

# FINAL REPORT

TO THE GOVERNOR



COMMISSION ON RURAL GOVERNANCE  
AND EMPOWERMENT

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**Final Report**  
**to the Governor**

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JUNE 1999



## Foreword

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### *A Note of Caution*

In keeping with Governor Tony Knowles' mandate to recommend ways the State government should respond to the reality of tribal governance, the Commission on Rural Governance and Empowerment traveled throughout rural and urban Alaska to listen and learn. The recommendations and findings herein are the result. They are neither exhaustive nor profound.

The Commission's findings and recommendations should be viewed as simply one step to be taken by the State of Alaska on a journey initiated by rural peoples; a journey, it seems, that in many ways most Alaskans have been unaware of even as it takes place within their state's boundaries. It is a journey marked ahead with directional signs reading: *Self Determination, Local Decision Making, Accepting Responsibility and Taking Initiative*. It is a journey with fallen signs of detours and dead ends left behind reading: *Living with Racism, Patronizing Attitudes, Ignorance and Conscious Rejection* of rural participation in shaping rural places and destiny. Certainly it is also a journey with tilted signs showing the curves and hazards of *Good Intentions and Bad Results, Failed Efforts and Promising Beginnings*. Most important, it is a journey that inexorably moves forward one step at a time. It is fueled by hope and faith in good and responsive government, by an understanding and respect of Alaska society, and by the innate aspirations and vision of rural peoples themselves.

The journey depicted, while referring to rural peoples, is fundamentally a journey underway by Alaska Natives. The "rural" reference is used because the Commission has found that Natives are inclusive in their aspirations, not exclusive; their vision embraces all who live in their midst. The movement toward tribal governance is not necessarily a rejection of state municipal forms of government; rather, it is a rejection of governance that does not work. The Commission found that where municipal government can be responsive to local needs it is utilized. There are many examples of municipal government being used in innovative combinations with tribal government. In all instances of such initiative, there is a conscious effort to include all community members. Villages are too small, daily needs too great, and civility and sense of real community too urgent to introduce notions of exclusion and rejection.

In keeping with the metaphor “a rural journey along a path already visualized *Caution* is included in the heading of this Foreword. Every Commission member who traveled to rural Alaska came away moved and changed by the experience. Moved by the determination of the people. Moved by the sustaining energy of successes and the enervating carcasses of failures. Moved by the goodwill and optimism of the people. Changed by the pang of insight that comes with the knowledge that goodwill and optimism persist in spite of misguided and often harmful public policy of the past. Changed by coming to realize that the aspirations of Native peoples for the future of their rural homes is intertwined with the aspirations of other Alaskans for their own futures. Changed by knowing that the task is not just about the right kind of public policy, but rather, of the right kind of Alaska. Changed by knowing that it is very possible that should the vision, aspirations and needs of rural, especially Native Alaska, not be appropriately met, the journey to Alaska’s future may take place on separate paths. Changed by realizing that rural and Alaska Natives also have an obligation; they must clearly express the power of their vision and the direction of their path so that public policy and Alaska’s society may allow a journey together.

Finally, the *Caution* is this: There is nothing in this document that has not already been said and recommended in some form or context. In fact, much of what is included has been stated more powerfully and eloquently in reports and publications dating as far back as decades ago and as recently as yesterday. Commission members profoundly feel that if Alaskans in general — not just public policy makers — ignore these findings and recommendations, Alaska’s future as a place of inclusion, civility, tolerance and compassion will be threatened.

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## PART ONE: PRINCIPAL FINDINGS AND RECOMMENDATIONS

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**Vision Statement:** *The Alaska Commission on Rural Governance and Empowerment affirms the right of all rural Alaskans to maximum local autonomy and the delivery of essential services and affirms the vitality of their diverse cultures, ways of life and communities.*

Adopted April 1998

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## Introduction

Alaskans want to manage their own affairs and control their resources and economic development. Local self-governance is ingrained in Alaska's constitution and serves as the foundation of the State of Alaska. Rural Alaskans aspire to exercise a full measure of self-determination, utilizing their institutions and achieving their potentials. While they are and want to be part of the State of Alaska, State policies and actions toward rural Alaska and existing institutions, such as tribes and tribal-based organizations, are ill defined and inconsistent.

In order to review the State's relationship with and responsibility to rural Alaska, Governor Tony Knowles created the 22-member Commission on Rural Governance and Empowerment in February of 1998.

The Governor outlined the following objectives for the Commission:

First, examine the responsibilities and the relationships in the delivery of services in rural Alaska by all governance institutions, including municipalities, federally recognized tribes, state, federal and local institutions.

Second, prepare recommendations to further or enhance governance in rural Alaska, with an emphasis on local autonomy and control and accountability of public resources.

Third, develop recommendations on ways to fulfill the aspirations of rural Alaskans for self-reliance, responsibility, greater control over their destinies and preservation of their cultures.

Fourth, recommend ways to improve the delivery of government services, including public safety, justice, natural resource management, education and public health and economic development initiatives.

The Commission approached this four-part charge by developing a collective vision statement and implementing a work plan titled the *Commission on Rural Governance and Empowerment Interim Report to the Governor*, May 1998.



*"I want to beg you to tell your stories, because the report itself will not be enough. Tribal governance makes many people feel uncomfortable because they don't know what it is. Unless you help them understand, fear will get in the way of ongoing productive relationships."*

Lt. Governor Fran Ulmer,  
April 1999, Commission meeting

The Commission established four principles to guide its deliberations and process:

First, tribes exist in Alaska with authority to govern. Recognition and support of tribes by the State of Alaska is essential to the success of Alaska’s system of governance.

Second, the Commission recognizes that Alaska Natives maintain a special relationship with the United States whereby the federal government enters into government-to-government discussions with tribally authorized representatives in matters affecting tribes. The Commission’s process and recommendations shall respect this relationship.

Third, all rural Alaskans must have governmental tools and resources that enable empowerment and maximize self-determination. Empowerment means taking responsibility and exercising accountability.

Fourth, governments at all levels must be efficient and productive with fiscal resources. Governments must develop and utilize local human resources and be responsive to local needs.

The Commission’s journey brought it to every region of the state. Through extensive consultation with rural Alaskans and policy makers, the Commission found that despite challenges, locally chosen forms of self government in rural communities are creating structures and processes that are meeting community needs in locally appropriate and effective ways.



*“Once the report is finalized, we should be involved in outreach by sharing the stories and helping to continue the process to bring the people of Alaska together. The Commission has gained this valuable experience.”*

Byron I. Mallott, Executive Director, Alaska Permanent Fund, and RGC Co-Chair

## Principal Findings

*The Commission findings are the result of formal testimony and informal meetings with rural Alaskans over the last year and draw on the collective experience of the 17 Native and 5 non-Native members of the Rural Governance Commission.*

*Additional Commission findings related to specific issues such as government policy and structure, economic development, health, education, public safety and justice are located in Part Four.*

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### GOVERNANCE IN RURAL ALASKA

**Alaskans have developed a large variety of local and regional institutions to govern themselves and to provide community services.** While many severe problems remain, there are many successes. The inherent vitality of self-governance holds promise for the future.

**Under Alaska’s constitution, municipal institutions for local governance – cities and boroughs – have been effectively utilized in some rural areas.** Home rule boroughs, in particular, work in areas that have the economic base to support area-wide services.

**Many Native communities believe that local municipal government does not work for them.** Instead, many villages rely on tribal governments and ancient cultural traditions to meet community needs.

**Cooperation is an increasingly important element for providing services and managing resources.**

Collaborative arrangements among municipal, tribal, regional, State and federal governments, institutions and agencies provide the means for strengthened local self-governance. Increased participation in decision-making, more efficient service provision, and more effective management of environmental, land, and fish and game resources are results of cooperative efforts.



*“Rural Alaskans want to be State of Alaska citizens first and foremost. They do not want to go to Washington D.C. to have to be heard, get assistance or be recognized.”*

Marlene Johnson,  
Commissioner, Commercial  
Fisheries Entry Commission

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## TRIBES IN ALASKA

**Tribes exist in Alaska.** The existence of tribes in Alaska pre-dates both the federal and state constitutions. While the United States Supreme Court established in *Venette* that Alaska Native Claims Settlement Act (ANCSA) lands are not Indian Country, its decision did not affect the federally recognized status of Alaska tribes.

**Tribes have the authority to govern, and they do.** Tribal governments, as with municipalities, provide needed services for their people. In many rural Alaska communities, tribes are the only forms of government. Alaska Native tribes have a government-to-government relationship with the federal government. The United States confirmed this relationship by recognizing Alaska's tribes. A tribe's status as a sovereign depends exclusively on the actions of the federal government, independent of any State action.

**The lack of recognized geographic delineation of tribal government jurisdiction complicates tribes' ability to fulfill needed governmental functions in rural Alaska.**

Alcohol control, economic development, land use, environmental regulation, and other services are impacted as a consequence of the U.S. Supreme Court's decision in *Venette* that Alaska tribes do not have jurisdiction over ANCSA lands. However, *Venette* did not foreclose the possibility that other categories of Native-owned land may still qualify as Indian Country.

**Tribes respect the rights of non-members.** The Commission began its work concerned that non-members are not treated fairly by tribal governments. This original concern was not substantiated by any testimony or evidence gathered during the Commission's fact finding.



*“Some people have questioned whether the civil rights of non-Natives and non-members are protected under tribal governments where these entities are governing the communities. Most tribes adopt a constitution with established ground rules protecting the rights of all citizens and guests.”*

Lee Stephan, Native Village of Eklutna

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## RURAL VIEWS OF THE STATE

**Rural Alaskans, especially residents of Native villages, often regard State government the same way that many urban Alaskans view the federal government in Washington, D.C.** In both cases, the government is perceived as cold, distant, hidden, uninformed about life at the local level, and controlled by somebody else.

**Recent State budgetary actions are perceived by rural residents as unfairly impacting rural Alaska.** The decline in State spending and cutbacks in specific services and programs clearly decrease the governmental presence of the State of Alaska in rural areas to the point where some question whether it is meeting its responsibility under the state constitution.

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## CRITICAL RURAL ISSUES

**There is great fear and concern about the future.** Rural Alaskans are worried about the effects of welfare reform, lack of economic opportunities, growing pressure on shared natural resources, and the erosion of their powers of local self-governance. Although rural Alaska's natural and human resources play a critical role in the economy of the state, benefits are not perceived as consonant with such values.

**Alcoholism continues as an endemic condition that ravages individuals, families and communities in rural, particularly Native, Alaska.** Despite all of the attention and treatment accorded to alcohol abuse over the years by government and local people, alcoholism and its attendant pathologies are a major health crisis and seriously affect people's feelings of self-worth. While other forms of abuse are also major concerns, alcoholism is the underlying factor that causes the circle of abuse to remain unbroken.

**Protecting subsistence is the top priority of rural Alaskans.** Harvesting and consuming fish, game and other natural foods and resources for subsistence is the cornerstone of life in rural Alaska. These resources have great nutritional, economic, cultural and spiritual



*“The role of the state in rural Alaska is more veneer than solid construction. There are more federal than state opportunities for some of these communities.... We believe there is a very, very real imbalance in the role of governance.”*

Byron I. Mallott,  
Executive Director, Alaska  
Permanent Fund, and RGC  
Co-Chair

importance to rural Alaskans. Rural Alaskans see political opposition to a rural subsistence preference as an attack on their traditions and culture. Unless the issue is promptly resolved by the State, a complete federal fish and game management takeover will widen the gulf between rural and urban Alaska, even though it may be welcomed by rural Alaskans as necessary to preserve their subsistence rights.

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## **GOALS AND VALUES FOR THE FUTURE**

**The role and impact of State government in rural Alaska appears to recede as federal presence builds.** State funds are limited and diminishing, and services and programs are centralized in urban commercial centers. Meanwhile, the presence of the federal government, particularly in the areas of rural justice and transportation, is growing and is increasingly relied upon. Rural residents, including Alaska Natives, look forward to the State of Alaska creating a positive balance among State, federal and local governments.

**Urban and rural communities in Alaska are fundamentally different from one another.** Values and perceptions of life can vary widely, especially between traditional Native cultures and non-Natives living in commercial centers. The great challenge is not to make everyone the same, but to celebrate differences by building tolerance, flexibility and imagination into the public life of our state.

**There is a division in the political atmosphere of Alaska along the lines of rural versus urban.** This is a serious issue that pervaded practically all of the testimony received by the Commission. While differences in values and perceptions should continue on a healthy basis, the massive political rift that exists within Alaska needs to be reconciled if efforts to plan for the future of Alaska can succeed.

**Alaska Natives are part of the state.** Natives are loyal citizens of the United States. They abide by the federal and state constitutions, pay their taxes, serve on juries, vote in elections, and serve in defense of the nation and the state. As residents of Alaska, Natives are entitled to the same rights and services as other Alaskans, regardless of their special relationship with the federal government.



**Rural Alaskans can and want to play a positive, vigorous role in Alaska's future.** Rural Alaska's natural and human resources are critical to the economy of the state. Rural communities want to do their share building their communities and Alaska. Rural people believe that, with a sense of commitment and cooperation from the rest of the state, they will be able to fulfill this role.

**Native cultures bring a valuable non-Western viewpoint and strength to our society and government.** Many of the environmental, social and political problems facing our society have not been solved through traditional Western solutions. Native perspectives offer alternative and possibly more effective ways to handle these issues.

**Empowering local people and delivering services locally is a challenge for all Alaskans, not just governmental entities.** Rural Alaskans and non-governmental institutions need to work together better and reach out to communicate their points of view.

**Lastly, rural Alaskans want to have the ability and the authority to deal with their problems and needs at the local level.** Government works best when it empowers people to take control of their lives.



*“The warmth, generosity, values and sharing that takes place in rural Alaska is something that is absolutely unique and immeasurable in its*

Governor Knowles, Rural Governance Commission meeting, April 1999

## Major Commission Recommendations

*With its mandate from Governor Knowles, the Commission's recommendations speak principally to the executive branch, although they may also address public policy actions for the legislature and the judiciary. While most recommendations are necessarily broad, the Commission has found that there is a willing and capable citizenry ready to assist State government in their implementation.*

*The Commission consulted with many communities and State and federal agencies to provide background information and specificity to the following recommendations and to the more specific discussions and recommendations in Part Four of the report.*

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### FORMALLY ACKNOWLEDGE AND ACCEPT TRIBES

The State of Alaska should acknowledge and accept the fact that tribes exist, and that tribal governments are legitimate and valued governmental entities that facilitate self-governance and deliver services. (Specific steps on how to formally acknowledge tribes are in the *draft* administrative order, located in Part Four of this report.)



*"We have all seen that good leadership in the villages has taken whatever institutions existed there and made them work. The problem is that they have had to forgo help from the state because they were not a municipality or other state recognized institution."*

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### CLARIFY STATE POLICY REGARDING TRIBES

The Governor should set forth a clear policy to provide a top-down directive for State agencies to design and implement methods for strengthening relationships with tribes, including government to government relationships as appropriate. (Specific steps on how to clarify State policy regarding tribes are in the *draft* administrative order, located in Part Four of this report.)

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### ENCOURAGE FLEXIBLE AND DECENTRALIZED GOVERNMENT

The State of Alaska should be flexible and assist local governments to solve local problems regardless of the form of government. The State should encourage diversity and adopt a self-governance philosophy, without losing accountability. All Alaskans, urban and rural, Native and non-Native, deserve the

Esther Wunnicke, former  
Commissioner,  
Department of Natural  
Resources

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maximum opportunity to control their own community life through institutions and processes that are appropriate to them. This is true even if people living elsewhere might choose different government structures or disagree with the decisions of local residents. Democracy is not a guarantee of good government. It is a guarantee of free government.

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#### **STRENGTHEN LOCAL SELF-GOVERNANCE**

The Governor and Legislature should undertake a formal review of Alaska's system of local government in order to strengthen local self-governance and home rule under the Alaska State Constitution. To that end, the administration and legislative committees should hold hearings in rural Alaska.

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#### **IMPROVE COMMUNICATION AND COOPERATION AT ALL LEVELS OF GOVERNMENT**

State government should strengthen communication among the State, local governments, tribes, regional organizations, and the federal government as well as within its own agencies. It must also promote cooperation between departments, tribal governments and regional organizations by participating in and facilitating the development of local agreements and other means for enhancing local decision-making.

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#### **ENHANCE COMMUNITY ECONOMIES**

The State of Alaska should invest in people and projects in rural Alaska. The State should provide rural communities with the information and resources they need to improve and develop local economies using local human resources. Further, the Legislature should support, not reject, federal programs designed for rural Alaska.

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#### **WORK TOGETHER TO CLOSE THE DIVIDE**

The Governor and the Legislature should provide leadership in overcoming the increasing divisiveness between rural and urban areas, and between Natives and non-Natives. At the same time, rural and Native residents, including municipalities and tribal

governments, should more clearly articulate their visions and aspirations to the urban, non-Native population.

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**COOPERATE WITH TRIBAL EFFORTS TO TRANSFER LAND INTO TRUST STATUS**

The State of Alaska should recognize the potential benefits to the state to further enhance local control and economic opportunities, and not foreclose the option of allowing tribes to transfer their land into federal trust status. Further, the State of Alaska should maintain an objective view of Indian country issues and not continue its historical view that Indian country in Alaska is inherently threatening to State sovereignty. The State should also continue to acknowledge that Alaska Natives hold land that is subject to federal restrictions and oversight. These lands include Native townsite lots, Native allotments, a few parcels of trust land and the Annette Island Reserve.

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**STRENGTHEN ALCOHOL ENFORCEMENT**

The Governor, in concert with Alaska tribes, should work with the congressional delegation to craft federal legislation authorizing tribal governments to handle alcohol-related offenses in culturally appropriate and effective ways. Offenses arising under tribal ordinances prohibiting and otherwise regulating the importation and use of alcohol within, and surrounding, Native villages should be managed locally. Federal legislation should also provide a framework for concurrent State-tribal jurisdiction over alcohol violations in Native villages pursuant to State-tribe agreements.

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**PROTECT AND RESOLVE SUBSISTENCE**

The State should resolve the subsistence crisis by adopting a constitutional amendment recognizing a rural subsistence priority that meets the requirements of the Alaska National Interest Lands Conservation Act (ANILCA).



## **PART TWO: ALASKA NATIVES, LOCAL GOVERNANCE & GOVERNMENT RELATIONS**

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Part Two provides an overall context for the findings and recommendations. It describes Alaska's government structure, government-to-government relations, how local people govern themselves, and specifically how tribes deliver services to members and non-members. Most importantly, this section provides the reader with a brief, but realistic, portrait of rural Alaska.

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## Understanding Native Alaska

The modern era of Alaska Native politics began in the mid-1960s with the evolution of the land claims movement and an explosion of federal laws and appropriations called the Great Society. Both the claims settlement and the broad range of federal programs continue to the present day, having been joined and magnified by decades of State appropriations from oil wealth. During these 35 years, several important studies of the condition and status of Alaska Native people have been published. These studies were precursors of this report; and many of their findings remain applicable today.

*Alaska Natives and the Land*, published in 1968 by the Federal Field Committee for Development Planning, focused on Natives' need for land ownership. By presenting extensive data on Native socioeconomic conditions and on community land use patterns, the report created a framework for congressional settlement of the pending claims. Although the amounts of land and money and the types of settlement institutions contemplated in the publication were different from those that finally emerged from the Alaska Native Claims Settlement Act (ANCSA), the inquiry had provided the intellectual structure and justification of the settlement and had provided non-Native policymakers compelling statistical information. The resulting act of Congress settled the claims, cleared title to a right-of-way for the pipeline and created the modern framework of Native economic and political leadership.

Section 2(c) of ANCSA mandated a three-year study of socioeconomic conditions and of federal programs benefiting Natives. The *2 (c) Report*, published in 1974, provided an encyclopedia of data on Native life (demography, education, health, social problems, housing, utilities, employment and income). In addition to analyzing several dozen federal service programs, it included Native people's own perceptions, worries and priorities for the future. The Report's findings were closely read by service agencies and prompted many changes in programs and procedures.

In 1983, Thomas R. Berger was selected by the Inuit Circumpolar Conference to head the Alaska Native Review

Commission and to publish a report of its findings and recommendations. A former Supreme Court Justice of British Columbia and Canada's foremost advocate of Native rights, Berger had headed the McKenzie Valley Pipeline Inquiry, which had helped to set a new course for Native peoples in the Canadian Arctic. By the 1985 publication of his report, Berger had concluded that ANCSA's non-tribal institutions had failed the average Native and that Congress should reverse the assimilationist course it had chosen in 1971. Based on what he had heard from Natives in countless hours of testimony, he advocated the use of tribal institutions as the key to rebuilding local control and responsive government in bush communities. In addition to these instruments of Native sovereignty, he recommended retribalization of the Native land base, the transfer of ANCSA lands from corporate to tribal ownership (whether in fee or trust). Four years before the 1989 Alaska Supreme Court's *McDowell* ruling, which began the conflict between federal and State subsistence laws, Berger pointed to fish and game as the foundation of rural economies and predicted that non-Native population pressures, in the absence of strong tribal management of local resources, would threaten village survival.

ANCSA had mandated that a comprehensive study of Natives be published in 1985. Congress had wanted to receive an up-to-date report on the socioeconomic status of Natives and on the steps taken under the Act, well ahead of the 1991 expiration of stock inalienability, in case further legislative action was needed. Despite an appropriation of \$500,000, the 1985 report was never completed; and the problems of 1991 were later addressed in amendments to ANCSA, without a detailed look at actual conditions in rural Alaska. Had there been such a study, we might have understood in the mid-1980s the degree to which Native individuals, families and communities were failing to thrive. Instead, three more years passed before an exceptional effort of investigative journalism alerted the public to the harsh realities.

*A People in Peril*, a series of articles published by the *Anchorage Daily News* during January 1988, was a turning point in public perceptions. In the words of its editor, the series focused on "misery" and a pervasive "crisis" of



*“Why are  
Natives...damaged so  
profoundly by every  
measure of despair?  
Why do they die in  
record numbers from  
suicide, homicide and  
accidents? Why do  
they go to jail more  
than other Alaskans?”*

A People in Peril, Anchorage  
Daily News Series, 1988

The struggle to adjust to political and economic systems over which Natives living in rural villages have little real control generates feelings of helplessness and frustration and results in destructive behavior, generally directed internally or toward family and friends.”

The 1989 AFN report introduced a concept that was later amplified in the 1994 Natives Commission Report: that the recent impact of government on villages, while often beneficial in content, has been destructive in process. Laws, regulations, appropriations and service agencies were so intent on helping people that they reached right through community networks of obligation to deal directly with each individual living there. Little time or money was spent on supporting the village’s innate capacity to take care of it. Accordingly, local authority and responsibility for decisions had been usurped; Native people had lost control of their own communities and of their children’s lives. The assumption that people cannot do for themselves, if continued long enough, becomes a self-fulfilling prophecy.



In 1994, the *Report of the Alaska Natives Commission* was published. Because ten of the Commission's 14 members were Alaska Natives, and because a principal audience for the Report was the Native community, this was the first time that a major public study of Natives was written by Natives, to Natives. It presented a huge compilation of data on physical health, social/cultural issues and the alcohol crisis, economics and rural development, education, and self-governance/self-determination. These findings led directly to 34 broad policy recommendations and 76 more specific proposals offered to the readership.

