

SJR

25

Alaska State Legislature



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SENATOR DONALD C. OLSON

DISTRICT T

Alakanuk
Ambler
Anaktuvuk Pass
Atkasuk
Barrow
Brevig Mission
Browerville
Buckland
Chevak
Deering
Diomede
Elim
Emmonak
Gambell
Golovin
Hooper Bay
Kaktovik
Kiana
Kivalina
Kobuk
Kotlik
Kotzebue
Koyuk
Mountain Village
Noatak
Nome
Noorvik
Nuiqsut
Nunam Iqua
Pilot Station
Pitka's Point
Point Hope
Point Lay
Savoonga
Scammon Bay
Selawik
Shaktolik
Shishmaref
Shungnak
St. Mary's
St. Michael
Stebbins
Teller
Unalakleet
Wainwright
Wales
White Mountain

Sponsor Statement

SJR 25, FLOODING AND EROSION CONTROL ASSISTANCE

SJR 25 is a resolution requesting the Army Corp of Engineers ease their cost and benefit analysis for projects in rural Alaska.

I have proposed this resolution in response to many concerns voiced by my constituents with regards to the erosion and flooding problems that plague western Alaska. Currently many of the villages in western Alaska are not receiving the assistance needed for the protection of life and property.

On November 8, 2003 a winter storm hit western Alaska. This storm caused considerable damage to Unalakleet, Shishmaref, and some of Nome's surrounding areas. While the Governor has declared a state of disaster because of this storm, the continued effects of erosion on the villages of Alaska are not going to be solved by emergency disaster

declarations. A more comprehensive, coordinated effort is required by the Army Corps of Engineers and other federal and state agencies.

I respectfully urge your support for this resolution to focus attention on this serious problem.

GAO

Report to Congressional Committees

184 Communities in danger.

December 2003

ALASKA NATIVE VILLAGES

Most Are Affected by Flooding and Erosion, but Few Qualify for Federal Assistance



GAO

Accountability * Integrity * Reliability

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

Several bills have been introduced to authorize tribal governments also to bundle federal funding for economic development programs and for alcohol and substance abuse programs. For example, in the 106th, 107th, and 108th sessions of Congress, bills were introduced to authorize the integration and coordination of federal funding for community, business, and economic development of Native American communities.²⁴ Under these bills, tribal governments or their agencies may identify federal assistance programs to be integrated for the purpose of supporting economic development projects. Similarly, in the 107th and 108th Congresses, S. 210 and S. 285 were introduced to authorize, respectively, the integration and consolidation of alcohol and substance abuse programs and services provided by tribal governments.

Conclusion

Alaska Native villages that are not making plans to relocate, but are severely affected by flooding and erosion, must find ways to respond to these problems. However, many of these villages have difficulty finding assistance under several federal programs, largely because the economic costs of the proposed project to control flooding and erosion exceed the expected economic benefits. As a result, many private homes and other infrastructure continue to be threatened and are in danger from flooding and erosion. In addition, many Alaska Native villages that are small, remote, and have a subsistence lifestyle, lack the resources to help them respond to flooding and erosion. Given the unique circumstances of Alaska Native villages, special measures may be required to ensure that these communities receive assistance in responding to flooding and erosion.

Alaska Native villages that cannot be protected from flooding and erosion through engineering structures and must relocate face a particularly daunting challenge. These villages are working with federal and state agencies to find ways to address this challenge. Any potential solution, however, whether a single erosion protection project or full relocation, goes through stages of planning and execution that can take years to complete. In the interim, investment decisions must be made regarding delivery of services such as building new structures or renovating and upgrading existing structures. Such decisions for villages should be made in light of the status of their efforts to address flooding and erosion. We identified a number of instances where projects were approved and

²⁴The bills introduced in the 106th, 107th, and 108th Congresses were S. 2052, S. 343, and S. 1528, respectively.

designed without considering a village's relocation plans. Investing in infrastructure that cannot be easily moved or may be costly to move may not be the best use of limited federal funds. It is encouraging that the Denali Commission is working on a policy to ensure that investments are made in a conscientious and sustainable manner for villages threatened by flooding and erosion. Successful implementation of such a policy will depend in part on its adoption by individual federal agencies that also fund infrastructure development in Alaska Native villages.

