

Report 3 – **THIS IS A DRAFT, DO NOT QUOTE OR CITE**

State of Alaska Arctic Capacity in Government Departments

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Key Findings

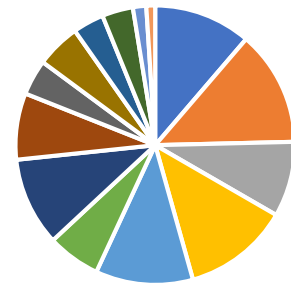
1. The Department of Fish & Game has the greatest Arctic relevance due to subsistence and conservation priorities.
2. The Department of Corrections has the least Arctic relevance due to having no international connections. Similarly, its Commissioner Office has low relevance.
3. No Departments have "high Arctic relevance".
4. It is suggested to form an Arctic Commission, designed to be insulated from electoral politics, for state actors to maintain communication in Arctic issues across local, state, national, and international bodies.

Overview

This report is the third in a series of short reports examining the significance of Alaska as the arctic State of the United States. In 2011 during the administration of Governor Parnell, the Alaska Northern Waters Task Force was created by the Legislature to examine issues of the opening of Alaska’s arctic waters to greater interest and traffic. Based on the recommendation of this task force, the Alaska Arctic Policy Commission (AAPC) was created by HCR 23 (1&2) in 2012 to “develop an Arctic policy for the state and produce a strategy for the implementation of an Arctic policy.” This bipartisan effort comprised 26 Commissioners – 10 legislators and 16 experts. It was chaired by former legislators Senator McGuire and Representative Bob Herron. Beginning in early 2013 and ending its work in early 2015, with a three-month public comment and survey period in Spring 2014, the AAPC created a Preliminary Report, a Final Report, and an Implementation Plan. These documents as well as related information are accessible at

<http://www.akarctic.com/>. On the advice of the AAPC, the state legislature passed, and the Governor approved, Alaska Statutes Title 44. State Government § 44.99.105. Declaration of state Arctic Policy. This new legal declaration sustained the work of the AAPC by adopting as “priority lines of effort for the Arctic policy of the state” those proposed in the implementation plan.

Figure 1 Department Arctic relevance



- Fish and Game
- Health and Social Services
- Natural Resources
- Education & Early Development
- Transportation and Public Facilities
- Environmental Conservation
- Commerce, Community, and Economic Development
- Military and Veterans Affairs
- Corrections
- Labor and Workforce Development
- Public Safety
- Administration
- Revenue
- Corrections

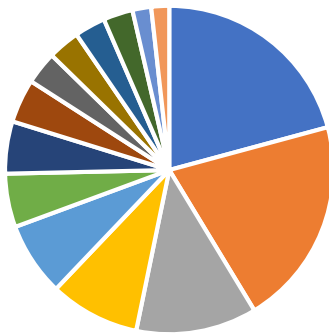
The intent of State Arctic Policy, as stated by law

- (b) It is the intent of the legislature that this declaration of Arctic policy
 - (1) be implemented through statutes and regulations;
 - (2) not conflict with, subjugate, or duplicate other existing state policy;
 - (3) guide future policy derived from the implementation strategy developed by the Alaska Arctic Policy Commission;

- (4) clearly communicate the interests of residents of the state to the federal government, the governments of other nations, and other international bodies developing policies related to the Arctic.

An earlier CAPS report evaluated to what degree the research at the University of Alaska aligned with the AAPC in order to determine if the public university system was entraining students along the commission’s line of recommendations. In this current report we evaluate the degree to which the State has institutional infrastructure – rules and offices in place to manage arctic-focused workflow - with the capacity to implement arctic policy and to communicate the interests of residents in the Arctic as set forth in the Act. This report

Figure 2 Workforce by Department, in 2018



- Health and Social Services, 2999
- Transportation and Public Facilities, 2960
- Corrections, 1717
- Fish and Game, 1280
- Administration, 1047
- Natural Resources, 760
- Public Safety, 742
- Labor and Workforce Development, 619
- Revenue, 465
- Corrections, 452
- Environmental Conservation, 439
- Commerce, Community, and Economic Development, 419
- Education & Early Development, 266
- Military and Veterans Affairs, 254

evaluates the “arcticness” of Alaska’s governance, across each of the 14 State of Alaska Departments. What is the nature of the missions and programs of the individual Departments? How prepared are the Departments to “guide future [arctic] policy” and “clearly communicate the [arctic] interests of residents of the state to the federal government” and other governing bodies?