Above all, the Natives Commission echoed the 1989 AFN report by identifying a basic cause of the crisis: The enormous proliferation of non-Native laws and money of the preceding 30 years had produced a generation of people dependent on public services, subsidies and external control, a self-destructive culture of powerlessness. This fact underlies everything else: the drinking, the suicides, the violent crime and incarceration, the educational deficits, the economic stagnation, the psychological depression, the breakdown of village control. An experienced psychiatrist, who had treated hundreds of Native patients, contributed to the Natives Commission report: "The true nature of the sickness... is the state of dependency that has led to the loss of direction and self-esteem. Everything else is of a secondary nature, merely a symptom of the underlying disease. Programs which are aimed at relieving the symptoms, but refuse to relate to the sickness, are doomed to fail and may even make things worse."

The 1998 and early 1999 fact finding of the Rural Governance Commission coincided with more than a decade of State revenue and budgetary decline. A common perception among rural Alaskans is that the support and service responsibilities of the State of Alaska have declined to unacceptable levels and fall much harder on rural than urban Alaska. Also perceived during this period is that the role of the federal government has increased substantially. As well, State budget reductions have focused greater attention and need on local governance, hence the demand for the most responsive local governance available. At the same time, rural residents perceive that there is an increase in State-administered mandates and regulatory and judicial



*"Whatever words are chosen to depict the situation of Alaska's Native people, there can be little doubt that an entire population is at risk...of being permanently imprisoned in America's underclass, mired in physical and spiritual poverty; of leading lives, generation to generation, characterized by violence, alcohol abuse and cycles of personal and social destruction; of losing, irretrievably, the cultural strengths essential to the building of a new and workable social and economic order; of permanently losing the capacity to self-govern, to make considered and appropriate decisions about how life is to be lived in Native communities."*

Alaska Natives Commission  
Report, 1994

intrusion into their communities and lives; yet they perceived no positive change in their circumstances.

The Commission on Rural Governance and Empowerment owes an intellectual debt to the earlier studies outlined here. Their legacy is not in the data, but in the degree to which they shaped the fundamental assumption underlying the work that follows: *only as Alaska Natives reassume power and responsibility for themselves and their communities will their suffering diminish and the lives of rural people improve.*

## Local Governance in Rural Alaska

Rural Alaska has some outstanding examples of effective local self-governance. But the pattern is certainly not universal, and many rural communities have struggled to create structures and processes that are consistent with State and federal law and are consonant with their cultures and their values.

Alaska's constitution was designed to provide for maximum local self-government with a minimum number of local government units. As a result, it vests local government powers and tax authority only in cities and boroughs, at the same time providing for flexibility and broad grants of home rule. It was assumed, when the constitution was written in 1955-56, that this system would effectively serve all of Alaska. To a large extent this has been achieved in most urban and in some rural areas. However, the constitution's public governmental system did not take into account traditional tribal governance, and early implementation of the borough concept paid little attention to rural Alaska.

Ways of governing existed in Native communities long before Western contact. Councils and chiefs ruled both in settled villages and among migratory peoples, and the concept of respected elders was found in all cultures. Today, these traditional ways have strengthened and have been formalized by, among other things, federal recognition of 227 Native communities as "tribes" under federal law. As part of their land claims settlement, Alaska Natives decided not to seek federal reservation status and established village and regional corporations. They also organized regional institutions for pursuit of common interests and provision of services.

A variety of governmental and quasi-governmental arrangements have emerged from the dual system of tribal and public governments:<sup>1</sup>

*Tribal governments* include Indian Reorganization Act (IRA) governments and traditional councils. Both function



*“There are tribal governments out there, and there is no question that tribes exist. They have existed and functioned since time immemorial. They are all unique. There are some places where tribal governance is very strong and there are other places where it plays a very minor role. The state needs to accept the differences that exist, work with each one and help them solve their local problems.”*

Vic Fischer, Delegate to the Alaska Constitutional Convention and former State Senator

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<sup>1</sup> Cornell, Stephen et al, “Achieving Alaska Native Self-Governance.” The Economics Resource Group, Inc, and Institute of Social and Economic Research, University of Alaska Anchorage, 1998.

under constitutions and other rules, have jurisdiction over their members, and may provide a broad array of services, including public safety, courts, health, and economic development. In 94 Alaska communities, federally recognized tribes provide the only local government. While most villages without city governments are relatively small, others such as Noatak and Akiachak provide a broad gamut of community services. When tribal governments receive State funding for community services and facilities, these services are provided to members and non-members alike.

*Second class cities* are authorized by law to provide a broad array of local services. They co-exist with tribes in some one hundred communities. Most were incorporated after statehood in conjunction with the provision of electric and other services. Sanitation facilities are usually a city responsibility. The extent of municipal organization and services varies widely among communities. Due to decreased State aid, limited local revenue sources, and tribal government access to federal money, city governments in rural Alaska often play less of a role than tribal governments.

There are nine *first class cities* with predominantly Native populations. Eight of these cities are in the unorganized borough and, therefore, provide schools as well as other municipal services. They are: Dillingham, Hoonah, Hydaburg, Kake, Klawock, Nome, St. Mary's, and Tanana. The other first class city, Barrow, is in an organized borough also responsible for education.

*Home rule boroughs* have been organized in several rural areas where an adequate revenue base exists to fund the local share of schools and provide planning, land use, and other services. The North Slope and Northwest Arctic Boroughs were the first of these, and both have developed sophisticated regional governments. These boroughs, along with the Aleutians East and the Lake and Peninsula Boroughs, have developed very close ties with constituent communities; Yakutat expanded its city into a borough. Home rule charters adopted by the people provide these area-wide municipalities with the flexibility to adapt their structure, functions and services to the respective region's values and needs.



*“People say there are just too many tribes. But I don't hear anyone saying there are too many municipalities. If a young couple were courting and brought up all the “what ifs” about their possible life together, nobody would ever get married.*

*If we keep dwelling on all the problems, I don't think that we will ever get to where we can build on successes.”*

Will Mayo, former President,  
Tanana Chiefs Conference

The *unorganized borough* covers all of Alaska that is not in an organized borough, thus including the Bering Straits and Calista, most of the Ahtna, Chugach, and Doyon regions, and part of the Sealaska region. Under Alaska’s constitution, the entire state was to have been divided into regional boroughs, both organized and unorganized. The “unorganized boroughs” (note plural) were to be the regional unit for provision of State services, “allowing for maximum local participation and responsibility.” Notwithstanding the intent of the constitution, those parts of the state that did not fall within the boundaries of an organized borough were designated as one single unorganized borough. To provide for some regional functions within the single unorganized borough, the Legislature established Regional Educational Attendance Areas (REAAs) and Coastal Resource Service Areas (CRSAs) as service areas.

The degree of municipal recognition of, and collaboration with, tribes vary among local communities and boroughs. Similar to all municipal governments, boroughs function on a non-discriminatory basis (in other words, without regard to ethnicity). As a matter of policy and practice, rural home rule boroughs recognize and cooperate with tribes. This is true of the Northwest Arctic and Lake and Peninsula boroughs which are 85 and 75 percent Native respectively, as well as the City and Borough of Sitka which is only 20 percent Native.

There are also instances where city and tribal governments work together and their respective councils have regular joint meetings to deal with issues of local concern. This is usually in recognition of very limited human and financial resources available to meet public safety, sanitation, and other local needs. Since cities have better access to State resources and tribes can obtain federal funds, such cooperation can benefit the community. Occasionally, the village ANCSA corporation will also be part of a cooperative arrangement.

The legislative cutback in State municipal assistance and revenue sharing has been a disincentive to creating or operating small municipal governments, resulting in increased local emphasis and movement toward tribal governments. For example, in response to limited resources



*“The fact that there is federal recognition of some 200 plus tribes can be viewed as a difficulty, or an incredible opportunity for communities to be responsive to local needs. We have seen enough out there that it has made us want to cry. But we have also seen enough out there at the community level to give us great hope for the future because people are figuring out how to make their own lives better. There is not going to be a magic solution. There is going to be a lot of hard slogging.”*

Byron I. Mallott, Executive Director, Alaska Permanent Fund and RGC Co-Chair

and the need for more efficient operations, the city and tribal councils in Quinhagak decided to combine their entire administrative and operating functions into a single entity, while still maintaining their separate identities for dealing with State and federal governments. Several communities, including Akiachak, voted to dissolve their city governments and fully activate the tribal government to provide services to all residents. Other communities are considering this move.

Municipal and tribal authorities are, of course, not the only players in the local governance arena. The regional non-profit associations, health corporations, housing authorities, and other regional and sub-regional organizations play a significant role, with tribes often having a voice in their operations. While regional and village ANCSA corporations are not governmental entities, they play an important role in rural life through their ownership of land, control of subsurface resources, and decisions over economic investments.

When all these institutions cooperate, local governance can function effectively. However, in most of rural Alaska, governance institutions, regardless of good intentions, do not have sufficient powers and resources to get at the essential problems facing the villages: lack of jobs and economic sustenance, inadequate law enforcement, alcoholism, poverty, social dysfunction. These problems are exacerbated by the uncertainty surrounding the status of tribes and their future.

# **Tribal Government Structures, Activities and Functions**

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## **TRIBAL GOVERNMENT STRUCTURES**

Historically, Native people of Alaska governed themselves through a combination of band chiefs, elders, clans, and traditional laws. Today, under the principles of federal Indian law, Indian tribes in the United States have wide latitude for how they structure their governments. They range from theocracies headed by spiritual leaders to fully elected governments separated into three branches. Tribes may operate under unwritten common law, written tribal law, or most typically, a combination of the two.

Most Alaska Native governments have evolved into constitutional forms of governments with elected tribal councils headed by chiefs. It is most common that the singular tribal council serves all three functions of government - the executive, legislative, and judicial. However, some Alaska tribes have separated the judicial function into a separately elected or appointed body.

Tribal council members are members of the tribe who are 18 or older. The officers of the tribal councils commonly are a first chief, second chief and secretary/treasurer. The basic structure and operating procedures for a tribal government may be found in tribal constitutions or in tribal ordinances, although tribes range widely in their development of written law. Few tribes are operating solely on unwritten tribal law.

About one third of the 227 tribal governments in Alaska are organized under the federal Indian Reorganization Act (IRA). This means that the Department of Interior has reviewed their tribal constitutions for consistency with federal Indian law and elections have been held in their villages. The remaining two thirds of Alaska's tribes are classified as traditional tribes, although they commonly have constitutions that have been voted on by the voting tribal membership. As a practical matter for Alaska tribes, both IRA and traditional tribal councils operate in the same manner.

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## TRIBAL GOVERNMENT ACTIVITIES AND FUNCTIONS

Tribal governments in Alaska undertake a wide variety of activities and functions. In villages where there is no active city or borough government, tribes tend to take on a broader range of responsibilities, although even when cities or boroughs co-exist with tribal governments, those tribal governments may still handle many services. While some of the activities and functions of tribal governments are clearly sanctioned by federal recognition and State acknowledgement, others are undertaken because tribal governments are simply trying to take care of business in their villages. There are a wide variety of economic issues and social problems that must simply be addressed locally.

All tribal governments handle legal matters, though there is a wide range in their stages of tribal court development. All tribes in the United States are required to follow the terms of the Indian Civil Rights Act that is similar to, but less comprehensive than, the U.S. Constitution's Bill of Rights. The types of cases tribal courts handle include child protection, child custody, child adoption, alcohol regulation, domestic violence, protection of elders and vulnerable adults, juvenile curfew, marriages, trespass, vandalism, traffic violations, assaults, use of firearms, disorderly conduct, animal control, nuisances, and environmental regulation. Typically, State law enforcement only responds to the most serious offenses in the villages, leaving the less serious ones unaddressed. Tribal courts issue civil sanctions including fines, restitution, community service, treatment programs, banishment, and mandatory participation in traditional activities. To the extent that tribal courts handle cases involving non-Natives, they are usually in situations where the non-Native is a village resident who has consented to the authority of the tribal court.

Most tribes have undergone constitutional exercises to draft, amend and adopt their tribal constitutions. The tribal constitutions are typically documents that outline tribal government structures and procedures and delegate tribal powers to the councils. Alaska tribes also adopt, amend and repeal ordinances on a wide range of issues.

The broadest range of activities that Alaska tribal governments undertake are their executive/administrative



*"I don't care what you call a local government that runs a community and keeps order. All societies have to have order. And that is what local tribal governments do. They keep order on a local level. Whatever you call it, it is the local government and it needs to be acknowledged and respected."*

Marlene Johnson,  
Commissioner,  
Commercial Fisheries  
Entry Commission

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functions. Tribal governments in villages with no city or borough governments tend to undertake more activities than those with these types of governments in the village.

Tribal governments hire and supervise tribal employees, including tribal administrators, tribal family youth specialists, nutritional cooks for elders, tribal clerks, village public safety officers, tribal work force development specialists, tribal liaisons on environmental issues, managers for tribal businesses and workers for tribal construction projects.

Most tribes in Alaska own some amount of fee simple land ranging from small parcels to thousands of acres. The land is owned by the tribe as a whole, and managed by the tribal governments. Residential and commercial uses of lands are often managed through the use of tribal land assignments. Tribes that own large amounts of land typically develop tribal land use plans. Tribal governments that own large amounts of land also manage resource development such as forestry and mining endeavors.

Many tribes manage housing development projects and other construction projects. Tribes may also manage landfill sites, water and sewer, electrical power systems, clinics, road maintenance and community centers.

Clearly, State acknowledgement and support of the activities tribes undertake is essential. This may be accomplished by clarification of State policy regarding tribal status and jurisdiction, improving communications with tribal governments and fiscal support.

## Federal Relationship with Alaska Tribes

The federal government plays a central role in rural Alaska through its ongoing relationship with Alaska Natives and Alaska tribes. The federal-tribal relationship in Alaska began with the Treaty of Cession, and has continued through the District and Territorial Organic Acts, passage of the 1936 extension of the Indian Reorganization Act, the Statehood Act, and ANCSA.<sup>2</sup> The existence of this relationship exists independent of State actions and continues to play an important role in shaping life in rural Alaska.

Alaska's unique geography and history have influenced the federal-tribal relations in the state. Soon after the United States purchased the territory of Alaska, Congress ended the policy of establishing treaties with Native Americans.<sup>3</sup> As a consequence, Alaska Natives do not have treaty-based reservations or associated rights. The few reservations that did exist in Alaska, prior to revocation by ANCSA, were established by means other than treaties. Congress departed from the traditional reservation model when it enacted ANCSA; through ANCSA, Congress settled Native land claims, extinguished all but one of the reservations in the state<sup>4</sup> and conveyed lands to Native corporations rather than tribes. ANCSA did not attempt to settle the tribal status of Alaska Natives, but its unique approach to settling Native land claims created uncertainty about Alaska Natives' tribal status. This uncertainty led to litigation.

In 1993, the federal government tried to clarify some of the uncertainty surrounding the status of Alaska Natives. The Bush administration's Solicitor of the Department of the Interior undertook a comprehensive review of the status of Alaska Natives and their authority, if any, over land.<sup>5</sup> The

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<sup>2</sup> Treaty of Cession, 15 Stat. 539 (1867), District Organic Act, 23 Stat. 24 (1884), Territorial Organic Act, 37 Stat. 512 (1912), Act of May 1, 1936 ch. 24, 49 Stat. 1250 (1936), Alaska Statehood Act, 72 Stat. 339 (1958), Alaska Native Claims Settlement Act, 85 Stat. 688 (1971).

<sup>3</sup> 25 USC 71 (1871).

<sup>4</sup> The Metlakatla Indian Community of Annette Island Reserve is the only reservation in Alaska.

<sup>5</sup> So Op M-36, 975 at 46-7 (Jan 11, 1993).

Solicitor concluded that while tribes exist in Alaska, it was doubtful that they had any territorially based jurisdiction after ANCSA, a conclusion later confirmed as to ANCSA lands by the U.S. Supreme Court in *Venette*.<sup>6</sup>

In 1993, the Secretary of the Interior published a list of federally recognized tribes, including Alaska tribes<sup>7</sup>. In the preamble to the list of tribes, the Secretary reviewed the complex and confusing history of the federal government's recognition of tribal entities in Alaska. The Secretary sought to remedy the confusion by unequivocally stating that "the villages and regional tribes listed below are distinctly Native communities and have the same status as tribes in the continuous 48 states."<sup>8</sup> Congress and the federal courts have confirmed the federally recognized status of the Alaska tribes on the Secretary's list.

Despite the confusing history of federal recognition of Alaska Natives' tribal status, the federal government has always included Alaska Natives in its programs designed to assist Native Americans. The federal government continues to fund Native health care, education, housing, sanitation, public safety, transportation and environmental projects that are providing rural communities with all or some of the basic social services and infrastructure taken for granted in urban areas. The willingness of federal agencies to compact and contract with tribal governments and regional organizations increases local decision making and employment for many of these projects.

Departments and agencies of the federal executive branch are required to deal with federally recognized tribes on a government-to-government basis and in a manner that is respectful of tribal sovereignty. This policy was reaffirmed in an April 1994 Executive Memorandum, signed by the

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<sup>6</sup> The *Venette* case only addressed the issue of tribal jurisdiction on ANCSA conveyed lands and did not reach the question of tribal jurisdiction over other Native owned lands such as Native townsites and allotments. *Alaska v. Native Village of Venette Tribal Government*, 118 S.Ct. 948, 140 (1998).

<sup>7</sup> The 1993 Federal Register List included 226 tribes, omitting the Southeast regional cluster, Tlingit Haida Central Council. However, in 1994 Congress passed the Tlingit Haida Status Clarification Act as part of the Federally Recognized Indian Tribe List Act. The Tlingit Haida Act restored the Central Council of Tlingit and Haida to the list. The total number of federally recognized tribes in Alaska is now 227.

<sup>8</sup> Federal Register 58, 202 (October 21, 1993).

President.<sup>9</sup> Pursuant to the government-to-government relationship and the President’s memorandum, federal agencies have created guidelines for consulting “to the greatest extent practicable and to the extent permitted by law, with tribal governments prior to taking actions that affect federally recognized tribal governments.”<sup>10</sup>

The federal government’s relationship with Alaska tribes is a continuous and important feature in rural Alaska governance. While this relationship reflects the unique characteristics of Alaska’s history, it is rooted in the principle that Alaska Natives are “Indian people” with whom the federal government has a special relationship.

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<sup>9</sup> Presidential Documents Federal Register Vol. 59, No. 85 Wednesday, May 4, 1994, see also, Executive Order 13084 of May 14, 1998.

<sup>10</sup> ibid.

## State Relationship with Tribes

The State of Alaska's policy toward tribes has lacked clarity and consistency. Historically, the State has resisted the idea that tribes exist in Alaska. In 1990, Governor Cowper attempted to shift and clarify State policy by issuing an Administrative Order acknowledging the existence of tribes in Alaska.<sup>11</sup> Less than a year later, however, Governor Hickel rescinded the Cowper Administrative Order and replaced it with an Administrative Order that included the position that "Alaska is one country, one people."<sup>12</sup> The State's refusal to acknowledge Alaska tribes was at odds with the federal government's position. To clarify and confirm the federally recognized status of Alaska tribes, the Knowles administration has acknowledged in court and in other forums that the issue is no longer open to debate and that tribes do exist in Alaska. However, the Knowles Administration has not issued a formal policy statement regarding the status of tribes, nor has the administration provided a clear directive for how State agencies are to relate to tribes.

The reluctance to forge working relationships with tribes is not unique to the State of Alaska. Other states with Native American populations have resisted assertions of tribal status and authority because these assertions are perceived as direct threats to State authority. However, some states have recognized the shortcomings of litigating against tribes at every turn, and have embarked upon more cooperative solution-driven approaches to State-tribal relations. Washington State, for example, concluded a "Centennial Accord" with most of its federally recognized tribes. The accord was negotiated between the Governor and the signatory tribes in 1989 and has been reaffirmed by all subsequent governors. The accord established a framework for the State-tribal relationship that emphasized mutual respect and responsibility.

While other states have recognized and embraced the possibility of working with tribes, Alaska has not solidified



*"I think we need something similar to the president's executive order telling the state government to work with the tribes. It's very important for people in the state to recognize tribes exist. ... What we're asking from the tribal government's perspective is to please respect us."*

Willie Kasayulie, Tribal Services Director, Akiachak Native Community

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<sup>11</sup> Governor of Alaska, Administrative Order No. 123 (1990).

<sup>12</sup> Governor of Alaska, Administrative Order No. 125 (1991).

its policy toward tribes. Confusion in State policy has resulted in inconsistent approaches to working in rural Alaska.

The State has also significantly reduced its contributions to programs in rural Alaska a trend that is suggestive of an ad hoc State policy toward tribes. Some Native communities have found that the administrative costs of remaining organized as cities and boroughs of the state outweigh the benefits. In some instances, this has led to the dissolution of State forms of local government in favor of tribal forms of government that are able to access federally funded programs. However, funding issues are not the only or primary reasons communities are opting for other forms of governments. In many cases, tribal governments simply better reflect village values and provide a greater sense of local control.

Some State agencies that work closely with rural communities are cognizant of these trends and opportunities, and have begun to work directly with tribal governments and regional organizations to provide services. The Governor and some State agencies have initiated agreements that take advantage of federal programs and funding as well as tribal perspectives and knowledge. However, some State agencies have resisted working with tribes and have fallen back on the ambiguity in State policy as a barrier to creating such agreements.



## **PART THREE: SUCCESS STORIES**

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### **Define Success: A thousand-mile journey begins with the first step.**

Through testimony from community members and personal observations, members of the Commission identified several examples of “success stories.” These stories demonstrate how individuals, organizations, tribes, corporations, and others have created solutions, and successfully built stronger grassroots relationships through formal and informal channels. Rural communities have turned ideas into reality through cooperation, collective problem solving and a willingness to extend trust. The underlying theme throughout these success stories is local self-governance.

Some successes have taken decades to foster and involved complicated negotiations and cooperation between multiple governing entities. Others were relatively simple but required a great deal of trust. These ground-breaking cooperative agreements have offered other communities a template for implementing local governance to improve the lives of Alaska’s rural citizens.

These examples of how communities have solved problems, overcome obstacles and created the infrastructures for cooperation are featured on the following pages. The success stories are not a comprehensive list, but a sampling of how rural communities are stretching toward their full potential. The Commission anticipates that the list will grow exponentially, particularly if the recommendations contained in this report are implemented.

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## **Governance and Communication**

*The Commission compiled examples of community local governance and empowerment “Success Stories.” These stories are intended to illustrate concepts and connections that better the lives of rural Alaskans, and are not necessarily applicable to all communities. Every community and every village has or will have its own unique success story.*

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### **SITKA: WE SAT DOWN AND HAD A CUP OF COFFEE**

“It is an exciting time for us in the community of Sitka. Some of us have known each other for decades. There was a recent community conflict. We were going to write letters, call each other and draft memos. Instead we sat down, had a cup of coffee together and came to a workable solution. It comes down to sticking your hand out in trust. We have together done things that we could not have accomplished separately,” said Mayor Stan Filler.

