

ALABAMA LEGISLATURE COMMITTEE FILES 1999-2000 0072

9776 HOUSE COMMUNITY & REGIONAL AFFAIRS

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

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

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

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

Next Steps

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

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

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

PROMOTE COMMUNITY-BASED SERVICES

Findings and Background

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

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

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

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

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

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

Next Steps

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

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

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

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

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

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

EDUCATION

Findings and Background

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

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

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

Next Steps

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

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

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

Local school boards should establish "local Native language curriculum advisory boards to initiate and conduct a Native language curriculum within grades K-12 as part of regular classroom studies."¹⁰

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

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

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

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

Local communities need to ensure that students have access to high quality teachers and curriculum and have the local support to succeed in passing the new high school qualifying graduation exam. Local communities need to ensure that students who require extra help with the exam



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

Alaska Natives Commission
Report, 1994

¹⁰ Legislation introduced Senators Lincoln and Ellis (1999), Senate Bill 103.

have access to services such as distance delivery, available through the University of Alaska.

The State should assist communities to pursue educational options for rural students that have proven to be successful such as Mt. Edgecumbe High School and Sheldon Jackson College.

The following are K-12 Public Schools recommendations, based upon Alaska Standards for Culturally Responsive Schools, adopted by the Assembly of Alaska Native Educators, February 3, 1998:

Ensure that Native students graduate from high school with the skills needed to enter a university or technical school.

Ensure that Native students succeed in classrooms through the incorporation of the Alaska Standards for Culturally Responsive Schools.

Foster a connection between students' experiences in school and their lives out of school. Provide opportunities for students to engage in experiential learning in real-world contexts.

Shift the focus in the curriculum from teaching and learning about culture to teaching and learning through the local cultural heritage.

Provide teacher candidates with experiences in working with students whose cultural background is different from their own.

Provide new teachers with a cross-cultural orientation as a component of in-service programs. As feasible, include a week-long cultural camp experience for new teachers. Assign an experienced Native teacher/aide or elder as a mentor throughout the first year of teaching. All of these recommendations could be designed to meet the State 'multicultural education' requirement for licensure.

All of the above guidelines and recommendations for strengthening the cultural responsiveness of teachers are also applicable to the preparation of new school administrators and school board members. The recommendations could serve as a basis for revitalizing educational leadership programs, including the Native Administrators for Rural Alaska program.

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

Public Safety and Justice

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

PUBLIC SAFETY IN RURAL ALASKA

Findings and Background

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

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

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



"How do we let the legislative branch understand that through the appropriations process they are establishing public policy even though they're not defining it as such. For example, the legislature is making cuts that have serious implications for the justice system and the basic health of Alaska's people and communities."

Atliss Sturgulewski,
Anchorage
businesswoman and
former State Senator

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

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

Next Steps

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

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

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

The Department of Public Safety should train local law enforcement officers to help extend the reach of Alaska's

public safety system, by providing additional support State Troopers often need. Each community and village also needs management training to develop the capacity to oversee law enforcement activities in an unbiased manner. Village law enforcement may involve difficult situations with family members and relatives. Learning how to balance cultural sensitivity with professional ethics is important. Management training will provide more accountability to ensure non-selective enforcement in small communities.

Village public safety officers go through the academy in Sitka and then attend annual regional training sessions. Also, the Department of Public Safety will receive a federal grant (of approximately \$650,000) to train VPSOs. One hundred fifty village/tribal officers will be trained in law enforcement and firefighting.

The Alaska State Legislature's funding of the VPSO program should be reinstated to provide additional officers to cover more villages (currently, approximately two-thirds of the villages in Alaska do not have a VPSO or other local law enforcement officer) and increase VPSO pay and health and retirement benefits, commensurate with the Alaska State Troopers.

When feasible, the responsibility of VPSOs should be appropriately training and compensated to provide more community-based services such as probation-related services and juvenile justice services for village residents. Funding for rural probation services and other post-incarceration programs should be explored. The "probation supervisors pilot program" jointly administered by the Department of Corrections and the Bristol Bay Native Association is an example of the type of program that needs to be developed.

The State should encourage and support efforts, including grants and other programs administered by the Department of Justice and other federal agencies to train, equip and pay tribal public safety officers and programs.



"Alcohol problems are one of our most daunting in many of the villages. When we talk about education, we need not only to be talking about educating Native teachers but also educating health providers, alcohol prevention counselors. ... Money could be well spent providing education to these people who try to help with the community alcohol problems. Alcohol is the major problem in many villages as far as being the link between child abuse, family neglect, and abuse of the elderly."

Rosemarie Maher,
CEO, Doyon Limited

LOCAL EFFECTIVE ALCOHOL ENFORCEMENT

Findings and Background

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

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

Considering that Alaska Natives made up roughly 16 percent of the state's population throughout the 1980s, the alcohol mortality rate of Natives was three and one-half times that of non-Natives (4.1 per 10,000 Natives and 1.2 per 10,000 non-Natives.¹¹

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

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

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

¹¹ Alaska Natives Commission, Final Report, Volume I.

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

Next Steps

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

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

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



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

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

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

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

LOCAL DISPUTE RESOLUTION

Findings and Background

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

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

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

Next Steps

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

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

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

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

COORDINATION OF RESOURCES

Findings and Background

There are many activities directed toward improving the public safety and law enforcement needs of rural Alaska. The federal government, through the U.S. Department of Justice, has increased funding for these areas in recent years. At the same time, the State's support has waned.

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

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

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

Next Steps

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

This process would facilitate better communication by encouraging cooperation among city, tribal and State agencies, and by bridging internal village divisions.

The Alaska Court System and the Alaska Judicial Council's efforts to address local access and control of judicial matters should be strongly supported.²² The Commission also encourages the Court System and Council to distribute their publications to achieve broader dissemination of this valuable information.

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

JUVENILE JUSTICE

Findings and Background

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

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

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

²² Alaska Court System's *Fairness and Access Report* and the Alaska Judicial Council's *Directory of Local Dispute Resolution*.

and offender rehabilitation with the family and the community alongside the State.

While Alaska has had success addressing the number of Alaska Natives confined in the juvenile justice system, more work is needed. Although Alaska Native youth comprise just 20.4 percent of the 10-19 year olds – about the same number that are incarcerated in the State's juvenile detentions facilities – they comprise nearly 30 percent of the initial referrals to the juvenile justice system.

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

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

Next Steps

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

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

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

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

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



Findings and Background

Alaska Natives represent approximately 16 percent of the State's general population, while they represent 35 percent of Alaska's adult prison inmate population. Approximately 1,500 Native men and women are incarcerated in Alaska's prisons, a contract prison in Arizona and in community residential centers. Anecdotal evidence suggests that Alaska Natives are more often re-incarcerated than any other ethnic group in Alaska.

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

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

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

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

Next Steps

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

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

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

Commissioner Margaret Pugh,
Alaska Department of
Corrections

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

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

The Department of Corrections is encouraged to acknowledge and utilize traditional and cultural healing methods, as is being done with correction-based inmate substance abuse, anger management, and sex offender treatment programs.

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

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

PROTECTION OF LOCAL PROPERTY RIGHTS

Findings and Background

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

Next Steps

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

Local and regional governments and organizations must develop land management policies, plans, and programs that protect local hunting and fishing and other land use opportunities. These local and regional programs and

policies should be developed cooperatively with State and federal agencies and coordinated with State and federal programs.

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

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

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

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



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

Commission members and staff

CO-CHAIRS

ROBERT KEITH

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

BYRON I. MALLOTT

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

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

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

MEMBERS

BRAD ANGASAN

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

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

NANCY CECILE BARNES

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

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

JOHNE BINKLEY

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

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

ARNOLD BROWER, JR.

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

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

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

NILES CESAR

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

CHRISTOPHER R. COOKE

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

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

ROY S. EWAN

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

In the late sixties, Roy was the Director of the Human Services Department for Rural Community Action Program (RuralCap) and from 1970 to 1972 he was the Senior Planner for the Alaska Federation

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

VICTOR FISCHER

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

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

STEVE GINNIS

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

MAYOR CHUCK GREENE

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

WEAVER IVANOFF

Weaver has a varied occupational background. Currently he is a commercial salmon and herring fisherman, while his past professions

have included meteorological technician and supervisor and summer youth program director. He currently serves on the Bering Strait School District board. In the past he has served on the boards of AVI, Kawerak, Norton Sound Health Corporation, State Board of Education, Bering Sea Fisherman's Association, Southern Norton Sound Advisory Council, Arctic Regional Council, Unalakleet City Council, and the Native Village of Unalakleet IRA Council.

MARLENE JOHNSON

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

WILLIE KASAYULIE

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

ROSEMARIE MAHER

Rosemarie was born and raised in a primarily Alaska Native village located in the eastern portion of interior Alaska. Like many rural

Alaskan Natives, Rose was required to leave her village to attend a boarding school in Sitka, Alaska. Rose went on to college and returned to her birthplace of Northway, Alaska in the mid-1970s.

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

WILL MAYO

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

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

GENE PELTOLA

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

MARGARET ROBERTS

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

Margaret was the first woman ever to receive the "Traditional Chief's Knife Award", presented by Perry Eaton, President of the Community Enterprise Development Corporation in 1990. She was also recognized by Bruce Babbitt, Secretary of the Interior and Donna E. Shalala, Secretary of Health and Human Services for her significant contributions to the Department of the Interior and Department of Health and Human Services' Indian Self-Determination Negotiated

Rulemaking Committee. The committee implemented the Indian Self-Determination and Education Assistance Act and Public Law 93-638 from April 1995-June 1996.

GILDA SHELLIKOFF

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

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

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

LEE STEPHAN

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

ARLISS STURGULEWSKI

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

ESTHER WUNNICKE

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

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

COMMISSION STAFF

COMMISSIONER MIKE IRWIN

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

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

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

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

VERONICA SLAJER, STAFF DIRECTOR

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

Contributors

This Commission's work could not have been possible, nor completed, without the financial contributions and assistance from the Governor's Office, Division of Public Assistance, all other State departments and all the divisions of the Department of Community and Regional Affairs, particularly Division of Energy. Most importantly, the hospitality and information provided by local people living in rural Alaska was essential to the fact finding and ultimately the writing of this report. The following listing attempts to identify key contributors to the Commission's research and writing process. The Commission and its members extend heartfelt gratitude for the contributions of individuals, communities and organizations who contributed to the success of the Commission's work.

AGENCY STAFF AND VOLUNTEER ASSISTANCE

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

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

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

Clay Butcher
Director's Office, Division of Public Assistance, Department of Health and Social Services, designed final cover and revised the web page for final production.

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

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

Michael Cushing
Division of Municipal and Regional Assistance, DCRA, created and maintained the Commission's web page www.comregaf.state.ak.us/rec.

Diane Disanto
Commissioner's Office, Department of Health and Social Services, provided general assistance during Commission proceedings, and coordinated the writing and editing of the various divisions' (DFYS, ADA, DPA, etc.) contributions.

Debby Dubac
Designed the Commission's logo.

Ed Earnhart
Retired from the Bureau of Land Management, volunteered on all aspects of the project, including editing, database updating and meeting logistics.

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

Jane Gray
Anchorage educator, Anchorage School District, volunteer copy editor of the Commission report.

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Alaska State Troopers, Department of Public Safety, participated in the writing and editing of the public safety section of the report.

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Alaska Federation of Natives, authored "Understanding Native Alaska" and assisted the Commission with developing recommendations.

Lisa Jaeger
Tanana Chiefs Conference, authored the special section on tribal governments.

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Tribal Liaison, Division of Public Assistance, developed information to edify the Commission on Native-run family assistance and welfare reform.

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

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

Jim Labelle
Department of Corrections, provided information and advice regarding rural Alaska and culturally appropriate incarceration.

L. Saunders McNeill
Division of Energy, Department of Community and Regional Affairs (DCRA). In addition to managing the rural energy loan portfolio, Saunders provided administrative support to the Commission and assisted the Staff Director on all aspects of report drafting and editing.

and was the primary author of the "Success Stories."

Karl Ohls
Department of Commerce and Economic Development, advised and assisted with the authorship of the jobs and economy section.

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

Mara Rabinowitz
Commissioner's Office, Department of Corrections, helped author the health and public safety sections, and provided significant editing and drafting support.

Sandra Schubert
Project Coordinator, Exxon Valdez Oil Spill Trustee Council, volunteer copy editor of the Commission report.

Phil Smith
National Oceanic and Atmospheric Administration, aided the jobs and economy subcommittee with expertise on rural economic development and energy issues.

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

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

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

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

Nelda Warkentin
Division of Municipal and Regional Assistance, DCRA, facilitated Commission retreat.

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

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

OTHER KEY INDIVIDUALS AND ORGANIZATIONS CONSULTED

Below is merely a sampling of other individuals and organizations that offered support, contributions and time — for which the Commission members and staff are indebted. The suggestions and testimony helped present a unified message to the Governor on behalf of rural Alaska.

Alaska Federation of Natives
Alaska Inter-Tribal Council
Alaska Judicial Council
Alaska Municipal League
Association of Alaska School Boards
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COMMUNITIES AND AREAS VISITED

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

Source Materials and References

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

1. 11th Annual Alaska Native Law Conference, Native Villages After Venetie: Local Governance, Tribal Courts and Update of the Law, October 14, 1998.
2. 25 USC 71 (1871).
3. A Preliminary Report to the Criminal Justice Assessment Commission. Prepared under National Institute of Corrections Cooperative Agreement No. 97DOIGIE3. March 1999.
4. A Reference to Additional Cooperative Projects, Programs, and Formal and Informal Community Successes, Saunders McNeill, prepared for the Commission on Rural Governance and Empowerment, 1999.
5. Aboriginal Governance in Urban Settings. Winnipeg Conference Report, November 25, 1998.
6. Act of May 1, 1936, Chapter 24, 49 Stat. 1250 (1936).
7. Administrative Order: No. 123. Governor Steve Cowper. Policy on Recognition of Tribes. September 10, 1990.
8. Administrative Order: No. 125. Revoking of Administrative Order No. 123. Governor Walter J. Hickel. "The State of Alaska opposes expansion of tribal governmental powers and the creation of 'Indian Country' in Alaska." September 10, 1990.
9. Administrative Order: No. 174. Establishment of the Commission on Rural Governance and Empowerment (Commission), 1998.
10. AFN Report on the Status of Alaska Natives: A Call for Action, Alaska Federation of Natives, 1989.
11. Alaska Court System's Advisory Committee, *Fairness and Access Report*, October 31, 1997.
12. Alaska Federation of Natives, Inc. Annual Convention, Resolution No. 98 - 05, 1998.
13. Alaska Federation of Natives, Inc. Pamphlet publication: Alaska Native Cultures and Communities into a New Millennium.
14. Alaska Federation of Natives, Inc. Annual Convention. Resolution No. 98 - 57: Eliminate the Requirement for Tribal Governments to Waive Sovereign Immunity as a Condition to Receive State Funding, 1998.

15. Alaska Inter Tribal Council Seventh Annual Convention. Resolution 98 – 08.
16. Alaska Judicial Council, *A Directory of Dispute Resolution in Alaska Outside Federal and State Courts*, State Justice Institute, March 1999.
17. Alaska Native Claims Settlement Act, 85 Stat. 688 (1971).
18. Alaska Native Coalition on Employment and Training (ANCET): State MOU, 1994.
19. Alaska Natives and the Land, Field Committee for Development Planning, 1968.
20. Alaska Statehood Act, 72 Stat. 339 (1958).
21. Alaska v. Native Village of Venetie Tribal Government, 118 S. Ct. 948, 140 1998.
22. Alaska's Children of a Hidden War. Real Stories of the 134 Child Abuse Victims taken into custody by the Division of Family and Youth Services during a three-month period in 1997. State of Alaska Department of Health and Social Services, March 1998.
23. Alaska's Economic Links: A Multi-Regional Analysis. Commissioned by the North Slope Borough. Prepared by Gross and Associates with Chase Economics and Northwest Strategies.
24. Alyeska Pipeline, Section 29 Video. 1999.
25. ANCSA 2c Report. 1974.
26. Anita John v. John Baker. Superior Court No. 4FA-95-03103C1. Supreme Court No. S-08099. On appeal from the Superior Court, Fourth Judicial District, Honorable Ralph Beistline, Judge. May 1998.
27. APRN: Alaska Public Radio Network Information Publication. 1997.
28. Centennial Accord between the Federally Recognized Indian Tribes in Washington State and the State of Washington. August 1989.
29. Central Council of Tlingit and Haida Indian Tribes of Alaska. 56th General Assembly. Tribal Employment Rights Office. Resolution 91/92 – 01. April 18 – 20, 1991.
30. Commission on Rural Governance and Empowerment Interim Report to the Governor, Commission Work Plan, Charge, Scope, Composition and Framework. May 1998.
31. Committee Substitute for Senate Bill No. 136. Ninth Legislature, State of Alaska. "An Act Creating a Local Government Commission; and providing for an effective date." CSSB 136. May 1995.
32. Constitution of the State of Alaska, Article X, Section 6.

