

SOVEREIGN DISASTERS: HOW ALASKA'S TRIBES PARTICIPATE IN GOVERNMENT-
TO-GOVERNMENT RELATIONS IN A POST-DISASTER ENVIRONMENT

By

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Dedication

This dissertation is dedicated to the warrior spirit of Etok, for in this small and rather simple way
his passion endures.



Etok Charles Edwardsen, Jr. (From KTOO and courtesy of the Edwardsen Family)

Abstract

Alaska's Tribes face complex challenges after disasters occur when contrasted with Native American Tribes in the continental United States. Federal disaster policies crafted under the Robert T. Stafford Act of 1988 were designed to streamline the coordination of disaster response and recovery for states, tribes, and local governments. These federal policies and their respective programs, though well intended, were conceptually designed to assist tribal governments and organizational structures most resembling those geographically located in the continental United States. They are not broadly applicable to the numerous organizational structures and distinct cultures of Alaska Natives today. In practice, most Alaska Tribes are required to work with and through the State of Alaska to fully receive certain programmatic benefits following federal disasters and, as a result, self-determination and tribal sovereignty are adversely impacted. This research questions the applicability of the Robert T. Stafford Act and Federal Emergency Management Agency (FEMA) disaster policies when specifically applied to Alaska Tribes. It explores the role and impacts of the Alaska Native Claims Settlement Act of 1971 (ANCSA) on Alaska Natives when federal disasters occur, along with the potential long-term consequences for government-to-government relationships between Alaska Tribes and the United States, specifically FEMA. The findings and conclusions of this research will be instrumental to enhancing relationships between Alaska's Tribes and the United States when disasters occur.

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willing to share and explore with me the possible pitfalls of federal legislation and policies that were originally designed to help them in their time of need.

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Chapter 1 Introduction

1.1 Introduction

In 2017, shortly following the succinct and largely unexplained denial of federal disaster assistance for the sovereign Alaska Tribes in Niugiaq (Newtok) and Kivalliñiq (Kivalina), this research journey began (Village of Newtok, Village of Kivalina, 2017).

I approach this exploration of federal disaster policy as applied to Alaska's Tribes as an outsider from the Indigenous framework and as an insider from within the federal disaster perspective. One should not expect the Indigenous Peoples of Alaska and their leaders to welcome or embrace the research and recommendations of someone who glaringly fits the stereotype of the very colonizer who has oppressed and marginalized them and their cultures for well over a hundred years. Linda Tuhwai Smith cautions all researchers about the natural tendency to establish the superiority of Western knowledge (Smith, L.T., 2013). So, it is with humility that I both accept as truth the tragic history that has brought me to this place in time and hope to deliver a contribution that may serve as a means of reconciliation, if only in some small part. My intention in conducting this research and writing this dissertation is, as Kovach declares, to "serve Indigenous culture" (Kovach, 2021, p. 10).

Since 1994, my professional career has equally straddled the Western worlds of public policy and emergency management in the United States. Overwhelmingly, that career has been connected to the Federal Emergency Management Agency (FEMA) and, continuously, has been focused on American Indians and Alaska Natives. It is within this specific sphere that unique challenges for Alaska's Indigenous communities in the post-disaster environment were revealed to me and warranted further research. For Niugiaq and Kivalliñiq, two Alaska Tribes caught in the

proverbial crossfire of a rapidly changing climate, my perception was that their vulnerabilities to natural disasters were acknowledged and understood by the federal government and yet the policies designed to assist them at their greatest time of need were proven useless and, perhaps more relevant, never given an opportunity for application. It is here that my curiosity piqued and interest in researching the justifications for denial of assistance under certain federal disaster policies impacting Alaska Tribes emerged.

Although Figueroa (2018) addresses the gaps in national preparedness with Tribes from a purely homeland security perspective, the larger concept of policymaking and emergency management in the United States remains largely unexplored in the academic sense. I have chosen to focus this research on the unique cultures and governing structures of Alaska Tribes and Alaska Native Communities and their vulnerability to more than just natural disasters. I have chosen to focus on the vulnerabilities to federal emergency management policies *because* of those unique cultures and governing structures.

Although this research is original in its exploration of the interface between Alaska Tribes and the Federal Emergency Management Agency – and how that informs government-to-government relations – it builds upon the outstanding work of two predecessors who focused on key individual aspects of both sides of my effort. Dr. Heather Sauyaq Jean Kwamboka Gordon's (Iñupiaq) 2019 investigation in the Alaska Native Village of Ninilchik utilizes ethnographic futures research to examine how individual and community-wide self-determination is utilized to achieve sustainability and wellbeing (Gordon, 2019). She explores how, among other things, Tribes can take control of their own fate through self-determination and the exercise of sovereignty. Lucy Carter (2016) explores certain policy actions taken by the United States to address American Indian and Alaska Natives collectively in the disaster vulnerability realm

(Carter, 2016). She utilizes a mixed methodological approach to deeply examine the historical data about disasters, plans, and impacts on all federally recognized tribes in the United States, with a conclusion that a significant portion of American Indians and Alaska Natives remain at risk to future catastrophic disasters because of the lack of participation in disaster planning and mitigation efforts. My research addresses both areas, though scoped only to Alaska Natives, Alaska Tribes, and specific policies and programs within the Federal Emergency Management Agency.

The reader will increasingly notice terms and phrases that delineate the differences between individuals, tribes, and communities in Alaska. This delineation is important to the research and findings, along with specific policy recommendations for FEMA. Although detailed in the definitions section, *Alaska Native* refers to the Indigenous individual. An *Alaska Tribe* refers to a federally recognized governing body that often includes an elected Tribal Chair and Council. The *Alaska Native Community* is a new descriptor, recommended as a policy consideration for FEMA, that reflects the general complexion of most rural areas in Alaska. These areas contain more than one governing body in a similar geographical area, including but not limited to a federally recognized tribe, city, and borough.

1.2 Indigenous Studies and Emergency Management

Imperative to this effort has been a need to consistently balance the two distinct research approaches that are contained within this body of work: Indigenous Studies *and* Emergency Management. As a practitioner of emergency and disaster management in the United States over the past quarter century, continuously with a direct connection to the Federal Emergency Management Agency, it is only natural to gravitate toward research whose sole lens

and worldview is from a federal-only perspective. It is within this very realm, however, that I have discovered how policy problems have emerged that impact Alaska's Tribes and, therefore, a need for balance arises. This research, therefore, is not based solely on the federal perspective; rather, it is grounded from experiences and lessons learned from *within* the federal viewpoint. It is approached from the experiences shared from the Alaska Native perspective and examines, from there, the federal policies that govern emergency and disaster management when applied to these unique communities and their governments after disasters occur. This largely follows Barnhardt and Kawagley's consistent calls for seeking a balance between Indigenous Knowledge and Western Knowledge. Both assert that curriculum development, as an example, in Indigenous communities is often not based on a worldview that recognizes each of us as necessary and interdependent pieces of the universe. Failure to acknowledge different worldviews in education, they argue, can lead to fragmented knowledge that is too often discriminatory, piecemeal, and analytical (Barnhardt & Kawagley, 2005; Kawagley, 2006; Barnhardt, 2015). More simply stated, it is too often one-sided.

The research explores the chronology of Alaska Natives and their distinct cultures, the impacts of Alaska statehood on Alaska Tribes, the influence of the Alaska Native Claims Settlement Act (ANCSA) on governing structures and culture, and most recently the 2021 United States Supreme Court decision that left ambiguous the legal lines between federally recognized Alaska Native governments (Tribes) and post-ANCSA Alaska Native Corporations (*Yellen v. Confederated Tribes of the Chehalis Reservation*, 2021). From the emergency management perspective, it explores the history of the Federal Emergency Management Agency, the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), the 2013 Sandy Recovery Improvement Act (SRIA) that first authorized government-to-government relations with

federally recognized tribes, and the major programs within the Stafford Act that offer Tribes and Tribal governments federal disaster relief.

The intersection of these two points of exploration provides the foundation for the research questions:

- 1) How do Alaska's Tribes engage in government-to-government relations before, during, and after disasters occur?
- 2) Do Alaska's Tribes face greater bureaucratic challenges seeking federal disaster assistance than Native American Tribes geographically located in the continental United States?
- 3) Is Alaska Native self-determination and tribal sovereignty impacted by federally declared disasters?

These questions bring into focus potential gaps in policy and policymaking processes that drive disaster response and recovery in Alaska Native Communities and for Alaska's Tribes, including questioning the meaning of *disaster* for Alaska Natives. The research establishes the possibility that Alaska Tribes are structurally organized in a manner that is not conducive to receiving the full complement of federal programs and benefits when federally declared disasters occur. Moreover, it will pose the question of the authenticity of the exercise of Alaska Tribal sovereignty when these communities are at their most vulnerable, following a disaster.

1.3 Dissertation Roadmap

Chapter 1 of this dissertation includes a general **Introduction and Rationale** for the research and how it will contribute to Alaska Tribes, self-determination, and sovereignty. It includes my personal and professional background, detailing previous and current work with

Indigenous Tribes and laying the foundation for my research journey. Chapter 2 will describe the **Theoretical Basis and Definitions** used for the research, juxtaposing multiple theories on policy and policymaking (Canes-Wrone et al., 2001; True et al., 2007) with the Self-Determination Theory that looks at wellbeing as achieved through, in part and relevant to this research, Alaska Native autonomy (Ryan & Deci, 2000; Ryan & Sapp, 2007). It also includes a series of key definitions that will assist the reader and clarify intent throughout the research.

Chapter 3 is an in-depth examination of the **Background and Review of Literature** that informs the research. This lengthy section is particularly relevant in that it provides a scholarly foundation for the intersection between Indigenous Studies (Alaska Tribes) and emergency management (Federal Emergency Management Agency). It is a presentation and review of literature that supports the need for this research by encompassing previous scholarly work in the areas of Alaska Native sovereignty and governance, as well as emergency management at the federal, state, and tribal levels in the United States. It will demonstrate the need to explore critical gaps between these core areas of research and the processes that inform public policymaking and, therein, government-to-government relationships.

Chapter 4 is a presentation of the **Research Methodology and Methods**, and is of significance. It demonstrates the delicate utilization of accepted Western qualitative research methods with non-Indigenous participants and, equally, the decolonizing methods and practices that embrace an Indigenous paradigm or the indigenization of methods where practicable. Interview methods with non-tribal public safety professionals in Alaska or with the federal government (FEMA) about historic “emergencies and disasters”, as an example, inherently varied from the interview methods utilized with Alaska Native Elders who may hold different

impressions about what is or is not a “disaster.” As such, methods required modifications in approach according to traditional customs and protocols in many Alaska Native Communities.

Chapter 5 presents initial **Findings**, based on the in-depth examination of the background reviewed in Chapter 3 as applied to existing emergency and disaster data, along with individual interviews of Alaska Native Community leaders and public safety officials. The Findings section contrasts certain Alaska Tribes and Alaska Native Communities with each other in the post-Alaska Native Claims Settlement Act (ANCSA) environment. It assesses their respective community eligibility for federal disaster programs and assistance under the Robert T. Stafford Act. This section equally contrasts these Alaska Tribes with Native American Tribes geographically located in the continental United States.

Chapter 6 offers **Conclusions and Recommendations** and presents future implications of this research on Alaska Tribes and Alaska Native Communities, the greater emergency management system that exists in the United States, and a framework for strengthening government-to-government relationships between Alaska Tribes and the United States *before* disasters occur.

1.4 Personal Background and Journey

In unexpected ways, my personal and professional journeys have become intertwined. My childhood was spent in Nashville, Tennessee, where I was born and raised near the Cumberland River. Those lands belonged to a consortium of the Muskogee (Creek), Yuchi, Chickasaw, Choctaw, Cherokee, Shawnee, and Seneca peoples. Today, there are no federal or state recognized tribes that remain in the State of Tennessee (Smith, K.E., 2000). Both my paternal and maternal families settled in the Appalachian areas of what today is called

Tennessee, North Carolina, and Virginia. The past eight generations of my family have largely resided in Middle Tennessee, near the City of Nashville. I am currently the only member of my family to have departed the State of Tennessee for an extended period, leaving for the Pacific Northwest and Alaska in 1990.

My father, shown in Figure 1.1, was John Edward Pennington, Sr., a public safety official for 42 years in the City of Nashville. His parents, my paternal grandparents, were Jesse Vernon Pennington and Dorothy June Edwards Pennington. My paternal grandparents were instrumental in my upbringing and, in reflection, influential in my decision to pursue higher education and a deeper knowledge about the role of family and lineage. My father served as a police officer in Nashville from 1966 until his full retirement in 2008. He passed away on December 29th, 2020. During his career, he was a traffic patrol officer, a motorcycle patrol officer on a rare three-wheeled police vehicle, a detective, and eventually a ranking officer in the Criminal Investigation Division.

Figure 1.1

John E. Pennington, Sr. (2002)



Note: Image courtesy of the Metro Nashville Police Department and the Pennington Family

Noteworthy in my father's career was his initial retirement prior to the tragic events of September 11th, 2001. Immediately following the attacks on the World Trade Center and Pentagon, although already fully in retirement, he decided to re-enter the police force in Nashville to contribute to the then-newly emerging homeland security enterprise. Instead of returning to his previous position, however, he only desired to enhance relationships with individuals and families in the community, much as he had during his early years. So, he again attended the Metropolitan Nashville Police Academy in late 2001, as a rookie cadet. At the age of 59 in 2002, he graduated as a line officer and became the oldest rookie officer in the history of the department. It was in this capacity that he remained until his final retirement in 2008. During his distinguished law enforcement career, my father received numerous awards for his public service, actions in the line of duty, and of importance to this introduction, for his unquestionable character and integrity in his service to the community. My father passed away peacefully, following complications from career-long injuries sustained during that service.

My mother, below in Figure 1.2, is Sharon Kay Pennington, born in 1946 in Nashville, Tennessee. Her parents were Charles Albert Parkhurst and Jacqueline Ruth Searcy Parkhurst. By all accounts, my mother grew up in a difficult childhood environment and is recognized by our family and within the community I grew up in as a strong and compassionate woman. She devoted her entire adult life to the betterment of our family. Not unlike my father, my mother's world revolved around both family and public service. During the middle stage of her life, my mother found the need and the drive to complete nurse training and education in Nashville, where she remained in the field of nursing for approximately 20 years.

Figure 1.2

Sharon Kay Parkhurst Pennington (1948)



Note: Image courtesy of the Pennington Family

During my life, my mother's influences on me have been immeasurable. My ultimate decision to pursue this research within the Indigenous Studies Program at the University of Alaska Fairbanks (UAF) is a direct result of her teachings, guidance, and frequent course corrections for me as a young man seeking to find his way along the journey. My mother introduced me to the philosophy of respect for the land, the environment, and the Creator. She, along with my paternal grandmother, taught me how to work with my hands in dirt and to create through sight and vision, to in effect view the world from a wholly different perspective from those around me at that time. Those teachings have helped to define who I am today and are a significant underpinning of why my professional experiences in policymaking and emergency management have set me on this unique academic path.

My wife, life partner, and professional colleague is Crystal Hill-Pennington, J.D., an attorney and academic whose specialty is Native American Law and Sovereignty. She is a

tireless volunteer and advocate for those in need and is focused on sovereignty for American Indians and Alaska Natives. She studied at Mitchell-Hamline School of Law in Minnesota. Her professional career, not unlike mine, has revolved around public service. She served as a City Council member at the age of 23 and later as Mayor at the age of 25. We have raised six children (one son and five daughters).

1.5 Professional Background: Relationships with Indigenous Communities

After moving to the Pacific Northwest in 1990 and establishing myself with a small business, I later ran and was elected to the State of Washington House of Representatives (1994). For four terms, I represented the area of southwest Washington in the geographic region that included the Cowlitz people, who were not federally recognized as a tribe in the United States when I was first elected. The region also included *Loowit* (Mt. St. Helens), the most active volcano in the continental United States.

It was during this critical period that I was first introduced to the Cowlitz Tribe and their drive for federal recognition and reclamation of their rights and lifeways. During my second term in elected office, I immersed and partnered with the then recently recognized Cowlitz Tribe to implement endangered salmon recovery strategies following the U.S. Supreme Court decision in *United States v. State of Washington*, commonly referred to as the Boldt Decision (*United States v. Washington*, 1975). I was privileged during this period to have led salmon recovery efforts along the Lower Columbia River between the states of Washington and Oregon and to have included in those leadership efforts the Cowlitz Tribe and its distinguished chairman, the late John Barnett (Lower Columbia Salmon Recovery Plan, 2004). Similarly, in my legislative capacity I was privileged to meet the late Nisqually Tribe member and salmon advocate Billy

Frank, Jr., whose tireless advocacy for tribal fishing rights under the Boldt Decision were in essence being marginalized by the State of Washington. At this crucial moment in my policymaking tenure, the impression left on me by these tribal leaders within Washington was clear. The struggles I personally witnessed as these two unwavering individuals fought for recognition, rights, and the sustainability of their sovereignty changed me and was solidified.

1.5.1 Emergency Management and Alaska Natives

In 2001, within months after the attacks on September 11th, I was asked to serve the United States in the office of the Federal Emergency Management Agency (FEMA) as Director for Alaska, Idaho, Oregon, and Washington. My background in policymaking and, specifically, my legislative interests in emergency and disaster management through multiple disasters had created a connection between my state role and the federal government through FEMA. During my tenure with FEMA, I led the coordinated response to and recovery from 30 federally declared disasters under the Robert T. Stafford Act. These FEMA-defined disasters included earthquakes, floods, fires, windstorms, and ice events in the four-state region of the Pacific Northwest and Alaska, but also support for hurricanes and tornado driven disasters in other parts of the United States. It is within this capacity as an official with FEMA that I first observed how federal policies in disaster assistance negatively affected sovereign Tribes in the United States. My focus and leadership in emergency management began to change, to evolve.

In October 2002, I appointed Ms. Jane Vukonich as FEMA's first Tribal Liaison for Alaska, Idaho, Oregon, and Washington (Federal Emergency Management Agency, 2003). Her relationship building capabilities with the tribes in these four states, irrespective of the individual state relationships with them, was well-known. Her efforts were supplemented by established

FEMA tribal advocate Kathleen Cox, who would specifically continue to enhance federal-tribal relationships with Alaska's then-227 federally recognized tribes. At that time, FEMA did not have a dedicated office located in the State of Alaska, even though the remote areas of Hawai'i and the Pacific did have a satellite office located in Honolulu, so both of their liaison offices would remain in the State of Washington. Before leaving the position of FEMA Regional Director, I was able to successfully shepherd a new FEMA Alaska office in the Municipality of Anchorage, where a devoted tribal liaison for all Alaska Tribes was finally located and remains today. Alaska's first full-time FEMA Tribal Liaison, Ms. Ramona Van Cleve, retired at the end of 2021.

1.5.2 State Relationships with Tribes

Of importance to this introduction is that during this time frame (2002 – 2006), all Tribes in the United States were relegated to working with and, more important, *through* their respective states to seek and obtain federal disaster assistance (Sandy Recovery Improvement Act, 2013). My observations and first-hand experiences were that this was problematic for federally recognized tribes in all four states, and for multiple reasons.

In the State of Idaho at that time, for example, the outright animosity toward Tribes in emergency management I experienced was evident, and glaringly so. An element of control by, and subordination to, the state was present in many conversations and at many conferences in emergency management. In the State of Washington, the relationships with Tribes were improving, but the funding mechanisms for building tribal emergency management capacity through the federal grants (decided and delivered through the state) were controversial and are to this day. To many emergency management professionals the impression remains that Tribes

addressing emergency management in Washington are recognized and funded more as *projects* as opposed to actual governments, like cities and counties. In Oregon, Burt Willie aptly captured in the Idaho Law Review the controversy that swirled around the state acceptance of Tribal sovereignty and reclamation of traditional lands following the passage and signing of the 1990 Native American Graves Protection and Repatriation Act (Willie, 2006). I observed how this legislation and subsequent animosity between the state and Tribes spilled into emergency management, especially in disaster prone areas near federal stockpiles of chemical weapons that were slated to begin destruction over the then-ensuing next decade through the Chemical Stockpile Emergency Preparedness Program (Sundberg, 2007).

My working relationship with the State of Alaska and Alaska Tribes presented a wholly different kind of challenge, because of a litany of public policy issues including but certainly not limited to the Alaska Statehood Act (1959), the Alaska Native Claims Settlement Act (ANCSA) (1971) and its later amendments, and a host of executive orders about state recognition of Alaska Tribes. During the Alaska Federation of Natives (AFN) conference of 2002, while announcing the Tribal liaison structure for FEMA, I was privileged to be able to listen to and speak with many now-legendary Alaska Tribal leaders. Many of them expressed frustration over being forced to work with the State of Alaska when disasters strike, even though Governor Tony Knowles had implemented the historic *Millennium Agreement Between the Federally Recognized Sovereign Tribes of Alaska and the State of Alaska* that ushered in a more positive tone about the relationship between the state and Tribes (2001).

As the period of my service to the federal government in this specific role began to wind down, my vision for the future of Tribes and emergency management became decidedly clearer. In short, my concerns for Tribal sovereignty in emergency management became a focal

point for the future because of perceived inconsistencies in various disaster policies and programs.

1.5.3 Establishing Tribal Emergency Management

In 2006, I was approached by the County Executive for Snohomish County, Washington (home to FEMA's Region X) about building a new emergency management department and system for the county of approximately 750,000 people. Part of that request was the opportunity to build relationships and emergency management partnerships with the Tulalip and Stillaguamish Tribes, both located within the boundaries of Snohomish County with defined treaties, reservations, and federal status. I accepted that opportunity and, through nine years and nine additional federally declared disasters, built a comprehensive emergency management system that included both Tribes and their respective populations. For the first time in the Pacific Northwest, a tribal-county system of emergency management that recognized separate and distinct governments was created, embracing the philosophy and practice that disasters should have no boundaries or borders. Those disasters and tribal-county relationships helped to validate my vision for Tribal sovereignty and emergency management, even when in the face of catastrophic disasters that devastated the Tribes and threatened the history and culture along affected river basins in their traditional homelands. In effect, the Tulalip and Stillaguamish Tribes demonstrated to me the possibilities of what a stand-alone, sovereign tribal emergency management program could look like.

While in my capacity as Director of Snohomish County's Department of Emergency Management, I was selected as Chairman of the State of Washington Homeland Security Region One, which included five counties and eight federally recognized Tribes: Tulalip, Stillaguamish, Sauk-Suiattle, Swinomish, Upper Skagit, Samish, Lummi, and Nooksack (Washington

Homeland Security Region One, n.d.). Within the first year of the chairmanship, I was able to restructure the formula for funding in a more equitable and respectful way that recognized these critical emergency management partners as at a minimum equal to the counties in the region. This action, I thought, would clearly send a signal to the State of Washington that the northwest corner of the state was going to challenge the status quo in the treatment of Tribes in emergency management. During this period, I was also beginning to become actively engaged with the Northwest Tribal Emergency Management Council (NTEMC), which later became the National Tribal Emergency Management Council, with chapters located in the northwest, southwest, and Alaska. I remain serving as a legislative liaison for the NTEMC and the Board of Directors for the newly formed Alaska chapter as needed.

In 2016, I left Snohomish County government and pursued the building of a tribal-only emergency management system for the Snoqualmie Tribe of Indians in Puget Sound, with a tribal enrollment of approximately 600 members. Soon after, I was asked to consider the advancement of Tribal emergency management through Pierce College of Washington, where the college leadership afforded me an unparalleled opportunity to build the nation's first Tribal Homeland Security & Emergency Management (T-HSEM) Certificate for Tribal emergency management professionals. This opportunity was only achieved because of the steadfast support and alliance with the National Tribal Emergency Management Council and several key Alaska emergency managers who supported building Tribal emergency management capacity while also strengthening sovereignty and the relationship with the federal government through the Federal Emergency Management Agency (FEMA).

1.6 Research Benefit to Alaska Natives

The summer of 2018 was when I fully embraced the need to explore Alaska's Tribal structures and relationships with the federal government, and when my interest began to take shape as a formal research consideration. Because of the post-ANCSA uniqueness of Alaska Tribes and Alaska Native Communities (described throughout this dissertation), along with inconsistent relationships with the State of Alaska, a question emerged regarding the validity and availability of federal disaster policies and program assistance when disasters occur. In short, are Alaska Tribes placed at a disadvantage when compared to Tribes geographically located in the continental United States following a disaster, ostensibly because of their unique form of organizational structure and governance? What are the potential consequences for Alaska Tribes following a federally declared disaster under their current organizational structures and relationships with the federal government? What recommendations or solutions can be offered through this research to help narrow or reconcile any discovered gaps in federal policies and programs?

It is my intention and sincere hope that this research has produced results that will, foremost, benefit Alaska Natives, Alaska Tribes, and Alaska Native Communities as described in Chapter 2's definitions section. The research should reveal to Alaska Tribes, at a minimum, the current programs contained within federal emergency management policy that they may utilize following a disaster. By exploring how Alaska Tribes currently engage with the federal government, but specifically FEMA, the research should provide a basis for enhancing government-to-government relationships between Alaska Tribes and FEMA. Finally, the research should provide a foundation for enhancing policies and policymaking processes that affect Alaska Tribes while respecting the right and need for self-determination and the exercise of Alaska Tribal sovereignty.

Chapter 2 Theoretical Basis & Definitions

2.1 Introduction

As identified in Chapter 1, Introduction, this chapter will describe the theoretical basis and lay the foundational definitions used for the research, juxtaposing existing theories on policy making with the Self-Determination Theory that examines well-being and the motivations that drive a desire for autonomy in Indigenous communities. The policy making theories reviewed in this chapter include: (a) Elite and Group Theory, (b) Policy Feedback Theory, and the (c) Institutional Analysis and Development framework. These categories of theories were pertinent to the research and provided an informative lens by which foundational data and individual interviews could be examined. They will be further explained in Chapter 6 (Conclusion, Recommendations, and Summary), when contrasted against the interviews and research.

The underlying research question asks how Alaska Tribes engage in government-to-government relations, while subset questions inquire about potential federal bureaucratic hurdles faced exclusively by Alaska Tribes and, ultimately, whether Alaska Native self-determination and sovereignty is impacted by federally declared disasters. As such, theories on both self-determination and policy are important. Policies that are created by the federal government and implemented by the Federal Emergency Management Agency have a direct impact on Alaska Natives and American Indians. The focus of this research is on certain FEMA policies that may have a disparate impact on the aforementioned (Alaska Natives - Tribes), particularly after a federally declared disaster has occurred.

2.2 Policy-Making Theories

Anyebe imparts that *policy* is often viewed as straightforward behaviors of a certain actor or actors including but not limited to an official (singular), government agency, or legislative body. He promotes that, in effect, a commonly held perception is that public policy is “whatever a government chooses to do or not to do” (Anyebe, 2018, p. 8). Weible (2018) encapsulates a more functional definition through the consolidation of previous scholarly work, stating that public policy involves “deliberate decisions – actions and nonactions – of a government or an equivalent authority toward specific objectives” (Weible & Sabatier, 2018, p. 2). Both promote the notion that policy making is decidedly more complex and worthy of further academic research. Weible claiming that utilization of a single theory alone provides only a narrow depiction of the complex policy process, while Anyebe laments that “the declaration of intentions, wishes, principles, or expressions of desires cannot be called public policy” (Anyebe, p. 8).

James Anderson defines public policy as a “relatively stable, purposive course of action followed by an actor or set of actors in dealing with a problem or a matter of concern” (Anderson, 1997). Anyebe criticizes this statement as focusing only on the outcome or what is done, versus a deeper discussion of what was intended and how the process of making the policy progressed. As such, he settles on a definition of public policy as “that policy developed and implemented by government agencies and officials, though non-state actors and factors may influence its process” (Anyebe, p. 8).

The process by which policy is made and ultimately impacts Alaska Natives in the disaster realm is informative, not only for Alaska Tribes who may or may not have been included

in said process(es), but it is equally informative for the Federal Emergency Management Agency, the primary designer of disaster policy in the United States.

2.2.1 Elite and Group Theory

Elite Theory is deeply embedded in the social sciences and holds that every society contains a ruling “elite” minority. At its core, the theory explains elite behavior, interaction, transformation, and connection, all in relation to outcomes (Lopez, 2013). Political scientists have often tied the behavior of the elite to political governance and “regime change”, but that approach limits the scope of the theory to merely *ruling* and fails to incorporate the *rule making*, the policy (Dogan & Higley, 1998; Higley & Burton, 2006). Nevertheless, a theory based on the ruling elite and elitism is applicable to the research.

In the United States, it is not unreasonable to assert that policy is derived by, and is a direct reflection of, the ruling elite’s interest (Anyebe, 2018). The concept of ruling by the “masses” in the United States was well debated during the nation’s infancy, primarily because of the perceived potential for influence and faction, lending itself to the greater concept today of an elite-dominated democracy (Femia, 2001, Fries, 1943). Mosca furthers this theory of ruling by noting that elites exist in fewer numbers, which contributes to a more well-organized and contained control. He contended that the smaller the number of elites ruling ensured a more cohesive and unbreakable bond, something the masses would be unable to organize against (Mosca, 1961).

The Elite Theory of policymaking was applicable to this research and helped to address the question of not just *how* policy is made for Alaska Natives, but *who* is creating the policy, how it is originating, who the participants/stakeholders are (or are not), and importantly

who comprises the elite ruling minority. Employing this theoretical approach contributed to a deeper understanding of how federally recognized tribes in Alaska engage in government-to-government relations with the federal government. Moreover, it helped to satisfy the subset questions of what processes led to additional bureaucratic hurdles faced by Alaska Natives following federally declared disasters. Of note is that this theory offered an opportunity to consider whether a ruling elite minority not only existed within American Indian and Alaska Native populations collectively, but it also offered the opportunity to consider what groups if any constituted that ruling elite among Alaska Natives, and solely within Alaska.

The Group Theory of policy making has been critiqued by certain scholars because of its shortcomings in establishing clear definitions of *groups* and *interests*, along with an almost resolute exclusion of the role of the individual in the policy making process (Anyebe, 2018; Salisbury, 1994; Maloney & Jordan, 1994). Nonetheless, this theory provided an essential lens by which the research could be examined.

Group Theory produces products (outcomes) that are a derivative of a group dynamic. They include interactions among and between at times dissimilar groups that struggle to dominate while enroute to a final policy conclusion. One common example of such interaction is the disagreement between groups over amendments to proposed legislation. Vital to the exercise of this theory, according to Anyebe, is the interaction among the groups, where a “temporary point of compromise (is) reached in the course of competition between mosaics of numerous interest groups with cross-cutting memberships” (Anyebe, 2018, p. 11). Legislation or agency-specific policy that affects Alaska Tribes and the government-to-government relationship involves myriad groups (including but not limited to American Indians and Alaska Natives) that may greatly differ in their respective histories, cultures, traditions, and philosophies. Latham

refers to these legislative bodies that help reconcile these differences between groups as *referees*, institutional entities who merely document the group interactions and formally encapsulate the final product into a reviewable and archived form (Latham, 1965). Group Theory is not, however, limited to a legislative policymaking process or body. The 2021 Supreme Court opinion that clarified the inclusion of Alaska Native Corporations as recipients of COVID-19 relief funds exemplified that same referee approach, but within the federal Judiciary (*Yellen v. Confederated Tribes of the Chehalis Reservation*, 2021). One could overlay the Group Theory of policy making, then, to the Supreme Court's decision, since arguments for and against inclusion of Alaska Native Corporations pitted specific Indigenous groups – federally recognized tribes – against one another. These groups and this decision are later examined in the research.

2.2.2 Policy Feedback Theory

Policy Feedback Theory only gained prominence and larger scholarly acceptance in the last two decades of the 20th century. The concept revolves around how previous existing policies cascade and inevitably lead to new policies, therein shaping the greater political landscape (Hall, 2016; Pierson, 1993; Skocpol, 1992; Steinmo et al., 1992). Mettler & SoRelle contend that the theory proliferated since that time and researchers have successfully utilized it to explore areas well beyond the social welfare policies initially pursued. Criminal justice and non-profit policies that support governmental jurisdictions have been explored, as well as policies that were intentionally designed to incorporate private organizations or impact a tax code. They refer to these outcomes as hidden policies (Mettler & Sorelle, 2018; Mettler, 2011; Morgan & Campbell, 2011).

The principal research question inquires how Alaska Tribes participate in government-to-government relations after disasters occur. This research pursues how policies that regulate preparedness, response, recovery, and mitigation to disasters in the United States, primarily housed within the Federal Emergency Management Agency, can affect that relationship. Specifically, the research examines certain disaster policies and regulations designed for Alaska Natives and American Indians collectively, but it also includes processes for American Territories to receive federal disaster support (FEMA Public Assistance Policy Guide, n.d.). This theory was useful in providing a platform to look historically at policies that had been previously developed under the federal trust relationship for Indigenous peoples in the United States and whether (or not) they informed disaster policies for Alaska Natives today.

The Policy Feedback Theory was also beneficial because of well-documented policy timelines under early colonization efforts contained within the federal Indian law construct through United States history, along with the enactment of the Alaska Statehood Act (1958), the Alaska Native Claims Settlement Act (1971), and the creation of the Federal Emergency Management Agency (1979). Mettler & Sorelle (2018) suggest that “Some of the foundational literature on policy feedback suggested that policies, once established, may affect future governance: they may shape the policy alternatives that lawmakers select, the type of administrative arrangements assigned to new policies, and even the parameters – and limits – of government action.” This supported an examination of policies previously enacted for Alaska Natives and American Indians while contrasted with newer policies and regulations adopted from FEMA for disaster relief in Indigenous-governed communities.

Additionally, the Feedback Theory has certain fundamental ties back to the Group Theory, because previously established policy and regulations can dramatically influence which

types and kinds of groups can form together for future policy development considerations. In short, previous policy may determine who among the numerous Alaska Natives and American Indians are allowed to participate in future policy developments, which in turn can contribute to discourse in the greater political landscape of Indigenous Peoples when considering disaster response and recovery policy. Public policies and the processes underlying them also have the potential for negative influence on identity, according to Engel (2014). Citizenship, as an example, is more viewed through the lens of the colonizer (the regulatory entity), where the state will define and see the individual, something examined as being more culturally appropriate and legally reserved for federally recognized tribes and their leadership in Alaska (Engel, 2014).

2.2.3 Institutional Analysis and Development Framework (IAD)

The third and final policy theory used during the research is considered more of a framework than a theory, but it was considerably applicable to the research. Although the terms are often used interchangeably, there are distinctions between a theory and framework (Mettler and SoRelle, 2018). A theory contains numerous variables, and the relationships between them are used to “explain and predict processes and outcomes.” This concept is comprised of seven unique components, including an action or situation, actors, rules, community attributes, physical and material attributes, outcomes, and evaluative criteria (Ostrom et. al., 2014, p. 269). Mettler and SoRelle (2018) offer that theories most compatible with the IAD seek to explain how behavior (the actor) is directed or constricted by institutions. This, then, drives human behavior and shapes institutional settings. Although noted policy theorists including Ostrom have built upon the IAD and the pursuit of inquiry through development of additional limited sets of variables, the straightforward concept of IAD was more appropriate for the research.

Institutions that frequently craft Alaska Native and American Indian policy and regulation, that derived from *outside* sovereign Indigenous-based governance, are generally constricted by their design in the United States. Policies from the federal government and most states (institutions) that impact Alaska Natives and American Indians systematically emanate from an Executive, Legislative, or Judicial branch of government. Presidential Executive Orders, as an example, are by their nature limited in scope and subject to review by the Supreme Court (Rosenberg, 1981). These types of actions, when they exceed authority and are stricken down by the Judiciary, are usually reviewed and then addressed through the legislative branch of a government. In this example, the actor – and the behavior from the actor – is reflected through the individual who is the President of the United States.

This framework was highly applicable to the research because policy in the United States is routinely proposed (following development of a concept), introduced in a more formal manner, considered and debated, reviewed for scope and possible amendment, and then adopted or rejected. In each of these cases, and within the legislative branches of government unquestionably, there are certain actors whose behaviors eventually drive an institution's structure or constraints. How these behaviors influence institutions and, therein, relationships between Alaska Natives and the federal government (and the State of Alaska) were thoroughly examined during the research.

Noteworthy in the concept of the IAD Framework are the characteristics or attributes of the community. These are defined by norms, cultures, and world views (Ostrom, 2005; Poteete, et al., 2010). The research queries about relationships in a government-to-government manner between Alaska Natives and, specifically, the Federal Emergency Management Agency. This framework was useful in examining the role of the individual (the actor) within the

distinctive norms, cultures, and worldviews of Alaska Natives and the Federal Emergency Management Agency, as well as including in that examination actors from the State of Alaska's emergency management function. This theory provided a framework by which limitations on institutions could be reviewed in the context of policy designed for Alaska Natives.

2.3 Self-Determination Theory

The previous policy theories and framework were employed to research through the lens of policy making in the domestic setting... examining the individuals, groups, processes, and limitations by which Alaska Natives are affected by disaster policy. This, in turn, can affect the government-to-government relationship. The research and this specific chapter, however, was crafted to juxtapose the theories of policy making with the Self-Determination Theory. This was done to ensure that policy making theories were not allowed to stand alone as the singular lens by which the research was explored. The research is titled *Sovereign Disasters: How Alaska's Tribes Participate in Government-to-Government Relations in a Post-Disaster Environment*. It asks, and answers, the subset questions of whether additional requirements are placed upon Alaska Natives in that post-disaster environment and, extremely pertinent to the research, whether Alaska Native self-determination and the exercise of sovereignty are impacted by federally declared disasters.

The Self-Determination Theory addresses the concept of well-being of the individual and community through autonomy, relatedness, and competence (Ryan & Deci, 2000). Gordon describes competence as a feeling where a person can attain outcomes they desire and, in essence, influence and become effective within their own environment. She continues that the theory is a means by which well-being can be understood and, by exercising self-determination

in the form of governing, Alaska Natives are best positioned to make decisions for themselves considering their often-remote locations (Gordon, 2019). The research, as noted in the Introduction and Rationale, focuses on the intersection of two distinct elements of exploration: Alaska Natives and Emergency Management (Federal Emergency Management Agency). As such, a theory that addresses self-determination in areas like decision-making and governance is critical to the research.

Acts of self-determination are not uncommon among Alaska Natives and their affiliated Tribes, but they are also not altogether new and, still, they represent a form of colonization when expressed through the exercise of tribal sovereignty within the United States. Although this theory was utilized to contrast the previously described policy making theories, it is important to note that self-determination is not merely reserved for issues surrounding governance alone. For Alaska Natives, it can and often does include the basic tenets of subsistence, including hunting, fishing, and personal (and tribal) intimacy and interaction with the land (Moses, 2000). Gordon communicates this expression of self-determination as “ecological and economic, as well as political. Land rights are a vital part of Indigenous self-determination” (Gordon, p. 58).

What the Self-Determination Theory contributed to this research is a grounding in the Indigenous Studies side of the equation, a lens for the Alaska Native perspective that creates balance between the policy making theories founded on Western processes and protocols (the rules of the colonizer) and those who are affected by those same processes and protocols. It ensured that the theories examined in the policy making realm had the context of the Alaska Native at its core. Relationships between Alaska Natives, their Tribes, and the Federal Emergency Management Agency are influenced through acts of self-determination and, when

exercised for the benefit of the tribe, sovereignty (FEMA National Tribal Strategy, 2022). If that self-determination and sovereignty is obstructed or outright blocked because of policies, the long-term relationship can be damaged or even destroyed. This, in turn, can contribute to negative impacts on the well-being of individuals and groups (tribes). Gordon finds that they are tied together through acts including but not limited to self-government, subsistence, fate control, freedom, and cultural regeneration and maintenance (Gordon, 2019; Cornell & Kalt, 2003; Einarsson et al., 2004; Moses, 2000; Topkok & Green, 2016).

2.4 Key Definitions

The research focuses on the intersection between Alaska Natives and Emergency Management, but specifically on the function of emergency management coordinated at the federal level of government in the United States by the Federal Emergency Management Agency. Definitions were retrieved from the literature and gathered from adopted policy, regulations, and doctrine in emergency management.

Alaska Native Claims Settlement Act (ANCSA): Federal legislation passed by Congress and signed into law by President Richard M. Nixon in 1971, it addressed the settlement of claims by Natives and Native groups of Alaska, based on aboriginal land claims (Alaska Native Claims Settlement Act, 1971; Hirschfield, 1991; Lazarus & West, 1976). The following Tribes did not participate in ANCSA: Elim, Koyuk, Gambell, Savoonga, Arctic Village, Venetie, Tetlin, and Metlakatla.

Alaska Native Community: Alaska Native *Community* refers to a specific area of Alaska, usually remote in nature, where there has been a continuing tradition of Alaska Native habitation. It is not limited to a single Tribe or majority population of Alaska Natives but is a general reference to the political governance of a community containing more than one recognized ruling body.

Applicant (FEMA): Following a federally declared disaster, the responsible entity seeking federal assistance for a project. The entity is later categorized as “the Applicant, Recipient, pass-through entity, or Subrecipient (FEMA Public Assistance Policy Guide, 2020, p. 22).

Colonization: A process of establishing foreign control over target territories or peoples for the purpose of cultivation, often by establishing colonies and possibly by settling them (Ferro, 1997; Mullen, 2020).

Disaster (Foundational Only): An event that has a large impact on society (Tobin, 1997). An event, natural or man-made, sudden or progressive, which impacts with such severity that the affected community has to respond by taking exceptional measures (Carter, W.N., 1991). Any event “concentrated in time and space, in which a society of a relatively self-sufficient subdivision of society, undergoes severe danger and incurs such losses to its members and physical appurtenances that the social structure is disrupted and the fulfillment of all or some of the essential functions of the society is prevented” (Kreps, 2005)

Disaster Mitigation: Action(s) taken to reduce the effects of a disaster on a population. (Nimpuno, 1998)

Disaster Recovery: Activities and programs following a disaster designed to return conditions to a level that is acceptable to the entity (National Fire Protection Association, 2013); Following a disaster, collective efforts to address unique needs, capabilities, demographics, and governing structures of a community. It encourages an inclusive process, engaging traditional and nontraditional whole community partners, and provides a strategic approach to lead, manage, and coordinate recovery efforts while increasing the resilience of the community (Garnett & Moore, 2010).

Disaster Response: Those activities and programs designed to address the immediate and short-term effects of the onset of an emergency or disaster. Actions taken in the immediate aftermath of an incident to save lives, meet basic human needs, and reduce the loss of property. (Department of Homeland Security, Oct. 2007, p. 31)

Disaster Suffering: Any negative impact resulting from disasters that harm community and personal well-being. These negative impacts include, but are not limited to, mental, physical, emotional, social, cultural, occupational, economic, environmental, and spiritual dimensions of well-being (FEMA Mitigation Framework Leadership Group, 2022, p. 3)

Eligibility (As Applied to FEMA Public Assistance Applicant): State and Territorial governments, including the District of Columbia, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the U.S Virgin Islands; Federally recognized Indian Tribal governments, including Alaska Native villages and organizations; Local Governments

including Counties and Parishes, Municipalities, Cities, Towns, Boroughs, and Townships; Local Public Authorities, School Districts, Intrastate Districts, Councils of Government, Regional and Interstate Government Entities; Agencies or Instrumentalities of Local Government; State Recognized Tribes, Special Districts established under State law; Certain Private Non-Profit Organizations that provide “like government” services (FEMA Public Assistance Policy Guide, 2020, p. 42)

Emergency Management: The managerial function charged with creating the framework within which communities reduce vulnerability to hazards and cope with disasters (FEMA, n.d.).

Federal Emergency Management Agency (FEMA): The federal agency statutorily appointed to coordinate emergency management in the United States, it is an agency existing within the United States Department of Homeland Security (DHS).

Federal Indian Law: The body of United States law – treaties, statutes, executive orders, administrative decisions, and court cases – that define and exemplify the unique legal and political status of the over 550 federally recognized American Indian and Alaska Native tribes (McCoy, 2000).

Federally Recognized Indian Tribe: Any American Indian or Alaska Native tribe, band, nation, pueblo, village, or community that is recognized in the most recent list of “Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs” (Federally Recognized Tribes List Act, 1994, 25 U.S.C. §§ 5130-5131).

Government-to-Government: The relationship between the United States and each Tribal Nation. Also known as “nation-to-nation” (Bailey, 2018).

Indian Tribal Government (Tribal Nation): The governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe under the Federally Recognized Indian Tribe List Act of 1994 (see Federally Recognized Indian Tribe definition above). See also Stafford Act [42 U.S.C. § 5122 (6)]. For the purposes of tribal consultation, the term “Indian tribal government” includes Alaska Native Corporations (*Yellen v. Confederated Tribes of the Chehalis Reservation*, 2021).

Indigenous: Communities, Peoples, Nations who possess a historical permanence with pre-invasion and pre-colonial societies that developed on their territories. They consider themselves distinct from others now prevailing on those territories (Martinez Cobo, 1986; Wilson, S., 2008; Champagne, 2013).

Imperialism: Settler Colonialism, a unique form of imperialism that re-settled large populations of European settlers onto Indigenous territories to help facilitate the dispossession of Indigenous lands and waterways and gain access to the financial wealth of natural resource extraction (Manuel & Derrickson, 2017).

Individual Assistance (IA): The federal program managed by FEMA made available under emergency declarations designed to supplement emergency assistance to the affected state, territory, or tribal (STT) government to provide immediate and short-term assistance essential to

save lives, protect public property, health, and safety, or to lessen or avert the threat of a catastrophe (FEMA Individual Assistance Program and Policy Guide, 2021, Introduction).

Presidential Disaster Declaration: A major disaster or emergency declared by the President of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (Pierre, 2006). Often referred to as either an Emergency Declaration or a Major Disaster Declaration.

Public Assistance (PA): The federal program managed by FEMA that provides assistance to State, Local, Territorial, or Tribal (SLTT) governments, and certain types of private nonprofit organizations (PNP), so that communities can quickly respond to and recover from major disasters or emergencies declared by the President (FEMA Public Assistance Policy Guide, 2020, p. 17).

Self-Determination: The ability for an individual, tribe, and/or community to make their own decisions and control their own fate (Einarsson et al., 2004; Deci & Ryan, 2010).

Stafford Act: Refers to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 100-707, signed into law November 23, 1988; amending the Disaster Relief Act of 1974, Public Law 93-288. These Acts constitute the statutory authority for most Federal disaster response activities especially as they pertain to FEMA and FEMA programs (FEMA, n.d.; Pierre, 2006).

Sovereignty: The exercise of supreme authority (power) in the realm of the political or within governance (Hansen & Stepputat, 2006; Philpott, 2011).

Tribe and/or Tribal (FEMA): Referring to any Indian tribe, band, nation or other organized group or community, including any Alaskan Native Village as defined in or established pursuant to the Alaskan Native Claims Settlement Act (Pub. L. No. 92-203), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians (FEMA National Tribal Strategy, 2022).

Tribal Sovereignty: The concept that each Tribal Nation possesses the powers of self-government. In the United States, it is an inherent right of tribes that is protected by the United States Constitution, established treaties, and case law (Kalt & Singer, 2004; Cobb, 2005).

Trust Responsibility: A legal obligation of the United States to protect tribal treaty rights, lands, assets, and resources, as well as a duty to carry out the mandates of federal law with respect to Tribal Nations, described as “domestic dependent nations” (Chambers, 1974).

Wellbeing: The mental, physical, spiritual, emotional, cultural, and social health which fulfill needs of identity, purpose, and belonging (Tagalik, 2010).

Values-at-Risk: The elements of a community or natural area considered valuable by an individual or community that could be negatively impacted by a wildfire (or other naturally occurring events). These values can vary by community and can include diverse characteristics

such as homes, specific structures, water supply, power grids, natural and cultural resources, community infrastructure, and other economic, environmental, and social values (National Wildfire Coordinating Group, n.d.).

Chapter 3 Background and Literature Review

3.1 Introduction: Alaska Natives and Emergency Management

The background and review of existing literature is segmented into two thematic sections that reflect the overarching focal points of this research, Indigenous Studies and Emergency Management. This approach largely follows Barnhart's noteworthy pursuit of the interface between Indigenous knowledge and western research.

Barnhardt sought to immerse a new generation of doctoral students deeply into Indigenous knowledge systems while simultaneously connecting the student to then-accepted practices of academic research. That interface, he postulated, would provide the opportunity for "faculty and students to embed an indigenous perspective with their graduate research initiatives to contribute to and learn from a collaborative research process" (Barnhardt, 2015, pp. 2-3). This research similarly pursues an intersection (interface), between Indigenous Alaskans (and their respective communities) and the concepts, policies, and doctrine that constitute domestic emergency management in the United States. It pursues that critical intersection from the same embedded Indigenous perspective.

It is imperative that the literature review remain pertinent to the research, so the Indigenous Studies section is constrained to the primary intended audience, Alaska Natives. The emergency management section requires less limitation because of the relative newness of the profession and, therefore, focuses more on the history and evolution of emergency management in the United States, then on the critical policies and programs of the Federal Emergency Management Agency that affect Alaska Natives and Alaska Tribes.

Despite the importance of determining how Indigenous populations are impacted by federal policies that govern response and recovery following disasters, there is a glaring lack of literature that explores that intersection with Alaska Tribes specifically. This does not take away from literature that revolves around each thematic section *independently*, rather it is a statement that there is a gap in literature about how Alaska Natives currently are and will be impacted by federal emergency management policies during their most vulnerable times and how that may impact the relationship between Alaska Tribes and the federal government.

This chapter begins with a general overview of literature about Alaska Natives from a historic and cultural perspective, utilizing language as a key component of culture. The overview is intended to illustrate the uniqueness and individuality of Alaska Natives and set the stage for a deeper review of literature encompassing the Western legal basis of all Alaska Natives and Alaska Tribes. The legal framework by which Alaska Natives exist today, including the relevant history of how and why that existence came to realization, is vital to the greater research topic of *how* Alaska Tribes participate in government-to-government relationships with the federal government, specifically following a disaster. The final section of the review will explore literature about key FEMA doctrine and policies that govern disaster processes and how these are applied to federally recognized tribes collectively. Where the cultures and legal basis of Alaska Tribes interface with the statutes, policies, and doctrine of the Federal Emergency Management Agency in the United States reveals the literary void that validates the need for this research. This method will follow, then, Dr. Asikluk Topkok's approach that a literature review should provide readers an opportunity to familiarize themselves with previously published research related to the topic, support reason for the proposed research, and demonstrate how the proposed research is original and contributes to society, in this case, Alaska Natives (Topkok, 2015).

Because this dissertation contains significant policy recommendations that have the potential to inform policymakers in the United States about Alaska Tribes, this approach to the background becomes essential.

3.2 Alaska Natives: Cultural Overview

Alaska Natives remain a resilient and inspiring Indigenous people who have collectively thrived despite multi-faceted colonizing efforts that began in the 17th century. They have thrived under the harshest of environmental conditions for tens of thousands of years and have a cultural and spiritual connection to their land (Carlo, 2020). An Alaska Native is a member of an aboriginal grouping (Iñupiaq, Yupik/Cupik, Aleut, Unangan, Alutiiq, Athabaskan, Haida, Tlingit, Tsimshian, or Eyak) that is enrolled in a federally recognized Alaska Tribe or village, or in an Alaska Native Claims Settlement Act (ANCSA) corporation (Thornton et al., 2016). There are 11 distinct Alaska Native cultures and at least 20 different languages that are illustrated regularly in a geographical manner. The Eyak, Tlingit, Haida, and Tsimshian peoples live in the southeast of Alaska; the Iñupiaq and St. Lawrence Island Yupik live in the Arctic north and northwest; the Yup'ik and Cup'ik Alaska Natives live in southwest Alaska; the Athabaskan peoples live throughout Alaska's vast interior; and south-central Alaska and the Aleutian Islands are the home of the Alutiiq (Sugpiaq) and Unanga Peoples (Barnhardt & Kawagley, 2006; Krauss, 1980; Norton & Manson, 1996)

Wexler finds that Alaska Native culture in the singular, communal sense galvanizes and bonds the Indigenous of Alaska through their respective individual identities, purpose, and commitment (Wexler, 2014). Alaska Natives hold ancient ties to lands that relate to their way of life, and epistemological, ontological, and axiological beliefs (Fischer, 2018). Through these

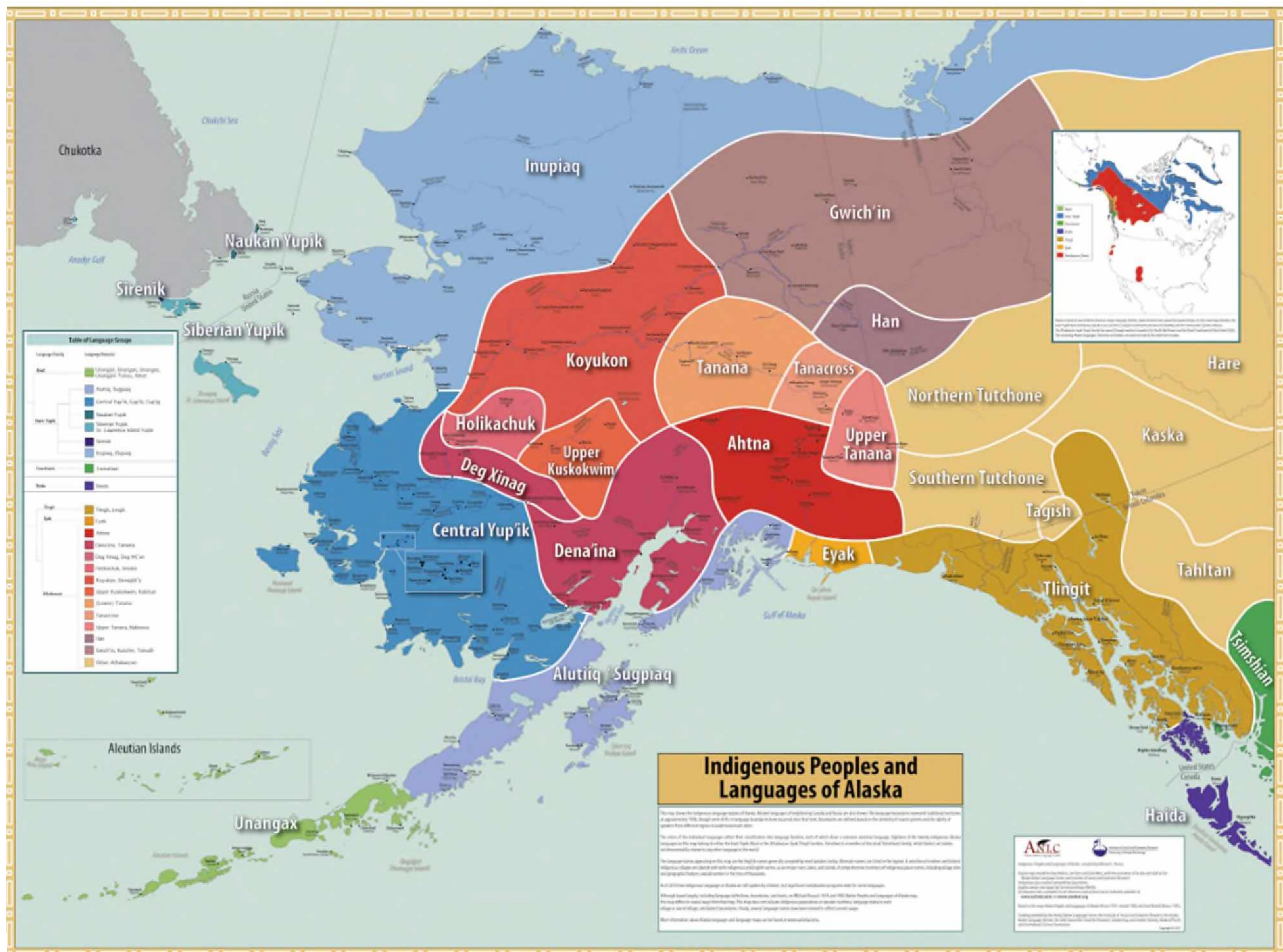
types of ties and over thousands of years, Alaska Native cultures in the plural sense have formed and, in many cases, evolved (Sacks, 1995). Culture, broadly conceived, is all that has been learned from others that endures to generate customs and traditions, and it has shaped vast swathes of human lives, including Alaska Natives (Whiten et al., 2011). By no means, though, are Alaska Natives a homogenous people, for they can respond individually to a question of “where they are from” through a variety of means, including sharing where they physically live now, where they grew up, where their family originated, or what culture they identify with the most (Sullivan, 2022). This is often expressed in the context of language as part of their culture, which this review will explore more fully as a primary expression of the multiple cultures that define the Alaska Natives.

3.2.1 Language and Culture

When reviewing the literature on culture among and between Alaska Natives, language emerges as a key component of identity and an increasingly relevant ingredient for cultural resiliency and sustainability, as shown in Figure 3.1. Andersen-Spear stresses a need, as an example, for Inupiaq culture and values to be ingrained and taught with *and through* the Iñupiat language. This, she expresses, minimizes the loss of Iñupiaq culture among the younger, newer generations. Her sentiments mesh with Jiang, who asserts that language and culture are inseparable (Andersen-Spear, 2003; Jiang, 2000). Battiste promotes that Indigenous peoples maintain their cultures and economies through means like their traditional language (Battiste, 2000).

Figure 3.1

Indigenous Languages and Peoples of Alaska



Note: This figure represents the distinct languages and cultural grouping (Krauss, et al, 2011).

The literature articulates that Inupiaq culture of Arctic Alaska, not unlike other Alaska Native cultures, is fundamentally one of belonging, where extended family groupings are a fundamental basis for identity. Kaplan contends these family groupings are routinely intertwined with language to largely define the culture collectively. His detailed study of the Indigenous languages of the Inupiat and Yup'it, however, illustrates the challenge of classifying

Alaska Natives as one people or one culture, even when similarities in language within one or more of the distinct cultures may exist:

At the westernmost extremity of the Arctic, Alaska occupies a unique place within the Inuit world as home to four distinct languages of the Eskimo-Aleut language family, in addition to Aleut, the only known relative of the Eskimo languages. Both the Yupik and the Inuit branches are represented in Alaska, and Yupik is found nowhere else, except for the Siberia coast on the Asian continent. Three Yupik languages are found in Alaska: Central Alaskan Yupik is spoken in Southwest Alaska along the lower drainages of the Yukon and Kuskokwim Rivers in addition to the area around Bristol Bay; Central Siberian Yupik is spoken on St. Lawrence Island in the Bering Sea, as well as in Siberia; Alutiiq or Pacific Yupik is spoken on Kodiak Island, the Alaska Peninsula, the southern tip of the Kenai Peninsula, and around Prince William Sound (Kaplan, 2001, p. 1)

Broadening the review, approximately four million people who have cultural commonalities live in the entire circumpolar Arctic, a region that spans eight countries - Canada, Finland, Denmark, Iceland, Norway, Sweden, Russia, and the United States. Of that four million, approximately 10 percent are the Indigenous who have been its caretakers (Carlo, 2020, p. 5). Among the Indigenous of the Arctic there are approximately 50 different languages, most of which according to Grenoble are now endangered (Grenoble, 2018). So, when assessing language alone and solely through the lens of the circumpolar Arctic, multi-culturalism can be demonstrated, but no single or dominant culture presents itself. A shared heritage among peoples and cultures, though, can exist, and often within specific geographic regions (Chassonnet, 1995). Stronger commonalities in culture may be present in Alaska's Arctic Indigenous communities, more so because of the smaller numbers of distinct cultural groupings and languages, but this

does not necessarily perpetuate a common culture between, as an example, the Iñupiaq of the Alaskan north and their Yup'ik neighbors in the west and southwest of Alaska. Just as there is no uniform Native American culture between different federally recognized tribes in the continental United States, there is no uniform culture that defines and links the Iñupiaq and the Yup'ik, for they are distinct (Burch, 1980).

Substantial research exists regarding the large geographic reach of the Athabascan or Dena language family stretching from Alaska into the southwestern United States, predominately within the Navajo nation, though also in remote reaches of Washington, Oregon, and California (Hargus & Tuttle, 1997; Fernald & Platero, 2001; Field, 2007). Although language can create bonds between such disparate groups, it is not unreasonable to believe that the culture of the Athabaskans in Alaska differs from that of those in the Navajo nation, at least according to Whiten and his co-authors when proclaiming that culture is all that is learned from others that endures to generate customs and traditions (Whiten et al., 2011). If there were, however, a “common culture” between these two in a modern sense, and Alaska Natives in general, it could be a collective survival of and resilience to colonization and assimilation over multiple generations. Dunbar-Ortiz rightly laments how the fundamental unresolved issues of Indigenous lands, treaties, and sovereignty effectively destroy any hope of accepting and embracing multiculturalism from among our Indigenous population (Dunbar-Ortiz, 2014). Alaska Natives, like the other colonized peoples in the United States, “live in a country largely governed by descendants of colonizers” (Gordon, 2019, p. 27). Despite this, recent decades have seen the revitalization of distinct Alaska Native languages and dialects and, therein, a significant ingredient of the cultures that characterized this vast region long before colonization (Dementi-Leonard & Gilmore, 1999).

Kawagley refers to the commonalities that do exist among Alaska Natives as a shared characteristic of the Alaska Native worldview. He describes how, “Alaska Native peoples have traditionally tried to live in harmony with the world around them” and how it requires an “intricate, subsistence-based worldview, a complex way of life with specific cultural mandates regarding the ways in which the human being is to relate to other human relatives and the natural and spiritual worlds” (Kawagely, 2006, p. 8). The Yup’ik revitalization of dance, as one example, is “not about making the movement perfectly or about an individual performance. It is essentially a communal expression of life on the land and waters, celebrating the effort it takes to launch boats, pull in seals, walk across the soft tundra carrying buckets of berries” (Fienup-Riordan et al., 2011, p. xxv). Theresa John refers to this as “an essential part of the Yup’ik social infrastructure and that dancing is integral to the social system” (John, p. iv). These are among the cultural and spiritual connections to core values that bind Alaska Natives, despite at times dramatic differences in these individual cultures over vast geographic areas (Carlo, 2020). Fisher stresses this distinction as she emphasizes the importance for “Indigenous people to understand this in a conscious way, a way that allows an appreciation for the strength our people have as a like-minded population” (Fisher, 2018, p. 18).

Despite the appeal toward the strength of a like-minded population, differences between Alaska Natives and their distinct cultures do exist and pre-date colonization efforts from both the west (Russia) and east and south (United States). This is relevant to the research because federal policies overwhelmingly approach Indigenous peoples in the United States in two very broad categories, American Indians and Alaska Natives (AIAN). Thomas cautions that to the “casual observer” the term *Alaska Native* can be misleading and that “cultural diversity can manifest itself in various ways in the political scene within the Native community and in relation

to the non-Native community” (Thornton et al., p. 275). Though this is a clear representation of Alaska Native existence in the post-statehood, colonized realm, it nonetheless illustrates that even today that cultural diversity is present and should be noted, especially as federal policies are created and revisited that affect Alaska Natives. While distinct from one another, the cultures as previously noted do have some key shared common values and are “completely rooted in and tied to the land and waters of a particular region and the practices and customs necessary to thrive in that region (Roderick, 2008). But these shared common values and even commonalities among cultures become problematic when applied to the existing literature on the Western legal framework by which Alaska Natives exist.

