

HB

446

SENATE COMMITTEE REPORT

DATE: 3/28/94

FURTHER: Resources

DATE TURNED INTO OFFICE: _____

CRA Committee considered HOUSE BILL NO. 446

"An Act relating to community agreements for environmental conservation purposes; and providing for an effective date."

and recommends:

- replace with _____ CS _____ ()
- or adopt previous _____ CS _____ ()
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal
DEC	2/4/94	φ	

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

DO PASS:

Al Wilson

Paul J. Shuff

OTHER RECOMMENDATIONS:

Adrian L. Taylor NO Rec

Loren A. J. Man No rec

Roll E. [Signature] No Rec.

Chair. Signature and Recommendation

FISCAL NOTE

No. 1
 Bill Version: HB 446
 (H) Publish Date: 2/4/94

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. _____

Revision Date: 23-Dec-93
 Title: Community Agreements for
Environmental Conservation Purposes
 Sponsor: Rules Committee
 Requestor: Governor

Department Affected: Environmental
Conservation
 BRU: Division of Environmental Quality
 Component: EQ Program Development

COMPONENT SERIAL NO.

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS,CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
FUND SOURCE:						

FUNDING:

1002 FEDERAL RECEIPTS	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF MATCH	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/PROGRAM RECPT	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: \$ NONE

ANALYSIS: (Attach a separate page if necessary.)
 Amends the powers of the Department to expressly authorize the department to enter into community agreements to best allocate environmental resources.

Prepared by: Robert Poe, Director
 Division: Division of Administrative Services

Phone: 465-5010
 Date: 12/23/93

Approved by Commissioner: John Sandor
 Agency: Department of Environmental Conservation

Date: 12/23/93

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

BILL: HB 446 SHORT TITLE: ENVIRONMENTAL CONSERVATION AGREEMENTS
FULL VERSION:
SPONSOR(S): BILLY BY REQUEST OF THE GOVERNOR

URGENT STATUS: (2) CDB STATUS DATE: 03/08/94
THEN RES

READING: (2) CDB AND BY 07 04 36 AM

TITLE: "AN ACT RELATING TO COMMUNITY AGREEMENTS FOR ENVIRONMENTAL CONSERVATION PURPOSES, AND PROVIDING FOR AN EFFECTIVE DATE"

02/01/94	2264	(H)	READ THE FIRST TIME - REFERRAL (2)
02/01/94	2264	(H)	COMMUNITY & REGIONAL AFFAIRS RESOURCES
02/04/94	2264	(H)	-REQ: LOCAL MOTION (DEC) 2/4/94
02/04/94	2264	(H)	GOVERNOR'S COMMERCIAL LETTER
03/02/94	2575	(H)	CRS RPT THE
03/02/94	2575	(H)	DR. SARGENT, GWYER, MILLIE, THOMAS
03/02/94	2575	(H)	DR. GIBBERO, FUNDE, WILLIAMS
03/02/94	2575	(H)	-PREVIOUS READ FROM NOTE (DEC) 2/4/94
03/01/94	2580	(H)	RES RPT REP COM
03/01/94	2580	(H)	DR. HUDSON, JAMES, HAYES, WILLIAMS
03/01/94	2580	(H)	DR. GREEN, WINKELSTEIN, HUBER
03/01/94	2580	(H)	-PREVIOUS READ FROM NOTE (DEC) 2/4/94
03/03/94	2930	(H)	MOVED TO CALENDAR 3/03/94
03/03/94	2940	(H)	READ THE SECOND TIME
03/03/94	2940	(H)	ADVANCED TO THIRD READING UNDER CONSENT
03/03/94	2940	(H)	READ THE THIRD TIME 03/03
03/03/94	2941	(H)	PASSED YEA N-
03/03/94	2941	(H)	EFFECTIVE DATE SAME AS PASSED
03/03/94	2941	(H)	BACKLOG NOTICE OF RELEGISLATION
03/03/94	2985	(H)	RECONSIDERATION NOT TAKEN UP
03/03/94	2985	(H)	TRANSMITTED TO (2)
03/08/94	3369	(S)	READ THE FIRST TIME - REFERRAL (S)
03/08/94	3369	(S)	CRS, RES