33. Cooperative Agreement between the Alaska State Troopers, Department of Public Safety, Division of Family and Youth Services, Department of Health and Social Services and the Native Village of Elim: June 26, 1996.
34. Cooperative Agreement Between the Alaska State Troopers, Department of Public Safety, Division of Family and Youth Services and the Native Village of Koyuk: June 26, 1996.
35. Cooperative Agreement Between the Alaska State Troopers, Department of Public Safety, Division of Family and Youth Services, Department of Health and Social Services and the City of Togiak and the Native Village of Togiak: May 20, 1998.
36. Council for Tribal Employment Rights. Introduction to Alaskan Native TERO, U.S. Department of Interior, Bureau of Indian Affairs, Juneau Area Office, Branch of Employment Assistance. Niles Cesar, Area Director.
37. District Organic Act, 23 Stat. 24 (1884).
38. Economic Contributions of Indian Tribes to the Economy of Washington State. Tiller Research, Inc. Albuquerque, NM. Veronica E. Stiller and Robert A. Chase, 1998.
39. Executive Orders: Consultation and Coordination with Indian Tribal Governments. The White House Office of the Press Secretary, May 14, 1998.
40. *Exxon Valdez*: Oil Spill Trustee Council, Status Report. 1996.
41. Status of federal funding for Alaska tribes, Kim Judge, Department of Community and Regional Affairs, prepared for the Commission on Rural Governance and Empowerment, 1999.
42. Federal Register 58, 202 (October 21, 1993).
43. Federal Register: October 23, 1997 (Volume 62, Number 205) Department of the Interior, Bureau of Indian Affairs. Indian Entities Recognized and Eligible to Receive Services from the United State Bureau of Indian Affairs. Published pursuant to Section 104 of the Act of November 2, 1994. (Pub. L. 103-454; 108 Stat. 4791, 4792). October 1997.
44. Five-year Alaska FAS Prevention Project demonstrating that the prevalence of FAS among Alaska Natives is 3.0-5.2 per 1,000 live births compared to 0.2-0.3 per 1,000 live births among non-Natives, 1990.
45. Forest Service National Resource Book on American Indian and Alaska Native Relations. U.S. Department of Agriculture, Forest Service, State and Private Forestry, FS-600, April 1997.
46. Galena Environmental Education Initiative Memorandum of Agreement Between the U.S. Fish and Wildlife Service Koyukuk – Nowitna Refuge Complex, the Louden Tribal Council and the Galena City School District. March 1998.

47. Helping Kids Succeed – Alaskan Style. Written by and For Alaskans. Based on Search Institute's Youth Developmental Assets Framework. Association of Alaska School Boards. July 1998.
48. Historical Development and Current Operation of the Law Enforcement System in Rural Alaska. Memorandum to the Commission on Rural Governance and Empowerment, prepared by the Native American Rights Fund. May 28, 1999.
49. Institute for Circumpolar Health Studies, University of Alaska Anchorage, Alaska Natives Combating Substance Abuse and Related Violence Through Self-Healing, January 1999.
50. K-12 Public Schools recommendations, based upon Alaska Standards for Culturally Responsive Schools, adopted by the Assembly of Alaska Native Educators, February 3, 1998.
51. Lisa Jaeger, *Tribal Ordinance Drafting for Alaska Tribes*, 1998.
52. Major Native Entitlements FFY84 - FFY88 By Department and Program, Office of the Alaska Governor, Division of Policy, October 14, 1988.
53. Major Federal Appropriations Benefiting Alaska Natives Federal Fiscal Years 1984 to 198 and 1996, Alaska Legislative Research Services, April 1997 (97.056).
54. Maniilaq Association, State – Tribal Relationship Testimony. Barbara Janitscheck, February 25, 1998.
55. Memorandum of Agreement between Association of Village Council Presidents, Inc. and Alaska Department of Labor. January 1998.
56. Memorandum of Agreement Between the Alaska Native Coalition on Employment and Training and State of Alaska Department of Transportation and Public Facilities, Department of Environmental Conservation and Department of Community and Regional Affairs. October 31, 1994.
57. Memorandum of Agreement to Convey and Accept Assets, Liabilities and Obligations of the Dissolved City of Kasigluk. December 1994.
58. Memorandum of Understanding between the Sitka Tribe of Alaska and the City and Borough of Sitka. 1998.
59. Memorandum of Understanding Creating the Galena Waste Management Steering Committee, April 1998.
60. Metlakatla Indian Community. Fiscal Year 1999, Emergency Legislative Request to the 21st Alaska State Legislature. 1999.
61. Moving Toward the Effective Participation of Tribal Governments in the U.S. Federal System: Barrier Identification and Structuring Session for Americans for Indian Opportunity. Center for Interactive Management, Americans for Indian Opportunity (AIQ). June 29, 1987.

62. Native Corporations: Alaska Business Monthly, separate publications from November 1996, July 1997, September 1997.
63. Op. Sol. Gen. of the Department of the Interior No. M-36,975, Sansonetti Opinion. January 11, 1993.
64. *Our Land; Our Strength; Our Future*, Annual Convention and Full Board of Directors Meeting, Tanana Chiefs Conference, Inc., 1988.
65. Overview of the Department of Community and Regional Affairs. Commissioner Mike Irwin, January 1998.
66. People in Peril, Anchorage Daily News Series, January 1988.
67. Power Cost Equalization Program Manual. Department of Community and Regional Affairs, Division of Energy and the Alaska Public Utilities Commission, July 1997.
68. Public Law 104-270, 104th Congress. 110 Stat, 3301. October 9, 1996.
69. Public Health Law: A Review. Lawrence O. Gustin, JD, LLD (Hon.) Georgetown University Law Center, Washington D.C. and Johns Hopkins University, Baltimore, M.D. Current Issues in Public Health 1996, 2:205-214 Rapid Science Publishers ISSN 1076 - 7762. 1996.
70. Public Law 95-608, 1978.
71. Report of the Alaska Supreme Court Advisory Committee on Fairness and Access. Prepared with assistance of State Justice Institute. October 31, 1997.
72. *Report of the Alaska's Natives Commission*, 1994.
73. Report to the Assistant Secretary for Indian Affairs: Committee in Support of Alaska Native Arts and Crafts, November 1994.
74. Report to the Royal Commission on Aboriginal Peoples: People to People, Nation to Nation. August 1991.
75. Seven Generations, Addressing Village Environmental Issues for the Future Generations of Rural Alaska. Alaska Department of Environmental Conservation, Division of Statewide Public Service Rural Issues Program. Produced by Suanne Unger Environme. Outreach Specialist, Chugachmiut. March 1999
76. State Backs Expanded Tribal Role in Domestic Matters: Envision Broader Tribal Powers in Adoption, Custody Cases between Members. Press Release, No. 98-106. May 4, 1998.
77. State of Alaska Department of Health and Social Services Budget Overview: "Believing in the Power of Families and Communities", Fiscal Year 1999.
78. State of Alaska v. Native Village of Venetie Tribal Government, et al. No. 96-1577. In the Supreme Court of the United States. October Term, 1996.

79. State of Alaska, Department of Health and Social Services Operating Grants, Fiscal Year 1998.
80. State of Alaska's Position on Tribal Jurisdiction John v. Baker, Alaska Supreme Court No. S-08099, 1999.
81. State Tribal Offices Contact Information. Prepared for the Commission on Rural Governance and Empowerment, Andrew Crow, Legal Intern, 1999.
82. State Tribe Relationships: A Comparison of State-Tribe Relationships in other States. Prepared for Commission on Rural Governance and Empowerment, Andrew Crow, Legal Intern, 1999.
83. Statement of Alaska, Local Boundary Commission. Petition for the Dissolution of the City of Atmautluak. Statement of Decision: April 14, 1994.
84. States and Tribes: Building New Traditions by the National Conference of State Legislatures. Prepared at the direction of the NCSL Task Force on State - Tribal Relations, 1995.
85. State-Tribal Relations in Washington and Oklahoma. Prepared for the Commission on Rural Governance and Empowerment, Andrew Crow, Legal Intern, 1999.
86. Statistical Report of the Power Cost Equalization Program for Fiscal Year 1996. State of Alaska, Tony Knowles, Department of Community and Regional Affairs, Mike Irwin, Commissioner, Division of Energy, Percy Frisby, Director. Ninth Edition, January 1998.
87. Stephen et al, *Alaska Native Self-Governance Policy Reform*, The Economics Resource Group, Inc. and Institute of Social and Economic Research, University of Alaska Anchorage, 1998.
88. Subsistence Chronology: A Short History of Subsistence Policy in Alaska Since Statehood. Prepared by the Alaska Federation of Natives. 1998.
89. Territorial Organic Act, 37 Stat/ 512 (1912).
90. The Athabascan Self Sufficiency Assistance Partnership (ASAP). Tribal Temporary Assistance for Needy Families Program Plan. Tanana Chiefs Conference, Inc. Revised September 1998.
91. The Community Development Quota Program in Alaska and lessons for the Western Pacific Committee to Review Community Development Quotas, Ocean Studies Board, Commission on Geo-sciences, Environment, and Resources National Research Council. National Academy Press, Washington, D.C. 1999
92. *This is What We Want to Share: Core Cultural Values*. LaDonna Harris in collaboration with Jacqueline Wasilewski, Ph.D. Americans for Indian Opportunity Contemporary Tribal Governance Series. Draft. August 1992.
93. Thomas R. Berger, *Village Journey: The Report of the Alaska Native Review Commission*, 1985.

94. Treaty of Cession, 15 Stat. 539 (1867).
95. Tribal Sovereignty and the State: The Scope of Tribal Jurisdiction, Draft Memorandum.
96. University of Alaska Anchorage. Institute of Social and Economic Research. Interim Report, 111.13 – 111.14. Louden – Galena Agreement.
97. University of Alaska, Institute of Social and Economic Research (ISER) Report , *Expanding Job Opportunities for Alaska Natives*, 1999. Prepared for Alaska Federation of Natives.
98. Venetie Indian Country Case Paper. Barbara J. Ritchie, Deputy Attorney General, State of Alaska, Department of Law. October 24, 1997.
99. Voluntary Cooperation Agreement between the Alaska Native Coalition on Employment and Training and State of Alaska Division of Personnel, Office of Equal Opportunity: October 4, 1994.
100. Welfare to Work Amendment to the Alaska State Plan for the Temporary Assistance for Needy Families Program. May 1998.
101. What can Tribes Do? Strategies and Institutions in American Indian Economic Development. Edited by Stephen Cornell and Joseph P. Kalt. American Indian Studies Center. The Regents of the University of California. American Indian Manual and Handbook Series No. 4, 1992.

This publication was released by the Department of Economic and Community Development, produced at a cost of \$8.29 per copy and printed in Anchorage, Alaska. Further, this publication was assembled for mailing by volunteer assistance.

State of Alaska Alaska Inter-Tribal Council
State-Tribal Relations Working Group

Bruce Botelho
Co-Chair, State of Alaska Delegation
907-465-2133

Joe Williams II
Co-Chair, Tribal Delegation
907-225-4166

FOR IMMEDIATE RELEASE: March 17, 2000

STATE TRIBES PLAN FOR GOVERNMENT-TO-GOVERNMENT TALKS
Initial Meeting Focuses on Organization of Upcoming Discussions

Several Cabinet-level representatives of the State of Alaska met recently with delegates from Alaska's tribes to plan for discussions on state-tribal relations, slated to begin later this spring. The talks are expected to lead to a formal accord that will outline the nature of the relationship between the State of Alaska and more than two hundred Alaskan tribes.

As a result of their initial meeting in Anchorage on Friday, March 10, the working group was able to establish ground rules and procedures for the upcoming discussions. The atmosphere was cordial according to both state and tribal representatives. The co-chairs of the working group, Joe Williams II of Saxman and State Attorney General Bruce Botelho, were both positive about the potential for agreement on key issues.

"After years of non-recognition, we are at a crossroad today," said Joe Williams. "Never in our lifetime did we expect to achieve a level of commitment from the State of Alaska to recognize and engage with Alaska's Native Tribes on a government-to-government basis.

"Indeed, we foresee that the good will expressed by the Executive Branch in developing a meaningful dialogue with Alaska's indigenous governments will be embraced by the other branches of State government," Williams added. "It is our mission that together we will accomplish a harmonious and ongoing government-to-government relationship with the State of Alaska."

Attorney General Botelho agreed that last week's meeting was a constructive beginning to an important process. "The outcome we are working toward is more than an agreement between the State and various tribes," Botelho said. "Together, we are seeking to educate the Alaska public to respect and understand the role of tribes in our society, and their standing in the larger community of governments."

The government-to-government discussions are the result of an invitation from Gov. Tony Knowles to the tribes in December. Speaking to delegates at the Alaska Inter-Tribal Council (AI-TC) conference, Knowles challenged tribal leaders to work with his administration to "strengthen and define the State's relationship with tribes and raise it to a new level."

Knowles appointed his cabinet-level team in January. In February, tribal leaders selected 45 tribal advocates to serve as their representatives in the process. The formal opening of the process will occur during the working group's first plenary session in mid-May. The working group's goal is to have an accord, or protocol for relationships between the state and tribes, completed in time for ratification at AI-TC's annual meeting in December 2000.

FOR ADDITIONAL INFORMATION, call: Deborah Vo, Alaska Inter-Tribal Council, 907-563-9334
Crystal Smith, Office of the Attorney General, 907-465-2132

STATE-TRIBAL WORKING GROUP MEMBERS

Tribal Delegation

Aleutian/Pribilof Region

Gilda Shellikoff
Ingrid Cumberlidge
Pat Gregory

Arctic Slope Region

Arnold Brower, Jr.
Susie Akootchook
Elsie Itta
Patsy Aamodt (alternate)

Bering Straits Region

Robert Keith
Simon Bekoalook

Bristol Bay Region

Miriam Olsen
Norman Anderson
Moses Kritz
Roy Matsuno

Chugach Region

Robert Henrichs
Gary Kompkoff
Elenore McMullen
Carol Ann Kompkoff

Cook Inlet Region

Lee Stephan
Fred Elsaas
Rose Tepp
Gary Harrison

Copper River Region

Wilson Justin
Ken Johns
Martin Finnissand
Eleanor Dementi (alternate)

Interior Region

Randy Mayo
Agnes Tony
Mickey Stickman
Woody Salmon
Minnie Cantor
Bill Miller

Kodiak Region

Margaret Roberts
Paul Panamarioff
Julie Knagiu
Andy Teuber, Jr.
Helen Harris (alternate)
Alicia "Lynn" Reft (alternate)

Northwest Arctic Region

Joe Ballot
Dennis Tiepelman
Virginia Commack

Southeast Region

Joe Williams II, Co-Chair
Lee Clayton
Stephanie Rainwater Sande (alternate)
Bert Adams (alternate)

Yukon/Kuskokwim Region

Willie Kasayulie
Billy Charles (alternate)

State Delegation

Bruce Botelho, Attorney General, Co-Chair
Richard Cross, Commissioner, Department of Education & Early Development
Ron Otte, Commissioner, Department of Public Safety
Karen Perdue, Commissioner, Department of Health & Social Services
Frank Rue, Commissioner, Department of Fish & Game
Deborah Sedwick, Commissioner, Department of Community & Economic Development
John Shively, Commissioner, Department of Natural Resources
Bernice Joseph, Deputy Commissioner, Dept. of Community & Economic Development
Barbara Ritchie, Deputy Attorney General, Department of Law
Glenn Godfrey, Director, Division of Alaska State Trooper, Dept. of Public Safety
Mary Pete, Director, Division of Subsistence, Department of Fish & Game
Andy Ebona, Special Staff Assistant for Rural Affairs, Office of the Governor

Local
Boundary
Commission

2/18/99



Official Business

Alaska State Legislature

State Capitol
Juneau, AK 99801-1182

PRESS RELEASE
February 9, 1999

LEGISLATORS WILL NOT OPPOSE BOUNDARY COMMISSION DECISION

Senator Jerry Mackie and Representative Albert Kookesh announced that they would not oppose the Local Boundary Commission's approval of the City of Haines annexation proposal. In order to deny the annexation, it would require the Legislature to pass a resolution overturning the Commission's decision within the first 56 days of the session. Without such an action, the annexation decision will stand.

Mackie and Kookesh said they based their decision on a careful review of the Local Boundary Commission's record and other events that have brought the issue to this final stage. In the first instance, they noted that the Local Boundary Commission is constitutionally charged with resolving issues of municipal jurisdiction and boundary disputes. They believe that the framers of the State Constitution wisely reserved this authority to the quasi-independent commission so that matters of this nature, which tend to be very divisive, would be based on findings of fact. It is also for this reason, they believe, that the legislature's involvement was restricted to a veto review only.

In this regard, they could not fault the process or the evaluations that led the Commission to reach its decision. The City of Haines had legitimate reasons to seek expansion of its boundaries. The Commission properly took public testimony, gathered evidence, evaluated the annexation proposal and rendered a considered decision. In the legislators' view, there is no fatal flaw in the procedures or actions of the Commission that merit a legislative veto.