3.3 Alaska Tribes: Chronology of Legal Basis

Alaska Natives are unique among Indigenous populations residing within the post-colonial boundaries of the United States of America. More relevant, “Alaska Natives are living as colonized people. The colonizers never left and they remain in a colonized state” (Gordon, 2019, p. 27). Alaska Native Elder and author Robert Rude contends that Alaska Natives are caught in the middle of two cultures. He asserts that they are *collectively* not afforded the same rights as American Indians in the continental United States and *individually* not afforded the same rights as stockholders in American corporations in the post-Alaska Native Claims Settlement Act world (Rude, 2019). Linda Tuhiwai Smith often refers to this type of Indigenous existence as being under layers and layers of Imperialism (Smith, 2012). Although this is a broad and simplistic generalization of the state and condition of Alaska Natives since 1971, it is reflective of the perception that Alaska Natives exist within a federal Indian law construct that runs decidedly parallel to tribes in the continental United States. Case and Voluck describe

Alaska Native standing in legal terms as often “an eddy” running counter to the trend of previously established Supreme Court decisions affecting federally recognized tribal populations (Case & Voluck, 2012, p. 5).

This is not offered to imply that the uniqueness or legal standing should be cast in a negative light, rather that Alaska Natives are authentically different from Native American Tribes in the framework of how the United States exists today. Thornton, Notti, Sattler, and Owletuck illustrate this point by contrasting how Native Americans geographically located in the continental United States hold limited roles and influence in their states’ politics, whereas Alaska Natives have had a “major influence” on Alaska policy, politics, and governance. Further, they contend that the United States has generally approached relationships with Native Americans in a tribe-by-tribe manner. Alaska Natives, on the other hand, are often approached collectively and irrespective of their primary aboriginal groupings. This collective grouping, though culturally and politically problematic, offers the rare opportunity for Alaska Natives to exert their “collective status” as one Indigenous people from one geographic area... and often effectively (Thornton et al., p. 273).

As of 2022, there are 574 federally recognized Indian tribes in the United States, 229 alone in Alaska. This number totals approximately 40% of all federally recognized tribes in the United States. The Government Accountability Office (GAO) in its 2018 Report to Congressional Requesters describes the overarching relationship between the federal government and recognized tribes as one where, “The federal government has consistently recognized Indian tribes as distinct, independent political communities with inherent powers of limited sovereignty” (Government Accountability Office Report to Congress, 2018, p. 4). For Alaska Natives, the federal recognition journey has been more complicated but has principally followed

the passage and implementation of the Indian Reorganization Act (IRA) of 1934 that established tribal governments and led to the creation of many tribal constitutions that exist today. The IRA did not originally include Alaska Natives. Noteworthy is that following Alaska Native activism for inclusion, the IRA was extended to Alaska in 1936 and that many Alaska Native communities and their respective governments were recognized by the federal government. This was achieved well prior to the passage of the Alaska Statehood Act of 1959 (Arnett, 2018, p. 235).

Although it is not the intent of this specific section to address federal Indian law in an all-encompassing manner, it is essential to review the literature around key chronological events that have influenced and inform how Alaska Native communities exist today in the Western legal construct.

3.3.1 Early Occupation and Path to a Western Legal Foundation

From within a quasi-legal lens, Alaska Natives have endured colonization and assimilation efforts from two vastly different geographic regions over two distinct periods of time. One with little more than the underlying framework of conquering and possession at its core, and the other with the concept of self-proclaimed divine right driving expansion and suppression.

The quest for new land that brought Russia to the shores of the Indigenous Peoples of Alaska began in the 16th century, as the then-smaller country overran the Siberian east and eventually established its new boundaries at the edge of the Pacific Ocean (Lantzeff & Pierce, 1973). Central to Russian exploration and expansion across the Pacific was the potential for harvest and sale of profitable furs from marine mammals. In 1741, following the establishment

of the first Russian Navy, Vitus Bering crossed the Pacific and in effect the first recorded colonization of the Indigenous Alaskans began (Watrous, n.d.).

For the Russian invaders, Alaska presented a great financial opportunity solely in the fur trade. However, Alaska held inherent limitations that affected Russia's long-term interest in the occupation and enslavement of Indigenous populations that were already resisting colonization with occasional success. A well-established example of that success, albeit temporary, was from the uprising of the Tlingit in southeast Alaska in 1802. Russians were repelled and eventually their fort at what is now Sitka was captured and destroyed, an act fulfilling the Russian military analysis of the Tlingit as extraordinary warriors (Grinëv, 2008). Overarching the resistance, though, was the reality that the climate was decidedly harsher and did not lend itself to sustainable agricultural production in the same areas where marine mammals were being harvested. So, Russia, without as much as a formal legal foothold in Alaska, set itself up for disposition of the conquered land and its Indigenous population in a sale to the United States in 1867 (Shiels, 1967).

3.3.2 The Transfer of Colonization onto Alaska Natives

Like many Indigenous peoples, Alaska Natives were not able to escape the westward reaches of so-called discoverer's rights, largely encapsulated in the discovery doctrine concepts that emerged from Europe in the mid-15th century through the Catholic papal decree of Pope Alexander VI. The document, commonly referred to as the Papal Bull *Inter Caetera*, is described as the decree that "divided up the world", though it only referred to the world in non-Christian terms (Muldoon, 1978, p. 169). Although not considered a primary legal basis for the standing of Alaska Natives today, the doctrine of discovery nonetheless provided a significant foundation for

several key legal decisions that have influenced Indigenous peoples in the United States (Dunbar-Ortiz, pp. 197-201). The decree empowered European-based, Catholic explorers by exclaiming:

Wherefore, as becomes Catholic kings and princes, after earnest consideration of all matters, especially of the rise and spread of the Catholic faith, as was the fashion of your ancestors, kings of renowned memory, you have purposed with the favor of divine clemency to bring under your sway the said mainlands and islands with their residents and inhabitants and to bring them to the Catholic faith. (Carman, 1998)

What the *Inter Caetera* established in its *concept* for the westward colonization of the Indigenous, the 1783 Treaty of Paris *solidified* in a formal manner through the creation of actual colonizing boundaries. The treaty that formally ended the American Revolutionary War eventually provided a legal framework, arguably evolved from the 15th century papal decree, for the further colonization of Indigenous lands that eventually included lands of Alaska Natives. Though the treaty is all but dissolved, Article 1 remains in effect and defines the United States as a “sovereign” nation, with no mention of the Indigenous populations within its then-newly defined 1783 boundaries (U.S. Department of State, 1995).

The Treaty of Paris all but ensured the acceleration of colonization for the Indigenous peoples of what is now known as North America. Prior to the ending of the Revolutionary War, many Native American tribes had established working relationships and alliances with the British and other European governments. This was part of a larger strategy for working around the numerous and then-neighboring colonies (Prucha, 1994, pp. 24-27). As the war came to an end and the Treaty of Paris was implemented, the United States under its new “sovereign” status was in a position where it believed it could unilaterally exert its will on the Indigenous peoples

who had in many cases opposed their expansionist efforts. Treaties or agreements between Native Americans and their colonizers that had previously existed before the Articles of Confederation and the United States' "existence", were suddenly and profoundly impacted by the Treaty of Paris.

Prior to the Revolutionary War, Native Americans were recognized and respected as sovereigns who were able to execute agreements on behalf of their own people with foreign nations. Gordon defines tribal sovereignty in the United States as "self-rule" that is an "inherent right of tribes" protected under multiple facets of the law and founded upon basic principles of human rights (Gordon, 2019, p. 17). Though the Treaty of Paris never extinguished that inherent sovereignty directly because Native Americans were not parties to the treaty or consulted, the perception nonetheless was that the treaty had placed the United States' new sovereignty over that of the Indigenous. This perception was later validated via numerous post-treaty court decisions. Supreme Court Justice John Marshall openly acknowledged the angst of the new direction for Native Americans in the landmark *Johnson v. M'Intosh* opinion that, in effect, "conquest gives a title which the court of the conqueror cannot deny" (*Johnson v. M'Intosh*, 1823; Kades, 2001; Purdy, 2006).

Perception aside, the treaty consolidated and affirmed, certainly in the eyes of Europe, the newly created power of the colonizer. The courts of the conqueror were to become firmly established. For Alaska Natives, this power would eventually present itself from the east and south and reflect the "racial, cultural, and political domination" of the new government (Maaka & Fleras, 2005, p. 40).

3.3.3 The Treaty of Cession and Sale of Alaska Natives

Gordon asserts that, “Alaska Native people who work to overcome their oppressed and colonized state through their own self-government still find themselves unable to get out from under the yoke of colonization. They form their own governments, yet those new governments tend to mimic that of the colonizer or follow requirements set out by the colonizer” (Gordon, 2018, p. 29). Such was the case following the transfer of colonization that began with the Treaty of Paris and culminated in the sale of Alaska in 1867.

Upon review of the literature, one could reasonably argue that Alaska Natives had somewhat set the stage for the potential departure of Russian exploitation of them, their cultures, and their resources. There existed the remote possibility of escaping that yoke of Russian colonization. The Treaty of Paris and the eventual sale of Alaska to the newly established United States, however, created an almost purgatory state of colonization as westward expansion took hold and again impacted Alaska Natives in a negative manner.

Shiels describes the primary reasons for why Russia wanted to sell its interest in Alaska, irrespective of Alaska Native perspective or input, and quite simply and directly. He contends that the Russian American Company was no longer self-sustaining and subsidies to keep it afloat were unavoidable, something Russia couldn't afford at the time. Additionally, Russia believed it could not adequately defend Alaska and, therefore, losing it militarily was a distinct possibility. All of this, he contended, was predicated on the reality that Russian finances overall were not in a good condition and it was simply best to sell (Shiels, 1967, p. 1). Furthering this reasoning, Bolkhovitnov lays out chronologically how the Russian interest in Alaska naturally waned following the outbreak of the Crimean War in 1853. “The outbreak of the Crimean War placed the Russian possessions in North America in a difficult position. Because of

serious diplomatic miscalculations, the Russian government faced a united front of the major European powers and Turkey” (Bolkhovitnov, 1996, p. 81). Bolkhovitnov thoroughly captures the history of the events between Russia and the United States leading up to the actual signing of the Treaty of Cession, going so far as to describe its signing details at “4 o’clock on the morning of 30 March 1867, a moment captured in the well-known painting by Emanuel Leutze” (p. 222). Noticeably absent in any detail from both authors was the role of and consultation with Alaska Natives. The treaty in many ways was analogous to a marriage of convenience between two foreign nations who were negotiating over a territorial space and its occupants, when neither had a sovereign right or authority to do so. It was, in effect, an illusory negotiation and agreement over Alaska Natives.

Much of the debate and controversy surrounding the treaty, including its ratification by the United States Senate on a final vote of 37-2, focused on the potential territorial reach with Asia, strengthening of the American military posture, and an overarching addition of wealth to the nation. The minority report of the final vote stressed the lack of value of the new purchase and reiterated Russian concerns regarding lack of agricultural capacity. In stressing their opposition, the minority believed Alaska not worthy of purchase because of what they contended was the government’s obligation (upon ratification) to “govern a nation, or nations, of savages in a climate unfit for the habitation of civilized men” (Shiels, 1967, pp. 190-193). This report was revealing in that, even in the minority opposing the ratification, Alaska Natives were not deemed worthy of consideration, even when in the context of describing them as actual nations. Nonetheless, the Treaty of Cession brought into focus for the United States the first Western legal basis by which Alaska Natives have come to exist today.

3.3.4 The Marshall Trilogy Impact on Alaska Tribes

Between the timeframes of the Treaty of Paris and the Treaty of Cession, government-to-government relationships between federally recognized tribes and the United States were being defined and built upon the foundation of the federal government's trust responsibility. In the 2012 hearing in the United States Senate Committee on Indian Affairs regarding that responsibility, Chairman Senator Daniel K. Akaka affirms that, "The federal trust relationship that exists between the Federal Government and the Indian Tribe goes back to the very first days of this Country" (Fulfilling the Federal Trust Responsibility, 2012, p. 1). That responsibility, according to Matthew L.M. Fletcher, Professor of Law at the Indigenous Law and Policy Center for Michigan State University College of Law and member of the Grand Traverse Band of Ottawa and Chippewa Indians, is found within the "so-called Marshall Trilogy of early Indian law cases" (p. 10).

Presided over by then-Chief Justice John Marshall during his lengthy tenure on the United States Supreme Court, the Marshall Trilogy was a series of decisions that first established federal government dominion over land transactions with Indians (1823), clarified the standing of federally recognized tribes as domestic dependent nations (1831), and established in 1832 that state laws are generally not applicable to tribes with established treaties (Cohen, 2012). Fletcher succinctly describes the three individual cases during his testimony:

In Johnson v. M'Intosh, an early Indian lands case, Chief Justice Marshall held that the Federal Government had exclusive dominion over land transactions with Indian Tribes, exclusive as to individual American citizens and as to State government. In Cherokee v. Georgia, Chief Justice Marshall held that while Indian Tribes were not State

governments as defined in the Constitution, nor were they foreign nations. They were something akin to domestic dependent nations. And finally, in Worcester v. Georgia, Chief Justice Marshall confirmed that the laws of States have no force in Indian Country and that the Constitution's Supremacy Clause has powerful, gives powerful effect, to Indian treaties as the supreme law of the land. (Fletcher, 2012, p. 10)

It is largely acknowledged in federal Indian law that Tribal sovereignty is limited and yet, it is still reviewable within certain legal conditions. Cohen describes that inherent power of sovereignty following the 1978 case of *United States v. Wheeler* as “limited sovereignty which has never been extinguished” (Cohen, 2012, p. 207). For Alaska Natives, the Treaty of Paris, Treaty of Cession, and the Marshall Trilogy of Supreme Court decisions solidified the second phase of colonization within a purely Western legal framework. That colonization took a more structured western image in subsequent years and with subsequent court cases.

3.3.5 Indian Reorganization Act (IRA) of 1934 and Alaska IRA of 1936

The Indian Reorganization Act (IRA) of 1934 that was eventually extended to Alaska in 1936 is considered one of the most important and influential pieces of federal Indian law legislation in U.S history. The original 1934 legislation was unquestionably intended for Native Americans in the continental United States that held reservations or significant lands through previously established treaties (Case & Voluck, 2012, p. 28). The 1936 amendment that addressed Alaska Natives was intended to acknowledge the uniqueness of largely reservation-less Indigenous populations in the Territory of Alaska, while simultaneously affording them similar rights to Native Americans outside of the territory (p. 29). According to Arnett, “Alaska Natives’ activism led to the extension of the IRA, the creation of reservations in the territory, and

the passage of the 1945 Alaska Antidiscrimination Act by the territorial legislature” (Arnett, 2017, p. 235).

Though the Alaska Indian Reorganization Act (Alaska IRA), as it came to be known upon its implementation, strengthened the Western legal basis for Alaska Natives’ existence today, it nonetheless illustrated Gordon’s point that the colonizer’s form of government would eventually be mimicked by Alaska Tribes, whether they wanted it to be or not (Gordon, 2018). The IRA and extended Alaska IRA requirement for the establishment of Tribal governments and accompanying Tribal constitutions ensured that the complexion of a Tribe, including those of Alaska Natives, replicated that of the conqueror and furthering Justice Marshall’s view that Native Americans were subjected to decisions from within the conqueror’s court. A University of Alaska Fairbanks course on Tribal Governance for Alaska Tribes illustrates how the Alaska IRA has had a direct impact on the establishment of its 229 federally recognized tribes:

Today, most all 229 tribes in Alaska have tribal councils as their governing bodies. The sizes of the councils range from 5 to 9 members, with 7 being the most common. There a variety of names for these councils including ‘Native council,’ ‘tribal council,’ ‘IRA council,’ ‘village council,’ and ‘traditional council.’ All of these refer to the governing body of a tribe. Most all tribes in Alaska have adopted constitutions, either under the Indian Reorganization Act, or simply under their own tribal authority to organize their government. The constitutions are voted on by the adult tribal members and generally lay out the structure for the tribal government, although many do not. Those tribes that do not describe the structure of the government in their constitutions may have tribal codes or ordinances that do so. (Federal Indian Law for Alaska Tribes, n.d.)

Although the Indian Reorganization Act's importance to Alaska Tribes is self-evident, of note for the literature review is its direct influence on the legal basis for the standing of Alaska Natives today. The Alaska IRA amendments as they were being implemented were clearly problematic, irrespective of the well-intended inclusion of Alaska Tribes into the 1934 original legislation. Case and Voluck emphasize this point when discussing the organization of villages under the IRA while none possessed actual reservations. This led to an almost reactionary cascading of internal federal agency decisions that eventually created several *reserves* for Alaska Natives. They contend that even then, "The Alaska IRA reservation policy foundered on litigation and political adversity, casting doubt on both the status of IRA reserves and the legitimacy of Alaska Native aboriginal land claims" (Case & Voluck, 2012, pp. 29-30). The IRA had "encouraged the use of reservations as homelands where tribes could engage in self-government and cooperative economic activity", but none existed prior to the law and creating them as a result of its passage was largely ineffective (Philp, 1981, 267-86). Alaska's version of the IRA, in the end, became a strong catalyst for future legislation and legal considerations that addressed the unique nature of Alaska Natives, their governing structures, and increasingly their land and rights.

As of January 2020, the U.S Department of the Interior through the Federal Register published a proposed rule addressing the potential for increased requests from Alaska Native groups seeking to organize under the Alaska IRA. Consultation invitations were sent to both existing Alaska Tribes and to Alaska Native Corporations, and public meetings were held through the first few months of 2020. The proposed rule would establish a new chapter of federal code to design a process by which pre-1936 Alaska Tribal entities could seek acknowledgement

and potential federal recognition (Procedures for Federal Acknowledgment of Alaska Native Entities, 2021).

3.3.6 Alaska Statehood and Alaska Tribal Sovereignty

Thomas and Sattler succinctly encapsulate the arrival of statehood in 1959 and their impression of its impacts on Alaska Natives:

First, the authors of Alaska's Constitution had the experience of the other forty-eight states to draw upon in designing the state's governmental system, and they tried to avoid some of the mistakes made in the Lower 48. Second, by the time Alaska became a state, America was beginning to reconsider its treatment of Native Americans, and an age of atonement was dawning. Alaska Natives were the beneficiaries of this new era" (Thomas & Sattler, 2016, p. 61)

On January 3, 1959, Alaska was admitted as the 49th state and, with limited exception, disclaimed its rights and title to "any lands or other property, (including fishing rights), the right or title to which may be held by any Indians, Eskimos, or Aleuts (hereinafter called natives) or is held by the United States in trust for said natives;" (Alaska Statehood Act, 1958). Although the Alaska IRA amendments of 1936 had firmly established an initial, formal method for federal recognition of Alaska Tribes and their respective communities, the Statehood Act and its well-intended clause on disclamation was soon after fraught with uncertainty. The Metlakatla Indian Community, as an example, located on a federally established reserve in southeast Alaska, had at this post-IRA stage firmly established its federally recognized status, but the State of Alaska's inclusion into the union almost immediately complicated the presumption of sovereignty for Metlakatla.

“Through treaties and litigation, tribes in the U.S. have the right to self-government and sovereignty over their land and members - even though they live in a colonized state” (Gordon, 2019, p. 35). Like Gordon, Philpott contends that a core meaning of sovereignty revolves around the supreme authority within a territory (Philpott, 1995). Their interpretations reflect the view of many Tribal communities in the United States that sovereignty and land are intertwined. Hoffman, however, offers a lesser-accepted counterargument that sovereignty is, in practice, “indefinable and that all we can do is to analyse the definitions of others. The argument rightly centres upon the problematic link between sovereignty and the state” (Hoffman, 1997, pp. 53-58).

In as much as Hoffman’s assertion is interpreted as a reference to nation-state governments and their overarching relationships with Indigenous Peoples, its application to Alaska Tribes and their relationship with the State of Alaska in the post-statehood environment is relevant. As settled as Metlakatla’s sovereignty may have appeared at the federal level by the time of statehood, legal controversy was almost immediately present for legal engagement between Metlakatla and the State of Alaska over that sovereignty.

Alaska’s statehood by no means guaranteed a continuation of implied sovereignty between Indigenous Tribes and the new federal entrant, and few could argue that Alaska Tribes at this early stage of statehood were structured like Tribes in the continental United States. That reality persistently influenced the question of Tribal sovereignty within Alaska until the passage of the Alaska Native Claims Settlement Act (ANCSA) in 1971, but even at that, ambiguity remains. Thompson argues that “Unlike most recognized Native American tribes, the sovereign status of Alaska Native Villages is uncertain”. Her description of Tribes in this instance refers to those outside of the State of Alaska, and she furthers the argument by claiming, “The Alaska courts have consistently denied that Native Villages are sovereign. Federal courts, on the other hand, have

concluded that Native Villages are tribes possessing certain aspects of sovereignty” (Thompson, 1993).

Reiterating that it is not practicable or relevant to review all federal Indian case law as applicable to Alaska Natives, the question of sovereignty with Metlakatla from both the federal and state perspective is appropriate and noteworthy. Cohen, in Felix S. Cohen’s Handbook of Federal Indian Law 28, describes the key ingredients of a Native American Tribe as including occupied reservations or allotments, a well-defined sovereign status, and territorial boundaries (Cohen, 1982). As overly simplistic as this presents, one can easily infer that most Alaska Tribes, with perhaps the glaring exception of Metlakatla, do not currently fit that description and, therein, fall under Thompson’s uncertainty assertion. She claims that “until the passage of ANCSA in 1971, Congress treated Alaska Natives largely the same as Native Americans generally and included them in all federal actions relating to Indian affairs” (Thompson, 1993).

Between the Alaska Statehood Act of 1959 and passage of ANCSA in 1971 (covered in a subsequent section), two court cases revolving around Metlakatla addressed the sovereignty question in the context of the State of Alaska. Shortly following statehood, then-governor William Egan attempted to assert state authority over all lands, including Alaska Tribal land, in the management of fish and game. At issue was the utilization of native fish traps by federally recognized Alaska Tribes, even when the formal consent to use the traps was given by the U.S. Secretary of the Interior who at that time held that federal authorization. Impacted Alaska Tribes, which included the Metlakatla Indian Community, asserted that Section 4 of the Alaska Statehood Act delineated how the federal government through the Department of the Interior held “absolute jurisdiction and control” over Tribal lands and activities such as utilization of fish traps (Alaska Statehood Act, 1958, Sec. 4). Legal challenges were filed from Metlakatla in *Metlakatla v. Egan*

and the Organized Village of Kake in *Kake v. Egan* to pursue the validation of Tribal sovereignty through the direct government-to-government relationship with the federal government and not the State of Alaska.

The Metlakatla case was argued before the U.S. Supreme Court on December 13-14, 1961, with a decision rendered on March 6, 1962. The *Metlakatla* and *Kake* cases together were intended to resolve the question of Alaska Tribal sovereignty when impeded by the new State of Alaska. The latter case (*Kake*) was enjoined by the tribal community of Angoon, another southeast Alaska Tribe. The ultimate decision resolved the question of state usurpation of Metlakatla sovereignty by reversing lower court rulings that had empowered the state. Simultaneously, however, the Court clarified that both Kake and Angoon were legally bound by State of Alaska rules and regulations regarding fish and game. Both decisions were unanimous, one in support of Alaska Tribes and the other in support of the State of Alaska.

Central to the decision in support of the Metlakatla Indian Community's sovereignty and its government-to-government relationship with the United States was the 1891 Congressional Act that established its reserve. That Act had even extended the Metlakatla Indian Community's coastline from which Alaska Pacific Fisheries company had intended to trespass (*Metlakatla v. Egan*, 1962). When the Court then considered the legal standing of Kake and Angoon, it noted that the federal recognition of these communities lacked something Metlakatla possessed, a congressionally designated reserve. That exclusion became instrumental to the decision and a legal setback for Alaska Tribes. In the end *Metlakatla v. Egan* succeeded in delineating the differences between Native American Tribes geographically located in the continental United States and those located in Alaska. It highlighted that the Metlakatla Indian Community and its Annette Islands

reserve was, in fact, different. This was also reiterated during a 2022 injunction by the Ninth Circuit Court of Appeals, covered in a future section.

With the passage and eventual signing into law of ANCSA, sovereignty became increasingly more questionable, save Metlakatla. Landreth and Dougherty note that, “ANCSA passed in 1971, without a mention of tribal sovereignty or tribal jurisdiction in the text. In fact, the word “tribe” is only used once, and it is in the definition of ‘Native Village’. Section 4, which contains the extinguishment provisions, is totally silent on tribal existence, sovereignty, and jurisdiction” (Landreth & Dougherty, 2011, p. 324). Though rather fatalistic, the authors eventually conclude that predictions of a post-ANCSA termination or loss of jurisdiction among Alaska Natives (with or without a reservation) did not come to fruition, rather that the legal dialogue was forced to shift from a purely “land-based” sovereignty to “membership-and interest-based jurisdiction” (Landreth & Dougherty, 2011, p. 346).

Thompson, in her conclusion, states that despite the Alaska state courts, “Alaska Native Villages are sovereign tribes with the power to exercise governmental authority over their tribal territory” (Thompson, 1993). These conclusions, however, run decidedly counter to Matal, who asserts that all tribal sovereignty in Alaska (other than Metlakatla) was extinguished by the Alaska Native Claims Settlement Act. He argues that, because ANCSA was an agreed-to policy, ANCSA in the end terminated Tribal sovereignty, except for Metlakatla (Matal, 1997).

Federal sovereignty issues notwithstanding, what is not in question is that the sovereignty of Alaska Tribes *within* the State of Alaska has been a focal point of several court decisions since statehood. Fortson in 2015 succinctly reviews key legal actions and cases about Alaska Tribes that have helped to define the standing of the Indigenous and their federally recognized communities today. His review includes the landmark Alaska Native Claims

Settlement Act (ANCSA) of 1971 that resolved outstanding land claims and the Indian Child Welfare Act (ICWA) of 1978, “aimed at preserving Indian families” (Fortson, 2015, p. 12). More relevant to this section, he reviews significant court cases where Alaska Tribal sovereignty has been directly challenged by the state. In *Native Village of Nenana v. State of Alaska* in 1986, which addressed foster care of an Alaska Native child, Nenana sought the transfer of the case to Tribal jurisdiction. “The State fought the transfer and prevailed, with the Court holding that the Native Village of Nenana was not a federally recognized tribe, that it had not attempted to reassume jurisdiction under the procedures of ICWA, and that federal law granted Alaska exclusive jurisdiction over custody matters involving Indian children” (Fortson, p. 12). This decision was clarified in favor of Alaska Tribes in 1991, in *Native Village of Venetie I.R.A. Council v. State of Alaska*. In that case, which also involved children and tribal courts, the Court ruled in favor of Venetie. “In reaching this conclusion, the court held that tribes have inherent sovereignty – meaning that as distinct political communities, tribes can exercise authority over their members unless this authority has been removed by Congress” (p. 12). Hyslop asserts that “it has been an uphill struggle for tribal courts to exercise tribal jurisdiction” in the State of Alaska, irrespective of the fact that the state does “recognize tribal courts and work with tribal governments” (Hyslop, 2018, p. 21).

In 1994, Alaska Tribal federal legal standing and sovereignty was decidedly more solidified upon the release of the Federally Recognized Indian Tribe List Act. As Fortson notes, “One of the issues left unresolved by the *Venetie I.R.A.* case was whether Venetie and Ft. Yukon... had sufficient historical connections to recognize them as being inherently sovereign” (p. 12). The Act helped to clarify that Alaska Tribes and Native American Tribes in the continental United States were on equal ground as far as federal recognition. To help clarify federal recognition and

minimize inconsistencies in the recognition process, Congress had required the Bureau of Indian Affairs (BIA) to publish a list of all federally recognized tribes in the Federal Register. Carlson notes that “Indian groups had appealed to Congress as a way to circumvent the bureaucracy and found that arguments made legislatively also influenced the administrative process” (Carlson, K.M., 2017, p. 930). For Alaska Tribes, the Act reinforced sovereignty from a federal perspective, but the State of Alaska continued to pursue legal challenges that furthered the notion that Alaska Natives are unique among Indigenous Peoples in the United States.

In *State of Alaska v. Native Village of Venetie Tribal Government*, the state posed the larger question of whether post-ANCSA Alaska Native land constituted “Indian Country”. The challenge was elevated to the U.S. Supreme Court and in 1998 they determined that the land in question, which by then belonged to an Alaska Native Corporation, did not fall under legal Indian Country requirements. The opinion was based on three primary criteria and illustrated how Alaska Tribes, post-ANCSA, were unlike their Indigenous brethren in the continental United States who largely resided on treaty-based reservations (*State of Alaska v. Native Village of Venetie Tribal Government*, 1998). Indian Country status, if it had been decided in favor of Venetie, would have further strengthened the sovereignty of Alaska Tribes in Alaska, but “ANCSA lands were transferred to private ownership by state regulated corporations and could be sold by the corporation” (Fortson, 2015, p. 12). This unprecedented transfer of lands following ANCSA complicated the potential for Alaska Tribes to assert sovereignty in ways other federally recognized tribes could within state borders. The Supreme Court held that ANCSA had, in effect, terminated the “sovereign powers” of Alaska Tribes to levy taxes on lands that were not in or on Indian Country (Chaffee, 2008, p. 26). The second Venetie case was a victory for the state, but it did not fully define its relationship with Tribes and their legal basis for existence today. In *John v.*

Baker, only one year later, Tribal court primacy prevailed when relating to matters of Tribal members, irrespective of the question of Indian Country. This was a decision handed down from the Alaska Supreme Court, a landmark state ruling that asserted “regulating domestic relationships among members plays in exercising tribal sovereignty, jurisdiction rested not just with the land but could also be derived from a tribe’s existence as a federally recognized sovereign with powers over its tribal members” (Fortson, p. 12). However, the decision was limited in that it recognized how concurrent Tribal and state jurisdiction could exist in certain cases. But the message was nonetheless clear that Tribal courts in Alaska held legal standing, even in the eyes of the state.

Of the several court cases involving Alaska Tribes and the State of Alaska, and their relationships, many have centered on child custody and welfare and stem back to implementation and interpretation of the Indian Child Welfare Act of 1978. Subsequent to the *John v. Baker* decision in 1999, no less than four significant cases have wound their way through state and federal courts that examine state relationships to Alaska Tribes. These include *In the Matter of: C.R.H.* (2001), *Kaltag Tribal Council v. Jackson* (2009), *State of Alaska v. Native Village of Tanana* (2011), and *Simmonds v. Parks* (2014). These four cases could be considered as constituting a series of decisions that have fine-tuned the implementation of ICWA in Alaska and for Alaska Natives.

In 2011, a different type of landmark decision from the Alaska Supreme Court reinforced Alaska Tribal sovereignty by building upon *John v. Baker*. The decision in *McCrary v. Ivanof Bay Village* affirmed that the Tribe held sovereign immunity from lawsuits. In this case, the challenge was brought due to a breach of contract and the state, using *John v. Baker* as precedent, reiterated that Ivanof Bay need not possess land in order to exercise its sovereign status (*McCrary v. Ivanof Bay Village*, 2011).

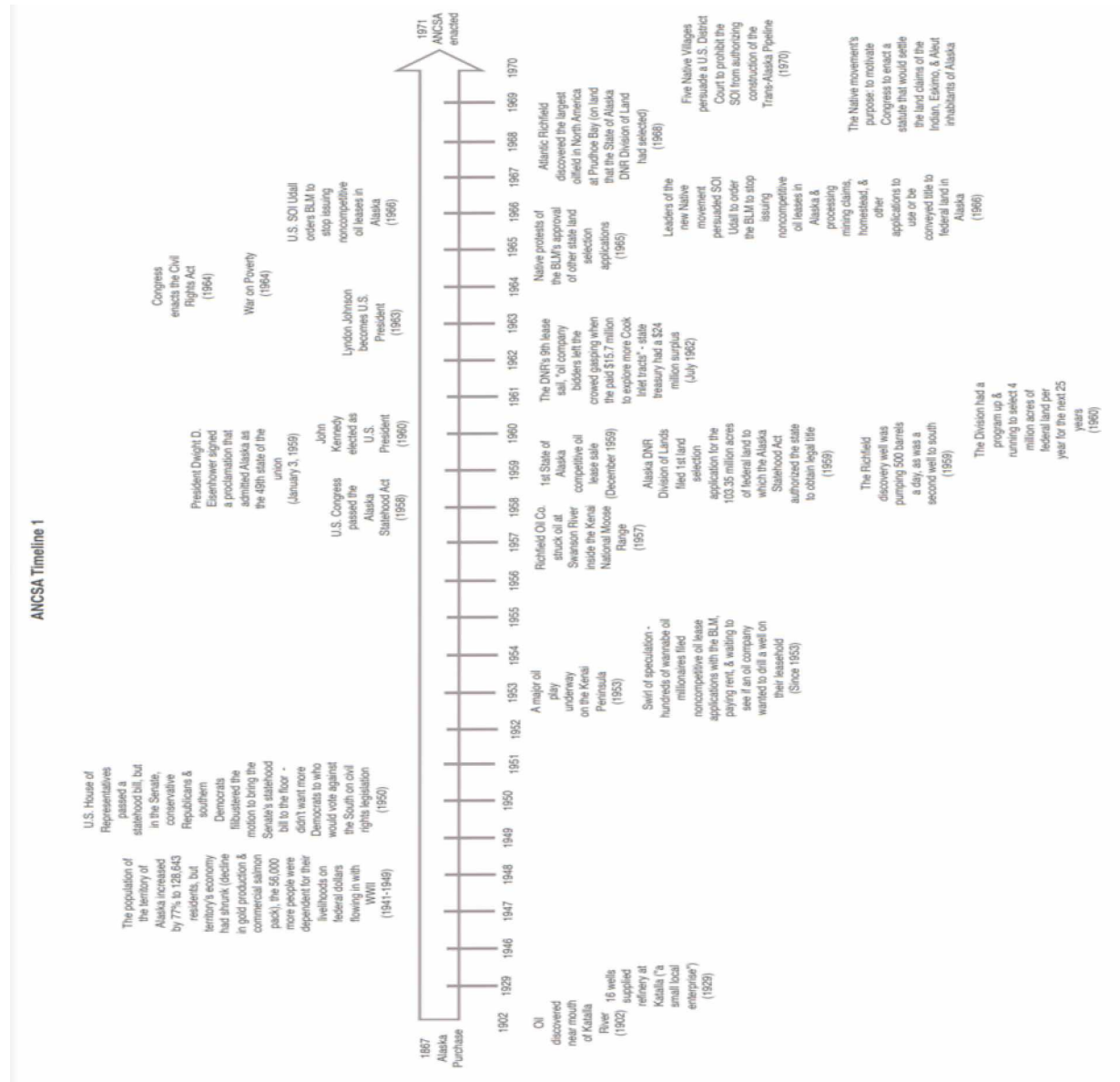
3.3.7 Alaska Native Claims Settlement Act of 1971 (ANCSA)

Unquestionably, the passage of the 1971 Alaska Native Claims Settlement Act (ANCSA) has helped to define the legal basis and standing of Alaska Tribes today and it tremendously informs this research and the interface between those Tribes and Federal Emergency Management Agency policies and doctrine. Case and Voluck capture the complexity of ANCSA and its effect on that standing. “The question of existence and geographic scope of tribal jurisdiction in Alaska following enactment of the Alaska Native Claims Settlement Act has been the source of much debate and litigation.” They define the historical nexus of the federal government to Alaska Tribes through the protection of Native lands, provision of human services, protection of subsistence rights, and promotion of Alaska Native government (Case & Voluck, 2012, p. 33).

Although there was a long and relatively winding road leading to the passage of ANCSA, the widely accepted view is that ANCSA was driven by the discovery of oil and the political economic pressures accompanying it (Swenson, 2015). Figure 3.2 shows key timelines that led to the passage of ANCSA.

Figure 3.2

Key Alaska Timelines to Passage of ANCSA (1971)



Note. This figure represents key events involving oil discovery and affiliated legal actions taken that contributed to the passage of ANCSA in 1971. Used with permission from Patricia Sekaquaptewa, J.D., University of Alaska Fairbanks.

Underlying the ANCSA policy from a purely legal perspective was its intended resolution, through federal legislative action, of aboriginal claim to land by Alaska Tribes and Alaska Natives. The Alaska Native Claims Settlement Act is covered throughout the research, but relevant to the legal foundation of Alaska Native standing today according to Case and Voluck is section 4 of ANCSA, which addresses “extinguishing aboriginal claims” (Case & Voluck, p. 75). Section 4 of ANCSA reads as follows:

(a) All prior conveyances of public land and water areas in Alaska, or any interest therein, pursuant to Federal law, and all tentative approvals pursuant to section 6(g) of the Alaska Statehood Act, shall be regarded as an extinguishment of the aboriginal title thereto, if any.

(b) All aboriginal titles, if any, and claims of aboriginal title in Alaska based on use and occupancy, including submerged land underneath all water areas, both inland and offshore, and including any aboriginal hunting or fishing rights that may exist, are hereby extinguished.

(c) All claims against the United States, the State, and all other persons that are based on claims of aboriginal right, title, use, or occupancy of land or water areas in Alaska, or that are based on any statute or treaty of the United States relating to Native use and occupancy, or that are based on the laws of any other nation, including any such claims that are pending before any Federal or state court or the Indian Claims Commission, are hereby extinguished. (Alaska Native Claims Settlement Act, 1971)

Aboriginal title is a Western legal concept of inherent property right, distinct to Indigenous populations and having its source in aboriginal legal systems that predate and survive the declaration of a colonizer’s own sovereignty (Sanderson & Singh, 2021). Case and Voluck

portray it as a principle of federal Indian law that is not based on the individual but instead on the group or Tribal title (Case & Voluck, 2012, p. 26). In effect, it is a concept that conqueror's courts do in fact have certain limitations on those who predated its existence, including the traditional use of land from which the conquered have been sustained. Gordon alludes to this subsistence reference harshly in stating that, "Since colonization, Indigenous people in Alaska have been denied their land and rights to subsistence on that land." She infers that is integral to their identities and is more than merely "gathering of food". It is, she contends, the loss of well-being and culture (Gordon, 2019, p. 32). The Alaska Native Claims Settlement Act did not bring closure to the issue of aboriginal title, rather it brought closure to the Western political and legal hurdles necessary to begin exploration and exploitation of oil and natural resources from Alaska Native land.

Just prior to the December 1971 signing of ANCSA into law, Iñupiat resident and Alaska Native political advocate Charles Edwardson, Jr., widely and simply known as *Etok*, filed suit in federal district court to try and derail ANCSA through the standing of Iñupiat aboriginal title (*Edwardson v. Morton*, 1973). His argument alleged that the Secretary of Interior committed a "breach of duty" by failing to protect Alaska Native lands against "state possession and third-party trespass" (Case & Voluck, p. 75). The case gained interesting traction following President Nixon's signature of the law and *Edwardson* resulted in a post-ANCSA decision that tied back to the original Marshall Trilogy. The decision rejected the claim of an existing aboriginal title by Alaska Natives but interestingly did affirm that the 1867 Treaty of Cession that "sold" Alaska did not result in the extinguishment of aboriginal title. On the surface, one could interpret this decision as creating a gray area for Alaska Tribes' standing on aboriginal title, but as Case and Voluck emphasize, "What is important is that in the basic legal sense, acknowledged in

Edwardsen, Alaska Natives have historically held their lands under aboriginal title. In that fundamental respect, first acknowledged by John Marshall in the early years of American nationhood, Alaska Natives have had the same status under American law as all other Indigenous People” (Case & Voluck, p. 77).

What separates Alaska Tribes most distinctly from Native American Tribes in the continental United States, and as a direct consequence of the Alaska Native Claims Settlement Act, is the non-existence of reservations or reserves of government-owned and dedicated land (save Metlakatla). Although the topic of ANCSA is covered continuously through the research, it is important to briefly review in this section regarding the legal basis and how it creates a different interface between Alaska Tribes and the Federal Emergency Management Agency.

ANCSA statutorily ended the question of reservations in Alaska. With the glaring exception of the Annette Island Reserve and its Metlakatla Indian Community (Tsimshian), ANCSA abolished the perception of Alaska Tribes and Alaska Natives having a very direct legal connection with *all* Alaskan land, certainly in the eyes of Congress at the time. Reservation development and decline in Alaska can be broken into eight phases, according to Case and Voluck. Beginning in 1891 with the creation of Metlakatla’s Annette Island Reserve until 1971 with the revocation of any remaining reserves through ANCSA, legal questions of land ownership, mineral rights, fishing, and federal policy dominated the era (Case & Voluck, p. 85). Metlakatla chose not to participate in the process that resulted in ANCSA, and this one legislative decision has left Metlakatla in unique standing among Alaska Tribes legally.

The federal ANCSA legislation was a decided departure from the previous methods of how Congress and the United States in general had approached its Indigenous populations. Though one could view the legislation as an alternate form of a treaty, the reality is that it was

not. It was a Congressional Act that had evolved from years of hard-fought negotiations between a host of Alaska Native leaders, coalitions of interested governments, and special interests including oil prospectors and environmentalists. It was not, however, without extreme controversy. Charlie Edwardson, as one example, two years prior to its signing protested the first bid opening for oil exploration driving ANCSA and the settlement of land claim issues. He vocally and visibly protested these events and then-active negotiations as a “\$2,000,000,000 Native Land Robbery” and the “rape of Alaska Natives” (Mitchell, 2001, pp. 356-357).

The size and means for achieving the ANCSA settlement were unprecedented in that ANCSA, through Congress, required Alaska Tribes to create corporations in order to facilitate final passage of the Act (Chaffee, 2008, p. 109). In exchange, the formal transfer of forty million acres of land and approximately one billion dollars was codified in federal statute. Chaffee argues that, in effect, overnight Alaska Natives were recast in a corporate form as he discusses the cultural and political implications of the legislation (p. 110). The Act created two tiers of for-profit corporations to receive federal benefits on behalf of Alaska Natives (Hirschfield, 1991, p. 1331). Twelve regional corporations based on geography, intended to bind Alaska Natives holding a “common heritage and sharing common interests”, were formed. Upon signing into law, the concept of Alaska Natives becoming shareholders as a primary component of their legal standing took shape (Alaska Native Claims Settlement Act, 1971). Hirschfield notes that neither the Treaty of Cession nor the Organic Act of 1884 that first established a government in territorial Alaska attempted to resolve the issue of Alaska Native land claims. Only following Alaska statehood and the discovery of oil did a final resolution in policy form begin (Hirschfield, 1991, p. 1335).

Hirschfield argues in 1991 that, twenty years following the enactment of ANCSA, “problems abound”. This was tied at the time to slow land conveyances and an inference to what Chaffee describes about Alaska Natives having to, seemingly overnight, become subject matter experts in business (Hirschfield, 1991, p. 1331). Fifty years following its enactment, problems remain but progress in how Alaska Natives operate in the post-ANCSA environment is occurring. Rex Rock, Chief Executive Officer of one of the twelve regional corporations (Arctic Slope Regional Corporation – ASRC) offers current insight: “Initially, ANCSA failed to adequately address the relationships amongst and between ANCs and Tribes regarding the US Federal Government. The separation of economic accountability and land title from inherently government functions and sovereignty caused a rift between Alaska Native corporations and Alaska Native Tribes. Only now are we seeing an effort to minimize discord and focus on a more united Alaska Native community” (Simonelli, 2021). Sealaska Corporation Chief Executive Officer and President Anthony Mallot expresses a similar view, that “It feels good to remember how far we have come and how far we still need to go. The corporate, for-profit model was not the perfect mesh with the social and cultural heritage of Native people, but we’ve worked on it to a point for 50 years and will work on it for the next 50 years” (Zigmund, 2021). These two Alaska Native leaders, from two vastly distinct geographic and cultural regions of Alaska, illustrate how, irrespective of the policy flaws, the Act remains a primary mechanism by which Alaska Natives (individuals) and Alaska Tribes (governments) have come to exist in their post-ANCSA environment. This again reinforces Gordon’s assertion about the yoke of colonization and how Alaska Native government would in the end follow the requirements of the colonizer, in this specific instance by following the actual federal statute of ANCSA (Gordon, 2019).

The Alaska Native Claims Settlement Act as policy and a driver for how Alaska Tribes are recognized continues to evolve, but its impacts have been significant on Alaska Natives. It has been amended routinely and most noticeably in 1988, with the passage of the oft-called *1991 amendments* that addressed shortcomings in the original legislative process that required Tribal members enroll as stock shareholders.

3.3.8 *Yellen v. Confederated Tribes of the Chehalis Reservation* (2021)

Significant to the legal basis by which Alaska Tribes exist today in the United States, and a major focal point of this research, is the 2021 legal challenge by Alaska Native Village Corporations regarding federal funding during the COVID-19 pandemic. Title V of the Coronavirus Aid, Relief, and Economic Security Act (CARES) “provided \$150 billion for states, Tribal governments, and units of local government” to mitigate the impacts of the COVID-19 pandemic. Congress reserved \$8 billion of these funds for “Tribal governments”, defined as “the recognized governing body of an Indian Tribe” (Public Law 116-136, 2020). Problematic to the funding was what did and did not constitute an “Indian Tribe” as it related to Alaska Natives.

The Alaska Native Village Corporation Association argued that Alaska Native Corporations were included as Indian Tribes in the Indian Self-Determination and Education Assistance Act (ISDEAA). This argument was nullified in the District of Columbia Circuit Court and the challenge was appealed to the U.S. Supreme Court. Response to the challenge was led by the Confederated Tribes of the Chehalis Reservation and supported by other federally recognized tribes and well established federal Indian law scholars, most of whom are not in Alaska. In June 2021 they argued that the Circuit Court was correct in its assessment that, “ANCSA was enacted just a few years before the ISDEAA. Since ANCSA was still in the early stages of

implementation, Congress was unsure whether Alaska Native villages, ANCs, or other Alaskan Native entities would be considered federally recognized tribes in the future. It made sense, then, for Congress to list all these entities (disjunctively) in the ISDEAA’s definition of Indian tribe,” to ensure that any Alaska Native entities ultimately recognized by the federal government could benefit from the Act (Brief for Routel et al., 2021, p. 5).

The Respondent’s argument largely echoes the reality that Alaska Natives are unique from other Indigenous populations in the United States. The amicus brief in support of the Chehalis Tribe emphasizes this point in its conclusion: “Regional and village ANCs, however, are not recognized as tribes by Congress or the BIA. While Congress has the power to extend federal recognition to ANCs through legislation, it has considered, but not adopted bills that would have done so” (Brief for Routel et al., 2021, p. 31). The argument was straightforward and based on a potentially unforeseen consequence of ANCSA – that ANCs could be considered as an actual governing body of a federally recognized tribe in Alaska or, more complicating, an actual federally recognized tribe itself. The Supreme Court rejected the Respondent’s arguments and supported the role of ANCs in the receipt of financial support in response to the COVID-19 pandemic on behalf of Alaska Natives.

The U.S. Supreme Court on July 25, 2021, issued its opinion in support of the Alaska Native Village Corporation Association. The Supreme Court rejected the previous decision of the District of Columbia’s Circuit Court that excluded Alaska Native Corporations as eligible recipients of CARES Act funding set aside for federally recognized tribes. The Supreme Court overturned the lower court ruling that “Indian tribe” in the ISDEAA had only included ANCs as a “term of art that, while expressly mentioning ANCs, excludes them by separately requiring federal recognition” (Murphy, 2021, p. 1). The Court held that the ISDEAA’s

definition does include ANCs because they are eligible for a wide array of federal benefits and grants. They clarified, however, that “the required recognition is of an entity’s eligibility for federal Indian programs and services, and not a government-to-government relationship with the United States” (*Yellen v. Confederated Tribes of the Chehalis Reservation*, 2021).

The long-term implications of this specific decision remain unknown but have the potential to become far reaching. The decision is relevant to the larger research question of how Alaska’s Tribes participate in government-to-government relations in a post-disaster environment because the door has been somewhat opened as to what constitutes an Alaska Tribe. In its report to Congress, the Congressional Research Service (CRS) offers several noteworthy points, such as how the Supreme Court offered two different interpretations of what an “Indian tribe” is or is not, both of which were contested in the dissent. Recommendations include that “Congress also may consider whether legislation is needed to avoid the possibility that other non-federally recognized Indigenous groups that are eligible for federal services under a particular statute protecting Indian arts and crafts products, will claim that they qualify more generally under the ISDEAA definition (of Indian tribe)” (Murphy, 2021 p. 5). Ristroph describes how Alaska Tribes have benefitted from COVID-19 funding to construct a host of pandemic response capabilities while equally investing in critical infrastructure such as water and sewer. However, he qualifies his support and discusses its impacts on other federally recognized tribes, primarily those located in the continental United States. “The reversal means that Alaska Natives get a greater allocation compared to tribal members in the Lower 48. ANCs now face a responsibility previously reserved to governing entities – how to spend COVID funds in a just and legal manner” (Ristroph, 2022, p. 22).

3.4 Emergency Management and the Federal Emergency Management Agency

The respective histories of emergency management, as a *function*, and the Federal Emergency Management Agency (FEMA), as a lead federal disaster *agency*, equally stem from a series of events spanning nearly 180 years that forced a host of reactionary public policy decisions and actions. This section will briefly focus on the history of emergency management in the United States but more deeply examine the literature surrounding the creation and evolution of the Federal Emergency Management Agency. This approach appropriately synchronizes with the greater research question and the actual interface between Alaska Natives and the policies that emanate from FEMA.

3.4.1 Emergency Management

Existing literature regarding emergency management as a function, even though it is now emerging as a stand-alone public safety discipline, remains limited. Following a catastrophic fire in 1803 that destroyed a New Hampshire town, the concept of emergency management was born, through a routine act of Congress that supported a local disaster through federal means (Haddow et al., 2017). That concept remained largely unorganized through the next century, as disasters were sporadically addressed through different federal agencies when appropriate or when politically feasible. Carter writes how disasters were “awarded on an incident-by-incident basis with few records existing regarding assistance for disaster recovery” (Carter, L., 2016, p. 48).

The term *emergency management* did take a more formal meaning in 1940 when President Franklin Roosevelt, just prior to the second World War, created through Executive Order 8248 an Office of Emergency Management (Harris, 1975). However, even though the

office would be organizationally situated in the Office of the President, “emergency management” remained focused on war related activities and the role of civil defense preparedness, not on natural disasters. His executive action had built upon the “institutional attempt to oversee internal security and emergency management activities” when he created a “National Emergency Council (NEC) by executive order” in 1933 (Carlson, C.D., 2017, p. 14).

This rather disheveled executive level approach to national disaster response took a considerable turn following World War II in 1950, with the passage of the Federal Disaster Relief Act (Public Law 81-875). Although the act was intended to address the “economic stresses of a disaster” from a federal perspective, it nonetheless kept the larger responsibilities of responding to and recovering from disasters on state and local governments (Mener, 2007, p. 8). The measure confirmed, however, that there was a federal intent to coordinate some key aspects of disaster response and recovery, presumably though still through the state and local governments that were impacted. Driving much of the change in the 1950s was not only an uptick in natural disasters but the emergence of the Cold War era that imposed the real threat of nuclear proliferation and use of nuclear weapons (Haddow et al., 2017). Though masked within Civil Defense through the 1950s, emergency management and the precursor organizations to the Federal Emergency Management Agency were becoming solidified, and the concept was transitioning toward a statutory function of the federal government. President Truman embraced the previous efforts of his predecessor, but he held a more contrarian philosophy of limited federal reach domestically and this, in turn, perpetuated the minimization of emergency management in lieu of a post-World War II military emphasis where federal reach was tolerable (Blanchard, 1985; Rubin 2012). Carlson points out that, “Military involvement in civil defense

and emergency management efforts would continue to progress between 1950 and the mid-1960s primarily in the form of military sponsored research” (Carlson, C.D. 2017, p. 19).

Between 1960 and the creation of FEMA as a federal agency in 1979, policies that governed emergency management continued to vacillate between a focus on Cold War preparedness and coordinated response to natural disasters. There also remained the lingering question of who should bear the responsibility for leading those efforts, the states or the federal government. President Kennedy began the process of clarifying the federal role in emergency management, even though still in the larger context of civil defense and during an intensifying Cold War. This was implemented through his national strategy and system for preparedness, along with the bifurcation of civil defense functions into two separate federal agencies (Blanchard, 1985). This maneuver proved effective and a catalyst of sorts for emergency management, because whereas the 1950s saw relatively low national impacts from natural disasters, the 1960s ushered in an era of intense events that began to prompt questions about the direct financial impacts and losses to the greater national economy. Noteworthy to this specific research is that the 1964 magnitude 9.2 earthquake that originated in Prince William Sound became front page news throughout America and the world (Haddow et al., 2017). Because the earthquake created “vertical tectonic movements” that resulted in multiple tsunamis that impacted the entire Pacific Coast (Suleimani et al., 2011), a deeper national awareness of the possible impacts from earthquakes and other natural disasters began to emerge and, as a result, emergency management started to shift its underlying role from civil defense to natural disasters.

By the 1970s emergency management as a required function of government had been decidedly embraced, although at the federal level responsibilities for the function still resided within “more than five federal departments and agencies” including the Department of

Commerce, General Services Administration, Treasury, the Nuclear Regulatory Commission, and Housing and Urban Development (Haddow et al., p. 5). On May 22, 1974, President Richard Nixon signed a legislative amendment to the 1970 version of the Disaster Relief Act that significantly expanded the types of assistance the federal government could provide following a disaster (Disaster Relief Act, 1974). Despite this effort, critics continued to observe that still no single federal entity was responsible for response coordination to a major disaster. The President's actions did, however, constitute a perceived centralization of emergency management efforts, through the establishment of a formal disaster declaration process to the Office of the President through an affected state's governor.

3.4.2 The Federal Emergency Management Agency (FEMA)

The election of Jimmy Carter as President of the United States in 1976 carried a former governor to the nation's highest office for the first time since President Franklin D. Roosevelt in 1932 (Michael, 2006). As a result, states had a stronger and more sympathetic ear to listen to their concerns over the lack of structure of emergency management in the nation. Through the efforts of state emergency management and legacy civil defense leaders, Carter and his former colleagues at the National Governors Association (NGA) committed to streamlining the process by which disasters could be addressed by the federal government (Perrow, 2005). This would prove difficult, however, because of the inherent nature of bureaucracy at the federal level. Haddow and his co-authors rightly note that, "A fundamental law of bureaucracy is a continued desire to expand control and authority, not to lose control" (Haddow et al., 2017, p. 6). As such, the proposed streamlining efforts risked stalling in Congress amid a myriad of international issues, domestic economic concerns, and federal agency infighting.

On March 28, 1979, the endeavor gained unforeseen momentum following the partial meltdown of a Three Mile Island nuclear reactor near Harrisburg, Pennsylvania. In what became the most significant nuclear related incident in American history at that time, the real-world revelation that there was a lack of command and control between local, state, and federal entities tasked with some element of response was the impetus President Carter needed to take unilateral action that, to this day, is credited with the final push for the creation of the Federal Emergency Management Agency (Walker, 2004; Sylves, 2014). From that near tragic incident, FEMA was formally created and as Sylves encapsulates, “Federal emergency management comes of age” (Sylves, 2019).

Beginning on March 31, 1979, only three days following the Three Mile Island incident, President Carter used his executive authorities to by-pass Congress and create the Federal Emergency Management Agency through a federal reorganizational plan. The agency was created “largely from Presidential Re-organizational Plan No. 3 and implemented first through Executive Order 12127 of March 31, 1979, and later through Executive Order 12148 of July 20, 1979” (Zimmerman, 1987, pp. 34-45). As Carlson notes, “The creation of FEMA effectively served to consolidate many of the functions that previously made federal coordination cumbersome and difficult” (Carlson, C.D., 2017, p. 31).

FEMA’s initial mission remained a complex web of civil defense preparedness and an emerging but still relatively undefined version of emergency management. Following the collapse of the Soviet Union in 1991, that mission had an opportunity to condense and refine, but several high-profile natural disasters prior to and following the collapse drew attention to the shortcomings of the still-new federal agency, and FEMA was intensely scrutinized for its disorganized response and recovery to natural disasters (Kapuca, 2011). Hurricane Andrew,

which impacted the State of Florida in 1992 and occurred during President George H.W. Bush's re-election campaign, became a culminating event for the new agency and electorally cost Bush the state of Florida and, therein, his re-election that November (Clark, 2014). His successor, President Bill Clinton, appointed a FEMA Director who, much like President Carter and Clinton himself, hailed from an elected state gubernatorial position. James Lee Witt, his federal emergency management appointee, had been the well-respected Director of Emergency Management for the State of Arkansas and the FEMA post was immediately elevated to a cabinet level position for the first time, which offered emergency management and FEMA a position of influence and visibility not previously seen (Phillips et al., 2011). Witt, despite intense critique from organizations outside of emergency management, immediately turned FEMA's focus to natural disasters and, as a result, a more modern-era version of how FEMA looks today was established (Rothstein, 1993).

From a purely historical perspective, FEMA as an agency and emergency management as a function remained in a relatively steady state from the appointment of James Lee Witt in 1993 until the attacks on the United States on September 11th, 2001. FEMA's mission had come into focus and emergency management's approach synchronized to address "all-hazards" and not merely those unique to either civil defense or natural disasters (Roberts, 2013). Though terrorism was increasingly prevalent domestically from 1993 until 2001, none of the high-profile terrorism events drove significant changes to FEMA's structure or mission. These events included the 1993 World Trade Center bombing and the bombing of the Murrah Federal Building on April 19, 1995, in Oklahoma City (Kapuca, 2011). The events of September 11, 2001, on the other hand, did immediately impact the Federal Emergency Management Agency and continue today to inform its mission, organizational structure, and capabilities.

President George W. Bush, even prior to the attacks of September 11, had begun a process of altering FEMA's enhanced missions built by former Director James Lee Witt, most notably the elimination of a popular emergency management mitigation program, *Project Impact* (Perrow, 2005). On the same day the February 28th, 2001, Nisqually earthquake occurred in the Puget Sound area of Washington, FEMA announced the repeal of the highly popular *Project Impact* mitigation program. Irrespective of the documented benefits the program had on the minimization of damages and injury from this 6.8 magnitude earthquake, the momentum of the FEMA James Lee Witt had designed began to stall (Freitag, 2001).

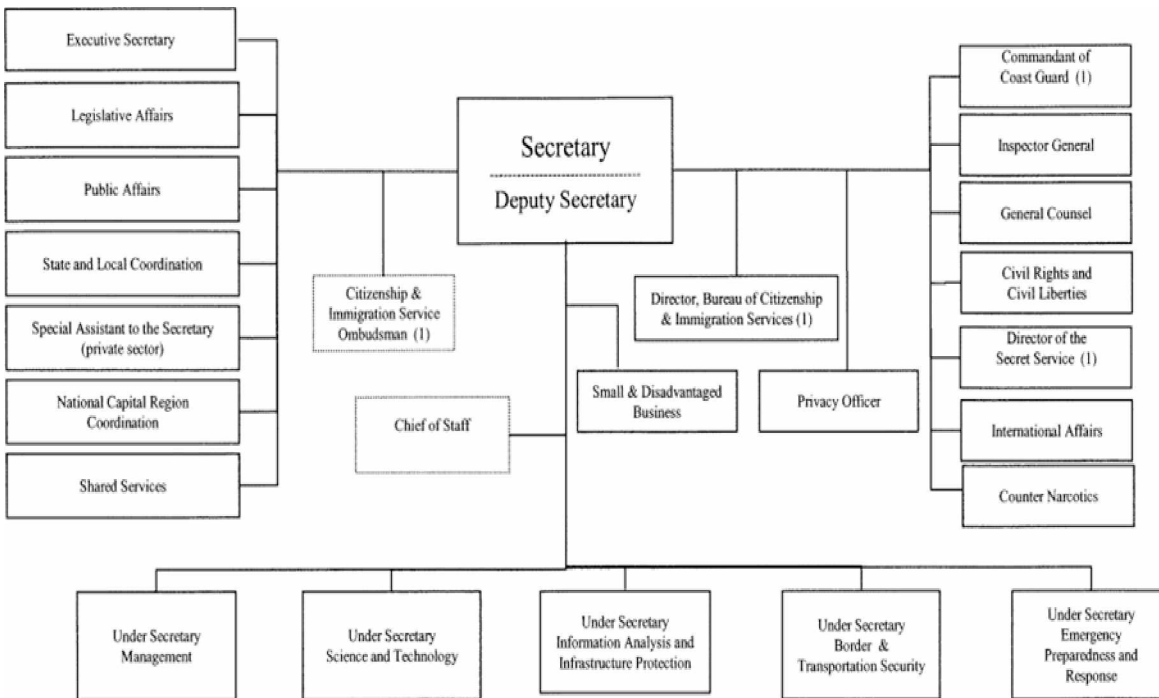
3.4.3 FEMA and the Department of Homeland Security (DHS)

On March 1, 2003, less than two years following the attacks on the United States in New York, Washington, D.C., and Pennsylvania, the United States Department of Homeland Security (DHS) officially stood up and FEMA, along with more than 20 other federal agencies, were restructured and had a new overarching mission and reporting requirement (Relyea and Hogue, 2005). Over the ensuing decade, FEMA experienced nothing short of a comprehensive reorganization into the DHS and bureaucratic confusion that resulted in numerous failed responses to high-profile hurricanes (Hogue & Bea, 2006). Of importance is that FEMA, under DHS, had lost its cabinet level position and all response coordination, whether related to hurricanes or not, required decision making to go through the Department of Homeland Security.

Figure 3.3

Department of Homeland Security Organization Chart (2003).

Department of Homeland Security



Note (1): Effective March 1st, 2003

Sobel and Leeson appropriately examine the tragic results from Hurricane Katrina, as an example, through the lens of FEMA's loss of autonomy, political manipulation of disaster declarations, and a layered bureaucracy (Sobel & Leeson, 2006). Roberts proposes, on the other hand, that FEMA's inclusion into the DHS organization and decision-making platform was not a contributing factor to the failures of response coordination, offering instead that the size and magnitude of the hurricane itself was the primary driver for failure (Roberts, 2013). Noteworthy to these two perspectives is that only one year prior to Hurricane Katrina's 2005 landfall, FEMA had successfully coordinated the response to four major hurricanes in the southeastern United States: Hurricanes Charley, Frances, Ivan, and Jean (Franklin et al., 2004). Kapucu (2005)

emphasizes how FEMA, while responding to those four major hurricanes in 2004, succeeded because they were operating under their prior statutory authorities. They failed, he contends, during Hurricane Katrina in 2005 while operating under different statutory authorities that were contained within the now-defunct National Response Plan (Kapuca, 2005). In effect, the rules of the response process had changed for FEMA in the span of only one year, and the results were dramatic. Figure 3.3 shows the organizational chart of the then-new department in 2003.

In the nearly two decades since the Department of Homeland Security stood up and FEMA was absorbed into its organizational structure, only a few scholarly reviews have been dedicated to this topic. DeLorenzo contends in his research that, “A conclusion of this study is that the merger of FEMA into DHS caused FEMA to lose a degree of autonomy. This loss of autonomy compromised FEMA’s ability to respond swiftly, efficiently and effectively to emergency disasters” (DeLorenzo, 2013, p. xi). Coyne, Leeson, and Sobel caution policy makers involved with emergency management and homeland security that the structure of political institutions that include congressional oversight “creates incentives for political actors. In the case of FEMA disaster relief, there are two key sources of influence. While the president continues to influence FEMA’s operations through disaster declarations, the 2003 merger with the DHS weakened the influence of congressional oversight committees” (Coyne, Leeson, and Sobel, 2009).