Methodology

The State of Alaska has 14 Departments (e.g., Fish and Game). The divisions, offices, commissions, programs, units, councils, centers, boards, corporations, and institutions (herein referred to as “Department sections”) of each Department are listed on the official State of Alaska Agency Directory. We evaluated the relevance of each of those Departments and their sections to arctic policy through their reference to the “Arctic” in their self-stated mission and programs that relate

to State Government § 44.99.105 (Appendix 1). We considered discussions of the High North or Circumpolar North, for example, as providing evidence of an arctic orientation. On the

other hand, we did not take use of “rural” or “Indigenous” as an automatic synonym of arctic locations or peoples.

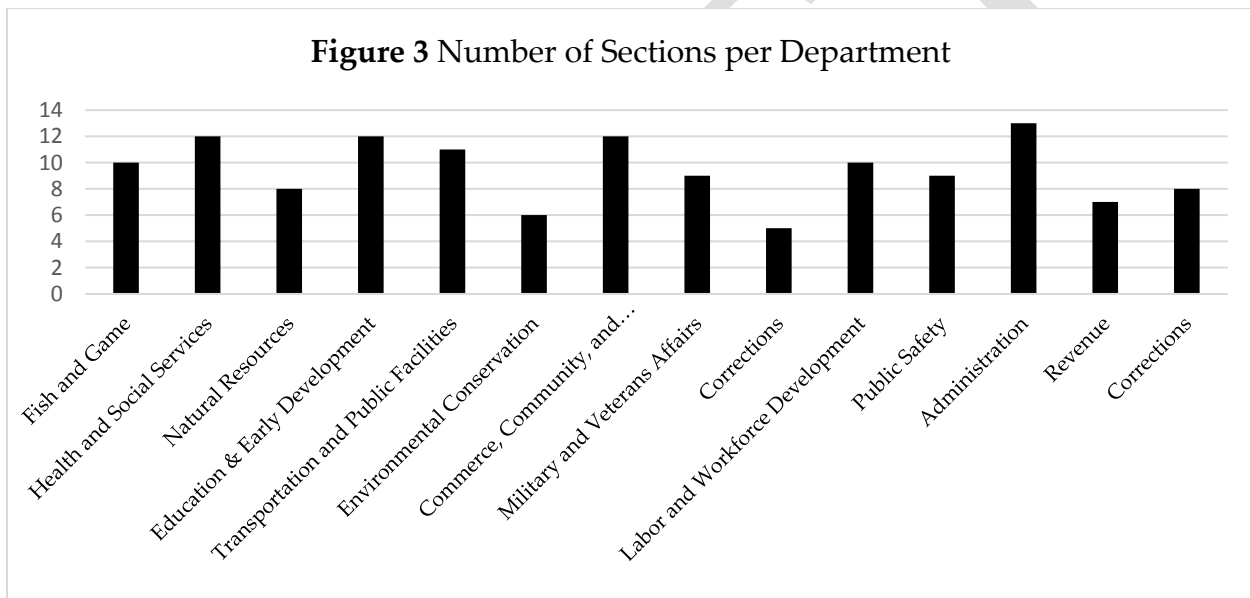
The Department sections were given a score of either 0 (no Arctic relevance), 1 (little Arctic relevance), 2 (some Arctic relevance), or 3 (high Arctic relevance). Only the Department section webpages and linked sources were used to determine the scores; in this manner we evaluated only public information. We then averaged the scores of sections in each Department to come up with a Department value. The standard deviations are included in order to help the reader understand the variation within the department. For example, Natural Resources as a high average score assigned of 2.13 which means more than some arctic relevance but its standard deviation of .99 means the sections evaluated in Natural Resources are more likely to have a value close to two but if a standard deviation is higher than 1, for example in Transportation and Public Facilities this means the sections in the department have wider spread of scores. This makes intuitive sense because this department serves specifically Arctic locations as well as wide sections of the state that are not in the Arctic. The Dept of Corrections has low Arctic relevance but also little deviation in the scores across its sections.