Recommendations for Executive Action

In order to ensure that federal funds are expended in the most effective and efficient manner possible, we recommend that the federal cochairperson of the Denali Commission, in conjunction with the state of Alaska cochairperson, adopt a policy to guide future investment decisions and project designs in Alaska Native villages affected by flooding and erosion. The policy should ensure that (1) the Commission is aware of villages' efforts to address flooding and erosion and (2) projects are designed appropriately in light of a village's plans to address its flooding and erosion problems.

Matter for Congressional Consideration

Determining the appropriate level of service for Alaska Native villages is a policy decision that rests with Congress. We present four alternatives that Congress may wish to consider as it deliberates over how, and to what extent, federal programs could better respond to flooding and erosion in Alaska Native villages. In any such decision, two factors that would be important to consider are the cost and the national policy implications of implementing any alternative or combination of alternatives. If Congress would like to provide additional federal assistance to Alaska Native villages, it may wish to consider directing relevant executive agencies and the Denali Commission to assess the cost and policy implications of implementing the alternatives that we have identified or others that may be appropriate.

Agency Comments and Our Evaluation

We provided copies of our draft report to the Departments of Agriculture, Defense, Health and Human Services, Housing and Urban Development, the Interior, and Transportation; the Denali Commission; and the state of Alaska. The Departments of Defense, Housing and Urban Development, and the Interior, as well as the Denali Commission and the state of Alaska provided official written comments. (See appendixes IV through VIII,

respectively, for the full text of the comments received from these agencies and our responses.) The comments were generally technical in nature with few comments on the report's overall findings, recommendation, and alternatives. The Departments of Health and Human Services and Transportation provided informal technical comments, and the Department of Agriculture had no comments on the report. We made changes to the draft report, where appropriate, based on the technical comments provided by the seven entities that commented on the draft report.

The Denali Commission was the only entity to comment on our recommendation that the commission adopt an investment policy. The commission agreed with the recommendation and noted that such a policy should help avoid flawed decision making in the future. Furthermore, the commission commented that it was not sufficient for it alone to have an investment policy, but believed that all funding agencies should use a similar policy to guide investments. We acknowledge the commission's concerns that other funding agencies should also make sound investment decisions. As noted in our report, the Denali Commission has signed a memorandum of understanding with 31 federal and state agencies with the goal of systematic planning and coordination for investments in infrastructure, economic development, and training, and we believe that this memorandum could serve as a vehicle by which other federal agencies would follow the lead of the commission regarding decisions to invest in communities.

Of the four alternatives presented in the report, the alternative to funnel funding for flooding and erosion projects through the Denali Commission received the most comments. The Denali Commission, the U.S. Army (commenting on behalf of the Department of Defense), and the Department of Housing and Urban Development all raised some concerns about this alternative. The Denali Commission commented that it is not convinced that expanding its role to include responsibilities for managing a flooding and erosion program is the appropriate response. The Army commented that the alternative to expand the role of the Denali Commission to manage a flooding and erosion program might exceed the capabilities of the organization. Lastly, the Department of Housing and Urban Development commented that the Denali Commission, as an independent agency, does not have the capacity to be fully integrated with the efforts of federal agencies to address this issue. Moreover, while each of these entities recognized the need for improved coordination of federal efforts to address flooding and erosion in Alaska Native villages, none of them provided any specific suggestions on how or by whom this should be accomplished. As

discussed in our report, the Denali Commission currently does not have the authority to manage a flooding and erosion program, and should Congress choose this alternative, the commission would need to develop such a program. Consequently, we still believe that expanding the role of the commission continues to be a possible option for helping to mitigate the barriers that villages face in obtaining federal services.

We are sending copies of this report to the Secretaries of Agriculture, the Army, Health and Human Services, Housing and Urban Development, the Interior, and Transportation, as well as to the federal and state co-chairs of the Denali Commission, the Governor of the state of Alaska, appropriate congressional committees, and other interested Members of Congress. We will also make copies available to others upon request. In addition, the report will be available at no charge on the GAO Web site at <http://www.gao.gov>.

If you or your staff have questions about this report, please contact me at (202) 512-3841. Key contributors to this report are listed in appendix IX.



Anu Mittal
Director, Natural Resources
and Environment

SENATE AND HOUSE JOINT JOURNAL SUPPLEMENT

No. 14

February 16, 2004

First among these challenges is coastal erosion. Flooding and erosion affects 184 Alaska Native villages. At my request, the Government Accounting Office studied this problem and recently issued a report that discussed their findings. I have brought a copy of that report for each of you. The GAO reviewed nine of our villages and found four to be in imminent danger from flooding and erosion.