Mackie and Kookesh feel that the annexation issue and other Haines' local government issues stem from the inadequacies of the 3rd class borough form of government. Indeed, at this time last year, this opinion was also the view of Haines City and Borough officials and the Haines Citizens Against Annexation leaders. All three organizations expressed the need for changes in the Haines local government structures and services. All three acknowledged that the annexation issue was only a small part of a larger question on the Haines local governments' suitability for its current size and growth. To this end, annexation was postponed and all three

passed resolutions, attesting to a cooperative, good faith effort to achieve a new, unified local government. In this way, then, it was hoped that the Haines citizens themselves could determine a resolution to this issue, as well as others, through the local government consolidation process. Furthermore, they all resolved not to contest the annexation should that effort fail.

The legislators believe that there was a commitment to give the best effort possible toward a local solution in exchange for the annexation delay. Subsequently, a tremendous amount of time and effort was expended to achieve the local solution. In the aftermath of the narrow election defeat then, the annexation should go forward.

Mackie and Kookesh fully recognized that whatever decision they made on this issue would be criticized by substantial numbers of Haines residents. However, they feel it must be emphasized that the annexation was not a decision of the legislature. It was the City of Haines decision to seek the annexation. The decision to grant the annexation was made by the Local Boundary Commission which is their constitutionally mandated responsibility. The legislators feel that in the absence of clear and convincing evidence that the Commission failed to responsibly exercise its authority, it would be an abuse of the Legislative veto to overturn this decision. It would only prolong the growth pains of Haines and the limitations of the 3rd class borough.

**A RESOLUTION OF THE HAINES BOROUGH
CITIZENS AGAINST ANNEXATION SUPPORTING THE
CONSOLIDATION OF THE EXISTING CITY AND BOROUGH
GOVERNMENTS INTO A SINGLE HOME RULE ENTITY**

WHEREAS, the Haines Borough Citizens Against Annexation (HBCAA) opposes the present petition to annex submitted by the City of Haines, (City) and approved by the Local Boundary Commission (LBC), and

WHEREAS, HBCAA supports the concept of a single consolidated home rule form of government as adopted by the voters of all of the Haines Borough, and

WHEREAS, HBCAA requests the LBC to withdraw the Petition to Annex from submittal to the Alaska State Legislature this year and and if the voters do not approve the change of government HBCAA will not oppose the annexation further, and

WHEREAS, HBCAA will actively support the efforts to change the form of government during the period from the time in which the Petition to Consolidate is submitted, through the LBC process to the vote of the people upon the question, and

WHEREAS, a Charter Commission of eleven persons will be appointed by the Mayors of the City and Borough, which will include two representatives as recommended by HBCAA, and

WHEREAS, the Charter Commission will be tasked to develop the model Charter for inclusion with the Petition to Consolidate, to conduct all appropriate data gathering and research on the subject, develop an information campaign and to advise the City, Borough and LBC on changes to the intitial Charter as it progresses through the process up to the election, and

WHEREAS, the City and Borough will offer staff assistance to the Commission and will seek State funding and other assistance, along with local contributions, to ensure proper financing of the duties assigned to accomplish the tasks over the next nine months.

NOW THEREFORE BE IT RESOLVED that the HBCAA requests the LBC withdraw the current Petition to Annex by the City of Haines from submittal to the Alaska State Legislature.

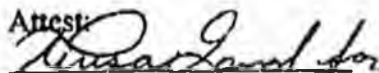
Passed this 19th day of January, 1998 by the following vote:

30 Ayes

1 Nays

0 Abstain

Attest:


James Alborough, Secretary

By:


Louis Nelson, President

HAINES BOROUGH
RESOLUTION # 437

A RESOLUTION OF THE HAINES BOROUGH REQUESTING THAT THE LOCAL BOUNDARY COMMISSION DEFER SUBMITTAL OF ITS RECOMMENDATION REGARDING THE CITY'S ANNEXATION PETITION AND STATING THE BOROUGH'S SUPPORT FOR A CHANGE IN LOCAL GOVERNMENT.

WHEREAS, the City of Haines submitted a petition to the Local Boundary Commission on March 10, 1996 for the annexation of 6.5 square miles and requested that the annexation be approved by legislative action; and

WHEREAS, in its Statement of Decision dated November 26, 1997, the Local Boundary Commission recommended approval of the annexation petition; and

WHEREAS, the Local Boundary Commission's recommendation is scheduled to be submitted to the Alaska Legislature on January 21, 1998; and

WHEREAS, the Haines Borough supports immediate action to consolidate the City and Borough; and

WHEREAS, the deferral of the Local Boundary Commission's recommendation to the Legislature for one year will assist the City and Borough in their efforts to consolidate.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Haines Borough Assembly requests the Local Boundary Commission to defer the submission of its recommendation the Legislature for the annexation of 6.5 square miles by the City of Haines, as recommended in the November 26, 1997 decision to approve the annexation.
2. The Haines Borough Assembly pledges its resources and support to assist in a diligent effort by the City of Haines and the Haines Borough to pursue the consolidation of the local governments.
3. The Haines Borough Assembly supports the deferral of the Local Boundary Commission recommendation. If the voters of the City of Haines and the Haines Borough do not approve the consolidation of the City of Haines and the Haines Borough, the Haines Borough will not oppose the City of Haines annexation petition to the Alaska Legislature by the Local Boundary Commission in January 1999.

ADOPTED: 1/20/98

Jerry Lapp
Jerry Lapp, Mayor

ATTEST:
Jacki Martin
Jacki Martin, Clerk/Treasurer



Subject: DCRA Meeting February 18--8am

Date: Wed, 17 Feb 1999 13:27 -0900

From: "Nancy Barnes" <Nancy_Barnes@legis.state.ak.us>

To: "lhscjhl@laa_mail.legis.state.ak.us" <Jonathon_Lack@legis.state.ak.us>

Hi, the folks from Haines would like to get hooked up and testify from the Borough Offices.

Phone number to call: 766-2711

Mayor Jerry Lapp (will listen/no testimony)

Mr. Louie Nelson -- citizen to testify

Ms. Carol Knight -- teacher/citizen to testify

Ms. Betty Holgate--citizen to testify.

1-800-368-8772



Report of the Local Boundary Commission to the First Session of the Twenty-First Alaska State Legislature

January 28, 1999



The Honorable John Harris, Representative
Alaska State Legislature
Co-Chair, HCRA Committee
State Capitol
Juneau, AK 99801

Kevin Waring, Chairperson
Kathleen Wasserman, First Judicial District
Nancy Cannington, Second Judicial District
Allan Tesche, Third Judicial District
William Walters, Fourth Judicial District



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The Local Boundary Commission complies with Title II of the Americans with Disabilities Act of 1990. Upon request, this report will be made available in large print or other accessible formats. Requests for such should be directed to the Local Boundary Commission Staff at (907) 269-4500, or TDD (800) 930-4555.

This report is also available at the Local Boundary Commission's website:

http://www.comregaf.state.ak.us/MRAD_LBC.htm

Report of the Local Boundary Commission to the First Session of the Twenty-First Alaska State Legislature

January 28, 1999

Local Boundary Commission

Kevin Waring, Chairperson
Kathleen Wasserman, Vice-Chairperson
Nancy Cannington, Member
Allan Tesche, Member
William Walters, Member

Tony Knowles, Governor

Report prepared with assistance from:

Department of Community & Regional Affairs

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Message from the Chairperson

January 28, 1999

On behalf of all members of the Local Boundary Commission, I am pleased to present the report of the Commission to the First Session of the Twenty-First Alaska State Legislature. During the year just ended, the Local Boundary Commission met thirteen times. During those meetings the Commission addressed issues relating to proposals for:

- ★ annexation of 5,524 square miles to the Ketchikan Gateway Borough;
- ★ annexation of 6.5 square miles to the City of Haines;
- ★ annexation of 960 acres to the City of Thorne Bay;
- ★ consolidation of the Haines Borough and the City of Haines;
- ★ annexation of 42.46 acres to the City of Fairbanks;
- ★ annexation of five acres to the City of Palmer;
- ★ annexation of 22.39 acres (involving two petitions) to the City of Wasilla.

In addition, the Commission spent considerable time during the past year in the ongoing effort to refine the Commission's regulations.

Chapter 1 of this report provides background information concerning the Local Boundary Commission. Chapter 2 discusses the Commission's activities during 1998. Chapter 2 also lists a number of proposals currently under consideration by municipalities and voters throughout Alaska. The number and nature of the prospective proposals suggests that 1999 will be another active and interesting year for the Commission. Chapter 3 presents the Commission's formal recommendation for annexation of 6.5 square miles to the City of Haines in accordance with Article X, Section 12 of the Constitution of the State of Alaska. The report concludes with Chapter 4, a discussion of public policy issues of particular interest to the Commission.

The Commission respectfully invites the legislature to consider the account of activities and issues addressed in this report.

Cordially,

A handwritten signature in black ink that reads "Kevin Waring". The signature is written in a cursive style.

Kevin Waring
Chairperson

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Chapter 1

Overview of Commission & Procedures



This chapter provides information concerning the Local Boundary Commission, including background about the purpose of the Commission and the staff support functions of the Department of Community & Regional Affairs (DCRA). Details of the procedures used by the Commission are also provided.

Role and Purpose of the Commission

The Local Boundary Commission acts on petitions for the following:

- ➔ incorporation of cities and boroughs;
- ➔ annexation to cities and boroughs;
- ➔ detachment from cities and boroughs;
- ➔ dissolution of cities and boroughs;
- ➔ merger of cities and boroughs;
- ➔ consolidation of cities and boroughs; and
- ➔ reclassification of cities.¹

The Local Boundary Commission was established under Alaska's constitution to serve as an impartial body to review proposals relating to the establishment and alteration of municipal corporations from a statewide perspective. In the words of the Alaska Supreme Court:

An examination of the relevant minutes of [the Local Government Committee of the Constitutional Convention] shows clearly the concept that was in mind when the local boundary commission section was being considered: that local political decisions do not usually create proper boundaries and that boundaries should be established at the state level. The advantage of the method proposed, in the words of the committee: ". . . lies in placing the process at a level where area-wide or state-wide needs can be taken into account. By placing authority in this third-party, arguments for and against boundary change can be analyzed objectively."²

Among the 150 or so State boards and commissions, only the Local Boundary Commission and four others have origins in Alaska's Constitution.³

Decisions of the Local Boundary Commission often involve important social, political and economic policy issues. More than two decades ago (and again in 1993), the Alaska Supreme Court remarked that:

"A determination whether an area is cohesive and prosperous enough for local self-government involves broad judgments of political and social policy . . . The Local Boundary Commission has been given a broad power to

¹ See AS 29.05; AS 29.06, and AS 44.47.

² *Fairview Public Utility District No. 1 v. City of Anchorage*, 368 P.2d 540, 543 (Alaska 1962).

³ The Local Boundary Commission was established pursuant to Article X, §12 of the Constitution of the State of Alaska and AS 44.47.565. The four other boards with constitutional origins are the University of Alaska Board of Regents, Judicial Council, Commission on Judicial Conduct, and Redistricting Board.

*decide in the unique circumstance presented by each petition . . . Necessarily, this is an exercise of delegated legislative authority to reach basic policy decisions."*⁴

Members of the Commission

The Commission consists of five members appointed by the Governor for overlapping terms of five years. Members serve at the pleasure of the Governor. The Chairperson is appointed from the state at-large and one member is appointed from each of Alaska's four judicial districts. Members serve without compensation. Appointments to the Commission are made, ". . . on the basis of interest in public affairs, good judgment, knowledge and ability in the field. . . and with a view to providing diversity of interest and points of view in the membership."⁵ Biographical information about current Commissioners follows.



Kevin Waring, a resident of Anchorage, has served on the Commission since July 15, 1996. He was appointed as Chairperson of the LBC on July 10, 1997. He was reappointed to a

new term as Chairperson effective January 31, 1998. Commissioner Waring was one of the Department of Community and Regional Affairs' original division directors (1973-1978). Between 1980 and the spring of last year, he operated a planning/economics consulting firm in Anchorage. Commissioner Waring is now manager of physical planning for the Municipality of Anchorage's Community Planning and Development Department. Mr. Waring has been active on numerous Anchorage School District policy and planning committees. His current term on the LBC expires January 31, 2003.



Kathleen S. Wasserman, a resident of Pelican, is the Vice-Chairperson of the Commission. She serves from Alaska's First Judicial District. She was first appointed to the

Commission for an unexpired term on September 14, 1995. She was reappointed to a new term beginning January 31, 1996. Commissioner Wasserman currently serves as Mayor of the City of Pelican. In the past, Commissioner Wasserman has served as a member of the Assembly of the City and Borough of Sitka and as Mayor of the City of Kasaan. Additionally, she has served as president of the Southeast Island Regional Educational Attendance Area School Board. Commissioner Wasserman works as the Southeast Alaska Projects Director for Ecotrust. Her present term on the Commission expires January 31, 2001.



Nancy E. Cannington serves from the Second Judicial District. She was appointed to the LBC on September 14, 1995. Formerly Special Assistant to the Commissioner of the

Alaska Department of Labor, Ms. Cannington now serves as the Manager of the City of Kotzebue. She is currently Second Vice President of the Alaska Municipal Managers Association. Ms. Cannington was a member of the Alaska Safety Advisory Council for eight years and currently serves as Vice Chair of the Alaska Municipal League Joint Insurance Association. She also served as a member of the State's Task Force on Education Funding in 1995. Ms. Cannington's current term on the LBC expires January 31, 1999.

⁴ Mobil Oil Corporation v. Local Boundary Commission, 518 P.2d 92, 98 (Alaska 1974); reaffirmed, Valleys Borough Support Committee v. Local Boundary Commission, 863 P.2d 232, 234 (Alaska 1993).

⁵ AS 39.05.060.



Allan Tesche serves from the Third Judicial District and is a resident of Anchorage. He was appointed to the LBC on July 10, 1997. Mr. Tesche has served as Deputy and Assistant Municipal Attorney in Anchorage and Borough Attorney for the Matanuska-Susitna Borough. He is a founder and past president of the Alaska Municipal Attorneys' Association and served as a member of the attorneys' committee which assisted the Alaska legislature in the 1985 revisions to the Municipal Code (AS Title 29). Mr. Tesche's term on the Commission expires January 31, 2002.



William Walters serves from the Fourth Judicial District and lives in the greater Fairbanks area. He was appointed to the LBC on September 14, 1995. Mr. Walters works for the Alaska Department of Labor as a hearing officer in Fairbanks. He is a graduate of the University of Texas School of Law. He worked for the Tanana Chiefs Conference on the development of tribal courts from 1992 to 1998. He is a former member of the Fairbanks North Star Borough Planning Commission. Mr. Walters' current term on the LBC expires January 31, 2000.

Staff to the Commission

The Alaska Department of Community and Regional Affairs (DCRA), Municipal and Regional Assistance Division (MRAD), provides staff to the Commission.

The staff provides technical assistance to municipalities, residents, petitioners, respondents, and others regarding matters under the Commission's jurisdiction. The type of assistance may include:

- ➔ conducting feasibility and policy analysis of proposals for incorporation or alteration of municipalities;

- ➔ conducting informational meetings;
- ➔ providing technical support during Commission hearings;
- ➔ drafting decisional statements;
- ➔ implementing decisions of the Commission;
- ➔ certifying actions; and
- ➔ maintaining incorporation and boundary records for each of Alaska's 161 existing municipal governments.

As required by law, the staff analyzes formal petitions filed with the Commission and prepares reports conveying DCRA's recommendations for action by the Commission. DCRA also certifies municipal incorporations, dissolutions, annexations, detachments, mergers, consolidations and reclassifications.

The Commission and DCRA are independent of one another with respect to policy matters. In other words, the Commission is not bound to follow the recommendations which DCRA is required by law to provide to the Commission.

Procedures of the Commission

Procedures for establishing and altering municipal boundaries and for reclassifying cities are designed to secure the reasonable, timely, and inexpensive determination of every proposal to come before the Commission. The procedures are also intended to ensure that decisions of the Commission are based on analysis of the facts and the applicable legal standards, with due consideration of the positions of interested parties.

The procedures include extensive public notice and opportunity to comment, thorough study, public informational meetings, public hearings, a decisional meeting of the Commission, and opportunity for reconsideration by the Commission. A summary of the procedures follows.

Preparation and Filing of the Petition. DCRA offers technical assistance, sample materials, and petition forms to prospective

petitioners. The technical assistance may include feasibility and policy analysis of a particular proposal.

Once a formal petition is prepared, it is submitted to DCRA for technical review. If the petition contains all the information required by law, DCRA accepts the petition for filing.

Public Notice and Public Review. Once a petition is accepted for filing, extensive public notice of the filing of the petition is given. Interested parties are typically given at least seven weeks to submit responsive briefs and comments supporting or opposing a petition. The petitioner is typically provided at least two weeks to file one brief in reply to responsive briefs.

Analysis. Following the public comment period, DCRA analyzes the petition, responsive briefs, written comments, reply brief, and other materials as part of its investigation. Informational meetings may be conducted by the petitioner and DCRA. At the conclusion of its investigation, DCRA issues a preliminary report for public review and comment. The report includes a formal recommendation to the Local Boundary Commission for action on the petition.

The preliminary report is typically circulated for public review and comment for a minimum of four weeks. After reviewing the

comments on its report, DCRA issues its final report. The final report includes a discussion of comments received on the preliminary report and also notes any changes to DCRA's recommendations to the Commission. The final report must be issued at least three weeks prior to the hearing on the proposal.