The Sitka Tribe of Alaska and the City and Borough of Sitka recognized that they shared areas of community concerns. By drafting the Sitka Memorandum of Understanding (MOU) the tribe and borough united to establish a framework for cooperative relations. The new partnership promotes government-to-government communications for the benefit of the entire Sitka community. These entities chose to work together rather than struggle competitively.

The Sitka MOU addresses a wide range of issues including but not limited to taxes, zoning, economic development, environmental and customary and traditional subsistence protections, education, social advancement, justice and law enforcement, administration, and cultural and historic preservation. Regular meetings of the city and borough staff and Sitka Tribal Council members and staff are held to tackle a broad spectrum of community concerns.

Such cooperation has turned a portion of the land owned by the Sitka Pulp Mill into a viable composting station. The city released the lands to the tribe for economic development. The Sitka Tribe was designated the responsible party for the environmental monitoring and safety maintenance of the composting station, with



the objective of ensuring the health status of the neighboring cove ecosystem.

Fish byproducts and wood chips are composted together to make an odorless but nutrient rich fish food. Originally started as a six-month pilot project with seed monies provided by the Sitka Pulp Mill Disaster Fund, the project is now being evaluated for long-term viability. Markets are being investigated to target the sale of the product.

The Sitka MOU has provided the incentive for other cooperative projects in the Sitka region as well as in other areas of the state. Projects include a traditional cultural awareness program, construction of low income housing through the Baranof Housing Development, co-sponsored workshops with the University of Alaska and the Rural Development Education Program, and an effective memorandum of agreement between the Sitka Police and the Sitka Tribal Court. Point Barrow recently approached Sitka for consultation to develop their own memorandum of agreement based on the Sitka model.

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#### **QUINHAGAK: UNITED TO SERVE THEIR VILLAGE**

Like many small municipal governments in Alaska villages, the City of Quinhagak found itself increasingly faced with substantially declining budgets. With limited economic opportunities, the city did not have the tax base or other revenue-producing resources to offset the severe reductions in State Revenue Sharing and other forms of State assistance. Despite cutting administrative costs to the bone, there was still a painful decline in the quality of essential public services provided by the city.

Through a process of mediation, the city and Tribal governments discussed creative ways to solve the city's problems. The Tribal government was administering several federal programs, services and capital projects, and was in the process of providing additional services to the village, when the city and tribe recognized the inefficiency in supporting two separate forms of local government administrations to provide public services. They asked: "If the federal government can contract with Tribes to provide once federally administered programs and services, why can't a city do likewise with a tribe? If cities and boroughs can consolidate, then why can't cities and tribes?"

The city and tribe determined that the best way to serve the needs of the community was to transfer administration of traditional city services to the Tribal government. Such city-tribal governmental consolidation was a new concept in Alaska. It took several months of intense negotiations, assisted by the State's Municipal and Regional Assistance Division, before the City of Quinhagak and the Native Village of Kwinhagak entered into a formal Memorandum of Agreement (MOA) in August of 1996. The MOA consolidated the city and tribal administrative functions under the tribe and transferred maintenance and operation of all municipal services and programs to the tribe.

The MOA is renewed annually. The city and tribe continue to cooperatively manage the needs of the village. The MOA has also helped the tribe increase its eligibility for federal funding, thereby increasing public services and programs for village residents.

For example, the Native Village of Kwinhagak has recently completed construction of a new health clinic and water treatment plant, and is currently constructing a major public road through the village. Plans are underway for the tribe to oversee the design, construction, operation and maintenance of a public airport to serve the village. These tribal projects, enhanced by the cooperative relationship between the city and tribe, increase local economic opportunities and self-determination while serving the public at large.

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#### **SAXMAN AND KETCHIKAN: PAVING THE WAY TOWARD BETTER COMMUNICATION**

Saxman and Ketchikan are two miles apart. The communities are geographically close but not necessarily friendly neighbors. Their populations thought they had little in common, and their citizens rarely mingled until a single bike path brought them closer together.

Ketchikan was incorporated in 1900 and is currently represented by three forms of government: the City of Saxman, the Ketchikan Gateway Borough, and the City of Ketchikan. With a population base of 16,000 it now is a trading hub for a mixed economy of mining, fishing, industrial logging, and tourism. More than 75 percent of the population is non-Native. Many of Ketchikan's present-day residents were born or raised outside Alaska. A noticeable portion of workers are seasonal or transient.

The Tribal Village of Saxman however, has generations of history. Relocated from Cape Fox before the turn of the century, it supports an Alaska Native population of 350. Employment opportunities are limited. Public bus service for commuting Saxman citizens is unreliable and roundtrip cab rides are cost-prohibitive. People of Saxman originally handled the commuting problem by walking alongside the road, dangerously close to fast-moving traffic.

The idea of creating a safe alternate traveling route for pedestrians was discussed and proposed two decades ago by State Senator Ziegler. The Saxman community was strongly in favor of the proposal. The City and Borough of Ketchikan did not initially see the benefits of building a trail, due to engineering concerns, financing, and political difficulties. Intermodal Surface Transportation Efficiency Act (ISTEA) funds were eventually committed in 1995, and the Department of Transportation constructed the trail alongside the road. The trail was dedicated in the spring of 1996.

In addition to offering a practical solution to citizens regularly traveling by foot or bike between the two communities, the trail has helped to improve community relations. Highly utilized, the trail provides a safe, low maintenance means of travel and is a mutually appreciated link by both communities.

The trail has fostered improved community cooperation, grassroots organization, and friendship. Some even say the Ketchikan Legislative Liaison Group evolved as a result of the trail being built. Saxman and Ketchikan community members now work together by consensus to draft and present an annual community priority list to the Legislature each fall. This list represents mutual interests and concerns of the communities. Such unified lobbying efforts have helped to upgrade and remodel the Ketchikan Hospital and to secure funding for constructing a new High School in Ketchikan.

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**NORTHWEST ARCTIC BOROUGH: HOME-RULE RESPONSIBILITY AND PRIDE**

The ultimate goal of the Northwest Arctic Borough is to manage its land and its resources wisely and strengthen the local economy while protecting the traditional lifestyle of its residents. Ambler, Buckland, Deering, Kiana, Kivalina, Kobuk, Kotzebue, Noatak,

Noorvik, Selawik, Shungnak are the communities of the Northwest Arctic Borough (NWAB).

Incorporated in 1986, the first-class borough is home to 6,641 people in eleven communities, ninety percent of whom are indigenous Inupiaq Eskimos. The economy is largely based on subsistence activities, yet has provided great opportunities for non-subsistence economic development in mining, tourism, aviation and seafood marketing.

Prior to the formation of the Northwest Arctic Borough, a regional economic strategy was implemented to ensure that government entities were responsive to villagers' priorities. Representatives met annually to maintain cooperation and avoid offering irrelevant or redundant services.

Development prospects at the Red Dog zinc deposit precipitated the establishment of the Northwest Arctic Borough. The modest borough budget created a locally controlled entity for purposes of education, planning, zoning and taxation. A year later, borough voters adopted a home-rule charter, the highest form of local government permitted under State law.

Currently, three regional institutions, in addition to the borough government, impact the social, cultural and economic activities within the borough. NANA Regional Corporation was formed under the umbrella of ANCSA as a profit making entity and has initiated much of the economic development in the region's private sector. The Red Dog Mine alone has provided approximately three hundred and sixty direct jobs and has served as a model project for resource and community development in rural Alaska by incorporating local subsistence concerns and issues into its routine operations.

The regional non-profit Maniilaq Association, created in 1966, antedates NANA and NWAB and represented the area in land claims legislation. Maniilaq now serves the health and social needs of the borough and is the management entity for the borough's tribes. It operates the area hospital, receives funds from federal and State government and employs approximately 450 individuals.

The Northwest Arctic Borough School District provides public education services to all its villages and is the single largest employer in the borough. Indigenous language, history and traditional activities of the Inupiat people are blended into the curriculum to prepare students to succeed in the modern world and enhance their knowledge of the traditional Inupiat culture.

The “Inupiat Iitqusiat” is a guiding philosophy as requested by the Regional Elders Council, and is credited with instilling renewed Inupiaq pride within the region.

More than half of all borough land is federally owned and protected as parks, preserves and wildlife refuges. Planning and zoning is overseen by the Northwest Arctic Borough Planning Department. Development projects on private lands must be coordinated with private owners, and be approved by the Borough Planning Department. An advisory board, includes labor, social organizations, political and private interests, directs economic planning activities for the Borough. The Economic Development Commission (EDC) holds regular workshops on business development, management and financing and advises the borough administration and assembly on economic development opportunities, job training needs and other means for improving the economy of the Borough.

## **Delivering Services: Toward a Healthy Rural Alaska**

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### **TANANA CHIEFS CONFERENCE: WELFARE TO WORK, ASAP**

The Athabascan people, particularly Athabascan elders, believe that the western welfare system, which has operated in their region since statehood, has eroded the traditional Athabascan lifestyle. The welfare system has weakened the work ethic, disrupted family cohesion, and undermined community values and efforts to combat substance abuse and other social ills that have affected Athabascan communities.

Through a series of regional and tribal meetings, Athabascan tribal leaders developed a welfare reform program and designed a Temporary Assistance for Needy Families (TANF) program that is markedly different than the State's welfare program.

Tanana Chiefs Conference, Inc. (TCC) currently operates the Athabascan Self Sufficiency Assistance Partnership (ASAP), which is the largest tribally administered TANF program in the nation in terms of funding, number of clients served, participating tribes and the geographic area served.

The TCC service area covers 235,000 square miles (an area slightly smaller than the State of Texas). The program includes 45 separate communities, including Fairbanks, Alaska's second largest city. The ASAP program has a current caseload of 502 tribal families, approximately 50 percent of whom reside in Fairbanks. The remaining 50 percent are dispersed throughout the region in small isolated tribal communities.

The Tanana Chiefs Conference ASAP program has a central office staff of 5 full-time employees in Fairbanks, and 38 half-time Tribal Workforce Development Specialists in participating tribal communities. As part of TCC's collaborative program, three full-time State employees are stationed in the TCC central office to coordinate Medicaid and Food Stamp benefits for ASAP clients.

The tribal ASAP workers are linked to, and work closely with, TCC's comprehensive social service system. The system includes TCC and tribally operated health and social services programs, and include such services as: family support, welfare to work, job placement, education and vocational assistance. The Tanana

Chiefs Conference ASAP program, linked as it is with all of the TCC services, provides culturally appropriate, community based, comprehensive one-stop services to needy families throughout a vast region.

TCC began operation of ASAP in October of 1998 under a transition plan developed with the existing Alaska State Temporary Assistance Program, the State TANF. In January of 1999, TCC assumed sole operation of the program. TCC's tribally administered ASAP program has demonstrated a level of effectiveness never before experienced under the State's TANF program.

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**SUICIDE PREVENTION: SAVING LIVES WHILE BUILDING SELF ESTEEM**

Bethel and Kiana village residents presented the following testimony to the 1987 Senate Special Committee on Suicide Prevention: "The time has come for the villages to take responsibility for healing themselves and local people must be trained to do the work. The State's role should be facilitative, providing on-going funds to village and tribal councils for locally determined, directed and staffed programs, and technical assistance and training based on village requests."

A Community-Based Suicide Prevention Program (CBSPP) developed out of such testimony and recommendations developed by the Legislature's, Senate Special Committee on Suicide Prevention. At the request of Senator William L. Hensley, the legislature appropriated \$600,000 for Fiscal Year 1989 to the Department of Health and Social Services, to develop a plan for a program.

The Community-Based Suicide Prevention Program (CBSPP) is based on principles of community development. Participating communities design projects based on their assessment of their strengths and weaknesses, and their vision for solving problems. Modest grants (typically less than \$15,000) are provided for smaller Alaska communities to plan and manage local projects to reduce the incidence of suicide and self-destructive behavior.

An interdepartmental team is responsible for the overall management of the program. The team helps communities bridge bureaucratic barriers between State agencies. The team also provides participating communities easy access to the specialized

knowledge and networks of numerous State agency staff. In an effort to protect the program from an administration reorganization plan, the Division of Mental Health and Developmental Disabilities (DMHDD) transferred the program to Division of Alcoholism and Drug Abuse (DADA) in 1997.

Independent evaluation of the program from 1989 to 1993 demonstrated the success of the CBSPP. Prior to 1989, the communities targeted by CBSPP had higher suicide rates than other Alaskan communities. Three years into the project, the communities' suicide rates declined to below the statewide average.

As a result of the local programs, a larger number of people were able to recognize suicidal warning signs and learned how to refer at-risk persons. A quarterly newsletter helps CBSPP communities across the state share project ideas and information. The project now includes an international Native population. In 1994 an Alaska Native Foundation Grant enabled two villages in the Chukotka Region of the Russian Far East to plan and develop their own local suicide prevention projects.

Ten years after CBSPP implementation, there are 56 community-based projects spread across ten regions of the state. It is anticipated that six more projects will be in place by the year 2000. Many of the programs include efforts to develop support groups and healing circles and train locals as counselors and crisis responders. Over half of the programs include activities to strengthen relationships between Elders and youth, where Elders serve as teachers and guides to increase knowledge and pride in traditional values and skills such as sled building, skin sewing, ivory carving and wilderness survival skills.

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#### **EKLUTNA AND SITKA: CHAMPIONS OF ICWA KEEPING FAMILIES TOGETHER**

Alaska's Native children have an inherent right of access to their culture and language. Yet, historically the courts have overlooked the significance to Native children of maintaining strong cultural links so that they may better identify, understand and celebrate themselves into adulthood. This oversight combined with a disproportionate number of Native children represented in State adoption cases has resulted in the "loss" of Native children to non-Native, and sometimes out-of-state adoptive



parents. Tribal members who had stood witness to these events were overwhelmed by a desire to keep their communities and families intact. The experience led to the development and passing of the Indian Child Welfare Act (ICWA) in 1978.<sup>13</sup> Now, all Alaska tribal courts deal with a key responsibility of the welfare of Native children.

ICWA has been a complicated Act to implement and many individuals directly involved in the court and child welfare system continue to struggle with its intricacies. The desired outcome however, is clear: the greater protection of Indian and Alaska Native children's right to be adopted or offered foster care by individuals who represent their own extended family, community or "affiliated" tribe.

In 1998 Governor Tony Knowles proclaimed, "if you want to see the future of Alaska, look into the eyes of the children. There you will see hope, opportunity, self-esteem, and optimism." He also acknowledged that there are Alaskan children, a disproportionate number of whom are Native, who are at risk: "About a quarter of all children in Alaska are Native, yet more than half of the 1,850 children in the Division of Family and Youth Services custody are Native."

In a resolution from the Alaska Inter-Tribal Council, 175 separate Alaska tribes expressed their desire to retain greater control over the outcome of adoption and foster care options for Alaska Native children. The Native Village of Eklutna (NVE) Child Advocacy Center showed leadership in implementing ICWA in November of 1998. It is unique in its position as the only federally recognized tribe within the Municipality of Anchorage. With support from the Alaska Inter-Tribal Council, the village of Eklutna was designated to negotiate agreements with the Division of Family and Youth Services and Alaska tribal governments to serve as the primary representative to ensure the safety and well being of Native children in the Anchorage area.

When tribal courts handle children's issues, the cases often involve issues of child abuse and neglect, guardianship, traditional adoption, and custody disputes. Tribal councils may take custody of children, make foster placements,

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<sup>13</sup> Public Law 95-608, 1978.

approve adoptions, or intervene on behalf of Native children in State court. More commonly, tribal courts advocate for a family before it rises to the level where the State child protection agency, Division of Family and Youth Services (DFYS) gets involved. If a case rises to the DFYS level, there is now a great deal of cooperation between DFYS and tribes to protect and intervene on behalf of Alaska Native children.

The Sitka Tribal Court also handles a large volume of ICWA cases, as does the Nome Eskimo Community. A recent Sitka Tribal Court study reflects the efficacy of Tribal Courts in resolving children's cases. Under Tribal Court jurisdiction Native children spend less time in out-of-home placements compared to time spent in out-of-home placements under State custody. Permanent placement or adoption of children is two times higher under tribal custody compared to State custody. The rate of permanent guardianship for children under Tribal custody is seven times higher, with fewer children remaining in foster care until adulthood. In addition, three times as many children are reunited with their families under tribal custody.

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**CULTURALLY BASED HEALING: HEALTHY PROVIDERS  
BUILD HEALTHY COMMUNITIES**

Unity and development of strong healthy individuals, families, and communities is accomplished through the positive interaction of western concepts with Alaska Native traditional values. The delivery of human services requires healthy providers. The Rural Human Services Program (RHS) is built on and validates Alaska Native traditional values in order to facilitate and support the healing of people in Alaska communities. The training process acknowledges the strengths and natural talents of village human service providers. The curriculum is wholistic and enhances self-awareness and personal development to support building healthy families and communities.

The curriculum is taught on the Interior-Aleutians, Fairbanks, Bethel and Nome campuses. The statewide Alaska Native Coordinating Council provides input and oversight of the program. By January of 1999, nearly one hundred people had either completed or were enrolled in the

RHS training program. Rural Health Services trained village-based counselors providing services to eighty-one villages in Alaska. Ten State agencies received grants in 1999, and fifteen agencies have been recommended to receive funding in the year 2000. Intended for Alaska Natives who are natural helpers and healers within their communities, the 30-credit, 12-week program is offered over two years and leads to an AA degree that can be integrated into a BA degree. It offers culturally appropriate training for village-based providers. Students are trained to develop skills in crisis intervention, suicide prevention, community development, mental health counseling, substance abuse prevention and treatment. In addition, students are trained in how to cope with interpersonal violence, grief and healing. The program has no restrictive prerequisites and is tailored to Alaska Native culture, tradition and learning styles. Grounded in oral tradition, the program emphasizes cooperative learning. Regional Health Corporation staff, village-based human-services providers, and natural community healers are encouraged to enroll.

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**DILLINGHAM: MANAGING RISK AND PROMOTING  
COMMUNITY SAFETY AT HOME**

Alaska Natives represent 16 percent of the state's population but account for more than 32 percent of incarcerated Alaskans. The Department of Corrections believes that it is important to find ways to help Native offenders make successful transitions back to their rural and village homes. The Department of Corrections (DOC) has met the special challenge of providing these transitional services.

In Fiscal Year 1999, the Department of Corrections and Bristol Bay Native Corporation set up a pilot project to train Bristol Bay area Village Public Safety Officers (VPSOs) to assist with the supervision of rural probationers and parolees. Legislative funding provided the resources for specialized training, equipment/supplies and supplemental salaries for VPSOs.

Village Public Safety Officers from the Bristol Bay area gathered in Dillingham for training at the Bristol Bay Native Association. Attendees also included mental health

counselors, victim's groups and DFYS case workers. The Division of Community Corrections coordinated the training with training contributions from Department of Law and Public Safety. A sex offender therapist with the Yukon Territory Justice Department provided an overview of their Sex Offender Risk Management Program.

The Yukon program "Keeping Kids Safe" is a victim-centered approach to supervising sexual offenders. Yukon Justice enlists the participation of formal and informal community resources in the management of risk posed by known sexual offenders. Yukon Justice sponsors public education workshops and when invited by the community, develops and provides ongoing support and training for Risk Management Teams when an offender returns to the community. In keeping with the Native Commission Report, the Department of Corrections is working to establish partnerships with local communities for the support of programs which will enhance public safety and further the goals of returning Alaska Native offenders to their home areas.

The Dillingham pilot project is particularly exciting to DOC because adequate probation and parole supervision is essential to community safety and an offender's successful reintegration into his or her home community. The project offers the opportunity to learn how to successfully combine local resources with correctional efforts to return Alaska Natives home following their incarceration, and empower communities to solve their own problems.

## **Jobs and Development: Building the Rural Economy**

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### **UNALAKLEET: GIVE A MAN A FISH AND YOU FEED HIM FOR A DAY**

A young woman planted a seed for a Unalakleet economic development project four years ago. Her suggestion of demolishing an obsolete fish plant and constructing a new plant with value-added capability was met with unprecedented cooperation.

Logistics, operating costs, rural transportation expenses and inflated freight fees had meant that local community-based fish markets in the Norton Sound region historically experienced difficulty competing with larger, out-of-state fish markets. The building of the new Unalakleet fish plant allowed an otherwise sporadic market for fishermen and processors to become a more stable seasonal opportunity.

Unalakleet serves as a hub for Norton Sound herring and salmon fishery permit holders from Elim, Shaktoolik, Nome, Koyuk and Golovin, and the plant is making a positive economic impact. Kaltag is currently designing its own fish plant based on the Unalakleet model. The Bristol Bay and Aleutian Chain regions are investigating the possibility of establishing similar fish processing plants.

The State of Alaska provided a grant to the Native Village of Unalakleet through the Rural Development Administration for Alaska Village Initiatives, to develop a business plan on behalf of Unalakleet. Multiple governing organizations were invited to participate in the concept design, fundraising and planning of the fish plant. The Native Village of Unalakleet, the owner, was required to provide half of the total project budget of \$ 2 million. Norton Sound Economic Development Corporation offered to guarantee a million dollars in matching funds in exchange for first rights of refusal to operate the plant.

Unalakleet Native Corporation then arranged for a land lease agreement and offered designated ANCSA land for the plant building site. Grant monies from the State of Alaska

Division of Community and Regional Affairs (DCRA), the U.S. Department of Housing and Urban Development (HUD), the City of Unalakleet through a federally appropriated Community Development Block Grant, and the Rural Division Administration (RDA) contributed the match to a million dollar U.S. Department of Commerce Economic Development Administration Grant. The Norton Sound Economic Development Corporation (NSEDC) guaranteed the balance of the funding with a loan to the Native Village of Unalakleet.

The Native Village of Unalakleet hired a twenty-five person local building crew to construct the plant. The fish plant project provided employment opportunities to 63 local individuals of the Norton Sound Region from Stebbins and St. Michaels to Wales. Unalakleet community members represented more than half of the hired crew. Through a Native grant program, local people were trained to operate a small industrial style canning and smoking system for the plant.

With direct experience in international markets, Indian Valley Meats, a value-added game meat processing company, and Unalakleet are now looking to identify and expand into value-added markets in the Lower 48 and Asia. Through this cooperative effort, the Unalakleet Fish plant plans to expand into game meat processing, and transform a now seasonally operated plant with a 400,000 lb. holding, 50,000 lb. freezing, and 10,000 lb. smoking capacity into a year round working facility. In four years Unalakleet Fish Plant went from an idea on paper to a growing and thriving business. The fish plant is a model of local enterprise created with cooperative efforts by the Native community, local and regional governing entities and State and federal programs.

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#### **GALENA: GREEN UP CLEAN UP**

Galena, Alaska is saddled with complicated waste management issues that many remote villages face. The challenges of dealing with disposal are compounded by cleanup demands associated with the closure of the military base in Galena.

In 1997, managers of the Loudon Tribe and the City of Galena saw an opportunity to improve the coordination of waste management by consolidating their efforts. The community developed the 'Galena Breakfast Club' in lieu of a more traditional Chamber of Commerce or Rotary Club. The *Green Up Clean Up* project was organized to coincide with the interior region's spring 'green-up.'

The result was the establishment of the Galena Waste Management Steering Committee and the drafting of a Memorandum of Agreement. The Loudon Tribal Council and the City of Galena established the integrated management of solid waste and recovery of materials to best serve the public, the economy and the environment of their Native homeland. In partnership with public agencies, industry, and business the Committee hopes to reduce and improve the management of waste, conserve resources, develop sustainable recycling, and protect public health and safety.