I plan to hold hearings in Alaska on this report to explore how this crisis can be resolved while meeting the needs of all Alaskans. The cost of moving entire villages is enormous, and our state and federal agencies must listen to those affected and determine what can be done to help.

State and local advice is needed to develop solutions so I propose that a commission be formed with federal, state, and local representatives. Such a commission could identify solutions and make recommendations for how best to respond to the effects of coastal erosion.

I am currently drafting legislation to form such a commission. If this Legislature agrees to appoint commissioners, I will submit that legislation for consideration by the Congress. It will be similar to the Land Use Planning Commission created in the Alaska Native Claims Settlement Act.

Another issue deeply connected to the future of our state is the effort to reach an Alaskan consensus about law enforcement in rural communities. My relationship with the Alaska Native community began when I was Solicitor of the Department of the Interior in 1960. Throughout my tenure in the Senate, I have remained focused on their concerns.

Late last year, when I addressed the Alaska Federation of Natives conference, I discussed the sustainability of tribal justice funding.

To try to resolve the issues I raised in that speech and meet the needs of rural communities, Congress established the new Alaska Rural Justice and Law Enforcement Commission in January. I know there's some concern about this approach, but this panel was not developed with the intention of taking sides on the question of sovereignty for

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tribes in Alaska. It will take years to settle the legal issue of tribal sovereignty. The panel's primary objectives will be stronger law enforcement and a swift, fair system of justice for all. It is my hope that all Alaskans will let the panel do its work and try to achieve practical solutions.

In the last several years, an onslaught of lawsuits and the preparation of uneconomic timber sales devastated our timber industry. The Tongass once helped support 4,000 timber jobs. Today, nearly two-thirds of those jobs have disappeared. In the last ten years, all of our pulp mills have closed, taking some of southeast Alaska's highest paying jobs with them.

Last year, new steps were taken to revitalize our timber industry. The Congress created deadlines for the filing of lawsuits and allowed the Forest Service to mutually cancel uneconomic timber sales. The judicial review provision will ensure stability in our timber supply by quickly resolving timber disputes. Already there have been benefits from contract termination; the Forest Service, working with our timber producers, recently cancelled 20 uneconomic timber sales. These sales will be reconfigured and reoffered as economically viable sales.

On the fisheries front, Americans are looking for alternative sources of protein in the wake of the mad cow scare and fear over PCB levels in farmed salmon. The Alaska Fisheries Marketing Board is currently developing a national advertising campaign that will promote wild Alaska salmon to fill that void.

In January, our national government acted to rationalize the Bering Sea/Aleutian Islands crab fisheries. Our efforts protected the resource, made the crab fisheries safer, and ensured that vital seafood industry jobs remained in Alaska's coastal communities.

Some opponents criticized this plan; they argued that it was agreed to without public input and violated industry practices and anti-trust laws. They were wrong.

This action was based on a report from the North Pacific Fisheries Management Council. Their plan was the product of an open process that spanned five years - three years of meetings and discussion

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SHISHMAREF EROSION AND RELOCATION COALITION

Luci Eningowuk, Chairperson
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(907) 649-2289 Fax (907) 649-4461

☐

Tony A. Weyiouanna, Sr. - Shishmaref Village Transportation Planner, tony@kawerak.org
Sophie Weyiouanna - Administrative Assistant

Alaska State Senate
Alaska House of Representatives
Juneau, Alaska

February 25, 2004

REF: Request for Assistance

Dear Senators and Representatives:

The Shishmaref Erosion and Relocation Coalition, made up of the three governing bodies of the community of Shishmaref, requests your assistance in seeking both funding and technical support. Our immediate goal is to seek assistance in providing erosion protection measures for the community. Our longer-term goal is to reestablish Shishmaref at a new mainland site. Our goal is to enhance our working relationship with the State government.

We request the State's assistance in the following:

Immediate Erosion Protection for Shishmaref - the U.S. Army Corps of Engineers has agreed to provide a Section 14, Emergency Shoreline Protection Project on the northern seaward side of our School's property. This project requires a \$400,000 local match. We request one of the following solutions:

1. The State urges the Federal Government to make an exception to the requirement for the local match and fund the project as 100% Federal.
 2. The State urges the Federal Government to consider the adjoining project being constructed jointly by Kawerak, Inc. and the Native Village of Shishmaref, using Bureau of Indian Affairs, Indian Reservation Roads program funds, to protect the community's main street and road to the airport, as the local match.
- Or if neither of these are acceptable to the Federal government,
3. The State authorizes within its budget, the required local share.