Commission Review of Materials and Public Hearing. Members of the Commission review the petition, responsive briefs, written comments, reply brief, and DCRA reports. If circumstances permit, Commission members also tour the area in question prior to the hearing in order to gain a complete understanding of the proposal. Following extensive public notice, the Commission conducts at least one hearing in or near the affected territory.

The Commission must act on the petition within ninety days of its final public hearing. The Commission may take any one of the following actions:

- ⇒ approve the petition as presented;
- ⇒ amend the petition (e.g., expand or contract the proposed boundaries);
- ⇒ impose conditions on approval of the petition (e.g., voter approval of a proposition authorizing the levy of taxes to ensure financial viability); or,
- ⇒ deny the petition.



The LBC holding a recent hearing

The law requires the Commission to reach a decision within ninety days of its hearing. However, the Commission typically renders its decision within a few days of the hearing.

Within thirty days of announcing its decision, the Commission must adopt a written statement setting out the basis for its decision. Copies of the statement are provided to the petitioner, respondents, and others who request it. At that point, the decision becomes final, but is subject to reconsideration.

Any party may ask the Commission to reconsider its decision. Such requests must be filed within twenty days of the date that the decision became final. If the Commission does not approve a request for reconsideration within thirty days of the date that the decision became final, the request for reconsideration is automatically denied.

Implementation. If the Commission approves a petition, the proposal is typically subject to approval by voters or the legislature. A petition that has been granted by the Commission takes effect upon the satisfaction of any stipulations imposed by the Commission. The action must also receive favorable review under the Federal Voting Rights Act. DCRA provides assistance with Voting Rights Act matters.

Chapter 2

1998 Developments & Activities



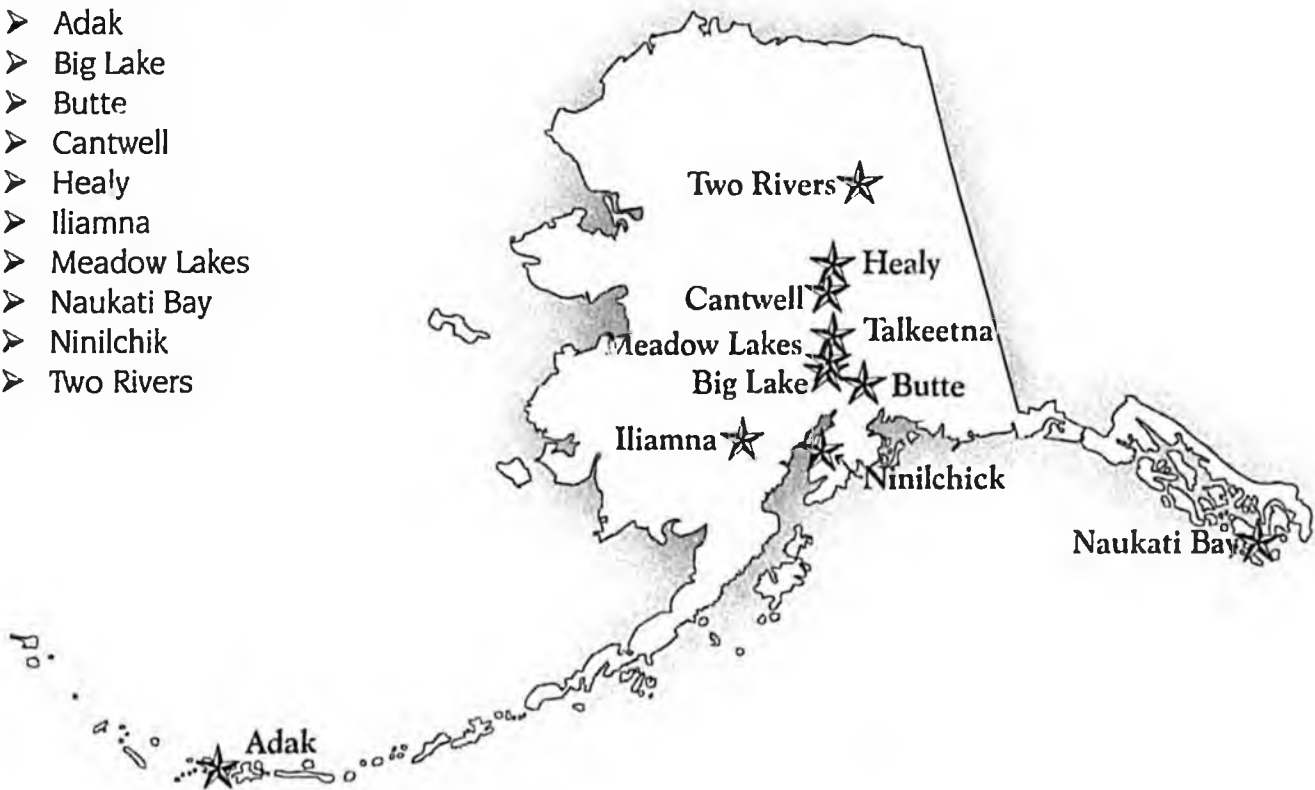
During calendar year 1998, the Commission or its staff responded to a broad range of actions under the purview of the Commission.

This chapter summarizes developments regarding proposals for and expressions of interest in municipal incorporation, dissolution, boundary changes, and reclassification that occurred during 1998.

City Incorporation

One petition for city incorporation was filed in 1998. Further, officials or residents of ten other communities expressed interest in city incorporation during the year. Such pending or prospective city incorporation activity occurred in the following communities.

- Talkeetna
- Adak
- Big Lake
- Butte
- Cantwell
- Healy
- Iliamna
- Meadow Lakes
- Naukati Bay
- Ninilchik
- Two Rivers

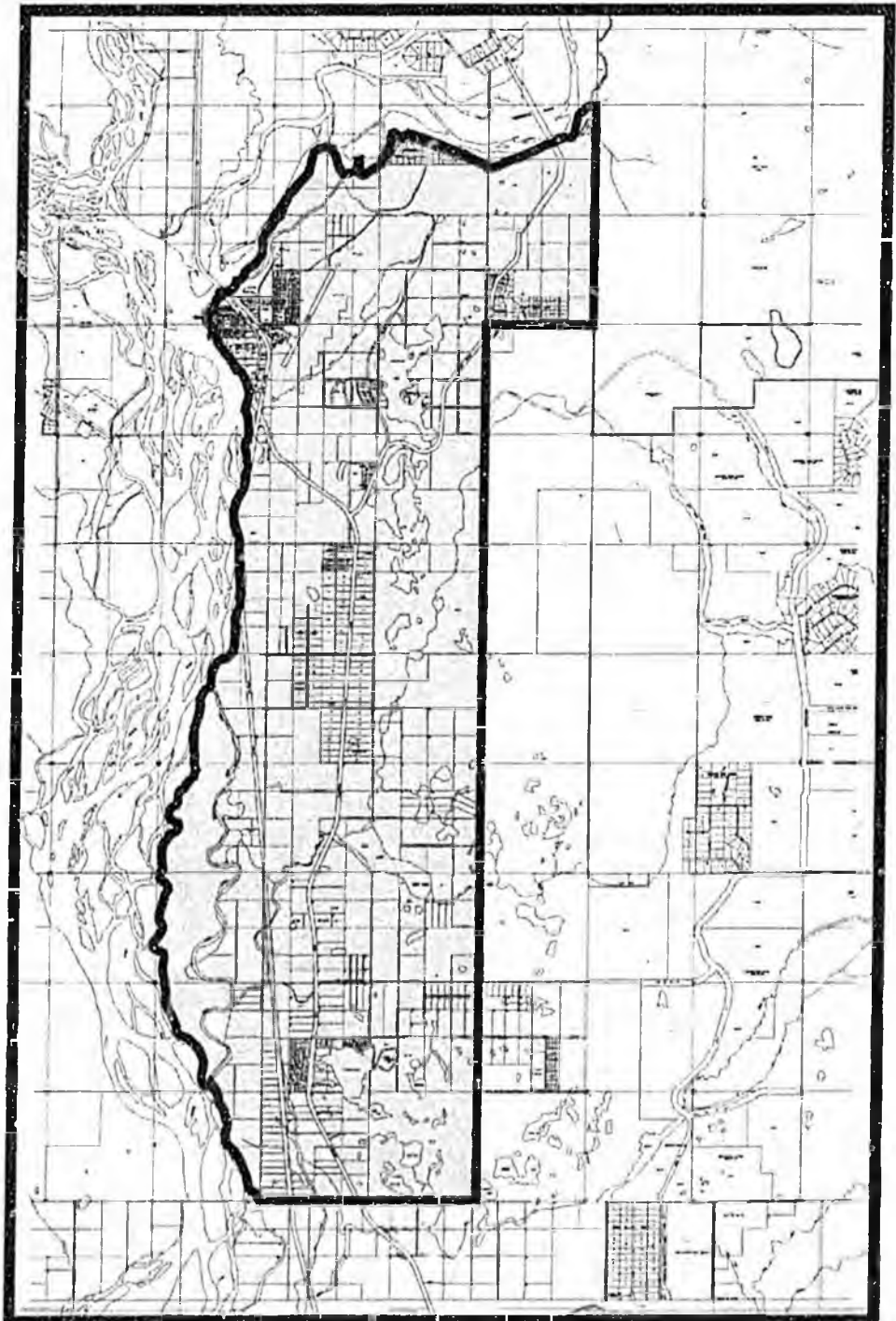


Talkeetna

On March 25, 1998, residents of Talkeetna petitioned to incorporate a home rule city with boundaries encompassing twenty three square miles. On June 19, the Matanuska-Susitna Borough filed a twenty-six page responsive brief contending that ". . .the petition as presented does not establish how the commission may grant it in light of the constitution, state statute, and the regulatory factors applicable to the incorporation of a home rule city."

On December 7, the 41-page DCRA draft report and recommendation regarding the petition to incorporate a home rule City of Talkeetna was issued to 134 parties. The DCRA draft report recommended that the petition be denied. The DCRA recommendation was based upon the following findings by agency staff.

- That the current incorporation proposal fails to include all land and water necessary to provide the full development of essential city services on an efficient, cost effective level as required by AS 29.05.011(a)(2).
- That the current petition does not adequately demonstrate a need for city government as required by AS 29.05.011(a)(5). The City of Talkeetna, as proposed by the current petition, would leave certain Matanuska-Susitna Borough (MSB) service areas intact and fracture others.
- That incorporation would not result in a significant minimization in the number of local government units as promoted by Article X, Section 1 of the Alaska constitution. When incorporation of a city occurs in an organized borough



Talkeetna's proposed city boundaries

without a reasonably commensurate reduction in the number of service areas, the constitutional principle requiring minimum numbers of local government units is not served. For example, in this case the MSB has separate service areas for flood control, fire protection, roads, sewer, and water serving the area proposed for incorporation. The petitioners propose that the city assume the flood control service area functions. Road service powers would be assumed by the city in only part of the area within the existing road service area. The MSB fire service area would continue unchanged and the petitioners have not clearly committed to city assumption of the water and sewer service area.

DCRA's draft report indicated that questions exist regarding municipal service delivery. The Department has indicated that such issues relate to both the area proposed for incorporation and neighboring areas. Incorporation as proposed could initially result in a significant diminution of the number of municipal services provided to residents



Talkeetna

of the area. For example, nonarea-wide MSB services provided to the area, such as solid waste disposal, library service, and animal control, could be seriously disrupted or cease altogether. DCRA's draft conclusion was that the requirement of AS 20.05.021(b) would not be satisfied by the incorporation petition since municipal services required by the area proposed for city incorporation are presently more reasonably and practically provided by the Matanuska-Susitna Borough.

The deadline for submission of written comments regarding the draft report was January 7, 1999. Comments were received from 10 individuals, the Talkeetna Community Council, and the Matanuska-Susitna Borough.

The Local Boundary Commission will conduct a public hearing in Talkeetna later this year.

Adak

Parties involved in the transition of Adak from a military facility to a civilian facility have been developing a petition for city incorporation. Part of the motivation for city incorporation is based upon concerns on the part of the Navy over "institutional controls enforcement" on Adak. The Navy wishes to ensure that there is some recognized agent to assume responsibility for enforcement of land use restrictions and land use activities on Adak (e.g., requirement for permits to dig, inspection of signage established by the Navy, etc.).

In April, the Adak Community Council provided DCRA with a draft petition for incorporation of a second class City of Adak with boundaries encompassing about 266 square miles. LBC staff reviewed the draft, identified elements of the petition that

required completion, revision, or clarification and provided oral and written comments to the prospective petitioners' representative and an official of the Adak Reuse Corporation. Proponents of city incorporation have indicated that a revised draft of a city incorporation petition is under development. It is anticipated that a petition for incorporation of the City of Adak will be filed early this year.

Big Lake

In June, LBC staff met with the Big Lake Chamber of Commerce board of directors regarding city incorporation. Interest in establishing a Big Lake city government was revived as a result of two developments. The first was local concerns regarding rumors that the nearby City of Houston planned to expand its boundaries. The second was the expression of interest in city incorporation on the part of residents of the nearby community of Meadow Lakes. Those concerns appear to have moderated following the meeting since the Commission is unaware of any continued interest in forming a city government at Big Lake.

Butte

In February, LBC staff met with the Butte Community Council and Butte residents in response to local interest in city incorporation. Informa-

tion and materials concerning city incorporation were shared with community residents. The Commission is unaware of continued interest on the part of Butte residents in forming a city government.

Cantwell

A representative of the Cantwell Community Council requested and was provided information regarding incorporation of a second class city. LBC staff was advised that city incorporation was under discussion as a possible vehicle for promoting economic growth and employment in the community and as a means to secure additional funds for local service delivery. A community meeting regarding city incorporation was reportedly held in February.

Healy

Staff from DCRA's Fairbanks regional office met in July with residents of Healy to discuss alternative ways of improving local services. Among the alternatives discussed was the option of city incorporation.

Iliamna

In April, an Iliamna resident requested and was provided information regarding standards and procedures for city incorporation. Petition forms for incorporation of a second class city were also provided.

Meadow Lakes

LBC staff participated in a meeting of the ad hoc Meadow Lakes "city incorporation special committee" in January of last year. The committee had been considering second class city incorporation with boundaries encompassing much of the area between the City of Wasilla and the City of Houston. Approximately twenty-four Meadow Lakes area residents attended the meeting. In December of last year, residents of the community expressed continued interest in examining the merits of city government.

Naukati Bay

In May, staff from DCRA's Southeast regional office provided a representative of the Naukati Bay Community Council with information concerning standards and procedures for city incorporation. In July, regional office staff met with residents of Naukati Bay on Prince of Wales Island regarding city incorporation.

Ninilchik

In May, a Kenai Peninsula Borough official indicated that residents of Ninilchik were considering second class city incorporation. Accordingly, LBC staff provided information regarding city incorporation standards and procedures to facilitate discussion between

the Borough and Ninilchik residents. Ninilchik residents reportedly desire enhanced fire and emergency medical services but do not wish to establish borough service areas that are funded by property taxes. A second class city supported by a sales tax was reportedly being considered as a possible alternative vehicle for delivery of addi-

tional local municipal services desired by community residents.

Two Rivers

A Two Rivers resident indicated that a petition for home rule city incorporation of Two Rivers is circulating at this time. He was concerned that the petition for consolidation

of the Fairbanks North Star Borough might be an impediment to the proposal for city incorporation. He also inquired about Alaska Statutes and Fairbanks North Star Borough Code provisions relating to apportionment.

City Annexation

Six petitions for annexation of territory to cities were addressed by the Commission during 1998. In addition, activities relating to potential future annexations occurred in nine cities. Annexation petitions or expressions of interest involved the following cities.