Results

In total, 14 Departments and 136 Department sections were analyzed. All Departments had at least one Department section with a score above 0. The average Department section score was 1.43. Overall, two Departments have “no Arctic relevance”, three Departments have “little Arctic relevance”, nine Departments have “some Arctic relevance.” No Departments have “high Arctic relevance”, meaning that there is not a single Department or section in the State of Alaska governance system that is devoted to Arctic policy concerns – state, national, or pan-Arctic - specifically. By Department, the average scores and standard deviations (SD) (see Figure 1) are:

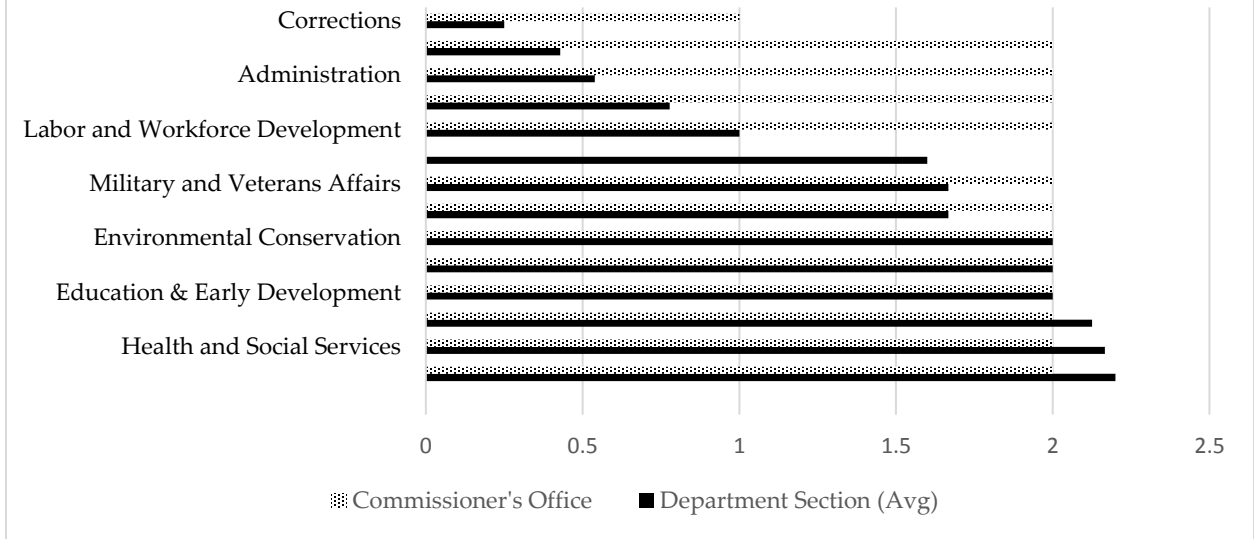
- Fish and Game: 2.20 (SD 1.03)
- Health and Social Services 2.17 (SD 1.11)
- Natural Resources: 2.13 (SD 0.99)
- Transportation and Public Facilities: 2.00 (SD 1.26)
- Environmental Conservation: 2.00 (SD 1.10)

- Education & Early Development: 2.00 (SD 0.95)
- Commerce, Community, and Economic: 1.67 (SD 1.50)
- Military and Veterans Affairs: 1.67 (SD 1.22)
- Law: 1.60 (SD 0.89)
- Labor and Workforce Development: 1.00 (SD 0.94)
- Public Safety: 0.78 (SD 0.83)
- Administration: 0.54 (SD 0.71)
- Revenue: 0.43 (SD 0.79)
- Corrections: 0.25 (SD 0.46)



Of the 13 Commissioner Offices (the Department of Law does not have a Commissioner Office), 12 had a score of 2. Only the Commissioner Office of Corrections had score of 1. Three Departments had an average score of 2, the same value of their Commissioner Office. Therefore, the majority of the Departments had a lower average score than their respective Commissioner Office (see Figure 2).

Figure 4 Comparison of each Alaska Department's Commissioner's Office to the mean "Arctic" relevance score of their Departments



Discussion

The advance of industrial infrastructure, financial capital, and extractive and non-extractive resource development in the Alaska region of the Arctic, requires training and policy. The second report explored how the University of Alaska, as part of the Executive branch, trains students for such work in the Arctic. This report is concerned with how the Departments, as a part of the Executive branch, influence policy relevant to the Arctic.

How prepared are the Departments to "guide future [arctic] policy" and "clearly communicate the [arctic] interests of residents of the state to the federal government"? As of May 2019, the missions of the Commissioner Offices communicate a greater arctic interest than their respective Department sections. However, the Commissioner Offices have a temporary role with the Departments, as the Commissioners are appointed for set terms by the Governor. Therefore, a Department's long-term mission and ability to guide "future [arctic] policy" relies heavily on the Department sections.

