

# Rural Alaska's Participation in Contaminants Cleanup: A View from the Public Stakeholders' Perspective

## Project Summary

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### Overview

In October 1998 Resource Solutions, a program of the University of Alaska Anchorage's Environment and Natural Resources Institute, began a two-phase research project for the Federal Facilities Environmental Restoration Office of the U.S. Environmental Protection Agency (EPA). This project, which continued through 2000, explored how rural communities in Alaska identify, interpret, and define the risk to human health and the environment due to contamination at federal facilities and formerly used defense sites (FUDS). Phase I focused on the extent to which communities believed they were having an impact on the cleanup process through their participation in Restoration Advisory Boards (RABs) and/or public meetings. Phase II included an examination of how tribal representatives believed the government-to-government (GTG) relationship between their tribal governments and federal agencies influenced the cleanup of active military sites and FUDS—specifically, whether or not tribes perceived their role to be more effective as a result of GTG interactions with federal agencies.

Since the primary objective of this study was to benefit public stakeholders, emphasis was placed on exploring their perspectives about contamination and the cleanup process through interviews. The views of agency representatives also helped to identify some of the paths and

obstacles to successful remediation in rural communities. Through this study some understanding was gained of the complex operations of federal cleanup programs and the myriad of cultural, legal, and political influences that shape the community interface with federal and military agencies. The study also provided insight into the ways in which rural Alaskans perceive and deal with contamination in their communities and suggests that Alaskan tribes are in the process of redefining their interactions with federal and military agencies concerning this issue.

Communities participating in this study were at or near:

- Active or deactivated military bases,
- FUDS from the World War II era or later,
- Distant Early Warning (DEW) Line radar scanning facilities, or
- White Alice communication relay stations built during the Cold War.

The decision-making ability of a community depends greatly on the extent to which it has the opportunity, capability, and will to forward its views. An evaluation of whether or not a community or tribe believed it had the capability or opportunity to act on its own behalf was central to this study.

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### Background

The interviews suggested that two primary beliefs motivate rural communities to get involved in military cleanup. First, villagers believe that they have been patriotic over the years by participating in and supporting military construction and operations for the purposes of national defense, but in the process the military sullied their lands. Although these impacts occurred 40 to 50 years ago when environmental practices were not as advanced as today, rural residents insinuated that cleaning up contaminated sites to their satisfaction was the military's responsibility and was deserved in return for their sacrifices. Secondly, most residents believe that military impacts have contami-

nated local wild food resources and that this has resulted in a higher rate of cancer among villagers. Most rural residents rely heavily on subsistence foods to provide for their families, and for Alaska Natives, the gathering and sharing of these foods is linked to a spiritual and physical relationship with the natural world. Consequently, a threat to subsistence foods is perceived as undermining their entire way of life.

On the other hand, the primary motivation driving military environmental efforts in Alaska is getting the job done as efficiently and cost effectively as possible and in accord-

ance with standards adopted to protect human health and the environment. These goals are not inconsistent with community concerns, although conflicts arise primarily over the issue of what constitutes an acceptable end. For the military, this end is a level of residual contaminants that is at or below established risk levels. For some communities, this end is a “pristine” state, which generally is unattainable with current technology and budgets. The Defense Environmental Restoration Program (DERP), through the U.S. Department of Defense (DoD), is the principal funding vehicle for remediation activities. DERP offers a range of options for community and tribal involvement in the cleanup process. These are listed below by increasing level of effort (with higher levels subsuming the lower ones):

- Communities have no involvement.
- Communities obtain information about the proposed DoD agency activities.
- Communities provide information to the DoD agency about locations of prior impacts.
- Communities work with the DoD agency to plan or carry out the activities.
- Community labor pools acquire the necessary certificates for handling hazardous wastes to become part of the workforce.
- Communities gain partial management of activities through joint ventures or subcontracting as an 8(a) firm (Small Business Administration designation).
- Communities become the prime contractor through regional or nonprofit corporations.

