

August 5, 2009  
Sent by e-mail and U.S. Mail

Honorable Tom Vilsack, Secretary of the U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
Washington, DC 20250

Dear Mr. Secretary,

We are honored that you and four other Cabinet Secretaries will be visiting the Calista / Association of Village Council Presidents (AVCP) Region, known as Alaska's Yukon Kuskokwim Delta, on August 12.

As you know, rural America faces unique challenges and those challenges are amplified by distance and harsh geography in rural Alaska. We are pleased to share the rugged beauty of Alaska's landscapes from the city of Anchorage, to hub communities like the city of Bethel to the remote Alaska villages that populate our Region. This special opportunity to hear the diverse voices of our Region will inform your perspective on current successes and future needs.

As you conduct listening sessions in our Region to investigate social and economic challenges such as housing, health, infrastructure, energy, green jobs, climate change and the subsistence economy, we ask that you consider the statement of issues and recommendations on the following pages and how your Department can serve as an agent for change.

We are eager to discuss the future for rural residents and Native communities—traditional communities that have thrived for thousands of years. There is a lot at stake here. Your visit is the first step toward helping the Obama Administration shape public policies that will improve the lives of our people. We welcome you and appreciate your attention. Camai.



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# Statement of Issues and Recommendations for the U.S. Department of Agriculture

High costs of living impact on regional income, poor salmon runs and competition from international markets on local fisheries, high dependency on government grants, high energy costs, fuel shortages combined with high fuel costs, inadequate transportation and energy infrastructure, and high unemployment are all symptomatic of basic economic and community problems the AVCP/Calista region is faced with today. These present very comprehensive challenges requiring initiatives that involve coordination of efforts between the various service organizations with resources to assist in economic development activities in the region.

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**Issue 1:**

Limited income generating opportunities in small remote rural Alaskan villages require regional/sub-regional hub community development strategies for sustainable economic development.

Diversify local economic base by introduction of regional/sub-regional services and industries, enhance local human and technical capacities for business enterprise development.

**Recommendation:**

- Expand tribal Rural Business Enterprise and Opportunity programs to provide for economic cluster development strategies at regional and sub-regional level. Promote small and emerging private business enterprise in coordination with other public/private initiatives such as renewable energy and energy efficiency deployment, and natural resource developments. Expand access to capital financing and credit development.

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**Issue 2:**

High energy costs, fuel shortages, inadequate transportation and energy infrastructure require a comprehensive program strategy. These are common development challenges at all regional and sub-regional levels throughout rural Alaska.

Develop regional/sub-regional cluster strategies that combine energy, transportation and related infrastructure development efforts.

**Recommendation:**

- Expand tribal Rural Utility Services and tribal Rural Business Development programs to allow for consolidated infrastructure development in regional/sub-regional clusters.

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### **Issue 3: Landfills, Dumpsites and Honeybucket Disposal**

AVCP's member villages are underserved, undeveloped, and lacking basic infrastructure. Homes lack piped water and sewer. Human waste is still hauled in honeybuckets by hand to bunkers. Dump sites do not meet minimum standards for health and safety. Every day, more and more goods are flown into villages. The packaging of these goods never leaves our villages.

Environmental conditions such as permafrost, wetlands, flooding, drainage and dust, are a challenge to waste disposal. This region is the spring nesting and breeding grounds for ducks, black brants, emperor geese, northern pintails, grebes, loons, swans and cranes and is, according to the U.S. Fish & Wildlife Service, the most important shorebird nesting area in the country. Marine mammals include spotted seals, ringed seals, Pacific walrus, Pacific bearded seals, whales and threatened Steller sea lions. The river, ponds and small streams are the habitat of at least 44 species of fish, including all 5 species of Pacific salmon.

Most villages have, at best, a Class 3 unpermitted landfill. Most villages have problems such as accidental, uncontrolled open burning, particulates blowing back over town, the spread of contaminated soil/snow from the tires and tracks of vehicles entering the dumpsite, non-burnable items such as old snowmobiles, trucks, and batteries leaking acids and people disposing of hazardous wastes at the dumpsite. There is no doubt these pollutants are leaching into the surrounding wetland environment. All villages have unofficial dumpsites and old honeybucket bunkers that need to be cleaned up and rehabilitated. Both in the past and today, ponds are often used as dumpsites and waste is dumped indiscriminately into these sites. Dump sites have tons of discarded household items, old trucks, snowmachines, ATVs and scrap metal.

#### **Recommendation:**

- Provide adequate funding for each village to develop and implement Solid Waste Management Plans that will plan for the closure and rehabilitation of existing dumpsites, develop hazardous waste programs, eliminate honeybuckets, and construct new, safe landfills.