A large majority of the community is unprotected and thus left vulnerable to even minor storms. We urge the State government to provide funding to place erosion protection measures in other areas of the community that are left unprotected. Kawerak Transportation Project heavy equipment is mobilized and ready. Reusable armor flex cement blocks and gabions are available from prior erosion measures. With a small amount of assistance, we could minimize expenses and provide protection to other areas in the community by reusing this material.

Relocation of the Community of Shishmaref to the nearby mainland - we seek support from the State to urge the federal government to initiate the following:

SERVING THE COMMUNITY FOR A BETTER FUTURE

1. That Congress enact special measures to ensure that the Alaska villages qualify for and receive federal assistance for erosion protection and if needed relocation.
2. That Congress enact legislation that establishes Shishmaref, Alaska as a demonstration project for both erosion and relocation assistance, as a coordinated effort between the respective Federal Agencies: Federal Emergency Management Agency (FEMA), US. Army Corps of Engineers (Corps), and the Natural Resource Conservation Service (NRCS); and the Denali Commission. That FEMA be identified as the Agency responsible to head the coordination and identify other Federal agencies that need to be involved, as well as establishing a cooperative working relationship with the State of Alaska.
3. We seek support from the State's respective Departments to provide technical and funding assistance for the establishment of a new community.
 - o Studies for the following that may fall within the responsibility of the State:
 - o Wind studies for a new airport
 - o Assistance with community infrastructure
 - o Water
 - o Sewer
 - o Landfill
 - o Utilities
 - o Etc.
4. We seek support from the State for the construction of an emergency evacuation shelter at the Tin Creek site on the mainland. A building large enough to provide space as a temporary school and provide for other critical functions during an emergency situation.

Background:

The situation at Shishmaref is dire and requires immediate action. On an annual basis, until the protective winter ice arrives, we agonize that the next storm will be the one that wipes us out. The most recent storm event of November 21, 2003 caused significant beach erosion. We did not lose any homes this time, however, we, who live in Shishmaref, know that it is merely a matter of time.

We are concerned for the cohesion of our community. The community has expressed and reconfirmed its desire to retain community integrity; this intent was articulated through a community wide vote held on July 10th of 2002, showing overwhelming support to relocate the community. With the decision to relocate we passed an ordinance that requires that all new buildings or facilities be movable. We anticipate that once a new site is prepared, it will be a straightforward process to skid existing structures across the ice to the new community location.

Subsistence is a vital factor to our way of life and our ability to provide for ourselves; we believe that relocation to a site on the mainland near our current location is the optimum solution. In 2002, the USDA Natural Resource Conservation Service (NRCS) performed preliminary site evaluations at 5 locations on the mainland. In 2003,

they narrowed their review to two sites, Tin Creek and West Tin Creek. They delivered their report to the community on January 13, 2004, providing their recommendation for the Tin Creek site. The community discussed the report, and has endorsed the Tin Creek site for further studies.

The rate of erosion and the number of flooding events has accelerated. Even though the storms have been moderate in level; the damage is more severe in recent years. The community and Coalition would like to stress the immediacy of the problem and will continue to push for an expedited relocation. Below are challenges limiting our efforts.

No Federal Champion

The massive nature of relocating an entire community will require interagency cooperation and coordination as there is no one agency stepping forward to take the lead. We have reviewed the GAO report and encourage you to consider their recommendations. We strongly agree a coordinated effort to address issues caused by erosion and flooding of the threatened Alaska Native Villages is necessary. We believe the agency assigned to coordinate must be one that has proven itself to be proactive in addressing the needs of Alaska Native Villages.

Limited Local Capacity

Now that the community has identified a new community site, we are moving forward with relocation planning. Shishmaref does not have the administrative capacity to facilitate such a massive effort without additional funds and technical assistance. Kawerak, Inc. provides staff support and facilitation but is limited to the transportation components of the relocation.

Limited Ability For Massive Evacuation

There is no infrastructure at the new site. We request assistance to build an emergency evacuation building at Tin Creek Relocation Site, a structure that would be the command center and provide room for school, offices, clinic, and warehouse for emergency supplies is desperately needed. A massive evacuation of Shishmaref's population could not be absorbed long-term by the surrounding communities.

