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Testimony on “ Federal Laws and Policies Affecting Energy Prices in Rural Alaska and their Effects on Native Villages”

I am honored to represent my Tribe, but regretfully there are many, many tribes across Alaska who will not be heard through this process, who have ideas and concerns that would be better expressed by themselves as stakeholders.

I do not support the Native American Energy Act as written, I also do not support the status quo. The sections I am concerned about are the section on the NEPA Act, the bonding requirements, the exclusion of Alaska tribes, and the section on appraisals.

There are a number of provisions that are worrisome to me in the bill in that it states “only the affected tribe” will hold sway over a decision and so forth, especially as it concerns NEPA. Well there are many situations where one piece of land may hold importance to more than one tribe. Or there may be situations where tribal lands may affect a greater watershed and the livability of others outside of tribal lands or near tribal lands. Under the legislation as written these people, who may likely be members of an adjacent tribe, will be written out of being able to comment on the environmental effects of any proposed activity. Air pollution, water pollution, these things have a way of getting around, and moving from one land to another, shouldn't people be able to at least comment on proposed activity that may affect the prices of their homes, the livability of their situation? This exclusion of potential stakeholders shows up in other parts of this bill.

We do not need one big government problem to be replaced by another. The bonding requirement is big government at its worst, now we have to pay to question a program? While it is important to empower tribal governments, this should not be done at the price of disenfranchising our tribal members. It would be all too easy for a tribal leader to sit here and say “great, we have the federal government out of our affairs on our 110,000 acres, and out of our village corporations business on its 110,000 acres”, we have empowered our government to a great degree, but at what expense? If one of our Tribal Members rightly questions the wisdom of our Council's decision they have to post some outrageous bond equal to the cost of the project to pose it if they find the Council unwilling to listen? When we give a government, even tribal government, which I support greatly, the power to quell questions, rightly posed from its members I worry. We would replace one big government with another in this bill, and one that would be perhaps more onerous in its ability to avoid question, litigation, or concern of its citizens whether they live in “the affected area” or not.

I understand clearly the need to moderate the litigation that has gone overboard in many cases, I understand and sympathize with that need, but never at the sake of our Tribal Members liberty to question the wisdom of our decisions, or the decisions of our village and regional corporations. Indeed, it is in questioning that we know each other, it is in our ability to pose questions without having a price tag on those questions that we insure that the future for our children is a luminous one, an auspicious one, not one where we have unquestioned projects, undeveloped projects littered across the landscape. We may be undeveloped in an industrialized sense in Fort Yukon, but we would object to being developed in a third world manner without the ability to question our Tribe, our corporation, or our regional corporation.

In addition the requirement that a bond equal to the amount of money potentially lost must be posted may put Tribes in Alaska at odds with Alaska Native Corporations. Imagine a Tribe with 1500 members with only 200 of those members being shareholders in the local Village Corporation. The Corporation decides to have widespread development on its land. The Tribal members would be unable to even understand the affects of this development because the Corporation would be exempt from the NEPA process for 1300 of those members? As I read this only the affected entity's members may be included, maybe in addition those who are also present in the community. In trying to slow any development to analyze its affects prior to a decision being made would cost the Tribe millions of dollars, money that isn't there. Indeed, this would place Tribes and Corporations in direct conflict. In Fort Yukon, however, we work in harmony with our Village Corporation. Our Corporation has transferred a great deal of our land holdings back to the Tribal Government. We conduct business frequently and with great success. In other villages, under this bill, I can imagine the difficulties they would have. Even if Doyon proposed a mega project, we would be unable to post a bond large enough to ask legitimate questions about it, or perhaps even comment on it, even though its in our traditional area.

Already more than half of our tribe has been terminated as "afterborns" without rights, shares, or say in our village corporation, and this legislation would propose that these members would now be unable to know what environmental affects would occur from development. They would not be able to question the process, slow the process, or have their human rights respected. We must find a way to include these people born after 1971 into the Alaska Native Claims Settlement Act, and honor their involvement as stakeholders in the decisions yet to come before us. Let us not thrice disenfranchise these Native American youths: once from their land, once from their right to subsistence, and once from their ability to question policies that will affect them.

The section that a corporation will be able to conduct its own appraisals is a scary one. They will get to determine what their land is worth? In the land trade guidelines with the federal government the lands to be exchanged must be of equal value. Do we get to just claim our land is worth the land of whatever we are exchanging it for? Maybe I read that wrong.