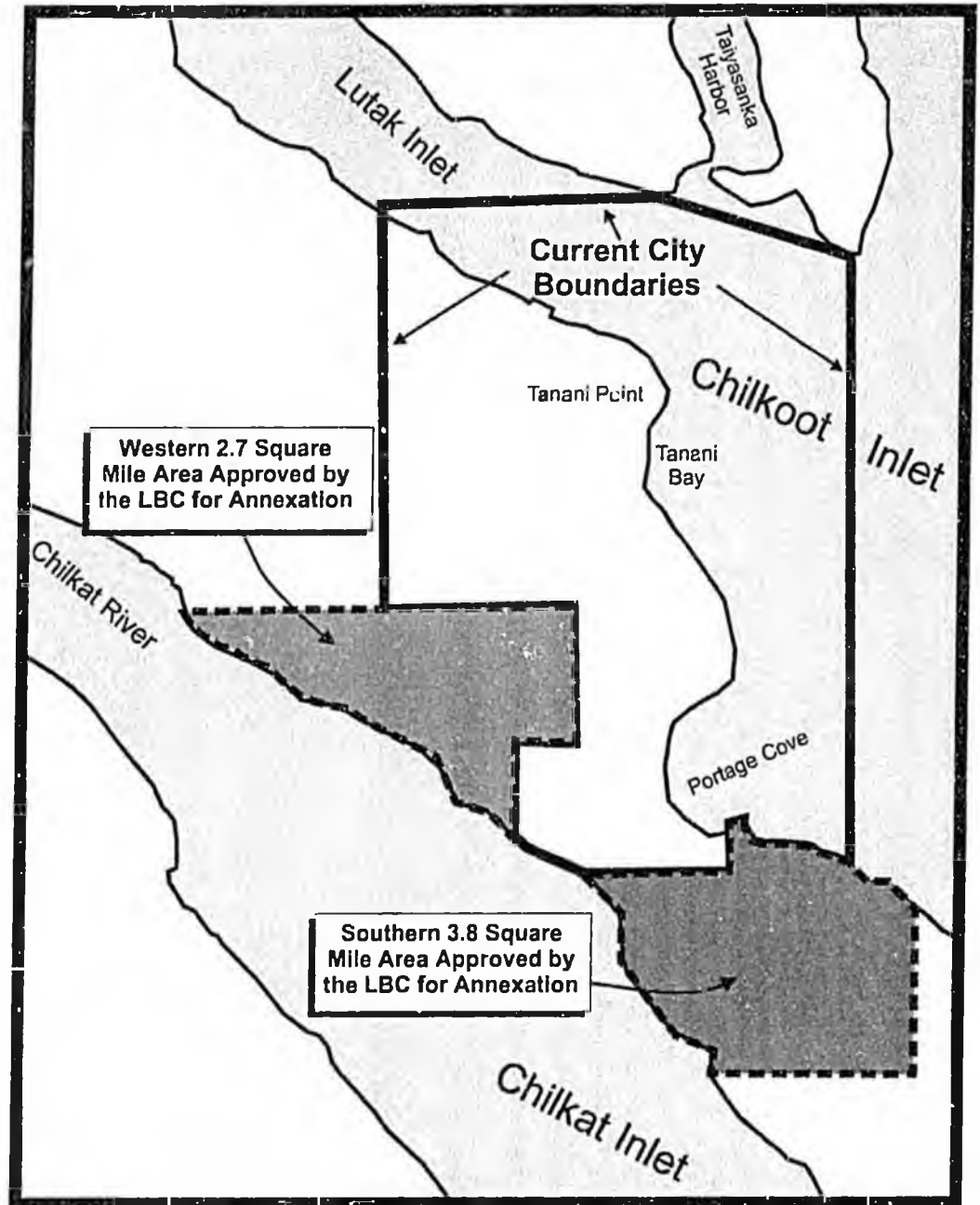
- City of Haines
- City of Fairbanks
- City of Palmer
- City of Thorne Bay
- City of Wasilla (two petitions)
- City of Aleknagik
- City of Homer
- City of Ketchikan
- City of Kodiak
- City of Newhalen
- City of North Pole
- City of Pelican
- City of Quinhagak



City of Haines

In March of 1997, the City of Haines petitioned for annexation of approximately 6.5 square miles. Following extensive opportunity for public review and comment on the proposal, coupled with a lengthy public hearing before the Local Boundary Commission in Haines, the Commission approved the annexation petition.

A recommendation for the annexation was scheduled to be submitted to the 1998 Legislature in accordance with Article X, Section 12 of Alaska's constitution. However, the Commission was asked by the City of Haines, the Haines Borough, and the Haines Borough Citizens Against Annexation to defer the filing of the Commission's recommendation. The purpose of the requested deferral was to allow the local governments and citizens of Haines the opportunity to consolidate the first class City of Haines with the third class Haines Borough. The request for deferral was supported by Haines area legislators, Senator Mackie and Representative Kookesh.



Areas approved for annexation to the City of Haines

After addressing the request on January 21, 1998, the Commission voted unanimously among the four members present to grant the deferral for a one-year period. The Commission stipulated, however, that if the voters rejected consolidation, the Commission's recommendation for annexation would be

filed with the legislature in 1999. The Haines Borough Assembly and the Haines Borough Citizens Against Annexation agreed not to further oppose annexation if the consolidation effort failed.

As noted in greater detail under the discussion of consolidation issues, a petition for consolidation of the two local

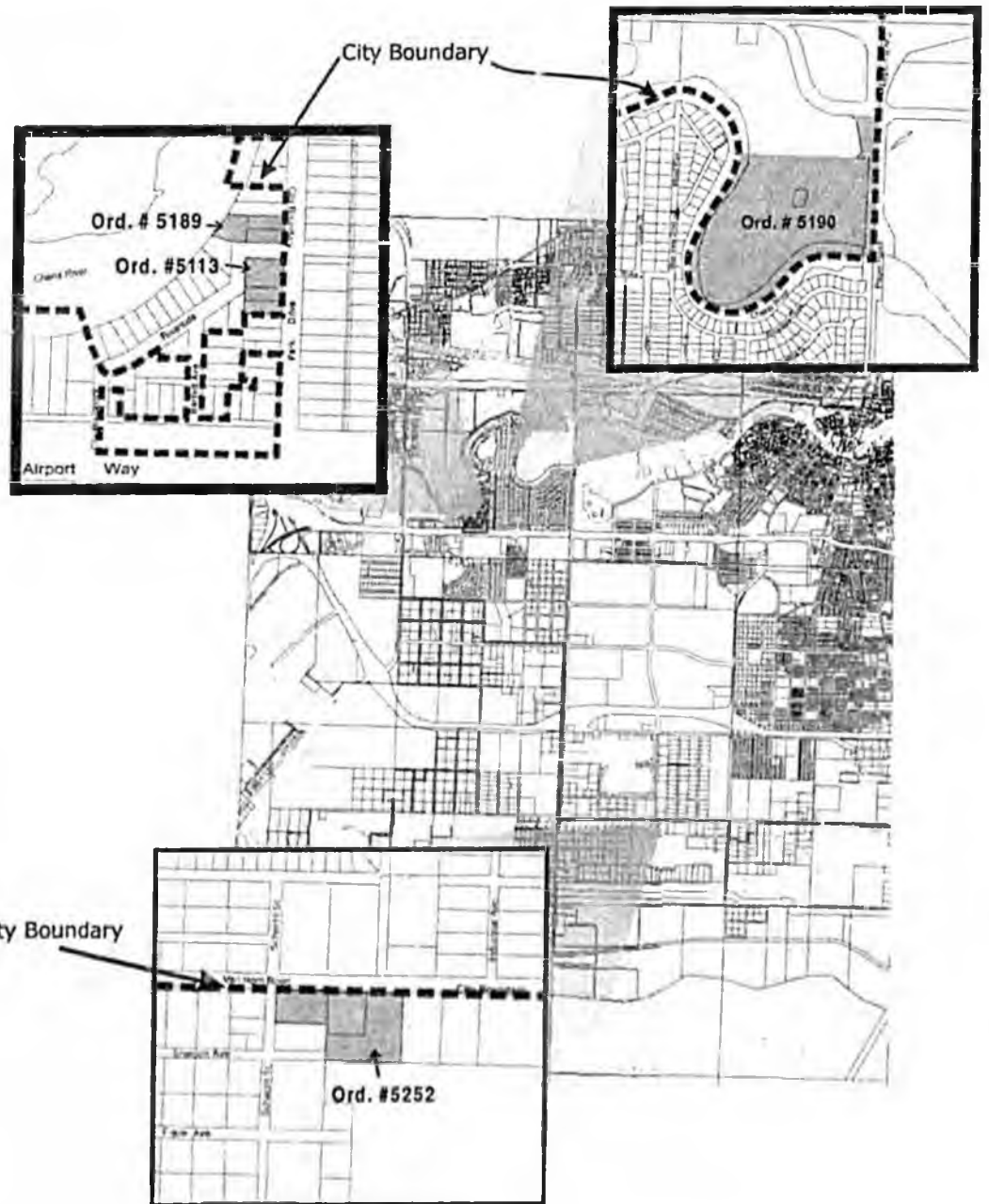
governments in Haines was filed in March of last year. The Commission approved the petition in August. A proposition to consolidate was subsequently rejected by the voters in Haines by a margin of 545 (50.1%) to 542 (49.9%). In accordance with the decision rendered by the Commission on January 21, 1998, a recommendation for annexation of 6.5 square miles to the City of Haines is submitted to the 1999 Legislature under the terms of Article X, Section 12 of the Constitution of the State of Alaska. The formal recommendation for annexation is included in Chapter 3 of this report.

City of Fairbanks

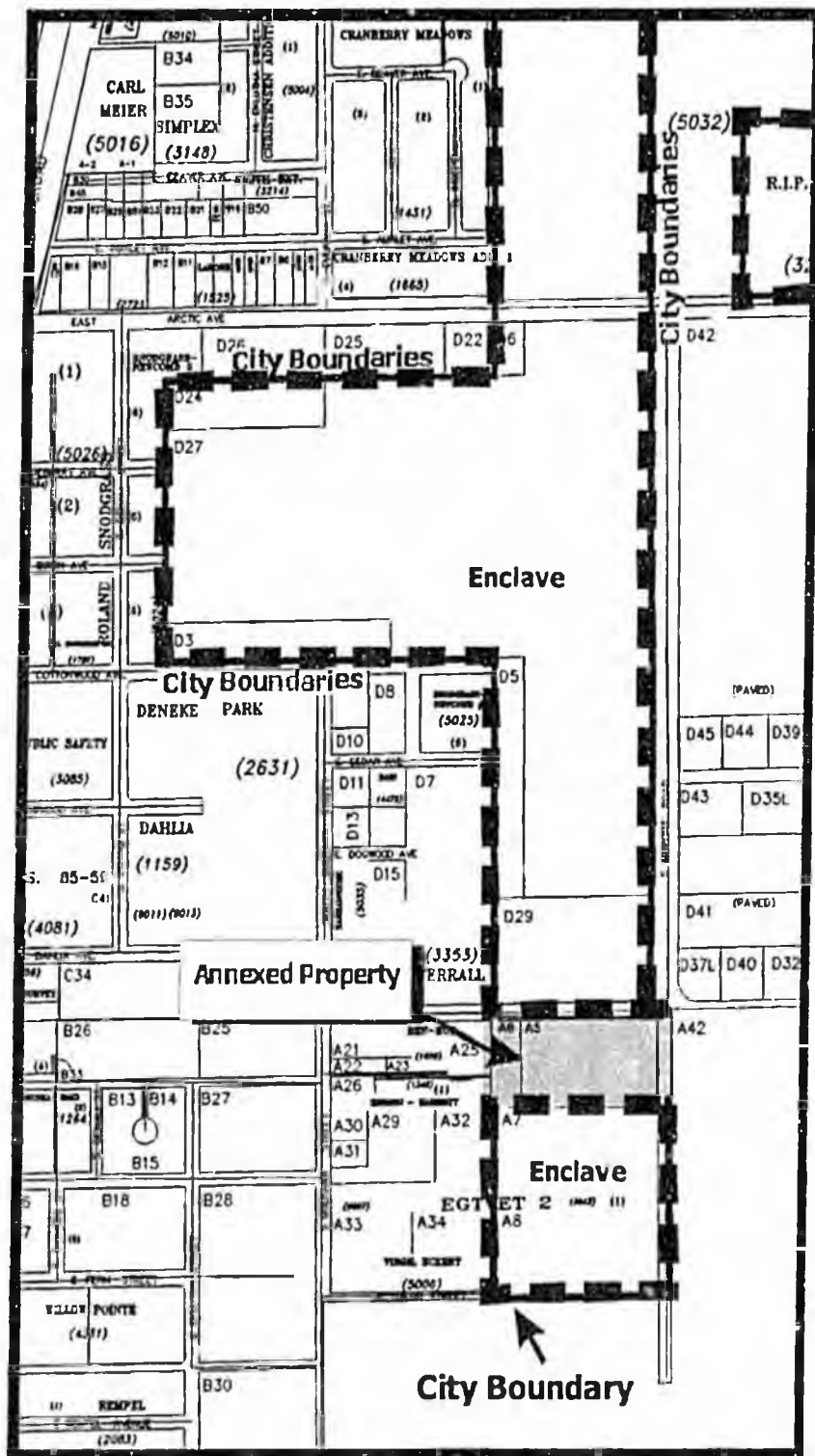
On February 17, 1998, the City of Fairbanks filed a petition for annexation of four separate parcels collectively comprising 42.46 acres. Annexation was sought under the process that requires formal requests for annexation by all property owners and registered voters within the area proposed for annexation.

On March 3, the petition was accepted for filing by DCRA. The deadline for initial public comments was June 12, 1998. DCRA issued its report and recommendation on the proposal in July of last year.

The Local Boundary Commission conducted a duly noticed public hearing on the Fairbanks annexation petition on October 2. At the conclusion of the hearing, the Commission unanimously approved the petition.



Areas approved for annexation to the City of Fairbanks



Area annexed to the City of Palmer

endorsement of annexation by all property owners and registered voters within the area proposed for annexation. The annexation was initiated at the request of the sole property owner in the area, Irby Construction.

The Local Boundary Commission conducted a public hearing regarding the annexation petition on July 17, 1998.

At the conclusion of the hearing, the Commission convened a decisional session. The four members of the Commission participating in the decisional session concluded that all of the relevant standards and requirements for annexation were satisfied by the City of Palmer's petition.

When the Commission approved the petition, the Commission encouraged the City of Palmer to approach future annexation efforts in a more comprehensive manner, rather than pursuing boundary changes piecemeal, in small increments.

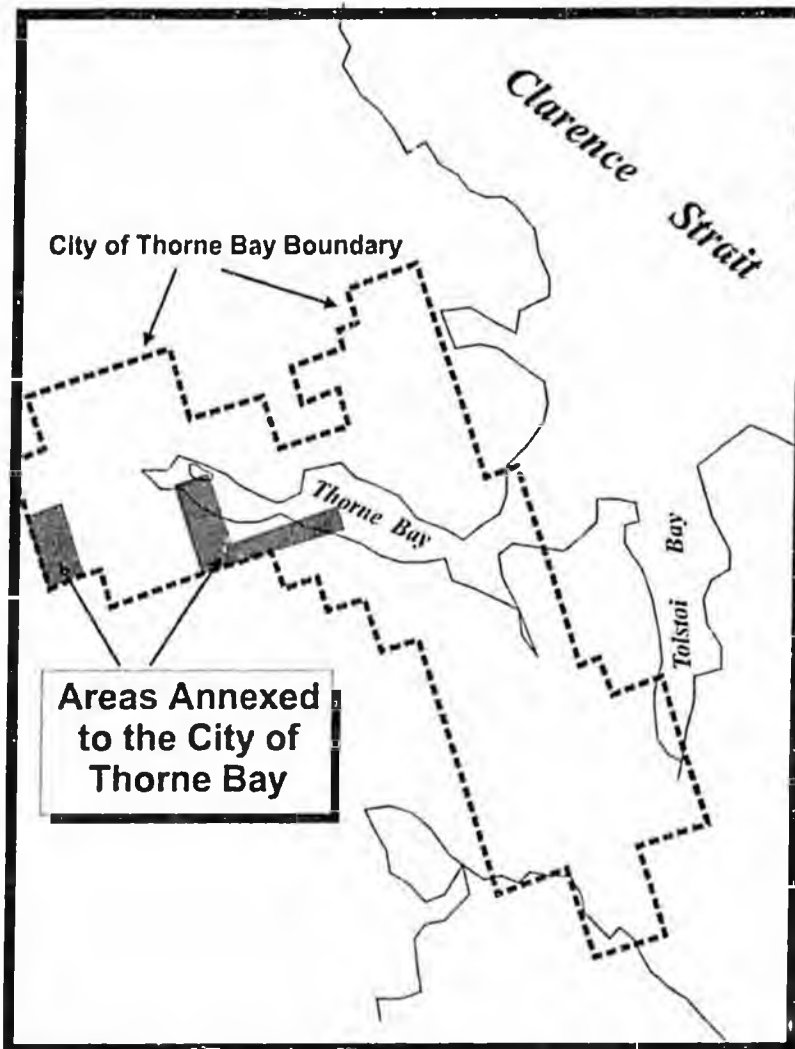
The annexation became effective on December 16, 1998, upon receipt of documentation from the City of Palmer that the U.S. Justice Department had reviewed the annexation under the terms of federal voting rights act.

City of Palmer

On October 31, 1997, the City of Palmer submitted a petition for annexation of five acres located within an enclave inside the City's corporate boundaries. Annexation was sought under the process that requires formal

City of Thorne Bay

On December 1, 1997, the second class City of Thorne Bay petitioned the Local Boundary Commission to annex 960 uninhabited acres contiguous to the existing bound-



Area annexed to the City of Thorne Bay

aries of the City. Annexation was sought by the City to bring a portion of the Thorne Bay Road, which the City maintains, within the jurisdiction of the City. Annexation rendered the City eligible to receive National Forest Receipts road maintenance funding for that portion of the road sought for annexation. Annexation was sought under the process that requires formal requests for annexation by all property owners and registered voters within the area proposed for annexation.

On May 29, 1998, the Local Boundary Commission conducted a public hearing regarding the City of Thorne Bay's annexation petition. Following the hearing, the Commission conducted a decisional session, and approved the petition by unanimous vote.