No Viable Bluff Protection in Place

The only protection of our shoreline is the permafrost, and it is increasingly vulnerable to even minor, silent storms. We recognize that relocation will take several years and building infrastructure will continue for many years after that. Our expedited local plan for relocation anticipates relocation to occur by 2009 therefore; we need some form of intervention to buy time. We have requested a Corps of Engineers Section 14, Emergency Protection Project for the section of shoreline in front of our school. The problem is that we can only piecemeal our efforts by the limited funding available to the respective programs. The Section 14 has a \$1 million federal cap, and the community just does not have the capacity to come up with hundreds of thousands of dollars.

Statutes and Regulations Are Not Designed for Emergencies

The government's programs are designed to do cleanup after the emergency rather than put funds into prevention. We had time after time been told by both Federal and State Agencies that they cannot provide the assistance we need until a "Disaster Declaration" has been made. The declaration itself requires a dollar value for the damage. In our case, because no value is provided for the lost land, and we have been able to tug homes out of harms way at the last moment, we don't have enough dollar value loss to qualify.

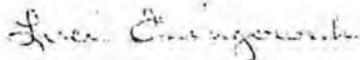
The situation facing Shishmaref should be categorized as an emergency, and that overly burdensome Federal regulations need to be eased. It is also a great concern to us, that many of the Federal requirements drive the estimated costs up and that the relocation could be accomplished at a significantly reduced cost should there be a loosening of regulations because of the emergency. The GAO report provides excellent recommendations to address these issues and should be adopted by Congress, however, our situation is urgent and we may not survive the full implementation of new Statutes, Regulations, and Policies. Because of this, we request that Shishmaref be identified as a demonstration project with maximum flexibility authorized, and used to help determine what changes to Statutes, Regulations, and Policies need be done overall.

We are providing a packet with additional information to help you understand and to share with others the situation in Shishmaref.

We, the people of Shishmaref, value our heritage and way of life; we are proud of who we are. We believe that any action, including inaction needs to take into consideration the human impacts. If we were not a true "community" the people of Shishmaref would long ago have drifted apart when faced with such complete devastation. Every year we watch as the ocean absorbs our island. We are connected to Kikigtaq (homeland of the people of Shishmaref), we ask for assistance in helping us to stay here.

Thank you for this opportunity to share with you our concerns. Please let us know if there is anything else that we can do to help you understand our situation.

Sincerely,



Luci Eningowuk
Chairperson

Enclosure: Packet

SHISHMAREF EROSION AND RELOCATION COALITION

Luci Eningowuk, Chairperson
P.O. Box 72100
Shishmaref, Alaska 99772
(907) 649-2289 Fax (907) 649-4461

☐

Tony A. Weyiouanna, Sr. - Shishmaref Village Transportation Planner, tony@kawerak.org
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The Honorable Governor Frank Murkowski
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Statutes and Regulations Are Not Designed for Emergencies

The government's programs are designed to do cleanup after the emergency rather than put funds into prevention. We had time after time been told by both Federal and State Agencies that they cannot provide the assistance we need until a "Disaster Declaration" has been made. The declaration itself requires a dollar value for the damage. In our case, because no value is provided for the lost land, and we have been able to tug homes out of harms way at the last moment, we don't have enough dollar value loss to qualify.

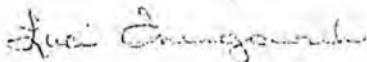
The situation facing Shishmaref should be categorized as an emergency, and that overly burdensome Federal regulations need to be eased. It is also a great concern to us, that many of the Federal requirements drive the estimated costs up and that the relocation could be accomplished at a significantly reduced cost should there be a loosening of regulations because of the emergency. The GAO report provides excellent recommendations to address these issues and should be adopted by Congress, however, our situation is urgent and we may not survive the full implementation of new Statutes, Regulations, and Policies. Because of this, we request that Shishmaref be identified as a demonstration project with maximum flexibility authorized, and used to help determine what changes to Statutes, Regulations, and Policies need be done overall.

We are providing a packet with additional information to help you understand and to share with others the situation in Shishmaref.

We, the people of Shishmaref, value our heritage and way of life; we are proud of who we are. We believe that any action, including inaction needs to take into consideration the human impacts. If we were not a true "community" the people of Shishmaref would long ago have drifted apart when faced with such complete devastation. Every year we watch as the ocean absorbs our island. We are connected to Kikigtaq (homeland of the people of Shishmaref), we ask for assistance in helping us to stay here.

Thank you for this opportunity to share with you our concerns. Please let us know if there is anything else that we can do to help you understand our situation.

Sincerely,



Luci Eningowuk
Chairperson

Encl sure: Packet