Alaska State Legislature

SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Senator Randy Phillips, Chair
Senator Robin Taylor, Vice Chair
Senator Loren Leman
Senator Al Adams
Senator Fred Zharoff

SESSION:
State Capitol
Juneau, Ak 99801-1182
(907) 465-4989

INTERIM:
P. O. Box 142
Eagle River, Ak 99577
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AGENDA

April 7, 1994
9:00 AM

Butrovich Room
Room 205

1. Call to Order (time and members present)
2. HB 446 - Environmental Conservation Agreement
Sponsor - Governor
Commissioner Sandor - Department of Environmental
Conservation
3. Adjourn

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

OFFICE OF THE COMMISSIONER
410 WILLOUGHBY AVENUE, SUITE 105
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Phone: (907) 465-5050
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April 7, 1994 Senate Community and Regional Affairs Committee Hearing
On House Bill 446 -- Environmental Conservation Agreements
Statement by John A. Sandor, Commissioner, Dept. of Environmental Conservation

Mr. Chairman, I appreciate this opportunity to testify before your committee. House Bill 446 was proposed by the Governor to provide firm authority to the Alaska Department of Environmental Conservation to enter into agreements with communities, organizations such as the Southeast Conference, and native corporations to address environmental problems.

We heard this bill in House Resources and in Community and Regional Affairs. It is an attractive piece of legislation because it offers communities and the state a way to sit down regularly, exchange information, set priorities and common goals before violations occur or enforcement action needs to be taken.

In recent months Alaska's communities have spoken out against unfunded mandates from the state and the federal government. I can think of no other arena where the requirements on Alaska's communities are as complex and burdensome as in over 40 programs for environmental protection: drinking water, sanitary landfills, wastewater, contaminated sites clean-up, underground storage tanks, clean air act requirements, stormwater requirements, and so forth. Sometimes it is too much for even our larger communities -- who can afford a large professional staff -- to handle all at once.

In every community the environmental problems are different. In every community, we need to set priorities. We don't need exemptions to environmental laws as much as we need a willing attitude on the part of the state and local governments to sit down, schedule priorities, and make sure we do "first things first" in a partnership approach.

I should stress that the agreements authorized by this legislation are voluntary. There is not a fiscal note attached, because this is intended to help organize the funds we spend, the work we do, the information we collect and distribute now to be done on a community based approach.

I urge each member of the committee to give this bill the consideration it deserves.

**GOVERNOR HICKEL'S
LOCAL ENVIRONMENTAL PRIORITIES
INITIATIVE
(HB 446)**

Governor Hickel's Local Environmental Priorities Initiative Bill provides communities, regions or organizations with a formal mechanism to identify and address environmental issues.

The legislation consolidates the Department of Environmental Conservation's (DEC) authorities in one place in order to provide legislative impetus to the department's efforts in addressing environmental needs at the local level.

Through a formal "Community Agreement" communities and the Department of Environmental Conservation jointly prioritized environmental needs on the basis of comparative risk. All environmental issues do not present the same risks to humans, ecosystems or the quality of life. Therefore, it is important that environmental risks be prioritized according to the risk they present to communities.

Additionally, through this legislation, communities and DEC would jointly assess the availability of funds to address federal and state environmental mandates. There are over 40 environmental programs dealing with environmental protection. A rural community located in the interior may have the administrative and financial capacity to deal with only three of these programs. Therefore, it makes sense for DEC and local communities to cooperatively prioritize environmental needs at the community or regional level in order to focus our limited resources on the most important issues.

Large communities are faced with the same environmental protection responsibilities as small rural communities. Communities in rural Alaska may have very different environmental needs than urban communities. Some communities have far fewer financial and technical resources to meet state and federal environmental mandates.

Through Community Agreements, DEC and local communities or regions of the state can focus their combined resources on issues that make the most sense in terms of highest risk and cost-effectiveness. A common ground can be developed between DEC and local communities in addressing environmental needs of a community.

WALTER J. HICKEL
GOVERNOR



P. O. Box 110001
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(907) 465-3500

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 4, 1994

*The Honorable Ramona L. Barnes
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182*

Dear Speaker Barnes:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to community agreements for environmental conservation purposes. The bill would provide the Department of Environmental Conservation with specific authority to enter into agreements with local governing bodies, Native regional corporations, Native village councils, other similar organizations, and, as appropriate, federal agencies, to jointly assess and prioritize local environmental needs and funding.