3.5 FEMA Policy, Programs, and Doctrine Relevant to Alaska Natives

The Federal Emergency Management Agency (FEMA), which did not come into formal existence until 1979, references Alaska’s first Major Disaster Declaration (DR-781) for *Coastal Storm, High Winds, and Waves* on October 26, 1986 (FEMA DR-781, 1986). The most

recent high-profile declaration from the lengthy list for the state was on April 8, 2020, for the COVID-19 pandemic (FEMA DR-4353). During this three-decade period, Alaska's disaster declarations have overwhelmingly been the result of natural-caused events driven by wind, water, fire, and geology (earthquakes). The COVID-19 pandemic declaration was the first non-natural disaster that reached the threshold of qualifying for a federal disaster declaration in the state and included disaster assistance for the entire state and all its federally recognized tribes. Of note is that the State of Alaska has received federal assistance for natural disasters prior to FEMA's existence, but for the purposes of research as it applies to Alaska Tribes, the most relevant timeline is post-FEMA's creation.

Between 1979 and 2012, federally recognized tribes in Alaska were indisputably subjugated to work with and through the State of Alaska when seeking federal disaster assistance from the Federal Emergency Management Agency (Adams, 2012; Carter, 2016). Native communities, many along the Yukon-Kuskowkim river system, for example, have been repeat recipients of federal dollars through FEMA disaster declarations within this period. In each case, however, that assistance has come in conjunction with, and directly through, the State of Alaska and not in a government-to-government relationship with the United States. That requirement changed in 2013 with the implementation of the first option for government-to-government relations in a disaster setting, the Sandy Recovery Improvement Act.

3.5.1 Sandy Recovery Improvement Act (SRIA)

An increasing amount of literature has been devoted to Tribal self-determination and sovereignty when seeking federal assistance after a disaster. The most significant change to federal disaster policy that affects all federally recognized tribes, including those in Alaska.

occurred following Hurricane Sandy in 2013 (Adams, 2017). Hurricane Sandy affected 24 states and multiple Tribes in the Mid-Atlantic and New England region of the United States beginning on October 29, 2012 (Abramson & Redlener, 2012). Following the adoption of the Sandy Recovery Improvement Act (SRIA) in 2013, Tribes have had the option to request disaster assistance directly from the federal government (Sandy Recovery Improvement Act, 2013). Although dozens of Tribes geographically located in the continental United States have successfully utilized SRIA to exercise their sovereign option to seek disasters directly with FEMA, only two federally recognized tribes in Alaska have engaged in that process around natural disasters, both unsuccessfully.

On January 18, 2017, a request from the Village of Newtok (*Niugtaq*) to receive a federal disaster declaration was denied by the President. According to FEMA, the denial was based “on the determination that a declaration under the Stafford Act is not appropriate to address this situation” (FEMA Disaster Denial Newtok, 2017). Newtok Village Council President, Paul Charles, had requested a federal disaster declaration because of flooding, erosion, and permafrost degradation. In that request, he sought all three major programs of assistance under FEMA’s authority: Individual Assistance, Public Assistance, and Hazard Mitigation. The remote Village of Newtok, by all accounts, is a well-known community to FEMA and the federal government (Alaska Native Village Erosion, 2004). Its ongoing coastal erosion concerns have driven congressional hearings on climate change and sea level rise for two decades (Schenck, 2014). Goldenberg claimed Newtok’s residents to be America’s first climate refugees and significant research has been conducted on the scientific aspects of climate change and its direct impacts on Newtok (Goldenberg, 2013).

On February 1, 2017, within weeks of the denial of a disaster declaration for Newtok, the Native Village of Kivalina (*Kivalliñiq*) was also summarily denied federal assistance under the Stafford Act in a government-to-government manner. The request from Council President Millie Hawley sought federal assistance from FEMA in the form of Public Assistance and Hazard Mitigation for severe storms, flooding, and persistent erosion. FEMA's denial letter stated that Kivalina's request was similar to Newtok's in that it was not deemed appropriate to warrant a request. However, this denial letter delineated that the submission for assistance did not "identify damage to any facilities that are eligible for assistance under the Stafford Act" (FEMA Disaster Denial Kivalina, 2017).

3.5.2 FEMA Tribal Policy

FEMA, as a federal agency, has been a leader in the effort to enact and sustain government-to-government relationships with federally recognized tribes (Leemon, 2013). FEMA's 2020 Tribal Policy contains foundational emergency management doctrine at its core (FEMA Tribal Policy, 2020). The Sandy Recovery Improvement Act, which amended the Stafford Act, restricts eligibility for Tribal requests to the federal government to *federally recognized Indian tribal governments* and offers the option to request a Presidential emergency or major disaster declaration independently of a state (Sandy Recovery Improvement Act, 2013). Further, FEMA sets forth the conditions that Tribal governments must be federally recognized to request a declaration directly from the President (through FEMA) without going to the state. State-only recognized Tribes are not eligible under the Stafford Act to request a declaration directly from the President. However, depending on the Tribe and the state, a state-recognized Tribe may be eligible to receive assistance as a sub-recipient of a state declaration

(FEMA Tribal Policy, 2020). Of importance to this research is that there is no direct reference in FEMA's Tribal Declaration Policy whether Alaska Native Corporations are either eligible or ineligible for federal assistance as a direct recipient (e.g., federally recognized tribe) or as a sub-recipient (e.g., non-federally recognized tribe). The FEMA Tribal Declaration Policy clarifies the process of eligibility for a Tribe by continuing that, "The Stafford Act, as amended, allows that federally recognized tribal governments determine for themselves how they want to seek Stafford Act assistance. A Chief Executive of a federally recognized tribal government may request (through FEMA) the President declare an emergency or major disaster for the tribal government *or* be considered as part of a state's declaration request" (Federal Emergency Management Agency, 2017).

3.6 Literature Gaps: Overview

The research is focused on the interface between Indigenous Studies and Emergency Management, but specifically to Alaska Tribes and the Federal Emergency Management Agency. Though significant scholarly work has been devoted to American Indians and Alaska Natives in general, only a limited amount of work has been devoted solely to emergency management and the Federal Emergency Management Agency. Most of the research and commentary about FEMA routinely stems from the post-disaster environment, where formally structured evaluations are written about disasters that have *already* occurred. In many cases, those evaluations become formulated into post-disaster, often reactionary federal public policy. Heidi Adams and Lucy Carter, as an example, conduct thorough research about the need for and implementation of the Sandy Recovery Improvement Act of 2013, one predates the policy and the other revisits it after implementation. They both focus on disasters and Indigenous

populations, but their research is scaled to the examination of disaster declarations and the larger vulnerabilities of both American Indians and Alaska Natives. Their examinations are constrained to the policies and needs of the greater Indigenous populations in the United States and not to Alaska Natives or Alaska Tribes specifically. Moreover, though they laudably incorporate Alaska Natives into their larger research, neither intensely dive into the cultural aspects of Alaska Tribal governance and the potential impacts of the 2021 Supreme Court Chehalis decision on what constitutes an *Indian tribe* – or how disaster funding may be impacted by the decision.

Heather Sauyaq Jean Kwamboka Gordon (Iñupiaq) studies the connection between an Alaska Native community (Ninilchik Village Tribe) and how they utilize self-determination to positively impact long-term tribal sustainability and wellbeing. Gordon’s research, grounded in capabilities approach and self-development theory, is relevant to this research in that self-determination and the exercise of sovereignty by Alaska Tribes during disasters may impact the wellbeing of the community and assist during its recovery. This has not, however, been explored.

Daniel Wiersma from Georgetown University, in 2021, unquestionably approaches the interface between Alaska Natives and emergency management with his well-written study of southeast Alaska Native perspectives in emergency management, focusing on COVID-19 and the Indigenous approach to disaster risk reduction. Though his research is not yet published, it is focused exclusively on the Central Council of the Tlingit and Haida Indian Tribe of Alaska (CCTHITA) and their response to the COVID-19 pandemic – all through a strong combination of the Indigenous and emergency management lens. His research illuminates the delicate nature of balancing these two specific thematic areas, where Indigenous culture and emergency

management policies often collide. However, his review is by its nature limited and underscores the need to pursue deeper and more policy-centric focuses on this specific interface in Alaska.

Wiersma researches a disaster that has *already* unfolded and has national level attention, unlike most disasters that occur in the United States. The COVID-19 pandemic was an emergency management anomaly of sorts, and by the time the research was conducted, the Central Council of the Tlingit and Haida had already received a blanket federal disaster declaration, as had every Tribe and every state in the United States. In short, no formal disaster declaration request or narrative was needed that justified the awarding of a federal disaster declaration to the President of the United States. This research, on the other hand, focuses on the interface between Alaska Tribes and the Federal Emergency Management Agency, where disaster narratives and requests within the formal policy structures must be adhered to – where programmatic eligibility determines whether Alaska Tribes will receive the same benefits afforded to other Tribes in the United States. This is where the largest gap exists and must be studied.

3.6.1 Research Gaps: Alaska Tribes and FEMA

Although FEMA's governing statutes are somewhat obscure on Alaska Native Corporations (ANC) that were created after passage and signing of the Alaska Native Claims Settlement Act, the longstanding policies that comprise the two major *programs* offered by FEMA following a Major Disaster Declaration are not. When major disasters such as earthquakes or hurricanes destroy a community or multiple communities, FEMA's Individual and Household Program (IA) and the Public Assistance Program (PA) provide the resources needed to begin recovering, even if minimally. FEMA's Individual Assistance Program is only

peripherally relevant to the discussion of the Alaska Native Claims Settlement Act and how Alaska Tribes participate in government-to-government relationships with FEMA, the major driver for this research. Individual Assistance following a federally declared disaster is centered on benefits to an *individual* person and their household, and benefits include but are not limited to repairs to damaged homes, crisis counseling, even mortuary benefits during unfortunate circumstances. The IA Program is also the entryway for individuals and families to receive counseling and assistance from other disaster support organizations like the Red Cross and federal agencies that include but are not limited to the Internal Revenue Service (IRS). This research should demonstrate that FEMA's IA Program is indisputably available to any Alaska Native, through their Tribe, when a disaster declaration is authorized, whether it is accomplished through the state or through a government-to-government request directly to FEMA.

FEMA's Public Assistance Program (PA), however, is undeniably worth exploring and contains examples of well-established policy and precedent regarding funding for organizations that include federally recognized tribes. Many disasters in the United States that do qualify for a Major Disaster Declaration are limited to support only in the Public Assistance Program. Whereas Individual Assistance as a program focuses on the *individual*, Public Assistance overwhelmingly focuses on *facilities and infrastructure owned and operated by either public entities or certain Private Non-Profit organizations (PNPs)*. When flooding occurs in a small community as an example, the Public Assistance Program will assist the community in recouping costs from damages that have occurred to publicly owned facilities such as courthouses, schools, roads, and roadways, most anything owned by a government within its own jurisdiction. This includes publicly owned utilities such as a Public Utility District (PUD) or Co-Op, routinely found in many areas of Alaska.

Where the Public Assistance Program is *not* ambiguous is on the topic of applicant eligibility. Alaska Native Corporations, a direct creation of the Alaska Native Claims Settlement Act of 1971, are ineligible as recipients because of their state regulated, for-profit status. They are not *governments*, even though the 2021 Supreme Court decision previously referenced in this chapter stresses how the differences between Alaska Tribes and Alaska Native Corporations are becoming less clear, at least according to this landmark decision centering on disaster relief funding over the COVID-19 pandemic. When disaster damages are incurred in communities, Tribal or not, the nature and ownership of the affected infrastructure holds primacy for the PA policy. For example, if one county in a particular state uses a PUD, those costs can be recouped because the applicant is eligible under FEMA for Public Assistance. If, on the other hand, similar damages occur only miles away in an adjacent county in that same state, where the utility provider is privately held or owned, it does *not* qualify to receive assistance under the PA program because they are a for-profit company and not a publicly owned utility. This, it is postulated, creates significant and potentially unforeseen challenges for Alaska Tribes and in Alaska Native Communities (as defined in this research). The FEMA Public Assistance Program as applied in Alaska is a significant focus of this research.

3.7 Alaska Native Cultural Context to Disasters

Noticeably lacking in the review of literature and of great importance to this research is the Alaska Native context for what constitutes a *disaster*, something that FEMA could consider as more culturally acceptable in current and future public policies. Since colonization efforts began, a litany of research has been devoted to chronological events that have impacted Alaska Natives, their cultures, and their recent revitalization. That research, however, does not

address a critical portion of the underlying research that is proposed here, exploring an interface between Alaska Tribes and the Federal Emergency Management Agency. As such, it is important to review what constitutes an emergency or disaster in the eyes of those who will need to seek federal assistance from FEMA, Alaska Natives, and Alaska Tribes.

From the initial exploitation of Alaska Natives and marine mammals in the mid-18th century to the passage of the Alaska Native Claims Settlement Act of 1971, untold potential events that have affected Alaska Natives could be considered as *disasters* depending on the cultural context. An initial list could include the transition of resource exploitation from marine mammals using Alaska Native assistance to the mining and cannery fisheries that discarded Alaska Natives for white colonizers and Chinese laborers. It could include the appearance of a formal government in Alaska in 1912 that solidified an immediate demise of local governance, or perhaps the construction of the Trans Alaska Pipeline and the eventual environmental impacts from the Exxon Valdez oil spill of 1989. If not conducted directly in this research, a gap has been shown that could pursue this later and continue to help further Alaska Native self-determination and sovereignty with FEMA by providing cultural context to federal disaster policy.

In conclusion, the need for this specific research was supported because there was a glaring gap in scholarly work about how post-ANCSA Tribal governments and their respective cultures in Alaska do and will interact with the federal government (FEMA) following disasters. The research ensued by exploring the complexities of select Alaska Tribes and Alaska Native Communities and how they are governed, who owns and is legally responsible for their infrastructure, and how the post-ANCSA cultures within Alaska Tribes matches with current federal policies on disasters. It explored the unforeseen consequences of ANCSA and whether Alaska Tribes were aware of the current policy requirements and certain prohibitions under

FEMA, and how that might affect their government-to-government relationship in a post-disaster environment.

Chapter 4 Methodology and Methods

4.1 Introduction

This research explored the interface between Alaska Natives and Emergency Management. Specifically, it investigated the interface between Alaska Tribes and the disaster policies of the federal government administered through the Federal Emergency Management Agency (FEMA). That interface provided the basis for the primary research question of how Alaska Tribes engage in government-to-government relations after disasters occur. The interface also illustrated a need to explore the sub-question of how Alaska Native self-determination and the exercise of sovereignty may be affected by federally declared disasters under these same federal policies.

4.2 Researcher Positionality

The researcher position for this project was admittedly complicated because of the two unique focal points, Alaska Tribes and FEMA. It was unquestionably approached from an outsider perspective when conducting research with Alaska Natives and Tribes. Although I have worked with, and within, many Alaska Native and American Indian communities over the past two decades, that work has remained overwhelmingly within the realm of disasters and/or federal funding during a specified time of need. In some cases, my working relationship has revolved around the assertion of treaty and subsistence rights involving hunting and fishing. Regardless, I do not identify as Alaska Native, nor do I share a common language, culture, or any noteworthy community experiences with any of the Alaska's Tribes I partnered with for this research. In this sense alone, I approached the research from a purely outsider position (Dwyer & Buckle, 2009).

That outsider positioning, however, was not exclusive to the entire research project. The second focal point of the research centered on Emergency Management, and, from this unique angle, I was unquestionably positioned as an insider. Whereas I do not share a common language, culture, or personal experiences with Alaska Natives or Tribes, I do identify with the distinct population of individuals that comprise the profession of Emergency Management in the United States and Canada. I share their identity, language, and many noteworthy experiences and have, as a member of that unique community, participated in research by both insiders and outsiders who are exploring what Emergency Management is and who their professionals are. This insider positioning, then, afforded me a degree of legitimacy and credibility in certain aspects of the research, even with some Alaska Tribes and within some of the Alaska Native Communities I have worked with over the past two decades (Kanuha, 2000).

When considering, then, the entirety of the research and the overarching research question, Dwyer and Buckle's Insider-Outsider positioning (referencing the space between the two exclusive positions) fit best, though when applied to the title of the research, the positioning was more as an Outsider-Insider when investigating the interface between Alaska Tribes and FEMA (Dwyer & Buckle, 2009). Problematic and acknowledged in this positioning is what Rose (1985) asserts as a researcher's biases. In effect that there is no "neutrality", rather only a greater or lesser awareness of a researcher's own biases. Otherwise, the researcher is not in "command" of their research (p. 77). Linda Tuhiwai Smith cautions against "Research through Imperial eyes", where biases can often present as power in positioning. Her emphasis of how outsider or "academic" research can lend itself to the potential exploitation or further harming of Indigenous peoples is not lost on me as a researcher (Smith, 2012, p. 44).

Embracing the position as an Outsider-Insider correspondingly required that I acknowledge my approach to this research from a posture of superiority and power within a select body of knowledge – federal processes, policies, and protocols about disasters that affect Alaska Natives and Alaska Tribes. To ignore this fact, even if it is utilized for and contributes to the benefit of Alaska Natives, would be akin to exerting my power and knowledge into the research process as an articulated “understanding of how the world works” (Smith, 2012, p. 45). Wilson states that relationships do not merely shape reality, they *are* reality. Relational accountability, he professes, is often put into practice through choice of a research topic, methods of data collection, form of analysis, and presentation of information (Wilson, 2008, p. 7). I subscribed to his model and its contribution toward relational accountability in this research with my Indigenous partners.

4.3 Research Design

Significant consideration went into the selection of a research paradigm that most accurately reflected the nature of the research, the interface between Alaska Natives and Emergency Management with a focus on disaster policies. Four research paradigms were considered: Positivist/Postpositivist, Interpretative, Transformative, and Indigenous.

A predominant consideration when reviewing the first three of the paradigms was whether they could, in effect, become indigenized. Chilisa describes that indigenization is “resisting universalized knowledge”, critiquing the Western approach, and involving the indigenous knowledge systems to “inform research methodologies that are inclusive of all knowledge systems and respectful to the researched” (Chilisa, 2012, p. 24). Smith stresses that decolonizing methodologies is not so much about the actual technique of selecting a method,

rather it is about the “context in which research problems are conceptualized and designed”, with an all-encompassing concern for those participating along with their respective communities (Smith, 2012, Foreword). Wilson espouses that inserting the Indigenous perspective into one of the three major paradigms is possible, but the methods must fit the ontology, epistemology, and axiology of those being partnered with for research, Alaska Natives in this case (Wilson, 2008, p. 39).

The **Positivist/Postpositivist** approach was not deemed acceptable for this research because it is largely grounded in natural sciences as the only acceptable means of determining truth. It would frustrate the research intent to examine the interface between Alaska Natives and Alaska Tribes (and their leaders) with federal policies that govern disasters. Examining the nature of knowledge alone (epistemology) within this target of research about what is or is not, as an example, a *disaster* requires an approach that falls well beyond straightforward scientific gathering of data and information for the purposes of informing the research. Of the four possible approaches, the Positivist/Postpositivist was the least accepting of indigenization.

The **Transformative** paradigm is “a family of research designs influenced by various philosophies and theories with a common theme of emancipating and transforming communities through group actions” (Mertens, 2010). This paradigm synced relatively well with the intended research because it embraced the need to explore ways of knowing and, from an axiological perspective, fulfills an element of the researcher’s belief that the research has a moral and political purpose behind it (Chilisa, 2012). Additionally, this approach, as its name implies, is intended to transform a community by among other things destroying “myths, illusions, and false knowledge” (p. 36). This would allow the research to address the sub-question of whether or not Alaska Tribal sovereignty is impacted by the federal policies that govern disasters for American

Indians and Alaska Natives. In short, whether the impression that sovereignty exists in a government-to-government relationship with the United States in disasters is a myth, illusion, or false knowledge. Chilisa describes the main components of this approach as accepting multiple realities and focus on social justice and political values, researcher prioritization of furthering social justice, with the intent of destroying myths and empowering people to change their society (Chilisa, 2012, pp. 40-41). Although a point of focus in this research became the illusion of sovereignty when seeking a particular federal program from FEMA, an underlying problem with this approach is that it is based on the presumption that there exists no power imbalance from either the researcher or the researched, that there is a “transformation and emancipation” of both through the process (p. 36). Acknowledging again my researcher position as an outsider-insider with positional superiority in knowledge and power of the existing policies, procedures, and protocols of emergency management precluded my selection of this paradigm.

An exclusively **Indigenous** research paradigm, one that challenges the thoughts, bodies of knowledge, is informed by Indigenous knowledge systems, and is driven by relational accountability and respectful reciprocity, was most desirable but unfortunately did not perfectly fit for this specific research project. That paradigm would have been informed by gathering of data (methods) that is based largely on techniques including talking circles, language frameworks, and story sharing, as examples. As desirable as these methods within this paradigm were, the nature of the research was the examination of how Alaska Tribes participate in government-to-government relationships in the context of disasters, but specifically how they interface with the Federal Emergency Management Agency before, during, and after those disasters. It examined how the existing policies that influence Alaska Tribes during disasters inform and influence that relationship and sought to determine if sovereignty was impacted by

those same policies. The methods required to gather data under this preferable paradigm did not connect with the research as it was designed and expected to unfold.

The research then utilized the **Interpretive** paradigm as its foundation. This approach recognized the two distinct focal points (Alaska Tribes and FEMA) but more important, it reinforced the desire to indigenize at a minimum one facet of this research as much as practicable. The approach was informed by phenomenology, accepting of multiple socially constructed realities, and accepts that truth is context dependent. Its methods can include interviews, pictures, diaries, and documents. The phenomenological methodology studies the lived experiences of individuals (Cooper et. al., 2009). This was supported by published disaster case studies and publicly available data, as well as current federal policies that govern disaster response and recovery in the United States. The overarching research question examines how Alaska's Tribes participate in government-to-government relations in the context of disasters. The underlying hypothesis driving this research is that most of Alaska's Tribes are, in practice, forced (emphasis) to work with or through the State of Alaska following a federal declaration of a disaster by the President of the United States. As a result, it was postulated, Alaska Natives and their governments cannot authentically participate in a direct government-to-government relationship with the federal government, specifically through the Federal Emergency Management Agency (FEMA), as it is currently promoted and advertised to Alaska Tribes.

Individual experiences and relationships working with the enormity that is the federal government are naturally expected to vary from one individual Alaska Native and Tribe to the next, but how those relationships exist (historically, today, and tomorrow) specifically with FEMA and other federal and state colonizer agencies that provide disaster relief and recovery remains largely unexplored and greatly informed the larger research.

4.4 Initial Mixed-Methods Approach

When the research design was initially conceived, a mixed-methods approach that utilized a comprehensive quantitative survey instrument to identify initial phenomena, followed up with interviews of selected individuals identified from the survey, was proposed. The purpose of the survey was to illuminate certain patterns from within Alaska Tribes concerning their relationships with the federal government after disruptive events like emergencies and disasters. This contributed to the research being framed from an Indigenous perspective, which would address the unique ontological, epistemological, and axiological views of Tribes right from the beginning (Chilisa, 2020). The template for conducting the survey followed the well-established and accepted format of defining the purpose, justifying why the survey was the preferred quantitative method, identification of the specific population, examination of variables, and data analysis techniques (Creswell, 2003, pp. 154-155). The survey was developed, and the questions were submitted to and approved by the Institutional Review Board (IRB). The survey was addressed to all 229 federally recognized tribes and included the following questions:

- 1) Has your Tribe worked with the federal government (the United States) **during the past 12 months**? Examples include working with agencies like the Bureau of Land Management, Bureau of Indian Affairs, Health and Human Services, etc. Yes or No?
- 2) Has your Tribe worked with the State of Alaska **during the past 12 months**? Examples include working with agencies like the Alaska Department of Health and Social Services, Alaska State Troopers, and Alaska Department of Fish and Game. Yes or No?
- 3) Please respond to the following statement: **Over the past 12 months**, my Tribe's relationship with the State of Alaska has been positive (good):
 - a. Strongly Agree
 - b. Somewhat Agree
 - c. Agree
 - d. Somewhat Disagree
 - e. Strongly Disagree

- 4) Please respond to the following statement: **Over the past 12 months**, my Tribe's relationship with the federal government (United States) has been positive (good):
 - a. Strongly Agree
 - b. Somewhat Agree
 - c. Agree
 - d. Somewhat Disagree
 - e. Strongly Disagree

- 5) Please respond to the following statement: **Over the past 10 years**, my Tribe's relationship with the State of Alaska has been positive (good):
 - a. Strongly Agree
 - b. Somewhat Agree
 - c. Agree
 - d. Somewhat Disagree
 - e. Strongly Disagree

- 6) Please respond to the following statement: **Over the past 10 years**, my Tribe's relationship with the federal government (United States) has been positive (good):
 - a. Strongly Agree
 - b. Somewhat Agree
 - c. Agree
 - d. Somewhat Disagree
 - e. Strongly Disagree

- 7) Please respond to the following statement: **Historically** (ex. over my lifetime), my Tribe's relationship with the State of Alaska has been positive (good):
 - a. Strongly Agree
 - b. Somewhat Agree
 - c. Agree
 - d. Somewhat Disagree
 - e. Strongly Disagree

- 8) Please respond to the following statement: **Historically** (ex. over my lifetime), my Tribe's relationship with the federal government (United States) has been positive (good):
 - a. Strongly Agree
 - b. Somewhat Agree
 - c. Agree
 - d. Somewhat Disagree
 - e. Strongly Disagree

- 9) During the **past 12 months**, has your Tribe experienced a disruptive event, like emergencies and disasters caused by floods, fires, windstorms, or earthquakes? Yes or No?

- 10) During the **past 10 years**, has your Tribe experienced a disruptive event, like emergencies and disasters caused by floods, fires, windstorms, or earthquakes? Yes or No?
- 11) **Historically** (ex. over your lifetime), has your Tribe experienced a disruptive event, like emergencies and disasters caused by floods, fires, windstorms, earthquakes? Yes or No?
- 12) If your Tribe experiences a disruptive, event like an emergency or disaster, and the tribe needs additional assistance would you contact the State of Alaska? Yes or No
- 13) If your Tribe experiences a disruptive, event like an emergency or disaster, and the Tribe needs additional assistance would you contact the federal government (United States)? Yes or No.
- 14) Please respond to the following statement. If my Tribe needs assistance following a disruptive event and I contact the **State of Alaska**, I believe the State of Alaska will respond to support my Tribe.
- Strongly Agree
 - Somewhat Agree
 - Agree
 - Somewhat Disagree
 - Strongly Disagree
- 15) Please respond to the following statement. If my Tribe needs assistance following a disruptive event and I contact the **federal government** (United States), I believe the federal government will respond and support my Tribe.
- Strongly Agree
 - Somewhat Agree
 - Agree
 - Somewhat Disagree
 - Strongly Disagree
- 16) Please respond to the following statement. My Tribe is sovereign; therefore, government-to-government relations should exist between my Tribe and the **State of Alaska**.
- Strongly Agree
 - Somewhat Agree
 - Agree
 - Somewhat Disagree
 - Strongly Disagree

- 17) Please respond to the following statement. My Tribe is sovereign; therefore, government-to-government relations should exist between my Tribe and the **federal government (United States)**.
- Strongly Agree
 - Somewhat Agree
 - Agree
 - Somewhat Disagree
 - Strongly Disagree
- 18) Do you believe your Tribe currently has a working (effective) government-to-government relationship with the State of Alaska? Yes or No.
- 19) Do you believe your Tribe currently has a working (effective) government-to-government relationship with the **federal government (United States)**?
- 20) If a disruptive event like emergencies or disasters occur and your Tribe needs assistance, do you believe your Tribe is required to seek assistance from the State of Alaska first, **before** seeking assistance from the federal government (United States)? Yes or No or I do not know.
- 21) If a disruptive event like emergencies or disasters occur and your Tribe needs assistance, do you believe your Tribe is required to seek assistance from the federal government (United States) first, **before** seeking assistance from the State of Alaska? Yes or No or I do not Know.
- 22) Please respond to the following statement. If a disruptive event occurs and my Tribe needs assistance, I prefer that my Tribe initially receive assistance from the **federal government (United States)**.
- Strongly Agree
 - Somewhat Agree
 - Agree
 - Somewhat Disagree
 - Strongly Disagree
- 23) Please respond to the following statement. If a disruptive event occurs and my Tribe needs assistance, I prefer that my Tribe initially receive assistance from the **State of Alaska**.
- Strongly Agree
 - Somewhat Agree
 - Agree
 - Somewhat Disagree
 - Strongly Disagree
- 24) If a disruptive event occurs and your Tribe needs assistance, does the Tribe know which agency to contact at the State of Alaska? Yes or No.

25) If a disruptive event occurs and your Tribe needs assistance, does the Tribe know which agency to contact at the **federal government (United States)**? Yes or No.

The survey instrument was prepared and included an Introduction letter and Consent form, both of which were also approved by the IRB. It also contained a small gift card as a means of gratitude for participation (Chilisa, 2020; Kovach, 2021; Smith, 2012; Wilson, 2008). During June of 2021, the time frame established for distribution of the initial survey, the COVID-19 virus was creating significant challenges across the nation and throughout Alaska Native Communities. After inquiring through phone conversations with several Tribes and their networks about receipt of and participation in the survey, along with consultation with the United States Postal Service (USPS), I determined that the survey was simply ill-timed and would create an unnecessary burden for many communities. This decision was reinforced by information from the USPS that the survey may not physically reach many of the intended communities because of the impacts of the pandemic on an already vulnerable delivery mechanism at the USPS during that time (Pollard & Davis, 2020). As a result, the research design shifted to a qualitative-only approach that could be informed by existing data demonstrating a previous or current tribal relationship with the federal government through the Federal Emergency Management Agency.

4.5 Transition to Qualitative-Only Research

In December 2021, I traveled to Anchorage to meet with the State of Alaska's Division of Homeland Security & Emergency Management (DHSEM) for the purposes of reviewing and securing existing disaster-related data and documentation that could provide a foundation for how Alaska Tribes may have an existing relationship with FEMA. This process largely follows the approach of disaster researcher Lucy Carter, who identified key issues,

events, legislation, and policies that related to American Indians and Alaska Natives over a time frame between 1823-2015. Specifically, Carter examined two primary data sources: Tribal Hazard Mitigation Plans and historical disaster declaration data from the Federal Emergency Management Agency (Carter, L., 2016). Although historical disaster declaration data can change daily, Hazard Mitigation Plan data is more easily examined and is relatively static within a set period per the distinct jurisdiction. The Disaster Mitigation Act of 2000 (DMA) requires all governments, including tribal governments, to develop a Hazard Mitigation Plan to become eligible for federal grants and assistance from FEMA before, during, and after disasters. These plans are valid for a period of five years and FEMA is the final arbiter of whether the plan meets the nation-wide criteria under the Disaster Mitigation Act (Disaster Mitigation Act, 2000). Following a meeting with the State Hazard Mitigation Officer (SHMO) and the Director of DHSEM, I received an electronic copy of a comprehensive spreadsheet showing the status of Hazard Mitigation Plans for every community in Alaska. This list included all 229 federally recognized tribes and all municipalities, cities, and boroughs in Alaska. The document, which was created in concert with FEMA's Hazard Mitigation office in Bothell, Washington, lists all recognized political jurisdictions in Alaska, including Alaska Tribes and with the following information. It is partially represented in Figure 4.1 and fully included as Appendix B:

- 1) Name of Alaska Native Community,
- 2) Status of Hazard Mitigation Plan,
- 3) Expiration Date of Hazard Mitigation Plan,
- 4) Type of Hazard Mitigation Plan (Local, Tribal, or Multi-Jurisdictional),
- 5) Remarks (Ex. Tribal government failed to approve),
- 6) Date the State of Alaska received the last Hazard Mitigation Plan,
- 7) Date FEMA received the last Hazard Mitigation Plan,
- 8) Date FEMA approved the most current Hazard Mitigation Plan,
- 9) Date of Alaska Native Community adoption of Hazard Mitigation Plan,
- 10) Next steps (Remarks),
- 11) Funding Source for Hazard Mitigation Plan development,
- 12) Population of Community,
- 13) Jurisdiction Type (Ex. City, Borough, Alaska Native Village, Municipality),
- 14) Hazard Mitigation Plan Title (Ex. Native Village of Alatna Tribal Hazard Mitigation Plan),
- 15) Section titled “In Peril”,
- 16) City Government (if in concert with an Alaska Tribe), and
- 17) Hazard Mitigation Plan Review Status

From this detailed document that included 257 political subdivisions, both Tribal and non-Tribal, in Alaska, as well as additional reviews of available historical disaster data from the Federal Emergency Management Agency, the mixed methods approach was replaced by a qualitative, phenomenological approach. General patterns (initial phenomena) were identified from the documents that informed the selection of certain communities for contact and interview. This followed Ravitch and Carl's assertion that, "documents are often an important source of context and history that can help us, as researchers, understand the complexities of what we study better..." (Ravitch & Carl, 2016, p. 171). The state's Hazard Mitigation Plan document was updated twice following the initial meeting, as shown in Figure 4.2, and the status of the plans and communities being examined was later verified through phone conversations with the final arbiter of the Hazard Mitigation Plan approval process, FEMA.

Figure 4.2

Tribal Participation in Hazard Mitigation Plans

Tribal Participation in HM Plans		COMMUNITY NAME	JURISDICTION TYPE	PLAN TITLE	JURISDICTION STATUS	APA DATE	PLAN APPROVAL DATE	EXPIRATION DATE
Approved Tribal Plans	60							
Tribal Plans Pending Adoption	0							
Tribal Plans in Review	1							
Tribal Plans Awaiting Revisions	0							
Tribal Plans In Progress	17							
Expired Tribal Plans	19							
		Alachak Native Community	Alaska Native Village	Alachak Native Village Hazard Mitigation Plan	Expired	8/21/2013	8/6/2013	8/5/2018
		Alak Native Community	Alaska Native Village	Alak Native Community Multi-Hazard Mitigation Plan	Approved		9/20/2019	8/18/2024
		Alaina Village	Alaska Native Village	Alaina Tribal Hazard Mitigation Plan	Approved	8/28/2017	7/3/2018	7/2/2023
		Alapaco Native Village (St. Mary's)	Alaska Native Village	Saint Mary's City and Native Villages	APA	7/25/2018	3/26/2019	3/25/2024
		Alakavet Village	Alaska Native Village	Alakavet City and Native Village MUHMP	Approved	7/24/2018	1/18/2019	1/17/2024
		Aulila Tribe of Old Harbor (previously listed as Native Village of Old Harbor and Village of Old Harbor)	Alaska Native Village	Aulila Tribe of Old Harbor Tribal Mitigation Plan	Approved	9/19/2019	9/19/2019	8/18/2024
		Angoon Community Association	Alaska Native Village	Angoon Native Village	Approved	8/28/2019	5/28/2020	5/27/2025
		Algalika Village (Alasook)	Alaska Native Village	North Slope Borough, ICAS and Native Villages of Nul-HUP	In Progress			
		Central Council of the Tlingit & Haida Indian Tribes	Alaska Native Village	Wrangell City and Borough MUHMP	APA	3/9/2020	6/8/2020	6/7/2025
		Cheshi-Na Tribe (previously listed as Native Village of Chisotina)	Alaska Native Village	Cheshi-Na Tribal Mitigation Plan (Chisotina Native Village)	Approved	6/11/2019	6/12/2019	6/11/2024
		Chickaloon Native Village	Alaska Native Village	Chickaloon Native Village Tribal Mitigation Plan	Approved	6/28/2018	1/30/2019	1/29/2024
		Chignik Bay Tribal Council (previously listed as Native Village of Chignik)	Alaska Native Village	Chignik Bay	Approved	8/12/2019	9/17/2019	8/16/2024
		Chignik Lake Village	Alaska Native Village	Chignik Lake	Approved	9/17/2019	11/4/2019	11/3/2024
		Chilkat Eskimo Community (Golovin)	Alaska Native Village	Chilkat Eskimo Community and City of Golovin MUHMP	In Progress			
		Chilkat Eskimo Community (Golovin)	Alaska Native Village	Golovin (City of) and Chilkat Eskimo Community Hazard Mitigation Plan	Expired	10/24/2015	12/21/2015	12/21/2020
		Craig Tribal Association (previously listed as Craig Community Association)	Alaska Native Village	Craig Tribal Mitigation Plan	Expired	9/12/2016	9/21/2016	9/21/2021

Note: This updated status of Hazard Mitigation Plans for Alaska Tribes. Courtesy of the Alaska Division of Homeland Security and Emergency Management. Appendix C.

4.6 Methods

Qualitative research from a Western perspective seeks to derive its data from a more open-ended approach to questioning that frequently occurs within a setting between the researcher and the individual participant (Creswell & Creswell, 2018). Qualitative research within the Indigenous realm, which a significant portion of this research constitutes, required a more culturally responsive approach and one that abandons the past practices where interviewees find “little space for (I)ndigenous perspectives” (Smith, 2012, p. 132). As such, core values espoused in the National Congress of American Indians (NCAI) Policy Research Center for Native Health Partnerships’ guide for research in tribal communities constituted a foundation for research in Alaska Native communities. Those core values included the respect and validity of Indigenous knowledge; recognition that cultural neutrality is not a possibility; my responsibility includes learning how to interpret and understand data and research; sovereignty is supreme when conducting research and managing data; and my research must benefit Alaska Natives (National Congress of American Indians Research Center and Montana State University Center for Native Health Partnerships, 2012).

Phenomenology research is the study of multiple “lived experiences”, where interviews result in the production of analyzable data (Cooper et. al., 2009). Per Creswell and others, interviewees are to be selected based on a similar experience within the realm of the distinct research (Creswell & Creswell, 2018; Cooper et. al., 2009). As such, the extensive data available within the Hazard Mitigation Plan spreadsheet in concert with disaster declaration data for Alaska’s Tribes were used to identify initial communities for engagement. Selections for participants and interviews were based on a perceived shared phenomenon, working with the federal government (FEMA) to develop a federally required Hazard Mitigation Plan. These plans

are, by their statutory design, developed with and approved exclusively by the Federal Emergency Management Agency (Disaster Mitigation Act, 2000). In some cases, the plans are created and adopted in conjunction with the State of Alaska, but they are nonetheless still approved by the federal government. The phenomenological approach to this research was mutually beneficial to the researcher, the individual being interviewed, and their respective community in that it allowed for the gathering of information that empowered Alaska Natives to enhance their disaster preparedness, response, and recovery by the sharing of knowledge (Berkes, 2002).

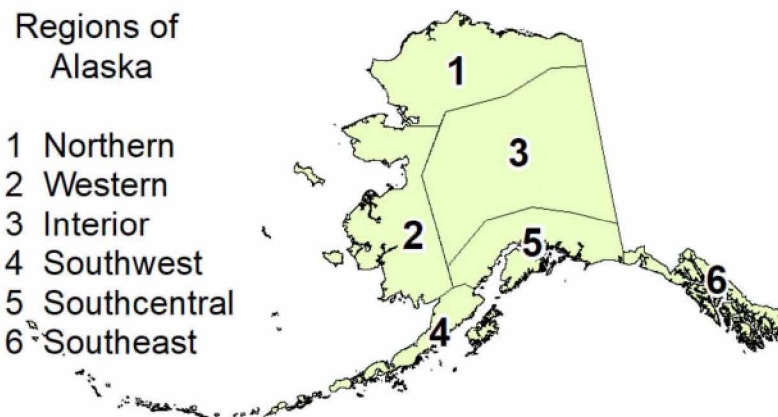
4.7 Participant Selections

Using the Hazard Mitigation Plan data, communities were initially selected for research based on geographic regions where similarities in Alaska Native culture existed, but where Hazard Mitigation Plan status may have varied. As an example, the Lower Kuskokwim Yup'ik communities of Akiak, Akiachak, and Tuluksak are geographically close to one another, and all three have previously secured Hazard Mitigation Plan approval by FEMA. However, Akiachak and Tuluksak's plans expired in 2018 and, according to the data, were not currently scheduled to be renewed or re-developed. Akiak, on the other hand, has a Hazard Mitigation Plan that was re-approved in 2019 and does not expire until 2024. This infers that each community has experienced some form of relationship with FEMA and the federal government in the past, but ostensibly only one (Akiak) has elected to renew its Hazard Mitigation Plan. This example illustrates how the phenomenological approach was best applied to explore the lived experiences of those who may have been engaged with FEMA or others in the federal government regarding these plans and others affiliated with emergencies and disasters.

Eleven existing Alaska Native cultural areas were initially consolidated into six geographic regions based on mapping from the United States Geological Survey (United States Geological Survey, Alaska Regions Map, n.d.). This condensed approach allowed for research within specific structured regions where cultural continuity existed, but equally where certain categories of disasters as documented by the Federal Emergency Management Agency had previously occurred. Each of these regions had experienced FEMA documented disasters including landslides, earthquakes, tsunamis, coastal erosion and floods, storm surge that includes ice, riverine flooding, and wildfires. Because of the geographic vastness of Alaska, four of the six regions shown in Figure 4.3 were eventually selected for initial research.

Figure 4.3

United States Geological Survey Regions in Alaska



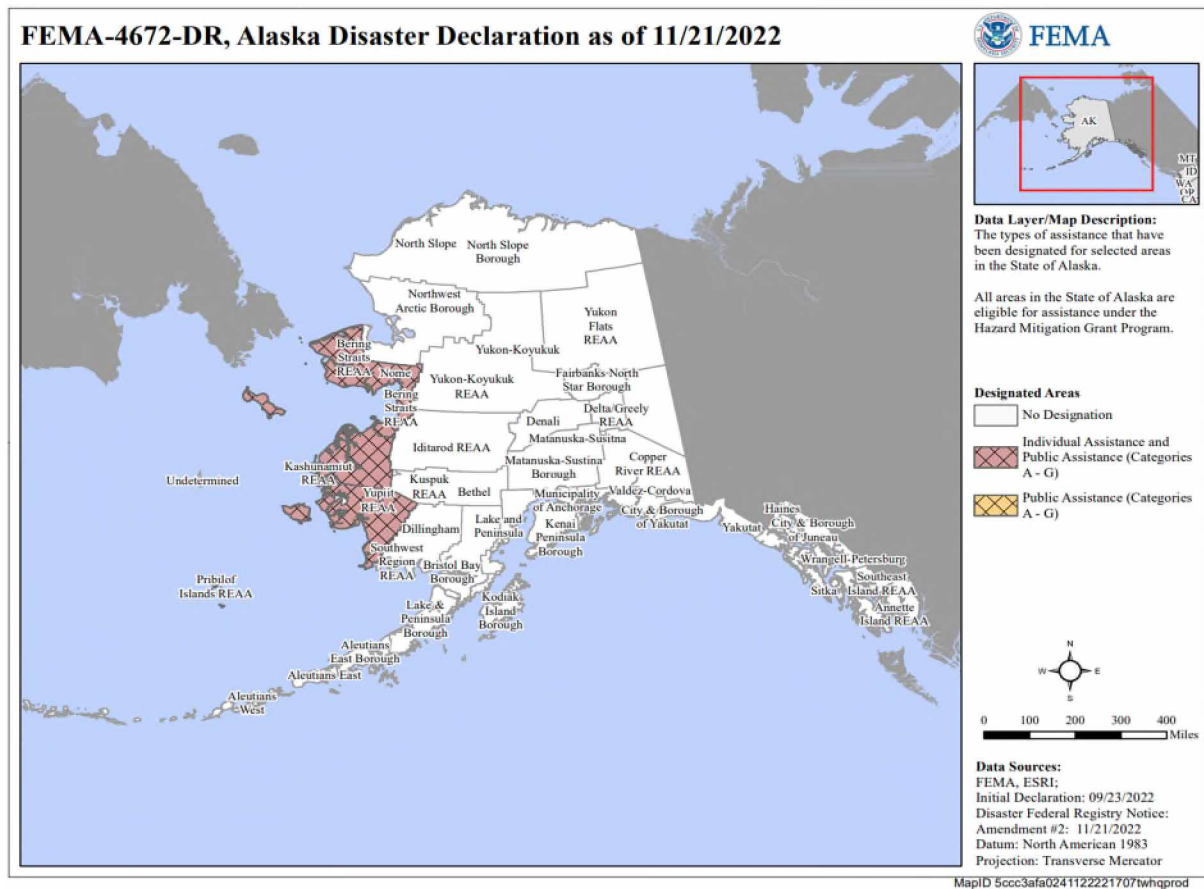
Note: This figure delineates the 6 distinct regions used for this research.

During the late stages of setting up interviews and community visits, beginning September 15-20, 2022, a combination of severe storms, flooding, and landslides devastated communities along the western region of Alaska in the areas of the Bering Strait, Lower

Kuskokwim Delta, and Lower Yukon River Basin (FEMA-4672-DR Declaration, 2022). This specific declaration area, shown in Figure 4.4, almost perfectly corresponded to the USGS Region 2 boundary, though damages were unique to each individual community. Region 2 had originally been selected as a region of research for this project.

Figure 4.4

FEMA Major Disaster Declaration for Western Alaska (2022)



Note: FEMA Disaster Declaration Boundaries for Western Alaska the Corresponded to USGS Region 2.

Because of the magnitude of the disaster on this region and the very limited time frame for restoration and construction as winter approached, response and recovery efforts immediately began and continued through the fall and winter of 2022. As difficult as it was to eliminate Region 2 from the project, it was practical from the emergency management practitioner standpoint, knowing that these communities had just experienced a major disaster and were urgently seeking a return to normalcy before winter set in. In addition, many occupants in these overwhelmingly Alaska Native Communities were displaced from their homes and lifeways, so placing the additional burden of accommodating a researcher (irrespective of his FEMA background and best of intentions) simply was not a priority, nor should it have been.

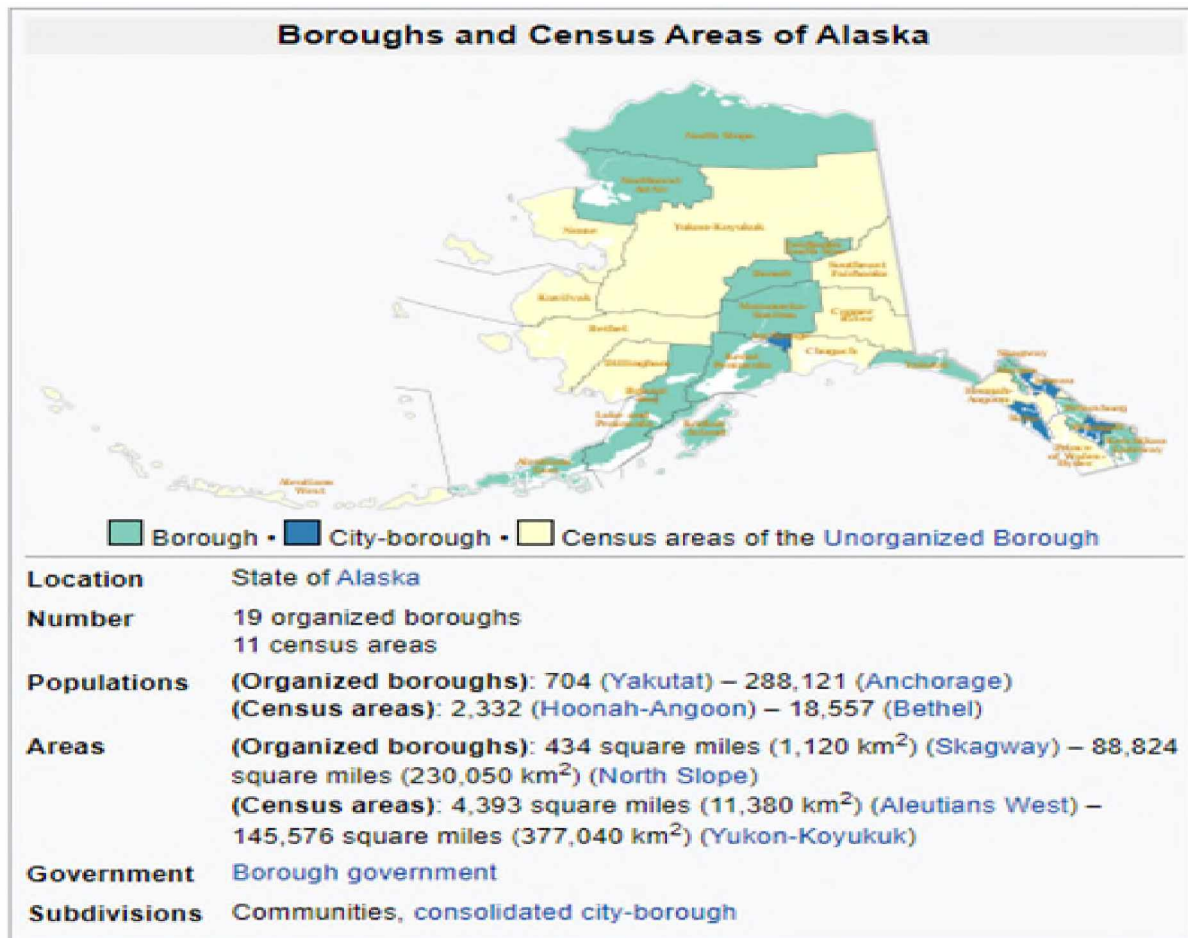
Eliminating Region 2 was also supported by the literature. Participants in qualitative research who, in this case, have just experienced a natural disaster that has derived a federal disaster declaration will inherently hold a unique and at times vivid opinion of their experience. Perceptions otherwise formed over a host of experiences (multiple disasters) are unquestionably informed by the one they are currently living within and recovering from (Kalm & Norris, 2018; Rudiawarni et al., 2020;). It was determined that the best course of action for the research would be to eliminate the impacted areas of Region 2 to mitigate the potential for recency bias and incorporate where practicable some of the unaffected areas of Region 2 into Region 4. As a result, Region 4 only slightly adjusted to include southwest Alaska from the Aleutian Islands northward to include the Bering Sea Islands of St. Paul and St. George. Otherwise, the USGS regional construct provided a useful mechanism for initiating contact with Alaska Native Communities and conducting interviews.

The other USGS region excluded from the research was USGS Region 5. This region includes fewer Alaska Tribes but holds the majority of the State of Alaska's entire population

between the Municipality of Anchorage (288,121), Matanuska-Susitna Borough (110,686), Kenai Peninsula Borough (59,767), and unincorporated borough of Chugach (7,102). These four areas of Region 5 represent 63.5% of the population of Alaska, a total population of 465,676 (United States Census, n.d.). Of the eleven distinct Alaska Native cultures, Region 5's federally recognized tribes are largely represented by the Athabascan Peoples who historically reside in the interior and southcentral portion of Alaska. This distinct culture (Athabaskan) was to be addressed through research and interviews of individuals within Alaska Native Communities represented in the vast interior of Region 3. The reduction from six regions to four helped to eliminate recency bias but equally served to create a geographic research area that was more rural and reflective of a population that is largely represented by Alaska Natives (Figure 4.5).

Figure 4.5

Boroughs and Census Areas in Alaska



4.7.1 Alaska Tribes and Alaska Native Communities

The project was eventually organized across four of the six selected geographic regions of Alaska. Research was initiated through contact via email or phone call, then, when granted, continued through in-person visits and interviews, telephone calls, email correspondence, and video sessions. Individual participants from Alaska Tribes were either selected by the Tribes themselves or the initial contact sought and received permission to assist me in conversations and research (Coyne, I., 1997). Individual participants from non-Tribal

communities in these same regions (e.g., Cities or Boroughs) interviewed on their own delegated authorities or sought approval from a supervisor to interview. Utilizing USGS regions as my initial construct, I reviewed the Hazard Mitigation Plan data and categorized areas of interest for research into the USGS regions, then applied the appropriate cultural identities to each region. Participant interest in the research was higher than anticipated.

Region 1 included the Iñupiaq communities in the north of Alaska, from Point Hope eastward to Kaktovik near the Yukon border. Contacts were initiated with individuals representing the Native Village of Barrow, Iñupiat Community of the Arctic Slope, Native Village of Point Lay, Native Village of Point Hope, Kaktovik Village, the North Slope Borough, and the North Slope Borough School District. Site visits included all of the Region 1 communities with the exception of Point Hope and Kaktovik.

Region 2 originally included Yup'ik, Cup'ik, and St. Lawrence Island Yupik communities. This region was removed from the research because of their ongoing federal disaster declaration and potential for recency bias. However, prior to the disaster initial contact had been made and visitation arrangements were being developed with Newtok and their newly established community of Mertarvik, along with Scammon Bay. I remained in contact with several of the impacted communities through this project but did not include them in the formal research.

Region 3 included the greater Athabascan interior of Alaska from Denali northward toward Anaktuvuk Pass and eastward to the Yukon border, then south. Contacts were initiated with the Tanana Chiefs Conference, Tanana City, Tanana Tribe, Northway Village, Ft. Yukon, and government of the Fairbanks North Star Borough. Responses from this region were low but a

site visit included the FNSB Emergency Management office for review of processes and protocols and partnerships with any of the aforementioned communities.

Region 4 included the Aleut and Alutiiq peoples of southwest Alaska, as well as selected Yup'ik communities along the Lower Kuskokwim river that were not affected by the September 15-20, 2022, natural disaster. Contacts were initiated with the Alutiiq Tribe of Old Harbor, City of Old Harbor, Aleut Community of St. Paul, City of St. Paul, Yupiit School District, Akiak Native Community, and the Akiachak Native Community. Research was largely conducted through personal interviews, emails, telephone calls, and document review.

Region 5 was eliminated from the research and covered through Region 3.

Region 6 included the entirety of southeast Alaska, home to Tlingit, Haida, Tsimshian, and Eyak peoples. In this region, contacts were initiated with the Central Council of the Tlingit and Haida Indian Tribes Association (CCTHITA), the Metlakatla Indian Community on the Annette Island Reserve, City of Ketchikan, Craig Tribal Association on Prince of Wales Island, the City of Craig, Hydaburg Cooperative Association (Native), the City of Hydaburg, and the Chilkoot Indian Association. Site visits included the Metlakatla Indian Community, Central Council of the Tlingit and Haida, and several communities on Prince of Wales Island that included the City of Craig and attempts to reach the Craig Tribal Association. Additional research was conducted through personal interviews via video conferencing and through document research.

4.7.2 Other Participants

This research project encompassed both Alaska Natives and the Federal Emergency Management Agency, specifically where the two interface in relationships, policies, and

programs in a disaster environment. As such, additional interviews and meetings were scheduled that reflected the emergency management function from outside of Alaska Tribes and Alaska Native Communities that organizationally contained tribes, cities, and boroughs working together. This assisted in addressing specific tribal federal disaster policies that are central to the overarching research question and the eventual subset questions.

4.7.3 Native American Tribes (Outside of Alaska)

Interviews were also conducted with select federally recognized Native American Tribes geographically located outside of Alaska. The intent was to determine if similar patterns in relationships and policies that affect Alaska Tribes were possibly present in Tribes with reservations established through a Treaty or Congressional Act in the continental United States. Selected participants had well-established and respected roles in providing emergency management for their respective Tribes. These individuals also represented perspectives from both emergency management at the Tribal level and from within specific Federal Emergency Management Agency policy groups representing Tribes nationally. One participant is a member of FEMA's National Advisory Council who rose to its chairmanship during the research time frame. One is a member of the Department of Homeland Security's Advisory Committee and a contributing author of the revised FEMA National Tribal Strategy. The third is a Tribal leader and emergency management advocate from an established Tribal program in the southwestern part of the United States. The fourth is a highly respected emergency manager for a Tribe wholly located inside the boundaries of a southern state in the United States. The participating Tribes were the **Mashpee-Wampanoag Tribe**, the **Choctaw Nation of Oklahoma**, the **Blue Lake Rancheria**, and the **Poarch Band of Creek Indians**. In addition, an extensive interview with the

Executive Director of the **National Tribal Emergency Management Council** (NTEMC) was conducted to discuss nationwide relationships and histories between Indigenous populations and FEMA in the context of disasters. Her role and NTEMC's membership extend to dozens of Alaska Tribes and with most Pacific Northwest and numerous California Tribes. She is also a member of the Department of Homeland Security's Tribal Homeland Security Advisory Council (DHS Tribal Homeland Security Advisory Council, n.d.).

4.7.4 State and Federal Emergency Management Professionals

Additional meetings and interviews were scheduled with individuals and organizations that represented neither Alaska Natives (and their adjacent communities/governments) or Native American Tribes located outside of Alaska. This subset category included a recently retired Tribal liaison for FEMA whose assigned area of responsibility was for all Alaska Tribes, individuals representing two state-level departments of emergency management in differing states. one individual at a local county level of government who has extensive disaster declaration experience working with Tribes, and one retired United States Senate Chief of Staff who helped craft FEMA disaster policies for FEMA over an extensive period with a senior United States Senator.

Table 4.1

Participants

Region of Research	Cultural Grouping	Tribes, Communities, Organizations Selected	Individual Participants	E.M. Role	Non-E.M. Role: Council Elder Leader Policy	Site Visits
Region 1	Iñupiat	7	6	3	3	5 NV Barrow, NV Point Lay, ICAS, North Slope Borough, North Slope Borough School District
Region 3	Athabascan	6	2	2	0	1 Fairbanks North Star Borough EM
Region 4	Aleut & Partial Yup'ik	7	5	2	3	0
Region 6	Tlingit, Haida, Tsimshian, Eyak	8	12	4	8	4 Central Council of Tlingit & Haida, Metlakatla Indian Community, City of Craig, City of Ketchikan
Native American Tribes Outside of Alaska	N/A	5	5	4	1	2 National Tribal Emergency Management Council, San Manuel Band of Mission Indians
Federal, State, Local	N/A	5	6	6	0	3 Alaska Division of Homeland Security & Emergency Management, FEMA Emergency Management Institute, FEMA Headquarters (Washington, D.C.)
TOTAL	N/A	38	36	21	15	15

Note: This table represents the participants selected for the research, beginning with the USGS Region and then Alaska Native cultural grouping.

A total of 38 Tribes and other relevant entities were initially selected for contact about research that included potential interviews. Of the 38, 17 were affiliated with a federally recognized Alaska Tribes and 4 with non-Alaska Tribes (e.g., Mashpee Wampanoag Tribe). The

remainder included 3 local government offices of emergency management, 6 cities, 2 school districts, 1 national-level emergency management organization for Tribes, 1 non-profit organization for Alaska Tribes, and 2 state-level emergency management divisions. Also included in initial contact was an individual recently retired from FEMA that had worked as the Tribal Liaison for Alaska, along with 3 contacts representing FEMA, FEMA's Emergency Management Institute, and a former Chief of Staff for Alaska's senior United States Senator who was a subject matter expert in the policies regarding federal disasters under FEMA.

Interviews were set to basically follow the approved Institutional Review Board questions approved during the second phase of the research, which was approved upon abandoning the quantitative survey method previously described. For conversations or interviews with participants who were in adjacent or neighboring cities or boroughs, the questions were only slightly adjusted to reflect the non-Tribal status of the government or the individual. The non-Tribal participants were often members of the defined Alaska Native Community and, as such, were briefed in advance about the research focus on Alaska Tribes and FEMA, and how their non-tribal role as part of the Alaska Native Community contributed to the research.

4.8 Introduction Letter

Introduction and Request for Interview



My name is John Pennington. I am a student in the Indigenous Studies program at the University of Alaska Fairbanks (UAF). My father was John Pennington, Sr. He was a retired Public Safety Official (Police Officer) in Tennessee for 42 years. My mother is Sharon Pennington. She was a nurse for 30 years. My wife is Crystal. We have one son and four daughters. We live in Fairbanks and in Duvall, Washington. Crystal is a Native American Sovereignty attorney and volunteers for Alaska Legal Services. I work with the Inupiat Community of the Arctic Slope (ICAS), where I am building their response to disasters.

I am trying to improve government-to-government relationships between Alaska Tribes and the United States after **emergencies and disasters**.

Respectfully, I am asking to interview your Tribe about these relationships. The interview is about how your Tribe works with the United States after an emergency or disaster. Examples include floods, earthquakes, or fires. Examples may also include events caused by climate change.

Although I am a student, I am also in Public Safety like my father. I am in emergency management. For the past 25 years I have worked for tribes, counties, states, and the United States. I have led the response and recovery to 30 disasters. Today, I am helping the Inupiat Community of the Arctic Slope (ICAS) to build their emergency management program. My profile is provided here if you would like to review my background:

<https://www.linkedin.com/in/johnpennington/>.

Expected Questions:

Why are you contacting my specific Tribe? I am only asking 15 Alaska Tribes for interviews. The study is **only** about Alaska Tribes. Your Tribe is in an area that I believe could help the study.

If my Tribe agrees to an interview, how will it be used? Interviews will support the study. The study is intended to improve relationships with the United States after emergencies and disasters. Interviews should reveal trends about Alaska Tribes and the United States. Interviews will first ask about your Tribe's relationship with the State of Alaska. It will then ask about your relationship with the United States after emergencies and disasters.

How long will the interview take? If someone from your Tribe can be interviewed, it will take approximately 30 minutes. Interview options are in person, telephone or Zoom (<https://www.zoom.us>).

Will the interview be confidential? The interview will ask for the name of your Tribe and the person being interviewed. This person should be someone who normally leads response to emergencies and disasters (Example: Fire Chief, Council Member, or a Tribal Emergency Manager).

Will the interview benefit my Tribe? My study is intended to improve the relationship between Alaska Tribes and the United States. It is intended to help all Alaska Tribes after emergencies and disasters. I anticipate the study will strengthen sovereignty for Alaska Tribes when they work with the United States. The agency that will receive this study is the Federal Emergency Management Agency (FEMA).

If my Tribe chooses to be interviewed, what happens next? My study focuses on emergencies and disasters. If your Tribe can provide the name of someone who leads responses to disasters, that would help. This person could be a Tribal Administrator, or a Fire Chief, or a Public Works employee. It could also be someone unique to your tribe.

Will you follow up with the Tribe about results of the study? Yes. I will share a summary of interviews for your review. I will then share the study with the Tribe. I will also share any recommendations that may help your Tribe.

Please contact me with any questions.

Thank you.

John.

John Pennington
Indigenous Studies Ph.D. Student
Faculty: Homeland Security Emergency Management
University of Alaska Fairbanks (UAF)
jepennington@alaska.edu
907-474-5797

4.9 Informed Consent

Informed Consent Form

Sovereign Disasters: How Alaska's Tribes Participate in Government-to-Government Relations in a Post-Disaster Environment

John E. Pennington – Ph.D. student
Indigenous Studies Program
Faculty: Homeland Security Emergency Management (HSEM) Program
University of Alaska Fairbanks (UAF)

IRB #: 1656243-1

Date Approved: 5/31/2021

Key Information:

This is a request to interview you. The study is about disasters in Alaska Native Villages. Your interview is voluntary. Your participation is not required. Your interview will assist the study.

Only 15 Alaska Native Villages are being studied.

Study Details:

- This study is about disasters in Alaska Native Villages. Your interview will be conducted through telephone or Zoom.
- The interview is about your Village. The interview is about how your Village responds to a disaster. The interview is about who you ask for help after a disaster.
- Your interview will take 30 minutes.
- This study is expected to help Alaska Native Villages. No negative impact to you is expected. No negative impact to your Village is expected.
- Results of this study will be shared with members of Congress. Results are intended to help create better disaster policy for Alaska Natives.
- Results of this study may be used in conferences and publications about disasters.
- John Pennington is a student at the University of Alaska Fairbanks (UAF). John Pennington will interview you. This study will identify and your Alaska Native Village. All information will be protected. The interview will be stored at the University of Alaska Fairbanks. Only John Pennington will have access to your interview.