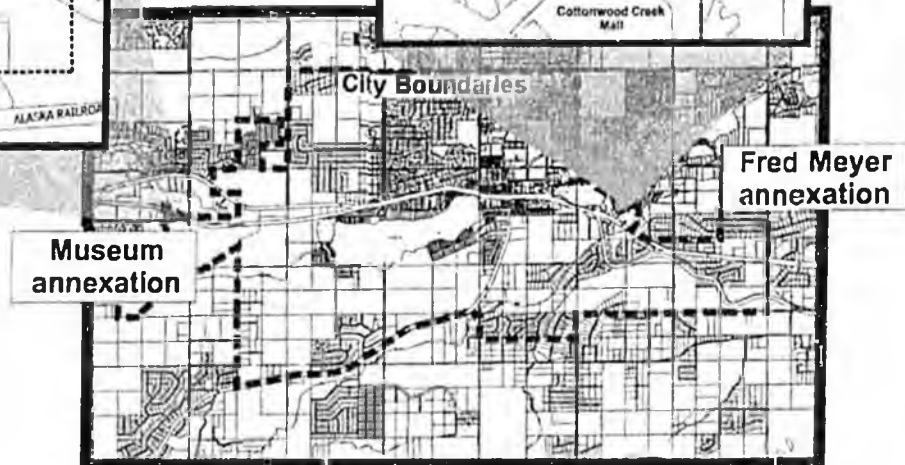
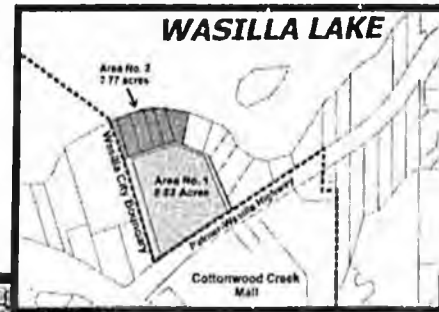
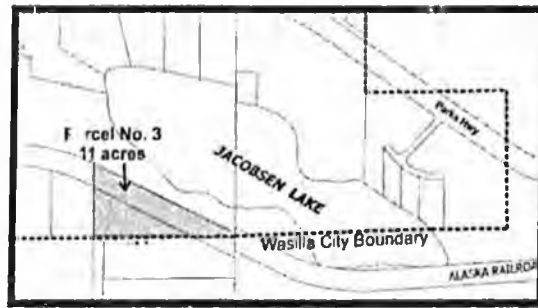
The annexation took effect on August 25, 1998, upon receipt of documentation that the boundary change had been reviewed by the U.S. Justice Department under the terms of the Federal Voting Rights Act.

City of Wasilla

By petitions dated April 7 and May 27, 1998, the City of Wasilla proposed the annexation of some 22.39 acres of uninhabited territory adjacent to the City. The parcel sought for annexation by the April 7, 1998 petition consisted of 8.62 acres adjacent to the Cottonwood Creek Mall. The parcels sought for annexation by the May 27, 1998 petition consisted of an additional 2.77 acres adjacent to the area proposed for annexation in the April 7, 1998 petition and eleven acres located near the Wasilla Airport adjacent to the Museum of Alaska Transportation and Industry.

Both petitions sought local action annexation as set forth in AS 29.06.040(c)(3) and 19 AAC 10.150(2), which provide that contiguous territory may be annexed to a city by ordinance and a petition signed by all of the voters and property owners of the territory.

Two of the three areas proposed for annexation, totaling 11.39 acres, are located at a site being developed as a 171,540 square foot Fred Meyer shopping center. Plans also call for future construction of seven tenant shops requiring an additional 42,200 square feet. The development will include 856 parking spaces. The 22.6-acre Fred Meyer project site includes 11.21 acres within the existing boundaries of the City.



The 11-acre parcel sought for annexation by the Museum of Alaska Transportation and Industry is situated near the Wasilla airport. The parcel will be the future site of caretaker housing, additional parking, and campground facilities. The main museum facilities are to be developed adjacent to the area proposed for annexation but within the pre-annexation City of Wasilla municipal boundaries.

Since all of the April 7 petition and part of the May 27 petition involved the Fred Meyer shopping center site, the Commission addressed the petitions concurrently. On September 16, the Local Boundary Commission conducted a public hearing on both petitions. At the conclusion of the public hearing, the Commission voted unanimously to approve both annexation petitions.

The annexations took effect January 14, 1999.

Areas approved for annexation to the City of Wasilla

City of Aleknagik

The Aleknagik City administrator requested and was provided information concerning standards and procedures for annexation. LBC staff met with the Aleknagik City Council and other interested parties regarding annexation in November 1998. Annexation under the legislative review process is under discussion among City officials, local residents, and property owners. The City Council authorized the formation of an advisory planning committee to facilitate preparation of an annexation proposal, as well as other local planning issues. City officials were provided petition forms for legislative review annexation.

City of Homer

The City of Homer examined the merits of expanding its corporate boundaries. The City's study process included a work session in mid-May to examine the merits of annexing a substantial area adjacent to the current city boundaries. The population of the area considered for annexation was estimated to be roughly equal to the current population of the City of Homer (4,126). The area under consideration included the City of Kachemak and substantial other territory. LBC staff responded to a number of inquiries from residents of the territory under consideration for annexation.

City of Ketchikan

Officials of the City of Ketchikan are considering two separate annexation proposals. The first involves an area contiguous to the City of Ketchikan that is being developed as a residential subdivision. The owner and developer of the subdivision is seeking annexation of his property. Additional territory adjacent to the subdivision is also being considered for annexation. The additional property is owned by the Ketchikan Gateway Borough. City officials anticipated that this particular petition for annexation would likely be filed with the Commission in the early part of this year.

In a separate matter, the Ketchikan City Council has authorized a petition for annexation of a prospective substantial commercial complex and adjacent properties north of the current city boundaries. LBC staff provided information and techni-

cal assistance to officials of the City of Ketchikan concerning the matter. City officials are expected to petition for annexation of the territory by March 1, 1999.

City of Kodiak

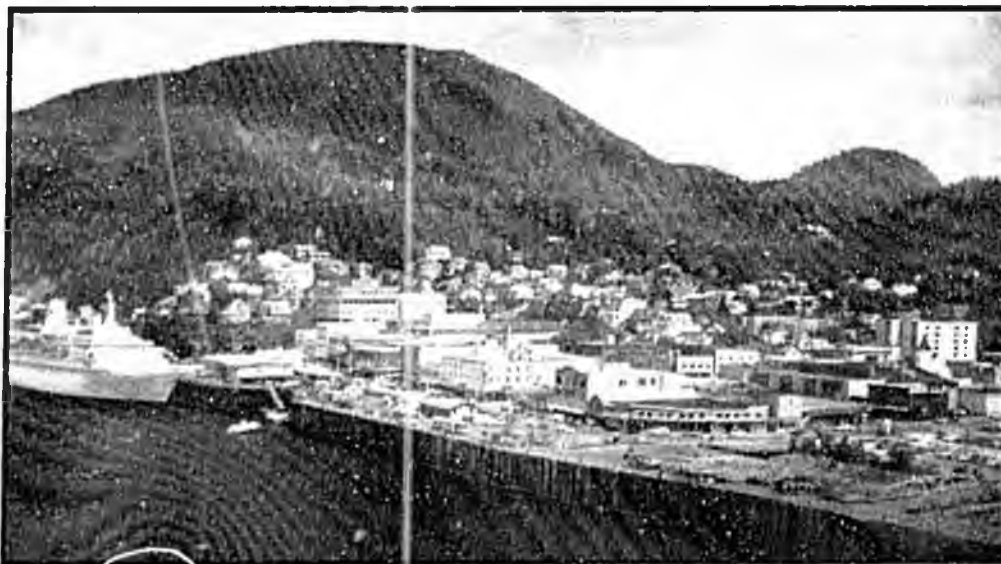
In May 1998, the Kodiak City Council held a public hearing on an ordinance authorizing a petition for annexation of Kodiak Island Borough Fire Protection Area Number One. City of Kodiak officials anticipated that the prospective annexation proposal would be subject to approval by the voters of the territory proposed for annexation.

In August, the Kodiak City Manager contacted LBC staff regarding additional petition materials for the proposed annexation. Annexation of the area in question would increase the population of the City of Kodiak by an estimated 3,508 residents.

Analysis by the City of Kodiak indicates that annexation of the area in question would lead to lower services and/or higher taxes for residents of the existing City because the Borough levies a higher service area property tax to support fewer services than those which would be provided by the City after annexation. Further, retail businesses in the greater Kodiak area are concentrated within the City's existing boundaries. Because of the concentration of businesses within the existing city limits and the population of the territory proposed for annexation, the City estimates that per capita post-annexation city sales tax revenues would decline from \$889 per resident to \$607 per resident.

To address the detrimental financial effects of annexation, the City Council has asked the Kodiak Island Borough to provide transitional funding. City officials indicated that the petition will be filed in early 1999.

The Kodiak city manager indicated that a separate petition may be filed for the extension of the City's boundaries to include the Kodiak airport and the developed area between the airport and the current boundaries of the City.



City of Ketchikan

City of Newhalen

In April, the Newhalen City Administrator informed LBC staff that he was drafting a petition for annexation of the Iliamna airport to the City of Newhalen. Information and technical assistance regarding the standards and procedures for annexation were provided to the City of Newhalen by LBC staff. In December, the Mayor requested that LBC staff meet with the Newhalen City Council and Lake and Peninsula Borough officials in early 1999 regarding annexation.

City of North Pole

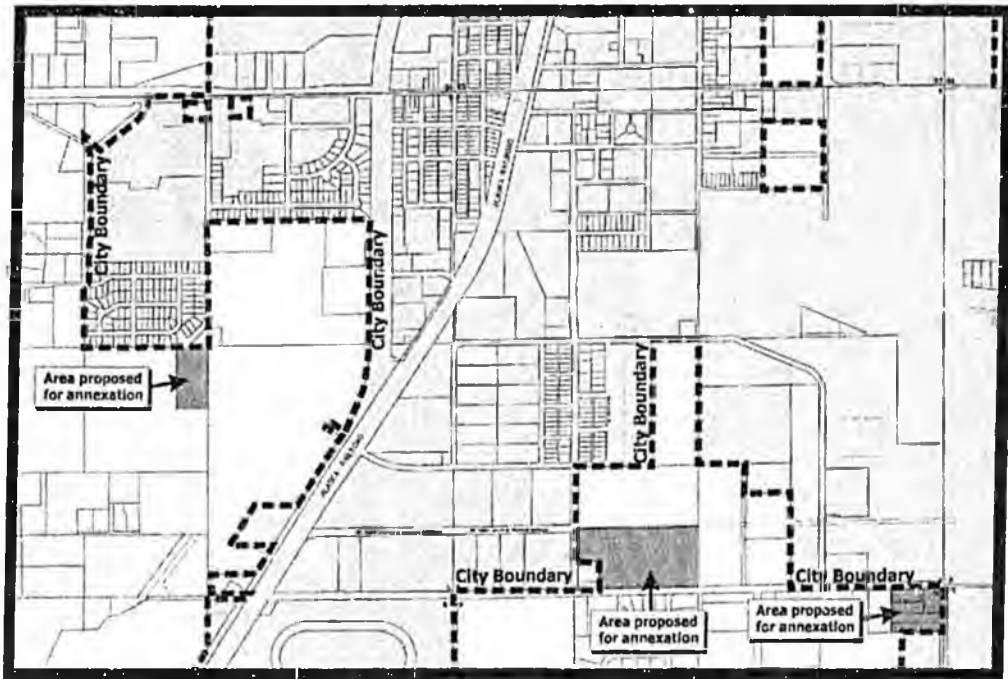
In December, a City of North Pole official requested and was provided with information relating to standards and procedures for annexation. Residents and property owners in the vicinity of the City have expressed interest in annexation to the City of North Pole in order to receive water, sewer, and police services.

City of Pelican

Information regarding standards and procedures for annexation was provided to City staff. Annexation of Sunnyside and Phonograph to the City of Pelican is being contemplated.

City of Palmer

In November 1998, the Palmer City Council authorized a petition for annexation of sixty-two acres in four separate areas. City of



Annexation proposal being developed by the City of Palmer

Palmer Ordinance #541 indicates that there are twenty-four parcels, thirty-six property owners and two registered voters in the aggregate area proposed for annexation. The area proposed for annexation has an assessed value of \$1,520,500. In November, the city manager indicated that the draft petition is nearing completion. The City of Palmer has reportedly received numerous requests for annexation from owners of scattered parcels adjoining the City and desiring annexation to receive City of Palmer water and sewer service.

City of Quinhagak

In January of 1998, a City of Quinhagak official advised LBC staff that the City was considering annexation of Kanetok River recreational areas adjacent to the existing municipal boundaries. She requested and was provided information relating to the standards and procedures for city annexation. Interest in annexation was reportedly viewed as a means to facilitate local efforts to enforce prohibitions against importation of alcohol to the community.

City Dissolution

During 1998, interest relating to city dissolution was expressed by residents of the following two second class cities.

- City of Chefnak
- City of Toksook Bay

City of Chefnak

In September, a Chefnak resident requested and was provided information regarding standards and procedures for city dissolution. Forms for

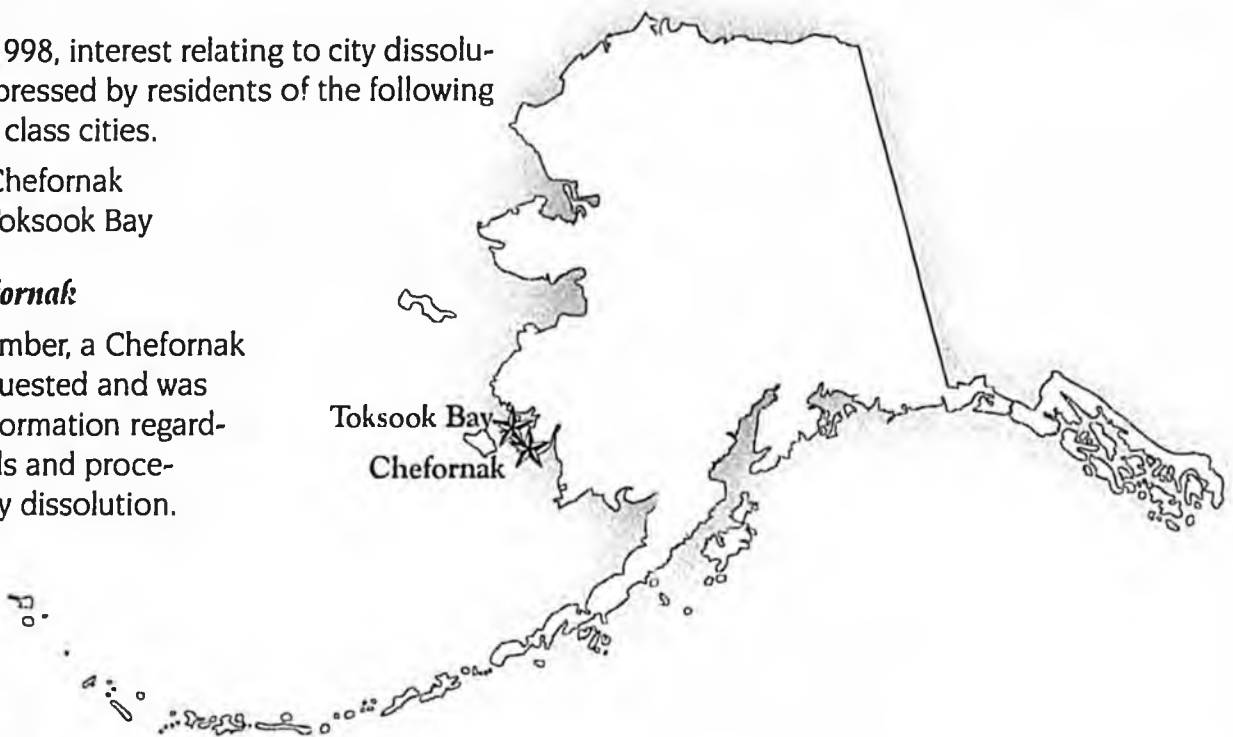
petitioning for city dissolution

were also provided. The individual indicated

that residents had expressed support for city dissolution at an informal local advisory election by a vote of 62-50. However, neither the Commission nor its staff is aware that development of a petition for dissolution of the City of Chefnak is underway.

City of Toksook Bay

Staff from DCRA's Bethel regional office reported interest on the part of Toksook Bay residents in dissolution of the City of Toksook Bay. The Mayor reported that interest in city dissolution stemmed from the preference by some residents for the local Traditional Council to serve as the sole local government for the community. Other residents reportedly consider retaining municipal government as beneficial for the community.



Toksook Bay
Chefnak

City Merger

During 1998, no petitions for merger of cities were filed or processed.