The Loudon Village Tribal Council developed the Yukana Development Corporation in order to contract with the Air Force for Galena Air Station remediation. Yukana negotiated a contract with an estimated \$2 million budget to crush and remove barrels. The Corporation is now negotiating for a \$2.4 million contract to pick up barrels within a 10-mile radius of the air station. An additional contract will involve collecting barrels on the remainder of the Yukon River.

In addition to negotiating remediation contracts, Yukana entered into a formal mentor-protégé relationship with Chugach Development, a subsidiary of Chugach Alaska Corporation. Eventually, Yukana will fully assume the contract from Chugach Development, which is currently under contract for base operations and services at the Galena Air Station. In mid-1998, twenty-four local people were employed under this contract. Loudon Village Tribal council sponsored training in hazardous waste removal and abatement for more than one hundred tribal members through the Laborer's Union and the Environmental Protection Agency. Yukana later sent 48 trained individuals for three weeks to assist in the clean up of a Dutch Harbor spill.

Clean up efforts also sparked the Galena Environmental Education Initiative MOU between the U.S. Fish and Wildlife Service Koyukuk-Nowitna Refuge Complex, the Loudon Tribal Council and the Galena City School District. The community wanted to provide the people of Galena with information about local natural resources and environmental issues. Environmental education is now incorporated into the school curriculum.

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**SITKA: CLIMBING THE FISH LADDER FROM SLIME LINE TO SUPERVISOR**

The fishing industry is one of the largest employers in Alaska, yet, beyond lower level labor jobs, most workers are from outside of Alaska. Few Alaska residents obtain long-term employment in fish processing despite the need for qualified persons to work in the industry. A college in Southeast Alaska has recognized the need for providing Alaskans with an opportunity to advance beyond the lower paying entry-level fish processing positions.

Sheldon Jackson College in Sitka, Alaska recently introduced a curriculum in Seafood Technology which includes traditional Native fishing styles and creates a doorway through which local Alaskans and Alaska Natives may enter professional positions in the fishing industry. The curriculum is designed in partnership with seafood processors, fishing industry representatives, University of Alaska faculty, the State of Alaska Department of Labor and related agencies. Students will be recruited from current employees in the seafood processing industry, and new employees identified through the Department of Labor and persons seeking to be retrained.

The mission of Sheldon Jackson College is to provide high quality undergraduate instruction in the arts and sciences. The college offers major fields of study directed to the social and economic needs of Alaska and the Pacific Rim. It strives to enrich the educational experience through a dynamic cultural mix of students; addresses issues and concerns of the Native people of Alaska throughout its curriculum; and encourages self-examination from a spiritual perspective. Mixing the best of both worlds, the college has designed a curriculum that incorporates multiple



perspectives, technical training, management and communication skills to prepare its students to be highly effective and professional in the fishing industry.

The new seafood technology program is especially attentive to Native students and affirms culturally based skills, abilities, and prior experience. The program will include traditional Native fishing styles; fishing has always been an integral part of Native culture and a matter of subsistence for Alaska Natives. The land claims settlement and the Community Development Quota Program (CDQ) have opened doors for more Native involvement in the fishing industry.

Funding for the seafood technology program is provided by Glacier Fish and Arctic Storm, two Bering Sea processors and CDQ partners. The certificate program is scheduled around the major fishing seasons and will be offered beginning the fall of 1999. An Associate of Science degree in seafood technology is also available. Coursework will include safety, quality assurance, regulations, work ethics and job skills, and traditional Alaska fisheries and Native perspectives on Natural Resource Management. All required courses for the certificate program are approved for JTPA funding.

## Co-Management of Alaska's Resources

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### ESKIMO WHALING COMMISSION: INTERNATIONAL TREATY ON WHALES, WALRUS AND POLAR BEARS

In response to a crisis in international resource management, North Slope Native hunters organized the International Eskimo Whaling Commission (IEWC) to create an international co-management agreement under which whaling captains could define hunting regulations to meet sustainable use. Co-management is a process whereby management bodies share equal representation, responsibility and power in the management of wildlife resources. Co-management includes but is not limited to the regulation of seasons, bag limits, harvest methods and means, and habitat research and enforcement.

Through the Commission, whaling captains function as the primary regulatory enforcers. A State or federal entity will intervene only if a breach of regulation is inadequately addressed by the efforts of the self-policing whaling captains. The IEWC co-management program has been fully embraced by the National Marine Fisheries Service. Drawing upon indigenous knowledge, the Whaling Commission produces scientifically "acceptable" data and provides guidance and scientific contributions that function as the key to the success of co-management.

Because the IEWC is able to release data to management teams and academics, and offers useful management information to the National Marine Fisheries Service, the IEWC has proven to be the most successful Native co-management organization in the state. Its success was used as a template for creating the International Eskimo Walrus Commission, the Nanuuq (polar bear) Commission and the Alaska Native Harbor Seal Commission.

Gambell village leaders from St. Lawrence Island called a meeting in May of 1978 after several villages came to Kawerak expressing concern regarding their threatened access to walrus resources. The newer Walrus Commission continues to successfully emulate the original practices of the International Eskimo Whaling Commission.

American and Canadian representatives, concerned with the threat of over-harvesting of polar bears in the southern Beaufort Sea, met a decade after the IEWC was founded. Independent of government direction, the two nations developed a cooperative Native to Native agreement called the “North Slope Borough and Availuet Management Conservation Agreement on the Southern Beaufort Sea Polar Bear Population.” Heralded as a great game-resource management success, it has resulted in protecting female polar bears and female polar bears with cubs.

In 1989, Russian Natives of Chukotka requested permission to start hunting polar bears from the Bering Sea-Chukchi population. The federal Department of Fish and Wildlife asked representatives of the IEWC to observe Russian management negotiations to help develop a Native to Native agreement, just as the North Slope had previously done with Canada. In effect, Natives traded away the right to unrestricted use and take of polar bear by agreeing to self-regulate and accept a quota in order to have a seat at the policy table.

Both countries agreed that treaty implementation would be carried out under a Native to Native agreement established in partnership with the Chukotka Union of Marine Mammal Hunters. A joint commission under an umbrella agreement established the policy for polar bear harvest in the Bering and Chukchi Sea.

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**ALASKA NATIVE HARBOR SEAL COMMISSION:  
AGREEING IN STEWARDSHIP**

The Alaska Native Harbor Seal Commission (ANHSC) borrowed its operating bylaws from the Eskimo Walrus Commission and received guidance from the statewide organization of Indigenous Peoples Council for Marine Mammals (IPCMM). The ANHSC is a tribally authorized Marine Mammal Commission representing 20 member tribes that directly involves resource users in the management of harbor seals.

Concern for the status of the harvest yields in Alaska prompted the Native community to develop a partnership with the National Marine Fisheries Service (NMFS), the federal agency with management authority for harbor seals

under the Marine Mammal Protection Act. ANHSC and NMFS developed a co-management agreement for the conservation and subsistence use of harbor seals that was signed on April 29, 1999. The newly forged relationship has provided a foundation and direction for the two entities to formalize co-management and implement action plans for the common goals of conservation and maintenance of a sustainable subsistence harvest of harbor seals.

ANHSC is involved in the collection of scientific data and bio-samples from subsistence-harvested seals. Locally employed village researchers survey Native hunters regarding harbor seals and collect pertinent data. The project is a pilot program started with funding from the *Exxon Valdez* Oil Spill Trustee Council. To date, thirty-four hunters and roughly twice as many children have been trained as data collectors. ANHSC coordinates with the Youth Area Watch (a project also funded by the Trustee Council) to involve children and to encourage their interest in scientific research.

ANHSC was involved with the Indigenous Peoples Council for Marine Mammals in the development of a 1997 umbrella agreement between the U.S. Fish and Wildlife Service Biological Resource Division, Geological Survey and the NMFS. It is designed to ensure consistency of co-management agreements negotiated with federal agencies for different species of marine mammals.

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#### MIGRATORY BIRD TREATY: **HUNTER AND GUARDIAN**

Prior to the recent amendments to the Migratory Bird Treaty of 1916, the U.S. Fish and Wildlife Service's need for cooperation with villagers residing near endangered migratory bird nesting areas provided the impetus for establishing a cooperative co-management arrangement to rebuild the population of four goose species. Migratory Bird Treaty management bodies were created to ensure an effective and meaningful role for indigenous inhabitants of Alaska in the conservation and management of migratory birds.

Native, federal, and State of Alaska representatives were equally represented. They develop recommendations for seasons, bag limits, law enforcement, populations and

harvest monitoring, research and use of traditional knowledge, and habitat protection. Creation of the management bodies is intended to provide more effective conservation and management of migratory birds.

The U.S. Fish and Wildlife Service met with local tribal leaders and fashioned an agreement under which subsistence activities could continue but where conservation remained the primary goal. This encouraged people to join voluntarily in hunting birds under agreed restrictions. Any violation of the agreement is first referred to the Tribal Council. While under the 1997 treaty amendments urban Natives are permitted to return to the village to hunt for cultural reasons, participation in hunting birds by urban Natives requires the permission of the Village Council, and issuance of an appropriate permit.



## **PART FOUR: SPECIFIC ISSUE AND AGENCY RECOMMENDATIONS**

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Part Four expands upon many of the Commission findings in the preceding sections of the report, and provides additional background information and suggested next steps forwarded by members of the Commission and agency staff.

The Commission uses the phrase "next steps" as opposed to "recommendations" in Part Four to emphasize the point that the principal recommendations must be implemented before taking next steps. Hence, the separation between Part One and Part Four.

A key recommendation in this report is that policy makers at all levels of government must communicate with, understand and involve those affected by decisions, and those affected must assert their right to such inclusion. As the recommendations in Part One are carried out, a stronger framework will be created for implementing the next steps in Part Four.

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## Government Policy and Structure

*The State has extensive opportunities to significantly improve the economy and lives of rural residents and strengthen the capability of communities to deal with local problems through improved State policies and administrative actions, rather than any great expenditures of State money.*

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### ACKNOWLEDGE TRIBES AND CLARIFY STATE POLICY

#### *Findings and Background*

Two hundred and twenty seven federally recognized tribes exist in Alaska. The State lacks a coherent policy for dealing with tribes and tribal governments. There is great disparity in the ways in which State agencies interact with tribes and tribal governments, which is confusing and appears arbitrary. Many rural Alaskans find the governmental system impenetrable, while they acknowledge that the federal government has recently taken steps to improve communication with tribes.

#### *Next Steps*

The Commission recommends a three-part process to acknowledge tribes and clarify State policy.

*First*, the Commission recommends that the Governor issue a proclamation officially acknowledging and accepting the existence of tribes and tribal governments. Acknowledgment of tribes would provide a clear and consistent policy directive and would help eliminate some of the obstacles State agencies have faced in working with tribes for local delivery of services. It would also form a foundation for local self-governance in rural Native communities, in line with Alaska's constitutional policy of maximum local self-governance. *Second*, the Governor should deliver a clear policy statement directing State agencies to develop protocols for working with tribes and tribal governments. *Third*, the Governor should invite all tribes to the table for a summit to forge a two-way, permanent framework for a working relationship. The Governor should take this step to reassure tribes of the State's commitment to substantive change and improved relations.



*“The one thing that I cannot stand is being ignored. You can spit in my face, but don’t ignore me. Don’t patronize me. Don’t pretend that my involvement in the life of the state has no meaning other than to accept it on terms that are inimical to my survival.”*

Representative Albert Kookesh, Alaska Native and member of the Alaska State Legislature

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*The following recommended Administrative Order (AO) emphasizes that tribes operate legitimate local governments and that Alaska Natives are residents and citizens of the State of Alaska and citizens of the United States. It directs State agencies to develop policies for their relationship with tribes and to appoint a tribal liaison. It also suggests that the State invite tribes to negotiate a long-term working agreement, but relies on tribes to take the initiative in shaping those negotiations.*

## **Draft Administrative Order**

I, Tony Knowles, Governor of the State of Alaska, under the authority granted by Article III of the Alaska constitution and by Alaska Statute 44.17.060, hereby establish the State of Alaska Tribal Relations Policy.

The authority to recognize Native groups as tribes rests exclusively with the federal government. In Alaska the federal government has recognized 227 tribes (including the Metlakatla Indian Community). The purpose of this Administrative Order is to set a clear administrative policy defining the State's relationship with Alaska tribes consonant with state law. While the State has acknowledged tribal status through briefs filed in court cases, there is a clear need to establish a more comprehensive and mutually respectful state-tribe relations policy.

First, tribes are recognized by the United States. In this regard they deserve the respect accorded to any other government. Second, many Alaska tribes operate legitimate governments established and operated by the citizens of their communities. The State of Alaska has a long-standing commitment to local self-government. This commitment is reflected in the State's history and in the State constitution. It is rooted in the belief that the best and most effective solutions to local problems are those that are conceived locally. Finally, the State wants to ensure that all of its citizens are provided the services to which they are entitled.

Based upon these principles, I hereby proclaim that the following actions be taken:

1. A cabinet-level position shall be created to coordinate rural and Native programs and issues.
2. State agencies shall work with tribes, tribal governments and Native organizations.
3. Each state agency shall develop policies and protocols for working with tribal governments.
4. All State commissioners shall appoint one contact person within their departments to serve as a tribal liaison.
5. The tribes of Alaska shall be invited to enter into negotiations with the State for the purpose of establishing a framework for ongoing relations.

Finally, I will appoint a cabinet-level group to create policy and provide oversight on rural issues, and to facilitate improved coordination, communication and decision making on issues that directly affect Alaska Natives.

**Draft**



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**SUPPORT LOCAL INVOLVEMENT IN STATE POLICY AND PROGRAM DEVELOPMENT**



*Findings and Background*

In some cases, the Governor and State agencies are doing an excellent job of involving local people and communities early in the planning and development of projects and public policy.

For example, the Department of Environmental Conservation has a section committed to working with rural Alaska, and individual department programs work closely with local people as they develop programs and projects such as waste management facilities in rural communities. In an effort to involve rural communities in statewide planning, Chugachmiut, in partnership with the Department of Environmental Conservation, developed a manual entitled “Seven Generations: Addressing Village Environmental Issues for the Future Generations of Alaska.” A training program to include five workshops and a trainers’ guide is being developed to complement this. The Departments of Environmental Conservation and Community and Regional Affairs have completed “A Plain English Guide to Alaska Drinking Water and Wastewater Regulations” to assist rural water and wastewater utilities in understanding State and federal regulations. It is designed to be user friendly and understandable to the technical operator, as well as the non-technical utility manager.<sup>14</sup>

Some agencies, however, implement policy and programs without meaningful involvement of local citizenry or coordination among agencies. It is important for State departments to notify, involve and coordinate with rural communities to the greatest extent possible.

Many rural Alaskans expressed concern about not being notified as projects are in the development stages. They noted that policy discussions are often out of their reach, as many meetings are held in the large urban areas and traveling is expensive.

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*“We have an opportunity here to make our state a better place to live. We have all the resources, and the money, and there is no reason why we should have winners and losers in the state.”*

Mike Williams, Alaska Inter-Tribal Council

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<sup>14</sup> “Seven Generations” planning manual (1999).

### *Next Steps*

The State of Alaska must involve local people in the planning process early to encourage collaboration and communication. It is equally important to follow through on local recommendations. Current efforts to solve local problems at the local level should continue and should be supported. When local people's ideas and interests are included by the State the results are usually more successful.

The Governor should encourage his agency and cabinet-level representatives to travel and meet face-to-face with community residents while public policy is being developed. Members of the legislature should also be encouraged to travel and meet with rural Alaskans and should give agencies the resources to provide more hands-on assistance and to increase the involvement of local people.

More rural Alaskans should be appointed to boards and commissions.

Maintaining up-to-date lists of tribal contacts is critical if the agencies are to include Alaska Natives in planning and decision making.

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### **EXTEND STATE SERVICES TO RURAL ALASKA THROUGH COLLABORATION**

#### *Findings and Background*

Vast distances, expensive travel, and scarcity of resources present fiscal challenges for delivering services to rural Alaska residents. These challenges are amplified as the State of Alaska faces budget pressures.

Although the State government's financial contribution to rural Alaska has slowed, local people are using existing tools and leadership to develop innovative ways to deliver services.

A grassroots approach appears to be the best way to build sound governance systems. This approach takes a long time and runs the risks of occasional failures and jurisdictional conflicts. However, leadership is about empowering others.

The Bureau of Indian Affairs practice of transferring program delivery to tribes has had positive results.



*“Every legislator and policy maker should visit rural Alaska. It’s important that they truly understand and visualize the conditions in every region and sub-region of the state when developing legislation and programs. Everything and anything that they do affects Natives and non-Natives alike.”*

Chuck Greene, Mayor,  
Northwest Arctic Borough

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### *Next Steps*

The Commission encourages local communities to develop mechanisms (such as agreements, contracts, and guidelines among cities, boroughs, non-profits, corporations, tribal governments and regional organizations) to coordinate resources for all residents. Local communities must work together and develop the means to maximize resources. Communities should demand coordinated assistance from the State.

State departments need to initiate and negotiate service delivery and management agreements with appropriate entities in rural Alaska.<sup>15</sup> State agencies should enhance tribal and local governance capacity by: delegating authority to the extent permitted by law, creating service agreements, and allowing tribal governments or appropriate entities to build their capacity to deliver more services in rural Alaska.

The Governor should direct his cabinet to identify services that can be contracted to tribal governments or appropriate entities. Not only does this decentralize State government, but it also utilizes the successful elements of privatization that are coming to the forefront during this time of government downsizing. Having access to State and federal funding will enable these governmental entities and non-profits to leverage resources.



*“We hold tribal governments to a much higher standard than we hold our own government. We don’t entrust them to certain things because they might do something wrong. We are dealing with people and people make mistakes, and we cannot hold tribal governments to a standard that we will not set for ourselves.”*

John Shively, Commissioner,  
Department of Natural  
Resources, Rural Governance  
Commission meeting, April  
1999

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## **COOPERATE WITH TRIBAL EFFORTS TO TRANSFER LAND INTO TRUST**

### *Findings and Background*

The Supreme Court did not eliminate all Indian country in Alaska, and Indian Country remains an opportunity for all Alaskans.

The Supreme Court's *Venetie* decision did not address the status of Native allotments and Native townsite lands. Thus, these lands may still qualify as Indian country under federal law. In the future it may be possible for more Indian country or trust land to be established that could well serve the public policy interest of the

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<sup>15</sup> Sample agreements include: City of Galena, Loudon tribe and EPA on waste management; Sitka City and Tribal MOU recognizing each other as a government; and Kawerak has combined their state-funded social services with the federally funded ICWA programs for a more vertically integrated efficient program.

State of Alaska in dealing with a range of land-based jurisdictional issues involving alcohol and other substance abuse control, economic development, environmental management and local governance innovation.

*Next Steps*

The State of Alaska should recognize the potential benefits to the state to further enhance local control and economic opportunities, and not foreclose the option of allowing tribes to transfer their land into federal trust status. Further, the State of Alaska should maintain an objective view of Indian country issues and not continue its historical view that Indian country in Alaska is inherently threatening to state sovereignty. The State should also continue to acknowledge that Alaska Natives hold land that is subject to federal restrictions and oversight. These lands include Native townsite lots, Native allotments, a few parcels of trust land, and the Annette Island Reserve.

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**ESTABLISH AN ACCORD WITH METLAKATLA**

*Findings and Background*

The State has not formally acknowledged the Metlakatla Indian Community's unique circumstance as the only reservation in Alaska. The Attorney General's Office and high-level State officials are aware that Indian Country does exist on Annette Island. However, this reality is not reflected in the specific policies and programs that filter through the State system.

*Next Steps*

In addition to inviting all tribes to the table for government-to-government dialogue, the Governor should negotiate a formal accord with the Metlakatla Indian Community (MIC) that recognizes it as a government entity to a degree fully consistent with its Indian Country status. The result of the negotiation could be a document where the sovereign status of MIC is acknowledged, and the guidelines for cooperation between the Annette Island Reservation/MIC and the State of Alaska are outlined.

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**BRING ALASKANS TOGETHER**

*Findings and Background*

Rural Alaskans feel disenfranchised as a result of the State’s lack of a consistent approach to tribes, legislative actions and voter initiatives. The 1998 education funding bill that disproportionately impacted rural Alaska, the “English only” law, the impasse on subsistence, and the failure to pass legislation allowing Native-run family assistance have exacerbated the situation. The Commission heard from rural Alaskans who are anxious about what the future holds in light of these legislative and political actions. The Commission found rural Alaskans suspicious of the State actions by all branches of government. Rural people often don’t differentiate one branch of government (e.g., legislative, administrative and judicial) from another. Hence, the actions of any one are often perceived as those of the “state” as a whole.

The interest generated by the establishment of the Rural Governance Commission and the ensuing dialogue has reinforced the adage that communication is essential. The Commission’s outreach has increased the public’s general understanding of Native and rural issues. The momentum developed by the Commission and enthusiastic response by the public suggests the need to continue, and even increase, the statewide dialogue.



*“Education is the key and very important to our recommendations. The issues we are dealing with, the threat people feel by tribes and the prejudices are all stemming from ignorance.”*

Gilda Shellikoff, President,  
False Pass Tribal Council

### *Next Steps*

The State needs to initiate a healing process by strengthening “Alaska’s family.” The Governor could begin this process by establishing a group of Alaskans to promote dialogue and continue the education necessary to bring all Alaskans closer together. Such an entity would promote the dialogue the Commission began by:

First, broadening Alaskans’ understanding and appreciation for the others’ rural circumstances.

Second, building awareness of common problems for possible common actions.

Third, promoting initiatives and the State services available.

Fourth, supporting efforts to bridge internal village divisions and encourage cooperation between tribal, city and other local government agencies.

Such an entity would not need to be a decision-making body, but an advisory and advocacy group that could include members of the legislature. The group should report to the Governor, Legislature and Judiciary. Such an effort would need support and funding from the Legislature and Governor.

## **Jobs, and Economic and Community Development**

*Alaska Natives need more cash-paying jobs. Jobs will always provide a vital link to self-determination. As reported in the Institute of Social and Economic Research 1999 report on Expanding Job Opportunities for Alaska Natives, a majority of adult Natives in rural Alaska were without jobs in 1990. Further, there is no evidence showing any marked improvement in employment rates in 1999.*

*Subsistence remains the cornerstone of the rural economy. Because of the social, economic and spiritual values tied to subsistence, it must be supported and nurtured as a vital component of overall economic and community development. As part of the transition toward a cash economy, it is important to recognize and support those who have retained valuable traditional knowledge, and to compensate them for teaching these vital skills to new generations.*

*Government, particularly local and tribal, is a significant economic contributor in rural Alaska. Tribal and Native-owned businesses are building their employment base in villages, but public services still provide most of the stable, year-round jobs for rural Alaskans.*

*Much of Alaska's resource wealth is located in rural Alaska. The North Slope oil fields, Alaska's rich fisheries, timber, mineral deposits, and visitor attractions are all present in rural Alaska. As a center of commerce for the economic use of these rural resources, urban Alaska benefits greatly from a cooperative relationship with rural Alaska.*

*Successful private developments in rural Alaska must be pursued in partnership with local people and government. Both ongoing local support and publicly funded infrastructure create opportunities for private sector investment and jobs.*

*There is a strong interrelationship between jobs, education, and community infrastructure. Education includes more than K-12 classrooms. It should include workforce development and rural job-related training (e.g. power plant maintenance and utility management). Communication links are as essential to a sound economy in rural Alaska as they are between Anchorage and Seattle. And almost all industries require basic, reliable sanitation and electricity.*

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## SUBSISTENCE

### *Findings and Background*

Subsistence is a way of life in rural Alaska that is vital to the preservation of community, tribal cultures and economies. Subsistence hunting and fishing exist as part of a mixed economy in rural Alaska, where harvest of wild foods and the cash incomes to support harvest activities are both essential. Protection of subsistence resources and the rural subsistence priority for use of fish and game is of great importance to virtually all rural Alaskans.