If you have any questions about this interview or your participation, please feel free to contact:

John Pennington, Research Student
Indigenous Studies Program – UAF
Faculty: Homeland Security and Emergency Management

Email address: jepennington@alaska.edu
Phone: 907-474-5797

Richard Hum, Research Supervisor (Co-Principal Investigator)
Email Address: rehum@alaska.edu

The UAF Institutional Review Board (IRB) is a group that reviews research projects involving people. This review is done to protect the rights and wellbeing of the people involved in the research. If you have questions or concerns about your rights as a research participant or in the event of a research-related harm, you can contact the UAF Office of Research Integrity at 907-474-7800 (Fairbanks area) or [1-866-876-7800](tel:1-866-876-7800) (toll-free outside the Fairbanks area) or uaf-irb@alaska.edu.

Your tribe's involvement is greatly appreciated. It is always **voluntary**. Your tribe may discontinue participation in the interview at any time. If your tribe does not wish to participate in this interview, please discard any information. If the tribe chooses to interview but later decides to withdraw, please contact John Pennington at 907-474-5797 or through email: jepennington@alaska.edu. Your tribe and its interview will be immediately withdrawn, and any documentation of the interview will be destroyed.

Statement of Consent:

I understand the information presented to me. My questions have been answered to my satisfaction, and I agree to participate in this study. I have been offered a copy of this form.

Signature of Participant & Date

Signature of Person Obtaining Consent & Date

4.10 Interview Questions

Interview Questions

Sovereign Disasters: How Alaska's Tribes Participate in Government-to-Government Relations in a Post-Disaster Environment?

- 1) Thank you for allowing me this opportunity to interview you. Can you share your name (both your given and traditional name if you would like)?
- 2) What Alaska Native community do you identify with or live in?
 - a. Follow up question if appropriate on Indigenous cultural identification (Ex. Aleut, Iñupiat, etc.).
- 3) Is there anything you would like to share about yourself, your family, tribe, or community before we begin conversing about emergencies and disasters?
- 4) What role do you have in your community (Ex. Tribal Administrator, Village Safety Officer, Emergency Manager)?
- 5) Does your community (Ex. Native Village of Barrow or North Slope Borough) have a history of disruptive events like emergencies or disasters?
 - a. If so, can you share some of those emergencies or disasters with me:
 - i. Past 12 months?
 - ii. Past 10 years?
 - iii. Historically?
- 6) Can you share with me what kinds of emergencies or disasters concern you the most in your own community (Ex. Floods, fires, windstorms, etc.)?
- 7) Please share any recent experiences you have had working with the State of Alaska when faced with disruptive events like emergencies or disasters.

- 8) Please share with me any recent experiences you have had working with the federal government (Ex. FEMA) when faced with disruptive events like emergencies or disasters.
- 9) Thinking only about emergencies and disasters in your community, if I ask you to consider the current relationship you believe your tribe has with the State of Alaska, what are your thoughts? What about the relationship with the federal government, especially FEMA or a federal “disaster” agency?
- 10) Do you believe your tribe currently has a working and mutually respected (effective) government-to-government relationship with the State of Alaska?
- a. Why or why not?
- 11) Do you believe your tribe currently has a working and mutually respected (effective) government-to-government relationship with the federal government (United States)?
- a. Why or why not?
- 12) If your tribe experiences a disruptive event like an emergency or disaster and the tribe needs outside assistance, who would you normally contact first... the State of Alaska or the federal government (Ex. FEMA)?
- a. Why would you contact them first?
- 13) If a disruptive event like emergencies or disasters occur and your tribe needs outside assistance, do you know if your tribe is required to seek assistance from the State of Alaska first, **before** seeking assistance from the federal government (United States)?
- 14) Would you prefer that the tribe initially receive emergency or disaster assistance from the State of Alaska or from the federal government (Ex. FEMA or HHS)?

- 15) If a disruptive event occurs and your tribe needs outside assistance, does the tribe know which specific agency to contact in the State of Alaska?
- 16) If a disruptive event occurs and your tribe needs assistance, does the tribe know which specific agency to contact in the federal government (Ex. FEMA)?
- 17) Do you know who “owns” and is responsible for maintaining your tribe’s infrastructure (Ex. Power or Electricity, Water, Roads)?
- a. Follow up (if required): Is it the tribe, village corporation, city, borough, regional corporation, other?
- 18) What concerns you most about climate change impacts on your community when you think about disruptive events like emergencies and disasters?
- 19) Is there anything else you would like to share with me that you believe would benefit the tribe or my research on emergencies and disasters?

4.11 Procedures and Data Collection

This research included Alaska Natives, Alaska Tribes, certain Alaska Native Community members, non-Alaska Tribes, and emergency management professionals at the federal, tribal, state, and local levels. Contacts were initiated through email and phone with all 38 Tribes, communities, and organizations selected for potential research and incorporated in Table 1. Of the 38 contacts initiated, I received 23 responses of interest in participating (60.5%). The remaining 39.5% were contacted again through the same methods but no responses were received throughout the research. After points of contact had either been established or appointed by Tribes or other entities, dialogues ensued about methods for participating in the research. Of note is that every respondent Tribe or non-Tribe (100%) communicated a robust willingness to learn more about government-to-government relations between FEMA and Alaska Tribes,

irrespective of what entity they would eventually represent in the research – notably included in this statement were the participating non-Alaska Tribes.

I did not elect to contact the current leadership of the Federal Emergency Management Agency for the purposes of participating in the research, but I heavily utilized existing data from their policies and programs, along with the inclusion of subject matter experts who had represented FEMA or had policy-related experiences with FEMA over extensive periods of time. Critical to the authenticity and intent, I did not want FEMA to become aware of the research to the point that they might intentionally or unintentionally inhibit access to individuals or data if needed (Greenwood, 2020). This furthered the focus of the research through the lens of Alaska Natives, Alaska Tribes, and Alaska Native Communities as much as practicable (Chilisa, 2012, Wilson, 2008).

Because the approved IRB interview questions straddled the two primary focuses of the research, Alaska Tribes and FEMA, interviews were set with individuals who could provide the widest possible perspective on both issues. Unexpectedly, several Tribes and Alaska Native Community leaders suggested multiple names for possible interviews including local Elders, elected leaders, community leaders, and individuals directly and indirectly involved in functions representing emergency management. An Excel spreadsheet was created that eventually contained 63 individual names within specific communities who had the potential for interview or contribution to the research.

A total of 26 interviews were conducted that stemmed from the original initial contacts. Additionally, interviewees and non-interviewees both supported the research through contribution of records and archival material throughout the process. This approach follows qualitative data collection methods that combine interviews with records or archival review

(Bowen, 2009; Palmer & Bolderston, 2006). The wide scope of the research required a variety of methods for conducting interviews, since in-person site visits were not possible for all Tribes or Alaska Native Communities selected and willing to participate. Moreover, remnants of COVID-19 during the research time frame created a need to remain careful of Alaska Native Community vulnerabilities during the latter stages of the pandemic. As such, interviews were initially conducted through phone interviews, email correspondence, and video conferencing. As the research proceeded and COVID-19 vulnerability decreased, in-person interviews and/or community-based research regarding items including publicly or tribally owned infrastructure was possible.

In-person research, both interviews and examination of documents and infrastructure, occurred in the following Alaska communities: Metlakatla Indian Community, Ketchikan Indian Tribe, City of Ketchikan, City of Craig, unincorporated Prince of Wales Island, Central Council of Tlingit and Haida Indian Tribes of Alaska, Native Village of Barrow, Iñupiat Community of the Arctic Slope, Native Village of Point Lay, North Slope Borough, and the North Slope Borough School District. Additional opportunities for in-person research focusing on document review and establishing additional points of contact from outside Alaska occurred in the following locations: Emergency Management Institute (Emmitsburg, Maryland), Library of Congress (Washington, D.C.), FEMA Headquarters (Washington, D.C.), San Manuel Band of Mission Indians (California), and the National Tribal Emergency Management Council (Washington).

Interviews often began with casual introductions with friendly conversation, followed by an introduction to the study, consent regarding participation and possible contribution, and then proceeding from there. Interviewees quickly began to digress into their specific areas of

interest or specialty during our time together. Conversations largely stayed within the parameters of the research, focusing on disruptive events like emergencies or disasters and how that could relate to the relationship between an Alaska Tribe and the federal government, specifically FEMA. However, the conversations eventually evolved to the uniqueness of the interviewee's specific community, meaning the greater Alaska Native Community as defined in this dissertation that includes an Alaska Tribe along with additional governing bodies. This became increasingly evident throughout the interviews, except for Metlakatla where that definition was not pertinent. Interviewees were very engaging when sharing how the distinct culture of their community interacted with the definitions of *disaster* according to the federal policies in the Stafford Act. This provided a slight detour from the intended questions but proved valuable to not only the research but more important to the researcher-participant relationship (LaDonna et al., 2018). Participants selected for interviews or contributions contained within this research were protected by assigning the specific number created for them through the Excel spreadsheet, and interviews were conducted accordingly.

By the 20th interview, I began to see certain trends emerge from the interviews that corresponded with a detailed review of documents. At that point, I considered my need for additional interviews and in-person research complete, and saturation satisfied, but I continued because I wanted to follow through on previously established commitments with my Indigenous partners as part of the relationship building process (Kovach, 2021; Smith, 2012; Wilson 2008). Interviews conducted through video conferencing were digitally recorded and later downloaded for transcription. They were corrected where errors appeared obvious and reviewed for accuracy. In-person interviews and those conducted through telephone were captured by taking notes and then summarizing the interviews in a structured format that could be reviewed by the interviewee

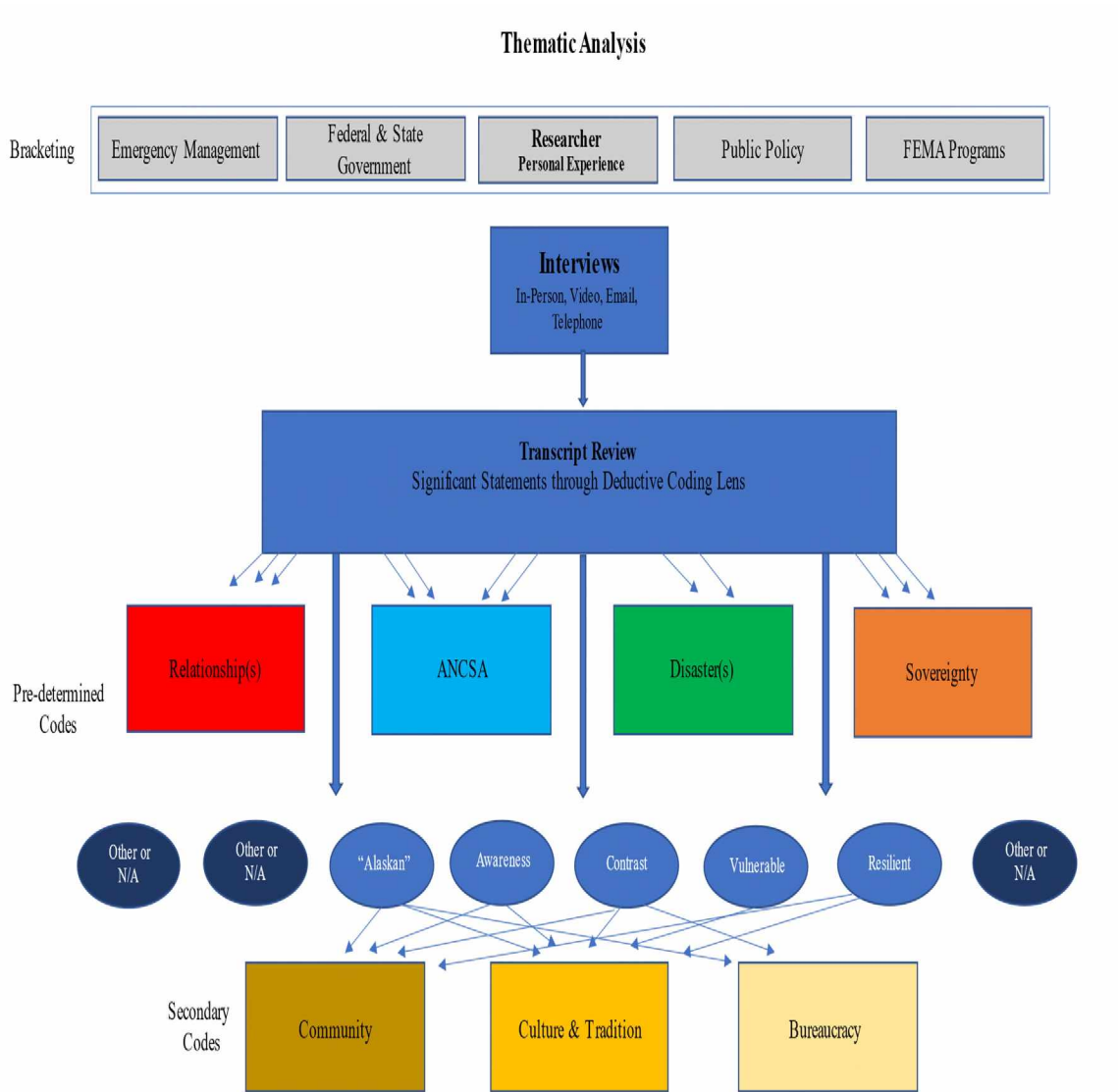
for accuracy. Interviews conducted through email were equally summarized and reviewed for accuracy by the individual before inclusion into the research (Bowden & Galindo-Gonzales, 2015).

4.12 Data Analysis

Data was gathered for this research using a combination of in-person interviews, video conferences, telephone conversations, and email correspondence. Additionally, significant review of documents contributed to the body of research since the broader focus was on both Alaska Natives and Emergency Management, specifically FEMA. As such, two structured approaches to data collection were employed – interviews and documents (Creswell, 2013). Following a review of possible options for analysis and coding within qualitative studies, it was determined that since the type of study was phenomenological, following the widely accepted Moustakas model for thematic analysis should be applied (Moustakas, 1994; Polkinghorne 1989). Analysis, therefore, followed the steps of reviewing data from interviews conducted through myriad means, highlighting significant statements or assertions made throughout that data, and then assigned them certain codes. A template was created using the modified Stevick-Colaizzi-Keen method as described by Moustakas (1994) for the two disparate elements of the research (Alaska Natives and Emergency Management) and the reality that multiple methods for conducting interviews were used throughout the research because of factors including COVID-19, access issues into remote communities, and ongoing disasters during the timeframe of the research.

Figure 4.6

Thematic Data Analysis



Note: This figure represents the process of data analysis that began by assigning four pre-determined or primary codes. Data that did not immediately correspond to the primary codes but could potentially relate to the research was assigned to secondary codes, referenced in this graphic as Community, Culture & Tradition, and Bureaucracy.

Interview material was organized and initially reviewed for 4 pre-determined or primary codes that were integral to the research question and subset questions: *Relationship(s)*, *Alaska Native Claims Settlement Act (ANCSA)*, *Disaster(s)*, and *Sovereignty*. As was noted in Chapter 1 (Introduction) and earlier in this Methodology and Methods chapter, the researcher's positionality, background, and experiences unquestionably could have informed but more problematically directly influenced the research. Therefore, per prescribed methods under Stevick-Colaizzi-Keen, a bracketing section that included key previous experiences was created to "set aside" any internal biases. This allowed for a review that more strongly focused on the participant and not the researcher (Creswell, 2013, p. 193).

Transcripts, notes, and email correspondences were first reviewed for the 4 pre-determined codes that corresponded strongly with the intent of the research and the subset questions. Statements or casual comments that included the direct term or phrases, or strongly inferred them, were placed into the 4 primary codes and color codes as shown in Figure 4.6. A second review was performed that looked for common words, phrases, and shared experiences that could fit into a code *other than* primary or pre-determined. From that second review, five additional areas of interest that did not perfectly align with the predetermined codes emerged. They included words, phrases, and strong inference to 1) being from Alaska or being Alaskan, 2) cultural awareness about Alaska, 3) the contrast between Alaska's Tribes and Lower 48 Tribes, 4) the vulnerability of all Alaskans, Native and non-Native to events other than "disasters," 5) and the inherent resilience of Alaska Natives, Tribes, and Alaskans in general. Additional words, phrases, or inferences that were not frequently repeated or were made in passing but had a potential connection to the research were placed into other non-titled codes for a third review but not included in any of the primary or secondary codes. A third review included cross-examining

the primary and secondary codes for patterns or commonalities: *Relationship(s)*, *ANCSA*, *Disaster(s)*, *Sovereignty*, *Community*, *Culture and Tradition*, and *Bureaucracy*. Data included in each code was examined against data in every other code to look for commonalities that could combine them and where certain themes could emerge. From this review, there were code overlaps that were noticeable, such as how *Culture and Tradition* would overlap in ways with *Relationship(s)* – relationships being a prime ingredient for most Indigenous worldviews (Kawagley, 2006; Smith, 2012; Wilson, 2008). However, irrespective of a perceived overlap, a deeper examination distinguished *Relationship(s)* as being more about the focused relationship between Alaska Tribes and the United States, or the State of Alaska. The overlap did not justify combining the two.

During this review, an overlap that did stand out as worth consideration of creating a consolidated code was with *Community*, *ANCSA*, and *Relationship(s)*. The interface between ANCSA's passage in 1971 with Tribes and the State of Alaska did inform the larger relationship, even between the federal government and now-defined Alaska Native Community, where a continuing tradition of Alaska Native habitation occurs within areas of multiple jurisdictions of government.

From this final process, four distinct themes emerged that captured the entirety of the data:

- 1) Government-to-Government relationships can be defined by disaster policy,
- 2) Culturally experienced disasters are important to Alaska Natives and Alaska Tribes,
- 3) FEMA's Public Assistance Program is too rigid and largely unapplicable to Alaska Tribes, and
- 4) The Stafford Act is incompatible with ANCSA.

4.13 Alternative Research Considerations

The research paradigm selected for this project was Interpretive and used a phenomenological approach to conduct interviews of selected participants from Alaska Tribes and within Alaska Native Communities who have a nexus to FEMA through a Hazard Mitigation Plan. The research question seeks how Alaska Tribes participate in government-to-government relations with the federal government, through FEMA, during disasters. A sub-question relates to the policies that govern disasters in the United States as applied to these same Alaska Tribes and Alaska Native Communities, seeking how if at all those policies impact Alaska Tribal sovereignty. Several different approaches were considered but were not deemed suitable for this research.

An *Ethnographic Futures Research* (EFR) approach was considered for this project under the same Interpretive paradigm because it could allow individuals and communities an opportunity to envision how they see their future relationship with FEMA and the federal government. In effect, EFR interviews derive a future historical glance from a set series of questions (Textor, 1995). This approach could have asked interviewees, as an example, to describe what the future relationship with FEMA and the federal government would look like over a certain time frame, based on their previous experiences and current relationships. This approach, however, was problematic in that it did not directly correlate to the question of how (in the present tense) Alaska Natives or Alaska Tribes interact or relate to FEMA in a government-to-government manner. This approach would have used past and present experiences to project future relationships, which is not the underlying focus of the research. Further, EFR is not appropriate when working with some Indigenous communities who may be uncomfortable in making projections about the future, especially in the realm of emergencies or disasters (Gordon, 2019). A *Case Study* approach would have largely examined a singular event or occurrence that

the research is built upon. Creswell discusses the example of a college campus reaction to a gun incident and the themes that emerge along with “lessons learned” from the incident (Creswell, 2013, p. 271). This was principally not applicable to the research because of the complexities of disasters, the policies that govern them, and the interpretation of what a disaster may or may not be from one community and individual to the next. Moreover, government-to-government relationships would be difficult to quantify or contain within a case study approach because of the intricacies and nature of relationships in Indigenous communities in Alaska. Likewise, a *Narrative Study* fails because of the general focus on one individual or a story of that individual, where this research was seeking trends about disasters and relationships from a significant number of Alaska Natives, Alaska Tribes, and Alaska Native Communities. To use this approach would have ignored the numerous cultural differences among and between Alaska Native Communities. It would result in research that would not accurately reflect the entirety of Alaska Natives as a distinct federally recognized population. A *Grounded Theory Study* was possible for this research but did not suitably match with the intended inquiry of how (emphasis) Alaska’s tribes participate in their federal relationships during disasters. Rather, it would likely turn the focus to *what* caused or influenced the relationships to be what they are today, along with the possible development of a new theory as to what informs the relationships between Alaska Tribes, FEMA, and the federal government (Creswell, p. 274). As stated in the Introduction, the research establishes the possibility that Alaska Tribes and Alaska Native Communities are structurally organized in a manner that is not conducive to receiving the full complement of federal programs and benefits when federally declared disasters occur. It proposes a sub-question, then, regarding the authenticity of Alaska Tribal sovereignty when communities are at their most vulnerable, following a disaster. Although a Grounded Theory approach was certainly

feasible, it was determined that this specific research project would benefit more from answering the *how* through seeking trends or patterns about government-to-government relationships in the disaster context, as opposed to examining what has caused them to exist as they are before answering that fundamental question first.

Because of continuing concerns for Alaska Native communities due to the lingering COVID-19 pandemic, a conventional phenomenological approach required deviations to protect the interviewed individual and community. Therefore, willing participants had an option of conducting in-person interviews that could be recorded via audio or taken with notes, or interviews that could be conducted by either telephone or video conferencing that would be recorded when approval was granted. Other interviews were conducted through email correspondence. Interviews, whether in-person or conducted by other means, were transcribed and summary notes were checked by the individual being interviewed and per required Institutional Review Board protocols. Validity and reliability were addressed by having the interviewee review any transcripts or written summaries for accuracy and inclusion of their intended statements or comments (Duneier, 1999). This also addressed previous academic concerns that qualitative methods lack rigor and are, therefore, unreliable, and invalid (Morse et al., 2002).

In conclusion, although there was no best singular approach to this complex research, the utilization of an Interpretive paradigm had the ability to become Indigenized through the acceptance of Alaska Native knowledge and how truth is context dependent. Though the other half of the background and research focused on emergency management and the federal policies that govern disasters, this project was overwhelmingly about Alaska Natives, Alaska Tribes, and Alaska Native Communities and, as such, reflects the Indigenous paradigm as much as

practicable. By settling on an Indigenized Interpretive paradigm that uses a phenomenological approach, with interviews and reviews of documents as the primary research method, the project fulfilled its intended purpose of exploring the interface between Alaska Natives and Emergency Management.

Chapter 5: Findings

5.1 Introduction

The primary research question for this dissertation centers on relationships between Indigenous Peoples in the United States, specifically between Alaska Tribes and the Federal Emergency Management Agency, the federal agency statutorily responsible for coordination of disasters in support of states, tribes, and territories. As such, interview questions were designed to explore themes around the relationship and the manners by which Alaska Tribes and to a certain extent Alaska Native Communities engage in that relationship. Additionally, the research investigated topics including Alaska Native impressions or definitions of *disaster*, along with exploring the knowledge of utilization of specific FEMA policies designed to assist states, tribes, and territories before, during, and after a disaster occurs.

As interviews proceeded, conversations with participants eventually turned toward the subset question of whether Alaska's Tribes faced greater bureaucratic challenges seeking and receiving federal assistance than Native American Tribes geographically located in the continental United States.

Although participants generally spoke from their own perspective and within their own authorities and scope, what became abundantly clear through the interview process was the curiosity and candor of each participant. Not only were they curious about the research and its potential direct impact on their Tribe, but they were willing to explore policy issues and relationship dynamics that went well beyond the initial series of questions. Interviewees, both Alaska Native and non-Alaska Native, were clearly interested in participating in research and possible policy proposals that furthered sovereignty options for Alaska Tribes. Several interviews lasted for the scheduled thirty minutes, but most interviewees wished to continue

discussing the topics and questions – the sharing – for an extensive period beyond what had been originally allocated. In some cases, interviews became openly conversational and lasted for multiple hours, followed up with knowledge and data sharing between the researcher and the participant. This section represents the themes and general topics that interviewees either disclosed during the interview process directly or during follow-up conversations and interactions that contributed to the overall body of the research.

Four major themes emerged from the interviews. Specific findings are listed within each theme: 1) Relationships can be defined by disaster policy, 2) Culturally experienced disasters are important to Alaska Natives and Alaska Tribes, 3) FEMA’s Public Assistance Program is too rigid and largely unapplicable to Alaska Tribes in a government-to-government manner, and 4) the Stafford Act fails to recognize how the Alaska Native Claims Settlement Act changed the governing landscape for Alaska Natives. Additional topics emerged during the research process, and they are also included in this chapter and later in the Conclusion and Recommendations.

5.2 Theme: Relationships in the Context of Disasters

Finding 1: The Alaska Division of Homeland Security & Emergency Management (AK-DHSEM) is viewed differently than FEMA.

Alaska Native interviewees, specifically those with responsibility for an emergency management function (19%), discussed the question of relationships largely in terms of who they consistently interact with in their communities about emergency management. When asked about recent experiences their community has had with the State of Alaska and, then as a follow-up, with the Federal Emergency Management Agency, interviewees unexpectedly described the

State of Alaska's Division of Homeland Security and Emergency Management (AK-DHSEM) in a somewhat positive manner. One interviewee described them as being proactive and, when called upon, very responsive and dependable. The interviewee communicated that, despite historical relationship challenges between Alaska Natives and the State of Alaska, AK-DHSEM "has always been available to us, both before and after something happens that impacts our community" (Participant #3, personal communication, Oct. 5, 2022). Seven interviewees (33%), each an Alaska Native participant, reinforced the sentiment that the relationship with AK-DHSEM was one they considered reliable enough to count on when disasters occurred. Although there was a common thread for Alaska Tribes to be more self-sufficient and resilient following a disruptive event like an emergency or disaster, there was no reluctance in the interviewees acknowledging that their respective communities were in geographic areas that, at times, required outside assistance. In these cases, the interviewees largely lauded the State of Alaska for being the first to assist them during their time of need, often communicating that actions speak greater than mere words when the formation and sustainability of relationships are being characterized and evaluated. Although it was not asked or discussed, and a topic for potential further research, this positive attribution could have been offered because most every participant, save Metlakatla, falls under the definition of not only an Alaska Tribe but also an Alaska Native Community, where multiple governments with a nexus to the state might exist.

This specific theme regarding the relationship between Alaska Tribes, their neighboring Alaska Native Communities, and AK-DHSEM was illustrated throughout the research process and, perhaps more important, validated during a real-world event during September of 2022. When communities in southwest and western Alaska were devastated by the remnants of Typhoon Merbok, AK-DHSEM was the first state or federal agency to arrive on

scene and to begin the coordinated response to the needs of the communities. A senior level leader for AK-DHSEM repeatedly expressed how their actions were part of the statutory responsibilities of their division but also about the relationship they must and should have with Alaska Natives (Participant #45, personal communication, October 12, 2022). During several communications, this participant described how AK-DHSEM (through the State of Alaska) would support Alaska Natives impacted by the remnants of the typhoon in a creative and culturally appropriate manner. Whereas FEMA's policies following the declaration of a federal disaster limit individual assistance to a primary house or household, excluding secondary homes or vacation cabins, the policy simply does not recognize the uniqueness of Alaska, Natives and Alaska Native Communities (FEMA Individual Assistance Program and Policy Guide, 2021). As such, when traditional subsistence cabins in affected populations were not able to be covered by federal policies, AK-DHSEM led the effort to cover the cost of repair or replacement of subsistence cabins for Alaska Natives. This act represented not only a positive actionable item mentioned by several participants, but it enhanced the relationship and standing between Alaska Native Communities and the AK-DHSEM, likely for years to come. It was a demonstration that AK-DHSEM understood and respected the cultural dynamic that defines Alaska Tribes and Alaska Native Communities.

Although Alaska Native interviewees were not asked if they distinguished the differences in their relationships with multiple state agencies in Alaska, several offered their insight and perspective. Because the foundation of the research focused on the relationship between Alaska Natives and FEMA, it was noted how several interviewees disconnected their view of AK-DHSEM from other state agencies and the State of Alaska generally. The first impression was that these interviewees were assigning positive impressions to AK-DHSEM

based on the agency's mission to assist communities while most vulnerable, following a disaster. However, as conversations with these individuals proceeded, it became increasingly clear that AK-DHSEM was somewhat of an anomaly because of the historical relationship between Alaska Natives, their respective communities, and the State of Alaska, and as recently as within mere weeks of the interviews.

Four Alaska Native interviewees from Metlakatla Indian Community openly shared their thoughts about a then-recent temporary injunction from the federal Ninth Circuit Court of Appeals on September 8, 2022, that reaffirmed the sovereignty of the Metlakatla Indian Community. They highlighted this injunction as a prime example of how the relationship with the State of Alaska remains fraught with inconsistency. The injunction reversed a lower federal court decision that the State of Alaska's Department of Fish and Game had the authority to regulate fishing off the coast of Metlakatla, including the establishment and enforcement of state fishing zones within the Tribe's traditional and federally recognized boundaries. Metlakatla, discussed thoroughly in this dissertation, possesses the only federally recognized reservation (reserve) in Alaska. The Ninth Circuit stated that, "The panel reversed the district court's dismissal, for failure to state a claim, of the Metlakatlan Indian Community's suit against Alaskan officials, claiming that an 1891 statute granted the Community and its members the right to fish in the off-reservation waters where they had traditionally fished, and that they therefore were not subject to an Alaska statute's limited entry program for commercial fishing in waters designated as Districts 1 and 2" (*Metlakatla Indian Community v. Dunleavy, et. al.*, 2022). Metlakatla had filed suit against Governor Mike Dunleavy and the Commissioners of the Departments of Fish and Game and Public Safety, asserting that the state had no right to regulate or enforce boundaries that were within the sovereign domain of the Metlakatla Indian

Community and its Annette Islands Reserve. Although this decision was a temporary injunction and could still proceed to the United States Supreme Court, interviewees shared how these actions are characteristic of the still-tenuous nature of the relationship between Alaska Natives and the state. This sentiment was expressed even though the relationship between the State of Alaska and the Alaska Tribes was proactively addressed during the 2022 Alaska legislative session, where Governor Dunleavy eventually signed House Bill 123, formally recognizing all federally recognized tribes in the state. Dunleavy, upon signing, stated that, “House Bill 123 codifies in law what Alaskans have long recognized: the important role that Native Tribes play in our past, present, and future.” (Office of the Governor, 2022). One participant from southeast Alaska, Participant # 5, referenced both the positive steps from the state legislature and the Ninth Circuit court case as a clear example of the inconsistencies emanating from Juneau, the state capitol.

Finding 2: Understanding how Alaska Tribes and Alaska Native Communities are organized will enhance the government-to-government relationship.

When participants were asked to describe experiences they had working with the Federal Emergency Management Agency or another federal agency in the context of disruptive events like emergencies or disasters, responses were decidedly different than those positively offered for the State of Alaska’s Division of Homeland Security and Emergency Management or the State of Alaska. Most interviewees, both Alaska Native and non-Alaska Native (e.g., cities or boroughs), were less illustrative in describing their relationship with FEMA, most often voicing them as unfamiliar, confusing, or uncertain. In all cases, the relationship was considered by interviewees as unreliable when contrasted with that of the AK-DHSEM. One interviewee shared how their impression was that AK-DHSEM was staffed by Alaskans, “people who live here and

know who we are, where we live, what we do.” FEMA, on the other hand, the interviewee stated was largely “unknown to our community and would probably be bringing in people to help us who didn’t understand us at all” (Participant #24, personal communication, February 10, 2023). In as much as FEMA (the agency) was viewed as unfamiliar or uncertain, one FEMA individual was repeatedly mentioned as a role model for enhancing the relationship between Alaska Tribes and FEMA. Interviews conducted with Alaska Natives or representatives of Tribes who had a role or responsibility for emergency management expressed sincere appreciation for one specific individual (recently retired) who was employed as the first Alaska Tribal Liaison from FEMA, Participant #56. Interviewees described this individual as engaging, always able to help where possible, and many shared their personal feelings that the liaison was more of a tribal representative than a federal representative. However, they equally recognized that Participant #56’s role as a liaison and ally was limited by the federal policies and processes that eventually informed the greater relationship dynamic. In effect, Participant #56 was viewed as limited in what they could do for Alaska Tribes and Alaska Native Communities, though the individual’s advocacy for them was unrelenting. Conversations with Participant #56 reinforced many of the sentiments of interviewees. “In many ways, I felt not only an obligation to Alaska Tribes because of my Tribal Liaison position at FEMA, but as a lifelong Alaskan, in my heart I carry a passion to have resilient native communities. At times, federal government policies create an equity imbalance between the FEMA mission and what these communities need and desire” (Participant #56, personal communication, January 2, 2023).

Finding 3: FEMA disaster grant funding informs the government-to-government relationship.

Incontrovertibly, Alaska Native and Native American participants who held a role or responsibility in emergency management stressed the problematic relationships that have existed between FEMA and Tribes *historically*. No more was this evident than when discussing federal support to Indigenous communities through the Emergency Management Performance Grant (EMPG) that has existed since the early 2000's. The EMPG was created to develop and enhance baseline capabilities of emergency management in the United States by supporting states and local governments, tribes, and territories with funding for plans, planning processes, and even minimal personnel to support the emergency management function (FEMA Emergency Management Performance Grant, n.d.). As well-intended as the EMPG policy and funding efforts have been, interviewees strongly emphasized the problematic nature of how the grant was designed and, more relevant to this theme and chapter, how it has negatively informed the relationship between Alaska Natives, American Indians (Lower 48), and FEMA for decades. Central to this assertion and reinforced by several participants was the policy design for distribution of the EMPG grant after funding by Congress during each fiscal year. Under the grant provisions, the EMPG grant has been historically awarded to states only, and Tribes must apply to and through their neighboring state(s) to even be considered for funding (if eligibility was allowable by that state). No less than five participants directly addressed this issue during the earliest stages of their interviews.

Participant #51, an executive director of a national Tribal emergency management organization and sitting member of the Department of Homeland Security's Tribal Homeland

Security Advisory Council, described in great details the history of the Emergency Management Performance Grant with Tribes in the Pacific Northwest and its impacts on the relationship between those Tribes, FEMA, and the State of Washington particularly. “We had no choice on EMPG but to go through the state – but they didn’t want us. They thought we were not as educated or sophisticated as non-tribal emergency managers. Over time, we have had to prove them wrong. We wanted to be partners with them, but it was not reciprocal and that defined the relationship” (Participant #51, personal communication, November 1, 2022). This individual’s sentiment was echoed strongly by two additional participants. They shared, well beyond the problematic requirement that the grant go to states only, how a lack of consistency between FEMA and each state in the way EMPG dollars were distributed created a dynamic where some Tribes in certain states were included in funding, while others in different states were not even considered for funding. This, they emphasized, marginalized Tribes collectively but also set certain Tribes years behind other Tribes with emergency management and the building of resiliency in many already fragile communities.

One area where the relationship between Alaska Tribes and the State of Alaska did appear to show some tension was indeed in the distribution of the Emergency Management Performance Grant. Three participants from Alaska Tribes noted that for them to receive EMPG grants in Alaska, they had to be invited to apply by the State of Alaska, presumably from the AK-DHSEM. Further research revealed that this method for distribution was unique among states, but the overall approach was not uncommon nationally. The State of Washington, according to Participant #51, has historically used a specific EMPG set-aside for Tribes that is allocated among them in an inconsistent and political manner. This process, according to Participant #51, is not only not conducive to enhancing the relationship between states and

Tribes, but it also creates an environment where Tribes are unnecessarily competing between themselves in a manner that is not beneficial to each other. This individual also followed up this example with the suggestion that such strategies as those of the State of Washington could be intentionally designed to divide Tribes not just for monetary purposes (EMPG funding), but also for the purposes of strengthening certain Tribal capabilities with those willing to work with or become subservient to the State of Washington. This, the participant declared, flies in the face of all Tribes collectively building the capabilities necessary to be able to exert their sovereignty when they so desire (Participant #51, personal communication, November 1, 2022). Multiple individuals described the historical process used to allocate the EMPG funds as offensive, disrespectful, and fundamentally flawed. An example given was how only one tribal representative in one state was part of the formal EMPG distribution process, where there are dozens of distinct and unique Tribes. That one individual, the interviewee shared, did not represent the voice or interests of *all* Tribes. More directly, the interviewee suggested that there are “longstanding and irregular relationships between Tribes” in similar geographic areas. So, having only one representative of a Tribe at the proverbial table supposedly representing every single Tribe was “debatable and could be a recipe for grant funding disaster” (Participant #61, personal communication, September 14, 2022).

The State of California, through its Governor’s Office of Emergency Management (Cal-OES) has historically allowed its EMPG money to flow to 110 Tribes in the state, though they have also historically retained a percentage of the EMPG for management and administration at the state level. This has created its own internal emergency management challenges, but California in fiscal year 2022 followed new guidance from FEMA that encourages the state to allocate EMPG funds directly to tribes under the auspices of equity and

capacity building (Cal-OES Emergency Management Performance Grant for Tribes, n.d.). These inaugural steps being driven by FEMA are significant, but it nonetheless still relegates Tribes as sub-recipients to the State of California. A Cal-OES employee validated this process by stating, “EMPG has always passed funds down since the beginning. Tribes must be Federally Recognized to be eligible and apply through the state, unless FEMA has an opportunity for the Tribes to directly apply with them” (Y. Yang, personal communication, December 29, 2022). One participant, an elected leader from a Tribe in California, shared how EMPG funding through the State of California is a lingering problem for Tribes. “This should be done as a government-to-government program. Tribes should not have to apply to the state for funding. Here in California, Cal OES allocated \$650,000 in FY2021 for all 109 tribes in California (Population 630,000) which is 98 cents per tribal citizen within the State. DHS allocated \$59,220,807 to California (population 39,029,342) which is \$1.52 per non-tribal citizen. Tribes need the capability to apply directly to the federal government for funding of emergency management in their communities. Even better yet, allocate funding much like the federal government does for HSGP and EMPG funding to States to tribes” (Participant #60, personal communication, March 8, 2023).

Noteworthy to this section is that only participants who worked directly in emergency management for a Tribe in Alaska were familiar with the Emergency Management Performance Grant. Participants who were not involved in emergency management generally did not know about the grant, though they demonstrated a baseline knowledge of the role of FEMA following a disaster. This could have been a reflection that the state has not allowed all jurisdictions, Tribal or non-Tribal, to apply for the EMPG. At a minimum, it may reflect that the grant is not advertised or promoted in a reasonable manner for building capacity for Alaska Tribes. For the

Native American interviewees from outside of Alaska, however, every participant almost immediately moved the conversation toward the grant and its unquestionable role in influencing the tribal-state relationship.

Finding 4: There has been a noticeable and positive increase in consultation, policymaking, and Tribal relations that affect Alaska Tribes.

This research is focused on the interface between Alaska Tribes and FEMA. Accordingly, that interface is significantly defined by policies that originate in Congress and are implemented through the Federal Emergency Management Agency. Although policies that emanate from myriad state executive and legislative bodies clearly can influence the relationship with a Tribe, the focal point of the research is on the federal-tribal interface as applied to Alaska Natives. All participants from Alaska Tribes discussed the increased notification of tribal consultation invitations from a host of federal agencies, but only those with an emergency management function for a Tribe (19%) highlighted this as a positive influence for relationships with FEMA specifically. One Iñupiat interviewee noted that the “amount of consultation requests from the Department of Homeland Security and FEMA is at times both encouraging and overwhelming. But it shows to me that Alaska Natives are increasingly being included in the decisions that affect us” (Participant #22, personal communication, October 5, 2022). Participant #51 discussed at length the history of consultation between Tribes and FEMA, both in negative and positive terms. The individual noted that historically FEMA was one of the first federal agencies to utilize consultation with Tribes as part of the policymaking process. However, the interviewee noted, for the past two decades that consultation has been “more of a process of informing Tribes what FEMA is doing than actually including us in the process of developing the actual policies that affect us” (Participant #51 personal communication, November 1, 2022).

Two interviewees from emergency management organizations located outside of Alaska (Participant #58, Participant #63) reiterated the historical significance of FEMA’s leadership in consultation and the inclusion of Tribes, but they equally qualified their comments that only recently have consultation protocols involving policy development taken a more authentic tone. There was a decided undercurrent from those who discussed the experiences of consultation with FEMA as encouraging and a positive step forward, but that undercurrent seemed to stem from the previous decades of interactions with FEMA that they felt were more superficial than designed to genuinely include a tribal perspective in the policymaking process.

During this research, FEMA did issue an updated Tribal Consultation Policy on December 18, 2020, under previous FEMA Administrator Peter Gaynor. The document states that, “The FEMA Tribal Policy outlines a commitment by the Agency to enhance its nation-to-nation relationship with federally recognized Indian tribal governments (Tribal Nations), and to ensure FEMA works with Tribal Nations to build, sustain, and improve their capacity to prevent, protect against, mitigate, respond to, and recover from all hazards” (FEMA Tribal Consultation Policy, 2020). The consultation policy was later augmented by an Instructional Publication on Tribal Consultation dated March 16, 2021, by then-Acting FEMA Administrator Robert Fenton. In that publication, FEMA instructs its employees that, “Consultation should occur early in the decision-making process to allow tribal governments the opportunity to provide meaningful input, if they so choose, and to give FEMA the opportunity to consider input” (Fenton, 2021). In February 2023, FEMA Administrator Deanne Criswell personally participated in the National Congress of American Indians (NCAI) Executive Council Winter Session in Washington, D.C., stating that FEMA must find ways to “improve nation-to-nation relationships, support tribal sovereignty and self-determination.” Relevant to this section and finding was that the

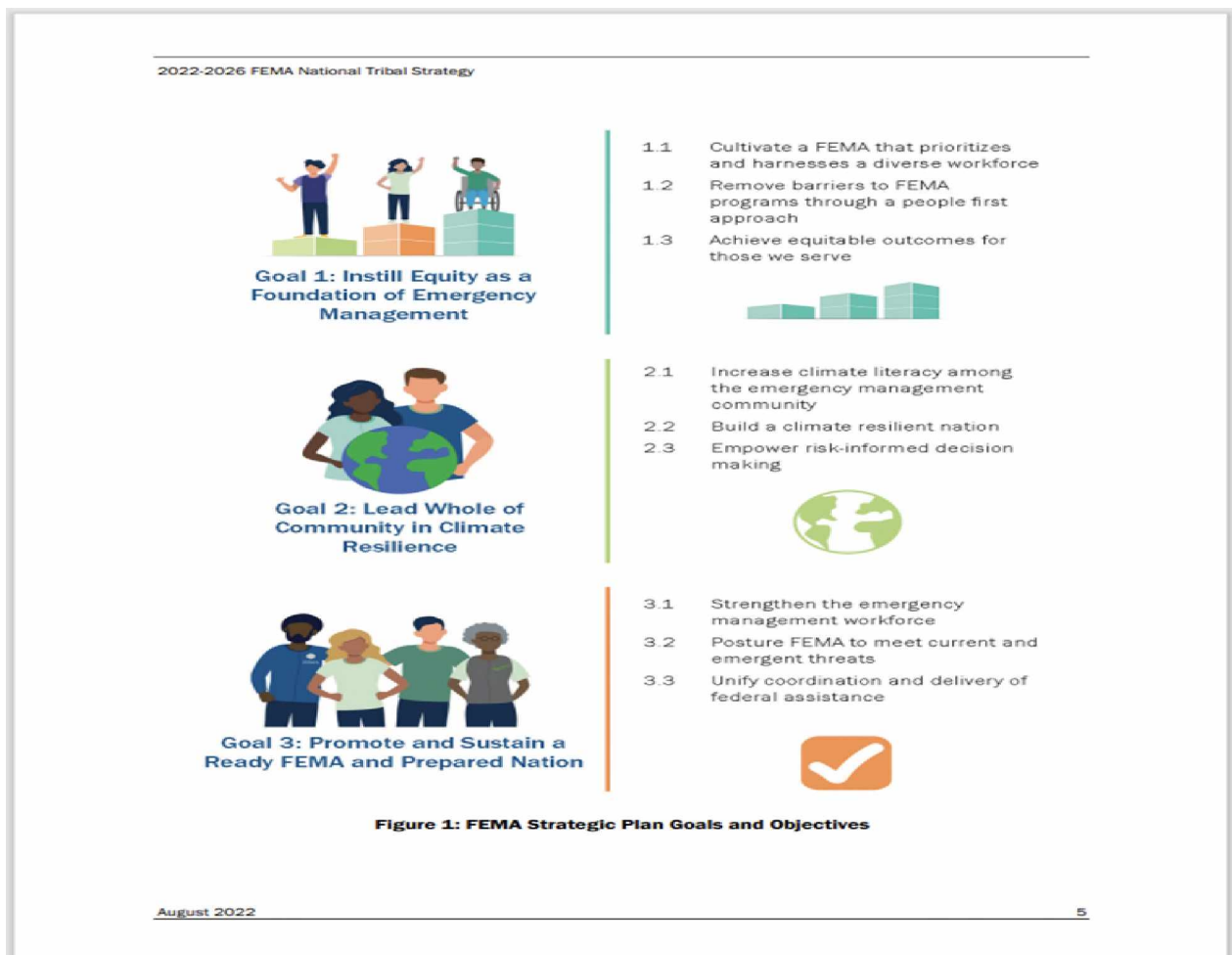
Administrator admitted that in FEMA’s history, there had been a failure to understand tribal nations’ “unique needs in disaster response and recovery” (Criswell, 2023). When discussed with interviewees, the Consultation Policy and Instructional Publication were viewed a very sincere effort by FEMA to include Tribes in the policymaking process. This was viewed as sincere not merely because of the policy but more by the instructional guide directing FEMA employees about the procedures to use and when to use them – early in the policy or rule making process. However, despite those clear intentions, interviewees still shared a slight degree of skepticism about how these moves would impact Tribes with regards to development and implementation of emergency management policies in the future.

On August 22, 2022, FEMA issued its first ever National Tribal Strategy (FEMA National Tribal Strategy, 2022). This document, signed by FEMA Administrator Deanne Criswell, according to FEMA represents “a culmination of tribal perspective shared with FEMA over many years. The National Tribal Strategy specifically reflects voices of 135 representatives (of 78 Tribal Nations) who contributed critical feedback during tribal consultation in 2022 to help us become the FEMA that Tribal Nations need and deserve” (p. 2). Two interviewees who participated in this research (Participant #58, Participant #63) were direct contributors to the final development of the Tribal Strategy and many others were consulted during the process. What stands out as a testament to the intentions of the recent and current leadership of FEMA at the national level is a willingness to acknowledge, engage, and offer respect and reciprocity for Tribes collectively. The reality that there exists a separate executive-level policy framing how the relationship from the federal government (FEMA) with Tribes should proceed from the strategic level in emergency management is unprecedented. Extremely important to this research is that the Tribal Strategy perfectly mirrors the overarching FEMA 2022-2026 Strategic Plan.

FEMA’s Strategic Plan lists three distinct goals: Equity, Climate Resilience, and Promoting and Sustaining a Ready Nation (FEMA Strategic Plan, 2022). The Tribal Strategy, shown below in Figure 5.1, which contains significant Tribal input and feedback, includes the same three goals, but within each of them are elements that recognize Tribal self-determination, sovereignty, and unique lifeways that can contribute to a more resilient nation.

Figure 5.1

FEMA National Tribal Strategy (2022)



Note: This figure is from the 2022 FEMA National Tribal Strategy, which highlights three specific goals that align the with adopted FEMA 2022-2026 Strategic Plan.

Within Goal 1 of the Tribal Strategy – *Instill Equity as a Foundation of Emergency Management* – action items include developing Tribal specific technical assistance, conducting routine meetings of regional Tribal liaisons, connecting of FEMA and Tribal leadership, and supporting equitable opportunities for Tribes to access FEMA programs and resources. Goal 2 (Leading the Whole of Community in Climate Resilience) addresses targets including the building of tribal capabilities and capacities, offering training for FEMA employees on the unique status of Tribal Nations, and offering additional training opportunities for Tribal Nations. The third of the Tribal Strategy goals, Goal 3, stresses the need for increased FEMA cultural competency, enhancing federal incident support to Tribes when needed, creating and convening a Tribal Affairs working group within FEMA, and increasing Tribal awareness of FEMA availability and resources (FEMA National Tribal Strategy, 2022).

The FEMA Tribal Strategy and several of these goals reflect many of the sentiments expressed during interviews with Alaska Native leaders, specifically those who have roles and responsibilities in emergency management, and with emergency management professionals from within Tribal communities nationally. One participant (Participant #51) particularly addressed the perception that Tribes have been routinely looked at by FEMA and the states as little more than individual projects, overlooking the need for Tribal-wide capacity building in emergency management, something that can lead to great Tribal resiliency during disasters. Another (Participant #27) offered how FEMA employees deploying to assist Alaska Native Communities after a disaster need a stronger understanding of how Alaska Tribes and culture work, many referencing Tribes in the Lower 48 as their perceived baseline of Tribal knowledge, where reservations delineate recognized boundaries and authorities. Most, as previously noted, referenced the need for Tribes to no longer be subservient to or relegated as sub-recipient

applicants under their neighboring states for FEMA grants that could assist in building capacity or allowing for the exercise of self-determination and sovereign following disasters.

In many ways, this document lays out an authentic FEMA strategy to close several of the gaps and concerns addressed by interviewees. Specifically, these goals – if implemented – offer a path toward the repair of previously damaged or even non-existent relationships between Alaska Natives, Alaska Tribes, and FEMA. Although this document was not part of the review process of the Institutional Review Board as a component of the interview questions, because the document was released following the approval, the introduction of the document during the interviews was timely, relevant, and proved valuable to the primary research question of how Alaska Tribes participate in government-to-government relationships before, during, and after disasters. In effect, FEMA almost single handedly addresses much of the question from within its own document and, during interviews, the participants demonstrated an almost collective sigh of relief that this type of acknowledgement and strategy even exists. All who discussed it offered thoughts on how it holds great potential for the relationship moving forward between not only Alaska Tribes and FEMA, but for all Indigenous Peoples who reside in the United States and experience disasters.

Overall, the research revealed that relationships between Alaska Natives, Alaska Tribes, and the Alaska Native Community and the Alaska Division of Homeland Security and Emergency Management were more established and considered more reliable than that of the relationship between the same and FEMA. The impression, however was that Alaska Tribes, particularly those who held a role or responsibility for emergency management, wanted a stronger relationship with FEMA and the option for government-to-government relationships when disasters occurred, but the processes by which FEMA operates – discussed in greater detail

within this dissertation – were nonetheless cumbersome, subjective at times politically and policy-wise, and often not worth the effort of Tribes with respect to the uncertainty of return in benefit. Interviewees across the spectrum described the relationship with FEMA as increasingly visible and hopeful, but still unreliable and with an element of skepticism regarding the processes and programs available to Alaska Tribes and unique Alaska Native Communities.

Noteworthy to the issue of relationships in the context of disasters, several participants reiterated that the increased presence of FEMA with Alaska Tribes and in Alaska Native Communities *prior* to a disaster would enhance the effectiveness of the emergency management function for Indigenous Peoples in Alaska statewide. Historically, FEMA has only employed one tribal liaison position for all of Alaska’s 229 federally recognized Tribes, with Participant #56 holding that position for the previous two-decade period. It was strongly suggested that if FEMA invested in more than just one person as a liaison for Alaska’s 229 Tribes, the emergency management capabilities for Alaska Native Communities collectively (with Tribes leading many recovery efforts) would naturally increase, as would the understanding of the process and policies that govern federal disasters in the United States and, eventually, the relationship between Alaska Tribes and the federal government. The critical issue of comprehension of federal disaster policy, only somewhat covered by the FEMA Tribal Strategy, is addressed in detail within other sections of this dissertation and is included in the conclusions and recommendations section that offers suggestions for additional research as well as detailed policy concepts to enhance the long-term relationship between Alaska Tribes and FEMA.

5.3 Theme: Disasters are Culturally Experienced

Finding 5: *Disasters* are Statutorily Defined but Culturally Experienced.

The foundational definition of *disaster* in Chapter 2 (Theoretical Basis & Definitions) centers on events that have a large impact on a society, are natural or man-made, sudden or progressive in nature, and where the social structure is disrupted and essential functions of a society is prevented (Tobin & Montz, 2004; Carter, W.N., 2008). The research largely reflected this general definition as accepted, but during interviews the inclusion of events (disasters) that had the potential for impacting the local cultures and traditions of Alaska Natives became increasingly observed. Within the four specific regions (of six) selected for this research, all four contained interviews or informal conversations that eventually emphasized *cultural disasters* as of equal or greater value than FEMA defined *natural disasters*. Unsurprisingly, these cultural references were unique from one region to the next. Participants from Region 6 in southeast Alaska stressed the cultural value of salmon to their Tribes and communities. When the loss of salmon was experienced, the cultural impacts were felt.

Four participants from Region 1 (North Slope) stressed their concerns over the continued change in sea ice and its direct impacts on whaling that takes place twice per year (Spring and Fall). Each participant discussed, both formally and informally, the potential consequences to their respective communities if whaling were diminished or simply vanished. This concern was later validated through the release of research describing ongoing climate change impacts to the migration patterns of the Bowhead whale through the Bering Strait (Szesciorka & Stafford, 2023). One interviewee shared the importance of whaling to the Iñupiat communities of the Arctic as a defining part of their cultural identity. Although subsistence

living for the Iñupiat in the Arctic is not limited to the harvesting of the Bowhead whale alone, it became increasingly clear that without the Bowhead's annual return from west to east in Spring, and then again from east to west in Fall, Iñupiat traditions could potentially cease to exist. The Nalukataq Festival in Utqiagvik (formerly Barrow) celebrates the Spring harvest of the Bowhead whale during late parts of June or early July, where the community comes together to celebrate the successes of local whaling captains and their crew. During this long-standing Iñupiaq tradition, the whales that have been fermenting since harvest are ceremonially distributed out to locals during their community-wide celebration, with a primary focus on Elders and those in need. The loss of these types of traditions, it was noted, would be devastating and, by all accounts, meets the definition of a disaster to them culturally.

One specific interviewee (Iñupiaq), Participant #20, discussed in detail the decades long fight to continue whaling in the Alaskan Arctic and how that has informed the relationship between subsistence dependent communities and the federal government. Participant #20 described the legal battles that began in the mid-late 1900's over traditional Iñupiat whaling and inferred how most of those battles were initiated from within the colonizer's own system. In short, the lawsuits and prohibitive policies stemmed from the federal government of the United States. Sitting in this individual's home, the participant described some of the legal actions that eventually led to an agreement between the International Whaling Commission (IWC), Russia, and the United States. "In the end, part of the agreement was that the Russians (Inuit) would be allowed to take the Gray whale and we (Iñupiat) would be allowed to continue to harvest the Bowhead whale as part of our tradition" (Participant #20, personal communication, November 22, 2022). This specific interview took place, interestingly, when a deceased Gray whale had just washed ashore in Utqiagvik and remained on the beach for several days before eventually

washing back out into open water. The locals, based on protocols and policies, did not retain the whale other than to allow local scientific examination for cause of death. This Gray whale incident, although not a direct impact on Iñupiat culture in Utqiagvik during that week, is what drove the conversation toward whale harvesting as a defining component of the culture and, therein, susceptible to becoming a *disaster*.

Participant #20's interview became instrumental in revealing how disasters are viewed in the eyes of a local, highly respected Iñupiaq community leader. This individual's experiences as a whaling captain are widely recognized across the entire North Slope of Alaska, and the participant's advocacy for whaling as part of Iñupiaq tradition and culture reaches far beyond the North Slope. The clearest example of that reach was demonstrated with their previous involvement in supporting the Makah Tribe (located on the Pacific Northwest tip of Washington) when they sought to re-establish their whaling rights in the 1990's.

This specific conversation and the documented history about the Makah Tribe's struggle to assert their rights and prevent loss of culture and tradition furthered the perception that a man-made disaster, per the foundational definitions in Chapter 2, can adversely impact Indigenous Peoples in the United States. Carter describes a disaster as an event, natural or *man-made*, sudden or progressive, which impacts with such severity that the affected community has to respond by taking exceptional measures (Carter, W.N., 2008). Where whaling practices could certainly be influenced by a reduction in sea ice or the warming of temperatures that impact migratory routes or subsistence strategies for whaling, the Makah example was shared as an illustration of a man-made disaster (other than technological) that intentionally attempted to decimate the culture of the Makah Tribe.

5.3.1 The Resurgence of Makah Whaling

In 1994, after decades of previous decline in population, the federal government of the United States de-listed as “endangered” the Eastern North Pacific Gray whale from provisions of the Endangered Species Act (Rugh et al., 1999). Of importance is that the Gray whale is the primary subsistence whale for the Makah Tribe, just as the Bowhead is for the Iñupiat of the Alaskan Arctic. It was during this critical time frame that the Makah elected to seek, through the legal processes available to them, their right to resume whaling of the Gray whale off the waters of their reservation at Neah Bay. This moment exemplified a sense of rebirth of the Makah culture and tradition that never fully disappeared but rather was suppressed for the previous seventy years. Makah dance and song was always linked to whaling (the Gray whale specifically), and their history bound to its existence and availability for their people. Unfortunately, what ensued was a series of near-impossible domestic processes, political gamesmanship, and overt attempts to sway public perception that should have silenced the Makah people’s motivations, spirits and treaty rights. To the credit of the Makah people and their leadership, it did not.

What is noteworthy is that the Makah people possess the only treaty in the United States that guarantees them the right to harvest whales as part of their subsistence culture and traditions. Irrespective, however, of the rights clearly afforded to them in the Treaty of Neah Bay, the Makah were effectively forced (shortly after colonization) to abide by a series of domestically and internationally driven laws and bureaucratic processes that impeded the process of exerting those rights, until 1999 (Treaty of Neah Bay, 1883). Those proceedings and political processes undoubtedly informed the relationship between the Makah and the federal government,

and for the Iñupiat of the Alaskan Arctic those experiences endured by the Makah are also a lingering influence on the relationship for Alaska Tribes reliant on whaling. The Makah experienced no less than twenty-five separate actions that impacted or altered their Treaty rights to whaling and, therein, their culture and tradition (Jenkins & Romanzo, 1998; Martello, 2004; Van Ginkel, 2004; Marker, 2006:

1. 1937 Initial (partial) protection of Eastern North Pacific Gray Whale through International Whaling Commission consortium,
2. 1947 Full protection of Eastern North Pacific Gray Whale through International Whaling Commission,
3. 1972 Creation of the Marine Mammal Protection Act (MMPA, 1972),
4. 1973 Creation of the Endangered Species Act (ESA, 1973),
5. 1992 Amendments to the Marine Mammal Protection Act, addressing Emergency Response and Distress,
6. 1994 Federal de-listing of the Eastern North Pacific Gray Whale by National Oceanographic and Atmospheric Administration,
7. 1994 Amendments to the Marine Mammal Protection Act, addressing “harassment” of federally protected species,
8. 1996 Submission of Aboriginal Subsistence Whaling Quota to International Whaling Commission, in concert with United States government,
9. 1996 Rejection of Submission of Aboriginal Subsistence Whaling Quota by the International Whaling Commission,
10. 1997 Agreement with National Oceanographic and Atmospheric Administration delineating differences between targeted and resident whales,

11. 1997 Proposal for Whale Quota from 1998-2003 through a joint United States-Russian memorandum,
12. October 27, 1997, IWC approval of joint quota request and proposal,
13. 1997 Adopted Gray Whale Management Plan by the Makah Tribe,
14. 1998 NOAA Approval of domestic quota of five (5) gray whales for Makah Tribe,
15. May 1999 sanctioned Gray Whale subsistence hunt by Makah Tribe,
16. June 2000 Ninth Circuit Court of Appeals Decision: Violation of National Environmental Policy Act (NEPA),
17. June 2000 Suspension of Hunting by Makah Tribe based on Ninth Circuit Decision,
18. June 2000 Rescinding of Cooperative Agreement with Makah Tribe by NOAA,
19. 2000 Revised Whale Management Plan adopted by Makah Tribe, addressing public concerns over safety concerns regarding the hunt,
20. 2001 Second Published Environmental Analysis by NOAA stating no impact to Gray Whale by plan and Makah for subsistence hunt,
21. December 7, 2001, Established Cooperative Agreement between NOAA and Makah Tribe,
22. December 13, 2001, published quota from NOAA of approval of five Gray Whales for Makah Tribe for 2002,
23. 2002 Court Challenge of Environmental Analysis and Quota for whale hunt (*Anderson v. Evans*, 2002).
24. 2002 Decision from United States District Court for Western Washington that upheld NOAA issuance of quota, agreement, and analysis, and

25. 2004 Decision from Ninth Circuit Court of Appeals reverses Western District opinion, stating the Secretary of Commerce must waive the Marine Mammal Protection Act moratorium before NOAA can authorize a tribal harvest of gray whales for ceremonial and subsistence purposes.

The means by which the Makah Tribe succeeded in their first ceremonial hunt of a Gray whale in 1999 was the result of perseverance and a drive to re-establish their culture and identity. Most of the legal and bureaucratic challenges placed before them were the direct result of increased colonization by the United States through legal processes and the intertwining of policies and protocols between the United States and the International Whaling Commission. However, the research revealed – and it is worth emphasizing – that the overwhelming barriers the Makah have faced to date are domestic in nature and not based on the policies and protocols of the International Whaling Commission.

Even the IWC noted in their *Description of the USA Aboriginal Subsistence Hunt: Makah Tribe* that, “Soon after the 1999 hunt and notwithstanding the express right of whaling in its Treaty, United States federal courts ruled that the Tribe must obtain a waiver from a moratorium on taking marine mammals in the United States Marine Mammal Protection Act (MMPA) and that, before issuing such a waiver, the United States Department of Commerce, acting through the National Oceanographic and Atmospheric Administration (NOAA) must complete a comprehensive environmental review of the hunt”. They continued that, “The processes for the possible issuance of a waiver and completion of the environmental review under United States domestic law are complex, impose exacting standards for the protection of marine mammals, and entail extensive scientific review and opportunities for public input. The

Tribe has been working diligently with NOAA to comply with these requirements but, as a result, has been unable to hunt since 2000.” (Khoury, 2015).

This, several interviewees asserted, was an example of a man-made disaster, even though it would not be recognized as such by FEMA or within FEMA policies. To the participants from Iñupiat and Yup’ik communities where whaling is unquestionably a component of their cultures and traditions, the legal cases involving the Makah Tribe over the past two decades have created a justifiable relationship pause, both spoken and unspoken. The case of the Makah Tribe was well-known in communities where whaling is prominent, and in conversations with various leaders and residents that were not part of this research formally. The impression was that the Makah case will always be in the forefront of how the relationship between Alaska Tribes and the federal government of the United States is defined.

Finding 6: Multiple disaster statutes, processes, and programs creates confusion for Alaska Tribes and Alaska Native Communities.