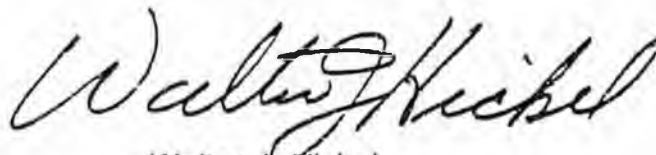
The bill amends the powers of the Department of Environmental Conservation found in AS 46.03.020 to expressly authorize the department to enter into community agreements to best allocate environmental resources. These community agreements have three basic components. First, the community agreement would provide for the joint assessment of environmental needs within a local community or region and the establishment of indicators to track progress in meeting those needs. Second, the parties to the agreement would jointly assess and prioritize those needs by comparative risk to human health and the environment. Third, the parties would work cooperatively to resolve those needs through delegation and cooperative management, to the extent allowable under the law, using local, state, and federal authorities and funding available to meet those identified environmental needs. The bill would allow a federal agency, such as the Environmental Protection Agency (EPA), to join as a party to the community agreement. Federal government participation would be voluntary and would not prevent the community agreement process from going forward. However, recent policy announcements by the EPA suggest that it may be interested in joining with the state and local communities in fashioning cost-effective cooperative solutions to the local environmental problems envisioned by these agreements.

*The Honorable Ramona Barnes
February 4, 1994
Page 2*

Alaska communities face "unfunded mandates" from the federal government that often exceed a community's financial capabilities. Prioritization is necessary. The information exchange and other activities contemplated by the bill would be structured in law and regulations, to meet legal requirements that may not presently be met.

Given the serious unmet environmental needs of the villages, local communities, and rural areas throughout our state, I urge prompt passage of this bill.

Sincerely,

A handwritten signature in cursive script, reading "Walter J. Hickel". The signature is written in dark ink and is positioned above the printed name and title.

*Walter J. Hickel
Governor*

THE WHITE HOUSE

WASHINGTON

November 18, 1993

The Honorable Walter J. Hickel
Governor of Alaska
Juneau, Alaska 99811-0001

Dear Wally:

As part of our efforts to forge a more responsible and coordinated intergovernmental relationship, it gave me great pleasure to sign Executive Order No. 12875 on October 26, 1993. This directive marks the beginning of our efforts to relieve state and local governments from the imposition of unfunded mandates, to increase the flexibility of federal programs, and to create a meaningful consultation process.

Under this executive order, federal agencies and departments are required to provide state and local governments with adequate funding to cover the cost of compliance with federal regulations. Otherwise, agencies must justify to the Office of Management and Budget the imposition of the mandate, including an account of the affected governmental entities' concerns. In addition, this order directs agencies to look favorably upon requests for waivers of federal statutory or regulatory requirements and compels them to issue timely decisions on such requests.

In conjunction with my recently issued executive order on Regulatory Planning and Review, Executive Order No. 12875 is a significant step toward building a more effective intergovernmental partnership. With your continued support for these critical efforts, we will achieve this goal.

Sincerely,

Bill Clinton

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OFFICE OF
CONSERVATION
OFFICE

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

October 26, 1993

EXECUTIVE ORDER
(#12875)

- - - - -

ENHANCING THE INTERGOVERNMENTAL PARTNERSHIP

The Federal Government is charged with protecting the health and safety, as well as promoting other national interests, of the American people. However, the cumulative effect of unfunded Federal mandates has increasingly strained the budgets of State, local, and tribal governments. In addition, the cost, complexity, and delay in applying for and receiving waivers from Federal requirements in appropriate cases have hindered State, local, and tribal governments from tailoring Federal programs to meet the specific or unique needs of their communities. These governments should have more flexibility to design solutions to the problems faced by citizens in this country without excessive micromanagement and unnecessary regulation from the Federal Government.

