

KODIAK CITY COUNCIL

WORK SESSION AGENDA

Tuesday, January 14, 2014
Public Library Multi-Purpose Room
7:30 p.m.

Work sessions are informal meetings of the City Council where Councilmembers review the upcoming regular meeting agenda packet and seek or receive information from staff. Although additional items not listed on the work session agenda are sometimes discussed when introduced by the Mayor, Council, or staff, no formal action is taken at work sessions and items that require formal Council action are placed on a regular Council meeting agenda. Public comments at work sessions are NOT considered part of the official record. Public comments intended for the "official record" should be made at a regular City Council meeting.

Discussion Items

1. Public Comments (limited to 3 minutes)
2. KPLA Capital Campaign Update..... No Backup
3. Review of Draft Federal Fiscal Year 2014 Prioritized Federal Capital Improvements Program List.....1
4. Presentation-Final Task Review From the Preliminary Design of Snow Dump Storage Yard Project No. 13-07/5030..... Attached Separately
5. January 16, 2014, Agenda Packet Review

DRAFT
Working List of Federal Priorities
2014

Kodiak Drinking Water Infrastructure Improvements
Monashka Pumphouse Replacement

Funding Request: \$ 2,000,000

The Monashka pumphouse provides almost the entire water supply for the City of Kodiak's public water system, averaging 4.73 million gallons per day but can produce as much as 10 million gallons per day during peak fish processing seasons. The pumphouse was constructed in the early 1970s, and only limited changes have been made to the system since it was built. The two story concrete building houses an electrical room and four pumps of 1940s vintage for which parts are no longer made. Some repairs to the old pumps require specialty machining which is costly since parts are no longer manufactured. The electrical system and pump motor starts are inadequate and out-of-date. The building is structurally and seismically unstable with the separation of wall panel connections and floor and roof systems. Due to its rapid deterioration it cannot be upgraded and must be replaced. The project is in the design phase at this time with construction planned for the spring of 2014 providing funding is secured. The total project is estimated at \$6.6 million. The project will be funded using local funds, a state legislative grant, Alaska Municipal Matching Grant (AMMG) funds, and a low interest drinking water loan. So far the City has secured \$4.5 million in funding. The City of Kodiak is requesting support for additional funds to use in conjunction with state and local funds to move this critical project forward.

Shelikof Street Bulkhead Parking

Funding Request: \$1,650,000

In 2009, the City identified the need for pedestrian improvements from Pier II to downtown Kodiak to more safely accommodate cruise ship passengers and to improve facilities for local residents and businesses that use the pier, street, and access to the City's adjacent 250 slip boat harbor. The first phase of the project, construction of an ADA accessible sidewalk, improved lighting and parking, and utility relocates was recently completed. The City must plan and design the next parking improvement phase of this project, which is to construct a 30 space bulkhead parking area on the south side of Shelikof Street adjacent to St. Paul Harbor. The roadway area adjacent to the proposed bulkhead parking is very congested. Due to lack of adequate parking, vehicles block walkways and access areas adjacent to the businesses, forcing pedestrians into the roadway. Construction of additional off-road parking will direct pedestrian traffic out of the congested roadway. The net increase in parking will benefit harbor users and retail businesses along Shelikof Street. It will provide improved pedestrian access from Marine Way to the fish processors in the immediate area. Associated tasks for this phase of the project include geotechnical investigation, design, permitting, mapping, construction, improved lighting, and utility relocates. The City of Kodiak is requesting federal funding assistance for planning, permitting, design, and construction in the amount of \$1,650,000 to construct this bulkhead parking project.