This specific area of the research sought to clarify from the perspective of Alaska Tribes and Alaska Native Communities what a disaster was or, perhaps, was not. Research revealed that there was universal agreement among all individuals who participated, formally and informally, that FEMA delineations of *disaster* were appropriate and applicable to the broader population of the United States. The impression was that the generally accepted definitions within the Robert T. Stafford Act that include hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, and drought were common sense, naturally occurring events that were widely understood. But it was repeatedly implied that the Stafford Act omitted incidents or events that

are central to the multiple Alaska Native cultures and, although outside of this research focus, Alaskans in general. The one dominant definition of disaster discussed outside of whaling was the decline of salmon stocks or runs across coastal areas of Alaska that directly impact subsistence and the commercial fishing industry that drives the State of Alaska's economy. More relevant to this research, the discussions were about declining fisheries that impact the individual and community well-being of many Alaska Tribes (Gordon, 2019).

The research established that two different and very complex processes at the federal level address most disasters that impact Alaska Tribes and Alaska Native Communities. Both also can inform the relationship between Alaska Tribes and the federal government, including FEMA. They are each grounded in the policymaking processes that involve the creation of statutory legislation and subsequent agency specific implementation. The first, the Robert T. Stafford Act as amended, noted throughout this dissertation, addresses the coordinated response and recovery to disasters like those previously mentioned. The federal agency tasked with the lead for implementation of the Stafford Act is the Federal Emergency Management Agency. The second process, lesser known and yet widely applied to Alaska Tribes, is governed by the Magnuson-Stevens Fishery Conservation and Management Act of 1976, commonly referred to as the Magnuson-Stevens Act, or MSA. The co-author of the original legislation was then Alaska's United States Senator, Ted Stevens. Among key components that address larger fisheries issues in the United States, the MSA contains a section reserved for Fishery Disaster Assistance – also referred to as a Determination or Declaration - to address sudden and unexpected losses in fishing communities as determined by the Secretary of Commerce (Magnuson-Stevens Act, 1976). The lead federal agency for this legislation is the National Oceanographic and Atmospheric Administration, commonly known as NOAA, an administrative agency within the

Department of Commerce. During the research, on December 16, 2022, a Fisheries Disaster determination was announced for the 2022/2023 season for Alaska Bristol Bay Red King Crab and Bering Sea Snow Crab fisheries. This determination followed a similar announcement for the previous season of 2021-2022. Additional recent announcements under these authorities include a 2021 determination for Alaska Kuskokwim River Salmon, Norton Sound Chum, and Coho Salmon fisheries, along with 2021 Chignik Salmon fisheries. From 2019 through 2020, similar determinations have been made for Washington's Columbia River, Willapa Bay, and Puget Sound Salmon fisheries and additional Alaska fisheries that included the Copper River/Prince William Sound Coho and Pink Salmon fisheries (NOAA Disaster Declarations, n.d.).

A Fishery Disaster Declaration (Determination) has a structured process that, on the surface, is not dissimilar from that of the Stafford Act. The National Oceanographic and Atmospheric Administration, however, contrasts the two declarations by stating:

A FEMA disaster declaration activates an array of federal programs designed to assist in the immediate response and recovery efforts after a major disaster, and may include individual assistance, public assistance, and hazard mitigation assistance. A Department of Commerce fishery disaster determination is more limited in scope. It focuses primarily on assessing the economic and social effects of a commercial fishery failure, restoring the resource affected by a disaster, or initiating projects or other measures to alleviate harm which may have been incurred as a direct result of a fishery resource disaster arising from a natural disaster, such as a hurricane. (NOAA Fisheries Disaster Frequent Questions, n.d.)

Noteworthy is that fishery impacts are referenced as *disasters*, and they assess the economic and social effects of fishery losses in a community. Glaringly, however, the research found that only the FEMA disaster process under the Stafford Act allows for federally recognized tribes as determined by the Bureau of Indian Affairs to exercise their sovereignty option by engaging in government-to-government relations with the federal government (FEMA). More succinctly stated, Alaska Tribes can request and seek federal assistance through FEMA in that direct manner, as a government. This was a policy change enacted through the Sandy Recovery Improvement Act of 2013 (SRIA), covered extensively in this dissertation. Fishery Disaster Assistance through NOAA, according to language directly in the Magnuson-Stevens Act, can only (emphasis) be requested through the governor of an impacted state, with final determination resting with the Secretary of Commerce. However, during this research the process became less clear and, although superficially beneficial to Tribes in the manner it is currently evolving, remains a challenge for Alaska Tribes specifically.

The research revealed that these two processes are, in practice, significantly different in the way they are administered for Alaska Tribes or Alaska Native Communities. Specifically, the NOAA Fishery Disaster process indirectly but unquestionably excludes a government-to-government option. The request process begins with a letter from “a governor or an elected or politically-appointed representative of the affected fishing community (e.g., mayor, city manager, county executive) to the Secretary of Commerce requesting fisheries disaster assistance (to) begin the disaster evaluation process.” (NOAA, 2022.). The process and regulations under NOAA consistently reference impacts to commercial fisheries as a primary qualifying factor for a successful determination. It addresses subsistence eligibility but fails to acknowledge Alaska Tribes – *governments*. Instead, it is limited by referencing impacts to individuals or subsistence users only:

- *Yes, in some circumstances, people who rely on fish or other seafood for subsistence (subsistence users) may be included as part of the commercial fishery. If these subsistence fisheries have commercial components (e.g., selling, bartering, and trading), they may have economic activity that is accounted for as part of a commercial fishery. For example, in past Yukon River disasters, some of these individuals and groups were included as part of the commercial fishery in the determination and received disaster assistance.*
- *Subsistence users may be eligible to receive assistance, if Congress appropriates funds, under MSA Section 312 if they are part of the affected fishing community. If a fishery disaster exists, the harm to subsistence users can be evaluated along with the remainder of the fishing community for assistance purposes.*
- *Subsistence users may also be eligible for assistance under MSA Section 315, which explicitly allows for other parts of the fishing community beyond commercial fisheries (i.e., fishermen, charter fishing operators, processors, and owners of related fishery infrastructure) to receive assistance if a catastrophic regional fishery disaster is determined by the Secretary. (NOAA Fisheries Disaster Frequent Questions, n.d.)*

Although the research intentionally did not incorporate the most recent natural disaster that impacted Alaska Tribes and Alaska Native Communities in the western part of the state (Region 2), these areas have received Fisheries Disaster Assistance previously, as is noted in NOAA's own online material. What is clear within these two processes for declarations of a disaster is that one, the Stafford Act, does not afford Alaska Tribes and/or Alaska Native Communities the opportunity to include culturally experienced disasters like salmon decline as eligible, whereas the other, a NOAA Fisheries Disaster Determination, acknowledges and

recognizes such a culturally experienced disaster. However, and central to this research, the Stafford Act distinguishes itself by allowing for government-to-government options for Tribes, something the Magnuson-Stevens Act and NOAA policies for requesting and securing a Fisheries Disaster statutorily does not or certainly does not make clear.

Senator Lisa Murkowski described implementation problems with Fisheries Disasters during a January 17, 2022, interview with Alaska Public Media. She stated that the problem with these types of disasters was the method of allocation of assistance to those who have been impacted (e.g., fishermen, the community, etc.). It is a process, she stressed, that needs to be addressed and corrected. Specifically, she described how financial support through NOAA can take months and even years to get to those who most need it (Townsend, 2023)

Murkowski's concerns reinforce what the research revealed – how two different disaster processes do not work in the best interest of Alaska Tribes, especially in the context of culturally experienced disasters. The following table demonstrates the key differences between the two disaster frameworks as applied to Alaska Tribes when a disaster occurs:

Table 5.1 Disaster Declaration Processes

Disaster Declarations: Processes	Stafford Act (FEMA)	Magnuson-Stevens (NOAA)
Initiation Process for Request of Assistance	State Governor or Senior Tribal official	Mayor, City Manager, County Executive, “Fishing Community”
Government-to-Government Option	YES	NO
Final Determination	President of United States	Secretary of Commerce
Culturally Experienced Disasters Included (Ex. salmon decline)	NO	YES
Established Program Delivery Process and Timelines	YES (FEMA IA-PA-Mitigation)	NO
Pre-Dedicated Congressional Funding	YES (Disaster Relief Fund)	NO (Congressionally Funded as Needed)

Note: This table illustrates key elements of the disaster declaration process from the Robert T. Stafford Act and the Magnuson-Stevens Act.

For Alaska Tribes, the research showed that disaster impacts are often driven by naturally occurring events like floods, fires, winter weather, earthquakes, etc. These types of disasters all fall under the auspices of FEMA and its governing authority, the Stafford Act. Participants were largely receptive and comfortable with the definitions and processes by which these types of disasters are requested, declared, and programmatic support is generally delivered. There is a distinct and now routinely exercised option for government-to-government requests for disasters through FEMA, although not a single Alaska Tribe has exercised that option successfully since it became available in 2013 (FEMA Tribal Declarations, n.d.). Denials for a request in a government-to-government manner, as was noted in the Introduction section of this

dissertation (Chapter 1), were incurred by both Kivalina and Newtok in 2017. Those denials are addressed later in this section and again in the Conclusion and Recommendations section.

Once Stafford Act disasters are declared, even when not in a government-to-government manner, the distribution of assistance is programmatically structured and designed to ensure quick and effective delivery to individuals, households, and communities. Problematic for Alaska Tribes is one of the major programs within the Stafford Act discussed in greater detail within this section, the Public Assistance Program. In as much, though, as historical disasters for Alaska Tribes under FEMA authorities have involved naturally occurring events, the research illuminates significant cultural disconnects between the federal government and Alaska Tribes when disasters occur – the actual definition of *disaster*. Culturally experienced disasters, those that can directly impact the cultures and long-standing traditions of Alaska Tribes, including the decline of salmon, changing Gray whale migration patterns, or decimation of caribou herds through disease, are not recognized by FEMA as an eligible disaster. In the eyes of those interviewed and communities engaged both formally and informally in Alaska, culturally experienced disasters are real, increasing, and concerning. They are not being addressed through an otherwise recognized and largely respected disaster process, the Stafford Act. Moreover, this research finds that where culturally experienced disasters can be addressed, such as those involving salmon through the Department of Commerce and NOAA, the process is dramatically different from what Alaska Tribes have increasingly embraced – even when response and recovery is coordinated through the State of Alaska. Alaska Tribes have an option to seek government-to-government assistance through FEMA, but not for an event that they themselves define as culturally important.

5.3.2 Fisheries Disasters: Non-Sovereign Options

The Fisheries Disaster process not only relegates Alaska Tribes to seek assistance through a “mayor, city manager, or county executive”, where in many cases one does not exist, but it does not appear to recognize them statutorily as federally recognized tribes. They often appear relegated to being a fishing *community* that may also possess subsistence needs, while still having to meet certain components of the MSA that require a commercial fisheries nexus. None of the participants interviewed or contacted for this research were aware of the stark differences between the two federal disaster programs but once they were made aware, their concerns became clear. Two participants who are well versed in disaster policies, Participant #51 and Participant #63, used this awareness as an opportunity to begin a conversation about a new federal process to determine disasters for Tribes in the United States.

To the credit of the Department of Commerce and NOAA, the research revealed movement in policy interpretation of the Magnuson-Stevens Act to address inequities with Tribes beginning in late 2022, including retroactively addressing certain previous salmon related disasters that warranted a Fisheries Assistance Determination. Although this movement appears to have a potential long-term benefit for Tribes collectively, Alaska Tribes at the time of the research remain in a precarious position because of the Alaska Native Claims Settlement Act of 1971 and subsequent policies adopted under the Alaska National Interest Lands Conservation Act, commonly referred to as ANILCA (ANILCA, 1991). So, in effect, these well-intended federal policy interpretations remain unreachable by Alaska Tribes as federally recognized governments even if there is an eventual agreement on the definitions to include culturally experienced disasters.

In Chapter 3 (Background and Review of the Literature), it was stressed that this research and dissertation required an in-depth but not all-encompassing review of federal Indian law as it applied to the legal basis by which Alaska Natives and their Tribes exist today. Significant to this section are key examples between the Stafford Act process for a Major Disaster Declaration and the Magnuson-Stevens Act process for a Fisheries Assistance Determination. It has been previously noted, and will be addressed subsequently, that in 2017 the Native Village of Kivalina and Newtok Village, both federally recognized Alaska Tribes sought and were denied federal assistance under the Stafford Act. Reasons for the denial were largely unexplained by FEMA, but the agency did at least acknowledge and address these Tribes in a government-to-government manner as prescribed by the Stafford Act amendments through the Sandy Recovery Improvement Act of 2013. Research for this project shows that, irrespective of well-intended policy interpretations from NOAA regarding government-to-government relationships with Tribes, every request for a Fisheries Disaster Determination from Alaska, even for subsistence fisheries that impact Alaska Natives and Alaska Tribes, has come from the current Governor of Alaska or his predecessor. This stands starkly in contrast to similar requests received, acknowledged, and awarded to Tribes outside of Alaska.

5.3.3 Tribal Requests for Fisheries Disasters

On March 5, 2020, Lummi Nation Tribal Chairman Lawrence Solomon submitted a formal request for a disaster under Magnuson-Stevens. The initial request sought relief from a 2019 decline in sockeye salmon and strongly emphasized the cultural impacts to the Lummi Tribe, geographically located in the Pacific Northwest:

The health and existence of the salmon is undeniably bound to the health and wellbeing of the Lummi people. The lack of a Lummi harvest opportunity for Fraser River sockeye has had irreversible negative impacts to the Lummi way of life, cultural, spiritual and traditional practices. The financial impact that the fishermen have endured due to the lack of harvest threatens the ability of the fishermen to earn a modest living. The importance of subsistence, ceremonial and commercial fisheries is an integral part of the way of life and identity to the Lummi Nation. Prior to European contact, the Lummi Nation survived, prospered, and thrived by exercising these inherent rights. (NOAA Lummi Request for Fisheries Disaster, 2020)

Chairman Solomon's request was followed up by another correspondence, concerning assistance for additional fisheries and consolidated within a single letter on June 9, 2020. In that letter, Chairman Solomon dramatically expanded the request to include a series of fisheries failures over multiple years, something prohibited under the Stafford Act for Major Disaster Declarations:

In a previous communication I requested that, pursuant to Section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act, you declare an economic fishery disaster for the 2019 Fraser River sockeye return. At this time, I would like to formally request that fishery disasters similarly be declared for the following salmon fisheries: the 2016 and 2017 Fraser River sockeye fisheries, the 2015, 2017 and 2019 Fraser River pink fisheries, the 2019 chum fishery in salmon management areas 7 & 7A, the 2015 coho fishery in salmon management areas 78, 7C, 7D and 77B (collectively known as the Nooksack/Samish terminal fishing area), and the 2019 terminal area Chinook and chum fisheries. In each case, returns of salmon were extremely low,

resulting in no, or greatly reduced, commercial fishing opportunities for the Lummi Nation bringing economic hardship to more than 350 Lummi tribal fishers and the families they support. The Lummi Nation is urging your office to act quickly to mitigate this situation. Prompt efforts by your Department are critical in helping Lummi fishers get the disaster relief, funds and assistance they are entitled to in a timely manner.

(NOAA Lummi Request for Fisheries Disaster, 2020)

Again, Chairman Solomon stressed the cultural nexus to the Lummi People when describing the ability to harvest fish and shellfish. He equated these actions to the Lummi Nation's identity and way of life. He concluded his letter by emphasizing how the Lummi Nation was in need of expedited assistance and was in a state of despair because of these fisheries impacts. Noteworthy to this specific example is the Lummi Nation's right to subsistence as guaranteed by the Boldt decision of 1974, described in the Introduction and Rationale Section of this dissertation.

On September 1, 2022, Secretary of Commerce Gina M. Raimondo announced a sweeping series of MSA Fisheries Disasters that addressed the Lummi requests, retroactively going all the way back to 2015 and including consolidated requests from 2016, 2017, and 2019. In the determination letter from Raimondo, she references the impacts to "multiple tribal salmon fisheries" and "tribal communities", later explaining that, through MSA, the Secretary evaluates requests based on data and the requesting "tribe, state or appointed official." (Tribal Fishery Disasters, NOAA, 2022). The announcement for the Lummi Nation also includes Determinations for the Swinomish Indian Tribal Community, Tulalip Tribe, Upper Skagit Tribe, Squaxin Island Tribe, Port Gamble S'Klallam Tribe, and Yurok Tribe. The Determination for the Port S'Klallam Tribe retroactively incorporated impacts from 2014 and 2019. Each of these requesting Tribes

highlight the historic and cultural importance of salmon and shellfish harvesting to their respective Peoples. They also each emphasize the legal authorities by which they can request this specific disaster assistance under the Magnuson-Stevens Act, particularly the Tribes geographically located in the state of Washington and guaranteed those rights under Treaty and specifically through the Boldt Decision of 1974 (*United States v. Washington, 1975*).

Document review found, however, that these NOAA determinations appear inconsistent with the actual language contained within the Magnuson-Stevens Act, even after recent amendments in 2007, 2017, and 2018. At the heart of that inconsistency appears to be statutory language that makes clear, as previously reviewed, that requests can only come from a mayor, city manager, appointed official, and in most cases a governor of a state. The September 2022 Disaster Determination letter clearly describes a “requesting tribe” as eligible, or at least infers it. This inconsistency drives further questions on the actual process for federally recognized tribes – *governments*. Are they, according to MSA and NOAA, a fishing community, or an actual Tribe as determined by a United States Bureau of Indian Affairs designation? This question was unresolved in this dissertation and requires further research, but it further illustrates the confusion that exists between the two primary disaster declaration processes that may impact Alaska Tribes.

Of great significance is that, during this research and within the time frame of the NOAA Determinations for the previously described Tribes, requests for similar declarations for Alaska have either been made in the affirmative or are in a *pending* status for approval. Each request and determination, however, including those in a pending status, originated from Governor Mike Dunleavy or his predecessor. A brief review of formal requests from the State of Alaska between 2016-2022, originating from two different gubernatorial administrations,

showed that the justifications for requests were consistently based on financial impacts to commercial fisheries. There were very limited references to subsistence users and no references to Alaska Natives or Alaska Tribes, demonstrating that Tribes in Alaska were ostensibly included in the requests even though that was not confirmed during this research. This highlights, however, the fact that Alaska Tribes did not request assistance directly under Magnuson-Stevens and, equally as important, the culturally experienced disasters that Alaska Tribes specifically may have endured were not addressed in a government-to-government manner similar to that of the Lummi Nation or other federally recognized tribes during this specific period.

5.3.4 Recent Consultation and Policy Considerations: Magnuson-Stevens Act


This section of the research originally focused solely on culturally experienced disasters in relation to the Federal Emergency Management Agency and its governing authorities under the Robert T. Stafford Act. However, the research eventually revealed complexities in two major federal disaster statutes and implementing policies that can affect Alaska Tribes and, therein, the government-to-government relationship. It was not anticipated that the Magnuson-Stevens Act would become a focal point of this research, but the realities of Alaska Native subsistence in concert with the interviews of individuals and communities that described their versions of what a disaster is in their view drove this exploration. Since the beginning of the research, there has been movement on policy that could affect the processes by which Alaska Tribes are included in Magnuson-Stevens.

In November of 2020, the National Congress of American Indians (NCAI) formally passed Resolution #PDX-20-009, which addressed Alaska Native subsistence fisheries explicitly.

Although the resolution did not directly seek an amendment to the MSA, indirectly it did. The resolution is shown in Figure 5.2.

Figure 5.2

Resolution passed by the National Congress of American Indians



NATIONAL CONGRESS OF AMERICAN INDIANS

**The National Congress of American Indians
Resolution #PDX-20-009**

EXECUTIVE COMMITTEE

PRESIDENT
Fawn R. Sharp
Quinault Indian Nation

FIRST VICE-PRESIDENT
Aaron Payment
Sault Ste. Marie Tribe of Chippewa Indians

RECORDING SECRETARY
Juana Majel-Dixon
Pisumna Band of Lushoño Indians

TREASURER
Shannon Halsey
Stockbridge-Munsee Band of Mohican Indians

REGIONAL VICE-PRESIDENTS

ALASKA
Rob Sanderson, Jr.
Tlingit & Haida Indian Tribes of Alaska

EASTERN OKLAHOMA
Norman Hildebrand
Wyandotte Nation

GREAT PLAINS
Larry Wright, Jr.
Ponca Tribe of Nebraska

MIDWEST
Rebecca Crooks-Stratton
Shakopee Mdewakanton Sioux Community

NORTHEAST
Tina Abrams
Seneca Nation of Indians

NORTHWEST
Leonard Forsman
Suquamish Tribe

PACIFIC
Erica Mae Macias
Cataulla Band of Indians

ROCKY MOUNTAIN
MARK POLLOCK
Stodolfeet Nation

SOUTHEAST
Nancy Carnley
Ma-Chi Lower Creek Indian Tribe of Alabama

SOUTHERN PLAINS
Robert Tippeconnie
Comanche Nation

SOUTHWEST
Joe Garcia
Ohkay Owingeh Pueblo

WESTERN
Amber Torres
Walker River Paiute Tribe

CHIEF EXECUTIVE OFFICER
KEVIN ALLIS
FOREST COUNTY POTAWATOMI COMMUNITY

NCAI HEADQUARTERS
1516 P Street, N.W.
Washington, DC 20005
202.466.7767
202.466.7797 fax
www.ncai.org

TITLE: Support for Tribal Subsistence and Commercial Fishery Disaster Declarations

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the harvest and utilization of natural resources are vital to our communities social and economic well-being and the survival of Alaska Native cultures; and

WHEREAS, subsistence fish along with other natural resources provide the basic food security for Alaska Natives who live in communities where cash income opportunities are limited; and

WHEREAS, the significance of Alaska Native subsistence hunting and fishing was recognized by Congress when it made a commitment to Alaska Natives by enacting Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) in 1980; and

WHEREAS, subsistence hunting and fishing became increasingly important to rural communities as a result of the impacts from the COVID-19 pandemic including irregular transportation to and from rural communities; the cessation of transportation during the closure of some communities; loss of cash-income opportunities; stable availability of commercial foods; and the increased costs of commercial foods; and

WHEREAS, the summer of 2020 is being characterized by the Alaska Department of Fish and Game as one of the worst salmon seasons in decades; and

Figure 5.2 continued

NCAI 2020 Annual	Resolution PDX-20-009
<p>WHEREAS, several communities have requested the State of Alaska make a disaster declaration for the commercial salmon fisheries and have requested the State of Alaska seek a fisheries disaster declaration from the Secretary of Commerce, under the Magnuson-Stevens Fishery Conservation and Management Act; and</p>	
<p>WHEREAS, many tribal communities nationwide depend on subsistence fishing as their primary source of food as well as their cultural way of life to sustain themselves through the winter months; and</p>	
<p>WHEREAS, tribal communities are reporting a disastrous 2020 subsistence fisheries season in part, because of fishing areas closures; and</p>	
<p>WHEREAS, this has left some families without access to food and forced fisherman to travel further from their communities to find opportunities to fish, and to fish for longer hours; and</p>	
<p>WHEREAS, tribal communities which have suffered the loss of wage income; irregular transportation to and from villages resulting in higher costs of commercial foods; and one of the worst subsistence fishing seasons are facing extraordinary hardships and loss of their food security; and</p>	
<p>WHEREAS, substantial inequities exist between commercial and subsistence fisheries in that disaster funds have been made available for commercial fisheries, but not for subsistence fisheries.</p>	
<p>NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) calls on the Secretary of Commerce, Congress, and relevant state governments and agencies to:</p>	
<p>(1) Clarify that tribal subsistence fisheries are eligible recipients of fishery disaster relief funding under the Magnuson-Stevens Fishery Conservation and Management Act and the Interjurisdictional Fisheries Act, and</p>	
<p>(2) To ensure that any future COVID-19 fisheries assistance relief funds are expeditiously distributed to those tribal communities and families that have been suffering from decreasing salmon stocks for decades due to closures and which has been made worse as a result of the COVID-19 pandemic; and</p>	
<p>(3) Provide direct relief to tribal subsistence fisheries and to the commercial fisheries; and</p>	
<p>BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.</p>	

The NCAI request largely remained unaddressed until a Regional Fishery Management Fishery Council Working Paper was released in May 2022 that specifically focused

on Magnuson-Stevens Reauthorization Issues. In that document, Alaska Natives and Alaska Tribes were not specifically mentioned, but the cultural impacts of fisheries disasters and a need to address these issues was included in the recommendation:

Subsistence fishing: In addition, including the term “subsistence fishing” provides needed context to the importance of fishing activities to Native cultures. The language could, however be improved by expressing to what fishery sectors the term may or may not apply (e.g., recreational, commercial, treaty Indian, non-Indian, indigenous, etc.). Ceremonial and subsistence fishing has a long history in Indian treaty case law, and it should not be confused with recreational or commercial fishing. Treaty Indian subsistence fishing should be separated and clearly distinguished from some broader definition of subsistence that might include recreational fisheries. It should also be noted that treaty tribes may engage in and authorize commercial fisheries in addition to ceremonial and subsistence fisheries. (Regional Fishery Management Councils, 2022)

Although this recommendation, if implemented, could strongly incorporate culturally experienced disasters into policy that applies to federally recognized tribes collectively, the research still determined that Alaska Tribes would likely be excluded from such a policy. Alaska Tribes do not fall, as noted in the Background and Review of the Literature section of this dissertation, into the legal category of a Treaty Tribe. Neither do they, except for Metlakatla Indian Community on the Annette Island Reserve, possess Congressionally recognized lands that fall under the category of Indian Country. However, they are unquestionably the Indigenous Peoples of Alaska, historically and culturally reliant on subsistence, and use fishing as a source of ceremony in many of their cultures. Encouraging from the action of the Regional Fishery Management Councils was the request to clarify that ceremonial and subsistence fishing should

not be confused with commercial or even recreational fishing. This specific note would clarify, as an example, the multiple requests for Fishery Disaster Determinations by previous governors of Alaska, where the language includes subsistence in a broad-brush manner, including both Indigenous Alaskans and non-Indigenous Alaskans. This would clarify that ceremonial and subsistence fishing for Alaska Natives and their Tribes is distinct from those of non-Indigenous fishers.

Shortly following the recommendation from the Regional Fishery Management Councils, the Department of the Interior and the National Oceanographic and Atmospheric Administration requested formal consultation with Alaska Tribes through respective leadership. The September 6, 2022, letter (Figure 5.3) seems clearly intended to address both the NCAI resolution and the Councils' request for clarification through possible amendment to the Magnuson-Stevens Act. Of significance, this consultation request followed facilitated listening sessions in concert with the U.S. Department of Agriculture to address the specific needs of Alaska Natives. The five areas of consultation included the following prompting questions:

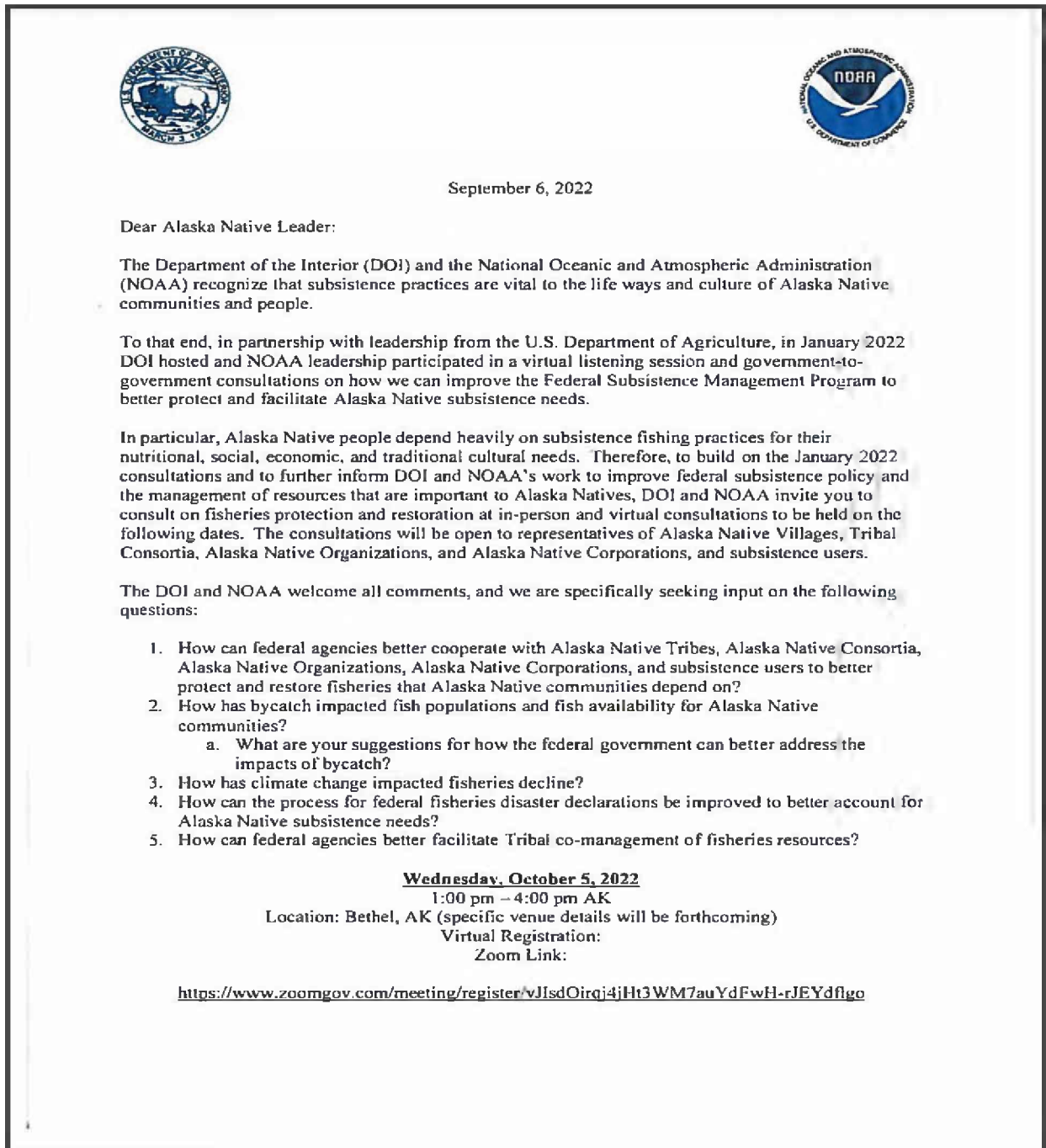
- 1. How can federal agencies better cooperate with Alaska Native Tribes, Alaska Native Consortia, Alaska Native Organizations, Alaska Native Corporations, and subsistence users to better protect and restore fisheries that Alaska Native communities depend on?*
- 2. How has bycatch impacted fish populations and fish availability for Alaska Native communities? What are your suggestions for how the federal government can better address the impacts of bycatch?*
- 3. How has climate change impacted fisheries decline?*

4. *How can the process for federal fisheries disaster declarations be improved to better account for Alaska Native subsistence needs?*
5. *How can federal agencies better facilitate Tribal co-management of fisheries resources?*

These consultation sessions followed facilitated listening sessions and provide an opportunity to address policy development in a meaningful way that, to many interviewees, has been lacking over the past decade. Noteworthy in the September 2022 request for consultation is the inclusion of what many interviewees relayed during the interview process, that Indigenous Alaskans exist today in unique structures from one geographic location to the next. The recognition by the federal agencies in this letter of Alaska Native Tribes, Alaska Native Consortia, Alaska Native Organizations, Alaska Native Corporations, and subsistence users (Alaska Natives) is promising. However, and relevant to the larger question of how (emphasis) Alaska Natives participate in government-to-government relations in a post-disaster environment, the letter only opens consultation to the following: Alaska Native Villages, Tribal Consortia, Alaska Native Organizations, Alaska Native Corporations, and subsistence users. Conspicuously omitted from this list is the actual phrase “federally recognized tribe.” It may be inferred through reference to Villages and Consortia, but that could also be subject to interpretation or debate, even within Alaska:

Figure 5.3

Consultation Request Letter (NOAA, 2022)



In conclusion regarding the Magnuson-Stevens Act, one cannot help but to recall the similar processes by which the United States Department of Homeland Security (DHS) was

created in 2003 and incorporated elements of 22 previously existing federal agencies, including FEMA. This creation followed, as was noted in Chapter 3, the attacks on the United States on September 11, 2001. By no means is this research creating an analogy between those events and policies designed to assist Alaska Tribes with culturally experienced disasters like salmon decline or whale migratory changes. However, the creation of DHS incorporated multiple pre-existing statutes and policies that eventually collided during high-profile disasters like Hurricane Katrina in 2005. In this specific example, the collision of policies, process, and personalities led to the conclusion that the response to Hurricane Katrina was a complete failure of the federal government and the systems intended to coordinate response in the United States. This research revealed that two very distinct and unique processes by which disasters are defined, funded, and allocated to those in need has the potential to dramatically impact in a negative manner Alaska Natives, Alaska Tribes, and Alaska Native Communities. When a disaster defined by FEMA occurs simultaneously with a disaster that includes the decline of fishing with significant cultural impacts on Alaska Natives, confusion among who is in charge, how relief is sought, and the exercise of sovereignty by Alaska Tribes will be in question. As meaningful as NOAA's pursuit of clarification is for Alaska Tribes in the declaration process for a Fishery Disaster determination, those potential new policies will still reside within the Magnuson-Stevens Act and not be a component of the Stafford Act. In effect, two different sets of definitions for *disaster* will still exist, along with two different processes for seeking federal assistance.

5.4 Theme: FEMA's Programs are Rigid and Bureaucratic

Finding 7: Public Assistance Program rigidity and a lack of cultural competence creates an illusion of sovereignty for most Alaska Tribes.

This research focused heavily on Alaska Tribes and their relationships with FEMA, driven by close examination of the development and implementation of public policies that inform that relationship. As the research progressed, it became increasingly clear that Alaska's Tribes, as sovereign governments, unquestionably have the statutory ability to seek (emphasis) federal assistance following a disaster in a government-to-government manner if they so choose. This reflects the policy, the intent, and the current strategic plan of FEMA (FEMA Strategic Plan, 2022). However, the research also found that the Federal Emergency Management Agency has a longstanding history of holding the line regarding applicant eligibility under the Stafford Act's rules after the announcement of a Major Disaster Declaration by the President. Nowhere is this more evident than with one of the two major programs that deliver the actual assistance to impacted communities when disasters occur.

Countless examples exist where FEMA has determined an applicant as ineligible for Public Assistance Program funding after a Major Disaster Declaration (Gasper, 2015). This dissertation is founded on that premise and utilizes FEMA's vague and ambiguous denial of assistance for Kavalina and Newtok in Chapter 1 for the pursuit of the research, but they are not alone. Where ambiguity, though, regarding eligibility for tribal organizations – as opposed to tribal *governments* – existed during the 2020 CARES Act funding from Congress through the Title V amendments to the Social Security Act, there is no ambiguity regarding Alaska Native Corporation eligibility to receive federal assistance under the Stafford Act. They are not eligible. Not only is it unambiguous, but it is also specifically prohibited in the 2020 FEMA Public

Assistance Policy Guide, a very bright line that further disqualifies Alaska Native Corporations as either tribes or tribal governments. Irrespective of the 2021 SCOTUS decision awarding them CARES Act funding described in Chapter 3, FEMA prescribes them exactly how they were Congressionally created per the Alaska Native Claims Settlement Act: *for-profit corporations* (Public Assistance Program and Policy Guide, 2020). The COVID-19 pandemic was a national-level disaster whose policy eventually landed underneath the Stafford Act requirement for FEMA coordination. What is not disputed, but was not the focus of this research, is that Congress carries the final say in who it funds. Where these two lines intersect; however, was relevant to the larger research question and required further exploration. Under a conventional natural disaster listed within the Stafford Act, no Alaska Native Corporation would even be acknowledged by FEMA, much less eligible to receive federal assistance. The COVID-19 pandemic was by no accounts a routine disaster, but was it so unusual that well-established policies regarding federal disaster assistance should have been completely reconsidered and clarified by the Supreme Court?

With these considerations in mind, the research eventually circled back to the question of which Tribes in Alaska were eligible for federal assistance in a government-to-government manner, and what set them apart from other Tribes. Did the Alaska Native Claims Settlement Act of 1971 and covered in a subsequent section of these findings, play an important role in the question of eligibility? Further, did the Metlakatla Indian Community in southeast Alaska stand alone, perhaps without even recognizing it, regarding FEMA eligibility and potential assistance because of ANCSA? After examining the organizational construct of dozens of the 229 Alaska Tribes, three were more closely examined to ascertain the answers.

Three specific Alaska Tribes (Kaktovik, Akiachak, and Metlakatla) were eventually examined in-depth to determine their potential eligibility for a government-to-government disaster declaration and, more relevant to the research, their eligibility to remain in that government-to-government status as program delivery was implemented following a Stafford Act declaration. A Major Disaster Declaration could routinely include both Individual Assistance and Public Assistance Programs. The communities were randomly chosen from three of the six structured regions of research, but emphasis was placed on selecting three communities geographically and culturally different from one another. The communities selected reflected the northeastern most community in Alaska, Kaktovik (Iñupiat); a community located in a remote region of the Lower Kuskokwim river, Akiachak (Yup'ik); and the southernmost federally recognized Tribe in Alaska, Metlakatla Indian Community (Tsimshian). The examination of these three replicated the current real-world scenario for many Tribes in western Alaska that, as of the date of this research, are still recovering from the remnants of Typhoon Merbok. None of these Tribes or their communities were selected based on the potential for recency bias previously noted in this body of work.

5.4.1 Kaktovik Village (Iñupiat): Public Assistance Program Eligibility

The Native Village of Kaktovik, located approximately 300 miles east of Prudhoe Bay, presents a complicated situation when requesting and receiving federal assistance under the Stafford Act, specifically Public Assistance. It was determined that Kaktovik would eventually be required to seek the North Slope Borough's (NSB) aid and state support in obtaining federal disaster assistance. Kaktovik, like many other Alaska Tribes, has defined borders but not a formally established reserve through Congress. Kaktovik also illustrates the common

complexion of many Alaska Tribes and their respective communities following the adoption of the Alaska Native Claims Settlement Act of 1971. Kaktovik is represented by two Alaska municipal and two distinct federally recognized tribal governments, four governments in total. It exists within the same borders of the second class incorporated City of Kaktovik, whose incorporation also dates to 1971. Of importance as applied to the Stafford Act and the Public Assistance Program, Kaktovik has services and infrastructure overwhelmingly provided and maintained by the North Slope Borough. They describe themselves as follows:

The Iñupiat of Kaktovik highly regard family, work ethic, the Iñupiaq language, drumming and dancing, and sharing food and knowledge of the environment and its inhabitants. They have a deep respect for the environment in which they live as it provides fresh water, clean air, and subsistence foods. Subsistence activities play a large role in the community. For Alaska Natives of the North Slope, subsistence is a connection to the land and the way the Iñupiat passed down traditional knowledge through generations. Kaktovik residents rely on a variety of seasonally abundant resources of terrestrial and marine mammals, fish, and waterfowl for much of their diet. Residents travel often as far west as Deadhorse, east past Hershel Island in Canada, south deep into the Arctic National Wildlife Refuge and fifty miles or more into the Beaufort Sea for subsistence activities. However, the range that Kaktovik residents travel for subsistence hunting and fishing can change over time as traditional subsistence land use patterns change based on the availability of animals and fish. (Kaktovik Comprehensive Plan, 2021, pp. xi-xii)

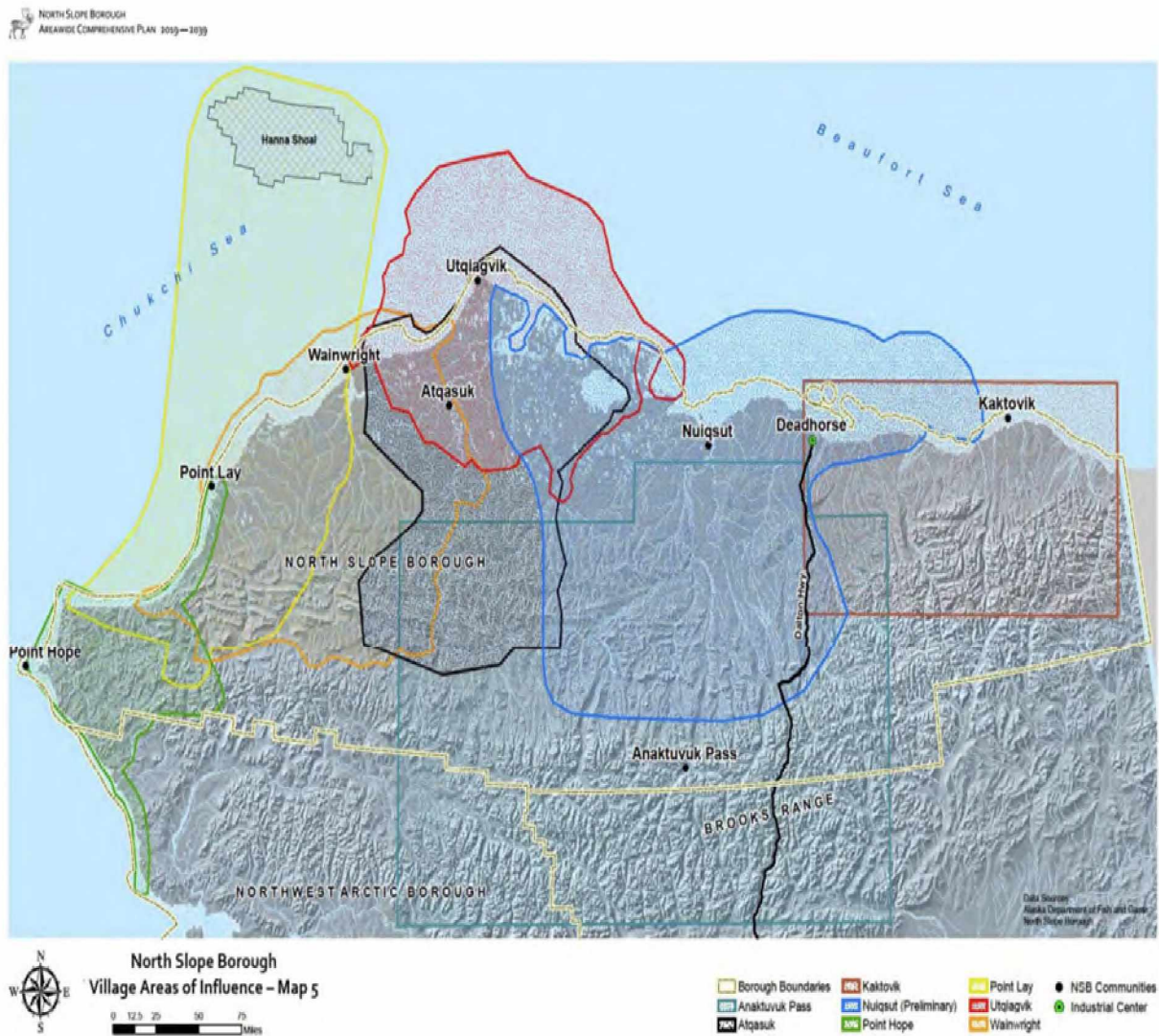
During the research, which included reviews of the Kaktovik Village Comprehensive Plan adopted November 9, 2021, and the North Slope Borough 2019-2039 Comprehensive Plan,

the complexities of Kaktovik and Public Assistance Program support from FEMA in a government-to-government manner became clear. In addition, at the time of the research the North Slope Borough and Kaktovik, along with all Tribes in the North Slope Borough area of responsibility in Alaska, were undergoing the development of a FEMA required Hazard Mitigation Plan update.

These documents, publicly available with some still in draft form, were reviewed to assess critical infrastructure and legal ownership that would affect FEMA eligibility requirements. Also participating in this process was the Iñupiat Community of the Arctic Slope, the other federally recognized tribe referenced in the Kaktovik Comprehensive Plan. Their combined efforts to create a consolidated, regional Hazard Mitigation Plan were being funded by FEMA, coordinated by the state, and locally led in conjunction with the North Slope Borough. Maps from the Hazard Mitigation Plan development process, even though in draft form during the research, show the community's existing critical infrastructure in Kaktovik that could be subjected to damage during a natural or man-made disaster. Chapter 7 of the NSB's Comprehensive Plan addresses public facilities. "The North Slope Borough constructs and maintains much of the infrastructure within its boundaries, including water and wastewater systems, solid waste management, power generation and distribution, roads, airports, snow fences, heavy and light duty equipment, gravel resources, and communications". They further clarify that, "the term public facility is inclusive of all capital assets the borough requires to provide essential services to its residents and businesses" (North Slope Borough, 2019). Figure 5.4 shows the areas of influence of the North Slope Borough according to their adopted Comprehensive Plan.

Figure 5.4

North Slope Borough and Villages



Note: This map from the North Slope Borough’s (NSB) adopted Comprehensive Emergency Management Plan (2019-2039) illustrates areas of influence of the NSB across a geographical region that also includes 8 federally recognized tribes. This map does not represent the overlapping area of influence for the Inupiat Community of the Arctic Slope, a federally recognized regional tribe whose jurisdiction largely corresponds to that of the North Slope Borough.

The following maps, Figure 5.5 and Figure 5.6, both in draft form as part of a Multi-Jurisdictional Hazard Mitigation Plan not yet approved by FEMA or adopted by the North Slope Borough or its partner cities and Tribes, represent the community-identified critical facilities (infrastructure) in Kaktovik broken into two categories – community-wide critical facilities and those owned and maintained legally in some manner by the North Slope Borough.

Figure 5.5

Kaktovik Community Critical Facilities

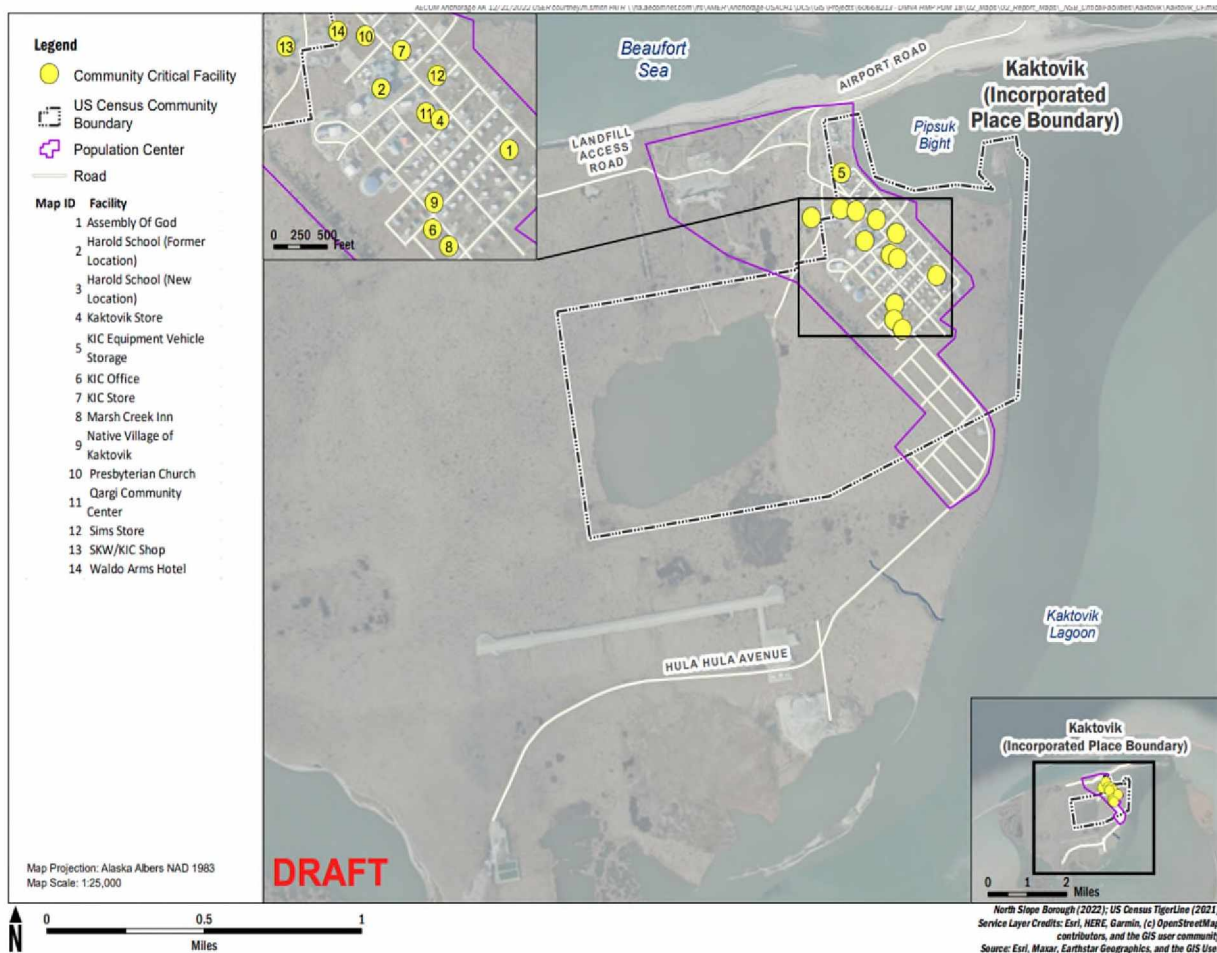
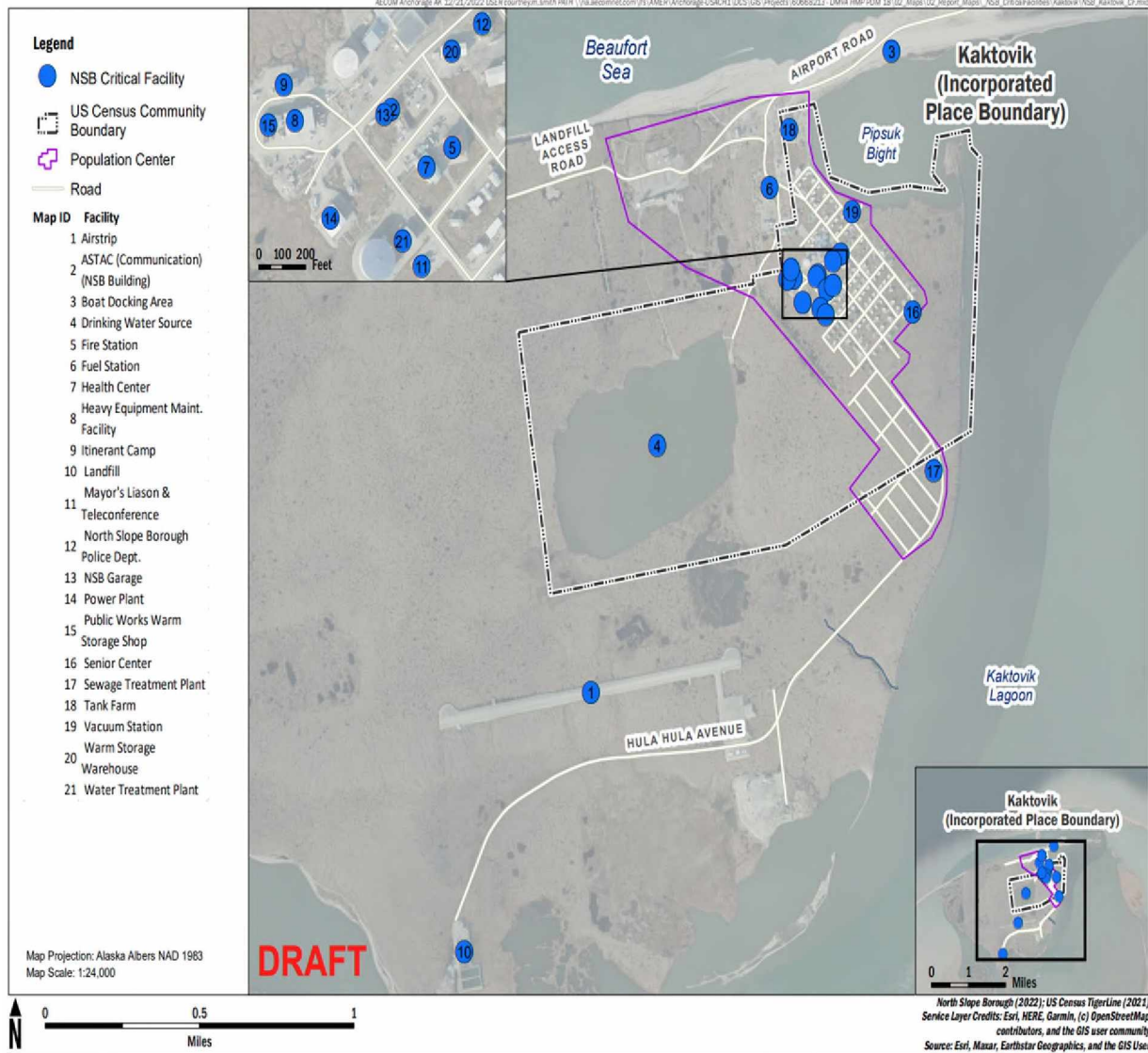


Figure 5.6

Kaktovik Critical Facilities Owned and/or Maintained by the North Slope Borough



NSB KAKTOVIK CRITICAL FACILITIES

Figure X

The North Slope Borough (NSB), a subdivision of state government analogous to a county in many states, makes it clear that they are instrumental to providing and ostensibly repairing critical infrastructure in Kaktovik, with or without a federally declared disaster. Kaktovik equally acknowledges this role. "The Borough provides Kaktovik with public

electricity and delivers piped water and sewer services. The NSB also provides trash pick-up free of charge” (Native Village of Kaktovik, n.d.). Further, the Kaktovik Iñupiaq Corporation, a for-profit Native Corporation, fulfills the obligation of running the local store. Kaktovik does have a public safety building and fire station, but their plans do not specify who is the legal owner, a key Public Assistance Program consideration. An interview with Participant #24, from the North Slope Borough, revealed that across the North Slope in *every* community the functions of law enforcement and fire service are provided by the borough, including the ownership and maintenance of the actual structures (Participant #24, personal communication, February 9, 2023). This was also confirmed in a separate interview with a former Iñupiat village of Point Lay (*Kali*) response official during an in person visit with their community the week of February 6, 2023 (Participant #26, personal interview, February 8, 2023).

As presented, the research revealed that Kaktovik could request and likely secure FEMA Individual Assistance support for its Tribal members (individuals) in a government-to-government manner by request of the Kaktovik Tribal President; however, the greater Alaska Native Community of Kaktovik would be required to seek the entire package of a Major Disaster Declaration through the Borough and State of Alaska if it sought support beyond Individual Assistance. This would impact recovery from a major disaster in one of the most remote, inaccessible communities in all the United States.

In 2004 and again in 2020, the Kaktovik School – a centralized place of learning and shelter for the entire community – caught fire and was completely destroyed (Kaktovik School Fire, n.d.). Kaktovik Village (Tribe) did not seek a federal disaster declaration of any kind for the second burning of the school, which would have been possible in a government-to-government manner following policy adopted in the Sandy Recovery Improvement Act of 2013. However,

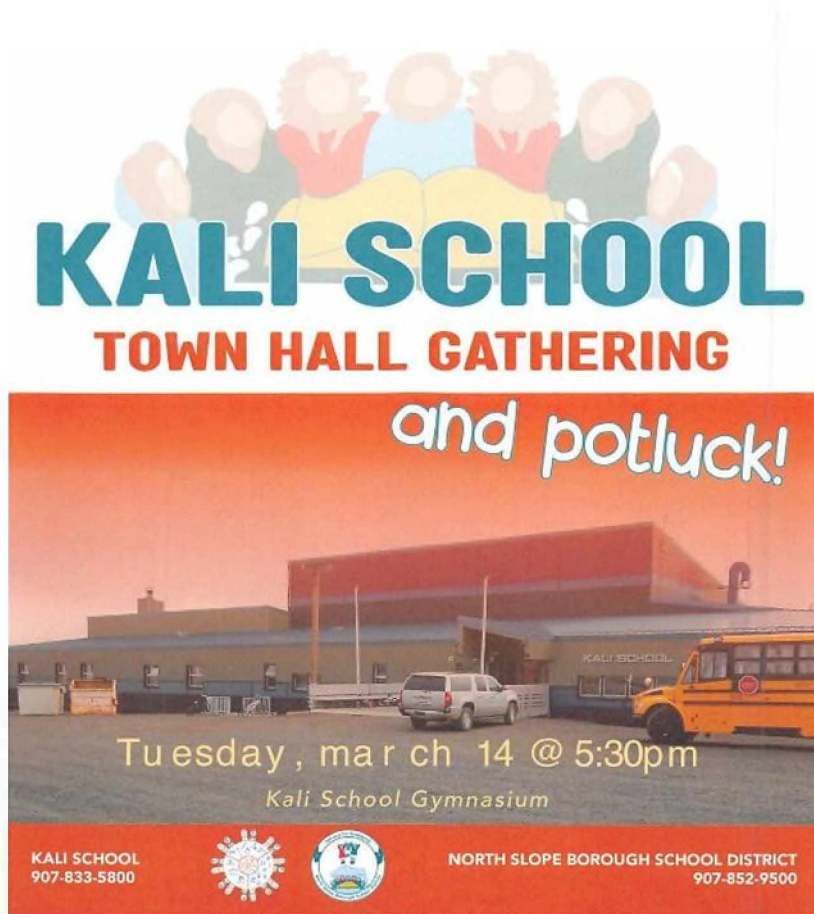
the State of Alaska did seek a Public Assistance-only declaration on behalf of the community and was, surprisingly, denied assistance, even when requested by the state and meeting all current Public Assistance thresholds for eligibility for the state. Even though Kaktovik Village could have secured a declaration in such a government-to-government manner, the primary facility impacted by the fire (school and shelter) was owned and operated by the North Slope Borough School District (NSBSD), which is a state-funded function, even though the building is locally controlled by Kaktovik. More simply stated, the North Slope Borough (government) owns and leases the school to the North Slope Borough School District (separately elected government). This implies that the school would not be eligible to be rebuilt under a government-to-government form of disaster declaration. Instead, it would require the Kaktovik Tribal President to cede the sovereign option under FEMA policy and work with and through the State of Alaska to secure Public Assistance Program eligibility to rebuild the school. However, and extremely problematic to this specific example, where the Kaktovik Tribal President could theoretically seek Public Assistance support under FEMA policy for Tribes at a minimal damage threshold of only \$250,000, if the Tribe is required to cede its authority under this same example and work through the North Slope Borough and state, that threshold amount increases to approximately \$1,200,000 for federal assistance eligibility (FEMA Public Assistance Program and Policy Guide, 2022). This means that not only does the Tribe, under this scenario, lose its sovereign option to seek Public Assistance support from FEMA, but the required damage threshold is increased by over four-fold by being forced to work through the state. The state, in turn, may not meet the required statewide threshold or, in some cases, may simply not seek to assist the Tribe because of relationship issues. This is very much not the case with Kaktovik, the North Slope Borough, and the Alaska Division of Homeland Security and Emergency

Management. In these types of localized disasters, the research revealed relationships that were respectful and at all times focused on the safety and security of *every* resident of *every* community of the North Slope. However, if those relationships had been compromised or damaged over time, from one administration to the next, Kaktovik and ostensibly other Tribes and Tribal leaders could find themselves in a position of not having the realistic possibility of engaging with FEMA in a government-to-government manner. They could not, on their own, act in the best interest of their Tribal members and the greater Alaska Native Community that they inhabit.

At the time of this research, fully two years beyond the fire that destroyed the Kaktovik school, it had not been rebuilt, and students were attending classes in connected modular structures that allowed for safe and enclosed instruction. These repairs and replacement structures were provided by the North Slope Borough and without the use of any FEMA assistance. Important to this specific section of the findings is that the school has traditionally provided for community shelter during disasters and non-disaster activities like basketball, which is popular across Alaska. This is not uncommon across many Alaska Native Communities, including in Point Lay (*Kali*) where Town Hall gatherings routinely occur, as shown in Figure 5.7.

Figure 5.7

Notice of Town Gathering in Point Lay (*Kali*)



Parents, community members and leaders, school advisory council, students and staff are invited to join NSBSD to discuss the ways we can strengthen our schools and create the best environment possible for Point Lay's students.

Note: This is a visual from the Kali School in Point Lay, Alaska. Kali is the Iñupiat name for Point Lay and the school is the focal point for the entire community. It is the only school and is a primary gathering location as well as the primary community-designated shelter during disasters.

Following the destruction of the Kaktovik school to the 2020 fire, students were forced to practice basketball and volleyball outside in inclement conditions and, despite that obvious challenge in an Arctic environment, succeeded and even ascended to the state championship tournament during the research time frame.

5.4.2 Metlakatla Indian Community (Tsimshian): Public Assistance Program Eligibility

Visits, document reviews, and inspection of community infrastructure to southeast Alaska and the Metlakatla Indian Community confirmed their eligibility to seek and receive all benefits from FEMA following a Major Disaster Declaration in a straightforward method. The Tribe rightly promotes itself as legally possessing a specific geographic area (reserve), one that they are legally responsible for. This constitutes one of the foundational requirements for eligibility when seeking a federal disaster declaration and Public Assistance under the Stafford Act (Public Assistance Program and Policy Guide, 2020). They have Tribally owned utilities, a courthouse, harbor, police and fire, and most services that one would expect to see in a small-medium sized jurisdiction. The Metlakatla Tribal Council of twelve elected members conducts the legislative function of the community, approves the budget, plans for capital improvements, approves major land transactions, and more (<https://www.metlakatla.com/directory>).

It is fully expected that FEMA would openly acknowledge and respect the sovereign status of the Metlakatla Indian Community if a disaster occurs that warrants federal assistance. Metlakatla has a current FEMA-approved Hazard Mitigation Plan, and the statutes and FEMA's own Tribal Policy require such acknowledgement and respect as part of a meaningful relationship. However, it is not unreasonable to presume that FEMA would programmatically approach Metlakatla like a Tribe geographically located in the continental United States or

perhaps even as a small city, county, or state. A surprising finding of the research was that the Metlakatla Indian Community, although located in the United States' boundaries in Alaska, is not categorized in the Alaska Region for the Bureau of Indian Affairs (BIA). Rather, they are grouped with Tribes in the Pacific Northwest located in the geographical boundaries of the states of Washington, Oregon, Idaho, and Montana. This is shown in Figure 5.8.