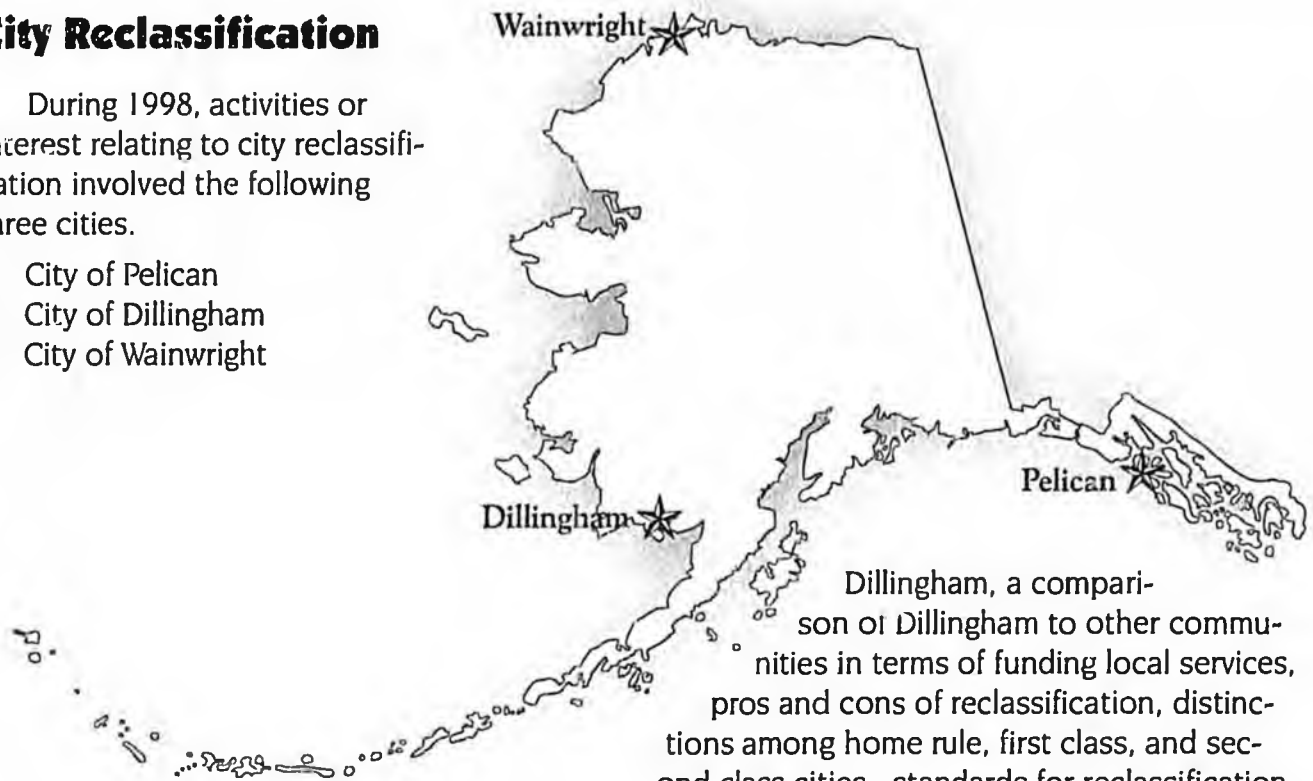
City Detachment

During 1998, no petitions for detachment of territory from cities were filed or processed.

City Reclassification

During 1998, activities or interest relating to city reclassification involved the following three cities.

- City of Pelican
- City of Dillingham
- City of Wainwright



Dillingham, a comparison of Dillingham to other communities in terms of funding local services, pros and cons of reclassification, distinctions among home rule, first class, and second class cities, standards for reclassification, and procedures for reclassification.

City of Pelican

In April, an official of the City of Pelican requested and was provided with information regarding standards and procedures for city reclassification. The Pelican City Council met on May 19 and formalized a request that LBC staff assist the City's efforts to analyze ramifications of reclassification of the City of Pelican to second class city status. Materials analyzing the impacts of reclassification were subsequently prepared and provided to local officials. Plans for a public forum on the issue were initially scheduled for the fall of last year. However, the forum has been rescheduled to February 1999.

City of Dillingham

In February of 1998, LBC staff met with the Dillingham City Council regarding reclassification of the City of Dillingham. LBC staff provided materials concerning funding implications for reclassification of the City of

Analysis of the impacts of reclassification of the City of Dillingham indicated that, based on FY 1997 data, the City of Dillingham would save \$957,500 annually relating to the operation of Dillingham schools if the City were reclassified. The schools in the expanded district would receive \$728,119 less annually than is currently the case. Reclassification would result in a projected increase of \$229,381 annually in the State of Alaska's costs for education funding.

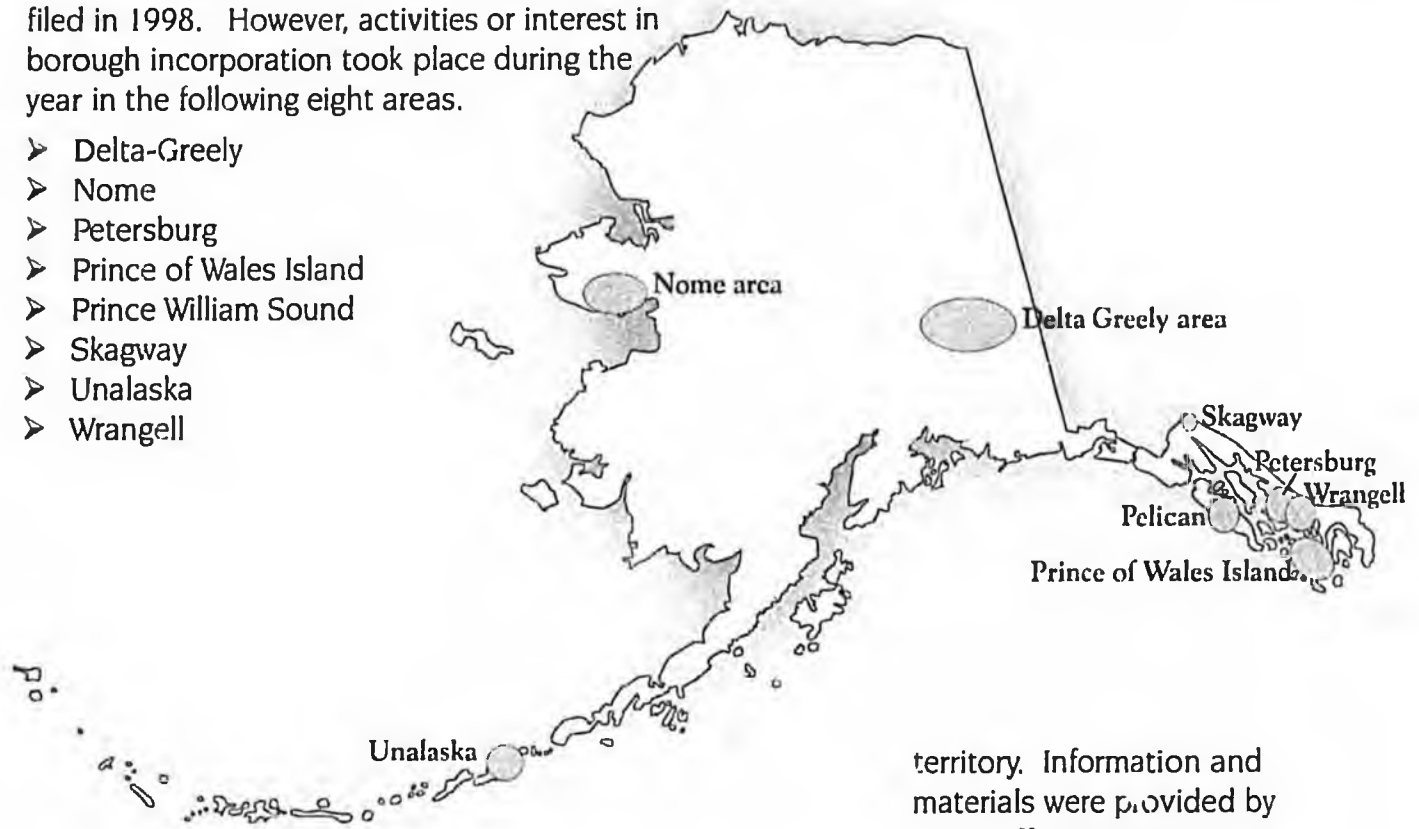
City of Wainwright

The Wainwright City Clerk requested and was provided with information relating to reclassification to first class city status and forms for petitioning for reclassification. She indicated that certain council members had the impression that first class cities were entitled to revenues unavailable to second class cities. She was advised that since Wainwright is in an organized borough, there would be no significant financial incentive for reclassification of the City to first class status.

Borough Incorporation

No borough incorporation petitions were filed in 1998. However, activities or interest in borough incorporation took place during the year in the following eight areas.

- Delta-Greely
- Nome
- Petersburg
- Prince of Wales Island
- Prince William Sound
- Skagway
- Unalaska
- Wrangell



Delta Greely

In May, LBC staff and other DCRA personnel met with officials of the City of Delta Junction, the Delta-Greely School Board, the Deltana Community Corporation, and the Delta Borough Steering Committee in Delta Junction to address issues relating to borough incorporation. Discussion centered on the advantages and disadvantages of dissolving the City of Delta Junction concurrent with borough formation. Procedures and options for such were also addressed. Other points of discussion included taxation, the prospect of annexation by the Fairbanks

North Star Borough, and the prospect of a legislative mandate for borough formation.

The "Deltana Borough Steering Committee" met again in September to discuss development of a borough incorporation petition. The Chairman of the group indicated that she hoped a petition for incorporation of a borough in the Delta-Greely region would be filed by the spring of 1999.

Nome

Local government officials in Nome have expressed renewed interest in forming a unified municipality to include Nome and limited surrounding

territory. Information and materials were provided by LBC staff concerning standards and procedures for borough formation. DCRA policy concerns that had been expressed in 1997 regarding what may be unnaturally constrained boundaries were repeated last year. The Nome City Council addressed borough formation at a meeting in April of last year. LBC staff discussed standards, procedures, and the history of borough incorporation at a public meeting with the Nome City Council, other local officials, and citizens held in Nome in July of last year.

The City of Nome has retained an attorney to develop a borough incorporation petition.



Downtown Petersburg

Petersburg

In March of last year, the Petersburg City Council held a work session regarding borough formation. During the work session, LBC staff delivered a presentation regarding the standards and procedures for borough formation and responded to questions from the City Council and residents of the greater Petersburg area. The meeting was attended by twenty-four individuals and was also broadcast over local radio.

LBC staff responded to multiple subsequent inquiries from Petersburg media concerning borough formation in the Petersburg area. In September of last year the Petersburg City Council adopted a motion to proceed with a proposal to form a borough.

Prince of Wales Island

In April, DCRA regional office staff attended a meet-

ing sponsored by the Prince of Wales Chamber of Commerce to discuss borough formation.

Prince William Sound

In December of last year, an official of the City of Cordova indicated that there is renewed interest in examining the prospects of a Prince William Sound Borough. Given preferences of officials of the City of Valdez, the preliminary boundaries being considered exclude Valdez. Tentative plans are underway to conduct a work session on borough government in Cordova in February of this year.

Skagway

The City of Skagway has reportedly retained a consultant to prepare a petition for incorporation of Skagway as an

organized borough. It is understood that the boundaries of the proposed borough would conform to the boundaries of the existing City of Skagway (which extend to the current boundaries of the Haines Borough on the west and south, and Canada on the north and east). It is anticipated that the prospective petition will include a proposal for dissolution of the City of Skagway. The prospective proposal is reportedly motivated by fears on the part of local officials that the legislature will mandate the inclusion of Skagway in the Haines Borough.

Unalaska

In July, the Unalaska City Clerk advised LBC staff that Unalaska City Council examined the feasibility of incorporating a unified municipality comprised only of Unalaska Island, which encompasses approximately 1,050 square miles. The City of Unalaska, with a population of 4,251, is the sole community on Unalaska Island.



Skagway City Hall

Interest in the matter reportedly stems from concern on the part of local officials that expansive boundaries for an organized borough in the region may ultimately be mandated by the legislature. LBC staff provided the City Clerk with information about establishing a unified municipality and advised City officials about policy issues inherent in

formation of a single-community borough encompassing a relatively limited area.

Wrangell

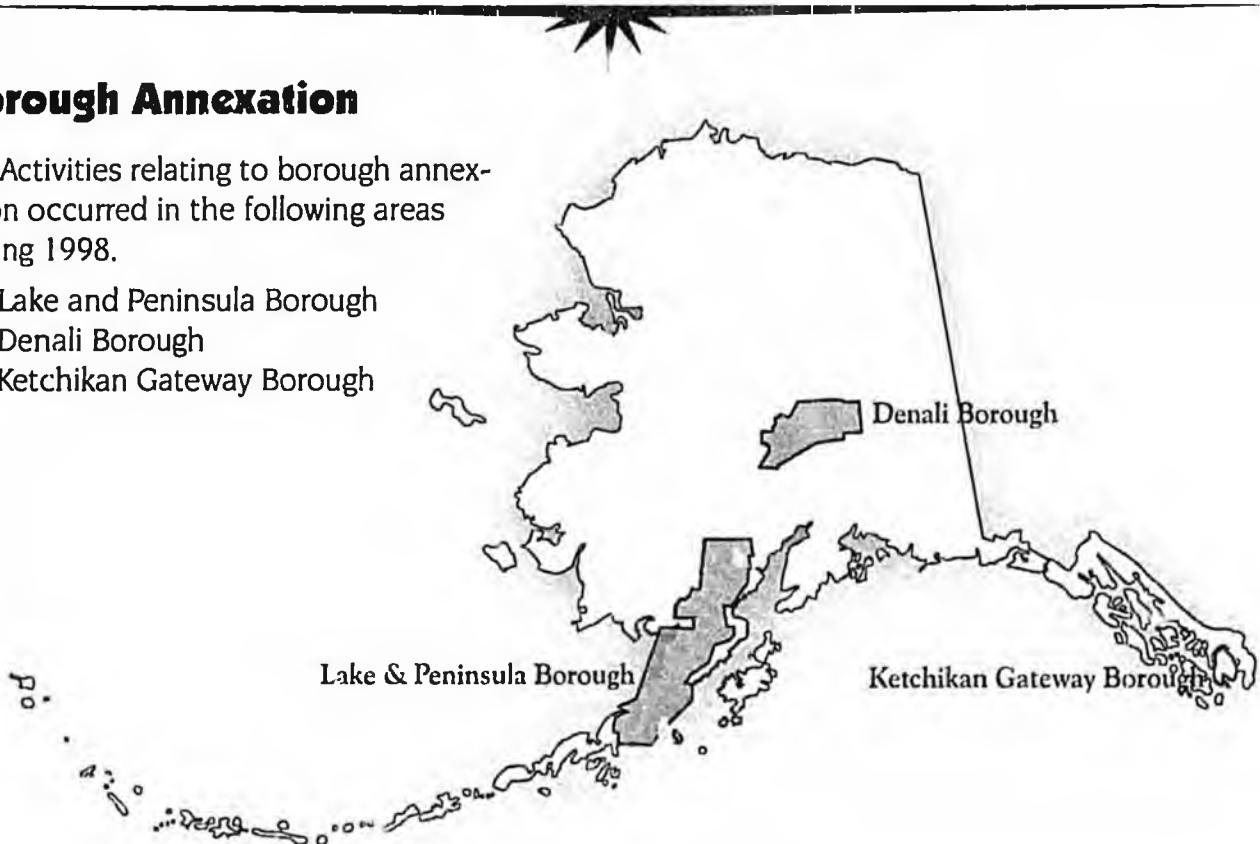
An Anchorage attorney is preparing a petition on behalf of the City of Wrangell to incorporate an organized borough encompassing the greater Wrangell area. Like the

prospective Skagway borough proposal, it is understood that the proposed borough would replace the existing city government. LBC and DCRA technical assistance has been provided to the City's contract attorney in terms of development of the petition.

Borough Annexation

Activities relating to borough annexation occurred in the following areas during 1998.

- Lake and Peninsula Borough
- Denali Borough
- Ketchikan Gateway Borough



Lake and Peninsula Borough

In June 1997, the City of Dillingham initiated a petition for annexation of the "Nushagak - Togiak region" to the Lake and Peninsula Borough. The area proposed for annexation is roughly equivalent to the Dillingham Census Area and encompasses more than 20,700 square miles.

After the petition was submitted, DCRA raised certain policy issues relating to the proposal. Among the policy issues were concerns that the proposal would expand the Lake and Peninsula Borough such that it would totally surround the tiny Bristol Bay Borough. Further, DCRA noted that the Lake and Peninsula

Borough was strongly opposed to the annexation proposal. DCRA expressed concern that the annexation proposal would generate intense conflict which would drain precious resources from the communities and local governments in the Bristol Bay region.

In November of 1997, DCRA met with the Mayor and City Manager of the City of

Dillingham concerning the petition. The two Dillingham officials expressed interest in affirming support for the proposal among residents in the Nushagak-Togiak region before proceeding further with the petition. In February of last year, DCRA met with the entire Dillingham City Council concerning the annexation proposal and other issues. At that time, interest was expressed by some Dillingham City Council members in reconsidering the annexation proposal.