**Shelikof Street Pedestrian Improvements
Pier II to Downtown**

Funding Request: \$3,800,000

In 2009 the City of Kodiak began work to improve pedestrian and roadway improvements along Shelikof Street (Cannery Row) from Pier II to downtown Kodiak to accommodate the increasing number of cruise ship passengers who walk along the street and to improve the roadway and parking facilities for local residents and businesses that use the highly congested street and pier year round. The first phase, construction of an ADA accessible sidewalk, improved lighting and parking, and utility relocates were completed this past summer. The City is now planning the next phase of the project, which will carry pedestrian improvements further along Shelikof Street from Jack Hinkle Way to Marine Way. This phase includes a visitor shelter and public restroom facility at Pier II, rehabilitation of the sidewalk from Jack Hinkle Way to Marine Way, improved lighting, landscaping, benches, signage, redesign of existing parking, a walkway along the harbor side of the street, and a scenic trail along the St. Paul Harbor breakwater. Additional tasks include permitting, ROW acquisition & mapping, geotechnical investigation, and utility relocates. The City of Kodiak is requesting federal funding assistance for planning, permitting, design, and construction of this project for the community of Kodiak, its visitors, and residents in the amount of \$3,800,000 for this project.

Karluk Lake Enrichment Project

The Karluk Lake system, on the west side of Kodiak Island, is the largest producer of sockeye salmon in the Kodiak area, and supports a large portion of the area's commercial and subsistence sockeye fisheries. Since 2007, returns of adult sockeye to the Karluk system have been extremely poor, most likely due to over-escapement of spawning adults in earlier years. Continuing low returns will not only deprive local fisheries, low spawning escapements will also reduce the supply of marine-derived nutrients to the lake system. Thus, the system may remain in at a low state of productivity indefinitely into the future.

In order to bring the Karluk Lake ecosystem back to its earlier, higher level of production, the Kodiak Regional Aquaculture Association (KRAA) proposes to apply nutrients over the course of up to five years. This lake enrichment project follows established protocols for rehabilitating sockeye salmon rearing environments. However, because Karluk Lake is within the Kodiak National Wildlife Refuge and a pre-statehood withdrawal, it appears that approval is required from the U.S. Fish and Wildlife Service. Refuge compatibility reviews and environmental assessments by the USFWS have been protracted, and are not yet complete.

It is important to Kodiak that the USFWS approve this lake enrichment project without delay. It would be additionally helpful if the local federal refuge staff were to act as a cooperating agency in the project, provide logistic support, and help monitor the results. The City of Kodiak supports local facilitation and approval of this important project that has a direct impact to the community's economic base.

Rural Subsistence Determination

The Secretaries of Interior and Agriculture reviewed the policy on rural subsistence determination in 2009 and 2010. Hearings were completed and the public comment period closed Dec. 2. The Federal Subsistence Review Board will meet in April to develop recommendations for the two Departments, which will issue a proposed rule later in the year. That rule will undergo additional public comment and review before being finalized.

Under current requirements, Alaskan communities with of population of less than 2,500 are generally considered rural, making their residents eligible to qualify for subsistence harvest. Communities with populations between 2,500 and 7,000 may or may not be considered rural depending on other characteristics such as level of subsistence use, economic diversity, state of public infrastructure and transportation accessibility, among other criteria. With a population of 6,104 but possessing of significant rural characteristics, the City currently qualifies as rural. The Borough also qualifies as rural.

The new review will more closely examine those communities such as the City of Kodiak that fall within the 2,500 to 7,000 population window to see if they should keep that designation. The City wants to ensure that the largely non-resident and transient population at the U.S. Coast Guard Base – Kodiak is not factored into the population numbers and that the review continues to count the area’s geographic remoteness, reliance on subsistence consumption, high cost of living, and significant Native population as determinants in keeping a rural designation. The City is also concerned that that the new policy might consider aggregate populations from communities outside the City, which would then place it over the 7,000 population benchmark. The City of Kodiak urges the Federal Subsistence Board and the Secretaries of the Interior and Agriculture to determine that “Rural Characteristics” currently used as criteria should be removed and population aggregation is impractical and unnecessary given Kodiak’s geographic characteristics and land use classifications. The City of Kodiak believes its residents should remain permanently rural for purposes of ANILCA Title VIII, because Kodiak is a geographically and statistically remote archipelago and a community designated as frontier for many federal services.