THEREFORE; by the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to reduce the imposition of unfunded mandates upon State, local, and tribal governments; to streamline the application process for and increase the availability of waivers to State, local, and tribal governments; and to establish regular and meaningful consultation and collaboration with State, local, and tribal governments on Federal matters that significantly or uniquely affect their communities, it is hereby ordered as follows:

Section 1. Reduction of Unfunded Mandates. (a) To the extent feasible and permitted by law, no executive department or agency ("agency") shall promulgate any regulation that is not required by statute and that creates a mandate upon a State, local, or tribal government, unless:

(1) funds necessary to pay the direct costs incurred by the State, local, or tribal government in complying with the mandate are provided by the Federal Government; or

(2) the agency, prior to the formal promulgation of regulations containing the proposed mandate, provides to the Director of the Office of Management and Budget a description of the extent of the agency's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, any written communications submitted to the agency by such units of government, and the agency's position supporting the need to issue the regulation containing the mandate.

(b) Each agency shall develop an effective process to permit elected officials and other representatives of State, local, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.

more

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NOV 23 1993

(OVER)

GOVERNOR'S OFFICE

Sec. 2. Increasing Flexibility for State and Local Waivers. (a) Each agency shall review its waiver application process and take appropriate steps to streamline that process.

(b) Each agency shall, to the extent practicable and permitted by law, consider any application by a State, local, or tribal government for a waiver of statutory or regulatory requirements in connection with any program administered by that agency with a general view toward increasing opportunities for utilizing flexible policy approaches at the State, local, and tribal level in cases in which the proposed waiver is consistent with the applicable Federal policy objectives and is otherwise appropriate.

(c) Each agency shall, to the fullest extent practicable and permitted by law, render a decision upon a complete application for a waiver within 120 days of receipt of such application by the agency. If the application for a waiver is not granted, the agency shall provide the applicant with timely written notice of the decision and the reasons therefor.

(d) This section applies only to statutory or regulatory requirements of the programs that are discretionary and subject to waiver by the agency.

Sec. 3. Responsibility for Agency Implementation. The Chief Operating Officer of each agency shall be responsible for ensuring the implementation of and compliance with this order.

Sec. 4. Executive Order No. 12866. This order shall supplement but not supersede the requirements contained in Executive Order No. 12866 ("Regulatory Planning and Review").

Sec. 5. Scope. (a) Executive agency means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(10).

(b) Independent agencies are requested to comply with the provisions of this order.

Sec. 6. Judicial Review. This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

Sec. 7. Effective Date. This order shall be effective 90 days after the date of this order.

WILLIAM J. CLINTON

THE WHITE HOUSE,
October 26, 1993.

**Alaska Department of Environmental Conservation
Division of Environmental Quality**



**Cooperative Environmental Community Agreement
1993 Program Report**

**Cooperative Environmental Community Agreement
1993 Program Report
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PART ONE

Why Community Agreements?

Background

In 1991 the Department of Environmental Conservation recognized a need to strengthen communications with local communities and the commitment to solving problems at the community level. There was also a recognition that environmental issues at the local level should be identified and prioritized jointly with the communities. On a more basic level, there was a need to improve trust and develop a common agenda.

On April 20, 1991, the Department and the City of Unalaska signed the first Community Agreement. Since that time 23 agreements have been entered into. There are more than 22 in draft form. Each of these agreements contains a list of the most important environmental issues, developed jointly by the community and the Department. These agreements formally commit the Department and the community or regional organization to a strategy and goals for addressing each of the communities' issues.

Timeliness of Program

The Community Agreement Program comes at a critical time considering the cost of unfunded federal mandates, the development of environmental indicators, the upcoming statewide comparative risk project and the need to focus local, state and federal resources.

Unfunded Federal Mandates

President Clinton's November 18, 1993, letter to Governor Hickel and Executive Order Number 12875 issued October 26, 1993, recognize the problem of unfunded mandates and initiatives. These documents propose to initiate "...efforts to forge a more responsible and coordinated intergovernmental relationship ... to relieve state and local governments from the imposition of unfunded mandates, to increase the flexibility of federal programs, and to create a meaningful consultation process."¹ Partnerships with local communities, such as the Community Agreements, provide a mechanism to identify the most important issues that can be addressed and foster collaborative problem solving.

Small communities in Alaska have the same environmental protection responsibilities that apply to larger communities, but they have far fewer financial and technical resources to meet the federally mandated requirements. Communities of all sizes generally lack the permanent staff qualified to help them plan and comply with federal and state regulations.