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## Phase I: Methods, Participants, and Results

Five communities—four of which had RABs—were chosen for study during Phase I and agreed to participate. RABs are a common way for the public to participate in the cleanup process and are generally composed of community members, a project manager from the “lead” or responsible agency, and a project manager from the Alaska Department of Environmental Conservation (ADEC). The selected sites represented different regions of the state, had been engaged in the cleanup process for at least two years, and included a variety of lead agencies.

Three of the five sites were FUDS. Site reports, correspondence, and RAB and community meeting minutes were examined to get both an overview of contamination at the sites and of the interaction between the communities and government agencies.

A total of 52 stakeholders were interviewed:

- 31 community members with a minimum of 5 from each site;

- 14 governmental project managers, including the ADEC representatives associated with each site;
- 3 senior staff members from regional and nonprofit corporations; and
- 4 environmental engineering contractors.

Interviews were conducted to better understand the participants’ beliefs, knowledge, and concerns about contamination; how the community members evaluated the work and the community’s impact on the cleanup process; the relationship of community members to the participating agencies; and community expectations of the cleanup process.

Overall, the public participation interface with agencies received “a mixed review.” Three of the communities were either pleased or hopeful that RABs or their involvement at public meetings would continue to influence cleanup decisions. The other two communities believed that their input had not affected outcomes.

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## Primary Themes Uncovered in Phase I

*In general, project managers/environmental scientists perceived risk differently than community members.* This difference in perception was particularly acute with respect to the health of subsistence species and the relationship of contamination to the incidence of cancer. Communities sometimes felt that the public participation process failed to fully address their health and environmental concerns.

*RABs were perceived as an improvement over public meetings* because they were more focused and RAB

members had the opportunity to review a greater amount of information about the sites.

*Tribal communities believed that project managers and contractors were unaware of how important the land was to the spiritual and physical well-being of their members.* As one individual said, “The land is us.” Many of those interviewed also believed that this gulf in understanding had a negative impact on the communication and productivity of the community-agency interface.

**An evaluation of whether or not a community or tribe believed it had the capability or opportunity to act on its own behalf was central to this study.**

*Communities felt that the highly technical nature of the site reports prevented them from participating in decision making in a significant way.*

*Community mistrust of agencies was fostered by a lack of understanding about the budgetary process, the forwarding of plans by project managers prior to receiving community input, and the apparent lack of progress in cleanup after a plan had been developed. Community members often felt that they were “rubber-stamping” decisions that had already been made by agencies.*

*Related to mistrust was the desire of communities to hire technical experts to review reports and do additional sampling and site investigations. Those interviewed stated that current funding was inadequate to support the level of community involvement that was necessary and that additional funds were needed to support such efforts. In general, those interviewed believed that funding was inadequate for the breadth and complexity of the task at hand.*

*Agencies emphasized that RABs and other types of community involvement were advisory in nature, while communities believed that they should have a more equal role in decision making.*

*Community members believed that there should be more local residents hired on cleanup projects.*

### **Characteristics that Produced Positive Relationships**

The following conditions favored positive outcomes for communities and were present at all three sites that evaluated their participation in positive terms.

- *Key stakeholders for both the communities and the agencies were consistent*—no turnover—for three or more years.
- *Unsatisfactory situations were resolved through a community’s persistent, firm negotiations with project managers.* For example, some communities were successful in facilitating a high percentage of local hire on demolition and/or debris removal

projects through continued discussions with project managers.

- *Project managers at successful sites maintained clear lines of communication with the community co-chair or the designated point of contact.* They built trust and good working relationships over time by listening carefully to residents’ concerns and by taking these concerns into account when altering work plans and strategies. When community members insisted on local hire, project managers apprised them of the relevant rules and requirements in order to help the community better determine how to reach its goal. When villagers wanted “third-party” experts to explain a certain issue or problem, experts were brought to the site to provide additional information and explanations. At one site a project manager created easy-to-understand summaries of technical reports, and community members noted how beneficial this was to their understanding of the important issues. In contrast, most of those interviewed at the other four locations expressed frustration at their inability to understand highly technical documents.