I agree with Rep. Young that a new day is needed here though. One where are tribes are empowered, one where our lands are protected and restored, and one

where our ability to continue our culture and heritage isn't decimated with some weak justification of Darwinian "survival of the fittest" rationale when its not our fitness to survive that is at question but the policies of the Federal and State government that have challenged our ability to continue to thrive in an environment where we have done so for many millennia. I do not however see that new day in this legislation, though I would happily point to Fort Yukon as a model for what could be in a more prosperous, and just Alaska.

Now I would like to address some points by topic:

Restricted Fee Simple Status

Tanana Chiefs Conference recently passed a resolution asking for HR 3532, introduced by Rep. Young, asking for it to be amended to include Alaska's tribes in a fashion. It specifically requests that Alaska's tribes be allowed to put land into Restricted Fee Simple Status from Fee Simple. Why are Alaska's tribes excluded from the ability to protect our lands, and have them identified rightly, as Indian Country? While Trust, and Restricted Fee, both offer some sort of protection and status, fee simple keeps our lands in jeopardy. Untying the Gordian knot of Alaskan land use issues is more complex than that of the lower 48, but also must be done, also must be listened to just as intently to be correctly addressed. Our tribes need to be able to put lands transferred from Village and Regional Corporations into Restricted Fee Simple.

Fuel Cost Equalization

The Federal government has received billions of dollars from our lands in rural Alaska, but here many of our villages don't have clean drinking water, two hours of power a day for some villages, outrageous fuel costs, while subsidies abound for the oil companies and for urban Alaska in the form of infrastructure. Our communities are affected by this activity via inflation, and we suffer due to the competitive advantages given to urban Alaska and to the rest of the country via our own resource dollars flowing from the us into the federal treasury. We are not looking for a handout, we are quite capable of working for ourselves and making dollars through our own production, but we are looking for an equal playing field. If there were some way to have the fuel cost equalized it would greatly help every household in rural and urban Alaska. If we can offer billions in subsidies for oil companies to do business here does it not make sense to offer millions in subsidies to fuel equalization to help grow the base of Alaska's rural economy? I, and the people all over rural Alaska would like a fuel cost equalization program similar to the power cost equalization program to be instituted. Government policies can help here.

Village Energy

I would like to see more renewable energy projects in rural Alaska, it is the cost of shipping the fuel long distances that is greatly harming our villages. This is terribly ironic because we have massive amounts of solar energy directed to our doorstep every summer, and we have an abundance of wind as well. If we could

harness the resources at our doorstep no longer would we have to go so far afield to meet our basic needs. Though I imagine many of us will still have to go out to the wood yard, but if our electrical needs were so met how much better off we would be! Many villages pay 8 to 10 per gallon for gas, and there is nothing being done to address this. The cost per kilowatt in some villages is completely outrageous. We must look to solve these problems together, they are not just local problems they are problems all of us need to work together on.

Subsistence

Any discussion on energy without mentioning subsistence would hollow. The policies in ANILCA and ANCSA that deny our subsistence rights must be overturned, our tribes suffer more and more everyday. This is an energy issue, we must go further afield, more often, to return with less fish because our subsistence right to fish is being denied. Last year hundreds of thousands of Kings were caught commercially and yet we were denied the ability to subsistence fish repeatedly. This meant we had to put in and take out our nets repeatedly, we had to fish for a much longer period of time only intermittently, this all costs us fuel that is very expensive. Hunters fly in from Fairbanks, Anchorage, or beyond and they take animals before they come nearer to our villages, this makes us go further afield. Our right to subsistence hunt and fish must be addressed.

ANWR and offshore drilling

The Gwich'in tribes, the 42 tribes of TCC and the National Congress of American Indians stand united against drilling in the coastal plain of the Arctic National Wildlife Refuge. We should end oil speculation and have responsible development in less environmentally sensitive places if we want the price of oil to decline, not pollute a national treasure.

I know that many of the people of the north slope are opposed to off shore development. I hope that you all will consider what the Tribes up there are saying in addition to what the corporations and so forth are promoting. I hope the Inupiat are able to hunt whales for another thousand years, though I doubt this will be so if the area is opened to offshore oil development.

Thank you for your time and consideration of my words and testimony.

Respectfully,

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