

## **CHAPTER EIGHT**

### **MULTIPLE SOVEREIGNS AND COOPERATIVE INFORMAL RELATIONSHIPS**

#### **Introduction**

It is evident from the previous chapter that by using formal instruments, such as grants, cooperative relationships between sovereigns can be firmly established. However, there are also cooperative informal relationships that can occur between sovereigns that do not necessitate exchanges of formal instruments of authority. It is important to understand why they occur. This is the focus of this chapter as we examine the unique conditions in which solid waste management is administered in Alaska. This is not to say that cooperative informal relationships do not occur elsewhere in Indian country. They do. However, the uniqueness of Alaska lends itself to the richness that cooperative informal relationships offer.

Part I of this chapter discusses the State of Alaska in context to the rest of the lower forty-eight states and its unique approach to managing its solid waste especially in Alaska Native Villages. Part II of this chapter discusses specific solid waste management projects among Alaska Native Villages and illustrates how cooperative informal relationships occur among multiple sovereigns.

#### **Part I - The State of Alaska and Solid Waste Management in Context**

Things are different in Alaska. It is the largest state in the union, about one fifth the size of the entire Continental United States and more than twice the size of Texas.<sup>1</sup> From north to south, Alaska is 2,700 miles long and from east to west, it is 2,700 miles wide. Its land mass consists of 586,412 square miles or about 365 million acres. Alaska's water areas contain more than 3,000 rivers, 3 million lakes, and its coastline extends over 47,000 miles. Alaska spans three time zones.<sup>2</sup>

Alaska's climate is variable due to its size. The southeastern and south central coasts are wet and mild, the interior is cool and dry, and the northern region experiences very cold, dry weather. Alaska is also affected by available hours of daylight, which range widely due to the state's high latitude. For example, some areas in the north will

receive no daylight for many months during the winter. This affects people's ability to work, travel, and socialize. Furthermore, air, land, and sea transportation are all affected by Alaska's variable climate.

Alaska's population of approximately 622,000 inhabitants makes it the third least populous state.<sup>3</sup> It boasts the lowest population density in the nation, which in 1991 was 1 person per square mile as compared to 71.2 people per square mile for the rest of the United States.<sup>4</sup> According to the 1990 Census, approximately 78.9% (490,518) of the state's population lives in urban areas like Anchorage, Fairbanks, and Juneau while 21.1% (130,822) of the state's population lives in rural areas.<sup>5</sup> Alaska has 226 federally recognized Alaska Native tribes and one federally recognized Indian reservation, which is located at Metlakatlan on Annette Island in the southeast.<sup>6</sup>

Transportation in Alaska is also unique. Alaska does not have well-established road systems connecting all communities, as is the case in other states. Within the larger cities of Alaska there are paved roads that link cities and nearby settlements together. Also, the Alaska, Klondike, and Taylor Highways connect with highways in Canada and the lower forty-eight states. Outside of major cities and highways, the few roads that have been established are unpaved. Because of great distances, bodies of water, rugged terrain, freezing weather, sparse population, and heavy snowfall, travel by road in Alaska is difficult and less practical than air or water transportation. This has great implications for solid waste management in Alaska because solid waste must still be disposed of yet travel is severely limited.

### Solid Waste Management in Alaska

Solid waste management in Alaska is different. The state does not import any out-of-state waste and exports less than 100,000 tons of waste each year, hauled by barge for disposal in Washington State.<sup>7</sup> Most barged waste is from Alaska's principal cities like Anchorage or Juneau. However, the story is quite different for rural Alaska.

In many rural villages, residents live without running water and flush toilets. The basic sanitation needs in nearly one-half of Alaska's Native Villages have yet to be met. Other rural villages that are not considered Alaska Native Villages also share the same problems. Often, this means that residents must haul water to their homes and many rural

homes are constructed without adequate sanitation facilities connecting homes with safe drinking water supplies or proper sewage disposal.