¹ Commissioner Sandor's December 12 memorandum.

Some of the largest cities are fortunate to have professional staff who are able to write permit and grant applications. The larger communities also interact more easily with the Department of Environmental Conservation's staff, Regional and District Offices, and understand agency regulatory procedures. However, in contrast to the very few large communities, most communities in Alaska lack the resources to create a staff of environmental professionals. Consequently, it is extremely difficult for them to comply with many environmental regulations.

Alaska's communities, both large and small, must comply with several concurrent environmental regulations. These may include:

- Drinking water monitoring and system upgrades, including wellhead protection;
- Wastewater treatment, sludge disposal and aquifer protection;
- Developing, upgrading, or closing solid waste landfills;
- Implementing air quality attainment programs;
- Underground and aboveground storage tanks;
- Stormwater management; and
- Wetland development and protection.

A community may need to work on compliance with several regulations at once, and many communities are unable to generate the resources needed to comply with the multiple environmental protection mandates.

The most common problems are related to drinking water and wastewater treatment. Drinking water and wastewater treatment standards apply to all communities regardless of technical or financial resources. The burden to meet the standards is disproportionate for small communities because it creates a reverse economy of scale. A water quality monitoring program for a small city represents a bigger percentage of its budget and mission than for a larger community or borough.

There are over 350 communities in Alaska. The majority of these communities have 300 residents or less. Most of these communities have a village leader, and possibly an administrator and a clerk. Because many communities cannot keep up financially with requirements, they face being out of compliance with federal and state regulations. A major impact of the regulations, in addition to the capital and operating costs of meeting standards, are the penalties and sanctions for noncompliance. Communities do not choose to be in noncompliance. Noncompliance is the result of overwhelming infrastructure needs without the technical or financial wherewithal to address them. It is clear that communities, especially small communities, have special problems including multiple regulatory burdens. These special problems must be considered and addressed in innovative ways.

Community Agreements ("Short-Hand" Comparative Risk)

There are more than 40 environmental programs in DEC. A small community in Alaska may be concerned with three to five of these programs. However, it may be asked to expend resources to comply with regulations for a dozen of these programs under state or federal law.

Nationally, EPA regions, five states and a few cities have conducted comparative risk analyses. Comparative risk is a process that ranks the highest environmental risks to humans, the ecosystem and quality of life. In determining the highest risks, the public is involved and available science is gathered to determine the ranking. This process has helped states and communities to prioritize environmental issues.

The Community Agreement Program is a "short-hand" comparative risk process. The community leaders determine what the most important issues are in their community, and DEC brings to them what professional judgment they have on these issues. Together they establish a common agenda that includes a list of the most important issues, a strategy for addressing these issues, and a goal. This list is part of an agreement that is signed by the Department and the community leader. Through these agreements small communities can address their most pressing environmental problems jointly with DEC.

PART TWO

Cooperative Environmental Community Agreements

Program Goals

The goal of the Cooperative Environmental Community Agreement is to establish a framework for the department and the communities to work together to find solutions to locally defined environmental problems. Through the commitments made in the agreements, trust can be achieved, which can enable local officials, Department and other state agencies and the communities to cooperatively solve environmental issues.

The Community Agreements formalize the commitment of DEC and a local community to solving environmental problems. The Community Agreements identify and prioritize major environmental issues and strategies for resolving them. They provide the state with a mechanism for direct community involvement and feedback about state and federally delegated environmental programs

Objectives

The objectives of the Community Agreements Program are to:

- Strengthen the Department's working relationship with communities, Native organizations and regional organizations,
- Identify environmental issues and actions that the community and DEC consider significant and willing to jointly address.
- Improve communication between DEC and the community by establishing a working list and persons responsible for implementing the commitments,
- Establish a point of contact between the community and DEC,
- Encourage meetings on a more regular basis between DEC's District and Regional Office representatives and community officials.
- Build a trust relationship between the community and DEC.

PART THREE Regional Reports

The progress and status reports on the Community Agreement Program were developed by the Division of Environmental Quality's statewide program coordinator and from information from the regional coordinators. The reports also reflect the comments from a recent meeting between the Regions and the statewide program coordinator. Below is a summary of this discussion with recommendations for improving the program.

For a quick status of the agreements that have been signed and drafted, please refer to the attachment.