The actions described above incorporate principles that are generally believed to promote effective public involvement. Stakeholders need to clearly understand the issues in order to significantly participate in the process and contribute to positive outcomes. Because contaminant cleanup issues and governmental processes are complex, the presence of a skilled project manager is even more critical. She or he brings expertise as both an environmental scientist and as the interpreter of the intricate rules and regulations of highly complicated military organizations and restoration programs.

### **Characteristics that Produce Unsatisfactory Relationships**

At the two sites that had mostly negative characterizations of the interface with agencies, other conditions seemed to exist.

- *Communities at these sites perceived the risk to human and environmental health to be much higher than the communities that had successful relationships with project managers.* The distrust experi-

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enced is reflected in a statement made by one of the community members: “We don’t understand a lot of what they are doing. . . It’s what they are not telling us that concerns us the most.”

- ***Despite genuine community involvement, local concerns and goals were either discounted or ignored.*** In one situation this attitude even resulted in

litigation, although the issues were subsequently resolved.

- ***More community members at these sites expressed distrust and anger toward the military than at the three sites with positive experiences.*** This distrust also transferred to contractors and others associated with the military agency.

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## Project Transition

The results of Phase I indicated that a major difference in perspective existed between communities and agencies concerning the decision-making role of RABs. In the interviews, military agency personnel emphasized that RABs were only “advisory,” while tribal community members believed that the interface should be more consensus-based and provide them with the opportunity to have more influence on decision making. This was a significant reason tribal members interviewed during Phase I believed that the GTG process would be more satisfactory and productive than the RAB model. They believed GTG went beyond an advice-giving role and provided communities with a more collaborative and equal role from the beginning.

Under DERP the tribe is never in a lead role, even when it is the prime contractor. It is the agency representative who primarily plans or manages the process. Prior to development of DoD’s GTG policy, there were basically three avenues by which tribes could influence decisions about site investigation and remediation planning. One was through public meetings, which were often structured as “presentation opportunities” for agencies. Tribes could also exert pressure through lobbying Congress or through participation in a RAB. While the Phase I interviews indicated that RABs could be a fairly effective means to achieve community goals, a disadvantage could also be

that they were formal structures dictated by agency protocols. Members of even the most effective RABs remarked on the tedious, slow-moving pace of cleanup activities. They also indicated that the “learning curve” was huge, and at times, overwhelming.

The results of Phase I, in conjunction with the recently developed operational agreements, which stem from DoD’s policy for coordination with American Indians and Alaska Natives, led to an investigation of the GTG interface model. DoD implements this model through consultation and formal agreements, as federal policy requires that federal agencies consult with tribes on any proposed activity that might affect tribal rights or resources. During Phase I, community members intimated that a formalized, GTG relationship might lead to a more level playing field for tribal communities in dealing with federal agencies.

Of particular interest were the relatively new memorandum of agreement (MOA) that a few Alaska Native organizations had recently signed with the DoD. Most of these MOAs were associated with cooperative agreements (CA) based on the Native American Lands Environmental Mitigation Program (NALEMP). Detailing how or if GTG MOAs effected empowerment for rural Alaska stakeholders became the central aim of Phase II of this study.

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## Phase II: Methods, Participants, and Results

In 1998, DoD began negotiating MOAs with Alaska Native villages and organizations on a GTG basis. Some of the MOAs also included CAs, which were the means by which funds were allocated to a tribe or regional nonprofit for cleanup activities. Only village tribal governments and Native nonprofit organizations that have the approval of all the villages in their region can participate in GTG agreements.

In general, the purpose of Phase II was to compare the GTG model to the public participation models already

described. Did the nature of these agreements address any of the concerns brought up in Phase I of this study? What impact were consultations and agreements having on the cleanup of military contamination? Were public stakeholders, in this case Native organizations, more satisfied with the activities that resulted from GTG consultations and agreements?