The lack of infrastructure, such as roads and bridges, has tremendous implications for the management of solid waste in these rural regions because wastes cannot simply be hauled away for disposal. Also, in rural Alaska, weather, terrain, and other unique conditions such as wildlife (e.g., bears, eagles) play important roles in managing solid waste.

The population in many of these rural communities exists almost entirely upon subsistence fishing or hunting. Since subsistence is paramount to community survival, issues such as solid waste management often become less of a priority. Due to the lack of infrastructure, the cost of transporting solid waste by air or sea is prohibitively expensive. As a result, there are numerous open dumps in rural Alaska, especially in Alaska Native Villages. The most recent inventory by the IHS estimates that there are more than 151 open dumpsites throughout Alaska Native Villages.<sup>8</sup> The result is that many of these open dumps contaminate community drinking water supplies and present a public health hazard. Open dumps are also breeding grounds for insects such as flies that contribute to disease vector transmission.

Unfortunately, there exists a strained relationship between the Governor and certain factions of the state legislature on the one hand and the Alaska Native communities on the other in terms of providing these communities with funding for services like solid waste management. The Governor and state legislative factions believe that the Alaska Native communities and not the state should pay for these services. However, these communities often cannot do so, but nonetheless much progress has been made. The reason is due to informal cooperative arrangements at the implementation level in the field. As pointed out by many interviewees, much of what is done among Alaska Native communities and other rural communities in terms of solid waste management is accomplished through cooperative informal arrangements.

## **Part II – Cooperative Informal Relationships on Solid Waste Management Projects**

Alaska's rural Native Villages are responsible for managing their solid waste but often lack the financial resources needed to ensure their long-term operation and maintenance. Obstacles to effective solid waste management in Native Villages include the following: (1) limited economic base to pay for user fees; (2) limited economies of scale to share expenses; (3) high operator turnover; (4) low cash flow; (5) high utility costs; (6) harsh environmental conditions especially permafrost conditions; and (7) high costs of shipping and transportation due to lack of infrastructure. There is a great need to fund the construction of modern landfills and to clean up old dumpsites, which is not being met by the state or the federal government. Furthermore, the IHS estimates that it will cost well over \$60 million to close old dumpsites and to upgrade existing landfills.<sup>9</sup>

Experience has shown, however, that when a community supported the management of its solid waste and when communities and government and non-government organizations cooperated jointly to participate in solid waste projects the better the results were for that community. Although in many instances funding could not be obtained, Native Villages developed their own solutions to attack the problem. The following descriptions of solid waste management projects illustrate these cooperative informal relationships between Alaska Native Villages and the state as well as other parties.

### City of Kake and Kake Native Community - Alaska

The existing 30-year-old heating oil tank no longer performed well and posed the problem of overflowing and leaking into nearby Portage Bay. Also, there was the problem of what to do with waste oil from the fishing fleet, other boat owners, and vehicles. With no place for the waste oil to go but "down the drain," the residents of both the city and the community banded together.

The City of Kake in partnership with the Kake Native Community applied and received an EPA grant for purchase of a new 2,000-gallon oil burner tank. However, installation costs were not funded by the grant and there were numerous engineering difficulties and environmental concerns due to the proximity of the tank to Portage Bay. Through technical assistance provided by ADEC, the oil burner was installed and

configured to collect the waste oil, which minimized potential environmental damage. This saved on the cost of shipping the waste oil out of the area, which amounted to several thousand dollars a year. In addition, the technical services provided by ADEC at no charge to either community produced an environmental side benefit. The waste oil was used as fuel to provide heating services to the community.

There is an important lesson in this example. Although an EPA grant was initially given for the purchase of a new oil burner tank, the success was accomplished through the cooperative informal relationships established between the City of Kake, the Kake Native Community, and ADEC. They all banded together as local interested partners to install the oil burner tank and to develop a novel solution cooperatively in order to meet environmental requirements for their area.