Figure 5.8

Bureau of Indian Affairs (BIA) Northwest Region

The Northwest Region serves the following Tribes

<p>Northwest Regional Office:</p> <ul style="list-style-type: none"> • Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians • Confederated Tribes of the Grand Ronde Community of Oregon • Confederated Tribes of Siletz Indians of Oregon • Coquille Indian Tribe • Cowlitz Indian Tribe • Cow Creek Band of Umpqua Tribe of Indians • Klamath Tribes • Makah Indian Tribe of the Makah Indian Reservation <p>Coeur d'Alene Agency:</p> <ul style="list-style-type: none"> • Coeur d'Alene Tribe <p>Colville Agency:</p> <ul style="list-style-type: none"> • Confederated Tribes of the Colville Reservation <p>Flathead Agency:</p> <ul style="list-style-type: none"> • Confederated Salish & Kootenai Tribes of the Flathead Reservation <p>Fort Hall Agency:</p> <ul style="list-style-type: none"> • Shoshone-Bannock Tribes of the Fort Hall Reservation • Northwestern Band of the Shoshone Nation <p>Metlakatla Agency:</p> <ul style="list-style-type: none"> • Metlakatla Indian Community, Annette Island Reserve <p>Northern Idaho Agency:</p> <ul style="list-style-type: none"> • Kootenai Tribe of Idaho • Nez Perce Tribe 	<p>Olympic Peninsula Agency:</p> <ul style="list-style-type: none"> • Chehalis Tribe • Hoh Indian Tribe • Jamestown S'Klallam Tribe • Quileute Tribal Council • Lower Elwha Tribal Community • Quileute Tribe of the Quileute Reservation • Shoalwater Bay Indian Tribe • Skokomish Tribal Council • Souaxin Island Tribe of the Squaxin Island Reservation <p>Puget Sound Agency:</p> <ul style="list-style-type: none"> • Lummi Tribe of the Lummi Reservation • Muckleshoot Indian Tribe • Nisqually Indian Tribe • Nooksack Indian Tribe • Port Gamble S'Klallam Tribe • Puvallup Tribe of the Puvallup Reservation • Samish Indian Nation • Sauk-Suiattle Indian Tribe • Skokomish Indian Tribe • Snoqualmie Indian Tribe • Stillaguamish Tribe of Indians of Washington • Squamish Indian Tribe of the Port Madison Reservation • Swinomish Indian Tribal Community • Tulalip Tribes of Washington • Upper Skagit Indian Tribe 	<p>Spokane Agency:</p> <ul style="list-style-type: none"> • Kalispel Indian Community of the Kalispel Reservation • Spokane Tribe of the Spokane Reservation <p>Taholah Agency:</p> <ul style="list-style-type: none"> • Quinault Indian Nation <p>Umatilla Agency:</p> <ul style="list-style-type: none"> • Confederated Tribes of the Umatilla Indian Reservation <p>Warm Springs Agency:</p> <ul style="list-style-type: none"> • Burns Paiute Tribe • Confederated Tribes of the Warm Springs Reservation of Oregon <p>Yakama Agency:</p> <ul style="list-style-type: none"> • Yakama Nation
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Note: This visual illustrates the federally recognized tribes included in the organized Northwest Region of the Bureau of Indian Affairs. The Metlakatla Indian Community, an Alaska Tribe, is not included in the Alaska Region for BIA but instead is organized with Tribes in the Lower 48.

Research and interviews confirmed that Metlakatla would easily qualify for all major disaster programs included in a FEMA Major Disaster Declaration and, more relevant, that they could do so in a direct government-to-government relationship through FEMA with little to no bureaucratic hurdles or obstacles. The discovery of Metlakatla's inclusion in the Northwest Region of BIA was not anticipated but was a topic of conversation during interviews. Although it was not a focus of the research, such inclusion in the Northwest Region could have the potential to affect relationships internally between Alaska Tribes and is likely worth further research beyond this dissertation. (Dogan & Higley, 1998; Higley & Burton, 2006)

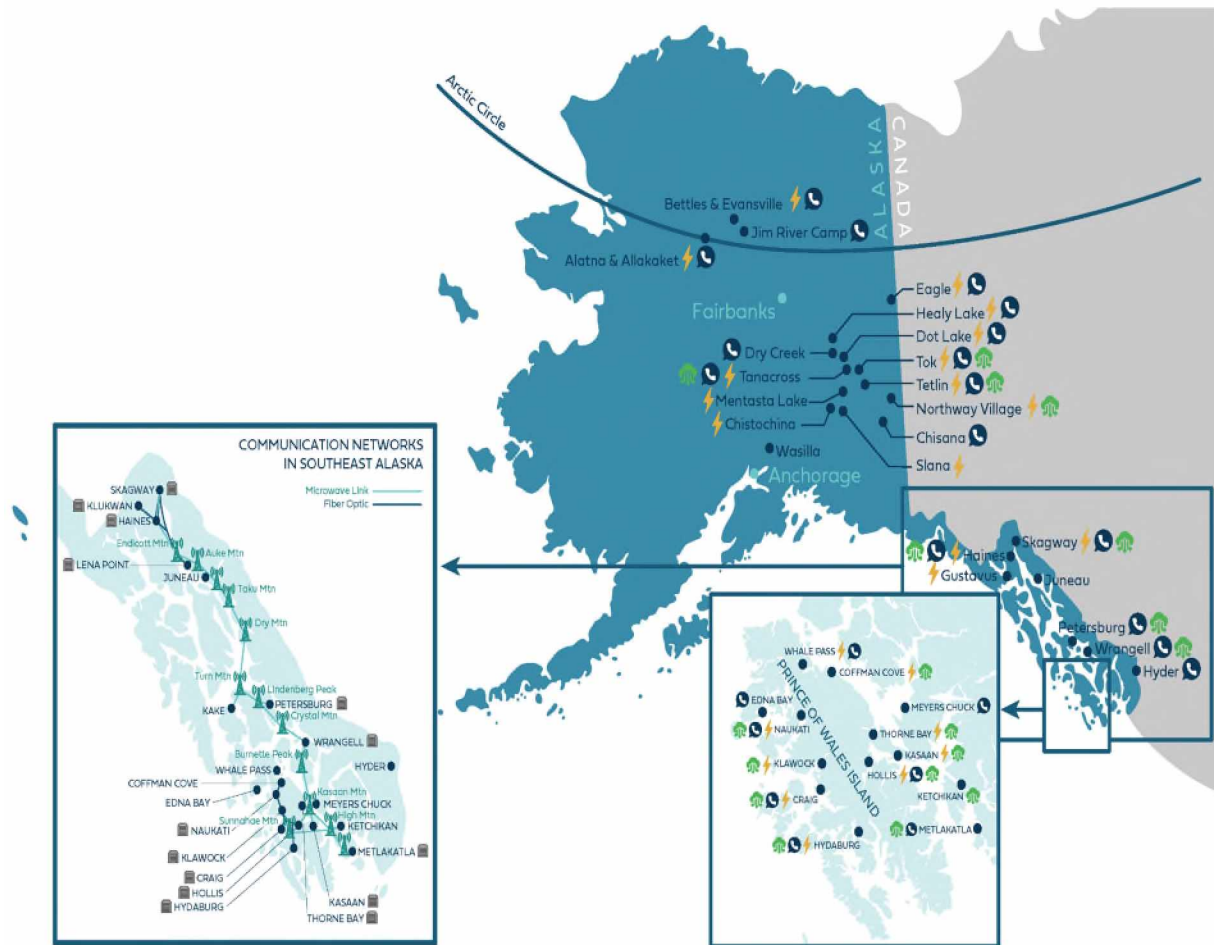
Because Metlakatla is the exclusive owner of its infrastructure, is responsible for it, and maintains it, state government coordination or partnership is not required for a declaration request and the receipt of full programmatic assistance. An interview with an elected leader in Metlakatla, confirmed that they own, operate, and maintain the following functions and facilities on its federally designated reserve: Council Chambers, Police Department, Fire Department, Fish and Wildlife, Public Works, Water Treatment, Court House, Memorial Town Hall, Hatchery, Port and Harbor, Senior Center, Long House and Artist Village, Counseling Center, and a Bingo Hall (Participant #7, personal communication, January 10, 2023). Metlakatla, because of its unique status among Alaska Tribes, extensively reviewed in the Background and Literature Review chapter, possesses the only casino in the State of Alaska, which located in the Bingo hall.

The only non-Metlakatla owned infrastructure at the time of the research was internet and phone service, which is currently provided by Alaska Power and Telephone (APT). It is a for-profit, employee-owned organization that is not owned or operated by the Metlakatla Indian Community. When this issue was presented to interviewees, it raised the awareness regarding the lack of eligibility under current established policies of the FEMA Public Assistance Program. Three interviewees (Participant #6, Participant #7, and Participant #10) shared how the Metlakatla Indian Community had recently received a \$10 million grant from the federal government to intertie Metlakatla to Ketchikan Public Utilities located within the City of Ketchikan (Miller, 2022). This single action would effectively close the loop on any critical infrastructure that could be impacted by a natural disaster not being outright owned and operated by the Metlakatla Indian Community. The Metlakatla plan following the inevitable receipt of the grant was to establish greater energy resiliency and communications for the Tribe by minimizing power disruptions and reliance on APT in the future.

Power generation, distribution and internet and phone service by APT is prominent across southeast Alaska and is present in many remote communities throughout the state. Alaska Power and Telephone is well-respected and provides power where none may otherwise be provided to vulnerable communities. However, and of great significance to this research, such good intentions as those of APT do not meet the criteria of eligibility for rural Alaska because of their *for-profit* status, employee-owned or not. In Alaska they fall into the same ineligible status in the Public Assistance Program as Alaska Native Corporations.

Figure 5.9

Alaska Power and Telephone (APT)



Note: Alaska areas where Alaska Power and Telephone (APT), an employee-owned, for-profit company provide services including power generation and distribution, internet, and phone services.

For power generation and distribution, this is largely akin to what is routinely seen with disasters occurring in the state of Washington, where publicly provided power and internet exists in large swaths of the state, but in major metropolitan areas like Puget Sound and the greater

Spokane area, power is provided by similar for-profit entities like Puget Sound Energy (PSE) and Avista Power. Though they provide power for homes and businesses, the two largest counties in these regions (King and Spokane respectively) frequently struggle to meet the damage threshold requirements for FEMA assistance under the Public Assistance Program, largely because the power infrastructure, as vital as it may be, is provided by for-profit corporations.

In Alaska, specifically in southeast Alaska and even Metlakatla to a minor degree, this leaves communities particularly vulnerable when disasters requiring the Public Assistance Program occur and help is needed. Where tax bases from large counties like King and Spokane in Washington may be able to help underwrite losses for lack of eligibility for Puget Sound Energy and Avista, that is not the case in rural areas outside of Ketchikan, or across all of Prince of Wales Island located remotely in southeast Alaska. This remains a fundamental problem for the Public Assistance Program – the ineligibility for critical power providers in small, predominately Alaska Native communities and their Tribal governments. As research progressed, consideration of how FEMA policies like the *for-profit* prohibition grew, and the focus in some interviews at times gravitated toward the relationship, where the perception was that policies may have been intentionally designed to inhibit Tribal sovereignty. This was not pursued as a part of the research but is captured in this section of the dissertation to demonstrate how perceptions by some interviewees could inform the greater relationship between Alaska Tribes and FEMA.

Document review and personal interviews with subject matter experts confirmed that several unique factors drive the question of Public Assistance programmatic eligibility for Alaska Tribes under the Stafford Act. They include federal recognition status, the implication of

ANCSA on Tribal boundaries, and the intertwining of Tribes with Alaska Native Corporations, cities, and/or boroughs. Although these factors do not necessarily impede any federally recognized Alaska Tribe from requesting and securing a federal disaster declaration in a government-to-government manner, getting programmatic eligibility like Public Assistance following such a declaration may very well be pointless and, in the end, disheartening. It also may leave small, rural Alaska Native Communities and their Tribes with an inability to recover from disasters because of the inability to restore basic power in the short or long-term phase of a disaster. For Metlakatla and a select few other Alaska Tribes, the research revealed that this assertion likely does not apply. The Metlakatla Indian Community, on organizational structure and self-reliance alone, was found to be the most well-positioned of any Tribe in Alaska if they seek a request for assistance in a government-to-government manner. They were found to unquestionably qualify for most all of FEMA's program assistance with confidence in their ability to exercise those requests in a sovereign manner. The only exception to this qualification and eligibility – internet and phone – will be resolved within the next two to three years according to Metlakatla officials.

Interviews with Metlakatla officials, including Participant #7, reaffirmed the independence of the Metlakatla Indian Community and its intent to further that independence by not only developing its own telephone and internet system with the recent federal grant, but also possibly connecting power across the water to interconnect Metlakatla with Ketchikan Public Utilities. This was also confirmed in a meeting with the City of Ketchikan (Participant #18). By interconnecting power, the two entities – Metlakatla Power & Light and Ketchikan Public Utilities – will build redundant capabilities that FEMA will deem eligible for Public Assistance Program funding following a Major Disaster Declaration for either community. One is Tribally

owned, the other publicly owned. Neither, most importantly, will be owned by a for-profit company or organization.

5.4.3 Akiachak Native Community (Yup'ik): Public Assistance Program Eligibility

The Akiachak (*Akiacuag*) Native Community, located along the Lower Kuskokwim river, presents a somewhat different situation than Metlakatla and Kaktovik, and research into Akiachak when in the context of disasters and FEMA's Public Assistance Program yielded an interesting history and surprising findings. The community of approximately 700 residents is located a dozen miles north of the City of Bethel. It was incorporated as a city in 1974, after the passage of the Alaska Native Claims Settlement Act, but its history and leadership from that point forward potentially sets it apart from other Alaska Tribes, though not to the degree of Metlakatla. Research of history and documents unquestionably tie Akiachak to a lesser-known Indigenous movement that has evolved to a formal regional government holding the potential to positively inform the government-government relationship with FEMA.

Yupit Nation Movement

In a 2014 Alaska Public Media story about the "Yupit Nation", KNOM reporter Ben Matheson wrote that, "Terms like tribal sovereignty, Native Rights, and co-management, are all open to interpretation" (Matheson, 2014). He went on to describe discussions of Tribal sovereignty along the Lower Kuskokwim and the pursuit of regional governance during the annual Yupit Nation meeting that took place in the Akiachak School Gym that year. Although Tribes and individual tribal members likely took issue with Matheson's assertion that sovereignty and rights are "open to interpretation", there was agreement within the Yupit Nation

meeting that a regional structure of governance held potential benefit for the people of the Lower Kuskokwim.

The Yupiit Nation, though long in existence in its traditional Indigenous construct, began re-branding itself into a more formally established organization in 1978, when a consortium of 19 Tribes along the Lower Kuskokwim gathered to address regional governance and sovereignty. At the time, according to Matheson, the stated goal of the maneuver was to “shift the power to tribes in rural Alaska” (Matheson, 2014). Three of the original Yupiit Nation Tribes were located in Akiak, Akiachak, and Tuluksak, mere miles apart. Of those three, and applicable to the research question about relationships with FEMA, only Akiak has a FEMA-approved Hazard Mitigation Plan, authored in conjunction with the City of Akiak. Their Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) does not expire until 2024.

Although attempts to contact and schedule interviews within the Akiachak Native Community were not successful, a thorough review of documents about the history and the community were extremely beneficial and, as mentioned previously, surprising. In 1992, local Akiachak resident Willie Kasayulie authored a short paper that eloquently encapsulated the history of the Yupiit Nation movement, his salient reasoning behind its formation, and the overarching intent of its direction. That paper and additional research through this project contributes to the assertion that Akiachak has established itself over time as another potentially unique Alaska Tribe in the government-to-government relationship with FEMA.

Mr. Kasayulie offered his insight and thoughts while serving at that time as the “President of the Yupiit Nation.” He wrote in reflection that, “The movement towards reasserting the authority of the tribal governments came to light in 1983 when the governing body of the city of Akiachak submitted, *en masse*, their resignation and transferred their municipal powers to the

Akiachak Native Community tribal government. The resignation prompted the community to proceed with the dissolution of a municipal government which was sanctioned by the State of Alaska on January 31st, 1990” (Kasayulie, 1992). Kasayulie described how laws and regulations imposed on the communities along the Lower Kuskokwim were designed for the relatively new State of Alaska’s municipalities and did not reflect the actual governance of communities largely comprised of Alaska Natives. The Yupiit Nation’s *second* official post-statehood foothold into existence occurred with the dissolution of the municipality of Akiachak, something that the research could not confirm but believes has only occurred in this one instance. Upon its dissolution, Akiachak was formally assigned as a census-designated place (CDP) in the Bethel Census Area by the United States Census Bureau. This designation officially stripped away the municipal form of government imposed upon its population during the initial days of Alaska statehood.

Its *first* foothold, however, occurred fully six years prior to dissolution with the adoption of the Constitution of the Yupiit Nation. On October 5, 1984, in the Native Community of Tuluksak, formal ratification of the first Yupiit Nation Constitution took place. Its preamble, described by well-known Yup’it leader Mike Williams, laid out the vision and values of the Yupiit Nation for communities that had then expanded to the greater Yukon-Kuskowkim Delta (YK):

Recognizing that we, Yupiit, affirm that our traditional cultural heritage and inherent governmental sovereignty are essential to our wellbeing.

That the lands identified by the Yupiit Elders, including but not limited to all native village townsites, all native allotments and restricted lands, all traditional and current

hunting fishing, and food gathering lands, all historic and cemetery sites, all Alaska Native Claims Settlement lands and all lands added, in the future, by grant, purchase, agreement or otherwise are homelands of the Yupiit Nation.

That renewable and on-renewable resources of the Yupiit Nation homeland are essential to the present state and future development of Yupiit economies and cultural identity.

That international, national and local policies and practices should give due consideration to protection of the Yupiit homeland and the preservation an evolution of Yupiit culture and societies.

That our right to self-determination must be confirmed and Yupiit participation in state, federal, and international policies and activities affecting our homeland assured.

(Yukon-Kuskokwim Regional Tribal Government (n.d.)

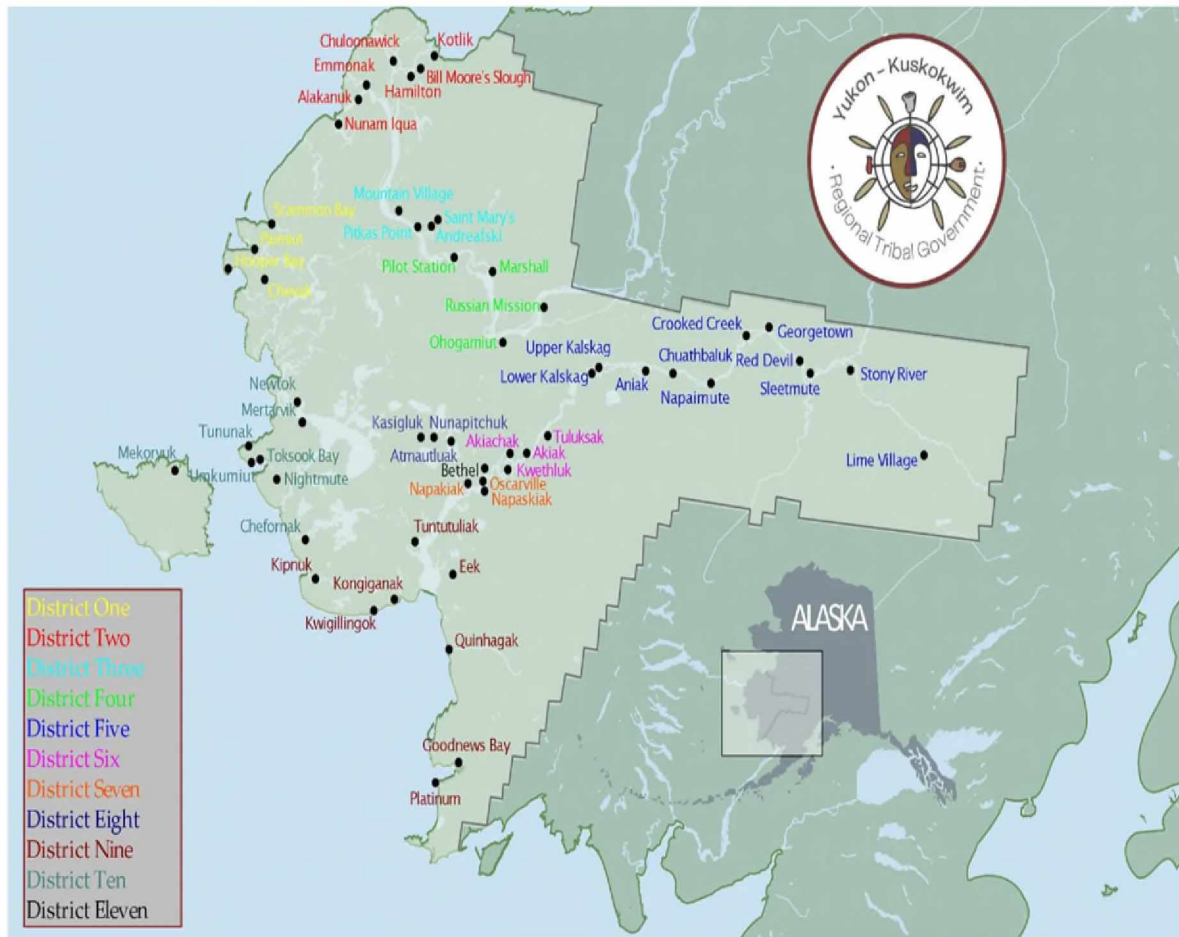
Noteworthy is that the preamble and subsequent articles of the initial Yupiit Nation Constitution largely resemble what Gordon strongly proclaims, that Indigenous governments eventually adopt the form of government of the colonizer, including in this case the actual structure and tone of the Constitution (Gordon, 2019). One could argue that this illustration merely exemplifies how federally recognized tribes can assert their rights in the same format as those who had colonized their very geographic areas and cultures. However, the impression is that the 1984 Constitution was more of a political strategy by the leadership of the Yupiit Nation, which at the time included Kasayulie and Mike Williams, who was later recognized as the Chief of the Yupiit Nation.

The Yupiit Nation Today: Yukon-Kuskokwim Regional Tribal Government

After a relatively silent period, the Yupiit Nation movement re-emerged toward a decidedly more region-wide form of government beginning in the year 2020. On February 22, 2021, the concepts became a governing reality as the Yukon-Kuskokwim Regional Tribal Government (Y-K RTG) was established as a Constitutional Government under the Charter of the Napaskiak Tribal Council. Instead of a Yupiit Nation with 19 original members, the Y-K RTG emerged with 56 federally recognized tribes along the Lower Kuskokwim – including Akiak, Akiachak, and Tuluksak. They held their first successful government election on November 8, 2022, and as of this research have their first President and 11 District Representatives, illustrated in Figure 5.10, that embody a formalized regional government in an area they describe as roughly the same size of the state of New York and containing 26,000 residents (Maxie, 2022).

Figure 5.10

Yukon-Kuskokwim Regional Tribal Government (2023)



The intent of the regional government, according to their Frequently Asked Questions document dated November 4, 2022, and retrieved from the recently formed Y-K RTG website, is to fulfill the vision and need for a regional government originally spoken about by their Elders. An emphasis is also placed upon retention of the existing 56 Tribal Nations' individual sovereignty and how the regional government will not compete or interfere with their respective governments. In addition, the document stresses a desire to restore jurisdiction over traditional waters and lands, as well as providing for a regional approach to public safety, public health,

subsistence and natural resources, and the promotion of “Regional infrastructure” (<https://ykrtg.org/about-us/>). This intent was confirmed during a conversation with a newly elected leader from the Y-K RTG (Participant #46, personal communication, February 24, 2023).

Akiachak’s inclusion into the newly formed Yukon-Kuskokwim Regional Tribal Government brings the Alaska Tribe into a more robust regional structure that, although not the intended focus of this research, was nonetheless an unexpected focusing point. The government-to-government relationship between FEMA and a Tribe is based on its status as published in the Federal Register by the Bureau of Indian Affairs (Federally Recognized Indian Tribal List Act, 1994). Document review and interviews confirmed that there are only two federally recognized *regional* tribes in Alaska – the Central Council of the Tlingit and Haida Indian Tribes of Alaska (CCTHITA) and the Iñupiat Community of the Arctic Slope (ICAS). Participant #21, an ICAS leader, confirmed that ICAS is recognized federally as a Regional Tribe and that their governing council is comprised of individuals representing the 8 individual Iñupiat Tribes also recognized by the BIA. This individual equated the ICAS role as an umbrella form of government that in many ways can help to coalesce common concerns in a regional form of government that serves the best interests of the Iñupiat Peoples across the entire North Slope, including the previously described Kaktovik Native Village (Participant #21, personal interview, 2023). Therefore, for the Central Council of Tlingit and Haida and the Inupiat Community of the Arctic Slope, FEMA will unquestionably recognize them in a government-to-government manner if they seek a disaster declaration on behalf of one or more of the Tribes within their respective geographic areas of responsibility as defined in their approved Constitutions. How this reconciles, however, with the individual Tribe such as Kaktovik has not been fully tested as of this research and could prove problematic and is worth consideration of further research.

What is not in question as of the writing of this dissertation is that the newly formed Y-K RTG is not federally recognized as a regional tribal government, at least not according to the Bureau of Indian Affairs or any discoverable document. It is logical to presume that the Y-K RTG will eventually pursue such federal recognition similar to that of the Central Council and ICAS, but until that point Akiachak Native Community, as a single federally recognized tribe, would pursue a disaster declaration in a government-to-government manner (when exercising its sovereign option) on its own standing and with its own infrastructure being scrutinized like others within the FEMA Public Assistance Program. The research found that, in the case of Akiachak, such a request could yield both the disaster declaration and equally the potential rebuild of most of its infrastructure in that government-to-government manner.

Although the State of Alaska legally owns the gravel airstrip that is the only airborne way into the village, Akiachak owns and operates its own water well, tank, and treatment plant. They are also the headquarters of the Yupiit School District (Native owned), and they have services FEMA would consider as public works including routine servicing of on-site portable toilets (honey bucket) by the village. Of importance to the eligibility of Akiachak for Public Assistance support is that electricity is provided by the Akiachak Native Community Electric Company, a tribally owned cooperative that is partnering with the U.S. Department of Energy to enhance their energy production and efficiency (<https://www.energy.gov/indianenergy/akiachak-native-community-2021-project>). So, in effect, Akiachak has the general complexion of Metlakatla - the legal responsibility with little-to-no state or federal ties that would compel them to work with or through the State of Alaska. One potential issue of concern regarding the overarching declaration process for Akiachak; however, is that a federal requirement to describe geographical boundaries of the area for a disaster declaration request is mandatory. In the case of

Akiachak, it is unknown if the Tribe would submit the boundary as it previously existed in the former municipal government of Akiachak, which is now under the governance of the Tribe. Would the boundary be described to FEMA as a "reserve", knowing that it legally is not, at least when contrasted with Metlakatla? Given these considerations, the research concludes that Akiachak appears to have a somewhat clear and unencumbered path to an authentic government-to-government request for disaster assistance, save perhaps the airstrip owned by the State of Alaska and the possibility that questions could arise over boundaries by FEMA. Akiachak, unlike Metlakatla, is extensively engaged with its local and regional corporation (Akiachak Limited and Calista Corporation respectively). The research could not determine, however, if either of these entities are actual owners of any utility or infrastructure that could complicate the declaration process and receipt of Public Assistance if a disaster strikes.

5.4.4 Public Assistance Program Eligibility – Summary

These close examinations led to a consideration of whether Akiachak, which legally ceded its parallel municipal government back to the State of Alaska in a bold move that demonstrated self-determination and the exercise of its sovereignty, also has an almost perfectly sighted straight line to a government-to-government disaster declaration request and the receipt of the full complement of FEMA assistance. It was determined that Metlakatla and Akiachak are unique among Alaska Tribes when it comes to policies attached to FEMA ... Metlakatla more so than Akiachak or any other Tribe in Alaska. This unique status exists largely because these two are passionately independent and, after the document research and interviews were conducted, determined to be largely reliant upon only themselves for their governance and their community's major infrastructure.

Problematic for Akiachak however, when contrasted to Metlakatla, is the status of their Hazard Mitigation Plan (HMP). Where Metlakatla has an approved HMP from FEMA, dated 11/14/2019 and current until 2024, Akiachak does not have a FEMA approved HMP and was not in the process of developing one during the research. This fact for Akiachak stands starkly in contrast to one of their neighboring Yup'ik Tribes only miles upriver. The Akiak Native Community, a federally recognized tribe, has an approved Hazard Mitigation Plan dated 9/20/2019 and not set to expire until 2024. Further upriver from Akiak and Akiachak, Tuluksak Native Community, received \$65,000 from the 2022 Bureau of Indian Affairs' Branch of Tribal Climate Security to hire a "Coordinator" for the purposes of addressing flooding that includes the development of a Hazard Mitigation Plan (Bureau of Indian Affairs, 2022, p. 37). This research did not explore why these three Tribes, only miles apart, were not consistent in developing and maintaining a Hazard Mitigation Plan in a regional manner, but the absence of one for Akiachak has the potential to create long-term relationship challenges between the Tribe and FEMA. Several prominent federal grants under FEMA require an approved HMP as a primary qualifier of eligibility. As an example, the Building Resilient Infrastructure and Communities (BRIC) grant requires an approved (emphasis) Hazard Mitigation Plan to even apply for the grant. In this case, Akiak would be eligible to apply and receive federal funding from FEMA and Akiachak would not. Tuluksak will ostensibly have eligibility status in the future, even though it did not at the time of the research. This specific example along the Lower Kuskokwim illustrates the possibility for the long-term relationship between FEMA and Akiak, Akiachak, and Tuluksak to be positively impacted. FEMA's declaration factors for requests of a Major Disaster Declaration that includes Public Assistance include but are not limited to the estimated cost of assistance, insurance coverage of the affected area, and "hazard mitigation" (Public Assistance Program and

Policy Guide, 2020, p. 23). It is not unreasonable to postulate, based on these criteria and statuses, that Akiak and Tuluksak could secure federal assistance and grants where Akiachak would not, or possibly would not be prioritized above Akiak and Tuluksak when all three are impacted by the same disaster. This, in turn, could affect not only the relationship between Akiachak and FEMA, but between the three Tribes along the Lower Kuskokwim (Anyebe, 2018, p. 11; Mosca, 1939).

In the end, the research examining the Public Assistance Program as applied to Alaska Tribes revealed that the Sandy Recovery Improvement Act of 2013 (SRIA), which first authorized government-to-government relations between Tribes and the federal government, in practice, does very little for Alaska's 229 federally recognized Tribes. When Public Assistance alone is considered, except for the Metlakatla Indian Community, Alaska's Tribes remain overwhelmingly compelled to work with, and to go through, the State of Alaska for federal disaster assistance. The primary culprit for this presumption is not the well-intended policy underlying the Sandy Recovery Improvement Act, rather it is the direct and indirect ramifications of the Alaska Native Claims Settlement Act on Alaska Tribes, which Metlakatla chose not to participate in in 1971, and covered in a subsequent section. The secondary culprit for this presumption is that many Alaska Tribes simply do not possess a tax base that can support the required 75%-25% federal match for Public Assistance projects following a disaster. In effect, they are incentivized through the federal match to work with and through the State of Alaska that covers the entire federal match for them in these cases.

The interviews and conversations that contributed to this research revealed the actual eligibility status for several Tribes, but these were all undertaken when considering only natural disasters within the Public Assistance Program. A key finding of this research was that the Public

Assistance Program does not address the type of disaster that mattered as much if not more than natural disasters, *culturally experienced disasters*. Although culturally experienced disasters like salmon decline or change in whale migratory patterns were not a formal part of the questioning, they were concerns expressed by 100% of Alaska Native interviewees. Interviewees largely did not know that there were two separate processes for disaster declarations, and many assumed that FEMA could declare an emergency for cultural impacts as much as for damages to infrastructure. This also presented an opportunity for interviewees to discuss their thoughts about how FEMA and the federal government in general could address disasters for Alaska Natives in a more culturally appropriate manner that reflects who they are and how they are organized today.

5.5 Theme: The Stafford Act is Incompatible with ANCSA

Finding 8: The Stafford Act unintentionally marginalized post-ANCSA Tribes.

There has been significant academic analysis and, often, critique of the Alaska Native Claims Settlement Act since its passage in 1971. Chapter 3 reviewed the legislation as a component of the legal basis by which Alaska Natives and Alaska Tribes exist today in the United States. The research focused in large part on the role of ANCSA as a continuing influencer on the government-to-government relationship between Alaska Tribes and FEMA. After an exhaustive review of the policy and case law surrounding ANCSA, combined with interviews of Alaska Native leaders, emergency management practitioners, and federal and state officials there exists little doubt that ANCSA has had (and will have) a profound impact on the disaster landscape for Alaska Tribes. Of concern with this specific finding is that only two interviewees – both affiliated with emergency management for Alaska Tribes – knew about this

potential problem in advance of the interviews. Upon completion of the interviews, they acknowledged an even greater seriousness for not only their specific Tribes, but for Alaska Natives in general (Participant #3, personal communication, October 5, 2022; Participant #27, personal communication, October 2, 2022).

As the research proceeded, the focus of the relationship between Alaska Tribes and FEMA began to narrow to the policies and programs under the Stafford Act that could assist Alaska Natives as individuals, Tribes, and within Alaska Native Communities – those communities where a diversity of governments may exist, but the population contains a continuing tradition of Alaska Native habitation. The previous finding regarding specific Tribes and their differences of eligibility/ineligibility under the Public Assistance Program highlights a fundamental flaw in the design of the Stafford Act and, specifically, the Public Assistance Policy Guide utilized by FEMA when applied to Alaska Tribes. The Stafford Act was passed by Congress in 1988 and, at that time, ANCSA was nearly seventeen years past its implementation (1971). It remains unknown if Congress, during the passage of the Stafford Act, fully understood the implications of ANCSA on its new federal disaster policy for Alaska Tribes. Following a federal Emergency Disaster Declaration that includes Public Assistance, the Public Assistance Program is utilized to support communities who implement emergency protective measures and debris removal actions when disasters are about to occur or have just occurred. This is often followed up with the application of policies under the same PA Program that address permanent restoration of infrastructure that is publicly owned or provides like-government services. In short, the PA Program is designed to reimburse governments, including Tribal governments, that experience disaster losses to their community's infrastructure. This is where Alaska's Tribes in

the post-ANCSA world are at a distinct disadvantage when contrasted with Tribes in the Lower 48.

The research found that Metlakatla is the only Alaska Tribe that has no single impediment to seeking and receiving a federal disaster declaration and receiving benefits from all major programs under the Stafford Act in a government-to-government manner. The remaining 228 federally recognized tribes in Alaska (99.5%), on the other hand, perhaps apart from Akiachak and a few others not researched in greater detail, have significant portions of their community infrastructure that is not legally in their possession or maintained by them, a primary component of eligibility for the PA Program. One can argue that this fact can be ascribed to the change in how Alaska Tribes and their respective communities were organized following the passage of ANCSA in 1971, where aboriginal title was extinguished, State of Alaska jurisdictions were largely overlaid with Tribes, and ownership of land was divested between Village and Regional Corporations. The result of this finding is that, save Metlakatla, Alaska Tribes are in practice required to work with the State of Alaska, through the Division of Homeland Security and Emergency Management, to rebuild their infrastructure under the PA Program when a disaster occurs. Ristroph found that “While larger ANCs have formed foundations that provide scholarships to shareholders, ANCs generally do not have the missions or entities associated with developing community infrastructure or promoting social programs in Alaska Native Villages, which are the communities of federally recognized Alaskan tribes. Until recently, the infrastructural and institutional needs of Alaska Native Villages have largely been met through State of Alaska funding, with support for housing, health, and roads from the federal government” (Ristroph, 2022, p. 2). This was validated during the research, where ownership of community infrastructure consisted largely of a mix between the Tribe, in many cases a

neighboring borough or intertwined city, the State of Alaska, and even the federal government. Additionally, vital services that are not commonly seen in disasters in the Lower 48 were very noticeable in the communities examined in Alaska. Village Corporations, also a direct result of the Alaska Native Claims Settlement Act, routinely provide a central location for many rural communities to access food, basic supplies, and fuel. The disruption of these services following a disaster would prove devastating to many small, outlying Alaska Tribes and in many cases their neighboring or integrated communities. Village Corporations, much like Alaska Native Regional Corporations, are for-profit and, therefore, ineligible to receive assistance following a Stafford Act Major Disaster Declaration that includes the Public Assistance Program. Ristroph argues that ANCs could provide an increasing role in the development of infrastructure that assists Alaska Tribes, but he qualifies that argument by reinforcing that these ANCs exist and presumably will remain businesses focused on corporate revenues. So, even if Alaska Native Regional or Village Corporations stepped up to provide a streamlined method of Tribal owned infrastructure like utilities or water or roads, it may allow them to superficially appear to be eligible under the Public Assistance Policy Guide, but they still are not. The legal ownership would still reside with a pointedly ineligible applicant under the FEMA policy.

5.5.1 Reconsidering ANCSA

Noteworthy to the eligibility consideration for Alaska's Tribes under the Public Assistance Program is that Regional Corporations were crafted under ANCSA as for-profit entities, a statutory requirement by Congress. Village Corporations, on the other hand, post-ANCSA and upon their creation, had the option of incorporating as either a for-profit or non-profit organization (43 USC, ss 1607). According to Summit in 1997, all Village Corporations

elected to opt for the for-profit organizational structure (Summit, 1997, pp. 607, 616). This single decision by Village Corporations, a clear example of Alaska Tribes exercising self-determination – and presumably without a lack of consultation at the time with FEMA – eliminated them from eligibility under the Stafford Act’s provisions within the Public Assistance Program. One could argue that if these Village Corporations had been approached and actively engaged in consultation in 1988 regarding the policy contained within the Stafford Act, they may have chosen to incorporate as non-profit organizations. This is not to insinuate that Village Corporations are the proverbial means to an end regarding disaster assistance for all Alaska Tribes. However, their presence is noteworthy in Alaska, and they are a constant within most every community throughout the state (Price, 1975). Where Regional Corporations are sometimes viewed as isolated and indistinct from their communities and respective Tribal governments, Village Corporations are often viewed as more engaged and integral to the vitality of the entire community, and daily. Their presence is tangible and relied upon by most all Alaska Natives.

For the agency charged with crafting the disaster policies that are implemented across the United States and within Alaska, the Federal Emergency Management Agency, there is acknowledgement in policy and process that the Alaska Native Claims Settlement Act creates a different disaster dynamic for Alaska Natives. That dynamic is referenced, at least statutorily, directly in the Stafford Act and later in the Public Assistance Policy Guide. But the research confirmed that there is still a proverbial lumping together of American Indians and Alaska Natives within the policies, and that creates problems for Alaska’s 229 Tribes, excluding the Metlakatla Indian Community. One can only postulate the Congressional or Media response to a proclamation that 99.5% of all 574 federally recognized tribes in the United States are ineligible

to receive the full complement of benefits afforded to them and their Peoples in a government-to-government manner. That they are, in effect, forced to work with and through their respective states to receive assistance and that, dishearteningly, their opportunity for the exercise of sovereignty is largely a farce.

Such is the case, however, for Alaska's Tribes. Neither the statutes of either the Stafford Act or the Magnuson-Stevens Act recognize the uniqueness of Alaska Tribes, certainly not so as they exist after the passage of ANCSA in 1971. This is not to judge the decisions that led to ANCSA's passage or to cast judgment on the reality that only Metlakatla elected to not participate in ANCSA. Rather, the findings of this research are that chasms, not mere gaps, exist between FEMA's well-intended policies and how Alaska Natives and Alaska Tribes exist and function today.

Although it is not the intent of this dissertation to assign blame to a specific entity or policy for the complexities of Public Assistance Program eligibility when considering Alaska's Tribes, it is reasonable to conclude that the passage of the Alaska Native Claims Settlement Act – an authentic exercise in self-determination fully seventeen years prior to the passage of the Stafford Act – was not considered as thoroughly as it should have been at that time. This chasm is not the fault of ANCSA, irrespective of disagreements about its successes or failures. It is likely a chasm created by a failure to envision how ANCSA and the shareholder culture it created for Alaska Natives would evolve over time (Berardi, 2005; Hawfield, 2021).

5.5.2 Alaska Native *Community*

Deliberately, this research has delineated the differences between the Alaska Native, an Alaska Tribe, and an Alaska Native Community. This was done out of necessity, to clarify

confusion that results from the incompatibility between ANCSA and the Stafford Act. In many ways, ANCSA created more than just Alaska Native Corporations. Its creation resulted in the birth of the *Alaska Native Community* that is defined in this dissertation and widely represents the actual appearance of most Alaska Native inhabited areas of Alaska. While there are unquestionably 229 federally recognized tribes in Alaska, most of them are functionally intertwined with other governmental entities that transfigure them into something more complex than what ANCSA or the Stafford Act ever envisioned. *Alaska Native Community* is a unique identifier, a descriptor, that is not realized by the Stafford Act, or its disaster assistance programs in the manner it should. This inclusive term could be considered a means to aggregate the many different names and word choices across policy, doctrine, and programs to reflect the unique complexion of these communities more accurately.

The research found that aspects of the Federal Emergency Management Agency's policies successfully address potential cultural impacts from disasters, and for this the agency deserves significant credit. In recent years, FEMA has visibly made efforts to address inequities in access to programs for underserved communities and individuals. Under the leadership of current FEMA Administrator Deanne Criswell and her past three predecessors, FEMA has increasingly acknowledged the sovereignty of Tribes in the United States and, encouragingly, under the current Administrator additional policies addressing Tribal capacity building are in motion. These efforts were acknowledged by interviewees and, specifically, interviewees who had a position in emergency management for Tribes. However, this series of policies only addresses the capacity building for Tribes in a preparedness manner, so to speak. Additional funding for Tribes from FEMA in a government-to-government manner will unquestionably assist in the building of Tribal capacity to prepare for and respond to a disaster. But it will not

address the underlying policy challenges that this research finds for Alaska Tribes and, potentially, Tribes located in the geographic area of the continental United States. It is highly anticipated, though it was not a focus of this research, that those Tribes also have infrastructure that is owned or maintained by entities other than the Tribal government.

Finding 9: Disaster law and policy regarding *Village Corporations* may impact disaster response and recovery.

Interviews and discussions with legal experts in federal Indian law consulted for this research revealed concerns over the recent direction of one specific court case affecting Alaska Tribes and Alaska Native Corporations. The 2021 Supreme Court decision in *Yellen v. Confederated Tribes of the Chehalis Reservation*, which homed in on disaster assistance eligibility for Alaska Native Corporations during the COVID-19 pandemic, was a clarifying expression of court delineation between an Indian tribe, Tribal government, and governing body in Alaska (*Yellen v. Confederated Tribes of the Chehalis Reservation*, 2021). Though not directly referenced, the decision has the potential to create policy conflict within the Stafford Act and FEMA's Public Assistance Policy Guide regarding eligibility factors that currently prohibit Alaska Native Corporations.

The 6-3 decision clarified that, under the Indian Self-Determination and Education Assistance Act (ISDEA) of 1975, Alaska Native Corporations were considered as Indian tribes and, therefore, were eligible for Congressionally allocated programs and funds designated for COVID-19 response and recovery. The Court distinguished the differences between the ISDEA plain meaning of Indian tribes as contrasted with the 1994 Bureau of Indian Affairs' Federally Recognized Indian Tribe List Act of 1994. This separates, according to the Court, those eligible

for receiving grants that can be beneficial to Indian tribes from the actual *governing body* of a federally recognized tribe that can participate in government-to-government relations with the United States. However, the Court did characterize the Board of Directors of an Alaska Native Corporation as a governing body, a decision that holds the potential of further blurring lines for Alaska's Indigenous Peoples about the role of Councils versus Corporations.

Noteworthy, the CARES Act funding that was the centerpiece of this decision did not fall within the parameters of the Stafford Act. Although every state and federally recognized tribe in the nation received a Stafford Act disaster declaration because of COVID-19, the Court decision was solely focused on a specific Congressional allocation originating outside of the Stafford Act. The Public Assistance Program, under Category B (Emergency Protective Measure), was authorized during the pandemic and was available to states, Tribes, territories, and sub-recipients under that specific category. However, Alaska Native Corporations were still not deemed eligible per the Public Assistance Program Policy Guide of 2020 and, therefore, did not seek assistance or reimbursements for expenses endured during the response to COVID. This is where the lines of disaster policy assistance for Alaska Tribes and Native Corporations could become greatly clouded and potentially problematic into the future. It is clear from the *Chehalis* decision that Alaska Native Corporations and their Board of Directors do not meet the legal definition needed to seek a government-to-government disaster declaration from the President of the United States through FEMA. They are not a federally recognized tribe according to the 1994 BIA list published through the Federal Register. However, the Supreme Court reiterated that they are, in practice, an eligible recipient for funding as an Indian tribe with a governing body, because their function supports the social and economic welfare of Alaska Tribes and has been recognized as such for fifty years. What, then, is to preclude Alaska Native Corporations –

Regional or Village – from seeking that same eligibility status under the auspices of the FEMA Public Assistance Program when a disaster other than the COVID-19 pandemic occurs?

Although this question was not a specific component of the initial research project, the Supreme Court decision was relevant and required further investigation, and this specific issue likely portends potential research far beyond this dissertation.

Five specific references regarding Alaska Natives, two within the Stafford Act and three within the Code of Federal Regulations (CFR) that codifies the Stafford Act and were reviewed and, it is determined, could create uncertainty considering the 2021 *Chehalis* decision.

In the Stafford Act's Title 1, §102(6) an *Indian Tribal Government* is defined as the governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe under the Federally Recognized Indian Tribe List Act of 1994. This is a direct reference to the Bureau of Indian Affairs' 1994 list of federally recognized tribes. However, the Stafford Act continues in §102(8) that a *Local Government* includes “an Indian tribe or authorized tribal organization, or Alaska Native village or organization, that is not an Indian tribal government as defined in the previous subsection (6) (Stafford Act, Sec. 102, 1988).

These two definitions, only paragraphs apart from one another in the Stafford Act, are derived from the legislative action that created the disaster law and infer Congressional intent. The reading of these subsections seems to clarify that a government-to-government request for assistance from a Tribe to the President, through FEMA, is initiated only by a federally recognized tribe per BIA definition, the government of an Alaska Tribe in this case. The subsequent subsection seems to further clarify that those other than a federally recognized tribe per BIA qualify as a “Local Government” and can, therein, become eligible for assistance as a

sub-recipient of the primary applicant, the federally recognized Tribe. More simply stated, it is not unreasonable to read these two together as authorizing a specific Alaska Tribe to seek government assistance under the Stafford Act in a government-to-government manner, and to have an Alaska Native Corporation (Regional or Village) eligible as a sub-recipient to the Tribal government. At least in lieu of the Supreme Court affirmation that Alaska Native Corporations, under ISDA, are Indian tribes.

Problematic to this reasoning, however, are the definitions found within the Code of Federal Regulations.

In CFR 44 §206.201(h) an Indian Tribal government is defined as any federally recognized governing body of an Indian or Alaska Native Tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe under the Federally Recognized Tribe List Act of 1994. It continues that, “This does not include Alaska Native corporations, the ownership of which is vested in private individuals.” In CFR 44 §206.222, which describes eligibility factors for the Public Assistance Program under the Stafford Act, the language is repeated verbatim, stating again that, “Indian tribes or authorized tribal organizations and Alaska Native villages or organizations, but not Alaska Native Corporations, the ownership of which is vested in private individuals.” This, then, all culminates in the PA Program prohibition (Public Assistance Program and Policy Guide, 2020, p. 42).

Where CFR 44 exclusively prohibits Alaska Native Corporations as eligible applicants under the Stafford Act, CFR 2 §200.54, which addresses general guidance for grants and agreements under the Office of Management and Budget, describes an Indian tribe as, “any Indian tribe, band, nation, or other organized group or community, *including* any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska

Native Claims Settlement Act (43 U.S.C. Chapter 33), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians (25 U.S.C. 450b(e)).

Noteworthy to this finding and section is that each of these five unique references came directly from the Public Assistance Policy Guide, dated June 1, 2020, where there is a direct prohibition against Alaska Native Corporations listed under the definition of a Tribal Government. However, the PA Policy Guide refers to Alaska Native Corporations not as “vested in private individuals”, rather it prohibits them because they are “privately owned” (Public Assistance Program and Policy Guide, 2020, p. 42). Wordsmithing aside, glaringly absent in its subsequent section that describes Local Governments is any reference from the Stafford Act regarding, “an Indian tribe or authorized tribal organization, or Alaska Native village or organization, that is not an Indian tribal government as defined in the previous subsection (6).” Reiterating from the Background and Literature Review Section (Chapter 3), it is not the intent of this dissertation to address federal Indian law in an all-encompassing manner, but it is essential to review key aspects of the legal framework by which Alaska Natives, Alaska Tribes, and Alaska Corporations in this case exist today, especially since the passage of ANCSA in 1971 and how it relates to disasters and the government-to-government relationship. One could argue that the *Chehalis* decision may have opened a door within the Stafford Act to further clarify who is or is not eligible as an Indian tribe. For Alaska Native Communities, defined in this dissertation as a specific area of Alaska, usually remote in nature, where there has been a continuing tradition of Alaska Native habitation, Alaska Native Corporations – particularly Village Corporations – are often integral to the function of daily life. They work in conjunction with local Tribal government, often on land co-managed by an Alaska municipal government,

and they serve the greater community in a variety of ways for both Alaska Natives and non-Alaska Native residents. This research finds that further consideration of the role of Alaska Native Corporations in the context of disaster assistance within the Stafford Act may require reconsideration and the clarification and streamlining of definitions that reflect the actual roles and responsibilities of Alaska Native Corporations now that ANCSA is over 50 years beyond its legislative passage.

Chapter 6 Conclusions, Recommendations, and Summary

6.1 Introduction

This research project set out to explore how Alaska Tribes participate in government-to-government relations in a post-disaster environment. It pursued not only how a relationship between Alaska Tribes and the Federal Emergency Management Agency exists, but what informs that relationship. Subset questions of this research became a stronger focal point than originally anticipated. They revolved around determining if seeking and receiving disaster assistance in a government-to-government manner for Alaska Tribes is more difficult than it is for federally recognized tribes located in the geographic area of the continental United States. Last, it set out to answer the question of whether self-determination actions, primarily through the passage of the Alaska Native Claims Settlement Act of 1971, altered the potential exercise of Alaska Tribal sovereignty when federally declared disasters occur. This concluding section addresses these issues and subsequently proposes a series of potential policy solutions and recommendations to the findings referenced in Chapter 5.

In order to answer the broad question of *how* Alaska's Tribes participate in government-to-government relations when disasters occur, it was imperative to understand the history of how Alaska collectively comes to exist today, not only for Alaska Natives but for their Tribes, their Corporations, and those who reside within the Alaska Native Community. It was imperative to research the colonization efforts that took place in multiple regions and over multiple phases that devastated our Indigenous populations in Alaska. It required honoring the cultures and traditions that long predated colonization and respecting the reality that Alaska Natives refused to be conquered by even its strongest efforts. In Chapter 1, I noted that it was

with humility that I both accepted as truth the tragic history that has brought me to this place in time and how I hoped to deliver a contribution that may serve as a means of reconciliation, if only in some small part. My intention, I stated, in conducting this research and writing this dissertation was to serve Indigenous culture (Kovach, 2021, p. 10). This research painstakingly sought to answer many of the questions originally proposed in Chapter 1, but as is expected with doctoral research, it is concluding with more questions than concrete answers.

6.1.1 The Government-to-Government Relationship

Alaska Tribes are unique, and although they are each federally recognized by the Bureau of Indian Affairs much in the same way that other tribes are in the continental United States, how they rose to such federal recognition greatly differs from one Tribe to the next. Alaska's Tribes do in fact participate in government-to-government relations in the context of disasters, unquestionably. They participate in the preparedness phase before a disaster occurs, during the response when they are most vulnerable, and during the recovery that requires often unimaginable tasks to restore, repair, and adjust following a disaster in Alaska. But they participate in that government-to-government relationship overwhelmingly and consistently with the State of Alaska and not the Federal Emergency Management Agency. It is not easy to write about the relationship missing the proverbial mark, but it is written as part of this conclusion because the research reveals that, as well-intended as the relationship *could* be between Alaska Tribes and FEMA, it just doesn't come to fruition in the way it was designed by the Stafford Act or FEMA for a government-to-government relationship.

This research determined that, with the exception of the Metlakatla Indian Community on the Annette Islands Reserve, Alaska's remaining 228 Tribes are relegated to a

primary relationship in the context of disasters that is centered on the State of Alaska, specifically with the Alaska Division of Homeland Security and Emergency Management. It is important for me to stress that interviewees and interested parties who participated in this research expressed deep gratitude and comfort in knowing that the Division of Homeland Security and Emergency Management at the state level was going to be there for Tribes and Alaska Native Communities. In the end, this may well serve Alaska Tribes best in the post-ANCSA world that created such Communities. The government-to-government relationship between Alaska Tribes and the State of Alaska overall has been historically often fragmented and laced with painful and even today current wounds. Those sentiments were reflected in various places and with various Alaska Native leaders and even emergency management professionals. However, that relationship was defined as encouraging in Alaska when it came to assistance following a disaster. Perhaps it is the reality that Alaskans, Native or non-Native, must come together during the most challenging of conditions to respond to and recover from disasters. But this type of government-to-government relationship, though not nation-to-nation, cannot be denied and should be acknowledged as important, meaningful, and authentic. The State of Alaska's Division of Homeland Security and Emergency Management is respectful of the government-to-government relationship potential between Alaska Tribes and FEMA, but this research found it ready at a moment's notice to assist any community, irrespective of tribal status, when called upon. Leadership at the highest levels in the disaster agency showed the greatest respect for Tribes, Tribal leaders, and the potential for their relationship to be usurped if a Tribe sought the sovereignty option.

The Federal Emergency Management Agency deserves sincere credit for making solid efforts to improve the government-to-government relationship between *all* Tribes and

FEMA. Beginning twenty years ago, FEMA led the federal government's efforts to include federally recognized tribes when most other agencies simply stood still. The agency has a long history of engaging Tribes in a government-to-government manner, and emergency management professionals who work with and for Tribes interviewed as part of this dissertation readily discussed the improved status of the relationship. As noted in Chapter 5 (Findings), there is cautious optimism about how FEMA is proactively engaging Tribes, including Alaska Tribes. It was noted not only in their actions, but also in their doctrine – something that has only recently emerged over the past decade in emergency management. Nonetheless, that relationship is fragile and reliant on Tribes seeing follow-through on commitments including dedicated capacity building funding (Emergency Management Performance Grant) and continuity in consultation regarding policy development.

Alaska Tribes, this research determined, struggle with defining the relationship with FEMA, even after a disaster occurs. The relationship, many inferred, is simply undefined and uncertain. The Alaska District office for FEMA Region X, which is located in Anchorage, was only established in 2007 and is designed to be a satellite office for the Region X headquarters in Bothell, Washington. Most Alaska Tribal emergency management interviewees knew who their primary contact was for FEMA in Alaska, the previously mentioned and highly respected Participant #56. In effect, this individual *was* the relationship between FEMA and Tribes in Alaska, but since this research project began, Participant #56 has retired. It is the conclusion of this research that the relationship between Alaska Tribes and FEMA has largely been built to date on one or two key individuals who represent the face of the agency in a Tribal liaison capacity. There are 229 federally recognized tribes in Alaska and, although FEMA's presence is increasing in the Anchorage District Office, it became clear through the research that Alaska

Tribes wanted more in-person presence with FEMA (within their Alaska Native Communities from time to time) to better understand FEMA's role, responsibilities, and the potential for enhanced relationships in a government-to-government manner. So, in the end, Alaska Tribes participate in government-to-government relationships with the State of Alaska's Division of Homeland Security and Emergency Management in a somewhat confident way. It is, by default, what they know. On the other hand, they expressed the desire to participate in a government-to-government relationship with FEMA at that federal level, but they are just not sure how to do that at this point.

6.1.2 Subset Questions of this Research

When considering the subset question of Alaska Tribes facing greater bureaucratic hurdles when seeking federal disaster assistance compared to Native American Tribes located in the geographic area of the continental United States, the research found that there is no difference for Tribes in Alaska versus Tribes in the Lower 48. Any federally recognized tribe acknowledged by the Bureau of Indian Affairs, irrespective of location in Alaska or Arizona, has the same opportunity to seek a Stafford Act disaster declaration in a government-to-government manner if it so chooses. The Tribal Policy for FEMA does not distinguish a request for assistance from a Tribe in Alaska or other Tribes in the Lower 48, nor does the Stafford Act. Only a limited number of Alaska Tribes contacted for this research expressed a comprehensive knowledge of how to seek such a declaration in a government-to-government manner, but the impression was that they would utilize it if relationships between the Tribe and State were not conducive to a productive partnership following a large disaster. Alaska Tribes, however, did express concerns when revelations about the Public Assistance Program were discussed and how it would likely

impact the ability to stay in a government-to-government declaration. So, in effect, the research validated that Alaska Tribes have no impediments to seeking and at times securing a federal disaster declaration under the Stafford Act. However, the research confirms that 99.5% of Alaska Tribes would likely not receive programmatic support under the Public Assistance Program to support a complete recovery that impacts infrastructure in their communities after a major disaster.

Finally, the research investigated the final subset question of whether Alaska Native self-determination and sovereignty are impacted by federally declared disasters. The answer to that subset question requires a bifurcation of the two major disaster programs most utilized by Alaska Tribes.

When Alaska Natives exercised self-determination through the passage of the Alaska Native Claims Settlement Act of 1971, even though in disagreement among themselves as federally recognized tribes, they set the course for their own future. As noted in this dissertation, there has been seemingly endless literature devoted to the passage and implementation of ANCSA, along with recent scholarly reviews and interviews of ANCSA leaders just since the passing of its 50th anniversary. The research found that ANCSA has a profound impact on Alaska Natives when considering the Stafford Act. The single act of self-determination through the passage of ANCSA created an environment by which Alaska Tribes will struggle for the foreseeable future to exercise their sovereign option under the Stafford Act and its amendments from the 2013 Sandy Recovery Improvement Act. As previously noted, they will easily be able to exercise the sovereign option in seeking (emphasis) a disaster declaration from the President through FEMA. However, to recover from a major disaster that impacts their infrastructure, most of which is often contained within the aforementioned Alaska Native Community, Alaska Tribes

will not be able to exercise their sovereignty with FEMA from inception of a disaster through the recovery phase. The only clear example of an exception to this statement is the Metlakatla Indian Community that did not participate in ANCSA and has complete control over its entire infrastructure package, along with a federally designated Reserve.

It is imperative that this section on conclusions and recommendations correctly reiterate that ANCSA was passed long before the Stafford Act, so if there is blame to assign it is not with the Alaska Tribes who used self-determination to support the passage of ANCSA. It is more appropriately assigned with those policymakers who were in positions of authority during the construction of the Stafford Act in 1988, fully 17 years after ANCSA's adoption. As asserted throughout this dissertation, a result of ANCSA was the creation of the modern version of the Alaska Native Community, a place where a reservation may not formally exist, but a continuing tradition of Alaska Native habitation is prominent. An unforeseen consequence of ANCSA for Alaska Tribes and, according to the findings, Alaska Native Communities, is that it was not thoroughly considered during the creation of the Stafford Act. As a result, Alaska Tribes – the formal governments – have only cursory sovereignty when responding to and recovering from disasters that impact their infrastructure. They are, in many ways, forced to seek assistance with and through the State of Alaska. Although this may not be problematic today, because Alaska Tribes generally did not express a concern over working with the State of Alaska during disasters, the global increase in respect of Indigenous self-determination and the exercise of sovereignty warrants further exploration into the policies that drive equitable access to disaster declarations and ensuing programmatic assistance in a government-to-government manner.

6.2 Recommendation Set: Enhancing the Government-to-Government Relationship

The following recommendations and policy considerations are designed to enhance the government-to-government relationship between Alaska Tribes and FEMA based on interviews, conversations, and research in the field of Indigenous Studies and Emergency Management.

6.2.1 Recommendation: Proportionally increase FEMA Tribal Liaisons dedicated to Alaska Tribes and Alaska Native Communities.

As of the date of this research, there are 21 identified Tribal Liaison positions within FEMA outside of Washington, D.C. Of the 21 positions, only 3 are dedicated to Tribes located in the four-state region of FEMA Region X (Alaska, Idaho, Oregon, and Washington). This represents only 14% of dedicated liaisons for a four-state region that includes 47% of all federally recognized tribes in the United States. Although these individuals are unquestionably dedicated and intent on enhancing the government-to-government relationship, they are overwhelmed by the sheer number of Tribes and, in the case of Alaska specifically, the geographic remoteness and the cultural distinctiveness and breadth of Alaska Natives, Alaska Tribes, and Alaska Native Communities described in this research. This is not a new recommendation for FEMA and its policymakers. However, this recommendation is augmented from previous proposals by specifically recommending no less than six Tribal Liaisons for Alaska Tribes, representing the geographical regions currently utilized by the United States Geographical Survey (USGS) and reflected in the research that led to this dissertation. This recommendation reflects the need to address the vast geography of Alaska in a rapidly changing

climate while respecting the distinct cultural groups and different tribes and clans that represent the Alaska Native of today.

6.2.2 Recommendation: Establish dedicated disaster funding programs for Alaska Tribes in a government-to-government manner.

More than any other area researched for this dissertation, the issue of damaged relationships was no greater communicated than when discussing federal disaster grants to Tribes, not only in Alaska but across the United States and for all Tribes. Although during the time frame of this research there were anticipated policy proposals discussed from FEMA that will address the long-perceived inequities by Tribes – something lauded by every interviewee - the recommendation is simplified to address repairing the long-term government-to-government relationship... follow through on the commitment. Relationships are integral to the worldview of most all Indigenous communities, and building and sustaining that relationship requires trust that is established over more than simply one action. Although not universal, that relationship requires respect and reciprocity, along a sincere desire to embrace the cultural distinctiveness of Indigenous Peoples in the United States. They are far more than statutorily defined *Alaska Natives and American Indians*. They are the original inhabitants of this nation as it exists today, Peoples who were wronged and whose traditions and cultures were decimated through colonization efforts. Policies that are still in effect during this research, even though potentially being considered for alteration, further that colonization by requiring federally recognized tribes to address emergency management capacity building by yielding to their state neighbors. In many cases, those relationships simply do not exist or are fraught with inconsistencies that place Tribes at disadvantages to cities and counties and boroughs. Authentic government-to-

government relationships between FEMA and Alaska Tribes, along with all other Tribes, can begin to heal and become more respectful by following through, as an example, on providing separate and sustainable funding for emergency management capacity building outside of the current Emergency Management Performance Grant (EMPG) structure. To do otherwise only continues to further the damaged relationship.

6.2.3 Recommendation: Enhance cultural competence about Alaska Natives and Alaska Native Communities. Create a standing Alaska Native Languages Committee.

Although this recommendation was not a detailed component of the research captured in a specific theme, it was nonetheless a topic of conversation that rose to importance when considering recommendations that enhance the relationship between FEMA and Alaska Tribes. During this research, a Stafford Act disaster declaration was issued for western Alaska because of the remnants of Typhoon Merbok. This region of research was excluded because of the potential for recency bias addressed in the Chapter 4 (Research Methodologies and Methods). However, issues from the response to the disaster by FEMA revealed language translation issues for materials within the Individual Assistance (IA) Program that required immediate correction. Two recommendations that address cultural competence issues and languages that can enhance the government-to-government relationship between Alaska Tribes and FEMA include 1) establishing a standing Alaska Native Languages Committee and 2) addressing Alaska Native cultural issues in select training materials.

The University of Alaska Fairbanks (UAF) and its Alaska Native Language Center is an established repository of documents, research, and known experts in the distinct languages of Alaska Natives. It is recommended that FEMA, along with other federal agencies that routinely

interact with Alaska Natives, establish a standing Alaska Native Languages Committee in conjunction with the Alaska Native Language Center to address translation issues in all traditional phases of emergency management. This will minimize potential delays in disaster assistance to Alaska Natives, their Tribes, and Alaska Native Communities and will enhance the government-to-government relationship by partnering with Alaska Natives who know their languages and cultures better than anyone. This recommendation would be low-cost, because the structure largely already exists, and the yield for positive results and enhanced relationships would be high.