The Department sections of Fish & Game have an average score of 2.20. Fifty percent of the Fish & Game Department sections have "high Arctic relevance": Boards Support Section, Division of Commercial Fisheries, Division of Wildlife Conservation, Division of Habitat, and

Division of Subsistence. The diverse missions and goals of the Fish & Game sections (e.g., scientific integrity, innovative sustainable fish and wildlife management, optimize public uses and economic benefits, providing education and outreach programs etc.), may explain why Fish & Game is one of three Departments that has greater Arctic relevance than their corresponding Commissioner Office. The comprehensive mission of Fish & Game could increase their adaptability, and arguably, success.

The less comprehensive Departments, such as Corrections and Revenue, invest the majority of their time and resources into a single goal. The FY2017 Corrections budget included 78% for population management¹. While the FY2017 Fish & Game budget was split between commercial fisheries (35%), sport fisheries (23%), wildlife conservation (24%), and statewide support services (18%)². With less than 1% of its budget on "offender habilitation" and "recidivism reduction grant", 66% of inmates are reincarcerated within three years. The current mission and goals of Corrections have "no Arctic relevance", yet 1/3 of those incarcerated are Alaska Native. Corrections impacts the Arctic. Similar to our recommendation to the University of Alaska in Report #2, Corrections could do a better job of communicating how they (i.e. facilities outside the Arctic disproportionately house communities from the Arctic) are relevant to the Arctic. Lastly, Corrections should not only reflect its Arctic population and its relevance to Arctic Policy of the State of Alaska, but communicate the Arctic relevance of its research³ and proposed bills⁴.

Recommendation

The State of Alaska's relationship through economics, international treaty compliance, national strategy, and cultural ties to the Arctic as a region should be valued and institutionalized in state government. It is not suggested that the U.S. Constitutional prohibition against states making international agreements be challenged. Rather, without a body to collect relevant data across sectors, inform governance, and coordinate activities

¹ https://www.omb.alaska.gov/ombfiles/18_budget/DOC/Proposed/18compsummary_doc.pdf

² https://www.omb.alaska.gov/ombfiles/18_budget/Fish/Proposed/18compsummary_fish.pdf

³ <https://www.ktoo.org/2018/04/03/alaska-corrections-leaders-look-to-norway-for-inspiration/>

⁴ <http://www.legis.state.ak.us/PDF/30/Bills/HB0325A.PDF>

related to the Arctic and its actors, the state is lacking a consistent format to learn about and take advantage of opportunities at local and statewide scales. Conversely, the state is lacking a comprehensive approach to the Arctic that could address threats to Alaska's interests.

The Alaska Constitution allows the creation of boards and commissions and explains their nature in Article III. We suggest the legislature create an Alaska Arctic Policy Commission, not as an investigative and recommending body as the AAPC was, but as a knowledge gathering advisory board with nine seats dedicated to domains of the Arctic that should be consistently communicating with one another in the interest of Alaskans over the long run across political administrations and without pressure from electoral cycles. For example, "climate change" is a feature of Alaska's environment but there are a variety of political challenges that prevent the state from addressing it directly. In brief, the Alaska State Legislature adopted HCR 56 (1990), a request for means to mitigate climate change, and HCR 30 (2006). HCR 30 established a temporary Alaska Climate Impact Assessment Commission to assess "current and potential effects of climate warming trends on citizens, natural resources, public health, and economy"⁵. Former Governor Sarah Palin signed AO 238, establishing a permanent Alaska Climate Change Sub-Cabinet. Utilizing the *Final Commission Report* (2008), the Sub-Cabinet prepared an *Alaska Climate Change Strategy* and requested that seven State agencies⁶ "identify how a changing climate may affect its ability to meet its mission". State agencies created public documents such as the Alaska Department of Fish & Game *Climate Change Strategy* (2010) and the Alaska Department of Environment Conservation (DEC) *Greenhouse Gas Emission Inventory for 1990-2010* (2015). In 2008, the Department of Commerce, Community, and Economic Development established the Alaska Climate Change Impact Mitigation Program (3 AAC 195) and the Coastal Impact Assistance Program (3 AAC 196). Both programs provide technical assistance and funding to communities preparing Impact Assessments. Former Governor Sean Parnell disbanded the Sub-Cabinet in 2011. Former Governor Walker signed AO 298 in 2017, establishing the Climate Action Leadership Team (CALT). In 2018, CALT recommended the *Alaska Climate Change Action Plan*. In 2018, the DEC prepared its first greenhouse gas emission inventory

⁵ <http://www.akleg.gov/basis/Bill/Detail/24?Root=HCR%2030>

⁶ Those state departments considered most likely impacted by climate change are the Alaska Departments of Commerce, Community, and Economic Development, Environmental Conservation, Fish and Game, Health and Social Services, Military and Veterans' Affairs, Natural Resources, and the Department of Transportation and Public Facilities.



and climate change adaptation plan for Pedro Bay, Alaska. In February 2019, Governor Dunleavy dissolved CALT.