An essential part of the Alaska Native Claims Settlement Act was Congress' promise to forever protect the Alaska Native subsistence way of life. That promise was enacted into federal law in 1980 in the Alaska National Interest Lands Conservation Act. ANILCA protects subsistence uses by "rural" Alaska residents. The rural priority in ANILCA was a political compromise designed to protect subsistence uses by Alaska Natives because the State of Alaska insisted that an Alaska Native preference was not permitted under the State constitution. Congress presumed that subsistence fishing and hunting by Alaska Natives would be safeguarded by the rural preference under ANILCA. As with the federal law, the State law also protects subsistence uses in rural areas. However, both rural and urban residents are eligible to participate in these rural hunts and fisheries.

Political opposition to a rural subsistence priority is seen by rural Alaskans as an attack upon their traditions, culture and preferred way of life. Similarly, the State's failure to resolve the subsistence issue divides rural and urban Alaskans and alienates rural Alaskans from State government. Increasingly rural Alaskans welcome federal management of fish and game as an alternative to State management without a rural subsistence priority.

Economic development and subsistence hunting and fishing in rural Alaska are two sides of the same coin, and do not need to conflict. Commercial and subsistence fisheries are an example of how the two can work together. Local job



*"I spoke of what subsistence means to rural Alaska, Alaska Natives, women and families. What does it really mean? It is part of our whole life. When the snow and rain get mixed in with the wind then we know that this is the time that herring are going to spawn. We know that this is a spiritual thing that happens within us. It is more than just food. And I don't know how we are ever going to capture this in little hard words on a piece of paper."*

Marlene Johnson,  
Commissioner,  
Commercial Fisheries  
Entry Commission



opportunities provide the cash incomes needed to purchase fuel and supplies for subsistence hunting and fishing. Rural residents harvest approximately 44 million pounds of fish and wildlife for food, the replacement value of which is \$220,000,000. Subsistence is a major source of employment and sustenance for families in rural Alaska; subsistence participants work to feed and clothe their families.

There are many lessons to learn from the federal implementation of the regional council system. In the federal system, subsistence users must be well represented on the councils. As a result, they have successfully employed the use of co-management processes whereby management bodies share equal representation, responsibility and power in the management of wildlife resources.

#### *Next Steps*

The State should resolve the subsistence crisis by adopting a constitutional amendment recognizing a rural subsistence priority that meets the requirements of, and honors, the State's agreement in ANILCA.

Additionally, rural residents should be provided an effective and meaningful role in resource management decisions that affect them, through greater participation in the State and federal regulatory system, and through development of state-federal-tribal co-management agreements.

During any period of continuing dual management, the State and federal governments should work very closely with one another in coordinating two conflicting regulatory systems. If that does not happen, the result will be suspicion, secrecy and errors of fact and judgement that will harm the species and their habitats. The present system of dual management is an ineffective way of regulating highly mobile migratory species since animals travel without regard to human ownership of land.

The State should assure that subsistence regulations provide for and protect the subsistence way of life for rural residents while not exacerbating the divisiveness between urban and rural Alaskans. To accomplish this the State should work with the Federal Subsistence Board.



*“The cornerstone of rural Alaska is subsistence. We will never have a healthy economy in rural Alaska without subsistence.”*

Chris Cooke, former Bethel Superior Court Judge and currently a partner in a law firm

Regardless of political obstacles, the State and federal subsistence management agencies must cooperate to maximize efficiency and minimize confusion for hunters and fishermen.

The Governor should work with Congress to ensure that Title VIII of ANILCA is not limited or weakened in any way. Also, the definitions and procedures need to be improved to protect formerly rural Native communities that have been swallowed up by non-Native in-migration, by mandating co-management regimes involving the United States, the State of Alaska and the tribes.

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## STATE INVESTMENT IN RURAL ALASKA

### *Findings and Background*

Rural Alaskans face many economic challenges, including the small size and remoteness of local markets, the high cost of labor and other inputs, and the lack of basic infrastructure. Successful rural development projects such as the Red Dog Mine in the NANA region illustrate the value of State-supported development. Indeed, much of Alaska's private employment and development was initiated or facilitated by the State government.

State municipal assistance and revenue sharing helps provide the most basic resources needed for rural Alaska communities to remain viable. Further reductions in rural programs or construction assistance will be a major blow to the entire Alaska economy. Recent research confirms that for many "rural" capital and infrastructure projects, more than 70 percent of project expenditures go directly to the urban economy.<sup>16</sup>

Economic development will be severely hobbled without modern, basic infrastructure. State-supported-roads, ferries, harbors, schools, and telecommunications promote private business and local employment. At the same time, these investments can create operations and maintenance burdens borne by local residents and by the State itself. In

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<sup>16</sup> Professor Steve Colt, UAA Institute of Social and Economic Research, personal communication, June 8, 1999.

order to be sustainable, additional investments should reduce, rather than increase, these overall O&M burdens.

Self-determination and viable local governance structures are a critical precursor to self-sustaining economic development. Exhaustive research<sup>17</sup> on American Indian tribes has clearly shown that without political self-determination, long-run economic development simply does not occur.

Alaska will lose its competitive edge within the global economy if it fails to nurture and educate all its people within healthy, safe home and school environments. Reductions to programs in rural Alaska not only reduce employment opportunities. They also shirk basic responsibilities under the State constitution.

### *Next Steps*

The State of Alaska must invest in its future by ensuring that a strong, stable, and accountable unit of State government carries out rural development functions. State programs and assistance must be flexible and relevant to the needs and cultures of rural Alaskans.<sup>18</sup>

Based on local initiatives, the State development agencies, including the Jobs Cabinet,<sup>19</sup> must work together to make available fiscal, economic and educational tools that provide maximum benefit to rural Alaskans. The current Jobs Cabinet and the future economic development agencies must promote the tools to local governments, citizens and businesses. Information on programs, technical assistance, and training must be broadly distributed throughout the state, among all government entities and non-profits.

State support for rural infrastructure including transportation systems, housing, schools, telecommunications, fuel storage, sanitation and harbors is critical. The Alaska Department of Transportation and

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<sup>17</sup> Most recently by the Harvard Project on American Indian Economic Development. (Professor Steve Cornell, Project Director, personal communication with Victor Fischer, June 1999).

<sup>18</sup> Rural Governance Commission sent a letter to the administration and the legislature regarding the consolidation legislation. They requested that the Administration and the Legislature hold the bill until thorough review and involvement of rural Alaska occurred.

<sup>19</sup> The Jobs Cabinet was established by the Governor, as were other cabinet-level groups, to focus on specific areas of need.

Public Facilities must lead a collaborative effort between State and federal agencies to continue the development of necessary infrastructure. The department should particularly encourage those investments that reduce, rather than increase, the maintenance burdens borne by local residents.

Whenever possible, State leaders should educate the public about the direct and long-term benefits of rural investment projects to the urban Alaska economy.

**STATE EMPLOYMENT**

*Findings and Background*

The percentage share of Alaska Natives employed in the executive branch has increased only slightly since 1995, from 4.5 percent to 4.8 percent in 1998.

**Executive Branch Employment Statistics**

| Year | Total Employees | Alaska Native | Total Minority Employees |
|------|-----------------|---------------|--------------------------|
| 1998 | 13,332          | 641 (4.8%)    | 2,197 (16.5%)            |
| 1997 | 13,317          | 625 (4.7%)    | 2,150 (16.1%)            |
| 1996 | 13,582          | 635 (4.7%)    | 2,144 (15.8%)            |
| 1995 | 13,644          | 612 (4.5%)    | 2,062 (15.1%)            |

(An additional twenty (20) Alaska Natives in the category “Alaska Marine Highway, Unlicensed” have been hired since 1995, for a total of sixty-one (61) employees. Today, there are three Alaska Natives and one Asian/Pacific Islander employed as teachers in State-run educational institutions within the Department of Education (e.g., Alaska Vocational Technical Center, Mt. Edgecumbe, and the statewide correspondence program). No minorities were employed under this category during the previous administration.)

In signing the State’s 1998 Affirmative Action Plan, Governor Knowles indicated that: “where under-utilization of minorities and women in a job group has been identified, the State hiring official shall give consideration to qualified minority and women applicants to fill vacant positions.”

Through “Work Place Alaska,” the State hiring process has the potential to become more accessible for applicants in rural Alaska. In addition to removing some of the cumbersome steps to applying for a State job, the Department of Administration is

pursuing expanded use of the Internet and other public posting options.

Poor access to the internet remains a serious barrier for rural Alaskans trying to track and apply for jobs by computer. The required equipment, technical support and long-distance service are all costly. Several Native regional non-profits, through federal grants, are working with rural communities to improve their Internet access. Administered by the State (Alaska Job Center Network) with federal funding assistance, the effort to combine employment services for ease of access (“one stop”) is also bringing more internet technology to rural Alaska.

Several State agencies contract directly with regional non-profits, cities and tribes to provide traditional State services. Welfare reform is a driving force for developing partnerships between the State and non-profit organizations. These partnerships extend the reach of the State into local communities, and help improve Native employment and economic development opportunities.

Alaska Native non-profit regional organizations have an excellent track record of hiring local Alaska Native residents. Their knowledge of successful trainees, college graduates, past employees and prior applicants increases their ability to recruit qualified local applicants. This valuable data bank brings opportunities that no other employer can match in terms of hiring locals.

Tanana Chiefs Conference (TCC), a Native organization, ranks among the 20 largest Alaska employers. TCC is located in Fairbanks and has become the second largest employer in the city. Its May 1999 payroll totaled 660 full- and part-time employees in Fairbanks and throughout outlying member villages. The number of TCC employees more than doubles with summer/ seasonal jobs. Of its 660 employees, 76 percent are of Alaska Native and American Indian origin.

TCC created 44 full-time and part-time positions as a result of the State/Tribal agreement supporting its federally funded tribal family assistance program, the Athabascan Self-Sufficiency Assistance Partnership (ASAP). The program reports 100 percent Native hire. Half-time positions exist in 38 villages and five full-time jobs are located in TCC’s central office. TCC hired some temporary assistance recipients, who no longer receive welfare and are assisting other clients as they search for

employment opportunities. Delegating authority to tribes and combining State and federal funding shows how jobs CAN be created that directly benefit local families and economies.

#### *Next Steps*

The Department of Administration should spearhead an effort to hire more qualified minorities, including Alaska Natives, into State government. Alaska Natives who are qualified should be recruited to apply for vacant positions in rural areas and encouraged to compete with other applicants.

The Department of Administration, which is responsible for Work Place Alaska, should continue to expand its efforts to broadly distribute job announcements using new technologies. The department should coordinate with local governments (including tribes) and regional non-profit organizations in this process. When a State agency position becomes available in a rural area, the vacancy should be publicized among all statewide rural organizations.

Additionally, current Alaska Native and other minority State employees should participate in job-related training and skills upgrading programs offered by their employer agency.

The executive branch needs to continue to develop strategies and incentives to employ rural Alaskans through contracts and agreements with regional non-profits and tribes. In addition, given the demonstrated, dramatic success of partnerships with groups such as TCC, legislation enabling all State agencies to develop such partnerships should be vigorously explored.

The Governor should provide incentives and public recognition for managers and directors in State agencies who increase State employment of local people in rural Alaska.

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## **JOBS THROUGH ECONOMIC DEVELOPMENT PARTNERSHIPS**

### *Findings and Background*

Economic partnerships of local parties and the State and federal government are providing exciting new opportunities for rural Alaska. Native corporations and local governments are working together, leveraging their assets on more projects and becoming an economic engine for rural Alaska.

The Commission found a perception in some villages that ANCSA corporations, while having made a difference in lives

and communities, could coordinate better. Such cooperation helped the village of Unalakleet in the construction and operation of its value-added fish processing plant.

A federal program, the Community Development Quota Program (CDQ), provides a special 10 percent set aside of most ground fish species for harvesting and value-added production by many western Alaska communities. Oversight of the CDQ program is jointly managed by the State and federal governments, with the local management and business dealings handled by CDQ partnerships between local communities and private businesses. This approach to natural resource development helps ensure that more of the benefits — including jobs and profits — remain within the state and the rural maritime regions.

#### *Next Steps*

All organizations in rural Alaska, including ANSCA corporations, should partner to maximize and leverage resources for economic development.

The State must promote more partnerships similar to those developed through the Community Development Quota program. The State should be open to new business practices and approaches that might be initiated by CDQ groups.

The Governor, acting through the natural resource agencies, should explore the possible application of the CDQ model in the development of State-owned natural resources including timber and fisheries. Building strong incentives for local partnerships into leases or harvesting permits could help surmount existing barriers to local hire and in-State preference.

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## **TRAINING AND HIRING IN RURAL AREAS**

### *Findings and Background*

While the creation of jobs is a critical first step toward rural development, new jobs are only part of the solution. Rural jobs will not benefit rural Alaska unless local people have the necessary skills and attitudes to fill the jobs. A skilled, enthusiastic local work force must be continuously nurtured through effective education and training.

The Knowles administration has placed great emphasis on transferring jobs currently held by “outside” workers to



*“The state and federal government are taking action to ensure that community development will proceed according to a region’s plan. We will work with residents of each region to structure a new plan that brings jobs and supports fisheries development in western Alaska .”*

Deputy Commissioner Lamar Cotten, Department of Community and Regional Affairs



*“It is time for the State to start working with Alaska tribes. Change laws if necessary to have tribal governments on the local level administer the economic opportunities that present themselves to our people.”*

Willie Kasayulie, Tribal Services Director, Akiachak Native Community

Alaskans. Under the leadership of the Governor, the Jobs Cabinet has worked on a number of initiatives such as WorkStar to encourage private and public employers to train and hire Alaskans, specifically rural Alaskans and those in need. WorkStar is a governor-appointed, private sector committee that helps the administration ensure that State programs for training and placement are useful and pertinent. WorkStar also recognizes employers for outstanding accomplishments in hiring Alaskans who were previously on welfare.<sup>20</sup> The Department of Health and Social Services, the Department of Commerce and Economic Development and the Alaska Human Resource Investment Council worked together to spearhead the overall WorkStar concept of involving employers in the welfare-to-work and other employment processes.

Many tribes and regional non-profits have Tribal Employment Rights Ordinances (TERO) to train and employ Alaska Natives and assure compliance with Indian preference laws on Indian Country. Most tribes with reservations or Indian country charge a TERO fee to employers subject to the TERO. The fee funds training and employment programs for tribal members and a TERO enforcement office. In addition to establishing training programs and Native job pools, TEROs generally establish Native hiring preferences and mandate numerical hiring goals for covered employers operating within Native villages. TEROs also provide for monetary sanctions if covered employers fail to comply with the ordinance. Sixteen regional non-profit Native organizations banded together to exchange training strategies and coordinate data management. This coalition, the Alaska Native Coalition on Employment and Training (ANCET), also seeks new approaches to applying more Native preference laws to State of Alaska government programs. The use of TEROs in Alaska may be problematic as a result of the recent *Venetie* decision, which held that lands conveyed pursuant to ANCSA are not Indian Country. Without Indian Country it is questionable that tribes have the authority to enforce TEROs.

#### *Next Steps*

All arms of State government, with leadership from the Governor, should work directly with the communities, tribal

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<sup>20</sup> WorkStar is patterned after the highly successful Green Star Program, a cooperative effort of the Anchorage Chamber of Commerce, the Alaska Center for the Environment, and the Alaska Department of Environmental Conservation Pollution Prevention Office.



governments, non-profits and training organizations to promote Native and local employment, as outlined and recommended in the agreement between the State and the Alaska Native Coalition on Employment and Training.<sup>21</sup> The State should also develop agreements and initiate contact with regional non-profits and tribes to discuss regional projects in a timely fashion and to help identify and prepare a properly trained local work force.

With legislative support and to the extent permitted by law, the Department of Public Safety should train, compensate, and delegate authority to village public safety officers to enable them to provide a broader array of public safety services. This will extend the reach of the State public safety functions and help satisfy the critical need for more jobs in rural Alaska.

The Jobs Cabinet should continue its employer outreach activities such as WorkStar that encourage the training and hiring of local people.

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## **FLEXIBLE AND RESPONSIVE CONTRACTING**

### *Findings and Background*

Many State agencies, particularly the Departments of Health and Social Services, Environmental Conservation and Community and Regional Affairs, contract for services or develop partnerships with communities, tribes and non-profit organizations to train workers and promote local employment. However, no statewide policies or procedures are in place to support or expand these practices. This inconsistency makes rural communities unsure as to whether they can pursue options such as force accounts, compacting, project labor agreements, or direct contracts between the community and the State.

Force accounting gives local communities access to local project jobs while providing the flexibility to schedule projects around rural lifestyle and cultural activities by local people (e.g., commercial fishing and subsistence hunting and fishing). Force account construction allows public facilities to be constructed by willing local governments, without competitive bidding, using their own employees and equipment. Local government has more control over the means and methods of construction when force accounting is used. The communities also have more

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<sup>21</sup> Alaska Native Coalition on Employment and Training (ANCET) — State MOU (1994)

flexibility to hire local people, and work schedules can allow for local activities such as subsistence and fire fighting.

Compacting and contracting have significantly changed the way federal agencies manage programs and distribute funds. This procedure of transferring programs from the federal government to regional non-profits and tribes has put the resources and decision-making authority into local Native hands.<sup>22</sup>

Finally, project labor agreements can sometimes be struck between the State and the major unions supplying labor to a specific project. These agreements *may* help to provide greater job training and employment opportunities for local communities.<sup>23</sup> This would work best when local people are involved with such agreements.

### *Next Steps*

The Governor should encourage agencies that are constrained by statute from working with tribal governments and Native regional organizations to partner with agencies that have the flexibility to work directly with these groups.<sup>24</sup> The Legislature should review, and possibly revise, these and similar restrictions.

The Governor should direct State agencies to develop procedures, within the bounds of State law, requiring or firmly encouraging consultation with local communities on locally available workers as a part of the bid preparation process.<sup>25</sup>

State agencies should hold more “pre-job” conferences with contractors to encourage the training and employment of local people. These conferences will help overcome the concern that rural Alaska workers lack adequate training and resources to participate in contracts.

State agencies should expand the use of force accounting for projects in rural Alaska by identifying and eliminating obstacles to operating construction projects on a force-account basis

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<sup>22</sup> “Expanding Job Opportunities for Alaska Natives Report” (1998) has more information on compacting.

<sup>23</sup> State of Alaska Attorney General opinion: “Legality of Project Labor Agreements.” (1999)

<sup>24</sup> There is language in the Alaska Statutes that inhibits the Department of Transportation and Public Facilities from working directly with local governing bodies other than municipalities on certain public works projects. Many other state and federal agencies do not have such a restriction.

<sup>25</sup> This recommendation was also provided in the recent University of Alaska, Institute of Social and Economic Research (ISER) report: “Expanding Job Opportunities for Alaska Natives.”



*“PCE is often labeled a subsidy. It is not. Rural Alaska did not benefit from the hundreds of millions of dollars invested by the State in major energy projects. These projects – Bradley Lake, Terror Lake, Swan Lake and Tyee Lake hydroelectric projects and the Fairbanks /Anchorage Intertie – help keep urban electric rates low. The PCE program is rural Alaska’s way of sharing in those benefits.*

*Even with PCE, rural electric rates are at least twice as high as urban Alaska. If PCE is discontinued, rural electric costs will be two, three and even four times what they are today. The impact would be devastating. Many communities would cease to exist. Rural economies would be crippled if they survived at all. The loss of PCE would also place in jeopardy the millions of dollars of government-funded infrastructure investments.”*

Director Percy Frisby, Division of Energy, Department of Community and Regional Affairs

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(This requires creative and thorough “public-purpose analysis” for each force account request). While not a perfect solution, force accounting gives local people control over the scheduling and methods of construction and enhances local employment, furthering the goal of local self-governance.<sup>26</sup>

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## **ENERGY IN RURAL ALASKA**

### *Findings and Background*

Distances between communities, high-energy costs, and logistical difficulties in procuring goods and services account for the large and persistent disparities in the cost of living and the cost of doing business between rural and urban Alaska. These factors combine to increase the economic challenges facing rural Alaskans. In particular, high energy costs exert a drag on development despite the fact that per capita energy consumption in rural Alaska is about half the level found in urban areas.

The Power Cost Equalization (PCE) Program was established in 1984 to provide economic assistance to rural Alaska utility customers by paying part of their electricity costs. This program helps ensure the viability of local utilities as well as the availability of reliable power.

One critical use of PCE-supported electricity in many villages is for the operation of water treatment plants, washeterias, and piped sewer systems. Without PCE, the considerable burden of operating and maintaining these sanitation systems would become truly formidable, with potentially disastrous consequences for health and well-being.

The construction and operation of energy projects usually benefits rural Alaska through direct employment. In addition, intelligent projects, such as generator efficiency improvements and weatherization, can also lower energy costs and provide a permanent boost to disposable income and the local business climate.

### *Next Steps*

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<sup>26</sup> Ibid.

Development agencies — such as Alaska Industrial Development and Export Authority (AIDEA), Alaska Housing Finance Corporation (AHFC), and the Division of Energy — should encourage the immediate deployment of high-efficiency lights and equipment in rural communities to reduce the economic and environmental cost of dependence on fossil fuels. In addition, these agencies, as well as the ASTF and the University of Alaska, should continue longer-term efforts to develop safe, reliable, and renewable energy sources. Such alternatives need to be thoroughly tested in rural conditions. The State Division of Energy should expand its efforts to assist rural communities by developing alternative funding sources for energy-related projects.

The Legislature should fully fund the Power Cost Equalization Program pending completion of the shift to more efficient end use equipment and the development of cost-effective and locally appropriate energy sources.

To the extent that imported diesel fuel remains central to local energy economies, the Division of Energy should promote continued consolidation of tank farms into individual, co-compliant community facilities. This helps protect health and the environment, while curbing the long-term cost of energy as operations, maintenance, and insurance costs are reduced.

Legislative appropriations are needed for the training of rural Alaskans to operate and manage local energy systems. Courses to increase the skills of local power plant and bulk fuel tank operators would increase the efficiency of these systems and protect the State's investment in equipment. Better training for clerical staff could improve billing and collections and reduce the need for State oversight of these functions.

