road system in collective relationship to those two nonrural groupings.

Although the method employed by the Board does not represent the only way in which the grouping of communities could be evaluated, it is a legitimate approach that was subject to extensive public review and comment. The staff work was consistent with Board direction, and Board rule-making was in conformance with the requirements of the Administrative Procedure Act. New approaches to the grouping of communities are, at this point in time, more relevant as input to the next decennial review of rural/nonrural determinations, which is to be taken up using 2010 census data.

The Federal review of existing rural/nonrural determinations, from the beginning, included multiple opportunities for input from the Subsistence Regional Advisory Councils, the State of Alaska, and the public. Input requesting adjustment in the scope of the review was duly considered by the Board.