Common Issues Among the Regions

a. Accomplishments

The agreements that have been successful in meeting the goals of the program are the agreements with organizations that cover more than one community or regional organizations. The high performers among the agreements are Tanana Chiefs Conference, Southeast Conference and Fairbanks Area Agreements. These bright stars in the program are encouraging to DEC staff and managers. Specific accomplishments can be found in the regional reports.

These agreements have fostered innovative approaches and collaborative problem solving between DEC staff, communities and regional organizations.

Also, the regional staff supports the proactive planning of the agreements that have allowed communities to avoid costly problems.

There has been an impressive amount of time spent on Community Agreements this past year considering the reduced resources in the Department. Until the agreements become more a part of the day-to-day operation of the District and Regional Offices they will require a capital investment in time. However, there have been accomplishments that have already occurred that will net the state cost savings in the future.

Specific examples of why these agreements are successful are outlined under the regional reports.

b. Areas for Improvement

The Department has been able to enter into many agreements; however, only a portion of these have been formally updated. In order that district and regional personnel keep the agreements current, it has been suggested that the Central Office needs to demonstrate that this program has a high priority and integrate it into the core programs. Otherwise the day-to-day crises that occur in the District Offices will push the Community Agreement to a lower priority. The staff can only respond to the highest priorities due to reductions in resources.

The Central Office plans to assist in keeping this program a high priority during the coming year by using management and tracking tools. These include:

- ensuring the integration of the core DEC programs into the list of issues and goals in the agreements;
- quarterly reports; and
- frequent contact with Regional and District Offices about the program.

One of the common criticisms from the regional staff is that there still is not a clear understanding of the process for signing the agreements. There is not one process for tracking or processing the agreements. The program plans on addressing these issues as outlined in the "Implementation Plan for 1994," which is included toward the end of this report.

NORTHERN REGION

High Performance Agreements:

1. **Tanana Chiefs Conference (TCC):** The TCC Community Agreement is different from most other Community Agreements in that it is signed with a Native organization instead of a village or borough official. By working cooperatively with TCC, the Department can efficiently use its resources through coordinating travel, sharing information, and jointly prioritizing the major issues in the TCC region.

This agreement has been signed by the President of TCC and the U.S. Public Health Service Director of Environmental Health Services Unit within TCC. The U.S. Public Health Service has a mission similar to DEC's and visits its 43 villages more frequently than DEC.

This agreement was renegotiated this summer. As the TCC communities are located in both the Northern and Southcentral Regions, this agreement has been signed by both NRO and SCRO. One of the many important aspects of this agreement is the establishment of regular meetings to discuss common issues. Some of the high points of this agreement are: established standards for above-ground fuel tanks, connection to DEC e-mail, improved coordination of travel to villages and a common ground approach to the most important issues in the Region.

2. **FNSB, City of Fairbanks, and City of North Pole:** This agreement is unique in that it includes the City of Fairbanks, the Fairbanks North Star Borough (FNSB) and the City of North Pole. All of these organizations have signed the agreement. This agreement was also unique in that it incorporates the results of a series of town meetings that listed the important environmental issues of the Fairbanks area. The town meetings included such groups as industry, interest groups and state and federal agencies.

Currently, the list of concerns in the agreement is being addressed with the partners in the agreement. The Regional Office is currently working with FNSB on the recently proposed solid waste regulations.

Agreements Signed:

1. **North Slope Borough (NSB):** The Regional Office has been working with Chris Mello of the NSB Office and expects to renegotiate the agreement within the next few months. The Regional Office has been very active with NSB representatives, particularly on the issue of management of radioactivity which is included in the agreement.
2. **White Mountain, Unalakleet, and Kotzebue:** There has been a lot of activity with city managers and council managers based on the items on the

agreements. All the communities are willing to re-sign the agreement. They are considering a five-year agreement.

Draft Agreements and Interested Communities:

1. **Nome:** Mildly interested.
2. **Northwest Arctic Borough:** The DEC district manager recently spoke to the city administrators of all the villages from the Northwest Arctic Borough and provided a generic agreement. The district manager will be following up on the offer.
3. **Alaska Village Electric Coop:** See the Southcentral Regional Report.

