

*"I may not agree with a word you say but I will defend unto death your right to say it." — Voltaire*

# Tundra Times



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## Other Voices- English Bay

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The federal government, much maligned for its sometimes cursory treatment of what the Outer Continental Shelf (OCS) oil and gas leasing program will do to Alaska, must be given credit for one statement.

In blunt terms, the draft environmental impact statement for a sale in Lower Cook Inlet points out that an oil spill in one area could destroy the subsistence food supply for two villages.

Perhaps equally damaging are the statements made about social changes that can be expected to follow OCS development in Lower Cook Inlet: the break-down of an Aleut culture, and an increase in a dramatic assortment of social ills, ranging from suicide to alcoholism.

What is absolutely astounding is that those statements might have made very little difference in federal plans to lease tracts in that area, had not one of the potential victims noticed that it could easily be sacrificed to Project Independence if nothing were done.

The people of English Bay have been watching a gradual build up in helicopter traffic in their neighborhood, on a bay of the Kenai Peninsula. One day they found a seismic marker on village corporation land.

Then they read parts of the impact statement, and became alarmed. They voiced their alarm at a public hearing in Anchorage this week.

Hopefully, the English Bay testimony will make a difference. At least one of the decision-makers on the hearing panel said afterwards that the issue of cultural integrity would be studied.

There are other questions to be explored as well:

—Will regional native organizations allow a village to be dragged unwillingly away from a traditional culture?

—Will the state government, with its concerns for the environment and the coastal impact of offshore oil development, allow a village lifestyle to be sacrificed?

The testimony at the Lower Cook Inlet hearings gave evidence of a strange combination of forces that pit the social and cultural welfare of people versus business investments in the native community.

Cook Inlet Region Inc., the profit-making Claims Act corporation whose territory encompasses much of the Kenai Peninsula, came out strongly in support of the sale, which may bring extensive development to its member villages.

Cook Inlet Native Association, the non-profit arm of the same corporation, sent representatives to the hearing to criticize the lack of depth in the study of impacts on native communities.

Port Graham, a more developed village near English Bay, indicated that it is willing to embrace oil development —but that its residents should be protected from unwanted community impacts.

Chugach Natives Inc., the regional parent corporation of both Port Graham and English Bay, did not commit itself either way, noting that two of its villages were at odds.

The statement of Ernst W. Mueller, commissioner of the State Department of Environmental Conservation, at hearings this week dealt generally with social matters that need to be addressed less superficially by the federal government.

## Senators hear...

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and most crucially in the infant PL 93-638, signed into law in January, 1975.

That act requires the Secretary of the Interior to contract directly with native American tribal governing bodies for social services previously delivered by federal agencies such as the Bureau of Indian Affairs and the Indian Health Service.

That might sound simple enough for the Lower 48, but in Alaska, no one seems to agree on who the tribal governing body is or should be. BIA has adopted a strict interpretation, saying since both villages and regional corporations can be considered tribes, each village has as much right to self-determine contracts as the region and therefore must approve every regional contract. Obviously, this makes the matter more complicated and costly.

It was not surprising then that although everyone present seemed to agree that the objectives of self-determination had, in general, become bogged down in petty specifics, most of the testimony was directed against BIA contracting practices. The second major topic was a defense of Tanana Chiefs Conference, Doyon Limited's non-profit arm, as the tribal governing body and therefore rightful contractor under the act.

"We are the village advocate," concluded Chiefs President Al Ketzler. Contract manager, Tom Richards Jr. was more specific. Charging that everyone but the BIA feels that the Chiefs should be understood as the tribal entity, Richards told of traveling to villages to explain options and regulations under PL 93-638.

He said with 43 villages to visit in two months, each session can only be two to three hours long. In each case, even if there is an initial hostility toward the Chiefs for what the villages perceive as a lack of attention, the result is always the same: "Villages are scared all to hell and say, 'you guys take care of it.' BIA and IHS have complicated it to such an extent that the villages are terrified to take a look at such a mess."

Citing a pervasive negativism and distrust of people by the BIA, Richards charged that the bureau is more restrictive of its native contractors under self-determination than it ever was of its own people. He gave examples of personnel standards and credit regulations, but came down hardest on BIA's refusal to deal the native contractors on a "fixed fee" rather than a "cost reimbursable" basis.

"Anybody else is able to convince them it's a reasonable way to do business," said Richards. Calling it discrimination, he stated, "You'll break even at best, if you have perfect management."

Interrupted by Sen. Stevens who announced that there had been no consensus anywhere that non-profit regional arms should automatically be considered the tribal governing body, but that it has been agreed that the people should decide that on their own, Richards continued by saying he felt it was reasonable to

assume there would be some latitude in interpretation in the early stages of implementation.