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### **Issue 4: Indian Reservation Roads Program**

AVCP's 56 member tribes reside in small isolated villages scattered throughout an area that is approximately 59,000 square miles and roughly the size of the State of Oregon. The villages are not connected by road to one another, or to the rest of Alaska. AVCP has initiated a regional effort to pool village U.S. Bureau of Indian Affairs, Indian Reservation Roads (IRR), program funds in order to enable villages to coordinate the planning and development of transportation projects, leverage additional funds, and complete desperately needed transportation infrastructure.

The construction of road and boardwalks in the region's villages will improve community health and safety by controlling dust once roads are paved and dirt trails are improved with boardroads (same as boardwalks). As roads and boardroads are built, access to traditional subsistence resources will be provided, local jobs will be created, and project-employed village residents will increase their skill levels. Economic development will

also occur throughout the region as airports, barge landings, ports, docks, and roads are connected to one another in places where they currently are not. These connections will reduce costs involved in transporting goods and services, including but not limited to those associated with fuel and labor.

**Recommendation:**

- Provide AVCP a meaningful opportunity to present and discuss our proposed amendments to the Indian Reservation Roads Program regulations set out in Title 23 U.S.C. Section 101(a) and 202(d).
- Amend Title 23 U.S.C. Section 101(a) to add a new paragraph that will more clearly define the areas of land for which Alaska's tribes are eligible for IRR funding. AVCP also proposes to amend Title 23 U.S.C. Section 202(d) which will revise the formula by which IRR funds are appropriated and recognize Alaska village boardroads as an eligible facility.

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**Issue 5: Relocating Eroding Villages**

Every community in the AVCP region is built upon permafrost. The permafrost is melting because of warming air temperatures and a warmer ocean. Sea ice that protects villages is forming later in the year, which allows fall storms to greatly impact the shoreline. Many villages are at or below sea level and sinking.

**Recommendation:**

- Fund the relocation of villages. Leaders in the AVCP region believe that the cost of relocating a community has been incorrectly calculated and is far less than the amounts estimated by the federal government. AVCP believes these staggeringly high incorrect projected costs have become a barrier to assisting villages. AVCP will assist villages with developing accurate cost plans for relocation.

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**Issue 6: Native American Challenge Demonstration Project Act of 2009**

America's Native peoples - American Indians, Alaska Natives and Native Hawaiians - continue to suffer disproportionately high rates of unemployment and poverty, poor health, substandard housing, and associated social ills when compared to any other group in our nation. Although there has been steady improvement, particularly in the area of health, there has been little progress in the last 30 years towards closing the gap between Native peoples and the American public at large in most indicators of well-being. This Demonstration Project aims to re-invigorate Native economies by building on concepts and principles of the Millennium Challenge Corporation, and using a compacting model to channel development funds to locally-designed economic development strategies.

**Recommendation:**

- Urge Congress to enact the proposed Native American Challenge Demonstration Project Act of 2009 as part of its efforts to stimulate the economy and revitalize rural areas. As initially proposed, the project would authorize \$100 million over 5 years, for disbursement to a total of 5 pilot projects. One project each should be funded in Alaska and Hawaii and three in the Lower 48 states.

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**Issue 7: Subsistence**

Subsistence is an integral component of the culture and traditions of the indigenous peoples of the Yukon-Kuskokwim Delta. Subsistence also supplements the expensive and limited selection of food available in village grocery stores. In AVCP's region, people consume 664 pounds of subsistence food per capita per year. The high cost of fuel has had a significant impact on the cost of food and there has been an increase in subsistence activities.

Decisions involving management of fish and game often rely on outdated and unreliable information. For example, the Federal Subsistence Board allowed additional animals to be taken based on a study conducted in the 1980's. AVCP believes the data is no longer accurate and cannot be used to make resource management decisions. Methods used by the State of Alaska to document the subsistence harvest are not an effective method as harvest tickets are often not returned or incorrectly completed. Data collected is sparse and at times unreliable due to mistrust of the agency. There are many other subsistence resources uses that are currently undocumented or poorly researched due to funding limitations and the reluctance of researchers to stay in our communities for an extended period of time. As a result, accurate information is not obtained from the people that harvest the animals, fish, plants, etc.

As subsistence hunters, fishermen, and gatherers suffer as precious resources are allocated to the powerful western economic entities like the sport hunters, sport fishermen, the Bering Pollock Trawl Fishermen, commercial natural herbal medicinal and cosmetics businesses because information is unreliable. The State of Alaska will not fund additional research relating to this matter.