SOUTHCENTRAL REGION

By far, the Southcentral Region is the most complex and has the largest number of communities of the three Regional Offices. The Southcentral Region has the largest population center, Anchorage, and is consequently faced with the most complex environmental problems and governmental infrastructure.

A large part of the Southcentral Region is western Alaska and is in the unorganized borough and has undeveloped governmental structures other than individual villages. DEC will be evaluating the possibility of developing agreements with organizations like the U.S. Public Health Service regional offices and with quasi-governmental organizations like the Local Coastal District Offices and perhaps Regional Development Organizations.

During the past two years SCRO has been actively developing agreements. Approximately half of the agreements within the last six months have expired and the others are being drafted.

Agreements signed:

1. **Unalaska, Sand Point, and St. Paul:** These agreements were the first agreements signed by the Department, in April 1991. They are agreements with extremely remote communities and are currently being reviewed. Because of the remote location the Department has had a rapid turn over in staff at these locations.
2. **Kenai Peninsula Borough:** This is one of the largest boroughs in the state. The agreement has no expiration date.
3. **Tatitlek:** This agreement was signed last year and is being revised.
4. **Old Harbor:** expires 1996

5. **Whittor:** expires 1997
6. **Karluk:** expires 1996
7. **Nightmute:** This agreement was signed on May 31, 1993 and is a four year agreement set to expire in 1997.

Draft Agreements:

1. **King Cove:** A final draft has been reviewed by DEC and expected to be signed in early 1994.
2. **Alaska Villiage Electric Cooperative (AVEC):** This organization supplies power to 49 villages in the northern and southcentral part of Alaska. This organization is interested in an agreement with the Department to develop fuel handling practices and improve their overall environmental practices. A draft has been completed and approved by the AVEC. The Department is working toward obtaining the necessary signatures. NRO is working with SCRO in developing this agreement.
3. **Valdez, St. Mary's, Kwethluk, Kotlik:** Draft agreements are being developed with all these communities.
4. **City of Kodiak:** The city has declined to sign the agreement.
5. **Chenega Bay and Cordova:** Agreements were drafted, but not perfected.

Interested Communities:

1. **Anchorage:** An initial draft was being developed but there is only mild interest.
2. **Akutan:** An initial contact was made and they mentioned they would like to work through the Aleutians East Borough.

SOUTHEAST REGION

The Southeast Region has signed eight agreements and has five additional agreements in draft.

HIGH PERFORMANCE AGREEMENT:

- **Southeast Conference Partnership Agreement:** Perhaps the most distinctive agreement is with the Southeast Conference, an organization which provides services to most of the communities in the Southeast region of Alaska. The Southeast Conference is a quasi-governmental organization funded by each of

these communities and the Alaska Department of Commerce and Economic Development.

Through this partnership agreement with the Southeast Conference a regional approach was developed to collect hazardous wastes from communities. Without this collection hazardous wastes would have remained in the communities and created potential health problems in the future. This agreement is also becoming a catalyst for long-term planning for the region. It is currently being updated, and the Department has requested that the U.S. Environmental Protection Agency (EPA) become a co-signer of the agreement.

The most recent agreement includes the following issues: solid waste management, hazardous waste collection, and used oil and other recyclable material. The agreement has also led to other partnerships and cooperation in the participating communities. One of these is a regional approach to sustainable development.

Agreements Signed:

1. **Ketchikan Gateway Borough:** This agreement was one of the first agreements to be signed by the Department. It is currently being updated.
2. **City of Ketchikan, City of Haines, Haines Borough, Klawock, Thorne Bay, Angoon:** All these agreements were signed within the last year.

Draft Agreements:

1. **Petersburg, Wrangell:** A draft agreement has been signed for these communities.
2. **Saxman:** The drafting process is starting over.

Interested Communities:

1. **Kake:** The city is interested, as indicated in a letter that was sent to DEC this past September.
2. **Juneau:** The city has been connected to DEC's e-mail system. The District Office is working with Juneau to assess the city's interest.

Communities Not Interested:

1. **Skagway:** They declined to participate.
2. **Craig:** The city rejected the draft agreement.