Saying that the Chiefs are hoping for an administrative solution to the problem and have appealed to BIA Commissioner Thompson, Richards went on to question what he felt was BIA's sudden self-image as "protector" of the villages. "Why, when the regions are just on the verge of putting the BIA out of business, why now is protection of villages brought up?" he said. "They are protecting themselves when they say they are protecting the villages."

Calling BIA action an excuse and a diversionary tactic, Tom Richards concluded by saying the bureau is trying to subvert implementation of self-determination and to interfere internally with the ways the people choose to govern themselves.

Stevens then drilled the Chiefs and the BIA representative present on specifics. He noted that AVCP in Bethel had said it would travel to each of its villages each year to get approval for its contracts. Al Ketzler replied that the Chiefs felt this was too costly and time-consuming and preferred to give each village the "right of declination" or the choice to opt out of regional contracts.

It was pointed out that although there were some 92 self-determination contracts now in effect under BIA in Alaska, there had been no meeting with bureau superintendents and contractors since last January. BIA responded that with a cut in travel money, the meetings were not a priority. Sen. Stevens adamantly said he would push for those meetings to be resumed.

Steven Matthew's presentation continued to hammer away at the BIA's cost reimbursable system. Matthew, village liaison officer of the Tanana Chiefs Health Authority, said that without a fixed price contract, the Health Authority faced possible bankruptcy. "There's no way in God's green world that we can survive in the way that IHS and BIA wants us to contract with them."

Sen. Stevens then pointedly asked if there had been an audit of the Chief's performance as a contractor to date, saying he was more interested in that than in the "knit picking over costs." Richards said a program evaluation has been done and will be available in about two weeks.

Testimony supporting the Chiefs came from several witnesses. Roger Huntington of Galena called TCC "our supreme leader" in carrying out responsibilities to native communities and said the Chiefs had always been and always would be the traditional governing body for the Athabascan people. Mitch Demientieff of Nenana and Bill Timme, general counsel for Doyon, also supported the Chiefs as the tribal entity and asked that the government do likewise.

However, Lucy Carlo, director of the Fairbanks Native Association, recognized as a

village entity for the people of the Fairbanks area, presented testimony in support of FNA's right to contract as a tribal governing body.

"We can provide the best service to our own," she said and went on to detail FNA's contracting problems with BIA. Noting that an outside evaluation had been done of FNA contracts, she said she had never received a copy and surmised that the report looked bad for the bureau which was not offering FNA the technical assistance promised under the Self-Determination Act.

A substantial and more theoretical discussion of definitions was presented by Rosita Worl, a Tlingit who has been doing research on the political development of the North Slope Borough. She had come from Barrow to present a statement pointing out the "natural evolution of regionalism" and the use of the word "association" instead of "tribe" in Alaska.

She emphasized the communal occupation and use of the land and the self-initiated action of native organizations, saying although relationships between those groups are now in a state of flux, nevertheless, regional organizations should be recognized as the traditional governing bodies.

Traditional Athabascan chief Andrew Issac, concluded the testimony by asking the senators to help the young generation. Saying "I can't figure out the way to put my native problems in government order," Isaac said the Tanana Chiefs was considered "our government body."

Borbridge, who assumed the chair after the early departure of Mike Gravel, adjourned the hearing at 5:45 p.m. He commented later that a consensus from all the hearings was that there should be recognition of the regional entity as the tribal governing body but that villages were also wanting to exercise "their measure of self-determination" by being able to voice their willingness or unwillingness to proceed with a contract.

Borbridge, one of those integral in the writing and passage of the Alaska Native Claims Settlement Act and the only Alaskan on the American Indian Policy Review Commission, also said some confusion over self-determination had come up due to ANCSA.

Pointing out that Alaska is in a unique situation, he also said that the setting up of regional corporations was not to be construed as termination legislation and that services which native Alaskans are entitled to should not be reduced because of ANCSA under the Self-Determination Act.

Tanana Chiefs President Ketzler told the Tundra Times that the present confusion had come about because there was not enough input and discussion of terms when the Self-Determination Act was drafted.

He also maintains that agencies are only going half way with the process in not standardizing their contracting procedures: "Everytime I run into a contracting officer who has his own ideas on what you can do, he is practically God. I ran into this IHS guy and he said, 'I have the power to do this.'" Ketzler continued, "I wanted to ask, 'do you walk on water

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But there was no mention of English Bay.

Our concern is that while the State responds to problems with individual sales, and while native regional leaders view development in terms of economic benefits, neither group should overlook the desires of the coastal people.