#### Native Village of Barrow-Inupiat - Alaska

The Native Village of Barrow-Inupiat (NVBI) is located along the coast of the Chuckchi Sea on the North Slope of Alaska (north of the Brooks Range). It is the northernmost community in the United States. The NVBI has developed an environmental protection program to properly address the release of waste into the environment. Now in its third year, NVBI's environmental program has taken an active approach to ensure the Inupiat people have substantial involvement in the environmental policy decisions that impact the entire village.

The NVBI is working cooperatively with the North Slope Borough School District to disseminate information to its people about storage and disposal of household hazardous and toxic materials. The NVBI is coordinating with various federal and state agencies responsible for proper closure of the Barrow Landfill, which contains both hazardous and non-hazardous wastes. Finally, the NVBI is working closely with the Department of Defense (DoD) to address hazardous waste impacts in the North Slope Borough area as a result of former DoD activities in that area.

#### Yakutat Tlingit Tribe - Alaska

The Yakutat Tlingit Tribe is an isolated community, located in southeast Alaska, approximately 212 miles northwest of Juneau. Based on a comprehensive environmental

survey conducted by the tribe in 1997, the people of Yakutat perceived that hazardous materials, toxic waste dumping, and the potential contamination of subsistence food as their major environmental issues.

The people of Yakutat are especially concerned about hazardous materials and toxic waste dumping in the Yakutat Landfill and residual hazardous materials and toxic waste due to DoD activities during World War II. The Yakutat have focused on four major areas of concern. They are as follows: (1) to work with industry and other agencies to learn about methods to reduce hazardous waste generation; (2) to plan and conduct environmental audits to collect information on hazardous wastes in the Yakutat community; (3) to build a data base of the hazardous waste information and make it available to the community; and (4) to collaborate informally with other agencies, such as the National Park Service, to assist the tribe in developing a geographical information system locator map of hazardous materials in Yakutat. The tribe also is interested in developing regulations to reduce the amount of abandoned hazardous materials in and/or around the community of Yakutat.

#### Chugachmiut Environmental Protection Consortium - Alaska

The Chugachmiut Environmental Protection Consortium is a coalition of seven Alaska Native Villages and two Alaska Native Claims Settlement Act Corporations located in the Cook Inlet and Prince William Sound regions in Alaska. Representatives from each village and from the corporations make up the Consortium Board. The Consortium was instrumental in the development of household hazardous waste storage facilities near community landfills. Community members are encouraged to drop off household hazardous waste such as paint, old batteries, and used oil, which are safely stored until they can be transported to a certified hazardous waste disposal facility in Anchorage. This avoids the co-mingling of hazardous wastes with non-hazardous wastes in community landfills.

The Consortium has also implemented environmental work plans, supported recycling programs, performed community educational outreach, and distributed “green cleaning kits” to the communities in Chenega, Tatilek, Port Graham and Nanwalek. These “green cleaning kits” contain baking soda, soap, and vinegar, which are used in

place of commercial cleaning products. The Consortium is very active in trying to resolve the serious issue of open dumps in Native Villages throughout Alaska.

#### Rural Alaska Village Environmental Network (RAVEN) AmeriCorps Program

RAVEN, or the Rural Alaska Village Environmental Network, is a partnership between the rural Alaska Community Action Program, the Alaska Inter-Tribal Council, and rural tribal councils throughout Alaska. As a union between national service and community-based environmental action, AmeriCorps members work to improve solid waste management and environmental conditions in their home communities. With supervision and support provided by a local site sponsor through a tribal council, members start recycling programs, prevent toxic materials from going into the ground, organize community cleanup events, facilitate energy conservation in community homes, and make improvements in landfill management.

The members currently in the RAVEN Year 2000 Program serve the communities of Ambler, Atmautluak, Chistochina, Cordova, Fort Yukon, Gulkana, Healy Lake, Hoonah, Hydaburg, Kipnuk, King Cove, Klukwan, Kongiganak, Kwigillingok, Napaspiak, Nondalton, Quinhagak, Ruby, Sand Point, Shishmaref, Shungnak, Stebbins, Toksook Bay, and Venitie.