Federal Fisheries Observer Program Funding

The City of Kodiak encourages the Secretary of Commerce to provide sufficient federal funding for NOAA to offset the costs of the 100% observer coverage requirement implemented by the North Pacific Fisheries Management Council in 2013. While the City recognizes the value of the real time data gathered by human observers placed on local fleet vessels, the cost of the program to small vessel owners and operators is excessive. In addition to cost, space and safety become complicating factors when human observers are required to travel and work on the smaller vessels in Kodiak’s fleet, especially those less than 30 feet in length. The City urges the Secretary of Commerce to provide NOAA with federal funding for this program similar to the way in which observer costs are covered in other regions.

**CITY OF KODIAK
RESOLUTION NUMBER 2013-29**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK URGING
THE SECRETARIES OF AGRICULTURE AND INTERIOR TO REVISE RURAL
DETERMINATION PROCESS UNDER ALASKA NATIONAL INTEREST LANDS
CONSERVATION ACT TITLE VIII**

WHEREAS, the Unified States Congress passed into Law, in 1980, Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) in order to protect the subsistence rights of rural Alaskans by making subsistence a priority consumptive use of federal lands and waters for rural Alaskans; and

WHEREAS, Congress indicated in Title VIII that protecting subsistence was essential to Alaska Native culture and a rural lifestyle, and that Congress was applying its trust responsibility to Alaska Natives in requiring a subsistence consumptive priority; and

WHEREAS, the federal government through the Federal Subsistence Management Board (FSMB) under the Secretaries of Interior and Agriculture is responsible for protecting rural residents and implementing the Congressional intent of Title VIII and as verified by the 9th Circuit Court decisions (2013); and

WHEREAS, Congress, the Federal Subsistence Board, and the State of Alaska determined that the City of Kodiak and the adjacent road system had significant rural characteristics and, therefore, was designated rural for state and federal purposes in the early 1990s; and

WHEREAS, the Federal Subsistence Board is required every ten years to review but not determine rural residential status to evaluate changes within a community that justify changing its rural status; and

WHEREAS, the determination process is not required and is expensive and stressful to FSMB and to communities; and

WHEREAS, there has been an approximately ten-percent decline in the City of Kodiak's population between 1990 and 2013 (from 6,787 to 6,104) moving the City of Kodiak further away from the benchmark population of 7,000 people; and

WHEREAS, the City of Kodiak and the Kodiak road system continue to possess significant characteristics of a remote geography, including a location without road access from the nearest urban area, cultural and geographical isolation, a high cost of living, and limited access to goods and services; and

WHEREAS, the United States Coast Guard Base does not eliminate or reduce the rural nature of Kodiak, since the Base is an independent census-designated place community, located well outside the boundaries of the City of Kodiak, with its administrative authority based in Alameda, California; and

WHEREAS, the City of Kodiak, along with each of the individual road-system communities have individual and unique characteristics that define them, and they should not be “lumped” together for rural designation purposes in an effort to establish a “community” population greater than a subjective threshold of 7,000 people; and

WHEREAS, the City of Kodiak serves as a hub for outlying villages, whose elders often spend their winters and later years living in town, returning to the village during the summer; and

WHEREAS, many hundreds of Alaska Natives reside in Kodiak and are strongly dependent on subsistence for their cultural and nutritional survival, as are many more residents of the community, due to their economic status or remote lifestyle; and

WHEREAS, the rural characteristics of Kodiak have not significantly changed since Kodiak was originally designated rural to the point where Kodiak residents should be denied their cultural heritage and access to local resources.