Researchers conducted interviews in an attempt to assess the impact of the GTG consultation/agreement process on environmental restoration and whether or not tribal

communities perceived the GTG process as more successful than other public participation models. Fourteen villages are represented in the interview sample: seven from interior Alaska, four from western Alaska, and three from northwest Alaska. A total of 38 interviews were conducted with:

- 21 representatives from village tribal governments (1 Indian Reorganization Act president, 3 chiefs of traditional councils, 3 tribal administrators, 2 city managers/tribal leaders, and 12 environmental coordinators);
- 5 program coordinators of tribal environmental programs at the state (1), regional (3), and sub-regional (1) levels;
- 5 staff members from military cleanup agencies (1 military commander, 2 project managers, 1 community relations specialist, 1 attorney).

- 2 Native corporation representatives and 1 liaison;
- 2 tribal liaisons with federal agencies; and
- 2 project managers from the state regulatory agency (ADEC).

Also represented in the sample were five villages and three regional nonprofits that had negotiated MOAs with DoD as of 1999–2000 pertaining to either FUDS or U.S. Air Force sites. Thirteen tribal members from eight additional villages were interviewed to get a sense of how the GTG relationship differed when MOAs were not a part of the GTG process—in other words, when the GTG interaction was a consultation rather than an agreement. In addition, representatives from the five villages with MOAs were asked how these agreements, as opposed to involvement in the consultation process only, had affected their input into cleanup activities.

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## Primary Themes Uncovered in Phase II

*All but one village indicated that GTG consultations, in the absence of an MOA, did relatively little to address the contamination issues raised by tribes or advance the cleanup process.* In part, this may be due to the nature of many of the consultations, which often consisted of an informal conversation between a project manager and a tribal official. Yet the interviews also indicated that more formal meetings between the military high command and tribal governments had yielded about the same results. At this point, it appears that GTG consultations as currently carried out have little influence on the process.

*All villages and regional nonprofits with MOAs agreed that the relationship with the lead agency had changed substantially for the better after negotiation of the MOA.* Particularly under NALEMP agreements with the U.S. Army Corps of Engineers, which currently apply only to FUDS, villages were highly satisfied with their involvement in decision making about project design and implementation. With the tribe more in control of site investigation and assessment under the MOA/CA model, a more satisfactory and productive working relationship with the lead agency was often the result.

*NALEMP MOAs/CAs appeared to directly address many of the issues raised during the first phase of this study.* For example, under these agreements tribes were able to bring in experts to help interpret documents and assess sites, build capacity and knowledge about contamination and remediation procedures, and develop plans and identify funding sources for environmental restoration in their areas. Those interviewed felt that the CAs associated with NALEMP MOAs gave “teeth” to the program. The

CAs were believed to be necessary for successful outcomes.

*Villagers noted that regional nonprofits with NALEMP MOAs/CAs have provided important support to villages dealing with contaminated sites through technical assistance and training in the remediation process.* Additional sources of training and technical assistance included Native-owned restoration companies and other private contractors, government agencies, and EPA’s Indian General Assistance Program (IGAP). IGAP and mentorship by Native-owned restoration companies were perceived as highly beneficial.

It was noted that all the tribes interviewed participated in the cleanup process to some degree. None ignored the lead agency or declined requests for involvement. At the least, tribal members participated in an exchange of information. The least involved tribes also expressed a desire to increase their participation. However, while these tribes wanted a more potent role, they believed they

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lacked the human resources and/or necessary knowledge to enhance their influence. Upon review of the sites where MOAs/CAs were in place, it was evident that the tribal liaisons funded through NALEMP met many of these needs.

## **Characteristics that Produced Positive Relationships**

In general, tribes with MOAs perceived the process to be more collaborative, partly due to a clearer definition of roles and creation of an effective communication pathway. They believed that, in particular, the “MOA/CA model” conferred more responsibility and power in decision making to tribal governments. This level of authority was considered to be appropriate to them in light of tribal rights to self-governance and self-determination and the belief that tribal governments are the legitimate stewards of the land in and near their villages. Very often, tribal involvement in the restoration process was part of a larger environmental program developed and administered by the tribe. To some extent, the 1994 Presidential Executive Order and the DoD’s recent policy concerning coordination with Native American communities on issues pertaining to their interests support this point of view.