PART FOUR
Implementation Plan for 1994 and Future Objectives

1994 Objectives and Tasks (January 1994-January 1995)

a. TOP PRIORITIES

1. **Maintain existing commitments:** The most important objective is to review the commitments contained in each of the existing agreements. Each needs to be reviewed to determine the degree of progress made on each commitment and to ascertain whether the community contact person has changed. Each agreement will then be considered for re-signing.
2. **Community Environmental Progress Report:** A Community Environmental Progress Report will be developed for each community and region that has entered into a Community Agreement. The report will include a community profile that contains key environmental indicators and a progress report on the issues listed in the agreements. This report will be connected to the Department's Geographic Information System (GIS) effort which is currently underway.
3. **Additional Agreements:** Because all the high performing agreements are regional agreements (agreements that included more than one community, or Native organizations, boroughs, or private organizations), additional attention will be given to developing regional partnerships.

b. ADMINISTRATIVE PRIORITIES

1. **1994 Tasks:** A work plan for 1994 with measurable tasks will be developed by the Program Coordinator in consultation with the Regional Coordinators.
2. **Quarterly Teleconferences:** The Central Office will play a more active role by initiating quarterly teleconference with regional offices. A review of the progress made by the regional and district offices will be discussed and progress toward the top priorities.
3. **Internal Program Review:** The Central Office will conduct an internal Program Review, which will consist of interviewing community contact persons in the Regional Offices
4. **External Program Review:** The Central Office will do an external Program Review to assess the perceived effectiveness of the program by interviewing community officials or leaders of organizations that have agreements with the Department.

5. Central Office Program Coordination: The Central Office staff will receive a copy of the agreements. However, as agreed by the Regional Offices, the regional program managers will be responsible for ensuring that program concerns are reflected in the agreements.

c. RESOURCES

Priority Placed on Community Agreement Issues

The Regional Offices expressed reservations about the Department's ability to fulfill the commitments of the Department's core programs. In order to address this concern a clear priority must be given to the issues listed in the agreements. A priority to perform the work identified in the agreements must be allowed if the District and Regional Offices are to fulfill the commitments in the agreements.

Part-time Central Office Coordinator

The Division of Environmental Quality Central Office has given priority to this project by assigning an existing position to 10-15 hours per week to work on Community Agreements. The division is also seeking additional federal funds to coordinate the agreements with the Regional Offices as well as integrate the agreements with GIS, and develop community environmental progress reports.

Future Objectives

a. Community Environmental Progress Report

Communities that sign agreements or participate through regional agreements will receive an annual "Community Environmental Progress Report." This report provides the community with an update on the progress made on the issues the community identified as priorities. The report is currently being developed by the Department. The Community Environmental Progress Report is envisioned to contain general environmental quality information about Alaska's environment, and will also contain a community profile including five to 12 local environmental indicators.

These reports will be connected to the GIS that is being developed by the Department.

b. Interagency Coordination for Sustainable Communities

It is also envisioned that the Alaska Departments of Commerce and Economic Development (DCED) and Community and Regional Affairs (DCRA) will become partners in the Community Agreements. DCED's Alaska Regional Development Organizations Programs (ARDOR) are a logical partner in these agreements, considering their missions and similar programs. DCRA's "Community Profile"

currently includes a map of ownership and other details about the community. Combining our efforts can result in enhanced efficiency.

The EPA has been asked to become a co-signer of the agreements. This should improve the communication between the local communities and the EPA, particularly on the current issue of unfunded federal mandates and reduced funding.

PART FIVE Conclusion

In a time when communities are unable to comply with basic environmental federal and state environmental mandates, partnerships with communities and regional organizations can play a critical role. Community Agreements identify the environmental issues most important to local communities and also identify what the local and state agencies can realistically achieve, considering limited resources.

The coming year will challenge DEC District, Regional and Central Office staff to provide their traditional services to the public. To ensure that the Community Agreement Program does not overextend itself, the agreements already signed will be reviewed and updated before new agreements are signed.

After the existing agreements are updated new agreements will be considered and other agencies will be considered as partners to these agreements. Also, an annual report "Community Environmental Progress Report" will be provided to communities. In order that the Community Agreement Program sustain itself and eventually decrease the workload of the Department, it will require time and eventual integration into the basic programs of the Department. This will require capital investment; however, the long-term benefits will net time savings through better communications, focusing on the most important issues and coordination among the partners.