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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.

"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

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

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.

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 worth."

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.

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."

Esther Wunnicke, former Commissioner, Department of Natural Resources

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.)

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 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.

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.

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.

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.

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.

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.

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.

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

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.

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 suffering and death. Through copious data and narratives, these articles concentrated on alcohol and drug abuse, cultural dislocation, poverty, psychological depression, and the never-ending struggle for self-determination against an invasive national culture as root causes of the Native crisis. A *People in Peril*, more than any previous study, made Natives and non-Natives face up to what was really going on in Alaska, winning a Pulitzer Prize for the effort. What distinguished the series was its courage in pointing out a human tragedy unfolding in our midst.

"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

A year later, the Alaska Federation of Natives published a study, compiled by the University of Alaska's Institute for Social and Economic Research, entitled the *AFN Report on the Status of Alaska Natives: A Call for Action*. This report warned that despite improvements in health, education, standards of living and access to government services, an increasing number of Natives faced grave personal risks and declining economic opportunities. It found that cultural change in the preceding decades had been so rapid and profound that many Natives had been overwhelmed by a world of conflicting values. Often, personal and cultural identities were becoming lost in a "haze of alcohol-induced despair." The report also pointed to a principal cause: "...(T)he 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

"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

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 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:[1]

"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

[1] 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.

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

"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

area-wide municipalities with the flexibility to adapt their structure, functions and services to the respective region's values and needs.

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 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

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 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

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.

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.

"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

The broadest range of activities that Alaska tribal governments undertake are their executive/administrative 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.[2] 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.[3] 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[4] 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

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[2] 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).

[3] 25 USC 71 (1871).

[4] The Metlakatla Indian Community of Annette Island Reserve is the only reservation in Alaska.

Alaska Natives and their authority, if any, over land.[5] The 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 *Venetie*.[6]

In 1993, the Secretary of the Interior published a list of federally recognized tribes, including Alaska tribes[7]. 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."[8] 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

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[5] So Op M-36, 975 at 46-7 (Jan 11, 1993).

[6] The Venetie 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 Venetie Tribal Government, 118 S.Ct. 948, 140 (1998).

[7] 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 Coucil of Tlingit and Haida to the list. The total number of federally recognized tribes in Alaska is now 227.

[8] Federal Register 58, 202 (October 21, 1993).

respectful of tribal sovereignty. This policy was reaffirmed in an April 1994 Executive Memorandum, signed by the President.[9] 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." [10]

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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[9] Presidential Documents F ral Register Vol. 59, No. 85 Wednesday, May 4, 1994, see also, Executive Order 13084 of May 14, 1998

[10] 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.[11] 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."[12] 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.

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[11] Governor of Alaska, Administrative Order No. 123 (1990).

[12] Governor of Alaska, Administrative Order No. 125 (1991).

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

"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

PART THREE:
SUCCESS STORIES

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.

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.

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.

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.

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 bought 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.

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 it 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 Ilitqusiat" 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

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.

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.

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.[1] 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.

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[1] Public Law 95-608, 1978.

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, 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.

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.

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

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.

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 Louden 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 Louden 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 Louden 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. Louden 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 Louden 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.

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 though 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.

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.

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 a' funded by the Trustee Council) to involve children ar 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.

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

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.

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.

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

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

SUPPORT LOCAL INVOLVEMENT IN STATE POLICY AND PROGRAM DEVELOPMENT

"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

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.[14]

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

[14] "Seven Generations" planning manual (1999).

many meetings are held in the large urban areas and traveling is expensive.

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.

"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

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.

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.[15] 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

[15] Sample agreements include: City of Galena, Louden 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.

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 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.

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.

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.

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

"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

an example of how the two can work together. Local job 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.

"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

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.

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.

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.[16]

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,

[16] Professor Steve Colt, UAA Institute of Social and Economic Research, personal communication, June 8, 1999.

these investments can create operations and maintenance burdens borne by local residents and by the State itself. In 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[17] 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.[18]

Based on local initiatives, the State development agencies, including the Jobs Cabinet,[19] 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.

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

[18] 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.

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

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

"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

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.

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 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.[20] 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

"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

[20] 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.

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 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. [21] 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.

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.

[21] Alaska Native Coalition on Employment and Training (ANCET) — State MOU (1994)

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 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.[22]

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.[23] 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.[24] The Legislature

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[22] "Expanding Job Opportunities for Alaska Natives Report" (1998) has more information on compacting.

[23] State of Alaska Attorney General opinion: "Legality of Project Labor Agreements." (1999)

[24] 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.

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.[25]

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 (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.[26]

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

"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

[25] 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."

[26] Ibid.

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

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-

"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

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.

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 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.

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.[27]

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

[27] 42 U.S.C. Sec. 3198 – Local Hire.

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 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.

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,

"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

local communities will discover this prize, family by family, along the road to self-sufficiency.

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 21st 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.[25]

The Alaska State Legislature should ensure that funds earmarked for Temporary Assistance clients are transferred

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[25] February 12, 1999, letter from co-chairs Mallott and Keith in support of introducing TANF legislation.

or continue to be used for recipients served by a Native Family Assistance Program.

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.

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.

"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

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

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 dysmorphology-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: alconol-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.[29]

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.

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[29] 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.

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

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.

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

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

Esther Wunnicke, former Commissioner, Department of Natural Resources

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 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.

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.

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.

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.