More specifically, the village tribal liaison positions, as funded under NALEMP, were believed to be critical to the success and collaborative aspect of the program. Conceptually, liaisons bridge the distance between an agency and a tribal government and its members. For the agency, they offer insight into tribal perspectives and, for the tribe, they “translate” the federal agency’s cleanup policies, regulations, and recommended actions.

## **Suggestions for Improvements**

- **Clarify roles and develop protocols for sharing information during the orientation phase of community involvement.** Increase opportunities for community education and training at orientation sessions. A multidisciplinary team skilled in simplifying scientific and policy information could be beneficial.
- **Facilitate community education on environmental cleanup by creating brief summaries in laymen’s terms on issues that are relevant to all sites**, e.g., on the various types of contaminants common in Alaska or on the budgeting and procedural issues of federal agencies. Project managers could then focus on developing user-friendly information about the unique aspects of contamination at their sites.
- **Identify funding and the mechanism to develop a clearinghouse or environmental education center** to assist communities in obtaining information on cleanup-related matters.
- **Tailor GTG consultation processes to ensure that critical information is provided to tribes on the details of an agency’s proposed activity** so that tribes can determine how planned activities might affect their rights and resources.
- **Increase capacity building among tribes** through interface with EPA’s IGAP. Fund training relevant to environmental science, management, and restoration. DoD policy states that tribes are entitled to participate in decision-making processes which ensures that protected tribal rights and resources are given due consideration. Tribes perceive that their rights to self-governance confer the option to be a partner in decision making. This is qualitatively different than the public’s advisory role under DERP and further highlights the importance of capacity building.
- **Clarify communications between tribes and agencies based on protocols developed by tribes that outline their expectations for GTG consultations and agreements.** The interview data suggest that ongoing communication about cleanup issues is necessary to successful outcomes. The political status of tribes means that GTG consultations are part of the decision-making process with federal agencies. Both tribes and agencies should regularly initiate consultations on cleanup issues, with the intention to develop and implement a clear plan of action.
- **Include tribes in discussions with federal and state decision makers**, particularly with lead agencies, ADEC and EPA, about the statewide prioritization of sites and the allocation of funds for cleanup.
- **Provide report summaries that are succinct and in laymen’s terms.** Provide fact sheets on progress at the site and on other topics of interest to the community.
- **Send drafts of reports and summaries to the community for review well in advance of decision deadlines.** In presentations and in writing, emphasize areas in the plans that were altered as a result of the community’s concerns and input.
- **Provide opportunities to learn about site-specific contamination and the restoration process** as a means of supporting the community’s meaningful participation in developing cleanup goals and priorities.
- **Continue to encourage project managers to develop an effective dialogue with communities.** Provide training in cross-cultural communication and in leadership skills such as facilitation, collaborative problem solving, and conflict resolution.

- **Continue to evaluate NALEMP MOA/CA projects** to see if goals and objectives are met. This preliminary survey indicates that the NALEMP model is the most satisfactory to Alaska tribes because the breadth and flexibility of the program uniquely addresses their requirements.
- **Review DERP policies and procedures** to determine if it is possible to create additional flexibility to work more collaboratively with rural communities in Alaska (and elsewhere). NALEMP may provide ideas for improvement.
- **Re-evaluate the regulatory role of ADEC in the remediation process.** Technical review by ADEC is mandated for standard DERP-funded cleanups, however there is an ongoing debate concerning the state's regulatory authority over FUDS. This has created challenges in reaching agreement on remediation and site closure at FUDS.