Examples of RAVEN member accomplishments include facilitating a car crushing project to remove 123 abandoned cars from the community and recycling them; collecting lead-acid batteries and other hazardous wastes for proper disposal; increasing community awareness about solid waste by working with school children; reviewing existing community practices in dealing with solid waste; going door-to-door to share waste management practices and energy-saving ideas; and, recruiting volunteers for community cleanup and beautification projects.

#### Seven Generations: Addressing Village Environmental Issues for the Future Generations of Rural Alaska - Technical Guidance Manual

A technical guidance manual was published in March 1999 as a joint effort by representatives of nineteen rural Alaska communities, the Alaska Inter-Tribal Council, the Alaska Native Health Board, RAVEN, EPA, and ADEC. Its

purpose is to enable communities to take more responsibility for their own environmental concerns and issues so that they will rely less on others to solve problems. The technical guidance manual describes village environmental planning, performance of technical surveys, and a directory and list of resources.

#### Alaskan Native Village of Kipnuk

The Alaskan Native Village of Kipnuk is located about 85 miles southwest of Bethel and is approximately four miles inland from the Bering Sea coast with a population of about 470 residents. The village was faced with a dilemma. Trash left by community members at “honey bucket” (metal or plastic pails containing human waste) collecting points was easily accessible to wildlife. A survey of community members by the Kipnuk Traditional Council (KTC) identified trash left in and around these honey bucket collecting points.

The village collects trash from residents twice a week, on Mondays and Fridays, but had no permanent dumpsters for trash containment between collection days. The KTC encouraged residents to keep their trash in their arctic entryways between collection days, but the villagers were reluctant to store their trash in their homes while awaiting pickup. So the honey bucket collection sites became a popular dumping ground. During the summer, the KTC uses four all-terrain vehicle (ATV) carts to haul trash to the village landfill, but winter presents another problem when the carts become immobilized by snow and the trash accumulates in the village.

The KTC conceived a plan to build ten wooden sleds outfitted with trash dumpsters and place them near the honey bucket sites for use during the winter. The sleds would be mobile in the winter, allowing the KTC to remove the waste to the landfill. They would serve as stationary dumpsters during the summer months when the ATV carts are used.

The KTC was able to raise some “seed money” to help support this project. The funds were used to support a RAVEN AmeriCorps member, under the guidance of a skilled sled builder, to build and paint ten sleds. All the lumber and construction materials were purchased locally. Marine paint was used to help the sleds hold up under harsh Alaskan winter storm conditions. The KTC anticipates that it will help reduce litter

and improve the environment in the village. More importantly, by using cooperative informal relationships with the Alaska Native Health Board and the RAVEN AmeriCorps Program, the village developed its own method to manage a persistent solid waste problem.

### The Significance of These Solid Waste Management Projects in Alaska

All of these solid waste management projects in Alaska are interconnected. These kinds of cooperative informal relationships promote unique partnerships among sovereigns and work well in areas separated by huge distances, rugged terrain, and differing time zones. During a recent environmental conference, an environmental professional from an Alaska Native Health Consortium conveyed the importance of learning about solid waste and about developing such cooperative informal relationships.

The most important thing is to talk to village people about what works and what doesn't work. Interagency cooperation and meeting with native village representatives is very important. Regional meetings, sponsored conferences and the annual Alaska Tribal Conference on Environmental Management are all places to share ideas. We found it best to ask upfront and work with agencies like the Alaska Department of Environmental Conservation and others about problems and found that they were ready to help. With sufficient resources, village leaders can develop successful projects for their community's waste management.<sup>10</sup>

Informal relationships where shared goals and trust form the basis of joint action can carry just as much weight in managing solid waste programs as formal relationships. They lend themselves to partnerships that are melded in honor, trust and respect for one another.