One specific recommendation that ties to enhancing the relationship between FEMA and Alaska Tribes came from Participant #19 (Iñupiat). It addresses a specific training program that is required for community alert and warning. The FEMA Independent Study course 247-B, Integrated Public Alert and Warning System (IPAWS) for Alert Originators, was reference by emergency management practitioners from Alaska Tribes and non-Tribal communities as a potential point of contention for FEMA when working with Tribes in Alaska. The course is a requirement for any individual representing a government, such as a federally recognized tribe, to be able to alert and warn their community through special privileges afforded to them by FEMA. The system is largely known to the general public in the United States as the Emergency Alert System (EAS), and it can notify the public in defined communities through a means of technologies including cell phones, radio, television, etc. about impending or current incidents, emergencies, and disasters. Recognized governments, including Tribal governments, can become authorized to use the IPAWS system to alert and warn their communities. However, the IS-247B course that is all online was viewed by some interviewees as problematic in its design and recognition of different cultures. For all Alaska Tribes to internally notify their own communities

through IPAWS, it is recommended that FEMA consider addressing overly technical language and the use of acronyms that may not be familiar to Alaska Tribes and their dedicated emergency management coordinators. This critical course and requirement by FEMA to send messages to a community under IPAWS should be revised to increase the ability of certain Indigenous communities with limited technology and knowledge of federal acronyms and processes to successfully become approved to issue alerts and warnings in their own communities.

6.3 Recommendation Set: Disaster Statutes, Policies, and Programs

The following recommendations and policy considerations are offered to address the research findings surrounding the definition of *disaster* and how disasters are experienced by Alaska Natives.

The research exposed the complexities of disasters for Alaska Natives, Alaska Tribes, and Alaska Native Communities. Two specific federal acts, the Magnuson-Stevens Act of 1976 and the Stafford Act of 1988 were examined in the context of disasters that impact Alaska's Indigenous Peoples following the passage of the Alaska Native Claims Settlement Act of 1971. Both Congressional Acts were found to be insufficient in addressing the actual needs of Alaska Tribes as structured and, further, their policies for assistance were deemed confusing, duplicative, and in many ways useless for Alaska Tribes specifically. The Magnuson-Stevens Act simply has not addressed federally recognized tribes in Alaska and yet, recent movement to address Tribes in a sovereign manner by the Secretary of Commerce seems in conflict with the actual Act itself. Those interviewed and consulted during this research expressed frustration about the parallel processes for declaring a disaster in Alaska for events most experienced, including those that had the potential to greatly impact the cultures and traditions of Alaska Natives. The following recommendations address the concerns from a policy perspective and

would require consultation with a host of Alaska Tribes to effectuate the inclusion of culturally experienced disasters in federal statutes. Although it is beyond the scope of this research, a thorough analysis of the federal government's trust responsibility to all Tribes during disasters should be conducted to determine its applicability to all of the following recommendations.

6.3.1 Recommendation: Amend the Magnuson-Stevens Act to modernize language regarding federally recognized tribes, including Alaska Tribes.

Recent actions by the Secretary of Commerce indicate a desire to address federally recognized tribes in a government-to-government manner when declaring a fisheries disaster, but not firmly. The research found that fisheries disasters are authorized under Magnuson-Stevens and partially under the Interjurisdictional Fisheries Act of 1986. Although a National Marine Fisheries Service (NMFS) Policy on Fisheries Management dated May 8, 2007, and curiously not signed until 12/20/2021 by the Assistant Administrator for Fisheries, includes the term *official tribal representative*, the MSA falls short in recognizing federally recognized tribes in a very deliberate way. The research revealed how Tribes in the Lower 48 had retroactively secured fisheries disaster declarations in a government-to-government manner, even though the policy seems to have emanated from the 2021 National Marine Fisheries Service policy adjustment and not through Congressional action amending the Magnuson-Stevens Act to codify such changes. It is the determination of this research that such actions, at least as determined in this project, create policy inconsistencies in determining disasters that impact Alaska Tribes. Fisheries impacts were placed as important, if not more important, by Alaska Natives, Alaska Tribes, and Alaska Native Communities than natural disasters during this research. They were unquestionably considered as *disasters*. Because the loss of fisheries or subsistence mammals

including whales and seals, along with changes in migratory patterns of caribou or other life sustaining and culturally dependent food sources, negatively impact the cultures and traditions of every Alaska Native, addressing this issue more directly is vital to the future government-to-government relationship. As was noted in Chapter 5, no Alaska Tribe had either requested or received federal disaster assistance under a fisheries declaration as far back as 2016. Every request for a disaster was submitted presumably on behalf of Alaska Tribes by the previous two governors. Although Alaska Tribes appear to be consolidated under MSA within the definition of an “eligible entity”, they are nonetheless categorized as an “affected fishing community” (NMFS Policy, 2021). This labeling is not only disrespectful, but also confusing when contrasted with the very distinct disaster language of the Stafford Act following amendments in 2013 through the Sandy Recovery Improvement Act (Sandy Recovery Improvement Act, 2013).

Alaska Natives and Alaska Tribes interviewed during this research placed significant importance on culturally experienced disasters, those outside of the defined disasters under the Stafford Act including but not limited to earthquakes, floods, winter storms, and fires. Policymakers could consider amending the Magnuson-Stevens Act to recognize the importance of culturally experienced disasters more strongly in Alaska and codify the Secretary of Commerce’s ability to address such disasters in a government-to-government manner that can include Alaska Tribes as sovereign entities.

6.3.2 Recommendation: Amend the Stafford Act to incorporate culturally experienced disasters.

In the alternative to amending the Magnuson-Stevens Act to address government-to-government requests for disasters that are culturally experienced, policymakers could amend the

Stafford Act to include disasters more commonly reflective of Alaska Natives, Alaska Tribes, and Alaska Native Communities. The Stafford Act's Congressional intent was to "provide an orderly and continuing means of assistance by the Federal Government to State and local governments in carrying out their responsibilities to alleviate the suffering and damage which results from such disasters..." (Stafford Act, Sec. 101. 1988). The definition of a Major Disaster includes, as an example, *drought* and *floods*. Drought conditions throughout Alaska can lead to culturally experienced disasters that include decline in salmon returns or increased water temperatures that could negatively impact spawning and future returns (Battin & Ruckelshaus, 2007). Similarly, intensifying rains that produce uncommon floods, an eligible disaster under the Stafford Act, can equally decimate spawning grounds for salmon and, in turn, impact culture and tradition for Alaska Natives. Yet, these consequences of eligible Stafford Act disasters do not easily drive disaster declarations for Tribes. A review of disaster declarations under the Stafford Act for impacts from droughts and floods on subsistence dependent federally recognized tribes yielded no positive results. These impacts, which Alaska Natives described as culturally experienced disasters, can easily be tied to eligible Stafford Act disasters, but clarifying language that acknowledges how droughts and/or floods may cause harm to the culture and tradition would eliminate confusion and, perhaps more relevant to these findings, begin to streamline the disaster processes under the Stafford Act for Alaska Tribes and ostensibly for countless other federally recognized tribes who face similar situations in a cultural context.

In the case of the Alaska Native Communities directly impacted by Typhoon Merbok and not included in this research because of the potential for recency bias, FEMA's Individual Assistance (IA) Program that primarily addresses individuals and households failed to acknowledge as eligible the cultural role of subsistence cabins, which Alaska Native leaders are

increasingly referring to as *lifeways* cabins (see Definitions). The IA Program allows for programmatic eligibility of a primary house impacted by a disaster for declared areas, but the program limits that eligibility to the *primary* residence and not to include a secondary structure that, in this disaster, is routinely used for subsistence-type activities that support the longstanding cultures and traditions of the Indigenous Alaska Native. Many lifeway cabins or structures in Alaska are used to harvest subsistence foods that can be stored throughout the winter months and are often given in a traditional manner to Elders in the community. The Individual Assistance Program prohibition on any residence other than primary is rational because its focus is to address a primary domicile and not, as an example, a vacation home for otherwise eligible families. However, the broad-brush policy misses the mark with Indigenous cultures in Alaska that support their primary households through such structures that support the Indigenous lifeway in Alaska. One interviewee (Participant #22) likened a lifeway cabin to a non-Indigenous person's walk-in freezer in a garage – the same concept only that the freezer in the garage is considered eligible under the IA Program and a lifeway cabin is not. Moreover, the lifeway cabin is tied directly to the culture and tradition of the entire community, and is much more than just the storage facility for food – it is a place of continuing tradition that pre-dates colonization. Such denials through FEMA programs should be addressed via policy change to recognize the cultural implications for Alaska Natives and, likely, for other Indigenous Peoples in the United States affected by disasters. To the credit of the Alaska Division of Homeland Security and Emergency Management and the State of Alaska, this specific issue was addressed during Typhoon Merbok's impacts on the western part of the state. However, this issue is symptomatic of how federal policies designed to address non-Indigenous cultures can directly impact fragile communities that rely on subsistence as part of the lifestyles and traditions.

6.3.3 Recommendation: Enact the *Tribal Disasters Act* for all federally recognized tribes.

The Stafford Act has by all accounts served the United States well since its creation in 1988. The evolution of emergency management and the Federal Emergency Management Agency has been built around the Stafford Act and, although history demonstrates successes and failures in the use of the Stafford Act, some of which are described in this research, it is undeniably the centerpiece of federal disaster policy nationally and, since 2013, as well for federally recognized tribes. It is the recommendation of this research that policymakers at the federal level, in consultation with federally recognized tribes, their leaders, and their emergency management professionals, consider removing federally recognized tribes from both the Stafford Act and the Magnuson-Stevens Act and creating a stand-alone federal process that streamlines disaster policy for Tribes in a codified government-to-government mechanism. This recommendation was derived directly from interviews and conversations with experienced Tribal Emergency Management Professionals (Participant #51, Participant #58, and Participant #63). Such a new policy would require comprehensive research and consultation. The policy perception for Tribes in the United States is that they were considered as postscripts for both the Magnuson-Stevens Act and the Stafford Act. Tribes are just now being distinguished through these policies, somewhat problematically under the MSA and only since 2013 through Congress' amendments the Stafford Act, to offer an option for a government-to-government request for disaster assistance. Though both are well-intended actions, irrespective of construction through codification or policy adjustment, they still seem to try to fit the sovereignty of Tribes into a policy clearly designed and developed for states and their governmental subdivisions. Instead,

Congress could consider an entire set of federal statutes that address tribal disasters, the qualifiers, the eligibility, the cultural impacts, and on and on. One historically steadfast requirement of the Stafford Act, also incorporated into the MSA, is a requirement for state and locals to provide a cost share of 25% of the federal funds provided to respond and recover from a disaster. Under the Stafford Act and affiliated policies, when federally recognized tribes exercise their sovereign option to seek federal assistance in a government-to-government manner they are also required to participate in that 75-25 ratio. This is commonly known across emergency management professionals as a reason why many federally recognized tribes seek to not exercise their sovereign option but instead opt to work with and through their state where often the federal match requirement is lessened.

Noteworthy to this recommendation and this specific obligation, however, is that under the Stafford Act, the President may waive some or all the federal match requirement for entities including federally recognized tribes. So, the inherent argument that federally recognized tribes would be required, under a stand-alone Tribal Disasters Act, to participate in a government-to-government manner with a similar cost share can be addressed by Congress directly if it so chooses. Instead of requiring a 75-25 cost share, Congress could lower that requirement or eliminate it altogether as a demonstration of its legislative authority and as previously mentioned, the federal trust responsibility.

This recommendation recognizes and values the intricacies of policymaking at the federal level. It is not offered lightly but is offered because this dissertation explored the intersection of Alaska Natives and emergency management. More specifically, it explored the interface between Alaska Tribes and FEMA. That exploration revealed the maturation of FEMA and its governing laws and implementation policies, including the Stafford Act. It also revealed

the unique nature of federally recognized tribes as they attempt to interface with FEMA nationally. One could argue that in as much as FEMA has evolved, federally recognized tribes in the post-colonized United States have adapted to its mission and implementation policies as much as is practicable. But should not the policies that define disasters for our Indigenous Peoples within their organizational constructs evolve with FEMA? Has the time come for federal policymakers to consider that federally recognized tribes are building emergency management capacity that requires adjustment of a singular way of thinking about disasters and how they are defined and experienced?

6.3.4 Recommendation: Amend the Stafford Act and Public Assistance Program to reflect Alaska Tribes and Alaska Native Communities in the Post-ANCSA environment.

This recommendation reflects several policy issues that were revealed during the research. This specific recommendation would require several actions including but not limited to an amendment to specific sections of the Stafford Act and implementing policies. Each recommended action would require extensive consultation with federally recognized tribes and, specific to this recommendation, the inclusion of organizations that comprise the Alaska Native Community defined herein. This research determined that, for a variety of policy-based reasons including but not limited to programmatic complexities and federal match requirements, 95% of all Alaska Tribes are, in effect, unable or in many cases ineligible to seek and receive the full benefits of federal disaster assistance in a government-to-government manner. To clarify, all Alaska Tribes can seek and likely obtain a Stafford Act declaration and even secure assistance for their Tribes under the Individual Assistance Program (IA). However, and extremely problematic for the post-ANCSA structure of Alaska Tribes, they will not be able to fully

recover from impacts affecting their infrastructure utilizing the Public Assistance Program under that same government-to-government means. They are realistically faced with rescinding the sovereign option afforded to them through the Sandy Recovery Improvement Act of 2013, and working with and through the State of Alaska when disasters impact their critical infrastructure. This is in large part due to the uncommon ownership and maintenance issues attached to infrastructure throughout much of rural Alaska, and neither the Stafford Act nor the Public Assistance Program and its Public Assistance Program Policy Guide of 2020 recognize the nature by which Alaska Natives live and thrive today.

A very experienced program manager for the State of Alaska captured the impression of many who have worked with and within the Public Assistance Program for many years, including this author. The FEMA Public Assistance Program has become like the federal tax code in the United States. It is almost impossible to navigate alone as a community or jurisdiction and increasingly it requires subject matter experts like paid consultants to work within the program to recover from a disaster. As such, addressing sweeping policy changes in the Public Assistance Program is inherently expected to face hesitancy, resistance, and outright hostility if not scoped to selected provisions within the program. The following represent such scoping.

a) Define *Alaska Native Community* in Disaster Policy.

The research showed a gap between various statutory and policy definitions that can affect Alaska Tribes when seeking federal disaster assistance. Under the Stafford Act, an “Indian tribal government” means the governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of Interior

acknowledges to exist as an Indian tribe under the Federally Recognized Indian Tribe List Act of 1994. This definition, along with definitions described in the Public Assistance Policy Guide, fails to recognize the complex communities that exist in most of Alaska today outside of major population centers. This dissertation defines the *Alaska Native Community* as a specific area of Alaska, usually remote in nature, where there has been a continuing tradition of Alaska Native habitation. It is not limited to a single Tribe or majority population of Alaska Natives but is a general reference to the political governance of a community containing more than one recognized ruling body. Although a *community* is listed in the current Stafford Act definition, it refers to a federally recognized tribe and not to a collective population that contains Alaska Natives and includes a Tribe, city, borough, or other governing bodies that frequently co-govern the smaller populations. Further, the definition of a Local Government under the Stafford Act incorporates references to Tribal organizations that are *not* federally recognized, as well as to rural communities. Both, however, require application for assistance under the Stafford Act to be coordinated with and through a respective state, eliminating the sovereign option for any Alaska Native Community collectively that has as its predominant governing body a federally recognized tribe.

- b) Allow Tribal Disaster Declarations to include neighboring communities.

This recommendation is not only intended for Alaska Tribes but for federally recognized tribes throughout the United States. This recommendation is also reflected in Recommendation 6, regarding the creation of a stand-alone Tribal Disaster Act and

was a focal point for Participant #63. Under current FEMA Tribal Policy Guidance, federally recognized tribes under the Public Assistance Program only require damages of \$250,000 to become eligible for seeking a Major Disaster Declaration. This is a relatively achievable threshold for federally recognized tribes, but as has been demonstrated in this research, infrastructure for Alaska Tribes and potentially for many Tribes in the Lower 48 – a critical element to recovery from most all disasters – is often owned, operated, or maintained by entities other than the federally recognized tribe. With the glaring exception of the Metlakatla Indian Community in Alaska, questions will always arise as to who legally owns infrastructure and how it is maintained throughout Alaska Native Communities (as defined in this dissertation). A reasonable solution to this problem when considering the government-to-government option under the Sandy Recovery Improvement Act of 2013 is to allow federally recognized tribes to seek a disaster declaration under the Stafford Act while including their infrastructure damages that are owned and/or maintained by jurisdictions other than the tribe. This process would be in many ways analogous to the precedent that has been established for a state seeking a declaration to add additional counties or subdivisions of government as damages are uncovered or assessed for neighboring areas. This is known as the applicant and sub-applicant or recipient relationship (FEMA Public Assistance Program and Policy Guide, 2021). Granted, the infrastructure owned in many Alaska Native Communities is by a co-existing city, borough, or even the State of Alaska. This proposal would not make these entities subservient to federally recognized tribes, but instead it would allow them to apply as sub-recipients of federally recognized tribes under the Public Assistance Program,

something currently afforded to tribes as an option under a state-led declaration. Instead of the federally recognized tribe becoming the sub-recipient to the state, the state and its subdivisions of government could become eligible recipients under the tribe. Such an alternative approach to the Stafford Act and, specifically to the PA Program, would allow Alaska Tribes the authentic option to seek a government-to-government declaration while recognizing that the post-ANCSA complexion of Alaska Tribes is more akin to an Alaska Native Community, which includes Alaska Natives, their Tribal governments, and infrastructure owned by supporting jurisdictions like cities and boroughs. This policy recommendation would require a complete inversion of how the Stafford Act addresses its declaration process and the affiliated programs that support disaster recovery. However, this type of approach best reflects the current existence of Alaska Tribes today and represents in many ways the communal Alaskan approach to responding and recovering from disasters. It is not inconceivable to envision a localized disaster like the one that occurred in Kaktovik in 2020, where this approach could have been beneficial to the entire Alaska Native Community of Kaktovik. When the focal point of the community (its only school) burned to the ground, Kaktovik lost more than just a centralized location for education, it lost the community meeting building, its primary shelter, and the place by which Kaktovik passes on its culture and traditions to students and the greater community. If that disaster declaration had been sought by the Kaktovik Village President and presumably with their Tribal Council's blessing, versus a request by the State of Alaska, the threshold for eligibility would have been easily reached. In this case, the Tribe would have sought the government-to-government

declaration and included the North Slope Borough School District as a sub-recipient and, therein, the North Slope Borough under the Tribal declaration. The Tribe would have made a government-to-government argument that this facility was integral to community safety and security, along with education and the continuation of Iñupiat traditions including language sustainability. The only factor that would have changed under this proposal would be the inclusion of state subdivisions of government, in this case the City of Kaktovik and the North Slope Borough. It would not have required the State of Alaska's participation unless their facilities were damaged, and they worked with the Kaktovik Village President to add them to the disaster declaration. This specific recommendation empowers Alaska Tribes to exercise their sovereignty in a way that currently, this research finds, is only theoretical. In practice, the Stafford Act does not recognize Alaska Native Communities as they exist and this, in turn, ostensibly gives them an authentic opportunity under the government-to-government option.

- c) Recognize Alaska Native Village Corporations as eligible applicants in the Public Assistance Program.

This recommendation centers on how Alaska Native Village Corporations (not Regional Corporations) are integral to small, rural, Alaska Native Communities. In the alternative that a stand-alone *Tribal Disaster Act* is not considered, it is recommended that Village Corporations, even as for-profit Alaska Native-owned entities should become eligible under the PA Program for assistance following a Major Disaster Declaration. This would require bifurcating the prohibition currently

in the PA Program that combines larger Regional Corporations and Village Corporations. The research found that Village Corporations, though sometimes at odds with their own Tribal governments, are integral to daily life in Alaska Native Communities, for both Alaska Natives and non-Natives. Village Corporation ownership, much like the basic infrastructure for many Alaska Native Communities as defined in this dissertation, remains at the very local level, and includes but is not limited to stores, gas stations, hotels, and traditional lands used for recreation and subsistence. These functions, although not considered critical facilities under the current 16 sectors of the Cybersecurity and Critical Infrastructure Agency (CISA) for the Department of Homeland Security, represent elements of critical infrastructure contained within those policies and, more relevant to this research, reflect the critical infrastructure of remote Alaska Native Communities (Card, 2021). If a Village Corporation that provides the single source for groceries or fuel to a small Alaska Native Community is damaged or destroyed, the lack of eligibility under the Stafford Act and the Public Assistance Program could severely inhibit not only the long-term recovery, but it has an immediate nexus to FEMA's established Community Lifelines that guide stabilization of incidents that can become disasters (<https://www.fema.gov/emergency-managers/practitioners/lifelines>). This is a reasonable accommodation to the Stafford Act that directly addresses Alaska Tribes and their needs in a post-disaster environment. It reflects the evolving cultures of Alaska Natives and Alaska Native Communities, and it is respectful of the fact that Village Corporations were not involved in a consultation process during the creation of the Stafford Act that later prohibited their eligibility because of their unique status

flowing the enactment of the Alaska Native Claims Settlement Act of 1971. In addition, this specific recommendation could potentially be expanded to federally recognized tribes outside Alaska that incorporate Section 17 entities under the Indian Reorganization Act. Section 17 federally chartered corporations under the IRA are wholly owned by the chartering Tribe and, much akin to Alaska Village Corporations, integral to daily life. As an example, a Lower 48 Tribe could in theory own its own utilities, including power generation, that falls under a Section 17 federally chartered Tribal corporation. Because it would likely operate under a for-profit status, though, it would be ineligible under the Public Assistance Program.

6.4 Theoretical Comparisons

Because this project focused on the interface between Alaska Tribes and the Federal Emergency Management Agency, the theories discussed in Chapter 2 were utilized as the theoretical lens by which the research could be examined and verified. Each theory proved relevant to not only how government-to-government relations came to exist today between Alaska Tribes and FEMA, but they equally provide a road map for strengthening the relationship into the future. Further, the extensive policy recommendations offered in this chapter would be best achieved by acknowledgement of the theories of public policymaking that integrate with self-determining actions and, where applicable, the exercise of sovereignty for Alaska Natives, Alaska Tribes, and to a lesser extent the Alaska Native Community.

6.4.1 Elite and Group Theory

The Elite and Group Theory was not mentioned directly in the research by participants, but it was very strongly inferred on multiple occasions as Alaska Native leaders and emergency management professionals shared concerns over how federal policy has been created without a more thorough representation from Alaska Tribes at the table. The theory's hypothesis that outcomes, or in this case, policy, is developed as a derivative of a specific group dynamic was communicated repeatedly and contextualized in the manner of Alaska Tribes versus federally recognized tribes in the Lower 48. The group dynamic in the examples shared was that Alaska Tribes are lumped together with reservation-tribes more prevalent in the Lower 48 and, as a result, policies that are developed reflect the group dynamic of those treaty or reservation Tribes and do not capture the organizational complexities of Alaska Tribes. This assertion was proven as accurate during the deep examination of the Public Assistance Program and the Public Assistance Policy Guide of 2020, which distinguishes Alaska Tribes and their affiliated organizations from other Tribes, specifically because of the passage of the Alaska Native Claims Settlement Act. The Elite and Group Theory concept was also as a topic of conversation with participants regarding the Supreme Court's 2021 Decision *Chehalis v. Yellen*, where several Lower 48 Tribes objected to Alaska Native Corporations receiving CARES Act funding to respond to the COVID-19 pandemic. Although there was some disagreement internally from Alaska Tribes to the funding of Alaska Native Corporations of CARES Act dollars, the overwhelming legal opposition stemmed from Lower 48 Tribes. Noteworthy to this specific set of theories is that recent decisions by FEMA and the Department of Homeland Security to include Alaska Natives, Alaska Tribes, and Alaska Native Organizations (e.g., Alaska federation

of Natives) on established policymaking committees seems to be a proactive step toward mitigating a repeat of policy inequities described throughout this dissertation.

6.4.2 Policy Feedback Theory

The Policy Feedback Theory was perhaps the most meaningful lens through which this research was examined and, in reflection, proceeds forward. This theory aptly captured both significant components of the research, Alaska Natives and the federal government of the United States – specifically, Alaska Tribes and FEMA. This theory proposes that previous policy actions create downstream policy decisions, a domino theory effect about what has previously been established determining the future decisions surrounding related policy. The research highlighted that although the Alaska Native Claims Settlement Act of 1971 significantly predated the passage of the Robert T. Stafford Act of 1988, the Stafford Act’s statutory and later policy implementation programs were clearly based on previous decisions made by the federal government of the United States. The Stafford Act in its original construct only acknowledged the process for coordinating disaster response and recovery that followed along colonizer-fashioned forms of government, irrespective of federal Indian law that had well-evolved at that time. More simply stated, the Stafford Act was created to recognize the power of the centralized federal government and its subservient states, with only nominal reference to federally recognized tribes in any manner. When mentioned, and later reflected through implementation policy, Tribes were marginalized as even further subservient governments under a state, advancing the principle that the government of the colonizer continues to dominate long after even token reconciliation begins. Tribes were not acknowledged as domestic sovereigns in disasters by the federal government until the 2013 passage of the Sandy Recovery Improvement

Act, an amendment to the Stafford Act. The colonizer in this case, Congress, finally defined and saw the individual in a more culturally appropriate way, as Engel describes (Engel, 2014, p. 683). The expectation from Alaska Natives and non-Alaska Native participants in this research was that the ideas behind the Policy Feedback Theory might have been re-established for Tribes and now exist on a completely distinct track for Tribes regarding disaster policy. The Sandy Recovery Improvement Act, which led to a government-to-government option for disaster assistance, it was discussed with multiple participants, has the potential to become the foundational policy document under this theory for generations to come and enhance the government-to-government relationship.

6.4.3 Institutional Analysis and Development Framework

The third theory applied to the research, more of a framework, was the Institutional Analysis and Development Framework (IAD). The research demonstrated that the relationship between Alaska Tribes and FEMA was driven by several factors and rigid policies, including the funding of emergency management through the Emergency Management Performance Grant (EMPG). This policy was also applicable to examinations of the changes to the Stafford Act and the implementing policies of the FEMA Public Assistance Program. Recommendations in this chapter are largely derived from shortcomings present within this framework, because they recognize the limitations in policymaking in the United States for federally recognized tribes including Alaska Tribes. The IAD allows for a proposal, as an example, to define the *Alaska Native Community* in the Stafford Act and any accompanying disaster policy guidance and programs. This is a direct reflection of the reality that the cultures and worldviews of Alaska Natives differ from those of the colonizer, although the colonizers mechanism for creating policy

change is still contained within a strict policymaking process. So, in the example of *Alaska Native Community*, it is a newly proposed legal term that recognizes the existence of most Indigenous communities in Alaska for the purposes of Stafford Act eligibility following a disaster. However, the process by which that could occur still remains within the policymaking process that is structured, limited, and required for implementing the recommendation of a new category of eligible applicants for federal disaster assistance in a government-to-government manner... the Alaska Native Community.

6.4.4 Self-Determination Theory and Policymaking Theories

As was discussed in Chapter 2, the Self-Determination Theory was a vital lens of examination because it grounded the research from the Indigenous Studies side of the equation, a lens for the Alaska Native perspective that creates balance between the policy making theories founded on Western processes and protocols (the rules of the colonizer) and those who are affected by those same processes and protocols. It ensured that the theories examined in the policymaking realm had the context of the Alaska Native and, eventually, the Alaska Tribe and Alaska Native Community at its core. Relationships between Alaska Natives, their Tribes, and the Federal Emergency Management Agency are influenced through acts of self-determination and, when exercised for the benefit of the tribe, sovereignty (FEMA National Tribal Strategy, 2022). Ideally, self-determination affords tribes an ability to “engage in genuine self-governance, to turn sovereignty as a legal matter into ‘defacto’ sovereignty.” That is, sovereignty in both fact and in practice (Cornell & Kalt, 2003b, p. 1). Within Chapter 3 (Background and Literature Review), Chapter 4 (Methodologies and Methods), and Chapter 5 (Findings) the research demonstrated examples of the Self-Determination Theory when juxtaposed against myriad public

policymaking theories. Chapter 3 alone describes self-determining actions by Alaska Natives, even though most actions were driven out of necessity because of colonization, including the selection of the Metlakatla Indian Community and a select few others to not participate in the legislative push for the Alaska Native Claims Settlement Act of 1971. This single decision alone for Metlakatla perfectly illustrated the intersection of the theories described in this chapter and referenced throughout the research. For Metlakatla, the self-determining action of not participating in ANCSA was reasoned at that time as in the best interest of the Metlakatla Indian Community. A well-known and respected community leader, Participant #12, recalled how, “ANCSA was not too divisive in the community. It was actually not a hard choice.” This individual recalled how he was asked by someone if he liked to fish, to which he replied he did. Then, he recalled, he was told how he just continue to fish in his own waters. This was a reference to rejecting participation in ANCSA and retaining all reserved lands on Annette Island for the future benefit of the Tsimshian People of Metlakatla (Participant #12, personal communication, January 8, 2023). This decision for Metlakatla, a clear example of self-determination, had the result of benefitting the Tribe as is demonstrated throughout this research, specifically when in the context of fully exercising its sovereignty and receiving the full complement of benefits following a major disaster declaration through FEMA.

Participant #7 exuded a sense of confidence and comfort when discussing the choice of Metlakatla to not participate in ANCSA, because he clearly understood the ramifications of it on the topic of our conversations, disasters and FEMA government-to-government relations. This was an example of what Gordon espoused when writing that there is competence, a feeling where a person can attain outcomes they desire and, in essence, influence and become effective within their own environment. The theory, she asserts, is a means by which well-being can be

understood and, by exercising self-determination in the form of governing, Alaska Natives are best positioned to make decisions for themselves considering their often-remote locations (Gordon, 2019).

In the case of Metlakatla, the intersection between these theories led to the simplest selection of who should be interviewed for this dissertation. The processes that created ANCSA can be easily examined through each of the policymaking theories previously discussed in this chapter. The Elite and Group Theory, Policy Feedback Theory, and the Institutional Analysis and Development Framework were individually instrumental to the concepts and development of the legislation that created ANCSA and, in turn, offered (even though still under the terms of the colonizer) an opportunity for exercise of self-determination. In effect, whether to participate, or not. Metlakatla, by participating in the policymaking process but not participating in the final product (ANCSA), remained in a very advantageous position as the Stafford Act was later developed in 1988. Perhaps without even fully recognizing it, their self-determining actions in 1971 led to the reality that they are the best positioned Alaska Tribe to seek federal disaster assistance in a government-to-government manner from beginning to end with FEMA. For the purposes of this dissertation, meeting with Metlakatla leadership was simple and straightforward, for their previous collective actions resulted in the preservation of their status as an Alaska Tribe with full autonomy in governance and, the research found, ownership or its complete infrastructure package.

For many others throughout Alaska, the self-determining actions of participating in ANCSA has resulted in many documented benefits to individuals and Tribes, but it has not been without controversy as is noted throughout this dissertation and the greater body of literature. One glaring result from the self-determining action of Alaska Tribes regarding ANCSA was the

creation of the *Alaska Native Community* referenced in the Definitions, Findings, and Recommendations of this research. ANCSA resulted in the creation of the herein defined Alaska Native Community, where governance is routinely bifurcated between Tribes and other government bodies, along with at times informal representation from Village Corporation leadership. Where approaching Metlakatla for this research was simple and straightforward, because there is no Alaska Native Community as is defined on the Annette Island Reserve, only the Tribe and its elected government, approaching other Alaska Tribes proved cumbersome and even problematic. Determining who was in charge or represented the interests of the Alaska Tribe in the context of this dissertation required significant time and investigative research. The Tribe, in the collective sense outside of Metlakatla, had a clearly delineated governing body, but who to talk with regarding the relationship between the Tribe and FEMA was wrought with confusion at times. Was it the Tribe proper and its leadership, or should it include the underlying City? Did the Borough (where existing) have a role in emergency management for the Tribe, or was it relegated to a consortium of many government decisionmakers and affiliated agencies within the same geographical footprint? Even within the Central Council of Tlingit and Haida's well-respected and very effective emergency management function – a national-level model for tribal-led emergency management – there was still a slight hesitation about roles and responsibilities between the federally recognized regional tribe and the other numerous communities and Tribes throughout southeast Alaska. This by no means takes away anything from the successes of any Tribes attempting to navigate the post-ANCSA environment for the relationship between Tribes and FEMA. Rather, this highlights how those self-determining actions, predominantly in this case the decision regarding ANCSA, in turn can lead to policy ramifications far into the future that are no fault of the actions taken, for they still are taken and

reside within the federal colonizer's domain and policymaking theories referenced within this section.

6.5 Limitations

This research initially proposed a mixed-methods approach that would begin with a survey instrument sent to all 229 federally recognized tribes in Alaska. That instrument was vetted and approved by the Institutional Review Board; however, the survey was cancelled only days before distribution because of anticipated challenges due to COVID-19. In place of the all-encompassing survey instrument, a decision was made and supported by my advisory committee to adjust the research to qualitative-only, utilizing existing and available data to inform the process of selecting potential interviewees and Tribes. The decision was made to pursue one or more data sets that would strongly infer that a relationship between an Alaska Tribe and FEMA did or did not exist. From there, a methodological process would be designed to determine appropriate interviewees and communities for further examination.

The data set selected for initial impressions of an existing relationship was the FEMA-State of Alaska combined spreadsheet regarding federally required Hazard Mitigation Plans (HMP) for all governments in Alaska including federally recognized tribes (Disaster Mitigation Act, 2000). Where the original survey instrument was designed to be sent to all 229 federally recognized tribes, the Hazard Mitigation Plan data proved a very successful substitution given the circumstances. The first set of data obtained through the State of Alaska contained the status of no less than 258 governments throughout the state, showing the status of the Hazard Mitigation Plan from a city, borough, tribe, or in some cases a consortium of those governments. This list was later updated during the research by FEMA to separate Alaska Tribes from non-

Tribal governments. The final product for review of possible phenomena, described in Chapter 4 (Methodologies and Methods) and throughout Chapter 5 (Findings), included 60 Tribes that had approved plans, 1 Tribe awaiting federal review of their plan, 17 plans currently in progress, and 19 plans that had expired. This total represented 97 Alaska Tribes that could be reviewed for potential selection for further research.

Table 6.1 Hazard Mitigation Plans (Alaska Tribes only)

Approved Tribal Plans	60
Tribal Plans Pending Adoption	0
Tribal Plans in Review	1
Tribal Plans Awaiting Revision	0
Tribal Plans in Progress	17
Expired Tribal Plans (Previously Approved)	19
Total	97

Note: Breakdown of Tribal only Hazard Mitigation Plans used for initial community selection.

Based on the seriousness of COVID-19 in Alaska’s rural communities during the early stages of this research, it is not possible to estimate the potential return of the original 229 survey instruments prepared for each community. The Hazard Mitigation Plan data, however, provided a tribal-only base of nearly 50% of all federally recognized tribes in Alaska for a starting point. Certainly, a limitation in this research is that all 229 Alaska Tribes were not contacted initially, but the data retrieved as a baseline provided an established foundation by

which the research could proceed with a common denominator for potential community selection and interviews, the Hazard Mitigation Plan status.

Chapter 4 of this research describes how this data was then broken down into 6 specific geographic regions of research that reflected existing areas used by the U.S. Geological Survey. These regions also largely corresponded to specific cultural groupings of Alaska Natives that proved manageable for the research. However, one limitation from this strategy was that two of the six regions of research were purposely excluded. One because of the potential for disaster recency bias, and another because it contained a population that largely included non-Alaska Natives that could skew perspectives and results. Although this decision was directly addressing the potential for bias in western Alaska because of an ongoing federal disaster declaration and a strong FEMA presence in the respective communities, along with mitigating potential influence of non-Alaska Native population bases on the research, one could challenge that this research did not address all Alaska Tribes but only four of six regions as were established during the research. However, this argument can be countered by the fact that the research resulted in a focus on Alaska Tribes and cultures solely outside of major urban areas and where large-scale disasters have not occurred recently. Because of this approach, even with a potential limitation, it resulted in research that places a stronger focus on the needs of the Alaska Native Community as defined and discovered throughout this process. The limitation, in effect, resulted in a more focused area of research for the relationship between FEMA and Alaska Tribes – the existence of a post-ANCSA created Alaska Native Community.

6.6 Recommendations for Future Research

By its design and because of its Findings and Recommendations in Chapters 5 and 6, this dissertation provides a roadmap for future research that can benefit the relationship between the Federal Emergency Management Agency and not only Alaska Tribes but also the greater Alaska Native Community. There are 7 policy-based recommendations contained within this chapter that require more focused research to ensure that the intended results in fact address the actual needs of Alaska Natives and enhance the government-to-government relationship. Specifically, research that addresses the culturally experienced disasters referenced within Chapter 5, currently excluded from Stafford Act eligibility, requires a thorough examination of those unique types of disasters and partnerships with communities to arrive at a potential consensus about what could be incorporated into disaster policy.

Several of these recommendations would apply to all federally recognized tribes, not just Alaska Tribes. Although input was received from some Tribes outside of Alaska about policy concepts contained herein, further research that broadens the scope of the recommended policy adjustments that would affect all federally recognized tribes requires more thorough understanding of the way those Tribes exist today in relation to, as an example, the FEMA Public Assistance Program. This research was designed to specifically examine the relationship between Alaska Tribes and FEMA, with a large portion of the research devoted to examining the Public Assistance Program as applied to Alaska Tribes. It is not inconceivable that Lower 48 Tribes face similar challenges to those revealed in this research in Alaska, including the potential expansion of the recommended term Alaska Native Community to also include a unique term for Lower 48 Tribes where similar infrastructure packages exist and governments may intertwine.

But this would require substantial investments in research and time with the remaining federally recognized tribes not included in this research. The utilization of the Hazard Mitigation Plan data that proved very beneficial for this research is a common denominator as well for all federally recognized tribes, so research modeled in the manner of this project could become instrumental for all tribes and potentially the enhancing of the relationship universally.

Finally, one recommendation proposes considering the removal of all Tribes in the United States from the two major disaster processes discussed in Chapters 5 and 6 (Magnuson Stevens Act and Stafford Act), and creating a stand-alone set of federal statutes, policies, and programs that address disasters specifically for Tribes. This proposed recommendation was referenced as the *Tribal Disaster Act*. If such a proposal was given serious consideration by federal policymakers, it would be beneficial for additional research to examine the current models for disaster assistance across several federal programs as applied to Alaska Natives and American Indians collectively. Research would require a deep review of all federal policies that currently inform the tribal disaster experience, including the role of all federal agencies when disasters occur in Indian Country or legally designated lands governed by federally recognized tribes. The complexities of federal Indian law and the realities of Indigenous life in the United States, in this researcher's opinion, requires additional exploration of options that can further Indigenous cultures while supporting the uniqueness of our federally recognized tribes when disasters occur. It is anticipated that this type of policy recommendation and research, if conducted in concert with federally recognized tribes and emergency management professionals representing them, would be a welcomed proposal and, above all else, set a stage for enhancing the government-to-government relationship between FEMA and all Tribes.

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Appendix A: Quantitative Survey Questions

- 1) Has your Tribe worked with the federal government (the United States) **during the past 12 months**? Examples include working with agencies like the Bureau of Land Management, Bureau of Indian Affairs, Health and Human Services, etc. Yes or No?
- 2) Has your Tribe worked with the State of Alaska **during the past 12 months**? Examples include working with agencies like the Alaska Department of Health and Social Services, Alaska State Troopers, and Alaska Department of Fish and Game. Yes or No?
- 3) Please respond to the following statement: **Over the past 12 months**, my Tribe's relationship with the State of Alaska has been positive (good):
 - a. Strongly Agree
 - b. Somewhat Agree
 - c. Agree
 - d. Somewhat Disagree
 - e. Strongly Disagree
- 4) Please respond to the following statement: **Over the past 12 months**, my Tribe's relationship with the federal government (United States) has been positive (good):
 - f. Strongly Agree
 - g. Somewhat Agree
 - h. Agree
 - i. Somewhat Disagree
 - j. Strongly Disagree
- 5) Please respond to the following statement: **Over the past 10 years**, my Tribe's relationship with the State of Alaska has been positive (good):
 - k. Strongly Agree
 - l. Somewhat Agree
 - m. Agree
 - n. Somewhat Disagree
 - o. Strongly Disagree
- 6) Please respond to the following statement: **Over the past 10 years**, my Tribe's relationship with the federal government (United States) has been positive (good):
 - p. Strongly Agree
 - q. Somewhat Agree
 - r. Agree
 - s. Somewhat Disagree
 - t. Strongly Disagree
- 7) Please respond to the following statement: **Historically** (ex. over my lifetime), my Tribe's relationship with the State of Alaska has been positive (good):
 - u. Strongly Agree

- v. Somewhat Agree
- w. Agree
- x. Somewhat Disagree
- y. Strongly Disagree

8) Please respond to the following statement: **Historically** (ex. over my lifetime), my Tribe's relationship with the federal government (United States) has been positive (good):

- z. Strongly Agree
- aa. Somewhat Agree
- bb. Agree
- cc. Somewhat Disagree
- dd. Strongly Disagree

9) During the **past 12 months**, has your Tribe experienced a disruptive event, like emergencies and disasters caused by floods, fires, windstorms, or earthquakes? Yes or No?

10) During the **past 10 years**, has your Tribe experienced a disruptive event, like emergencies and disasters caused by floods, fires, windstorms, or earthquakes? Yes or No?

11) **Historically** (ex. over your lifetime), has your Tribe experienced a disruptive event, like emergencies and disasters caused by floods, fires, windstorms, earthquakes? Yes or No?

12) If your Tribe experiences a disruptive, event like an emergency or disaster, and the tribe needs additional assistance would you contact the State of Alaska? Yes or No

13) If your Tribe experiences a disruptive, event like an emergency or disaster, and the Tribe needs additional assistance would you contact the federal government (United States)? Yes or No.

14) Please respond to the following statement. If my Tribe needs assistance following a disruptive event and I contact the **State of Alaska**, I believe the State of Alaska will respond to support my Tribe.

- ee. Strongly Agree
- ff. Somewhat Agree
- gg. Agree
- hh. Somewhat Disagree
- ii. Strongly Disagree

15) Please respond to the following statement. If my Tribe needs assistance following a disruptive event and I contact the **federal government** (United States), I believe the federal government will respond and support my Tribe.

- jj. Strongly Agree
- kk. Somewhat Agree
- ll. Agree
- mm. Somewhat Disagree
- nn. Strongly Disagree

16) Please respond to the following statement. My Tribe is sovereign; therefore, government-to-government relations should exist between my Tribe and the **State of Alaska**.

- oo. Strongly Agree
- pp. Somewhat Agree
- qq. Agree
- rr. Somewhat Disagree
- ss. Strongly Disagree

17) Please respond to the following statement. My Tribe is sovereign; therefore, government-to-government relations should exist between my Tribe and the **federal government (United States)**.

- tt. Strongly Agree
- uu. Somewhat Agree
- vv. Agree
- ww. Somewhat Disagree
- xx. Strongly Disagree

18) Do you believe your Tribe currently has a working (effective) government-to-government relationship with the State of Alaska? Yes or No.

19) Do you believe your Tribe currently has a working (effective) government-to-government relationship with the **federal government (United States)**?

20) If a disruptive event like emergencies or disasters occur and your Tribe needs assistance, do you believe your Tribe is required to seek assistance from the State of Alaska first, **before** seeking assistance from the federal government (United States)? Yes or No or I do not know.

21) If a disruptive event like emergencies or disasters occur and your Tribe needs assistance, do you believe your Tribe is required to seek assistance from the federal government (United States) first, **before** seeking assistance from the State of Alaska? Yes or No or I do not Know.

22) Please respond to the following statement. If a disruptive event occurs and my Tribe needs assistance, I prefer that my Tribe initially receive assistance from the **federal government (United States)**.

- yy. Strongly Agree
- zz. Somewhat Agree

- aaa. Agree
- bbb. Somewhat Disagree
- ccc. Strongly Disagree

23) Please respond to the following statement. If a disruptive event occurs and my Tribe needs assistance, I prefer that my Tribe initially receive assistance from the **State of Alaska**.

- ddd. Strongly Agree
- eee. Somewhat Agree
- fff. Agree
- ggg. Somewhat Disagree
- hhh. Strongly Disagree

24) If a disruptive event occurs and your Tribe needs assistance, does the Tribe know which agency to contact at the State of Alaska? Yes or No.

25) If a disruptive event occurs and your Tribe needs assistance, does the Tribe know which agency to contact at the **federal government (United States)**? Yes or No.

Appendix B: Hazard Mitigation Data (2022)

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB
1	Community Name	Status	Expiration Date	Type	Remarks	To DHS	To FEMA	FEMA APA	Community Adoption	Remarks	Next Step	Hardcopy complete	Sent copy to city / tribe	On DHS site?	Funding Source	Controlling Authority	Community POP	Community POP	Community POP	Community POP	Community POP	Community POP	Plan Jurisdiction	Plan Title	In port	City	Plan Status
	RED cities are in color coded pull down menu. GREEN cities are recently completed. Data is current as of 9/6/18.																										
3	Alaiachak Native Village	expired	9/6/18	THMP			8/21/13				The next FEMA approved community adoption	N/A	YES N/A	Y	Y	Y	0	1	Unincorporated			Native Village of Alaiachak Hazard Mitigation Plan		Alaiachak	expired		
4	Alaiakiv	approved	9/19/24	THMP	Tribal Direct		8/15/19																Native Village of Alaiakiv Hazard Mitigation Plan		Alaiakiv	approved	
5	Alaiak city	contractor	6/20/18	LHMP	PDM 18 - AECOM first contract 10/14/21		6/14/13															City of Alaiak Hazard Mitigation Plan	YES	Alaiak	approved		
6	Alaiatan city	expired	6/25/15	MHMP	Was NE Borough POP 8/2019																	Community of the Aleutians East Borough Multi-jurisdictional Multi-Hazard Mitigation Plan		Alaiatan	expired		
7	Alakanuk city	APA	3/25/24	MHMP	MHMP w/ TRIBE - CITY ADOPTION sent to FEMA 11/4/21 at 12:45 FEMA received the city's adoption res.	1/12/18	2/23/18	4/26/18	3/12/19	10/20/21 Ac of FEMA sent 11/15/21 Approval 1/1/22 Change from		YES YES	Y	Y	Y	677	2	City				City of Alakanuk Local Hazard Mitigation 2018 Plan Update	YES	Alakanuk	approved		
8	Alakanuk Native Village	APA			MHMP w/ CITY - TRIBAL ADOPTION SENT TO FEMA	3/30/21	4/19/21	6/4/21																			
9	Alaska	approved	10/25/23	SHMP			10/2/18	10/15/18	10/18/18			YES YES	N/A	Y	Y	###	3	State				State of Alaska State Hazard Mitigation Plan		Alaska	approved		
10	Alatna	other			Not a multi-jurisdictional plan							N/A	N/A	Y	Y	0	1	Unincorporated				No plan found		Alatna	approved		
11	Alatna Tribal	approved	7/2/23	THMP	BRIC Tribal Direct 2020	5/30/18	8/28/17	6/26/18	6/26/18	8/28/17 Direct		YES YES	N/A	Y	Y	0	1	Unincorporated				Native Village of Alatna Tribal Hazard Mitigation Plan		Alatna	approved		
12	Alatna Native Village	approved	7/14/24	THMP			6/25/19																		Alatna	approved	
13	Alatna Comm. of St. Nicholas	other			Over 1 YR from APA, fail to adopt!		11/19/15			FEMA Inactive APA (DHS-EXPI)		N/A	N/A	N/A								Saint Paul City HMP		Saint Paul	Approvable Pending		
14	Aleutian East Borough	dis review	6/25/15	MHMP	Aleutian East Borough Hazard Mitigation Plan (Date 11/20/21)	5/20/21	3/31/20					N/A	YES N/A	N/A	Y	57	1	Borough				Community of the Aleutians East Borough Multi-jurisdictional Multi-Hazard Mitigation Plan		Aleutian East Borough	Expired		
15	Alalaklet ANSA	approved	1/17/24	MHMP	Old plan is city only	5/30/18	7/10/18	7/24/18	11/74/18	Sent email to confirm they have a copy		N/A	YES N/A	N/A	Y	171	2	ANV				The City and Native Village of Alalaklet Multi-jurisdictional Hazard Mitigation Plan		Alalaklet	In Review		
16	Alalaklet city	approved	1/17/24	MHMP		5/30/18	7/10/18	7/24/18	11/15/18			N/A	YES N/A	N/A	Y	105	1	City				The City and Native Village of Alalaklet Multi-jurisdictional Hazard Mitigation Plan	YES	Alalaklet	Expired		
17	Ambler city	approved	1/23/24	MHMP	RES # 19-03	5/30/18	10/25/18	12/14/18	1/17/19	Emailed on 7/15/19 confirm they have a copy		N/A	YES N/A	N/A	Y	###							City and Village of Ambler Alaska Multi-jurisdictional Hazard Mitigation Plan Update 2019		Ambler	Approved	
18	Ambler NV	other			Tribal Direct							N/A	N/A	N/A										Ambler			
19	Anaktuvuk Pass city	other			Over 1 YR from APA, fail to adopt!		2/11/16			FEMA Inactive APP (DHS-EXPI)		N/A	N/A	N/A								North Slope Borough Local All-Hazard Mitigation Plan		Anaktuvuk Pass	Expired		
20	Anchorage municipality	approved	4/10/22				3/21/17	4/11/17				N/A	N/A	N/A	Y	324	2	City				All Hazards Mitigation Plan Update		Anchorage	Approved		

20	Angoon Native Village	APPROVED	5/27/25	THMP							Tribal Direct	N/A	N/A	N/A	N/A	N/A	N/A	N/A	459	1	City	Angoon NV	Angoon	Expired					
21	Aniak city	FEMA REVIEW	12/8/20		Sent to FEMA 11/17/21	#####						N/A	N/A	N/A	N/A	N/A	Y-2015	Y-2015				City of Aniak Hazard Mitigation Plan Update	Aniak						
24	Anvik	EXPIRED	11/20/20	MJHMP	Failure to adopt in 12 months from APA	9/22/19	9/30/19	11/20/19				N/A	YES	N/A	N/A	N/A			PDM 16	501	2	City	City and Native Village of Anvik Multi-Jurisdictional Hazard Mitigation Plan	Anvik	Approved				
25	Atmautluak	OTHER										N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	Unincorporated		Atmautluak	Approved					
26	Atmautluak ANVS	EXPIRED	11/2/20	THMP				9/2/15	9/17/15			N/A	N/A	N/A	N/A	N/A	Y-2015	Y-2015		277	0	ANV	Village of Atmautluak Hazard Mitigation Plan	Atmautluak	Approved				
27	Atkasuk city	OTHER		MJHMP				2/11/16				N/A	N/A	N/A	N/A	N/A	N/A	N/A		233	2	City	North Slope Borough Local All-Hazard Mitigation Plan	Atkasuk	Approved				
28	Barrow city	EXPIRED	9/20/21	MJHMP	PDM 19 Update			1/31/17	1/31/17	No plan under city		N/A	N/A	N/A	N/A	N/A	N/A	N/A		4212	2	City	North Slope Borough Local All-Hazard Mitigation Plan	YES Barrow (Utqiagvik)	Approved				
29	Bethel city	APPROVED	5/6/23	LHMP			1/8/18	3/14/18	4/10/18	Light sent to 5, hard copy sent 5.11		YES	YES	Digit	Pap	er	Y-2017	Y-2017	PDM 15	LeMay	6080	1	City	City of Bethel, Alaska Local Hazard Mitigation Plan Update	Bethel				
30	Bettles city	EXPIRED	6/23/15		Over 1 YR from APA (to be adopt)		2/7/18	4/4/18		POC Ms Fox	2018 11/20/18 11/20/18 11/20/18	N/A	N/A	N/A	N/A	N/A	N/A	N/A	PDM 15	LeMay	#####	12	1	City	The City of Bettles Hazard Mitigation Plan	Bettles	Expired		
31	Brevig Mission city	EXPIRED	5/23/19		Projected for PDM 19			4/2/14	4/29/14			N/A	N/A	N/A	N/A	N/A	Y-2014	Y-2014		#####	388	1	City	The City of Brevig Mission Hazard Mitigation Plan	Brevig Mission	Approved			
32	Bristol Bay Borough	APPROVED	4/12/23	LHMP			4/1/18	4/2/18	4/13/18	Approved		YES	YES	Digit	Pap	er	Y-2018	Y-2018	PDM 15	LeMay	997	1	Borough	Bristol Bay Borough Local Hazard Mitigation Plan	Bristol Bay Borough	Expired			
33	Buckland city	APPROVED	1/23/24				5/30/18	10/25/18	12/14/18	2/21/19	Emailed on 7-16, dropped	Finish hard copy 7-16, dropped	N/A	YES	Digit	er	Y2019	Soon		AECOM	#####				Northwest Arctic Borough Multi-Jurisdictional Hazard Mitigation Plan	Buckland			
34	Buckland NV	APPROVED	1/23/24						2/26/19		Emailed on 7-16, dropped	Finish hard copy 7-16, dropped	N/A	YES	Digit	er	Y2019	Soon				416	1	City	Northwest Arctic Borough Multi-Jurisdictional Hazard Mitigation Plan	Buckland	Expired		
35	Cheesh'na	OTHER	9/22/16	THMP	FEMA DIRECT 12 month APA never adopted				6/11/19			N/A	N/A	N/A	N/A	N/A	Soon	Soon								Cheesh'na Climate Adaption and hazard Mitigation Plan	Chistochina		
36	Chefomak city	CONTRACTOR	7/25/19		Projected for PDM 18 - AECOM First contact 10/14/21			7/11/14	7/25/14			N/A	N/A	N/A	N/A	N/A	Y-2014	Y-2014	PDM 18		418	1	City	City of Chefomak Hazard Mitigation Plan	YES Chefomak	Approved			
37	Chevak city	APPROVED	10/4/23	LHMP			5/21/18	6/7/18	9/5/18	9/26/18	Paper 10/23/18		YES	YES	Digit	Pap	er	Y-2018	Y-2018		Small Comm. E&E	938	1	City	Chevak, Alaska Local Hazard Mitigation Plan Update 2018	YES Chevak	Expired		
38	Chevak Native Village										Memo from Chevak Traditional Tribal direct, Not on DCRA		N/A	N/A	N/A	N/A	N/A	N/A								ANV	No plan found	Chevak	
39	Chickaloon Native Village	APPROVED	1/29/24	THMP				1/10/18	6/28/18			N/A	N/A	N/A	N/A	N/A	N/A	N/A								ANV	Chickaloon Village Hazard Mitigation Plan	Chickaloon	
40	Chignik Bay NV	APPROVED	9/16/24	THMP	Tribal Direct			8/13/19	9/12/19			N/A	N/A	N/A	N/A	N/A			BBNA		91	2	City	Chignik Bay Tribal Council Hazard Mitigation Plan	Chignik	Approved			
41	Chignik city	EXPIRED	11/4/20		Cannot find plan				11/4/15	11/4/15		N/A	N/A	N/A	N/A	N/A	N/A	N/A				0	2	ANV	Lake and Peninsula Borough Multi-Jurisdictional Hazard Mitigation Plan Update	Chignik	Approved		
42	Chignik Lagoon	EXPIRED			Tribal Direct			8/14/19	9/23/19		12 Months Since APA Expired	Due back 10/1/19	N/A	N/A	N/A	N/A	N/A	N/A								BBNA		Chignik Lagoon	
43	Chignik Lake	EXPIRED			Tribal Direct			8/16/19	9/17/19		12 Months Since APA Expired	Due back 9/29/19	N/A	N/A	N/A	N/A	N/A	N/A					0	0	Unincorporated		Chignik Lake	Approved	

66	Egegik city	EXPIRED	11/4/20					11/4/15	11/19/15	Goodnews Bay Native Assoc FY 13 grant	N/A	N/A	N/A					###	1	City	Lake and Peninsula Borough Multi-Jurisdictional Hazard Mitigation Plan Update	Egegik	Approved	
67	Ekuk NV	APPROVED	9/16/24	THMP	Tribal Direct						N/A	N/A	N/A					35	1	City	Native Village of Ekuk Tribal Hazard Mitigation Plan	Ekuk	Expired	
68	Ekwok	APPROVED	3/25/24	THMP	Tribal direct-FEMA tracking APA (N/A)						N/A	N/A	N/A					583	2	City		Ekwok	Plan in Progress	
69	Elim city	EXPIRED	5/27/19	LHMP				4/7/14	5/8/14		N/A	N/A	N/A	Y-2014	Y-2014	PDM 18				ANV	City of Elim Hazard Mitigation Plan	Elim		
70	Emmonak city	CONTRACTOR	11/20/19		Project for PDM 18 AECOM sent first contact email 10/14/19				11/14/14	It will be a MJHMP	N/A	N/A	N/A	Y-2014	Y-2014	PDM 18					City of Emmonak, Alaska Local hazards Mitigation Plan	Emmonak		
71	Evansville	OTHER			City did not participate			4/22/18		FEMA STATUS	N/A	N/A	N/A			PDM 15		470	2	ANV		Evansville	Approved	
72	Evansville ANV	APPROVED	5/14/23	THMP	Sent 6-7	1/19/18	2/7/18	5/1/18	5/11/18		YES	YES	Digit	Y-2017	Y-2017	PDM 15	LeMay	470	2	City	The Native Village of Evansville Hazard Mitigation Plan	Evansville	Approved	
73	Eyak Native Village	APPROVED	11/29/23	THMP	Sent E-copy and hard copy 12-16-18	5/18/18	11/6/18	11/14/18	11/21/18	sent to tribe 1-8-19	YES	YES	Digit	Y-2018	Y-2018	PDM 18	Deak Comm	681	1	City	Native Village of Eyak Hazard Mitigation Plan 2018	Eyak	Expired	
74	Fairbanks Borough	APPROVED	9/12/26	MJHMP	Draft MJHMP w/north Pole and City	7/20/21	8/16/21	9/10/21		APA Sent to	N/A	N/A	N/A			PDM 18		0	1	Unincorporated	Fairbanks Northstar Borough Multi-Hazard, Multi-Jurisdictional Hazard Mitigation Plan	Fairbanks	Expired	
75	False Pass city	EXPIRED	6/25/15	MJHMP	With AE Borough, POP 8/30/19			5/18/10			N/A	YES	N/A	N	N	PDM 16		0	2	ANV	Communities of the Aleutians East Borough Multi-Jurisdictional Multi-Hazards Mitigation Plan	YES False Pass	Approved	
76	Fort Yukon city	APPROVED	1/10/23	LHMP	hard copy sent 11/14/18			1/9/18	10/10/17		YES	YES	Digit	Y-2017	Y-2017	PDM 15	LeMay	156	2	City	City of Fort Yukon, Alaska Hazard Mitigation Plan Update	YES Fort Yukon	Approved	
77	Fort Yukon NV (GZGTG)	APPROVED	6/6/24	THMP	RES # 2019-05	3/1/19	4/2/19	5/14/19	6/3/19	Sent to tribe 6-11-	YES	YES	Digit	Y-2019		PDM 17	LeMay	#####			MJHMP	Gwichyaa Zhee Gwich'in tribal Government Hazard Mitigation Plan March 2019	Fort Yukon	Plan in Progress
78	Gakona tribal	CONTRACTOR			Projected for PDM 18						N/A	N/A	N/A	N	N	PDM 18		0	0	ANV		Gakona	Approved	
79	GALENA & LOUDEN tribes	CONTRACTOR	9/8/20	MJHMP	Projected for PDM 19			9/8/15	8/26/15		N/A	N/A	N/A	Y-2015	Y-2015	PDM 18		194	0	City	Louden Tribal Council and City of Galena Multi-Jurisdictional Hazard Mitigation Plan	Galena	Approved	
80	Gambell city	EXPIRED	3/14/17	LHMP	Projected for PDM 19						N/A	N/A	N/A	Y-2012	Y-2012	PDM 18				City	City of Gambell Hazard Mitigation Plan	Gambell		
81	Glennallen & Tazlina	APPROVED	4/14/24	MJHMP	Sent e-copy/hard copy 4-17-19	5/30/18	11/15/18	3/27/19			YES	YES	Digit	Y-2011	Y-2019	PDM 14	E&E	2508	2	Borough	Glennallen and Native Village of Tazlina Multi-Jurisdictional Hazard Mitigation Plan	Glennallen & Tazlina	Approved	
82	Golovin ANVSA	EXPIRED			Did not adopt.			10/24/15		FEMA may make expiration time	N/A	N/A	N/A			PDM 18		#####	178	1	City		Golovin	Approved
83	Golovin city	EXPIRED	12/20/20	LHMP	Projected for PDM 18			12/20/15	10/20/15		N/A	N/A	N/A	Y-2015	Y-2015	PDM 18		5003	2	City	City of Golovin Hazard Mitigation Plan	Golovin	Approved	
84	Goodnews Bay City/Tribe	APPROVED	5/31/23	MJHMP	Sent 2 x paper copy 7-27-18	2/15/18	2/28/18	4/6/18	4/16/18	Sent digital copy 6-21-18	YES	YES	Digit	Y-2018	Y-2018	PDM 14	E&E	760	1	City	City and Native Village of Goodnews Bay Multi-Jurisdictional Hazard Mitigation Plan	Goodnews Bay	Expired	
85	Grayling ANV	EXPIRED	12/21/20		FEMA tracking APPROVED			10/24/15		FEMA STATUS	N/A	N/A	N/A			PDM 18		#####	1093	2	City		Grayling	Approved
86	Grayling city	EXPIRED	12/21/20	LHMP				12/20/15	11/3/15		N/A	YES	N/A	Y-2015	Y-2015	PDM 18				2	City	City of Grayling Hazard Mitigation Plan	Grayling	
87	Gulkana Tribal	CONTRACTOR	2/13/19		Projected for PDM 18- first contact 10/14/21			6/7/14	2/13/14		N/A	N/A	N/A	Y-2013	Y-2013	PDM 18		77	1	City	Gulkana Native Village Hazard Mitigation Plan	YES Gulkana	Approved	
88	Gustavus city	APPROVED	12/16/24	LHMP		9/30/19	9/30/19	11/20/20	12/9/19		N/A	YES	N/A	N	N	PDM 16	AECOM	125	1	City	City of Gustavus Local Hazard Mitigation Plan	YES Gustavus	Approve	
89	Haines Borough	EXPIRED	3/13/21	MJHMP	LeMay Working PDM PDM 18			3/14/16	9/8/15		N/A	N/A	N/A	Y-2015	Y-2015	PDM 18					Haines Borough Multi-Hazard Mitigation Plan 2015	Haines		
90	Holy Cross city	EXPIRED	11/7/18	LHMP							N/A	N/A	N/A	Y-	Y-	PDM 18		176	1	City	City of Holy Cross Hazard Mitigation Plan	Holy Cross	Expired	