## In Brief

Three out of the five communities interviewed in Phase I believed that the RAB interface had improved their understanding about contamination and cleanup in their areas. RABs were perceived as especially useful when they acted as a convening point for all the parties with an interest in a site. But, in general, communities wanted more control over remediation than the RAB interface allows. Therefore, the criticism most frequently expressed was that RABs were inadequate because they were purely advisory.

On the other hand, federal agencies pointed out that RABs are intended to be advisory, which is part of what guides their interaction with communities. From our limited sample, it was clear that in recent times agencies have generally solicited local knowledge about contamination as well as community assistance in establishing cleanup priorities. Agency personnel also indicated that community opinions are taken into account when developing plans for remediation.

Disagreement, or varying perceptions, concerning the public's scope of authority in decision making presents one of the greatest stumbling blocks in the community/agency relationship. Perhaps one way of characterizing the situation is to suggest that these two positions reflect either a "consultative" or "participatory" model for public participation. In the consultative process, the public provides input but has no actual power over decision making. The participatory process more directly involves stakeholders in project assessment and strives for consensus-based decisions. Participatory models also encourage a shared accountability for the process and its outcomes, especially important when an issue has the potential to stimulate conflict among the parties involved.

The participatory model is particularly applicable to communities in rural Alaska because contamination can impact protected rights and trust resources. Consequently, tribal governments often assert their GTG rights to share in decision making about cleanup with federal agencies. In this case, GTG consultations are considered to be part of the decision-making process and are not restricted to "advice." Although based on a small sample, the data indicate that tribes perceived the NALEMP MOA/CA interface as more satisfactory than RABs because it provided a more collaborative, participatory approach to solving problems and, at times, a greater role for the tribe in directing the cleanup process. Some even characterized their relationship with the lead agency as a "partnership."

Since NALEMP agreements are relatively recent, their impact on environmental restoration in Alaska should continue to be carefully evaluated by agencies and communities. Changes in the administration of the program could affect tribal satisfaction with NALEMP GTG agreements in the future. NALEMP funds are miniscule as compared to the funds allocated for DERP. In addition, NALEMP currently applies only to tribes dealing with cleanup at FUDS—not to the remediation of active sites at or near tribal communities, nor to restoration at or near non-tribal communities.

However, NALEMP as presently implemented does appear to be more flexible than DERP in working with villages, and it may offer ideas about how DERP could be adapted to better meet the needs in Alaska. While no site closures have occurred under NALEMP, from the public's perspective the positive interactions between tribes and federal agencies are real. NALEMP seems to provide tribal members with the belief that they have the capability and opportunity to act on their own behalf.

## Abbreviations

ADEC	Alaska Department of Environmental Conservation
CA	Cooperative agreement
DERP	Defense Environmental Restoration Program
DoD	U.S. Department of Defense
EPA	U.S. Environmental Protection Agency
FUDS	Formerly used defense sites
GTG	Government-to-government
IGAP	Indian General Assistance Program
MOA	Memorandum of agreement
NALEMP	Native American Lands Environmental Mitigation Program
RABs	Restoration Advisory Boards

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## Acknowledgments

Resource Solutions would like to thank the many individuals and organizations in rural Alaska communities and the federal and state agencies who provided their time and insights to this study. The identities of interviewees for Phases I and II of this study are confidential, as are the names of the sites addressed in Phase I.

Project Summary adapted from the following Resource Solutions' draft reports:

*Cleanup of Five Former Military Sites in Alaska: What Impact Do Rural Community Boards Have on the Process?* Draft project report by Julie E. Sprott, Margaret King, and Heidi Keating, with assistance of Dee Hunt, dated March 1, 2000.

*Community Agency/Tribal Self-Determination in Relation to Environmental Cleanup of Military Impacts in Rural Alaska.* Draft project report by Julie E. Sprott and Dee Hunt, with assistance of Heidi Keating, dated March 1, 2001.

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Resource Solutions is a program of the University of Alaska Anchorage's Environment and Natural Resources Institute. It provides information, workshops, facilitation, collaborative problem solving, and mediation services to foster agreement on public issues, especially those related to Alaska's environment and natural resources.

March 2001

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