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## COORDINATED REGIONAL DEVELOPMENT

### *Findings and Background*

Due to the geographic isolation of rural communities and the higher cost of doing business in rural Alaska, cooperation and coordination among economic actors is imperative. The distance to commercial centers and the lower populations of rural communities, combined with the



*“The PCE program is essential to the lives of the residents and economic development of rural Alaska where high power costs impact all aspects of these communities. It is only fair that all Alaskans, rural and urban, enjoy a basic standard of living, as well as economic opportunities, without regard to geography and energy circumstances.”*

Governor Tony Knowles,  
May 4, 1999, press release  
unveiling his long-term  
rural power funding plan

competitive nature of the global economy, makes the issue all the more critical.

Development plans and projects must be economically feasible for the parties involved if they are going to be sustained by the private sector. Markets must exist — or be developed — for the products or services produced and a labor pool must be available to fill the jobs at viable wage rates. One-time subsidies can always be used to “jump-start” development in isolated places, but sustained economic progress requires attention to economies of scale and to the benefits of regional coordination.

#### *Next Steps*

Rural communities and businesses considering new startup enterprises need to consider the value of combining efforts on a regional basis to compete on a larger scale. Regional approaches must be locally supported, and must not take power away from rural Alaskans.

The State development agencies need to work with the Governor’s Jobs Cabinet to coordinate their functions and programs to help communities, individuals and businesses explore economic opportunities in rural Alaska. Alaska Regional Development Organizations and regional non-profits can assist this effort by serving as a clearinghouse for information and a source of technical assistance.

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## NATURAL RESOURCE AND ENVIRONMENTAL MANAGEMENT

### *Findings and Background*

Healthy fish and game resources and a healthy environment are critical to the cultural, social and spiritual well-being of village people. These resources also support village economies. The critical importance of fish and game to rural Alaska means that this issue does not lend itself to easy solutions. Yet it is an issue that must be resolved to preserve the Alaska Native culture and to repair the rift between urban and rural Alaska. Conflicts in resource use result from increased competition and from the inadequacy of meaningful local and tribal participation in management regimes.

### *Next Steps*

Greater understanding and cooperation between local people and State agencies on natural resource management issues can produce desired results. Cooperation can be improved by increased local hire in resource agencies, particularly within the Alaska Department of Fish and Game. The department has many field positions and could benefit from employees who have local knowledge and skills. The Governor needs to encourage the federal agencies responsible for resource management on federal lands in Alaska to institute local hiring programs as allowed by ANILCA.<sup>27</sup>

Local governments and regional organizations must develop land management policies, plans, and programs that protect local hunting and fishing opportunities. These local and regional programs and policies should be developed cooperatively with State and federal agencies and coordinated with State and federal programs. In order to foster cooperation between Native and non-Native resource managers and users, Alaska tribes must have meaningful involvement in the development of these policies and programs.

State and federal agencies should support and enter into contracts that authorize tribal governments and regional

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<sup>27</sup> 42 U.S.C. Sec. 3198 – Local Hire.

organizations to exercise State and federal natural resource management functions.

The Governor and the administration should encourage and cooperate in the efforts of tribal governments and regional organizations to develop co-management plans with federal agencies. These plans would be used to manage and regulate the tribal members' subsistence use of fish and wildlife on federal public lands in Alaska. This cooperative effort would be a stepping stone toward further local management by demonstrating that Alaska Native self-determination works both to sustain the health of the resource and to address the subsistence needs of local people.

Among resource management professionals, there is a need for communication and dispute resolution at the mid-manager level. Currently, there are mechanisms such as the Alaska Land Managers Forum that address high-level policy matters. Such practices should be implemented for the managers at the operational level.

State and federal agencies should collaborate with Native organizations to solve environmental problems threatening rural Alaska communities. Collaboration would include sharing of resources, joint consultation to address problems in the most effective way, and coordination of State and federally funded activities.

## Health, Social Services and Education

*A sound health care, social services and educational system is critical to the strength and future of local communities in Alaska. As a result of visits to rural areas, the following issues were raised or noted as concerns. Interviews with State officials also made the Commission aware of current programs that provide hope for a promising future for health, social services and educational systems in rural Alaska. The Commission applauds the efforts of the individuals, agencies and communities that are working together to create successful programs.*

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### NATIVE-RUN FAMILY ASSISTANCE —“TANF”

#### *Findings and Background*

In Alaska, welfare reform represents an historic change in how the State approaches public assistance. Likewise, shifting the power to run Native Family Assistance Programs from government to Native organizations and community groups is equally unprecedented. This shift reflects the philosophy that solutions are best found locally, and should be administered by those with a stake in the outcome. Federal law now provides an opportunity for tribes to administer culturally relevant and flexible temporary assistance to needy families (TANF) programs. The transfer of authority for these programs will help promote self-governance. For the programs to succeed, the State must match federal funds for Native assistance programs.

Empowering Native families and helping them choose a path to self-sufficiency is more than just deciding who provides certain services. It is about self-determination, about people using the wisdom passed down over generations to help each other forge a better way of life. It's about knowing what works best locally, and knowing whom to turn to for help when things get tough. Ultimately, the prize of self-governance is deciding what the future will hold. By running Native Family Assistance, local communities will discover this prize, family by family, along the road to self-sufficiency.



*“In accepting the challenge of reforming Alaska’s welfare system, the state must make every effort to build a successful public assistance program. This bill continues Alaska’s efforts to implement effective and responsible welfare reform, particularly in rural areas.”*

Gov. Tony Knowles, February 17, 1998, press release on the bill to allow Native organizations to implement welfare reform

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Several organizations submitted Native Family Assistance Program plans to the federal government in anticipation of the passage of legislation sponsored by the Knowles administration and intended to authorize Native Family Assistance Programs under State law. When the legislation failed to pass, only the Tanana Chiefs Conference, Inc. chose to implement a Native Family Assistance Program. Building on months of collaboration with Native organizations, the Governor directed the Department of Health and Social Services to provide TCC with State funds to administer the program. State law, however, required TCC to operate a program the same as the State's Temporary Assistance program which denied TCC the flexibility needed to implement an innovative and culturally appropriate program. Despite these limitations, the effectiveness of State and tribal collaboration and their commitment to empowering Native families is demonstrated in the early stages of the program.

Early in the 21<sup>st</sup> Legislative session, the Knowles administration again proposed legislation to provide State funds for the operation of Native Family Assistance Programs. While there is broad support for the bill, complex issues related to child support have delayed its passage until 2000.

The shift to providing assistance locally will not be easy. But once again, villages and communities will work together toward a solution to help Natives achieve self-sufficiency.

#### *Next Steps*

The Legislature should pass legislation to allow Native organizations to run Native Family Assistance programs, thus providing Native communities and organizations more control over their own governance.<sup>28</sup>

The Alaska State Legislature should ensure that funds earmarked for Temporary Assistance clients are transferred or continue to be used for recipients served by a Native Family Assistance Program.

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<sup>28</sup> February 12, 1999, letter from co-chairs Mallott and Keith in support of introducing TANF legislation.

The Department of Health and Social Services should ensure that Native organizations operating Native Family Assistance Programs have the flexibility to design their own policies based on local and regional socioeconomic conditions.

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## PROTECTION OF NATIVE CHILDREN — “ICWA”

### *Findings and Background*

Alaska’s rates of child abuse and neglect are among the highest in the nation and Alaska Native children are disproportionately affected. Less than one quarter of Alaska’s children are Alaska Native. But more than half (54 percent in April 1999) of the children in State custody as a result of child protection intervention are Alaska Native. Twenty-five to thirty percent of the children in out-of-home care are from rural areas, and many (40 percent) of these children are Alaska Native.

Too often, Native children who enter State custody must be removed, not just from their family, but from their social and cultural settings. Too many Native children are placed in non-Native foster and adoptive homes away from supportive extended families or affiliated tribal groups. Tribal governments and regional organizations want to assume greater responsibility for the care and protection of Native children and want to prevent the need for protective intervention by State agencies.

The State, tribes and non-profits are struggling to assure that children do not lose their tribal and cultural identity by helping them to remain within the Native culture. While the Indian Child Welfare Act (ICWA) provides a road map for the State and tribes when handling Native foster and adoption cases, it cannot provide any funding to the State. Federal funding depends on congressional appropriations.

Tribes lack the resources and funding streams to assume responsibility for the care and protection of Native children now in State custody or to prevent the need for State intervention.

State government lacks the resources to simultaneously meet its own child protection responsibilities and to assist in



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*“Regardless of the Indian Country ruling, Alaska tribes have been firmly established by federal law. These tribes cannot be denied powers, except by Congress, and in our view, Congress has taken no action to limit the authority of tribal governments in Alaska over their own members in matters such as adoption and child custody.”*

Attorney General Bruce Botelho, May 1998, press release, where state backs expanded tribal role in domestic matters

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the development and ongoing operation of tribal child welfare services.

### *Next Steps*

The Governor should seek short-term federal support to assist tribes to develop the capacity to deliver child welfare services.

In coordination with the congressional delegation, the Governor should pursue a mechanism for Alaska tribes to receive direct reimbursement under Title IV-E of the Social Security Act for foster care and adoption assistance services provided to tribal children. This would provide an ongoing means to support the exercise of greater tribal responsibility for protecting Native children.

Temporary Federal assistance should be provided to support a focused effort by the State and tribes to improve implementation of the Indian Child Welfare Act in existing cases and to make systemic changes that assure effective long-term collaboration in achieving ICWA goals in future cases.

State agency staff, tribal governments and regional organizations, village corporations and regional Native non-profit corporations should focus on compliance with the Indian Child Welfare Act. Training on ICWA must continue and be made available to State agency staff at all levels and to tribal governments, village corporations, and regional Native non-profit corporations.

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## **FETAL ALCOHOL SYNDROME — “FAS”**

### *Findings and Background*

Fetal alcohol syndrome (FAS) and other alcohol-related birth defects result from a woman’s drinking alcohol during pregnancy. One hundred percent preventable, FAS is the leading cause of mental retardation in Alaska. The estimated lifetime cost of medical treatment, disability services and long-term care to each individual with FAS is \$1.4 million. Other alcohol-related birth defects include such conditions as: fetal alcohol effects (FAE), alcohol-related neurological deficits (ARND), fetal alcohol related

conditions (FARC), and alcohol-related birth defects (ARBD).

The exact number of cases of fetal alcohol syndrome and other alcohol-related birth defects in Alaska is not known, due to inadequate diagnostic capacity, a lack of early diagnosis and limited ability to track affected births. In order to get a FAS diagnosis there must be a facial dysmorphism-without it there is no official diagnosis, only other alcohol-related birth defects. The birth defects are the same and sometimes more severe with conditions such as fetal alcohol effect.

It is known, however, that Alaska has one of the highest documented rates of fetal alcohol syndrome in the nation. Alaska also has one of the nation's highest estimated rates of alcohol-related risk factors, as well as a high rate of births where alcohol was consumed during pregnancy. Alcohol related risk factors include indicators such as: alcohol-related hospitalizations, alcohol consumption among women of reproductive age, per capita alcohol consumption levels, and alcohol related criminal activities and domestic violence problems. The FAS rate among Alaska Natives is more than three times that among non-Natives.<sup>29</sup>

#### *Next Steps*

The Governor should work with the congressional delegation to ensure that a share of federal dollars aimed at FAS prevention and intervention is directed to the State.

The State should promote a comprehensive community-based approach to preventing fetal alcohol-related birth defects. The State should coordinate efforts related to protection of Native children, access to primary health care for pregnant women and village-based programs to increase substance abuse treatment and recovery for Native women at risk for an alcohol affected pregnancy.

The Department of Health and Social Services, in coordination with the Indian Health Service and the Alaska

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<sup>29</sup> Data from the 1990 five-year Alaska FAS Prevention Project demonstrates that the prevalence of FAS among Alaska Natives was 3.0-5.2 per 1,000 live births compared to 0.2-0.3 per 1,000 live births among non-Natives.

Area Native Health Services should increase community capacity in FAS diagnosis and service delivery for individuals with FAS and other alcohol-related birth defects, by continuing to train FAS Multidisciplinary Community Diagnostic Teams and developing a statewide quality network of standardized diagnosis, intervention and case management.

The Department of Health and Social Services in coordination with other State departments and Native health corporations should develop statewide training efforts in FAS for service providers in all disciplines — education, health, social services, public safety, judicial, corrections and vocational services.

The State, in coordination with federal FAS efforts, specifically the Center for Disease Control and Prevention, should establish statewide data collection, analysis and research related to Native and non-Native substance abuse, pregnancy and alcohol affected births for measuring improvements in prevention efforts and service delivery systems.

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## **PUBLIC HEALTH RESPONSIBILITIES**

### *Findings and Background*

The Alaska constitution explicitly authorizes the State legislature to “provide for the promotion and protection of public health.” However, Alaska statutes do not specifically define the relationship between the State and local governments concerning roles and responsibilities for promotion and protection of the public’s health. As a result, there is often confusion as to which level of government has responsibility.

In addition, the relationship between the State and its subsidiary local governments and tribal governments is critically important to public health in Alaska. Tribal governments are responsible for many of the health services provided to Alaska Natives.

Lack of clarity about roles and responsibilities among the State, local governments, and tribes carries serious implications for public health. For example, if the State decides to discontinue a public health service, there may be

an unspoken expectation (but no guarantee) that local communities will provide these services. For example, last year rabies control was discontinued as a State function. However, communities may or may not have the legal authority to order an animal destroyed or to carry out other such functions related to the overall safety of its citizens.

### *Next Steps*

The Governor should initiate a State public health law reform process. Such an effort could provide greater clarity about legal authority and duties. This process would require careful, deliberate, and systematic discussion and coordination between the State, local governments, and tribes.

This process would entail the participation by the State in a national effort to develop a model State public health law. It would also require the creation of a task force that would include representatives from State, local, and tribal governments to guide the law reform effort.

Note: The national effort to develop a model State public health law is expected to begin by January 2000. In addition, funds that could support an Alaska Public Health Law Task Force may be forthcoming through a grant from the Robert Wood Johnson Foundation.

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## **ACCESS TO PRIMARY CARE**

### *Findings and Background*

Many rural Alaska communities do not have a stable primary health care provider or system. Communities that have a hospital or health service providers funded by the Indian Health Service (IHS) or tribal governments currently provide basic services, but still need additional support and resources to remain viable. Communities without a hospital or health service provider may not have services available or may find it very difficult to ensure services survive, when established. The volume of care is too low for many clinics or provider groups to be self-sustaining long-term. Additionally, it is difficult to recruit and retain qualified staff in these often isolated and remote communities. The need for primary care is critical, and communities through their



*“Two areas demand on-the-ground, trained response by local residents: health care and public safety.”*

Esther Wunnicke, former  
Commissioner, Department of  
Natural Resources

local governments need help in assuring that services are available over time.

In addition, primary care providers are often needed to address problems such as family violence, unintended pregnancy and communicable and sexually transmitted disease prevention. Social isolation, high-risk behaviors and lack of access to overall medical care all contribute to problems such as high teen pregnancy rates, increased rates of intentional and unintentional injury and other serious health problems.

The need for a more comprehensive primary care approach in the small and remote communities is even more pressing today, as school health nurses are eliminated over time. In the past five to ten years there has been a downturn in the number of school nurses in many areas of the state. The erosion of school health services is occurring even as the trend for mainstreaming children with significant health care needs continues.

#### *Next Steps*

Local governments and community groups need to work with the State to develop the capacity to address the unique needs of these communities and ongoing strategies for collaboration. Sustainable funding, quality assurance and collaborative professional recruitment, training and purchasing are among the issues that need to be addressed. Providers, consumers and funding agencies all need to invest in and support the process.

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## **RURAL ACUTE CARE CAPACITY AND SUSTAINABILITY**

### *Findings and Background*

Alaska's immense geographic area, sparse population and extreme weather conditions, make delivery of acute medical care an expensive and difficult endeavor. Many hospitals and clinics in rural Alaska find it increasingly difficult to remain financially viable and to deliver quality services over time. Solutions proposed by outside consultants, such as adding additional nursing home beds regardless of need for the beds in the community, were not feasible or viable long-term. Inadequate reimbursement rates, staffing requirements that are not specific to the location and need

for and lack of coordination with higher-level care institutions are among the issues that must be addressed.

### *Next Steps*

The Commissioner of the Department of Health and Social Services should create a forum for community members, local and tribal governments, State policy makers and other stakeholders to create new partnerships and approaches to expand or develop the support and finance streams needed to assure that appropriate levels of acute care are available in every community over time. Examples of efforts that might be considered by these groups are: Native corporations expanding their systems to serve everyone in their geographic area, increased funding to support multi-community delivery systems, formal relationships established between rural hospitals and large urban hospitals, and expanded scopes of practice for such professionals as EMTs. Partnerships with the military medical system and other government funded health entities might be beneficial. Long-term solutions will likely include expanded use of telehealth systems and recognition that some basic health care services must be subsidized in some of the smaller communities.

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## **VILLAGE-BASED SERVICES**

### *Findings and Background*

Village residents who have completed human services or sanitation training programs, and who work with the support of trained professionals, can provide quality services to their communities. A common problem with sanitation systems is the lack of trained community members to operate new facilities.

Data shows that when villages have village-based counselors, the number of behavioral emergencies requiring transport out of the village is reduced; the number of people voluntarily seeking substance abuse treatment is increased; prevention support and aftercare services are more available.

Village residents who have completed training programs often continue their education and feel empowered to work



for positive change and healing in their communities and villages and often assume local leadership roles.

Local health providers are often in the best position to promote safe public health practices, such as sanitary handling of human waste, protection of water sources, and avoidance of small chemical or oil spills.

#### *Next Steps*

Increase support for existing training and educational programs that successfully combine Native traditional and Western clinical values, knowledge and practice.

Promote efforts by Native organizations, State agencies, and the University of Alaska to continue to develop these training programs at increasingly advanced degree levels.

In collaboration with Native organizations, develop and support ongoing training programs that will allow community members to operate their own public utilities and to manage the cleanup of small chemical and oil spills.

Provide information and resources to local health services about the environmental aspects of public health. Help Native organizations develop awareness programs that show the specific local connections between a clean environment and human health.

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## **RURAL HEALTH CARE IMPROVEMENT**

### *Findings and Background*

The health care status of Alaska Natives is below that of other residents of the state due to complex socioeconomic factors.

The Alaska Native tribal health care delivery system is the only health care system in rural Alaska: It must continue to grow to meet the expanding health care needs of the Alaska Native population.

Alaska Natives comprise 40 percent of the State's Medicaid eligible persons.

The federal government covers 100 percent of the cost of health care services provided by Native health care organizations operating under a contract or compact with the Indian Health Service.

The Congress passed the State Children’s Health Insurance Program (CHIP) in 1997, which allowed states to either expand their Medicaid program or create a separate program by increasing eligibility levels to cover children through age 18. Alaska’s legislature, through the Governor’s Smart Start initiative, last year expanded the State’s Medicaid to cover children to 200 percent of poverty. The program, called Denali KidCare, will enable tribal health organizations to assist in enrolling Native children for health insurance coverage. Services provided to these children by the tribal health organizations will be 100-percent funded by the federal government.

The State has worked with tribal health corporations to improve billing for services under Medicaid, expand funding opportunities for health care services, and target improvement in health status of Alaska Natives.

#### *Next Steps*

The State should continue agreements with tribal health corporations that improve the health care status of Alaska Natives.

The State should continue working with the Native health corporations to expand their service delivery network to enroll as many Medicaid eligible Native children as possible, including funding initiatives under Medicaid that maximize federal funds.

The State should continue to seek federal Medicaid policy initiatives that support funding of the Native health care delivery system.

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## **PROMOTE COMMUNITY-BASED SERVICES**

### *Findings and Background*

Rural Alaskans consistently identify family violence, alcohol and substance abuse — and suicide — as major problems in their communities.

Alcoholism is in some material respect for Native peoples the result of their perception of their treatment for at least this century by outsiders coming into their country and attempting to bring change to virtually every aspect of their lives, including values and beliefs.

Rural service providers are often overwhelmed by the issues their clients and communities face. The problems associated with the inter-related issues of domestic violence, child abuse, and alcohol and substance abuse are especially significant to rural citizens and require an integrated approach that uses effective interventions for each problem.

Communities that have developed and sustained community-based suicide prevention programs over three or more years are reducing their rates of suicide. These programs often combine culturally based prevention strategies with Western mental health suicide prevention and intervention strategies. Gatekeeper training (training key people in communities to recognize and refer those at risk for suicide) is an internationally recognized suicide prevention strategy.

Culturally based and locally administered prevention, intervention, treatment and aftercare programs have proven effective in reducing the incidence of substance abuse and related problems and supporting recovery and healing.

Examples: Local Option Law, Community-Based Suicide Prevention Program; Family Recovery Camp (Old Minto), AFN Sobriety Movement, Native Family Systems Training; Tribal Courts and Circle Sentencing (other states and Canada).

### *Next Steps*

Maximize the resources available to local communities and tribes to address substance abuse and related social, mental and physical health, family violence and justice problems at the local level in ways that are consistent with the local communities' cultural values and traditions.

There is an urgent need to develop a knowledge base and a coordinated response to the role that domestic violence plays in child abuse and the welfare of children. Special emphasis needs to be placed on addressing the unique needs and challenges of service providers and families in rural communities.

In developing prevention and intervention programs, the State should establish flexible guidelines and requirements that allow the State to fulfill its oversight responsibilities while allowing and encouraging local communities to design programs that are consistent with community cultural values and healing practices.

In developing treatment programs, the State should establish flexible requirements that allow for the fulfillment of fiscal, clinical and safety oversight responsibilities while encouraging treatment programs that incorporate Native values, healing processes and practices.

The State needs to provide additional resources for community-based/culturally appropriate aftercare programs. These programs are needed to provide appropriate on-going support for individuals (and their families) returning to their communities after attending residential substance abuse treatment programs.

Increase the power of local communities to enact and enforce community-based local ordinances that address substance abuse and related problems. Support the development of tribal courts, an elders council with judicial powers, and culturally based sentencing procedures. (See the public safety and justice section for further details.)

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## EDUCATION

### *Findings and Background*

Native children are often uncomfortable with the cultural climate in the classroom. Not all teachers incorporate local knowledge into the Western curricula to promote successful learning for Native students. There are too few Native teachers to serve as role models for children in village schools. Local school boards can provide the leadership that schools need for the success of all Native students.

The local school board system is designed to maximize local control of the educational system. However, many Alaska Natives do not play active roles on local advisory school boards, nor do all advisory boards carry authority to manage local school administrations. Many local school board positions remain vacant and Native children are not fully benefiting from local governance of schools. Not surprisingly, local village people expressed feelings to the Commission that school administrations are not responsive to their needs, which were cited as the reason why local people stopped running for advisory board positions.

The Commission recognizes that all stakeholders (students, teachers, administrators, the school board and rural communities) cannot work in isolation but must examine ways in which successes can occur, including Mt. Edgecumbe High School and other institutions which place a priority on providing exemplary education to rural students.

### *Next Steps*

Local governments should ensure that local school board policies are developed that encourage partnerships between Alaska Native parents, tribal and community leaders, and local education agencies to design and monitor education programs to benefit Alaska Native students.

Local school boards should establish culturally relevant curricula. School boards should incorporate the rich and varied cultural traditions from communities throughout Alaska into the school curricula.

Local school boards should ensure that curricula are developed in natural resource management in rural school districts.