**Recommendation:**

- Provide AVCP with approximately \$6.5 million to create a Regional Subsistence Resource Research Program that will employ staff in villages and in sub-regions to collect information, record, analyze and interpret data, and develop accurate, substantiated and methodologically sound reports. The program will coordinate, utilize, and disperse scientifically proven information to resource management agencies and other commercial or private interests. Recurring funds will be needed.

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**Issue 8: North Pacific Fishery Management Council**

The North Pacific Fishery Management Council (NPFMC) is one of eight regional councils established by the Magnuson Fishery Conservation and Management Act in 1976 (which has been renamed the Magnuson-Stevens Fishery Conservation and Management Act) to oversee management of the nation's fisheries. With jurisdiction over the 900,000 square mile Exclusive Economic Zone (EEZ) off Alaska, the Council has primary responsibility for groundfish management in the Gulf of Alaska (GOA) and Bering Sea and Aleutian Islands (BSAI), including cod, pollock, flatfish, mackerel, sablefish, and rockfish species harvested mainly by trawlers, hook and line longliners and pot fishermen.

In April 2009, the Council, which consists of government and seafood industry representatives and oversees the massive pollock fishing industry in the Bering Sea, voted to place a cap of 60,000 on the number of salmon that pollock fishermen accidentally kill each year. While a cap never previously existed, many villagers who have seen years of weak chinook returns to the

Yukon River and other river drainages attribute the decline of chinook, a vital subsistence food and one of the few sources of village cash, to the pollock fleet. AVCP's member tribes believe that every fish counts and that a cap of 60,000 is too high, especially when high fuel and food prices during the 2008-2009 winter caused many of our tribal members to struggle to pay for food to feed their families and fuel to heat their homes. Moreover, the Council's 60,000 cap which must still be approved by the U.S. Secretary of Commerce, will not even become effective until 2011.

**Recommendation:**

- Allocate four seats on the North Pacific Fishery Management Council to tribal members from rural Western Alaska in order to provide a fair balance and a voice for subsistence users of Chinook salmon.
- Urge the NPFMC to prioritize and protect the subsistence take of chinook salmon.

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**Issue 9: Salmon Bycatch in the Pollock Fishery**

Every year, the Bering Sea pollock fishery intercepts Chinook and chum salmon bound for Western and Interior Alaska, Oregon, Washington and British Columbia. This bycatch is either thrown back into the water—dead after hours in the nets—or saved for donation to food banks. Chinook and chum salmon bycatch in the BSAI pollock fishery rose to record levels in recent years, with over 122,000 Chinook salmon taken as bycatch in 2007 and over 700,000 chum salmon in 2005. These numbers are of particular concern to Western Alaskans as studies of bycatch samples from the late 1990s show that over 56% of the Chinook salmon caught as bycatch in the pollock fishery are of Western Alaskan origin, and 34% of those Western Alaskan Chinook salmon are Bristol Bay stocks, 40% are Yukon River stocks and 26% are from the Kuskokwim River. The pollock fishery – and salmon bycatch – is managed by the North Pacific Fishery Management Council (the Council) and the National Marine Fisheries Service (NMFS). The Council recently initiated a process to adopt new Chinook salmon bycatch management measures, and took final action in April 2009. The Council chose a two-part approach which provides for a 47,591 bycatch level in most years, with the potential for the fleet to reach 60,000 in two out of every seven years without consequence. The Council's decision places a limit on Chinook salmon bycatch in the pollock fishery, which is an important development. However, the hard cap numbers chosen by the Council were well above the 29,000-32,500 hard cap levels requested by groups throughout Western Alaska and recommended by the Federal Subsistence Board and Alaska Board of Fisheries. The hard cap levels are also above those recommended by the U.S. Fish & Wildlife Service, the U.S. Department of State, and the Yukon River Panel. While the hard cap numbers chosen by the Council will eliminate the record high bycatch years of 2005, 2006 and 2007 from occurring again, they will largely maintain bycatch at levels experienced prior to those years and will do little to actively reduce salmon bycatch. The Council's action depends on industry incentive plans to reduce salmon bycatch below the specified hard cap levels. The plans operate outside of agency and Council control, aside from some basic requirements for the plans and an annual Council review. The industry is not even legally required to submit the same plans presented during the course of the Council's decision. The Council's decision must be reviewed and approved by the Secretary of Commerce. Pending approval by the Secretary, this management measure is scheduled to take effect in January 2011.

**Recommendation:**

- To protect Western Alaska salmon stocks, provide for subsistence needs and the tribes and communities of Western Alaska we urge the Secretary of Commerce to:
  - Reject the Council's approved management action; and
  - Use his emergency regulation authority to implement a hard cap of 32,500, effective immediately.