A commission designed to address arctic concerns could fold climate change into its purview and thus keep it as a high-level priority of the state but without the words “climate change” immediately present for politicization. Furthermore, on this issue alone, the subject of shifting weather and climate at different scales affects military planning, port and other infrastructure development, research and public information, as well as tribal needs. A commission designed to address the Arctic nature of the state holistically can create the necessary conversations in a single body that can then be brought to the attention of the Executive and Legislative Branches as well as the Departments and other state actors.

There are currently 136 active boards and commissions in Alaska, some have been established by the Constitution, some by statute, and some by administrative order. There is no noticeable difference between a board and a commission in terms of authority. In addition, there are also “teams” and “councils” that act in similar ways. The Governor can rescind administrative orders of past administrations, so any commission created by administrative order is able to be abolished by another administrative order. Boards established by legislative statute permit the governor to restructure or eliminate them through an administrative order, such action is subject to disapproval by the legislature.

Article III Section 22- If an agency is deemed temporary it does not have to be allocated within a particular department.

Article III Section 23- The Governor can reorganize the executive branch via executive order, but the legislature may disapprove the order within sixty days of regular session.

Article III Section 26 – Boards that are at the head of a principal department or regulatory agency must be appointed by the governor and receive legislative confirmation. This also means that if a board or commission is not at the head of a department or agency then the establishing action can determine who appoints.

We propose a non-temporary commission to be created by the state legislature that is not at the head of a principal department or regulatory agency.

Five year rotating terms with the following designated seats and a non-voting Chair.

1. Tribes (or permanent participants)
2. Military
3. Environmental (drawing from AK Departments)
4. Social (drawing from AK Departments)
5. At large but representing or participating in an international Arctic body (e.g. SAON)
6. Federal government
7. University
8. At large Industry/economics/business
9. At large non-profits
10. Chair – non-voting

We are still working on the details of the commission but wanted to seek your input about it before going further.

Appendix 1

00 Enrolled HB 1
01 Declaring the Arctic policy of the state.
02
03 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
04 to read:
05 LEGISLATIVE FINDINGS AND INTENT. (a) The legislature finds that

