
MEMORANDUM

DATE: October 26, 2007
TO: Michael L. Black, Patricia Opheen, Co-Chairs, Immediate Action Workgroup of the Alaska Climate Change Sub-Cabinet
FROM: Sally Russell Cox, Newtok Planning Group
RE: **Challenges To Village Relocation**

In accordance with your request, the Newtok Planning Group has identified the following key issues challenging our efforts to assist the Village of Newtok in its relocation to Nelson Island. Most of the issues we have identified are interrelated. Although specific to our experience with Newtok, most of the issues would apply to other village relocation efforts as well.

If you have questions or need additional clarification, please contact me. Thank you for your interest in the Newtok relocation effort.

1) NO MANDATE FOR RELOCATION ASSISTANCE¹:

The State and Federal governments have not established a goal for assisting in the relocation of any Alaskan community. Therefore agencies have difficulty allocating resources, including staff and funding, from mandated activities to the relocation effort.

2) NO DESIGNATED LEAD AGENCY AT STATE AND/OR FEDERAL LEVEL:

There is no designated lead agency tasked with coordinating relocation assistance to communities. This function is essential for the orderly and efficient coordination and leveraging of resources between agencies responsible for community infrastructure, housing, education, health and related needs.

3) NO STRATEGY FOR RELOCATION PROCESS:

In conjunction with the need for a mandate and designated lead State/Federal agencies is the need for a strategy that provides a framework to guide relocation activities and to define the roles that agencies, the community and others will play in this process.

4) NO DEDICATED FUNDING SOURCE FOR RELOCATION:

Because there is no dedicated funding source for relocation, current efforts are limited to a “patchwork” of funding from existing agency channels, supplemented by grants. This process is time-consuming and difficult to coordinate.

In addition, communities such as Newtok are in need of “fast-tracked” funding to address critical infrastructure needs at the current village site, as well as emergency needs, such as evacuation facilities at the new village site. There are few, if any, funding sources that provide for an expedited funding process. Communities experiencing erosion are not

¹ Relocation assistance refers to not only the physical aspects of relocating the community and to the direct assistance to displacees of erosion and flooding, but also to the advance planning and assessment, site planning and infrastructure coordination that serve to mitigate an emergency evacuation.

always eligible for imminent threat funding because erosion is not considered a single-event disaster.

Further, while it is essential that any relocation strategy consider assistance for replacement of public infrastructure and facilities, the need to assist private individuals (particularly with residences) and businesses cannot be overlooked.

5) UNCERTAINTY IN FULFILLING NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) REQUIREMENTS:

NEPA requires the review of the effects of all federal, federally-assisted, and federally-licensed actions at the new village site. The difficulty is that until a federal action is identified, no agency can initiate the development of a NEPA document. This uncertainty presents a significant challenge to the expeditious planning and development of the new community.

The fulfillment of NEPA depends on who the lead federal agency is, and what funding program is utilized. It is unlikely that the emergency circumstances provision in the NEPA regulations (40 CFR 1506.11) could be invoked, or, if it was, it would only apply to the most basic emergency activities. NEPA would still be required for the remainder of the relocation. In addition, categorically excluded classes of actions are not exempted from environmental review requirements. Review under other federal authorities such as Section 106 of the National Historic Preservation Act must also be addressed.

Once a lead agency and federal action is identified, some of the challenges the lead federal agency may then encounter include:

- Identification of coordinating agencies and development of necessary Memoranda of Agreement (MOAs).
- Identification of participating agencies and development of necessary MOAs.
- Identification of funding to undertake a NEPA analysis if such funding is not in the current project budget.
- Development of a timely schedule for consultation (both Tribal and Services).
- Identification of and filling gaps in baseline data.
- Development of a timely schedule for public participation.
- Mandatory schedule for review and comment on the Notice of Intent (NOI), draft and final.

6) BARRIERS TO MAKING INFRASTRUCTURE INVESTMENTS IN THREATENED AND UNPOPULATED NEW COMMUNITIES:

Plans to relocate, combined with the imminent threat of flooding and erosion, has rendered Newtok ineligible for capital funding for improvements to existing infrastructure (e.g. water and sewer, bulk fuel tanks, power plant, and clinic) to meet needs at the current village until the relocation is completed. The ability to divert these resources to the new village site is hampered by policies that create barriers to investment in non-existent communities.

[State of Alaska Administrative Order No. 224](#) provides an example of this conflict through the establishment of the following investment guidelines:

- **Absence of imminent environmental threat:** New facilities will be protected against imminent environmental threats, such as flooding and erosion, consistent with [Administrative Order No. 175](#).
- **Needs of existing communities have priority:** Priority will be given to the infrastructure needs of existing communities before consideration of proposals to create new communities, unless there is a congressionally directed relocation of an existing community.

In combination, these investment guidelines create a vicious cycle of funding ineligibility for relocating communities such as Newtok. The interpretation of AO 224 has created a barrier to the investment in proper maintenance of infrastructure in the existing village, while investments in the future village site are placed at the bottom of funding priority lists.

Additionally, other policy guidelines create barriers to investment in new, developing communities. DOT policy suggests that emerging communities have a minimum of twenty-five residents, a post office, and a school before a project will be considered by the Project Evaluation Board. There is a minimum population requirement of twenty-five children for construction of a new school.

Under these guidelines, the deferment of infrastructure investment can be expected to create hardships on relocating communities. Because village relocation is likely to be an incremental process, there will be populations at both locations (the current village and the new village site) whose needs must be met concurrently.

7) STRAINED LOCAL CAPACITY AND RESOURCES:

Obtaining and administering government funds can be a challenge for small communities. Local capacity limitations place many rural communities at a competitive funding disadvantage. Because there is no dedicated funding source for relocation, imminently threatened communities must rely upon existing programs to meet relocation needs, yet few have the expertise to identify, write, secure and administer grants.

Even when the local capacity and resources of a village are adequate under normal conditions, coping with erosion and flooding places community resources under tremendous pressure. This situation is compounded when the community attempts to relocate. Most rural communities have limited administrative and technical staff to work with multiple state and federal agencies on relocation activities, while also attempting to maintain community services under emergency situations.