NOW, THEREFORE, BE IT RESOLVED that the City of Kodiak strongly suggests the Federal Subsistence Board and the Secretaries of Interior and Agriculture determine that:

- Rural for purposes of ANILCA Title VIII should follow the standards used by the USDA and USDHHS and be based upon geographic and land use classification, which are statistically determined.
- “Rural Characteristics” currently used as criteria should be removed.
- Population aggregation is unneeded and should not occur.
- Communities smaller than those always considered nonrural under ANILCA VIII will remain rural.
- No area determined as “frontier” or “remote” for purposes of federal services should be determined urban or “non-rural” by the Subsistence Board.
- Communities already designated as rural for purposes of ANILCA Title VIII by the Board or by Congress and the Secretaries of Interior and Agriculture shall remain rural.

BE IT FURTHER RESOLVED that Kodiak residents should remain permanently rural for purposes of ANILCA Title VIII, because Kodiak is a geographically and statistically remote archipelago and a community designated as frontier for many federal services.



ATTEST:

Debra Mankin
CITY CLERK

CITY OF KODIAK

John Aludon
DEPUTY MAYOR

Adopted: October 24, 2013

Memo

To: AK Delegation Staff

From: Brad Gilman & Sebastian O’Kelly

Re: Kodiak Island Borough and City of Kodiak concerns over possible Federal ANILCA revisions relating to rural determination for subsistence management

Date: 12/16/13

The Department of Interior, in coordination with USDA, is currently reviewing ANILCA policy regarding “rural determination” as it relates to the allowance for subsistence harvest of fish and game on Federal lands in Alaska. Both the City of Kodiak and Kodiak Island Borough are concerned over the possibility of changes in the definition of rural communities that might disqualify their residents from subsistence harvest on area Federal lands.

The review of the current policy on rural determination was initiated by the Secretaries of Interior and Agriculture in 2009 and 2010. Hearings have been completed and the public comment period closed Dec. 2. The Federal Subsistence Review Board will meet in Anchorage next April to develop recommendations for the two Departments, which will issue a proposed rule later in the year. That rule will undergo additional public comment and review before being finalized.

Under current requirements, Alaskan communities with of population of less than 2,500 are generally considered rural, making their residents eligible to qualify for subsistence harvest. Communities with populations between 2,500 and 7,000 may or may not be considered rural depending on other characteristics such as level of subsistence use, economic diversity, state of public infrastructure and transportation accessibility, among other criteria. With a population of 6,104 but possessing of significant rural characteristics, the City currently qualifies as rural. The Borough also qualifies as rural.

The new review will more closely examine those communities such as the City of Kodiak that fall within the 2,500 to 7,000 population window to see if they should keep that designation. The City wants to ensure that the largely non-resident and transient population at the U.S. Coast Guard Base – Kodiak is not factored into the population numbers and that the review continues to count the area’s geographic remoteness, reliance on subsistence consumption, high cost of living, and significant Native population as determinants in keeping a rural designation. The City is also concerned that that the new policy might consider aggregate populations from communities outside the City, which would then place it over the 7,000 population benchmark. Attached separately is a City resolution to this effect adopted in October.

The Borough has similar concerns to the City but wants to ensure that the Departments consider additional issues including – the island’s remote location and distance from the mainland, with accessibility only by boat or air; many Borough communities can only be further accessed from the City of Kodiak by boat or air; high transportation costs increases the importance of subsistence from an economic standpoint; and frequent inclement weather makes it difficult to travel to area food stores,

making subsistence food supply and access even more essential. The Borough's resolution is also attached.

We recognize that subsistence management has a long and complex history in Alaska and that the review underway is likely to revisit many issues that fall outside of the Borough and City's concerns. The Department of Interior is taking the lead on this issue, with Pat Pourchot in Anchorage heading the effort up at the staff level. At this point, we are requesting Delegation staff-level follow up with Pat to ascertain the Department's direction on rural determination changes and whether they might affect the residents of the City and Borough.