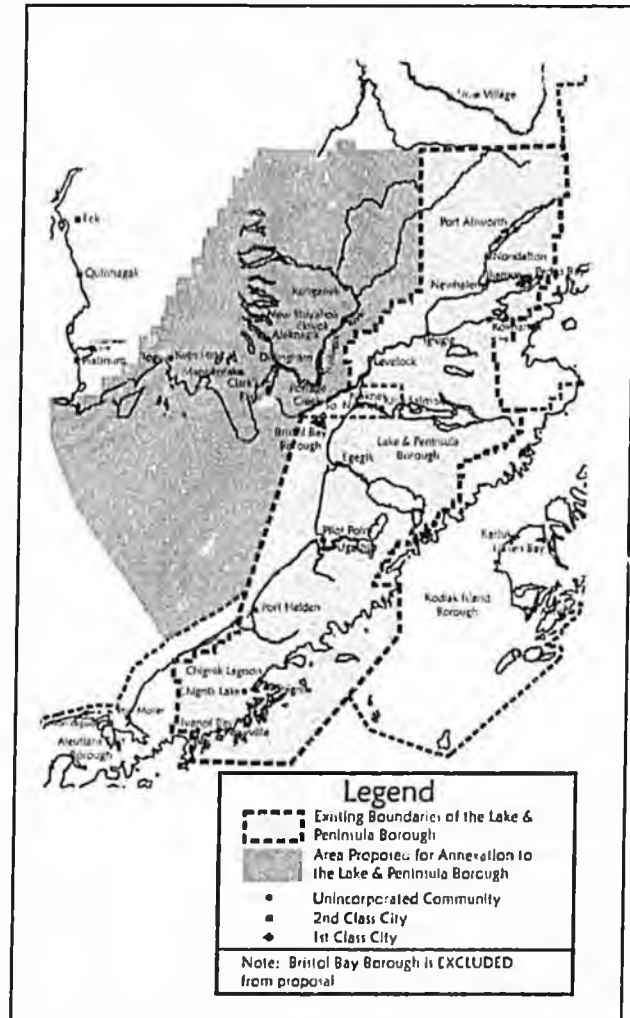
DCRA recently wrote to officials of the City of Dillingham asking that the petition be withdrawn by March 1, 1999 if the City no longer wishes to pursue the annexation proposal.

Denali Borough

On January 20 of last year, staff received the Denali Borough's request for reconsideration of the Commission's decision to reject the petition by the Denali Borough for annexation of 992.5 square miles. The Local Boundary Commission met on January 29, 1998, to consider the reconsideration request. The LBC heard comments from residents, Denali Borough officials, and officials of the Matanuska-Susitna Borough. The Commission voted 3-2 to deny the reconsideration request.

Ketchikan Gateway Borough

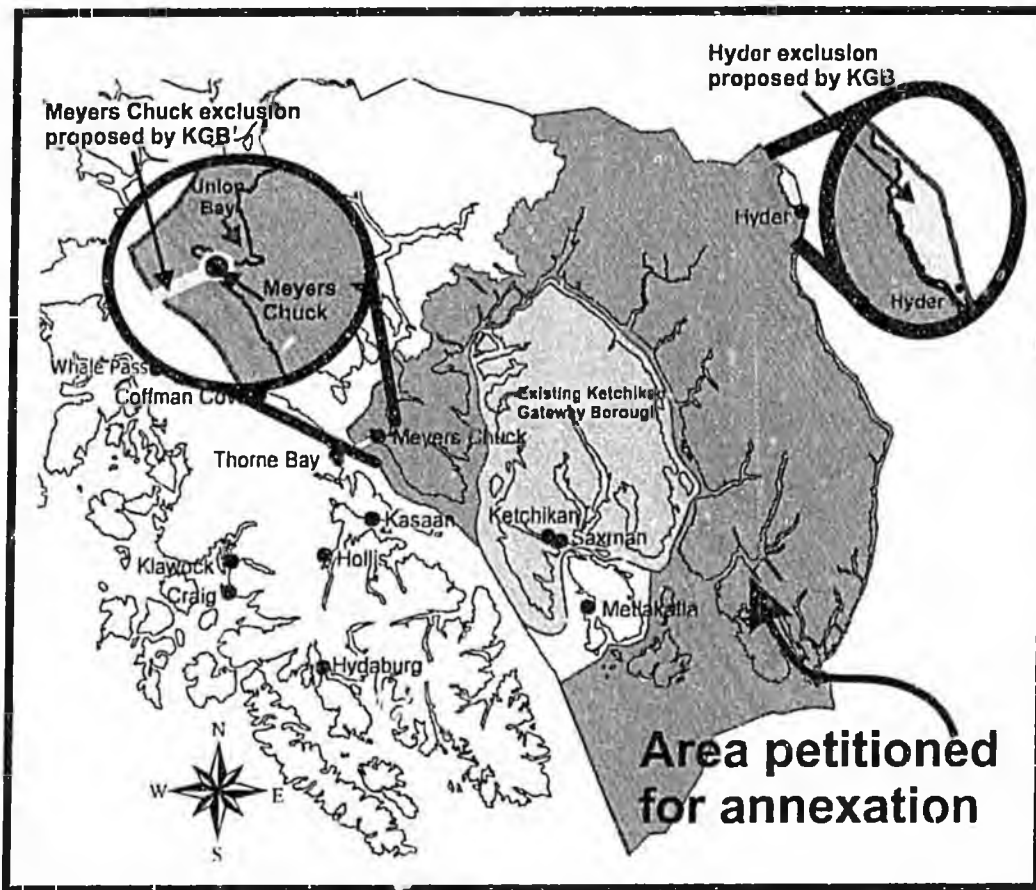
On February 28, 1998, the Ketchikan Gateway Borough (KGB) petitioned to annex approximately 5,524 square miles. The Borough's proposed new boundaries generally



Area proposed for annexation to the Lake & Peninsula Borough

conform to its "model boundaries" defined by the Local Boundary Commission in 1991.⁶ However, the boundaries proposed by the Borough excluded an estimated 17.9 square miles in and around Hyder and approximately 3.5 square miles in and around Meyers Chuck, whereas the model boundaries included those two unincorporated settlements.

⁶ The proposed post-annexation boundaries of the KGB would encompass 99.7% of the territory within its model boundaries. Model borough boundaries were defined throughout the state (with emphasis on unorganized territory) by the LBC from 1989 through 1992. In undertaking the project, the LBC recognized that the unorganized borough does not embrace an area and population with common interests to the maximum degree possible as required by Art. X, § 3 of Alaska's constitution. The effort to define model borough boundaries was undertaken in response to increasing conflicts relating to incorporation and annexation of parts of the unorganized borough. During the course of the project, the LBC held hearings in eighty-eight communities either in person or by teleconference. The model boundaries provide for nineteen prospective new boroughs and also provide for prospective annexation of territory to five existing organized boroughs, including the Ketchikan Gateway Borough. See Model Borough Boundaries, DCRA, updated 1997.



Ketchikan Gateway Borough annexation proposal

The Borough estimated that 25 individuals live in the territory proposed for annexation. DCRA estimated that the populations of the adjacent unincorporated settlements of Hyder and Meyers Chuck is 133 and 31, respectively.

In December of last year, the Commission held a public hearing in Ketchikan on the Borough's annexation petition. Although other communities throughout Southeast Alaska were invited to participate by teleconference, none did. After the hearing, during the Commission's deliberations on the petition, several Commissioners voiced concerns that the petition failed to meet certain standards for borough annexations. These concerns related to the omission of the communities of Hyder and Meyers Chuck from the territory proposed for annexation. Rather

than deny the Borough's petition outright, the Commission voted unanimously to allow the Borough ninety days to amend its petition. The deadline for receipt of an amended petition is March 12, 1999. Thereafter, the Commission will decide finally on the original or amended petition.

If the Borough amends its petition to add Hyder and Meyers Chuck to the territory proposed for annexation, the amended petition must

include a revised transition plan (19 AAC 10.900). The transition plan would address the administrative and fiscal arrangements for delivery of borough services to Hyder and Meyers Chuck.

In developing a revised transition plan, the Commission urged the Borough to consult with the residents of Hyder and Meyers Chuck. The Commission also urged the Borough to work closely with organizations and agencies such as the Hyder Community Association, the Southeast Island REAA, and the Alaska Department of Education. Further, the Commission noted that DCRA is available to assist in the development of a suitable transition plan.

Borough Detachment

Interest in borough detachment occurred with respect to the following areas during 1998.

- Northern Matanuska-Susitna Borough
- Girdwood

No petitions for detachment of territory from organized boroughs were filed during 1998. However, in January, the Commission rejected a request by the Denali Borough to reconsider the rejection of its 1997 petition for detachment of 992.5 square miles from the Matanuska-Susitna Borough.

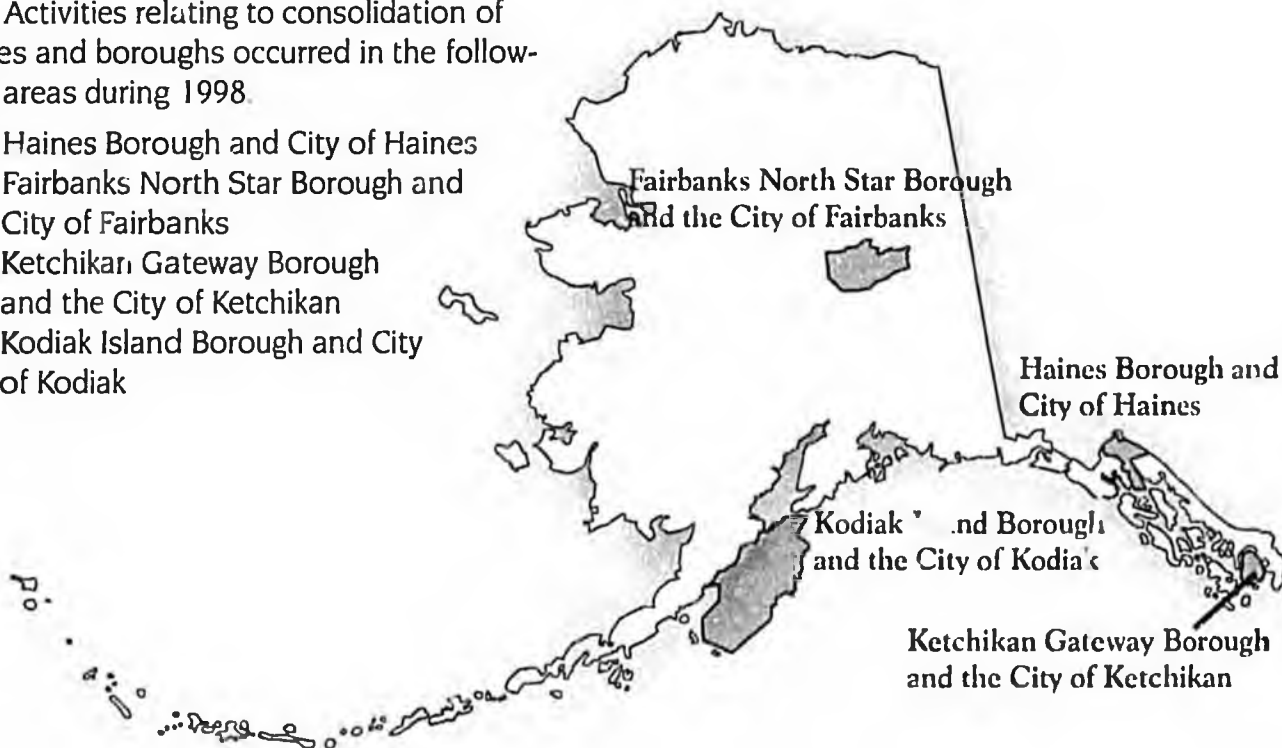
In addition, LBC staff received an inquiry concerning the prospect of the detachment of Girdwood from the Municipality of Anchorage. Information concerning standards and procedures for detachment was provided.



City and Borough Consolidation

Activities relating to consolidation of cities and boroughs occurred in the following areas during 1998.

- Haines Borough and City of Haines
- Fairbanks North Star Borough and City of Fairbanks
- Ketchikan Gateway Borough and the City of Ketchikan
- Kodiak Island Borough and City of Kodiak



Haines Borough and City of Haines

As noted previously, the Local Boundary Commission approved a proposal for annexation of approximately 6.5 square miles to the City of Haines in 1997. However, community leaders, including the governing bodies of both the City of Haines and the Haines Borough, asked the Commission to defer the filing of a recommendation for the annexation with the legislature to allow local residents to consider consolidation of the two local governments in Haines as an alternative. The request was supported by Haines area legislators, Senator Mackie and Representative Kookesh.

The Commission agreed to the requested deferral on January 21, 1998. The Commission stipulated that if the voters rejected consolidation, the Commission's recommendation for annexation would be filed with the legislature in 1999. The Haines Borough Assembly and the Haines Borough Citizens Against Annexation agreed not to further oppose annexation if the consolidation effort failed.

Soon after the Commission agreed to the deferral, the mayors of the City of Haines and the Haines Borough appointed a twelve-member borough commission to develop the proposed home rule charter and guide the petition effort. The borough commission and staff of the two local governments in Haines completed the consolidation

petition and home rule charter on March 31, 1998. Their efforts are worthy of recognition and commendation. Members of the group donated many hundreds of hours in an effort to bring better local government to Haines. Their outreach to the public in developing the charter and petition was exemplary. Technical advice and support were provided by the LBC's staff and other staff at the Department of Community and Regional Affairs.

The formal petition for consolidation was filed by the City of Haines and the Haines Borough on March 31. Following a lengthy opportunity for public comment and analysis, the Commission held a public hearing on the matter in Haines in August. Following the public hearing, the petition was approved.

An election on the consolidation proposal was conducted November 3, 1998. Nearly sixty-eight percent of all registered voters in Haines participated in the election. The proposition to consolidate was rejected by the voters by a margin of 545 (50.1%) to 542 (49.9%).

Fairbanks North Star Borough and City of Fairbanks

In April of 1998, a group of Fairbanks citizens formed a committee to explore options for streamlining local government in Fairbanks. Options considered by the committee included:

- merger of the City of Fairbanks with the Fairbanks North Star Borough (FNSB);
- consolidation of the City of Fairbanks and the FNSB;
- unification of the City of North Pole, the City of Fairbanks, and the FNSB; and
- dissolution of the City of Fairbanks.

In April, LBC staff met with the group to explore the options. At the meeting, the group concluded that consolidation represented the most attractive option because it would allow integration of the City of Fairbanks government into the FNSB government in what they perceived to be the "least disruptive fashion."

LBC staff subsequently provided petition forms, sample materials, and other information concerning consolidation to the group. During the course of drafting the petition, LBC staff reviewed and provided comments on multiple drafts of the petition. Further, LBC staff worked to ensure that vitally interested parties such as the Fairbanks North Star Borough had adequate opportunity to review and comment on the draft petition.

Consolidation proponents began circulating the petition to secure voters' signatures in November of last year. The petitioners' representative has indicated that he anticipates that the petition will be filed with the Local Boundary Commission early in 1999.

Ketchikan Gateway Borough and City of Ketchikan

The City of Ketchikan continued to refine its prospective petition to consolidate the home rule City of Ketchikan with the second class Ketchikan Gateway Borough. The prospective petition proposes to create a home rule borough from the two consolidated governments. No petition has yet been filed by the City of Ketchikan.

Kodiak Island Borough and City of Kodiak

In December of last year, a citizen of the Kodiak Island Borough expressed interest in developing a formal petition for consolidation of the City of Kodiak and the Kodiak Island Borough. DCRA staff provided the individual with information and materials concerning consolidation of city and borough governments.

**Litigation Involving the Local Boundary Commission**

During 1998, there were no new or existing court challenges concerning actions taken by the Local Boundary Commission.



Chapter 3

Recommended Boundary Change



Recommendation Number One of the Local Boundary Commission to the First Session of the Twenty-First Alaska Legislature

A Recommendation for Annexation of Approximately 6.5 Square Miles to the City of Haines

Section I - Introduction

As allowed by 19 AAC 10.420, the City of Haines on March 12, 1997, petitioned the Local Boundary Commission to annex 6.5 square miles within the Haines Borough. The territory proposed for annexation consists of two areas: one encompasses 2.7 square miles adjoining the western boundary of the City. The second area contains 3.8 square miles located immediately south of the City. The City's jurisdiction presently covers 14.4 square miles. According to the Department of Community and Regional Affairs (DCRA), the City of Haines had a population of 1,400 at the time the petition was filed. DCRA estimated that the two areas proposed for annexation were inhabited by 278 people at the time of the petition.

Section II — Proceedings

Upon a staff determination that the form and content of the City's annexation petition were sufficient, notice of its filing was published and posted in accordance with 19 AAC

10.450. Notice was also mailed to fifty-four individuals and organizations. Under Commission regulations, responsive briefs were filed by the Haines Borough and by a group of local residents known as the Haines Borough Citizens Against Annexation (HBCAA). Preliminary and final staff reports, responsive briefs and other timely written comments were made a part of the record. As required by law, notice of the Commission's November 15, 1997 hearing was published in several newspapers and posted throughout the Haines community. Notice of the hearing was also mailed to ninety-five individuals and organizations, including local media. No objections to notice or the date and place of the Commission's hearing were raised to staff or to the Commission in this proceeding.

After an inspection of the Haines area by air and automobile, the Commission convened the hearing in Haines as scheduled on November 15, 1997. Approximately seventy-five individuals attended the hearing. At the hearing, the Commission received both sworn and unsworn testimony from the City of