Local school boards should establish “local Native language curriculum advisory boards to initiate and conduct a Native language curriculum within grades K-12 as part of regular classroom studies.”<sup>30</sup>

The legislature should provide the budgetary support to continue programs such as the University of Alaska Fairbanks’ Rural Education Preparation Program to effectively train Native teachers and counselors. School boards must also make the training of Alaska Natives a priority on their agendas. Coordinated leadership will help in developing and delivering quality teacher training programs.

Local school boards must practice affirmative action in their employment that reflects the ethnicity of their communities. Local school boards must dialogue and cooperate with local tribal governments to strengthen local governance.

Local people also have a responsibility to participate in the educational process, run for local advisory boards, and help ensure that there is a culturally appropriate and responsive educational system. As well, the State should do a thorough review of the local and advisory board system to ensure maximum local input and authority over how local communities educate their children.

The legislature needs to ensure that the existing, decentralized oversight of Alaska’s schools is changed only if local people want to consolidate and not because of political or economic expediency.

Local communities need to ensure that students have access to high quality teachers and curriculum and have the local support to succeed in passing the new high school qualifying graduation exam. Local communities need to ensure that students who require extra help with the exam have access to services such as distance delivery, available through the University of Alaska.



*“Children are the most important segment of any community, for each community’s future lies in its children. To assure the future, the children must be given, through education, the skills that will enable them to succeed in life and the understanding that will continue the community’s values. For Alaska Native children, this means that they must receive an integrated education that encompasses two sets of skills and two sets of values.”*

Alaska Natives Commission  
Report, 1994

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<sup>30</sup> Legislation introduced Senators Lincoln and Ellis (1999), Senate Bill 103.

The State should assist communities to pursue educational  
such as Mt. Edgecumbe High School and Sheldon Jackson

The following are K-12 Public Schools recommendations,  
based upon Alaska Standards for Culturally Responsive

Educators, February 3, 1998:

Ensure that Native  
the skills needed to enter a university or technical school.

Ensure that Native students succeed in classrooms through

Responsive Schools.

students to engage in experiential learning in real-world  
contexts.

about  
cultural heritage.

Provide teacher candidates with experiences in working  
their own.

Provide new teachers with a cross-cultural orientation as a

week-long cultural camp experience for new teachers.

Assign an experienced Native teacher/aide or elder as a

recommendations could be designed to meet the State

All of the above guidelines and recommendations for  
strengthening the cultural responsiveness of teachers are

administrators and school board members. The  
recommendations could serve as a basis for revitalizing

Administrators for Rural Alaska program.

Integrate the *Alaska Standards for Culturally Responsive Schools* in all aspects of teacher and administrator preparation programs.



## Public Safety and Justice

*Rural Alaskans want to improve the presently inadequate law enforcement in their communities and address their community conflicts locally. Alaska Natives are under-represented within the justice system's personnel and over-represented in arrests and in Alaska's jails and prisons. Underlying social problems such as alcohol and drug abuse exacerbate the lack of enforcement and local control.*

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### PUBLIC SAFETY IN RURAL ALASKA

#### *Findings and Background*

Tribes and rural communities reported that the dramatic reduction in State troopers since the mid-eighties has resulted in a decrease in public safety. A 1995 Bush Justice Study conducted by the University of Alaska, Anchorage Justice Center, concluded that most rural residents felt the policing services from the Troopers were insufficient in both degree and magnitude to meet their communities' needs. Despite their high regard for Troopers' professionalism and performance, village officials express concerns about the fact that Troopers are frequently not readily available to respond.

Rural Alaskans also understand the difficulties faced by State troopers and appreciate the response efforts of the Department of Public Safety in the face of dwindling resources. Initiatives worthy of special mention include the Troopers' acquisition of U.S. Department of Justice funds to train all classifications of village officers to improve their public safety skills, and a pilot project that will broaden the responsibilities of Bristol Bay area officers to include the provision of probationary services.

The village law enforcement official, typically the Village Public Safety Officer (VPSO), is often the first to respond to a public safety issue, in coordination with State personnel. Most villages report, however, that it is difficult if not impossible to retain local law enforcement officers. Many villages endure long periods of time while VPSO positions remain vacant.



*“How do we let the legislative branch understand that appropriations*

*establishing public policy even though they're not defining it as such. For example, the legislature is making cuts that have serious implications for the justice system and the basic health of Alaska's people and*

Sturgulewski,  
Anchorage  
former State Senator

Lack of resources, poor pay and benefits, and expanding responsibilities contribute to the challenge of retaining local law enforcement officers. Aside from a lack of legislative funding, the fact that it is difficult lonely work in a complicated social environment is a key reason for losing local law enforcement officers.

At the same time, municipal governments, tribes and regional non-profits are undertaking efforts to develop local law enforcement capacity, but additional resources are sorely needed.

### *Next Steps*

A local law enforcement officer should be present in every community in Alaska, with particular attention paid to those communities outside of the road system. This goal can be achieved through more effective use of existing law enforcement personnel including city police, tribal police, State Troopers, Village Public Safety Officers (VPSOs) and Village Police Officers (VPOs). All categories of officers should be fully trained, effectively equipped, adequately staffed and fairly paid. All categories should also be acknowledged and incorporated into the overall State public safety system. Upon demonstrating sufficient training and certification, agreements should be entered into between the State and tribes to incorporate tribal public safety officers in the State's rural public safety effort.

Additional State Troopers need to be provided for sub-regional hubs to reduce the response time for serious felonies until local police departments achieve parity with the Troopers in terms of training, equipment, salaries, benefits and other relevant factors.

The Department of Public Safety should lead an effort to coordinate these law enforcement systems to provide better support and immediate response in all communities, particularly in the off-road communities. Effective public safety will require more focus on acquiring federal funding. It will also require coordination with local communities, tribes and regional non-profits to increase the training and tools needed by all law enforcement entities.

The Department of Public Safety should train local law enforcement officers to help extend the reach of Alaska's public safety system, by providing additional support State

Troopers often need. Each community and village also oversee law enforcement activities in an unbiased manner. Village law enforcement may involve difficult situations

balance cultural sensitivity with professional ethics is important. Management training will provide more

communities.

Village public safety officers go through the academy in

Also, the Department of Public Safety will receive a federal grant (of approximately \$650,000) to train hundred fifty village/tribal officers will be trained in law enforcement and

The Alaska State Legislature’s funding of the VPSO program should be reinstated to provide additional officers

of the villages in Alaska do not have a VPSO law enforcement officer) and increase VPSO and retirement benefits, commensurate with the Alaska State Troopers.

responsibility of VPSOs should be

community-based services such as probation-related services and juvenile justice services for village residents.

incarceration programs should be explored. The “probation supervisors pilot program” jointly administered by the Department of Corrections and the Bristol Bay Native Association is an example of the type of program that needs

The State should encourage and support efforts, including grants and other programs administered by the Department

tribal public safety officers and programs.



*“Alcohol problems are one of our most daunting in many of the villages. When we talk about education, we need not only to be talking about*

*teachers but also educating health*

*prevention counselors ...Money could be well spent providing education to these*

*help with the community alcohol*

*Alcohol is the*

*many villages as far as being the*

*abuse, family neglect, and abuse of the elderly.”*

Rosemarie Maher, CEO,  
Doyon Limited

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## LOCAL EFFECTIVE ALCOHOL ENFORCEMENT

### *Findings and Background*

The Commission believes that the stubborn persistence of alcohol abuse in village Alaska requires both strengthened treatment and a clearer focus on underlying social problems. Any societal action, belief, value or public policy that excludes those affected from participation or denies them the means to improve their lives can contribute to feelings of hopelessness and to hence to alcohol abuse. The Commission believes that to ignore the totality of the circumstance of those affected and to not address the full range of needed responses will likely make the alcohol abuse crisis one that continues for more generations.

More than 97 percent of the crimes committed by Alaska Natives are committed under the influence of alcohol and drugs. Alcohol-related crime predominates over drug-related crime.

Considering that Alaska Natives made up roughly 16

alcohol mortality rate of Natives was three and one-half times that of non-Natives (4.1 per 10,000 Natives and 1.2 per 10,000 non-Natives).<sup>31</sup>

Existing State and federal laws and programs are not sufficient to address the devastating and pervasive problems caused by alcohol in Native villages and among Alaska Natives.

Empowering and funding local solutions are essential to the reduction of alcohol abuse. Tribes in particular seek a greater role in regulating alcohol within their villages.

Since the early 1800s, Congress has recognized the devastating impact of alcohol on Native Americans. Congress provided explicit federal authority for the regulation of alcohol in “Indian Country.” After the *Venette* decision, however, Alaska tribes (with the exception of Metlakatla) are not able to avail themselves of the federal Indian country liquor laws.

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<sup>31</sup> Alaska Natives Commission, Final Report, Volume I.

No single model for addressing alcohol problems will work for all villages. Tribes and other local entities must be given maximum flexibility to design systems that will work best for their members and communities.

### *Next Steps*

Alaska tribes should be empowered to combat alcohol abuse in Native villages. Liquor ordinances submitted to the U.S. Department of the Interior by tribes must be reviewed and approved in the most expeditious manner under the current system. The State enforcement agency needs to enforce tribal liquor ordinances similar to the current State alcohol option laws.

The State of Alaska, in concert with Alaska tribes, should also work with Congress to craft federal legislation authorizing willing tribes to handle offenses arising under tribal ordinances prohibiting and otherwise regulating the importation and use of alcohol within and in the area surrounding Native villages. This would allow the tribes to do what it takes, in culturally appropriate and effective ways, to address local alcohol problems. Federal legislation should also provide a framework for concurrent State-tribal jurisdiction over alcohol violations in Native villages pursuant to State-tribe agreements.

Any new federal legislation designed to address alcohol problems in rural Alaska must be accompanied by adequate funding. Alaska tribes must be provided necessary funding to effectively enforce, adjudicate and otherwise implement tribal alcohol programs. The executive branch should work with tribes to secure funding from the Alaska Legislature and Congress to hire and train tribal police, to operate tribal courts or other tribal adjudication systems, and to establish and run local, village-based drug and alcohol rehabilitation programs. Current U.S. Department of Justice and other federal programs that provide funding and other support for tribal police, tribal courts, and alcohol and drug programs should be examined, and modified if necessary, to ensure that they are readily available in sufficient amounts to Alaska tribal governments. New programs directed specifically to getting necessary funding and other support to Alaska tribes for alcohol control programs should be presented to Congress and supported by the Governor.



*“Alaska Natives must unite... to create solutions in their various communities that draw strength from their cultures, traditions, heritage and spirituality. Only then, with lives no longer shattered by the violence resulting from alcohol and substance abuse, can Alaska Natives move into the 21st Century as united, healthy and proud people.*

*Consideration of all the information gathered has led to one major conclusion: significant progress in restoring the lives, the dignity and the cultural pride of Alaska Native peoples can only be achieved through self-healing.”*

Alaska Natives Combating Substance Abuse and Related Violence Through Self-Healing Report prepared for the Alaska Federation of Natives by the Institute for Circumpolar Health Studies and the Center for Alcohol and Addiction Studies, January, 1999.

While the State, federal and local governments would all contribute to funding this program, the overall costs would most likely lessen the social costs and the law enforcement, court and prison costs of alcohol-related crimes.

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## LOCAL DISPUTE RESOLUTION

### *Findings and Background*

Approximately 200 local dispute resolution systems and tribal courts exist or are planned for development. Since 1993, the number of local dispute resolution entities has doubled and their levels of activity have increased. (See the Alaska Judicial Council Report: “A Directory of Dispute Resolution in Alaska Outside Federal and State Courts,” March 1999.) Local dispute resolution is often used to address Indian Child Welfare Act (ICWA) issues, domestic relations, minor offenses and juvenile justice matters. Some rural communities have not assessed their needs for dispute resolution systems and report confusion over the source of their authority and how their systems relate to the State justice system.

Local dispute resolution systems and tribal courts handle a variety of subject matters. Some tribes, for example, have formal courts that cover a broad range of offenses, while others choose to use informal mediation-based processes.

In the *John v. Baker* case, the Knowles Administration has supported the concurrent jurisdiction of a tribal court to handle a child custody dispute between members of the tribe and persons who voluntarily submit to the jurisdiction of the tribal court.

### *Next Steps*

The Commission recommends that the judicial branch continue its outreach with a specific emphasis on site visits to rural Alaska to engage in dialogue with rural residents to foster better understanding, develop appropriate legislative action and establish stronger mechanisms for ongoing communication in order to foster understanding, strengthen communication and develop appropriate mechanisms to respond to rural needs.

The Governor and the Alaska Court System should encourage the use of more local/alternative dispute resolution including community courts, youth courts, tribal courts, and mediation, to improve the effectiveness of the justice system. More local dispute resolution will also help reduce the cost and workload of the State Court system. Expanded use of local alternative dispute resolution will require State agencies to be flexible and open to working with a variety of community-based approaches and distinct enforcement methods. For example, some communities require community service and family consultations as part of their enforcement and rehabilitation processes. The departments of Law, Public Safety and Health and Social Services should continue to explore and support existing as well as innovative means of resolving conflict locally. These actions should be recognized by the Alaska Court System.

The State of Alaska should officially recognize and support the existing legal authority of Native Village governments to regulate the conduct of their members through adoption, adjudication, and enforcement of tribal civil laws. As well, State courts should give full faith and credit to tribal court orders in ICWA cases, adoptions and other civil matters heard and enforced by tribal law. Also, misdemeanor offenses should be diverted from State courts and adjudicated by willing tribal courts.

The Department of Law and other State agencies and branches of government should cooperate and share information about local conflict resolution options. The State should work with local governments to provide training to establish functioning, local justice systems. In concert with the Department of Law, the Court system should coordinate information on alternative dispute resolution between villages and regions. The Alaska Legislature should also direct funding and grant greater flexibility to State agencies to provide this technical training.

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## **COORDINATION OF RESOURCES**

### *Findings and Background*

There are many activities directed toward improving the public safety and law enforcement needs of rural Alaska. The federal government, through the U.S. Department of

Justice, has increased funding for these areas in recent years. At the same time, the State's support has waned.

A lack of information sharing and coordination among State, federal and tribal governments has resulted in some confusion, disparity and overlap in local law enforcement coverage. In some places the duplication and lack of coordination has fueled animosity between competing groups. These concerns were expressed by community and tribal leaders during the Commission's fact-finding discussions and were echoed in the recent U.S. Department of Justice report, "Enhancing Tribal Justice."

The State Court System and the Alaska Judicial Council have studied many of the issues identified in the Justice Department's report. Although the Court System has comprehensively investigated local dispute resolution, tribal courts, fairness and access issues, and other components of the State justice system the public is relatively unaware of the research and follow-up work.

As has been identified in the Court System's fairness and access studies, State courts are often far away from the rural communities where disputes arise and dispute resolution is needed. This reality underscores the need to support local systems and services.

#### *Next Steps*

Trilateral discussions (between State, federal and tribal governments) should be initiated to address public safety and justice issues and to develop improved and sustained coordination. Although the Commission facilitated discussions among key public safety and judicial representatives that were good first steps toward better communication, ongoing dialogue on a statewide, regional, and local basis is needed. These discussions should involve all facets of the justice system and all types of tribal and rural governments, non-profits and Native judicial groups. This process would facilitate better communication by encouraging cooperation among city, tribal and State agencies, and by bridging internal village divisions.

The Alaska Court System and the Alaska Judicial Council's efforts to address local access and control of judicial matters



should be strongly supported.<sup>32</sup> The Commission also encourages the Court System and Council to distribute their publications to achieve broader dissemination of this valuable information.

The Governor should direct State agencies to take action and have the Attorney General monitor and help implement these findings and recommendations to provide more complete and coordinated justice-related services to rural Alaskans.

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## JUVENILE JUSTICE

### *Findings and Background*

There are a few juvenile probation officers serving large areas in Alaska. Scarce local services make it critical to continue to devote resources toward the protection of public safety in rural Alaska.

Reduced State resources may reduce opportunities for first-time Alaska Native offenders to be dealt with in an effective and culturally appropriate manner. These situations increase the chance that Alaska Natives will slip deeper into the juvenile justice system, and will ultimately graduate to the adult offender system.

Community and youth courts in local villages, supported by the State's Division of Family and Youth Services and other agencies, help ensure that Alaska Native and non-Native rural youth are held accountable for their actions in a manner that is culturally relevant. These systems help rehabilitate the offender and may help members of their family, their community and the victims of their crimes. This also helps place responsibility for community safety and offender rehabilitation with the family and the community alongside the State.

While Alaska has had success addressing the number of Alaska Natives confined in the juvenile justice system, more work is needed. Although Alaska Native youth comprise just 20.4 percent of the 10-19 year olds – about the same number that are incarcerated in the State's juvenile

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<sup>32</sup> Alaska Court System's *Fairness and Access Report* and the Alaska Judicial Council's *Directory of Local Dispute Resolution*.

detentions facilities – they comprise nearly 30 percent of the initial referrals to the juvenile justice system.

Alaska Native elders and mentors need to be involved early in the juvenile justice process to help reduce the number of referrals of Alaska Natives to the formal system and to provide for more culturally appropriate treatment when in the system.

All government jurisdictions in communities need to work together to develop solutions in partnership with the State of Alaska.

#### *Next Steps*

The State should continue to recruit Alaska Native employees to work in the Juvenile Justice system. The Department of Health and Social Services, Division of Youth Corrections, has developed an Alaska Native internship program to help accomplish this goal.

The Department of Health and Social Services should continue to develop and support culturally appropriate community and youth courts, supported by federal, State, and local governments (including tribes), private businesses, community members, and non-profit organizations.

The Governor should direct agencies and programs to utilize a Restorative Justice model which recognizes the importance of providing victim services, building offender competency, and engaging the community in providing locally developed and appropriate alternatives and community service options.

The State should divert all misdemeanor offenses from State courts to those village councils or courts willing to adjudicate them.



*“Often one has to look at the greatest areas of challenge for the greatest accomplishments. Many of the Department’s challenges revolve around the delivery of rural correctional services that are appropriate for an offender’s background and culture.*

*The day we opened the very small halfway house in Barrow we felt a deeper sense of accomplishment than we had when we opened very large programs in Anchorage and Fairbanks. All Alaskans deserve access to all of the correctional tools that we know are effective in promoting public protection.”*

Commissioner Margaret Pugh,  
Alaska Department of  
Corrections

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## **LOCALLY BASED AND CULTURALLY APPROPRIATE INCARCERATION, SUPERVISION AND TREATMENT PROGRAMS**

### *Findings and Background*

Alaska Natives represent approximately 16 percent of the State’s general population, while they represent 35 percent of Alaska’s adult prison inmate population. Approximately 1,500 Native men and women are incarcerated in Alaska’s

prisons, a contract prison in Arizona and in community residential centers. Anecdotal evidence suggests that Alaska Natives are more often re-incarcerated than any other ethnic group in Alaska.

Alaska's prison facilities are located in predominately non-Native urban centers. More than 200 Alaska Natives are residing in the contract prison in Arizona. Many rural and Alaska Native inmates are far from their homes and families.

Community and village members expressed concern over lack of access to family members in the prison system, especially those incarcerated in the private prison outside of the State. The phenomenon of urban incarceration of rural and Native people can conflict with Native values emphasizing family and cultural connections. These values can be essential components to successfully rehabilitating Alaska Native inmates.

Effective supervision of offenders on probation and parole is an essential element of law enforcement. For offenders in communities off the road system, personal supervision is limited to regional centers where parole and probation officers are stationed.

Substance abuse and sex offender treatment programs are necessary to reduce recidivism and are therefore essential to effective law enforcement.

#### *Next Steps*

The State should work to ensure that rural Alaskans are not being sent to prisons outside of Alaska, away from family and friends. The State should construct additional minimum and medium security prisons and halfway houses in rural Alaska.

The State should explore a prioritization system for prisoner "exporting" based upon Alaska as the place of home or origin.

The legislature should allocate additional resources for the Department of Corrections to further train correctional, probation and contract personnel on cultural diversity issues for Alaska Native inmates.

The Department of Corrections is encouraged to acknowledge and utilize traditional and cultural healing

methods, as is being done with correction-based inmate substance abuse, anger management, and sex offender treatment programs.

The State should ensure that adequate supervision is provided to offenders on probation and parole in off-road communities.

The State should provide appropriate and effective substance abuse treatment and sex offender treatment programs in off-road State correctional facilities.

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## **PROTECTION OF LOCAL PROPERTY RIGHTS**

### *Findings and Background*

Rural communities and private landowners (including ANSCA corporations) often feel as if their lands are “invaded” each year by recreational sportsmen and tourists over whom tribes have no control.

### *Next Steps*

The State should take steps and cooperate with local and tribal governments to protect rural communities and private property owners from the ecological and environmental abuses from growing number of recreational sportsmen and tourists. The State, federal and tribal governments should cooperatively develop land management policies, plans, and programs that protect local hunting and fishing and other land-use opportunities.

Local and regional governments and organizations must develop land management policies, plans, and programs that protect local hunting and fishing and other land use opportunities. These local and regional programs and policies should be developed cooperatively with State and federal agencies and coordinated with State and federal programs.

State agencies, such as the Alaska Department of Fish and Game, need to recognize that there are numerous parcels of private property in areas for which they manage use of fish and game, which includes Native allotments, ANCSA corporation lands and tribally owned land. In so doing, these agencies need to inform non-local users of fish and game of these private properties and the fact that

unauthorized access to such properties constitutes trespassing in violation of State and possibly federal laws.

Some State agencies have published brochures to explain to the public that navigable rivers are open to the public but uplands are privately owned often by Native Corporations. The State has done this in areas of high tourism or sport fishing (e.g., Kodiak). This public education effort showing private and public land boundaries should be continued and expanded in conjunction with Native landowners.

The Governor needs to direct the Departments of Public Safety and Law to adequately investigate and prosecute these invasions of private property. The administration should pursue working cooperatively with tribal and other local governments and organizations in addressing the needs of private property owners in rural Alaska to ensure that all issues and problems are addressed.

Finally, Village corporations must be encouraged to establish agreements that would allow Alaska Natives who traditionally subsist on ANCSA lands to continue to conduct subsistence activities. Unless agreements are made, confrontations will occur such as one regarding a mandatory fee requirements that faced the lower Kuskokwim Natives and the upper Kuskokwin Natives.



**PART FIVE: COMMISSION  
INFORMATION AND  
SOURCE MATERIAL**

## Commission members and staff

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### CO-CHAIRS

#### ROBERT KEITH

“To live or not to live, is the question behind subsistence” states Robert. He serves his Native Village of Elim as the IRA President and the Native Corporation Vice President. Robert also serves on the boards of the Kawerak and Norton Sound Health Corporations, Bering Straits Regional Housing Authority, and the BIA Self Governance Advisory Committee.

#### BYRON I. MALLOTT

Born and raised in Yakutat, the ancestral home of his mother’s Tlingit Clan, Byron has been active in public and private sectors in Alaska since 1965 when he was elected Mayor of Yakutat at age 22. He has worked for every governor since statehood, and served as the first Commissioner of the Department of Community and Regional Affairs from 1971-1974 under Governor William A. Egan.

In 1995 Byron became the Executive Director of the Alaska Permanent Fund Corporation. He was Director, Chairman, President and Chief Executive Officer of Sealaska Corporation from 1972 (when the regional ANCSA Corporation was founded) until late 1992 when he retired after ten years as Chief Executive Officer. During Byron’s tenure, Sealaska established a shareholders’ Permanent Fund and a corporate investment portfolio with total holdings in excess of \$100 million.