Of course, not everything runs smoothly all of the time. Sometimes Alaska Native Villages simply have other priorities such as subsistence hunting or fishing especially if the previous year was a bad catch year. There is a high turnover of tribal administrators and tribal government in general. Delays caused by extended weather conditions can impact air and water transportation that affects delivery of needed equipment and supplies. Alaska has a short construction season, especially in the northern territories and the supply of construction workers is very scarce. Economics factors in as well because

construction workers can make far more money in housing construction in the larger cities than in building a landfill. Also, given the market conditions, there is always the lure of more money to be made in commercial fishing in the Bering Sea or in oil and gas exploration on the Arctic slopes.

For rural Alaska, the presence of permafrost, remote access, and extreme weather conditions are real issues that make it unique from other parts of the United States. Each village's solid waste management needs are unique and it is important to remember that the success of any solid waste management program is entirely dependent upon all parties. Success occurs when communities, governments, and non-governmental organizations are involved in the entire process from identifying solid waste management problems to solving them. This is why informal arrangements work best in these kinds of settings and tend to be the norm in Alaska.

### **Observations: Cooperative Informal Relationships Between Sovereigns**

What these projects demonstrate is that cooperative informal relationships can work given the proper setting and interest by all parties concerned. Cooperative informal relationships have their advantages since instruments of formal relationships are largely dispensed with, but the notions of recognition, honor, respect and trust between sovereigns remain. Unique partnerships among sovereigns can occur as demonstrated by the solid waste management projects discussed in the previous section. The texture of cooperative informal relationships, however, is fluid. It is a much more loose arrangement and can accommodate changing situations that do not necessarily have to be worked out in advance as is in the case of cooperative formal relationships.

Cooperative informal relationships allow for creativity, flexibility and fulfill a need for tribes to do their own problem solving. The relationship is kept simple and there is room for each side to allow for extension and modification. Such informal relationships can foster positive reinforcement of issues like solid waste management and can also empower local decision-making. This leads to encouragement and more heightened awareness at the local level, which is especially important since the lack of

improved roads, and physical isolation are still obstacles for many Indian reservations throughout the United States, as well.

The enabling and empowerment of all tribes in order to enhance their capacity to take on new partnership roles in solid waste management is extremely important. Helping tribes to stimulate development in solid waste and recycling technology, with the aim of promoting and developing appropriate and affordable technical solutions, is an excellent means to enhance their ability to manage their solid waste. This may mean adapting institutional structures to strengthen the development of cross-sector partnerships, such as cooperative informal relationships, which in turn support long-term solid waste management goals.

Cooperative informal relationships help to avoid disposable relationships. They help all sovereigns to be cognizant of customs and norms of behavior and they promote an attitude of understanding about shared goals such as solid waste management. Finally, they are relationships still based on honor, recognition, respect, and trust between sovereigns. Finally, cooperative informal relationships help to transcend the borders of tribal and non-tribal jurisdiction. This is not to imply any dissolution of tribal sovereignty but to enable tribes, the federal and state governments, and local communities to join together in a cooperative manner to achieve an environmental goal.

## **Summary**

Cooperative informal relationships work well in situations where instruments of cooperative formal relationships such as treaties, memoranda of understanding, etc. are impractical and where funding may be limited. Chapter Nine will move the discussion to how all three patterns of relationships (uncooperative, cooperative formal and cooperative informal) are important for all sovereigns to understand and their implications to public administration and policy.

---

## NOTES

<sup>1</sup> “Alaska Visitors Guide,” Alaska Tourism Marketing Council, 2000, <http://www.Alaska-travel.com>.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> “1990 Census Lookup Web Site,” U. S. Census Bureau, <http://venus.census.gov>.

<sup>6</sup> “Alaska Native Population 1999 Estimates,” Alaska Area Native Health Service, Indian Health Service, <http://www2.ihs.gov>.

<sup>7</sup> Kim A. O’Connell, “Northern Exposure: Solid Waste,” *Waste Age*, <http://www.wasteage.com>.

<sup>8</sup> “1998 Report - Open Dumps on Indian Lands,” (Washington: D.C.: Department of Health and Human Services, Indian Health Service), 4.

<sup>9</sup> “1998 Report - Open Dumps on Indian Lands,” 6.

<sup>10</sup> Personal interview, 4 May 1999.