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**Issue 10: Barriers in Federal Programs**

Native Villages have a difficult time submitting and reporting on federal grants electronically. Aging infrastructure, aerial phone lines in a region characterized by pervasive winds, and dial-up internet connections all make electronic submission of reports and grants very difficult. Many agencies require online submission of grant proposals. Since the advent of grants.gov, the region has seen a 48% drop in grants submitted. While some federal agencies permit mailing in applications, they must still be received by the deadline. Such deadlines are virtually impossible to meet when extreme inclement weather restricts air and mail travel. In order to insure an application is received on time, villages need to mail a package at least 3 weeks in advance. If a grant is only open for 6 weeks, this reduces the time in half that a tribe has to develop a project, confirm Memorandums of Agreement, hold community meetings and complete other tasks.

**Recommendation:**

- Exempt the tribes in Alaska and allow them to submit grants and reports by mail with a postmark date that is the same as the closing date for all other applicants.

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**Issue 11: Flexibility in Administering Federal Programs**

Federal requirements that make sense in every other part of America are inefficient and ineffective, and cause delays and extra costs in Southwestern rural Alaska. For example, the Native Village of Akiachak was recently funded to construct a desperately needed jail. Akiachak has a population of 614. The village has a Public Safety Building, but it is in need of repairs. The tribe thought it would be more cost effective to build a new one. The U.S. Department of Justice awarded the tribe \$459,953.00 in funding to support construction of a new facility. USDOJ then sent a technical assistance team to Akiachak. The team concluded that the jail would need to have 6 cells with showers, toilets and sinks, a dayroom, a kitchenette, a laundry, a booking/release area, a meeting/interview room, at least 1 office, a staff toilet, a janitors closet, storage, and a public lobby and waiting area. In a village where all homes haul water and bathroom waste, this project was transformed by DOJ's technical assistance team into an immense undertaking with a staggering cost; that was far beyond what the tribe had been awarded and that the tribe could not support once completed. The project was defunded. This is one of many such examples.

**Recommendation:**

- Provide villages flexibility in the administration of federal programs. While it is understood that standards exist and must be achieved, federal programs must also be able to adapt to reflect the needs of the specific community and its circumstances. A formal procedure must be instituted that addresses and remedies these situations.

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**Issue 12: Adherence to Local Hire Program in Section 1308 of the Alaska National Interest Lands Conservation Act**

Section 1308 of the Alaska National Interest Lands Conservation Act (ANILCA) allows federal land management agencies to hire local residents based upon their specialized knowledge or expertise. The program has provided important employment opportunities throughout Alaska for more than 28 years. A recent change to the program imposed by the Office of Personnel Management (OPM) requires the Departments of the Interior and Agriculture to utilize a competitive hiring process for filling jobs under the local hire program. This change is inconsistent with both the language and intent of the statute and, if allowed to stand, will result in the loss of job opportunities in areas of the state where such job opportunities are already limited. In some villages, jobs under this program may be the only ones available.

**Recommendation:**

- Direct OPM to reconsider its position and work with the responsible federal agencies in Alaska to ensure this program continues to benefit Alaskans and federal public lands in this state.

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**Issue 13: Critical Research Needs in Western Alaska**

The declining salmon stocks in Alaska have imposed hardships on communities, fishermen, and Alaskan natives who rely on these fish. Information gaps have led to abject failures to predict salmon declines and determine appropriate management responses. With a consistent source of funds dedicated to research and monitoring of salmon in western Alaska, we can help address these declines. The time is upon us to prioritize salmon recovery in Alaska and in particular, western Alaska. Alaska is the last stronghold of salmon left in the Pacific. Yet, even with our undammed rivers and pristine habitat, we still have Alaskan salmon stocks that are in trouble. We know from experience that it is much more expensive to bring a stock back from the brink than it is to respond to early warning signs. The Department of the Interior through the Bureau of Indian Affairs has, in the past, identified research funding for western Alaskan salmon stocks, 1994-2005. The need has not diminished; it has increased ten-fold and the attention to this situation must not be earmarked, it must be incorporated into the Department of the Interior's mission and budget. The likeliest recipient for this funding is the Arctic-Yukon-Kuskokwim Sustainable Salmon Initiative. The Initiative is a partnership between public and non-profit institution which provide a forum for native regional organizations and state and federal agencies to cooperatively identify and address salmon research and restoration needs.

**Recommendation:**

- Establish a reliable source of funds (\$5-\$10 million annually) directed to the Arctic-Yukon-Kuskokwim Sustainable Salmon Initiative. These funds must be dedicated to western Alaska salmon stocks, designed for the purpose of understanding the trends and causes of variation in salmon abundance to assure sustainable uses of wild salmon for future generations.