Byron has received numerous awards and citations for his service including: Honorary Doctorate in the Humanities from the University of Alaska; Governor’s Award for Service from the Alaska State Chamber of Commerce; and Citizen of the Year Award from the Alaska Federation of Natives.

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## MEMBERS

### BRAD ANGASAN

Brad is the grandson of Trefon Angasan Sr., a full blooded Sugpiaq who fled with his family from the great eruption of Novurupta in 1912 and the village of Old Savonoski in what is now, Katmai National Park.

He is a former VPSO and current VPSO Program Manager for the Bristol Bay Native Association in Dillingham. Brad has commercial and subsistence fished all his life in the village of South Naknek, where he and his family are originally from. When asked to summarize his life he stated that he “has studied the land and the wildlife it supports, not from a scientific point of view, but from growing up and existing as a dependent in a subsistence lifestyle. I continue to support and fight for subsistence rights for the Alaska Native People. One must truly live and depend on a subsistence lifestyle, and what the land gives in order to fully realize the importance and complete significance of subsistence to the culture of the indigenous people of Alaska. Denying Alaska Natives subsistence hunting rights will result in our society being extinguished.”

### NANCY CECILE BARNES

Nancy currently works with State Representative Albert Kookesh as a Legislative Aide, and has served in that position since January 1997. Previously, she worked as an administrative assistant for Community Enterprise Development Corporation (now Alaska Initiatives), the Aleutian/Pribilof Islands Association, and the Lummi Nation (Washington State). She worked in the Governor’s Office from 1987 until 1997 for governors Cowper, Hickel, and Knowles, as staff to the Special Assistant for Rural Affairs.

Nancy is Tsimshian and Alutiiq, and was born in Ketchikan and graduated from Chemawa Indian School in Salem, Oregon. She serves as the President of the Eyak Corporation and had been a member of the board since 1986, serving as chairperson and President for six years. She was a board member of Chugach Alaska Corporation from 1987 through 1992. She serves on the board of the Juneau Alliance for the Mentally Ill, and was a member of the Juneau Women’s Council. Nancy is active in cultural and heritage activities, and is a long-time member of Yun Shuka, a local Juneau dance group. She was appointed to the Governor’s Commission on Rural Governance and Empowerment in February 1998. Nancy has received a number of community and state awards including: the Annual Women’s Achievement Award, the State of Alaska Commendation Medal, and the State of Alaska Distinguished Service Medal. She is currently a part time student at the University of Alaska.



## JOHNE BINKLEY

A proud father of four growing children, Johnne serves as Chairman and CEO of Alaska Riverways that owns and operates the Riverboat Discovery in Fairbanks. Johnne is a former State Senator and a third generation Alaskan. Johnne served as co-chairman of the Senate Finance Committee from 1986 until 1990. He was co-chairman of the Special Senate Committee on High Seas Salmon Interception from 1986 through 1990. Reflecting his commitment to strengthen rural communities, he has served on the House Fisheries Committee, Subsistence Committee, and the Special Committee on Alcohol Local Option Laws. He is the former owner of Northwest Navigation, a freight hauling company that operated on the Yukon and Kuskokwim rivers.

Johnne has been a U.S. Coast Guard licensed captain and airplane pilot since 1972. He has served on the Alaska Federation of Natives' Commission on the Status of Alaska Natives, the advisory board to the U.S. Secretary of Health and Human Services on Substance Abuse Prevention, and has been the Bering Sea Commercial Fisheries Association President since 1991. Currently he is the Chairman of the Board of the Alaska Railroad Corporation.

## ARNOLD BROWER, JR.

Arnold was born in Barrow, during the Territorial days of Alaska, into an Inupiaq family of seventeen children. He is a high school graduate and holds no formal university degree, yet he is self-taught in politics, self-governance, and land management. He was awarded a Distinguished Service Award as a U.S. Army Vietnam veteran.

Arnold has worked tirelessly for the Inupiat people by advocating for subsistence rights, tribal government, local hire and tribal justice. His long list of accomplishments and contributions to the state are a testament to his dedication. Currently, he sits on the Alaska Inter-Tribal Council's Executive Committee, is a board member of the Alaska Federation of Natives, a member of the National Indian Gaming Association (NIGA) and National Congress of American Indians (NCAI), President of the Volunteer Search and Rescue and an Elder of the Presbyterian Church.

Arnold's past posts and occupations include: Vice Mayor of the city of Barrow, President of the Native Village of Barrow, Commander of Veterans of Foreign Wars Post 9890, Chair of the Western Arctic Herd Committee, ASRC ANCSA Committee Chair, Special Assistant to NSB Mayor, Deputy Planning Director, Deputy Director of the NSB Assessing Division, Director of Physical Plant Operations, UIC Board member, President of UIC Subsidiaries and the President of the Alaska Eskimo Whaling Commission.

#### NILES CESAR

Niles, a Tlingit Indian, was born in Juneau, Alaska. He went to Juneau Douglas High School and earned a B.S. in Environmental Health from George Washington University, Washington, D.C. He is the Juneau Area Director of the Bureau of Indian Affairs. He was the Executive Vice President of Southeast Alaska Regional Health Corporation from 1979 until 1990. He served for twenty years in active duty for the Medical Service Corps, including a year in Vietnam, and is a retired Lieutenant from the U.S. Navy. Niles used to serve as Goldbelt Chairman and as a Sealaska Board Member. He is the recipient of the AFN Health Award, the National Indian Health Board Award and the Indian Health Service Award for Excellence in Management.

#### CHRISTOPHER R. COOKE

Born in Ohio, Chris graduated from Yale University and received his Doctor of Jurisprudence from University of Michigan Law School in 1968. He originally moved to Alaska as a VISTA Volunteer in 1968, serving in Kotzebue and Nome. In 1970 he married the late Margaret Nick Cooke of Nunapitchuk, Alaska and moved to Bethel in 1971 where he has lived since working as an attorney for Alaska Legal Services and in private practice, served as the first Superior Court Judge for the Fourth Judicial District at Bethel (1976-1986), and for the past thirteen years has been a partner in the Bethel and Anchorage law firm of Hedland, Brennan, Heideman & Cooke.

Chris has served as Bethel Chamber of Commerce President, Alaska Humanities Forum Chairman, on the Alaska Conference of Judges Board of Directors and the University of Alaska Board of Regents and as a Bethel Library Board member. He has been a committee member on the Juvenile Justice and Family Services forum for the DFYS. He has served as a panelist and participant for the Alaska Federation of Natives "Facing the Facts: A Health & Social Crisis" conference and the Northern Conference of Yellowknife "Circuit and Rural Court

#### ROY S. EWAN

Roy was born in Alaska and has lived most of his life in rural areas of the state. He lives a subsistence lifestyle, hunting moose and caribou and using a fish wheel. He graduated from high school and attended Anchorage Community College. Roy served in the U.S. Army. From 1960 to 1967 he was the owner and operator of the General Store in Gulkana. Now retired, he has been employed in the construction industry, worked for the Federal and the State Government Highway Department, and been a self-employed log cabin builder.

In the late sixties, Roy was the Director of the Human Services Department for Rural Community Action Program (RuralCap) and

from 1970 to 1972 he was the Senior Planner for the Alaska Federation of Natives. He has served on many boards and commissions and is currently the Chairman of Ahtna, Inc. and is responsible to a number of Ahtna related sub-boards. Roy has been on the boards for the Alaska Federation of Natives, Alaska Native Heritage Center, Ahtna Heritage Foundation, Prince William Sound Community College Friends of the College, the Federal Regional Subsistence Advisory Board, and the Southcentral Regional Subsistence Advisory Council. In the past he has served as Chairman of the Gulkana Shareholder Committee, Snowpac board and held various seats on the Gulkana Village Council.

#### VICTOR FISCHER

Vic has been involved in Alaska's local and statewide issues for nearly half a century. He was active in the statehood movement and was a delegate in the 1955-1956 Constitutional Convention, where he played an instrumental role in fashioning the local government article and drafting its provisions for home rule. He served in the last territorial legislature, 1957-1958, and the Alaska State Senate, 1981-1986.

Vic has degrees from the University of Wisconsin, MIT, and Harvard, and an honorary doctorate from the Plekhanov Russian Academy of Economics. From 1966 to 1976, he was Director of the University of Alaska's Institute of Social and Economic Research, where he is currently Professor of Public Affairs.

#### STEVE GINNIS

Steve advocates for self-governance, self-determination, and recognition of tribal governments. A Fort Yukon born Gwitch'in Athabascan he currently serves as the President of Tanana Chiefs Conference, and was Chief of the Native Village of Ft. Yukon and Chairman of Alaska Inter Tribal Council (AITC). Steve has been a board member for Tanana Chiefs Conference (TCC), Doyon Limited, Council of Athabascan Tribal Governments and the Yukon Flats School District.

#### MAYOR CHUCK GREENE

Chuck is the Kotzebue-based Mayor for the Home-rule Northwest Arctic Borough. An honorably discharged veteran of the U.S. Navy (1971-1975) he later served on the Kotzebue City Council, Alcohol Beverage Control Board, the Northwest Arctic Charter Commission, the Kotzebue Village Corporation Board and the State and Local Government Task Force under Governor Knowles.

#### WEAVER IVANOFF

Weaver has a varied occupational background. Currently he is a commercial salmon and herring fisherman, while his past professions have included meteorological technician and supervisor and summer youth program director. He currently serves on the Bering Strait School District board. In the past he has served on the boards of AVI, Kawerak, Norton Sound Health Corporation, State Board of Education, Bering Sea Fisherman's Association, Southern Norton Sound Advisory Council, Arctic Regional Council, Unalakleet City Council, and the Native Village of Unalakleet IRA Council.

#### MARLENE JOHNSON

Marlene was nominated, three years running, as one of Alaska's ten outstanding women and won the Outstanding Woman of America Award for seven years in a row. One of fourteen children, she was born in Hoonah. She has represented her community and served the state on many boards, commissions and agencies including but not limited to: Huna Totem Corporation, Huna Heritage Foundation, Sealaska Corporation, State of Alaska Health Systems Agency, State of Alaska Governor's Interim Commission on Children and Youth, Governor's Review Commission on Native Services and the University of Alaska Foundation. In addition, she works as a member of the Robert Wood Johnson Foundation on the Healthy Nations Program and Improving the Health of American Indians. Marlene is a member of the board of Directors for the Juneau Chapter of the American Cancer Society and serves as a Trustee on the Sealaska Heritage Foundation. Marlene is a Commissioner on the Commercial Fisheries Entry Commission and was named AFN's 1997 Citizen of the Year.

#### WILLIE KASAYULIE

Willie was born in Fairbanks in the summertime and raised in Akiachak. He attended BIA schools in Akiachak at the Wrangell Institute, Chemawa Indian School at Oregon, and graduated from Hartford High School in White River Junction, Vermont. He has consistently served in varying capacities in local, regional, statewide, and national governing boards and is an advocate for tribal government rights. Currently, Willie is employed by Akiachak Native Community as the Tribal Services Director and administers federal contract programs. In addition to being active in the Native American Rights Fund, National Congress of American Indians and the Association of Village Council Presidents, he was honored with the 1985 AFN Citizen of the Year Award, and was later featured in Life Magazine. On April 1994, Willie Kasayulie was one of seven Native Americans to act as a national spokesperson, presenting tribal issues to President Clinton and his Cabinet.

#### ROSEMARIE MAHER

Rosemarie was born and raised in a primarily Alaska Native village located in the eastern portion of interior Alaska. Like many rural Alaskan Natives, Rose was required to leave her village to attend a boarding school in Sitka, Alaska. Rose went on to college and returned to her birthplace of Northway, Alaska in the mid-1970s.

Upon her return she became active in her community. While raising four children with her husband, Rosemarie was elected as President of the Northway Village Council and served on the Executive Board for Tanana Chiefs Conference. She assisted in establishing the Upper Tanana Alcohol Program in the Tok area and served as a founding board member. She was influential in the incorporation of Greater Northway, Inc., a non-profit organization specifically formed to administer community projects. Most recently, Rosemarie was chosen to be the new CEO of Doyon Limited.

#### WILL MAYO

Will is an ardent advocate for tribal empowerment and self-determination. He recently retired from his position as President and Chairman of Tanana Chiefs Conference, Inc. (TCC), a tribal consortium that provides health, social services and advocacy to fourty two Interior Alaskan tribes.

Will is a tribal member of the Native Athabascan Village of Tanana and has worked for TCC for the last fourteen years in a variety of positions, including Director of Village Government Services, Subregional Liaison, Director of Subregional Services, Director of Planning and Development and President.

#### GENE PELTOLA

Gene serves as the CEO of Yukon Kuskokwim Health Corporation, and lives in Bethel.

#### MARGARET ROBERTS

Margaret believes in the principle of promoting pride and self-determination for the Native people of Kodiak (and the State of Alaska) through their cultural heritage and tradition by preserving and promoting their language, customs, folklore and arts. In addition, through her work as Manager, Project Director and President of Kodiak Tribal Council, she continues to promote the educational, physical, economic and social wellbeing of the Alaska Native individual, family and community.

Margaret was the first woman ever to receive the "Traditional Chief's Knife Award", presented by Perry Eaton, President of the Community Enterprise Development Corporation in 1990. She was also

recognized by Bruce Babbitt, Secretary of the Interior and Donna E. Shalala, Secretary of Health and Human Services for her significant contributions to the Department of the Interior and Department of Health and Human Services' Indian Self-Determination Negotiated Rulemaking Committee. The committee implemented the Indian Self-Determination and Education Assistance Act and Public Law 93-638 from April 1995-June 1996.

#### GILDA SHELLIKOFF

From 1965 until 1980, Gilda Shellikoff was employed as a cannery worker for Peter Pan Seafood, Inc. She reports, "At fourteen I started off in the 'egg house,' putting up fish eggs that were sent to Japan. Then I worked various positions on the canning line. My main job was in the warehouse. I ended up being the bookkeeper for the warehouse and eventually became the unofficial foreman for the warehouse." Eventually she rose from her position as a Peter Pan store clerk to the store manager.

Since the early 1970's, Gilda has been very active in the community. Presently she functions as the Administrator and President for the False Pass Tribal Council, the Community Liaisons Officer for the Aleutian Pribilof Islands Community Development Association (APICDA), and is also a photographer for her own company called Gilda's Graphics.

She has served on the False Pass boards of the City Council, Advisory School Board, Tribal Council, Fisheries Development Association, Alaska Inter-Tribal Council, Kodiak/Aleutian Subsistence Advisory Council, the Isansotski Corporation as well as many others.

#### LEE STEPHAN

Lee is a Tribal Member and resident of the Native Village of Eklutna. He has dedicated his time and efforts toward protecting the rights of Alaska Natives. A Taniana Den'a-Chysi clan member, he is the Vice President and Chief Executive Officer of the Native Village of Eklutna, tribal government organization. Lee is also the President of Eklutna, Inc. Village Native Corporation. He is responsible for the planning and implementing of short and long range goals and objectives of the traditional governmental organization serving Alaska Natives. He oversees the application and administration of funds including state and federal grants and corporate donations and supervises staff. He was the President and General Manager of Iluat, Inc., Village nonprofit organization from 1985-1986, and from 1989 until now. In addition, Lee served as the Board Chairman and President of Eklutna Utilities, Inc. He is trained in a number of fields as a heavy machine operator, community health representative, certified marine deckhand, substance abuse counselor, commercial fisherman, and surveyor. Lee earned his G.E.D. Certificate and

continues to pursue his University degree in Business Administration. Lee graduated from the Alaska Native Leadership Program in 1986.

#### ARLISS STURGULEWSKI

Arliss received a BA in Economics and Business from the University of Washington, with a major in accounting and later received an Honorary Doctor of Laws degree from the University of Alaska, Anchorage in May 1993. She has served on many local municipal boards, including the Planning and Zoning Board and the Board of Examiners and Appeals. She was elected to serve on the Anchorage Charter Commission and the Anchorage Assembly. She also served in the Alaska State Senate from 1978 through 1992. She was the Republican candidate for Governor of Alaska in 1986 and 1990. Arliss is a trustee for the Anchorage YWCA, Sheldon Jackson College, and the University of Alaska Foundation. In addition, she is a YMCA National Board member and board member of the Alaska Public Radio Network and the Advisory Council for the University of Alaska School of Fisheries and Ocean Sciences.

#### ESTHER WUNNICKE

Esther has had a career in public service in Alaska for over thirty years. She served as Commissioner of the Department of Natural Resources for the State of Alaska from January 1983 to December 1986. Since then she has served on a number of boards and commissions for the State of Alaska: the Oil Spill Commission after the Exxon Valdez spill; the State Human Rights Commission; the Oil and Gas Policy Council; and on the Board of the Pacific Northwest Pollution Prevention Resource Center. In 1971-1972 she was also an Assistant Attorney General.

Her federal service in Alaska included: Counsel to the Federal Field Committee where she was one of the authors of Alaska Natives and the Land; Co-Chair of the Federal-State Land Use Planning Commission, whose work was a prelude to ANILCA; and Manager of the OCS program for the Bureau of Land Management and later for the Minerals Management Service. She holds JD and BA degrees from George Washington University and a master's of education degree from Adams State College. Currently she is active in a citizen group, Alaska Common Ground, which addresses long-term public policy issues in Alaska.

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## COMMISSION STAFF

### COMMISSIONER MIKE IRWIN

Mike was appointed Commissioner of Community and Regional Affairs for the State of Alaska in January 1995 and manages four divisions that specifically focus on strengthening local economies, governments and families.

A lifelong Alaskan of Native descent, Mike was born in Old Bettles and raised in Nenana. Following graduation from Nenana High School, he earned a Bachelor's Degree from Pacific Lutheran University in Tacoma, Washington, and a Master's Degree in Public Administration from University of Alaska, Anchorage. Mike has spent the last twenty years in management and public policy positions with Alaska profit and non-profit organizations, and with the state and federal governments.

Prior to his current position, Mike served as the Executive Director of the Alaska Natives Commission, a special two-year Congressional Commission charged with assessing the social and economic status of Alaska Natives and the impact of federal and state programs on the population. He was the lead writer and editor of the three volume report, "Final Report of the Alaska Natives Commission," published in May 1994. Mike has also held positions with the Alaska Federation of Natives, Sealaska, Tlingit/Haida Central Council, TCC, and served as Vice-President of Doyon, Limited and the Special Assistant for Rural and Native Policy under Governor Cowper.

He currently serves as a Director on the Doyon, Limited Board, the Doyon Foundation, Alaska Housing Finance Corporation, Alaska Federation of Natives, and Evansville, Inc. He has also served on the World Eskimo Indian Olympics, the Joint Committee on Legislative Ethics, and the Fairbanks Human Rights Commission.

### VERONICA SLAJER, STAFF DIRECTOR

Veronica was raised in Ketchikan and began working on Alaska public policy matters in 1985 after earning her Bachelor of Arts degree in business management and communication arts from California Lutheran University. Veronica has held a variety of posts with the State of Alaska, including legislative aide, staff to Governor Cowper, Special Assistant to the Commissioner of Commerce and Economic Development, and coordinator of the state response to the impacts in southern southeast Alaska caused by the closure of the Ketchikan Pulp Mill. Veronica currently manages overall project planning and logistics for the 22-member Commission on Rural Governance and Empowerment. Veronica also owns North Coast Research Group, an Anchorage-based project management and research firm.



## Contributors

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**Tom Begich**

Division of Family and Youth Services, Department of Health and Social Services, assisted with the development of the public safety and justice issues and recommendations.

**Judge Ted Borbridge**

Sitka Tribe of Alaska, briefed the Commission on the process for developing and maintaining tribal courts, and gave recommendations on how the state can strengthen Alaska tribal courts.

**Harold "Buddy" Brown**

Tanana Chiefs Conference, provided technical and legal advice on public safety and natural resource management.

**Clay Butcher**

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**Dr. Steve Colt**

University of Alaska, Institute of Social and Economic Research, advised and edited the jobs and economy section.

**Andrew Crow**

Legal Intern, University of Vermont, volunteered for three months, providing legal research, technical assistance, and general staff support.

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**Debby Dubac**

Designed the Commission's logo.

**Ed Earnhart**

Retired from the Bureau of Land Management, volunteered on all aspects

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**Tine Eckles**

Office of the Governor, provided invaluable administrative and communication assistance throughout the entire process.

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Division of Municipal and Regional Assistance, SEA-CERT Coordinator, DCRA, flew from Ketchikan (where she's based) to provide emergency administrative support on travel and office operations. Kim helped edit the final report and also researched the amount of funds tribes bring to Alaska.

**Martha King**  
Native American Rights Fund, provided technical support regarding public safety and justice matters.

**Jim Labelle**  
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**Judy Rabinowitz**  
Natural Resource Section, Attorney General's Office, provided legal/technical advice on Indian law and tribal governance in Alaska, as well as general support throughout the project.

**Mara Rabinowitz**  
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**Phil Smith**  
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**John "Sky" Starkey**  
Private consultant and attorney, coordinated co-management fact-finding sessions, researched alcohol control and tribal jurisdiction, and assisted with writing and editing portions of the final report.

**Tim Towarak**  
Administrator for City of Unalakleet and formerly with the Office of the Governor, was a key advisor to the Commission.

**Bernice Tetpon**  
Commissioner's Office, Department of Education, advised on, and drafted the education portion, of the report.

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Division of Municipal and Regional Assistance, DCRA, created and maintained the Commission's database.

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**Heber Willis**  
Bureau of Justice Assistance, U.S. Department of Justice, gathered and delivered important information on the Justice Department's contribution and role in rural Alaska, and coordinated roundtable among private, tribal, state and federal representatives on how to respond to, and plan for, the public safety and judicial challenges facing rural Alaska.

**Matt Zencey**  
Director, Alaska Rain Forest Campaign, formerly at the Anchorage Daily News, and volunteer copy editor of the Commission report.

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## OTHER KEY INDIVIDUALS AND ORGANIZATIONS CONSULTED

*Below is merely a sampling of other individuals and organizations that offered their support, contributions, and time  $\frac{3}{4}$  for which the Commission members and staff are indebted. The suggestions and testimony helped present a unified message to the Governor on behalf of rural Alaska.*

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## COMMUNITIES AND AREAS VISITED

|             |            |                        |            |
|-------------|------------|------------------------|------------|
| Ambler      | Elim       | Kodiak                 | Nulato     |
| Anchorage   | Fairbanks  | Kodiak Island villages | Pt. Lay    |
|             | Galena     | Kotzebue               | Saxman     |
| Barrow      | Hooper Bay | Mentasta               | Selawik    |
| Bethel      | Juneau     | Metlakatla             | Seward     |
| Chistochina | Ketchikan  | Mountain Village       | Shungnak   |
| Dillingham  | King       | Noatak                 | Sitka      |
|             | Salmon     | Nome                   | Unalakleet |
| Eklutna     | Kobuk      | Noorvik                |            |

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*Many of the source materials and references listed below are available through the Commission on Rural Governance and Empowerment's Internet web site: [www.comregaf.state.ak.us/RGC](http://www.comregaf.state.ak.us/RGC). Originating organizations and corporations will also have documents on file where sited.*

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