114	Kiana NV	APPROVED	1/23/24	RES # 2019-10			2/12/19	Emailed on 7-16, dropped	Finish hard copy	N/A	YES	Digs	NA	Y2019				577	2	City	Northwest Arctic Borough Multi-Jurisdictional Hazard Mitigation Plan	YES	Kiana	Approved		
115	King Cove city	EXPIRED	6/25/15	With AE Borough, POP 830/19			6/2/10			N/A	YES	NA	NA	N	N	PDM 16		3201	2	City	Communities of the Aleutians East Borough Multi-Jurisdictional Multi-Hazards Mitigation Plan		King Cove	Approved		
116	King Salmon	OTHER		Tribal Direct				British Bay Native Assoc FY 13 grant		N/A	N/A	NA	NA			BBNA		332	0	City			King Salmon	Approved		
117	Kipnuk	APPROVED	5/30/23	LHMP Sent Digits 6-19-18	2/3/18	2/22/18	4/27/18	5/29/18	Paper 7/10/18	YES	YES	Digs	Paper	Y-2018	Y-2018	PDM 15	LeMay	96	1	City	Kipnuk, Alaska Local Hazard Mitigation Plan Update	YES	Kipnuk	Expired		
118	Kivalina city	FEMA REVIEW	11/20/20	MJHMP Review 10/7/21 Started Now MJHMP	9/10/21					N/A	N/A	NA	NA	Y-2015			#####	721	1	City	City of Kivalina Hazard Mitigation Plan		Kivalina	Expired		
119	Klawock city	CONTRACTOR	10/14/16	LHMP PDM 19 - AECOM first contact 10/14/21	2/12/18					N/A	N/A	NA	NA	Y-2010	Y-2011	PDM 15	LeMay	0	0	Unincorporated	Klawock, Alaska Local Hazard Mitigation Plan	YES	Klawock	Approved		
120	Kluti-Kaah HMP	EXPIRED	12/8/20	MJHMP Withdraw for PDM 18			9/28/15			N/A	N/A	NA	NA	Y-2015	Y-2015	PDM 18	#####	321	0	ANV	Village of Kluti-Kaah Hazard Mitigation Plan	YES	Copper Center	Approved		
121	Kobuk city	APPROVED	1/23/24	RES # 19-01	5/30/18	10/25/18	12/14/18	2/18/19	Emailed on 7-16, dropped	Finish hard copy	N/A	YES	Digs	NA	Y2019	Y2019		E&E	907	2	Borough	Northwest Arctic Borough Multi-Jurisdictional Hazard Mitigation Plan		Kobuk	Approved	
122	Kobuk NV	APPROVED	1/23/24	RES # 19-02	5/30/18	10/25/18	12/14/18	1/30/19	Emailed on 7-16, dropped	Finish hard copy	N/A	YES	Digs	NA	Y2019	Y2019			87	1	City	Northwest Arctic Borough Multi-Jurisdictional Hazard Mitigation Plan		Kobuk	Expired	
123	Kodiak city	APPROVED	11/13/24	MJHMP	6/1/18	6/10/19				N/A	N/A	NA	NA	Y-2018	N	PDM 14	LeMay				Kodiak Island Borough Multi-Jurisdictional Hazard Mitigation Plan Update	YES	Kodiak			
124	Kodiak Island Borough	APPROVED	11/13/24	MJHMP	6/10/19	7/15/19	11/7/19			N/A	N/A	NA	NA	Y-2006	N	PDM 14	LeMay	282	1	City	Kodiak Island Borough Multi-Jurisdictional Hazard Mitigation Plan Update		Kodiak Island Borough	Approved		
125	Kokhanok	OTHER		Tribal Direct					British Bay Native Assoc FY 13 grant	N/A	N/A	NA	NA	N	N	BBNA					City		Kokhanok			
126	Koliganek	OTHER		Tribal Direct					British Bay Native Assoc FY 13 grant	N/A	N/A	NA	NA	N	N	BBNA			414	0	City			Koliganek	Approved	
127	Kongiganak	OTHER		Tribal Direct						N/A	N/A	NA	NA					###	2	Borough			Kongiganak	Approved		
128	Kongiganak ANVSA	CONTRACTOR	11/20/20	THMP PDM 19 - AECOM first contact 10/14/21			9/13/15	10/27/15		N/A	N/A	NA	NA	Y-2015	Y-2015			346	1	City	Native Village of Kongiganak Hazard Mitigation Plan	YES	Kongiganak	Expired		
129	Kotlik city & NV	APPROVED	8/29/24	MJHMP	5/21/19	5/30/19	6/25/19	8/23/19	NV SENT TO Lemay 8/23/19. Get complete plan from	N/A	YES	NA	NA	Y-2013	Y-2013	PDM 17				ANV	City of Kotlik and Village of Kotlik Multi-Jurisdictional Hazard Mitigation Plan		Kotlik			
130	Kotzebue city	APPROVED	11/18/24	LHMP	8/15/19	8/20/19	10/2/19	10/17/19		N/A	YES	Digs	Digs	Y-2014	Y-2014	PDM 17						City of Kotzebue, Alaska Local Hazards Mitigation Plan		Kotzebue		
131	Koyuk city	EXPIRED	10/14/19	LHMP						N/A	N/A	NA	NA	Y-2014	Y-2014							City of koyuk Hazard Mitigation Plan		Koyuk		
132	Koyukuk city & ANV	EXPIRED	10/3/13	MJHMP Needs corrections	5/30/18	10/31/18	12/14/18		BRIC Tribal Direct Update	N/A	YES	NA	NA	Y-2018	Y-2008	PDM 14	E&E				City and Native Village of Koyukuk Multi-Jurisdictional Hazard Mitigation Plan		Koyukuk			
133	Kwethluk city	EXPIRED	2/23/15	LHMP Needs major corrections	5/30/18		12/30/15		ERHANG 2-12-19 for corrections	Contacted 4-21-19 (Brit)	N/A	N/A	NA	Y-2010	Y-2009	PDM 14	AECOM	#####				City of Kwethluk, Alaska Local Hazard Mitigation Plan		Kwethluk		
134	Kwigillingok									N/A	N/A	NA	NA					#####	813	1	City			Kwigillingok	Approved	
135	Kwigillingok ANVS	EXPIRED	12/8/20	THMP BIA Tribal Resilience Grant Direct Funded Update Announced 11/4/2021			11/4/15	12/8/15		N/A	N/A	NA	NA	Y-2015	Y-2015					354	1	City	Village of Kwigillingok Hazard Mitigation Plan		Kwigillingok	Expired

157	New Stuyahok NV	APPROVED	8/29/24	Tribal Direct			8/8/19		Bristol Bay Native Assoc FY 13 grant	N/A	N/A	N/A	N/A		BBNA	####	218	1	City	Native Village of new Stuyahok's Tribal Hazard Mitigation Plan	New Stuyahok	Expired	
158	New Stuyahok city	EXPIRED	1/25/17							N/A	N/A	N/A	Y-2012	Y-2012			161	1	City		New Stuyahok	Expired	
159	Newhalen city	EXPIRED	11/4/20				11/4/15	10/28/15		N/A	N/A	N/A	N	N			2948	1	City	Lake and Peninsula Borough Multi-Jurisdictional Hazard Mitigation Plan Update	Newhalen	Expired	
160	Newtok ANVSA	APPROVED	2/8/26	THMP			1/11/21		Will cover Merktarvik	N/A	N/A	N/A	Y-2015	Y-2015						Newtok Village Tribal Hazard Mitigation Plan Update	Newtok		
161	Nightmute city & A	EXPIRED	12/8/20	MJHMP			10/25/15			N/A	N/A	N/A	Y-2015	Y-2015			568	1	City	City and Native Village of Nightmute Hazard Mitigation Plan	Nightmute	Expired	
	Nikolai City	CONTRACTOR			PDM 18- Contact made 10/14/21																		
162	Ninilchik Tribe	CONTRACTOR			Projected for PDM 19-AECOM sent first contact																		
163	Noatak NV	EXPIRED		THMP	Email sent 12/18/18, 1/23/19	5/30/18	10/25/18	12/14/18		POC Vemon	N/A	YES	N/A	N	N	E&E	674	2	City	Native Village of Noatak, Alaska Hazard Mitigation Plan Update	Noatak	Approved	
164	Nome city	APPROVED	1/31/22		Plan is not in database, obtained from FEMA						N/A	YES	N/A	Y-2017	Y-2016		0	2	ANV	City of Nome, Alaska Hazard Mitigation Plan Update	Nome	Approved	
165	Nondalton	APPROVED	9/16/24	THMP	Tribal Direct					Bristol Bay Native Assoc FY 13 grant	N/A	N/A	N/A	N/A		BBNA				Nondalton Village Tribal Hazard Mitigation Plan	Nondalton		
166	Nondalton city	EXPIRED	11/3/20	MJHMP			11/4/15	11/10/15			N/A	N/A	N	N			0	2	Unincorporated	Lake and Peninsula Borough Multi-Jurisdictional Hazard Mitigation Plan Update	Nondalton	Approved	
	Nondalton ANILCA	APPROVED	9/16/24	THMP																			
167	Noorvik city	APPROVED	1/23/24	MJHMP	RES # 19-02			1/31/19	Emailed on 7/16	FINISH HARD	N	YES	Digit	Y2019	Y2019	E&E	102	2	City	Northwest Arctic Borough Multi-Jurisdictional Hazard Mitigation Plan	YES Noorvik	Approved	
168	Noorvik Native Community	APPROVED	1/23/24	MJHMP	RES # 19-01, Hard copy sent 2-21	5/30/18	10/25/18	12/14/18	1/14/19		YES	YES	Digit Paper	Y2019	Y2019		194	1	City	Northwest Arctic Borough Multi-Jurisdictional Hazard Mitigation Plan	Noorvik	Expired	
169	North Pole city	APPROVED	9/12/26	MJHMP	Part of FMSB	7/20/21	9/10/21	7/7/14			N/A	N/A	N/A	N	N		669	1	City	Fairbanks Northstar Borough Multi-Hazard, Multi-Jurisdictional Hazard Mitigation Plan	North Pole	Expired	
170	North Slope Borough	CONTRACTOR	9/20/21		PDM 19 Update		2/11/16	8/2/16			N/A	N/A	N/A	Y-2015	Y-2015		0	1	Unincorporated	North Slope Borough Local Hazard Mitigation Plan	North Slope Borough	Expired	
171	North Star Borough	APPROVED	9/12/26	MJHMP		7/20/21	9/13/21	8/28/14			N/A	YES	N/A	Y-2014	Y-2014	PDM 18	166	1	City	Fairbanks Northstar Borough Multi-Hazard, Multi-Jurisdictional Hazard Mitigation Plan	Fairbanks North S	Plan in Progress	
172	Northway NV	CONTRACTOR			Projected for PDM 19-AECOM First contact 10/14/21				New plan								312	1	City	Northwest Arctic Borough	Northway	Approved	
173	Northwest Arctic Borough	APPROVED	1/23/24		RES # 19-12	5/30/18	10/17/18	12/14/18	4/23/19	Printed Borough copy	N/A	N/A	N/A	Y-2017	Y-2009		976	1	City	Northwest Arctic Borough Multi-Jurisdictional Hazard Mitigation Plan	Northwest Arctic	Expired	
174	Nuiqsut city	EXPIRED			Over 1 YR from APA (fail to adopt)		2/11/16				N/A	N/A	N/A	N	N		671	1	City	North Slope Borough	Nuiqsut	Expired	
175	Nulato city	EXPIRED	1/13/15			5/30/18	2/15/18		Help from April Wogev?		N/A	N/A	N/A	Y-2010	Y-2010	PDM 17	E&E			City and Village of Nulato Hazard Mitigation Plan	Nulato		
176	Nunam Iqua city	APPROVED	8/21/22				8/1/17		8/14/17 - 1:00:00		N/A	YES	N/A			PDM 17	####	411	2	City	Nunam Iqua City	Nunam Iqua	Approved
177	Nunam Iqua NV	APPROVED	9/18/24	THMP	Tribal Direct	6/5/19	7/8/19	8/2/19	9/13/19	RES # 2019-12	N/A	YES	N/A	Y-2017	Y-2008	PDM 17		474	1	City	Native Village of Nunam Iqua Hazard Mitigation Plan	Nunam Iqua	Approved
178	Nunapitchuk City	APPROVED	9/13/23	LHMP	hard copy sent 10/22/18	5/21/18	6/6/18	8/23/18	9/10/18		YES	YES	Digit Paper	Y-2018	Y-2018	Detail Comm.	E&E	829	1	City	Nunapitchuk, Alaska Local hazard Mitigation Plan	YES Nunapitchuk	Expired

156	Lake and Peninsula	DHS REVIEW	11/4/20	MJHMP	DHS Rcvd 11/23/2021 - Review not started as of 11/24/21			11/4/15	10/19/15			N/A	N/A	N/A	Y-2015	Y-2015			405	0	City	Lake and Peninsula Borough Multi-Jurisdictional Hazard Mitigation Plan Update	YES	Lake and Peninsula	Approved		
157	Larsen Bay city	EXPIRED	4/7/11		No files on Y drive							N/A	N/A	N/A	N	N	PDM 14		0	1	ANV	Hazard Mitigation Plan Community of Kodiak Island Borough, AK		Larsen Bay	Expired		
158	Levelock	APPROVED	12/12/24	THMP	Tribal Direct BRIC 2020					BRIC Tribal Direct 2020		N/A	N/A	N/A	N	N	BBNA		378	1	City			Levelock	Expired		
159	Lime Village	OTHER										N/A	N/A	N/A	N	N			510	1	City			Lime Village	Expired		
160	Lower Kalskag city	EXPIRED	10/29/18	LHMP				9/13/13	10/2/13			N/A	N/A	N/A	Y-2013	Y-2013			190	2	City	City of Lower Kalskag Hazard Mitigation Plan		Lower Kalskag	Approved		
161	Manokotak NV	APPROVED	11/7/24	Tribal Direct				8/16/19	9/23/19			N/A	N/A	N/A	N	N	BBNA		354	2	ANV		YES	Manokotak	Approved		
162	Manokotak city	APPROVED	5/27/25	LHMP			3/1/19	3/11/19	4/11/19			N/A	YES	N/A	N	N	PDM 16	AECOM	280	0	City	City of Manokotak Local Hazard Mitigation Plan		Manokotak	Approved		
163	Marshall city	EXPIRED	11/4/19		Projected for PDM 19			9/12/14	10/20/14			N/A	N/A	N/A	Y-2013	Y-2013								Marshall			
164	Matanuska-Susitna Borough	APPROVED	2/25/26	LHMP			2/23/21	8/20/20	2/2/21	POP 8/14/17 - 1/30/20		N/A	YES	N/A	Y-2018	Y-2018	PDM 17	LeMay	3598	2	City	Matanuska-Susitna Borough All-Hazards Mitigation Plan Natural Hazards		Matanuska-Susitna	Approved		
165	McGrath city	APPROVED	10/14/23	MJHMP			6/4/18	9/5/18	9/5/18	10/8/18		YES	YES	Digital Paper	Y-2018	Y-2018	Digital Comm	ERE	#####	164	2	City	McGrath, Alaska Multi-Jurisdictional Hazard Mitigation Plan		McGrath	Approved	
166	McGrath Native Village	APPROVED	10/14/23	MJHMP	Sent E Copy and Hard copy to tribe 12-18-18		6/4/18	9/5/18	9/5/18	10/26/18		YES	YES	Digital Paper	Y-2018	Y-2018	Digital Comm	ERE	668	1	City	McGrath, Alaska Multi-Jurisdictional Hazard Mitigation Plan		McGrath	Expired		
167	Mekoryuk city & ANVSA	EXPIRED	11/3/20	MJHMP				10/25/15	10/30/15			N/A	N/A	N/A	Y-2015	Y-2015								City and Village of Mekoryuk Multi-Jurisdictional Hazard Mitigation Plan		Mekoryuk	
168	Metlakatla Native Village	APPROVED	11/13/24	THMP	Tribal Direct			8/29/19	11/5/19			N/A	N/A	N/A	N	N			2117	1	City			Metlakatla	Approved		
169	Minto city	OTHER										N/A	YES	N/A	N	N	PDM 14		2790	2	Borough			Minto	Approved		
170	Minto Native Village	EXPIRED		THMP	Sent APA to Scott 1-22-19		5/30/18	11/6/18	1/15/19	Sent to Bessie 1-16-19	Get covered to patrol	N/A	N/A	N/A	N	N		#####	#####	1	Borough	Native Village of Minto Tribal Hazard Mitigation Plan		Minto	Approved		
171	Mountain Village city	EXPIRED	8/28/19	LHMP	Over 1 YR from APA (all 3 adopt)		2/3/18	2/22/18	4/26/18	Email send 11/9/18, 1/23/19	Get comm	N/A	N/A	N/A	Y-2014	Y-2014	PDM 15	LeMay						City of Mountain Village Hazard Mitigation Plan		Mountain Village	
172	Naknek	OTHER		Tribal Direct						BRIC Tribal Direct 2020		N/A	N/A	N/A	N	N	BBNA		#####	402	2	City			Naknek	Approved	
173	Napakiaik city & ANV	APPROVED	2/23/26	MJHMP	Letter sent to LeMay		#####	1/4/21	2/9/21			N/A	N/A	N/A	N	N	Digital Comm	LeMay	264	1	City	Napakiaik, Alaska Local Hazard Mitigation Plan	YES	Napakiaik			
174	Napakiaik city	APPROVED	2/23/26	MJHMP	MJHMP w/TRIBE			2/8/21				YES	YES	Digital Paper	Y-2018	Y-2018	Digital Comm	ERE	264	1	City	Napakiaik, Alaska Local Hazard Mitigation Plan	YES	Napakiaik	Approved		
175	Napaskiak city & ANV	EXPIRED	12/29/19	MJHMP				9/8/11	8/22/11			N/A	N/A	N/A	Y-2014	Y-2014			187	2	City	Napaskiak Multi-Jurisdictional Hazard Mitigation Plan		Napaskiak	Approved		
176	Nelson Lagoon ANV	EXPIRED	6/25/15		With AE Borough, POP 8/30/19							N/A	YES	N/A	N	N	PDM 16	AECOM						Communities of the Aleutians East Borough Multi-Jurisdictional Multi-Hazards Mitigation Plan		Nelson Lagoon	
177	Nenana city	EXPIRED	9/23/15	LHMP	Email send 11/8/18, 1/23/19, 2/28/19		1/2/18	1/9/18	3/19/18			N/A	N/A	N/A	Y-2017	Y-2017	PDM 15	LeMay					YES	City of Nenana, Alaska Local Hazard Mitigation Plan Update	YES	Nenana	

179	Old Harbor, Alutiq Tribe of	APPROVED	9/18/24	THMP						Tribal Direct		N/A	N/A	N/A	N/A	N/A	N/A	N/A	PDM 15									Kodiak Island Borough	Old Harbor		
180	Old Harbor city	EXPIRED	4/7/11									N/A	N/A	N/A	N/A	N/A	N/A	N/A		225	2	City							Old Harbor		
181	Ouzinkie city	EXPIRED	4/7/11									N/A	N/A	N/A	N/A	N/A	N/A	N/A				ANV						Kodiak Island Borough	Ouzinkie		
182	Pedro Bay	APPROVED	5/20/24	THMP	Tribal Direct			3/29/19				N/A	N/A	N/A	N/A	N/A	N/A	N/A		2693	2	City						Native Village of Pedro's Bay Tribal Hazard Mitigation Plan	Pedro bay	Expired	
183	Perryville	APPROVED	12/12/24	THMP	Tribal Direct		8/16/19				Due Back 10/1/19									251	2	City							YES Perryville	Approved	
184	Petersburg Borough	APPROVED	6/13/23		Hard copy to Dixon 7-25-18	3/6/18	4/4/18	5/21/18	6/4/18	Did not get APA from FEMA		YES	YES	Digit	Pap	er	Y-	Y-	PDM									Petersburg Borough Multi-Hazard Mitigation Plan Update	Petersburg		
185	Pilot Point NV	APPROVED	10/15/24		Tribal Direct		8/9/19	9/10/19													####	563	2	City				Native Village of Pilot Point Hazard Mitigation Plan	YES Pilot Point	Approved	
186	Pilot Point city	EXPIRED	11/4/20					11/4/15	10/26/15			N/A	N/A	N/A	N/A	N/A	N/A	N/A										Lake and Peninsula Borough Multi-Jurisdictional Hazard Mitigation Plan Update	Pilot Point	Expired	
187	Pilot Station city	APPROVED	1/23/24	LHMP	Hard copy sent 2-20-19	2/13/18	6/7/18	6/29/18	11/21/18	Res 18-03, sent plan		YES	YES	Digit	Pap	er	Y-	Y-	PDM									Pilot Station, Alaska Local Hazard Mitigation Plan Update	Pilot Station		
188	Point Hope ANVSA	EXPIRED	9/21/21							FEMA STATUS		N/A	N/A	N/A	N/A	N/A	N/A	N/A			####	8881	2	Borough					Tikigaq Point Hope Tribe	Point Hope	In Progress
189	Point Hope city	EXPIRED			Over 1 YR from APA (fail to adopt)			2/11/16				N/A	N/A	N/A	N/A	N/A	N/A	N/A										North Slope Borough	Point Hope	Expired	
190	Point Lay ANV	APPROVED	9/21/21		FEMA states approved			5/27/16		Over 1 YR from APA		N/A	N/A	N/A	N/A	N/A	N/A	N/A										North Slope Borough	Point Lay	Approved	
191	Port Alsworth	EXPIRED	11/4/20									N/A	N/A	N/A	N/A	N/A	N/A	N/A										Lake and Peninsula Borough	Port Alsworth	Approved	
192	Port Heiden NV	APPROVED	10/15/24		Tribal Direct		8/13/19	9/10/19		Bristol Bay Native Assoc FY 13 grant		N/A	N/A	N/A	N/A	N/A	N/A	N/A										Native Village of Port Heiden Hazard Mitigation Plan	Port Heiden	Approved	
193	Port Heiden city	EXPIRED	11/4/20					11/4/15	10/21/15			N/A	N/A	N/A	N/A	N/A	N/A	N/A										Lake and Peninsula Borough Multi-Jurisdictional Hazard Mitigation Plan Update	Port Heiden	Expired	
194	Port Lions city	EXPIRED	4/7/11									N/A	N/A	N/A	N/A	N/A	N/A	N/A										Kodiak Island Borough	Port Lions		
195	Portage Creek	APPROVED	12/15/24	THMP	Tribal Direct		8/16/19	11/14/19	11/14/19	Bristol Bay Native Assoc FY 13 grant	Received 12/20/19	N/A	N/A	N/A	N/A	N/A	N/A	N/A											Portage Creek		
196	Quinhagak city	APPROVED	5/10/25	MJHMP	Includes Kwihagak NV				5/7/20			N/A	N/A	N/A	N/A	N/A	N/A	N/A											City of Quinhagak Hazard Mitigation Plan	Quinhagak	
197	Red Devil Village of	EXPIRED	9/12/13	LHMP								N/A	N/A	N/A	N/A	N/A	N/A	N/A										The Village of red Devil, Alaska Local Hazard Mitigation Plan	YES Red Devil	Approved	
198	Ruby city	APPROVED	3/28/23	LHMP	Sent 6-11 (both)			1/5/18	10/17/17			YES	YES	Digit	Pap	er	Y-	Y-	PDM									City of Ruby, Alaska Local Hazard Mitigation Plan Update	Ruby	Approvable Pending	
199	Russian Mission city	EXPIRED	10/17/18	LHMP				1/5/13	9/20/13			N/A	N/A	N/A	N/A	N/A	N/A	N/A										City of Russian Mission Hazard Mitigation Plan	Russian Mission	Approved	
200	Sand Point city	EXPIRED	6/25/15		With AE Borough							N/A	N/A	N/A	N/A	N/A	N/A	N/A										Communites of the Aleutians East Borough Multi-Jurisdictional Multi-Hazards Mitigation Plan	Sand Point	Approved	
201	Savoonga city	APPROVED	12/19/24	LHMP	Completed Under PDM 17	5/14/19	5/23/19	6/25/19	11/16/19			N/A	N/A	N/A	N/A	N/A	N/A	N/A										City of Savoonga Hazard Mitigation Plan Update	Savoonga	Approved	

248	Valdez city	APPROVED	3/11/24	LHMP	RES # 19-08	5/31/18	11/5/18	11/30/18	2/19/19	Post # Electronic copy sent 3-18-19	YES	YES	Digt s	Pap er	Y- 2016	Y- 2007	PDM 14	leMay					City of Valdez Natural Hazard Mitigation Plan Update	Valdez		
249	Venetie city	APPROVED	3/28/24	THMP	RES # 19-19	5/30/18	1/17/19	1/17/19	3/12/19	Post # Electronic copy sent 4-11-19	YES	YES	Digt s	Pap er	Y- 2019	Y- N	PDM 14	E&E	####				Native Village of Venetie Tribal Hazard Mitigation Plan	Venetie		
250	Wainwright city	EXPIRED			Over 1 YR from APA (fail to adopt)			2/11/16			N/A	N/A	N/A	N/A	N	N			####				Wales HMP	Wainwright		
251	Wales ANVSA	EXPIRED			Over 1 YR from APA (fail to adopt)			10/25/15	Want update		N/A	N/A	N/A	N/A	Y- 2015	N	PDM 17						Wales HMP	Wales		
252	Wales city	EXPIRED			Over 1 YR from APA (fail to adopt)			10/25/15	Want Update		N/A	N/A	N/A	N/A	Y- 2015	N	PDM 17								Wales	
253	Wasilla city	APPROVED	10/14/23	LHMP		3/16/18	5/29/18	5/31/18			YES	YES	Digt s	Pap er	Y- 2016	Y- 2018	PDM 14	leMay					City of Wasilla Hazard Mitigation Plan (Phase I - Natural Hazards)	Wasilla		
254	White Mountain city & ANV	APPROVED	1/28/23	MJHMP	Sent E-copy/paper to tribe 12/5/18		1/26/18	12/19/17	1/16/18	City Res # 18-08 Tribal #2018-01	YES	YES	Digt s	Pap er	Y- 2018	Y- 2018	PDM 14	E&E	####				City and Native Village of White Mountain Multi-Jurisdictional Hazard Mitigation Plan	White Mountain		
255	Whittier city	CONTRACTOR	5/2/19	MJHMP	Projected for PDM 18 - AECOM First contact			10/21/13	11/12/13		N/A	N/A	N/A	N/A	Y- 2013	Y- 2013	PDM 18						City of Whittier, Alaska Local Hazards Mitigation Plan	Whittier		
256	Wrangell city & Borough	APPROVED	6/7/25	MJHMP		9/30/19	9/30/19	3/10/20	3/24/20		N/A	YES	N/A	N/A	Y- 2010	Y- 2009	PDM 15	AECOM					City and Borough of Wrangell Multi-Jurisdictional Hazard Mitigation Plan	Wrangell		
257	Yakutat City & Borough	APPROVED	11/13/24		Projected for PDM 17	8/15/19	8/20/19	10/2/19	11/7/19		N/A	YES	N/A	N/A	Y- 2015	Y- 2015	PDM 17							Yakutat		
258		OTHER			Tribal Direct																					
259		OTHER			Tribal Direct																					
260					Not Historically Active																					
262	Akhiok city	EXPIRED	4/7/11								N/A	N/A	N/A	N/A	N	N								Kodiak Island Borough	Akhiok	Expired
263																								Clarks Point	Clarks Point	

Appendix C: Hazard Mitigation Plan Data (Tribal-Only, 2023)

Tribal Participation in HM Plans							
COMMUNITY NAME	JURISDICTION TYPE	PLAN TITLE	JURISDICTION STATUS	APA DATE	PLAN APPROVAL DATE	EXPIRATION DATE	
Approved Tribal Plans	60						
Tribal Plans Pending Adoption	0						
Tribal Plans In Review	1						
Tribal Plans Awaiting Revisions	0						
Tribal Plans In Progress	17						
Expired Tribal Plans	19						
Akiachak Native Community	Alaska Native Village	Akiachak Native Village Hazard Mitigation Plan	Expired	8/21/2013	9/6/2013	9/5/2018	
Akiak Native Community	Alaska Native Village	Akiak Native Community Multi-Hazard Mitigation Plan	Approved		9/20/2019	9/19/2024	
Alatna Village	Alaska Native Village	Alatna Tribal Hazard Mitigation Plan	Approved	8/28/2017	7/3/2018	7/2/2023	
Algaaciq Native Village (St Marys)	Alaska Native Village	Saint Mary's City and Native Villages	APA	7/25/2018	3/26/2019	3/25/2024	
Alakaket Village	Alaska Native Village	Alakaket City and Native Village MUHMP	Approved	7/24/2018	1/18/2019	1/17/2024	
Aulitiq Tribe of Old Harbor (previously listed as Native Village of Old Harbor and Village of Old Harbor)	Alaska Native Village	Aulitiq Tribe of Old Harbor Tribal Mitigation Plan	Approved	9/19/2019	9/19/2019	9/18/2024	
Angoon Community Association	Alaska Native Village	Angoon Native Village	Approved	8/28/2019	5/28/2020	5/27/2025	
Atkasuk Village (Atkasook)	Alaska Native Village	North Slope Borough, ICAS and Native Villages of MUHMP	In Progress				
Central Council of the Tlingit & Haida Indian Tribes	Alaska Native Village	Wrangell City and Borough MUHMP	APA	3/9/2020	6/8/2020	6/7/2025	
Cheesh-Na Tribe (previously listed as Native Village of Chistochina)	Alaska Native Village	Cheesh'na Tribal Mitigation Plan (Chistochina Native Village)	Approved	6/11/2019	6/12/2019	6/11/2024	
Chickaloon Native Village	Alaska Native Village	Chickaloon Native Village Tribal Mitigation Plan	Approved	6/28/2018	1/30/2019	1/29/2024	
Chignik Bay Tribal Council (previously listed as Native Village of Chignik)	Alaska Native Village	Chignik Bay	Approved	9/12/2019	9/17/2019	9/16/2024	
Chignik Lake Village	Alaska Native Village	Chignik Lake	Approved	9/17/2019	11/14/2019	11/13/2024	
Chinik Eskimo Community (Golovin)	Alaska Native Village	Chinik Eskimo Community and City of Golovin MUHMP	In Progress				
Chinik Eskimo Community (Golovin)	Alaska Native Village	Golovin (City of) and Chinik Eskimo Community Hazard Mitigation Plan	Expired	10/24/2015	12/21/2015	12/21/2020	
Craig Tribal Association (previously listed as Craig Community Association)	Alaska Native Village	Craig Tribal Mitigation Plan	Expired	9/12/2016	9/21/2016	9/21/2021	
Curyung Tribal Council	Alaska Native Village	Dillingham City and Curyung Tribal Council MUHMP	APA	12/4/2022			
Egegik Village	Alaska Native Village	Egegik Native Village	Approved	7/11/2019	8/30/2019	8/29/2024	
Evansville Village (aka Bettles Field)	Alaska Native Village	Evansville Native Village THMP	Approved	4/27/2018	5/15/2018	5/14/2023	
Galena Village (aka Loudon Village)	Alaska Native Village	Galena City and Loudon Tribal Council MUHMP	Approved	8/25/2022	9/26/2022	9/25/2027	
Gulkana Village Council (previously listed as Gulkana Village)	Tribal	Gulkana Village Council THMP	In Progress				
Hughes Village	Alaska Native Village	Hughes City and ANV Multi-Jurisdictional Hazard Mitigation Plan	Expired	7/9/2016	9/13/2016	9/13/2021	
Huslia Village	Alaska Native Village	Huslia City and Native Village MUHMP	Approved	9/30/2022	10/27/2022	10/26/2027	
Hydaburg Cooperative Association	Alaska Native Village	Hydaburg Cooperative Association Tribal Mitigation Plan	Approved	12/10/2018	1/18/2019	1/17/2024	
Inupiat Community of the Arctic Slope	Alaska Native Village	North Slope Borough, ICAS and Native Villages of MUHMP	In Progress				
Kadovik Village (aka Barber Island)	Alaska Native Village	North Slope Borough, ICAS and Native Villages of MUHMP	In Progress				
Kenaitze Indian Tribe	Alaska Native Village	Kenaitze Indian Tribe Hazard Mitigation Plan	Approved	5/5/2022	5/17/2022	5/16/2027	
Kiawock Cooperative Association	Alaska Native Village	Kiawock Cooperative Association Hazard Mitigation Plan	Approved		1/21/2022	1/20/2027	
Levelock Village	Alaska Native Village	Levelock Village	Approved	11/15/2019	12/13/2019	12/12/2024	
Manokotak Village	Alaska Native Village	Manokotak	Approved	9/20/2019	1/18/2019	1/17/2024	
McCrath Native Village	Alaska Native Village	McCrath City and Native Village MUHMP	Approved	9/5/2018	10/15/2018	10/14/2023	
Mettakatta Indian Community	Alaska Native Village	Mettakatta Native Village Tribal Mitigation Plan	Approved	1/15/2019	11/14/2018	11/13/2024	
Native Village of Aleknagik	Alaska Native Village	Aleknagik Native Village	Approved	8/25/2019	7/15/2019	7/14/2024	
Native Village of Ambler	Alaska Native Village	Northwest Arctic Borough	APA	12/14/2018	1/24/2019	1/23/2024	
Native Village of Barrow Inupiat Traditional Government	Alaska Native Village	North Slope Borough, ICAS and Native Villages of MUHMP	In Progress				
Native Village of Brevig Mission	Alaska Native Village	Brevig Mission Native Village and City MUHMP	In Progress				

47	Native Village of Buckland	Alaska Native Village	Northwest Arctic Borough	Approved	12/14/2018	1/24/2019	1/23/2024
48	Native Village of Chignik Lagoon	Alaska Native Village	Chignik Lagoon ANV	Approved	9/23/2019	11/18/2019	11/17/2024
49	Native Village of Chitina	Alaska Native Village	Chitina HMP	Expired	10/9/2015	11/20/2015	11/20/2020
50	Native Village of Chuathbaluk (Russian Mission, Kuskokwim)	Alaska Native Village	Chuathbaluk City and Native Village MJHMP	Approved	3/19/2018	5/8/2018	5/7/2023
51	Native Village of Deering	Alaska Native Village	Northwest Arctic Borough	Approved	12/14/2018	1/24/2019	1/23/2024
52	Native Village of Diomedea (aka Inalik)	Alaska Native Village	Diomedea City and Native Village MJHMP	Approved	10/11/2018	3/12/2019	3/11/2024
53	Native Village of Diomedea (aka Inalik)	Alaska Native Village	Diomedea Native Village and City MJHMP	In Progress			
54	Native Village of Eagle	Alaska Native Village	Eagle City and Eagle Native Village Hazard Mitigation Plan	Expired	6/25/2014	10/14/2014	10/14/2019
55	Native Village of Ekuk	Alaska Native Village	Ekuk NV	Approved	7/18/2019	9/17/2019	9/16/2024
56	Native Village of Ekwook (previously listed as Ekwook Village)	Alaska Native Village	Ekwook NV	Approved	2/6/2019	3/25/2019	3/25/2024
57	Native Village of Elim	Alaska Native Village	Native Village of Elim THMP	In Progress			
58	Native Village of Eyak (Cordova)	Alaska Native Village	Eyak ANV Hazard Mitigation Plan	Approved	11/14/2018	12/14/2018	12/13/2023
59	Native Village of Fort Yukon	Alaska Native Village	Gwichyaa Zhee Tribal Government	Approved	5/14/2019	6/7/2019	6/6/2024
60	Native Village of Gakona	Alaska Native Village	Gakona, Native Village of THMP	In Progress			
61	Native Village of Gambell	Alaska Native Village	Native Village of Gambell THMP	In Progress			
62	Native Village of Goodnews Bay	Alaska Native Village	Goodnews Bay City and Native Village MJHMP	Approved	4/5/2018	6/1/2018	5/31/2023
63	Native Village of Hooper Bay	Alaska Native Village	Hooper Bay City	Expired	10/15/2015	11/5/2015	11/4/2020
64	Native Village of Kiana	Alaska Native Village	Northwest Arctic Borough	Approved	12/14/2018	1/24/2019	1/23/2024
65	Native Village of Kipruuk	Alaska Native Village	Kipruuk ANV	Approved	4/26/2018	5/31/2018	5/30/2023
66	Native Village of Kivalina	Alaska Native Village	Kivalina City and Native Village MJHMP	Approved		1/4/2022	1/3/2027
67	Native Village of Kluti Kaah (aka Copper Center)	Alaska Native Village	Kluti-Kaah HMP	Expired	9/18/2015	12/8/2015	12/8/2020
68	Native Village of Kobuk	Alaska Native Village	Northwest Arctic Borough	Approved	12/14/2018	1/24/2019	1/23/2024
69	Native Village of Kongiganak	Alaska Native Village	Kongiganak THMP	Approved	9/5/2022	9/26/2022	9/25/2027
70	Native Village of Koyuk	Alaska Native Village	Koyuk Native Village and City MJHMP	In Progress			
71	Native Village of Kwigillingok	Alaska Native Village	Kwigillingok THMP	Approved	7/26/2022	8/24/2022	8/23/2027
73	Native Village of Mekoryuk	Alaska Native Village	Mekoryuk HMP	Expired	10/25/2015	11/4/2015	11/4/2020
74	Native Village of Napaskiak	Alaska Native Village	Napaskiak MJHMP	Approved	2/8/2021	2/24/2021	2/23/2026
75	Native Village of Napaskiak	Alaska Native Village	Napaskiak HMP	Expired	8/26/2014	12/29/2014	12/29/2019
76	Native Village of Nelson Lagoon	Alaska Native Village	Aleutians East Borough MJHMP	Approved	12/22/2021	1/25/2022	1/24/2027
77	Native Village of Nightmute	Alaska Native Village	Nightmute HMP	Expired	10/25/2015	12/8/2015	12/8/2020
78	Native Village of Noatak	Alaska Native Village	Northwest Arctic Borough	APA	12/14/2018	1/24/2019	1/23/2024
79	Native Village of Nuiqsut (aka Nookkoot)	Alaska Native Village	North Slope Borough, ICAS and Native Villages of MJHMP	In Progress			
80	Native Village of Nunam Iqua (previously listed as Native Village of Sheldon's Point)	Alaska Native Village	Nunam Iqua Village	Approved	8/2/2019	9/15/2019	9/16/2024
81	Native Village of Perryville	Alaska Native Village	Perryville	Approved	11/15/2019	12/13/2019	12/12/2024
82	Native Village of Pilot Point	Alaska Native Village	Pilot Point	Approved	9/10/2019	10/16/2019	10/15/2024
83	Native Village of Point Hope	Alaska Native Village	North Slope Borough, ICAS and Native Villages of MJHMP	In Progress			
84	Native Village of Point Lay	Alaska Native Village	North Slope Borough	Expired	2/11/2016	9/21/2016	8/21/2021
85	Native Village of Point Lay	Alaska Native Village	North Slope Borough, ICAS and Native Villages of MJHMP	In Progress			
86	Native Village of Port Heiden	Alaska Native Village	Port Heiden	Approved	9/10/2019	10/18/2019	10/15/2024
87	Native Village of Saint Michael	Alaska Native Village	Native Village of St. Michael THMP	In Progress			
88	Native Village of Savoonga	Alaska Native Village	Savoonga City and Native Village MJHMP	In Progress			
89	Native Village of Selawik	Alaska Native Village	Northwest Arctic Borough	Approved	12/14/2018	1/24/2019	1/23/2024
90	Native Village of Shaktoolik	Alaska Native Village	Shaktoolik City	Expired	8/17/2015	9/23/2015	9/22/2020
91	Native Village of Shaktoolik	Alaska Native Village	Shaktoolik City and Native Village MJHMP	In Progress			
92	Native Village of Shungnak	Alaska Native Village	Northwest Arctic Borough	Approved	12/14/2018	1/24/2019	1/23/2024
93	Native Village of Stevens	Alaska Native Village	Stevens Village Council Tribal THMP	In Progress			
94	Native Village of Tanana	Alaska Native Village	Tanana City & ANV	Approved	5/11/2018	3/12/2019	3/11/2024
95	Native Village of Tazlina	Alaska Native Village	Glennallen CDP and Native Village of Tazlina MJHMP	Approved	3/27/2019	4/15/2019	4/14/2024
96	Native Village of Teller	Alaska Native Village	Teller Traditional Council (Native Village of Teller) THMP	In Progress			
97	Native Village of Tunululiak	Alaska Native Village	Tunululiak HMP	Expired	10/25/2015	11/4/2015	11/4/2020
98	Native Village of Tununak	Alaska Native Village	Tununak HMP	Expired	9/13/2015	11/4/2015	11/4/2020
99	Native Village of Tyonek	Alaska Native Village	Tyonek AKNV	Approved	12/22/2017	3/12/2018	3/11/2023
100	Native Village of Unalakleet	Alaska Native Village	Unalakleet City	Expired		12/21/2015	12/21/2020
101	Native Village of Unalakleet	Alaska Native Village	Unalakleet Native Village and City MJHMP	In Progress			

102	Native Village of White Mountain	Alaska Native Village	White Mountain MJHMP	Approved	12/19/2017	1/29/2018	1/28/2023
103	Native Village of White Mountain	Alaska Native Village	White Mountain Native Village and City MJHMP	In Progress			
104	New Stuyahok Village	Alaska Native Village	New Stuyahok Village	Approved	8/8/2019	8/30/2019	8/29/2024
105	Newtok Village	Alaska Native Village	Newtok HMP	Approved	1/11/2021	2/9/2021	2/8/2026
106	Ninilchik Village	Alaska Native Village	Ninilchik Tribal Hazard Mitigation Plan	Approved	9/27/2022	10/31/2022	10/30/2027
107	Nondaton Village	Alaska Native Village	Nondaton	Approved	8/28/2019	9/17/2019	9/16/2024
108	Noorvik Native Community	Alaska Native Village	Northwest Arctic Borough	Approved	12/14/2018	1/24/2019	1/23/2024
109	Northway Village	Alaska Native Village	Northway Village Council THMP	In Progress			
110	Organized Village of Grayling (aka Holikachuk)	Alaska Native Village	Grayling HMP	Expired	10/24/2015	12/21/2015	12/21/2020
111	Organized Village of Kasaan	Alaska Native Village	Kasaan City and Native Village MJHMP	Expired		11/9/2017	11/8/2022
112	Pedro Bay Village	Alaska Native Village	Pedro Bay THMP	Approved	3/29/2019	5/31/2019	5/30/2024
113	Portage Creek Village (aka Ohgsenakale)	Alaska Native Village	Portage Creek	Approved	11/15/2019	12/16/2019	12/15/2024
114	Qawalangin Tribe of Unalaska	Alaska Native Village	Unalaska City and Tribe	Approved	7/26/2018	3/4/2019	3/3/2024
115	Saint Paul Island (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands)	Alaska Native Village	Aleut Community of St. Paul Island Tribal Mitigation Plan	Approved	12/22/2021	1/7/2022	1/6/2027
116	Seldovia Village Tribe	Alaska Native Village	Seldovia Village Tribe	Approved	10/2/2019	10/16/2019	10/15/2024
117	Traditional Village of Togiak	Alaska Native Village	Togiak ANV	Approved	9/23/2019	10/16/2019	10/15/2024
118	Twin Hills Village	Alaska Native Village	Twin Hills Village	Approved	8/28/2019	9/16/2019	9/15/2024
119	Village of Alakanuk	Alaska Native Village	Alakanuk City and Native Village MJHMP	Approved	6/6/2021	10/19/2021	10/18/2026
120	Village of Anaktuvuk Pass	Alaska Native Village	North Slope Borough, ICAS and Native Villages of MJHMP	In Progress			
121	Village of Atmautluak	Alaska Native Village	Atmautluak HMP	Expired	9/13/2015	11/2/2015	11/2/2020
122	Village of Chefomak	Alaska Native Village	Chefomak City and Village MJHMP	In Review			
123	Village of Clarks Point	Alaska Native Village	Clarks Point	Approved	9/12/2019	10/29/2019	10/28/2024
124	Village of Kallag	Alaska Native Village	Kallag City and Native Village MJHMP	APA	7/5/2018	2/12/2019	2/11/2024
125	Village of Kotlik	Alaska Native Village	Kotlik City and Native Village MJHMP	Approved	6/26/2019	8/30/2019	8/29/2024
126	Village of Venetie (See Native Village of Venetie Tribal Government)	Alaska Native Village	Venetie NV	Approved	1/18/2019	3/29/2019	3/28/2024
127	Village of Wainwright	Alaska Native Village	North Slope Borough, ICAS and Native Villages of MJHMP	In Progress			
128	Wrangell Cooperative Association	Alaska Native Village	Wrangell City and Borough MJHMP	Approved	3/9/2020	6/8/2020	6/7/2025
129	Yupit of Andreafski	Alaska Native Village	Saint Mary's City and Native Villages	Approved	7/25/2018	3/26/2019	3/25/2024

Appendix D: Introduction Letter (Qualitative Interviews)

Introduction and Request for Interview



My name is John Pennington. I am a student in the Indigenous Studies program at the University of Alaska Fairbanks (UAF). My father was John Pennington, Sr. He was a retired Public Safety Official (Police Officer) in Tennessee for 42 years. My mother is Sharon Pennington. She was a nurse for 30 years. My wife is Crystal. We have one son and four daughters. We live in Fairbanks and in Duvall, Washington. Crystal is a Native American Sovereignty attorney and volunteers for Alaska Legal Services. I work with the Inupiat Community of the Arctic Slope (ICAS), where I am building their response to disasters.

I am trying to improve government-to-government relationships between Alaska Tribes and the United States after **emergencies and disasters**.

Respectfully, I am asking to interview your Tribe about these relationships. The interview is about how your Tribe works with the United States after an emergency or disaster. Examples include floods, earthquakes, or fires. Examples may also include events caused by climate change.

Although I am a student, I am also in Public Safety like my father. I am in emergency management. For the past 25 years I have worked for tribes, counties, states, and the United States. I have led the response and recovery to 30 disasters. Today, I am helping the Inupiat Community of the Arctic Slope (ICAS) to build their emergency management program. My profile is provided here if you would like to review my background:

<https://www.linkedin.com/in/johnpennington/>.

Expected Questions:

Why are you contacting my specific Tribe? I am only asking 15 Alaska Tribes for interviews. The study is **only** about Alaska Tribes. Your Tribe is in an area that I believe could help the study.

If my Tribe agrees to an interview, how will it be used? Interviews will support the study. The study is intended to improve relationships with the United States after emergencies and disasters. Interviews should reveal trends about Alaska Tribes and the United States. Interviews will first ask about your Tribe's relationship with the State of Alaska. It will then ask about your relationship with the United States after emergencies and disasters.

How long will the interview take? If someone from your Tribe can be interviewed, it will take approximately 30 minutes. Interview options are in person, telephone or Zoom (<https://www.zoom.us>).

Will the interview be confidential? The interview will ask for the name of your Tribe and the person being interviewed. This person should be someone who normally leads response to emergencies and disasters (Example: Fire Chief, Council Member, or a Tribal Emergency Manager).

Will the interview benefit my Tribe? My study is intended to improve the relationship between Alaska Tribes and the United States. It is intended to help all Alaska Tribes after emergencies and disasters. I anticipate the study will strengthen sovereignty for Alaska Tribes when they work with the United States. The agency that will receive this study is the Federal Emergency Management Agency (FEMA).

If my Tribe chooses to be interviewed, what happens next? My study focuses on emergencies and disasters. If your Tribe can provide the name of someone who leads responses to disasters, that would help. This person could be a Tribal Administrator, or a Fire Chief, or a Public Works employee. It could also be someone unique to your tribe.

Will you follow up with the Tribe about results of the study? Yes. I will share a summary of interviews for your review. I will then share the study with the Tribe. I will also share any recommendations that may help your Tribe.

Please contact me with any questions.

Thank you.

John.

John Pennington
Indigenous Studies Ph.D. Student
Faculty: Homeland Security Emergency Management
University of Alaska Fairbanks (UAF)
jepennington@alaska.edu
907-474-5797

Appendix E: Informed Consent (Qualitative Interviews)

Informed Consent Form

Sovereign Disasters: How Alaska’s Tribes Participate in Government-to-Government Relations in a Post-Disaster Environment

John E. Pennington – Ph.D. student
Indigenous Studies Program
Faculty: Homeland Security Emergency Management (HSEM) Program
University of Alaska Fairbanks (UAF)

IRB #: 1656243-1

Date Approved: 5/31/2021

Key Information:

This is a request to interview you. The study is about disasters in Alaska Native Villages. Your interview is voluntary. Your participation is not required. Your interview will assist the study.

Only 15 Alaska Native Villages are being studied.

Study Details:

- This study is about disasters in Alaska Native Villages. Your interview will be conducted through telephone or Zoom.
- The interview is about your Village. The interview is about how your Village responds to a disaster. The interview is about who you ask for help after a disaster.
- Your interview will take 30 minutes.
- This study is expected to help Alaska Native Villages. No negative impact to you is expected. No negative impact to your Village is expected.
- Results of this study will be shared with members of Congress. Results are intended to help create better disaster policy for Alaska Natives.
- Results of this study may be used in conferences and publications about disasters.
- John Pennington is a student at the University of Alaska Fairbanks (UAF). John Pennington will interview you. This study will identify and your Alaska Native Village. All information will be protected. The interview will be stored at the University of Alaska Fairbanks. Only John Pennington will have access to your interview.

If you have any questions about this interview or your participation, please feel free to contact:

John Pennington, Research Student
Indigenous Studies Program – UAF
Faculty: Homeland Security and Emergency Management

Email address: jepennington@alaska.edu
Phone: 907-474-5797

Richard Hum, Research Supervisor (Co-Principal Investigator)
Email Address: rehum@alaska.edu

The UAF Institutional Review Board (IRB) is a group that reviews research projects involving people. This review is done to protect the rights and wellbeing of the people involved in the research. If you have questions or concerns about your rights as a research participant or in the event of a research-related harm, you can contact the UAF Office of Research Integrity at 907-474-7800 (Fairbanks area) or [1-866-876-7800](tel:1-866-876-7800) (toll-free outside the Fairbanks area) or uaf-irb@alaska.edu.

Your tribe's involvement is greatly appreciated. It is always **voluntary**. Your tribe may discontinue participation in the interview at any time. If your tribe does not wish to participate in this interview, please discard any information. If the tribe chooses to interview but later decides to withdraw, please contact John Pennington at 907-474-5797 or through email: jepennington@alaska.edu. Your tribe and its interview will be immediately withdrawn, and any documentation of the interview will be destroyed.

Statement of Consent:

I understand the information presented to me. My questions have been answered to my satisfaction, and I agree to participate in this study. I have been offered a copy of this form.

Signature of Participant & Date

Signature of Person Obtaining Consent & Date

Appendix F: Qualitative Interview Questions

Interview Questions

Sovereign Disasters: How Alaska's Tribes Participate in Government-to-Government Relations in a Post-Disaster Environment?

- 1) Thank you for allowing me this opportunity to interview you. Can you share your name (both your given and traditional name if you would like)?
- 2) What Alaska Native community do you identify with or live in?
 - a. Follow up question if appropriate on Indigenous cultural identification (Ex. Aleut, Iñupiat, etc.).
- 3) Is there anything you would like to share about yourself, your family, tribe, or community before we begin conversing about emergencies and disasters?
- 4) What role do you have in your community (Ex. Tribal Administrator, Village Safety Officer, Emergency Manager)?
- 5) Does your community (Ex. Native Village of Barrow or North Slope Borough) have a history of disruptive events like emergencies or disasters?
 - b. If so, can you share some of those emergencies or disasters with me:
 - i. Past 12 months?
 - ii. Past 10 years?
 - iii. Historically?
- 6) Can you share with me what kinds of emergencies or disasters concern you the most in your own community (Ex. Floods, fires, windstorms, etc.)?
- 7) Please share any recent experiences you have had working with the State of Alaska when faced with disruptive events like emergencies or disasters.

- 8) Please share with me any recent experiences you have had working with the federal government (Ex. FEMA) when faced with disruptive events like emergencies or disasters.
- 9) Thinking only about emergencies and disasters in your community, if I ask you to consider the current relationship you believe your tribe has with the State of Alaska, what are your thoughts? What about the relationship with the federal government, especially FEMA or a federal “disaster” agency?
- 10) Do you believe your tribe currently has a working and mutually respected (effective) government-to-government relationship with the State of Alaska?
- c. Why or why not?
- 11) Do you believe your tribe currently has a working and mutually respected (effective) government-to-government relationship with the federal government (United States)?
- d. Why or why not?
- 12) If your tribe experiences a disruptive event like an emergency or disaster and the tribe needs outside assistance, who would you normally contact first... the State of Alaska or the federal government (Ex. FEMA)?
- e. Why would you contact them first?
- 13) If a disruptive event like emergencies or disasters occur and your tribe needs outside assistance, do you know if your tribe is required to seek assistance from the State of Alaska first, **before** seeking assistance from the federal government (United States)?
- 14) Would you prefer that the tribe initially receive emergency or disaster assistance from the State of Alaska or from the federal government (Ex. FEMA or HHS)?

- 15) If a disruptive event occurs and your tribe needs outside assistance, does the tribe know which specific agency to contact in the State of Alaska?
- 16) If a disruptive event occurs and your tribe needs assistance, does the tribe know which specific agency to contact in the federal government (Ex. FEMA)?
- 17) Do you know who “owns” and is responsible for maintaining your tribe’s infrastructure (Ex. Power or Electricity, Water, Roads)?
- f. Follow up (if required): Is it the tribe, village corporation, city, borough, regional corporation, other?
- 18) What concerns you most about climate change impacts on your community when you think about disruptive events like emergencies and disasters?
- 19) Is there anything else you would like to share with me that you believe would benefit the tribe or my research on emergencies and disasters?

Appendix G: IRB Approval (Quantitative Survey Approval)



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Institutional Review Board

909 N Koyukuk Dr. Suite 212, P.O. Box 757270, Fairbanks, Alaska 99775-7270

May 11, 2021

To: Richard Hum, Ph.D.
Principal Investigator

From: University of Alaska Fairbanks IRB

Re: (1656243-2) How Alaska Tribes Participate in Government-to-Government Relationships in a Post-Disaster Environment

Thank you for submitting the Revision referenced below. The submission was handled by Expedited Review under the requirements of 45 CFR 46.110, which identifies the categories of research eligible for expedited review.

Title:	How Alaska Tribes Participate in Government-to-Government Relationships in a Post-Disaster Environment
Received:	May 3, 2021
Expedited Category:	7
Action:	APPROVED
Effective Date:	May 11, 2021
Expiration Date:	May 11, 2022

Required:

Under no circumstances may 'phase 2' of this project commence in any way without required and appropriate project modifications provided, reviewed, and approval by the UAF IRB.

This action is included on the June 2, 2021 IRB Agenda.

No changes may be made to this project without the prior review and approval of the IRB. This includes, but is not limited to, changes in research scope, research tools, consent documents, personnel, or record storage location.

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www.alaska.edu/titleIX/compliance/nondiscrimination.

Appendix H: IRB Approval (Qualitative Interview Approval)



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Institutional Review Board

909 N Koyukuk Dr, Suite 212, P.O. Box 757270, Fairbanks, Alaska 99775-7270

April 25, 2022

To: Richard Hum, Ph.D.
Principal Investigator

From: University of Alaska Fairbanks IRB

Re: [1656243-4] How Alaska Tribes Participate in Government-to-Government Relationships in a Post-Disaster Environment

Thank you for submitting the Continuing Review/Progress Report referenced below. The submission was handled by Expedited Review under the requirements of 45 CFR 46.110, which identifies the categories of research eligible for expedited review.

Title:	How Alaska Tribes Participate in Government-to-Government Relationships in a Post-Disaster Environment
Received:	April 24, 2022
Expedited Category:	7
Action:	APPROVED
Effective Date:	April 25, 2022
Expiration Date:	May 11, 2023

This action is included on the June 1, 2022 IRB Agenda.

No changes may be made to this project without the prior review and approval of the IRB. This includes, but is not limited to, changes in research scope, research tools, consent documents, personnel, or record storage location.

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Preliminary Damage Assessment Report

Alaska – Severe Storm, Flooding, and Landslides FEMA-4672-DR

Declared September 23, 2022

On September 20, 2022, Governor Michael J. Dunleavy requested a major disaster declaration due to a severe storm, flooding, and landslides during the period of September 15-20, 2022. The Governor requested a declaration for Individual Assistance, including the Individuals and Households Program, Disaster Unemployment Assistance, Disaster Case Management, and Disaster Legal Services and Public Assistance for four Regional Educational Attendance Areas (REAA) and Hazard Mitigation statewide. Beginning on September 21, 2022, and continuing, joint federal, state, and local government Preliminary Damage Assessments (PDAs) were conducted in the requested areas and are summarized below. PDAs estimate damages immediately after an event and are considered, along with several other factors, in determining whether a disaster is of such severity and magnitude that effective response is beyond the capabilities of the state, and the affected local governments, and that Federal assistance is necessary.¹

On September 23, 2022, President Biden declared that a major disaster exists in the State of Alaska. This declaration made Individual Assistance requested by the Governor available to affected individuals and households in the Bering Strait REAA, Kashunamiut REAA, Lower Kuskokwim REAA, and Lower Yukon REAA. This declaration also made assistance for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program available for the Bering Strait REAA, Kashunamiut REAA, Lower Kuskokwim REAA, and Lower Yukon REAA. Finally, the declaration made Hazard Mitigation Grant Program assistance requested by the Governor available for hazard mitigation measures statewide.²

Summary of Damage Assessment Information Used in Determining Whether to Declare a Major Disaster

Individual Assistance

- Total Number of Residences Impacted:³ 109
 - Destroyed - 1
 - Major Damage - 27
 - Minor Damage - 40
 - Affected - 41

- Percentage of insured residences:⁴ 36.5% 0.0% Flood
- Percentage of poverty households:⁵ 29.6%

0

- Percentage of ownership households:⁶ 63.1%
- Population receiving other government assistance such as SSI and SNAP: 7.2% SSI 42.7% SNAP
- Pre-Disaster Unemployment: 19.4%
- Age 65 and older: 7.0%
- Age 18 and under: 36.9%
- Disability: 11.1%
- IHP Cost to Capacity (ICC) Ratio: 30.5
- Total Individual Assistance cost estimate: \$1,723,182

Public Assistance

- Primary Impact: -
- Total Public Assistance cost estimate: -
- Statewide per capita impact:⁷ -
- Statewide per capita impact indicator:⁸ \$1.63
- Countywide per capita impact: -
- Countywide per capita impact indicator:⁹ \$4.10

¹ The Preliminary Damage Assessment (PDA) process is a mechanism used to determine the impact and magnitude of damage and resulting needs of individuals, businesses, public sector, and community as a whole. Information collected is used by the State as a basis for the Governor's request for a major disaster or emergency declaration, and by the President in determining a response to the Governor's request (44 CFR § 206.33).

² When a Governor's request for major disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (Stafford Act) is under review, a number of primary factors are considered to determine whether assistance is warranted. These factors are outlined in FEMA's regulations (44 CFR § 206.48). The President has ultimate discretion and decision making authority to declare major disasters and emergencies under the Stafford Act (42 U.S.C. § 5170 and § 5191).

³ Degree of damage to impacted residences:

- Destroyed – total loss of structure, structure is not economically feasible to repair, or complete failure to major structural components (e.g., collapse of basement walls/foundation, walls or roof);
- Major Damage – substantial failure to structural elements of residence (e.g., walls, floors, foundation), or damage that will take more than 30 days to repair;
- Minor Damage – home is damaged and uninhabitable, but may be made habitable in short period of time with repairs; and
- Affected – some damage to the structure and contents, but still habitable.

⁴ By law, Federal disaster assistance cannot duplicate insurance coverage. 42 U.S.C. § 5155 and 44 C.F.R. § 206.48(b)(5).

⁵ Special populations, such as low-income, the elderly, or the unemployed may indicate a greater need for assistance. 44 C.F.R. § 206.48(b)(3).

⁶ Ibid. 44 C.F.R. § 206.48(b)(3).

⁷ Based on State population in the 2020 Census.

⁸ Statewide Per Capita Impact Indicator for FY22, *Federal Register*, October 1, 2021.

⁹ Countywide Per Capita Impact Indicator for FY22, *Federal Register*, October 1, 2021.

Appendix J: Cited Court Cases

Alaska v. Native Village of Venetie Tribal Gov't, 522 U.S. 520 (1998).

Alaska Pacific Fisheries Co v. U. S., 248 U.S. 78 (1918).

Anderson v. Evans, 371 F.3d 475 (9th Cir. 2002).

Cherokee Nation v. Georgia, 30 US (5 Pet.) 1 (1831).

In the Matter of C.R.H., 29 P.3d 849 (Alaska 2001). *John v. Baker*, 982 P. 2d 738 (Alaska 1999).

Johnson v. M'Intosh, 21 U.S. (7 Wheat.) 543 (1823).

Metlakatla Indian Community v. Dunleavy, 48 F. 4th 963 (9th Cir. 2022).

Kaltag Tribal Council v. Jackson (2009 344 F. App'x 324 (9th Cir. 2009).

Metlakatla Indians v. Egan, 369 US 45 (1962).

McCrary v. Ivanof Bay Village, 265 P.3d 337 (Alaska 2011).

McDowell v. State of Alaska, 785 P.2d 1 (Alaska 1989).

Native Village of Nenana v. Dept. of Health, 722 P. 2d 219 (Alaska 1986).

Native Village of Venetie I.R.A. Council v. State of Alaska, 944 F.2d 548 (9th Cir. 1991).

Organized Village of Kake v. Egan, 369 U.S. 60 (1962).

Simmonds v. Parks, 329 P.3d 995 (2014).

State of Alaska v. Native Village of Tanana, 249 P.3d 734 (2011).

Tlingit and Haida Indians v. United States, 389 F. 2d 778 (Ct. Cl. 1968).

United States v. Washington, 384 F. Supp. 312 (W.D. Wash. Feb. 1974).

Worcester v. Georgia, 31 U.S. (6 Pet.) 515 (1832).

Yellen v. Confederated Tribes of Chehalis Reservation, 594 U.S. ---, 141 S. Ct. 2434 (2021).

Appendix K: Cited Federal Acts, Treaties, Laws, and Policies

Alaska Indian Reorganization Act, Pub. L. 74–538, 49 Stat. 1250 (1936).

Alaska National Interest Lands Conservation Act, Pub. Law No. 96-487, 94 Stat. 2371 (1980).

Alaska Native Claims Settlement Act, Pub. L. No. 92-203, 85 Stat. 688 (1971).

Alaska Statehood Act, Pub. L. No. 85–508, 72 Stat. 339 (1958).

Disaster Mitigation Act of 2000. Pub. Law No. 106-390, 114 Stat. 2193.

Endangered Species Act of 1973. Pub. Law No. 93-208, 87 Stat. 884.

Federally Recognized Tribes List Act of 1994, Pub. L. 103–454, 108 Stat. 4791.

Indian Reorganization Act, Pub. Law No. 73-383, 48 Stat. 984 (1934).

Indian Child Welfare Act, Pub. Law No. 95-608, 92 Stat. 3069 (1978).

Indian Self-Determination and Education Assistance Act of 1975, Pub. L. 93–638, 88 Stat. 2203.

Magnuson-Stevens Act. Pub. Law No. 94-265, 90 Stat. 331 (1976).

Marine Mammal Protection Act, Pub. Law No. 92-522, 86 Stat. 1027 (1972).

Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. Law No. 100-70, 102 Stat. 4689 (1988).

Sandy Recovery Improvement Act. Pub. Law No. 113– 2, 127 Stat. 4 (2013).

State of Alaska, Office of the Governor, State-Tribal Relations Team. (2001). Millennium

Agreement Between the Federally Recognized Sovereign Tribes of Alaska and the State of

Alaska. <https://dec.alaska.gov/media/10978/millennium-agreement.pdf>

Treaty Concerning the Cession of the Russian possessions in North America by his Majesty the
Emperor of all the Russians to the United States of America, June 20, 1867. 15 Stat. 539.

Treaty of Neah Bay, Jan. 31, 1855, 12 Stat. 939.