06 (1) the state is what makes the United States an Arctic nation;
07 (2) the entirety of the state is affected by the activities and prosperity in the
08 Arctic region, and conversely, the Arctic region is affected by the activities and prosperity
09 in
10 the other regions of the state;
11 (3) residents of the state, having lived and worked in the Arctic region for
12 decades, have developed expert knowledge regarding a full range of activities and issues
13 involving the region;
14 (4) residents of the state recognize the risks that come with a changing climate
15 and emerging threats to ecosystems, as well as increased maritime activity, but are optimistic
16 in a
17 new era of economic and resource development that will improve the quality of life for
18 residents of the state;
19 (5) the continuing development of the state's natural resources in an
20 environmentally and socially responsible manner is essential to the development of the state's
21 economy and to the well-being of the residents of the state;
22 (6) for thousands of years, indigenous peoples have made up the majority of
23 the inhabitants of the Arctic region, and their physical and spiritual well-being depends on
24 protecting the bountiful lands, rivers, and seas of the Arctic region;
25 (7) it is essential for the state and federal government to strengthen their
26 collaboration on Arctic issues, including coordination when creating policies and
27 implementation plans related to the Arctic, as both continue to engage in international
28 circumpolar activity;
29 (8) the state should maintain an official body authorized to further develop
30 strategies and policies for the Arctic region that respond to the priorities and critical
31 needs of
32 residents of the state.
33 (b) It is the intent of the legislature that this declaration of Arctic policy
34 (1) be implemented through statutes and regulations;
35 (2) not conflict with, subjugate, or duplicate other existing state policy;
36 (3) guide future policy derived from the implementation strategy developed by
37 the Alaska Arctic Policy Commission;
38 (4) clearly communicate the interests of residents of the state to the federal
39 government, the governments of other nations, and other international bodies developing
40 policies related to the Arctic.
41 (c) Nothing in this Act is meant to support, endorse, or reestablish the Alaska coastal
42 management program that expired in 2011 and was rejected by state voters in 2012.
43 * **Sec. 2. AS 44.99** is amended by adding a new section to read:
44 **Sec. 44.99.105. Declaration of state Arctic policy.** (a) It is the policy of the
45 state, as it relates to the Arctic, to
46 (1) uphold the state's commitment to economically vibrant
47 communities sustained by development activities consistent with the state's
48 responsibility for a healthy environment, including efforts to
49 (A) ensure that Arctic residents and communities benefit from
50 economic and resource development activities in the region;
51 (B) improve the efficiency, predictability, and stability of
52 permitting and regulatory processes;
53 (C) attract investment through the establishment of a positive
54 investment climate and the development of strategic infrastructure;
55 (D) sustain current, and develop new, approaches for
56 responding to a changing climate, and adapt to the challenges of coastal
57 erosion, permafrost melt, and ocean acidification;
58 (E) encourage industrial and technological innovation in the
59 private and academic sectors that focuses on emerging opportunities and
60 challenges;
61 (F) maintain a strong, sustainable fisheries industry and
62 increase fisheries research and monitoring;
63 (G) continue to prepare the residents of the state for emerging
64 economic activities by using multiple education and training opportunities and
65 implementing state workforce plans;
66 (2) collaborate with all levels of government, tribes, industry, and
67 nongovernmental organizations to achieve transparent and inclusive Arctic decision-
68 making, including efforts to
69 (A) strengthen and expand cross-border relationships and
70 international cooperation, especially bilateral engagements with Canada and
71 Russia;
72 (B) sustain and enhance state participation in the Arctic
73 Council;
74
75



26 (C) pursue opportunities to participate meaningfully as a
27 partner in the development of federal and international Arctic policies, thereby
28 incorporating state and local knowledge and expertise;
29 (D) strengthen support for and collaboration with Arctic
30 Council Permanent Participant organizations that include indigenous peoples
31 of the state;
01 (3) enhance the security of the Arctic region of the state and, thereby,
02 the security of the entire state, including efforts to
03 (A) enhance disaster and emergency prevention and response,
04 oil spill prevention and response, and search and rescue capabilities in the
05 region;
06 (B) provide safe, secure, and reliable maritime transportation in
07 the areas of the state adjacent to the Arctic;
08 (C) sustain current, and develop new, community, response,
09 and resource-related infrastructure;
10 (D) coordinate with the federal government for an increase in
11 United States Coast Guard presence, national defense obligations, and levels of
12 public and private sector support; and
13 (4) value and strengthen the resilience of communities and respect and
14 integrate the culture, language, and knowledge of Arctic peoples, including efforts to
15 (A) recognize Arctic indigenous peoples' cultures and unique
16 relationship to the environment, including traditional reliance on a subsistence
17 way of life for food security, which provides a spiritual connection to the land
18 and the sea;
19 (B) build capacity to conduct science and research and advance
20 innovation and technology in part by providing support to the University of
21 Alaska for Arctic research consistent with state priorities;
22 (C) employ integrated, strategic planning that considers
23 scientific, local, and traditional knowledge;
24 (D) safeguard the fish, wildlife, and environment of the Arctic
25 for the benefit of residents of the state;
26 (E) encourage more effective integration of local and
27 traditional knowledge into conventional science and research.
28 (b) It is important to the state, as it relates to the Arctic, to support the
strategic
29 recommendations of the implementation plan developed by the Alaska Arctic Policy
30 Commission and to encourage consideration of recommendations developed by the
31 Alaska Arctic Policy Commission. Priority lines of effort for the Arctic policy of the
01 state include
02 (1) promoting economic and resource development;
03 (2) addressing the infrastructure and response capacity gap in order to
04 support the Arctic region;
05 (3) supporting healthy communities; and
06 (4) supporting existing and fostering new science and research that
07 aligns with state priorities for the Arctic.
08 (c) In this section, "Arctic" means the area of the state north of the Arctic
09 Circle, north and west of the boundary formed by the Porcupine, Yukon, and
10 Kuskokwim Rivers, all contiguous seas, including the Arctic Ocean, and the Beaufort,
11 Bering, and Chukchi Seas, and the Aleutian Chain, except that, for the purpose of
12 international Arctic policy, "Arctic" means the entirety of the state.