

**SB**

**140**

SFIN

FILE

**SENATE FINANCE COMMITTEE REPORT**

DATE: 2/11/02

APR 04 2002  
SENATE FINANCE  
COMMITTEE

FURTHER:

DATE TURNED IN TO OFFICE: 4/4/02

Finance Committee considered **SENATE BILL NO. 140**  
*SB 140 SMALL WATER-POWER DEVELOPMENT PROJECTS*

"An Act relating to regulation and licensing of certain water-power development projects."

and recommends:

- be replaced with CS SB 140 (FIN)
- adopt previous CS CS Forthcoming
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

- Senate Bill:**  
 same title  
 new title  
**House Bill:**  
 same title  
 technical title  
 new: SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
DFG	2/21/02	19.5		3
DNR	2/21/02	24.0		2
DCED	2/21/02	36.1		1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✗	
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
COCHAIR:				
COCHAIR: <i>[Signature]</i>			✓	

REPORTED OUT  
**FISCAL NOTE**

APR 04 2002

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

Fiscal Note Number: 3  
Bill Version: SB 140  
(S) Publish Date: 3/1/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Fish and Game  
Title Regulation and licensing of certain BRU Habitat and Restoration  
water-power development Component Habitat Special Projects  
Sponsor Senator Torgerson  
Requester Senate Finance Component No. 487

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	17.0	17.0				
Travel	1.0	1.0				
Contractual	1.0	1.0				
Supplies	0.5	0.5				
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>19.5</b>	<b>19.5</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	19.5	19.5				
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
<b>TOTAL</b>	<b>19.5</b>	<b>19.5</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

FY 03 and FY 04 expenditures represent one quarter-time position for ADF&G participation in the development of a regulatory package implementing SB 140. Regulations must clearly detail all processes and requirements to result in timely and cost effective licensing of good projects that are both in the best economic interests of the state and environmentally sound.

Department expenditures in a potential 5 MW or smaller state licensing and regulatory program are difficult to quantify at this time. The licensing and regulation of hydro projects can be very complex. SB 140 provides the basic structure for establishing regulations for the state to take over jurisdiction, but does not provide specificity on how such a program will work within current authorities and responsibilities. Uncertainties include how duties currently funded and performed by the Federal (cont)

Prepared by: Gordy Williams  
Division: Commissioner's Office  
Approved by: Commissioner Frank Rue  
Agency: Fish and Game

Phone 465-6143  
Date/Time 2/21/02 9:07 AM  
Date 2/21/2002

FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

BILL NO. SB 140 #3

ANALYSIS CONTINUATION

Energy Regulatory Commission (FERC) for small hydro projects will be handled in a state system. what information regarding fish and wildlife issues will be required to be provided by applicants or need to be developed by agencies, and what fees or other funding mechanisms will be developed. Depending upon the answers to these and other questions as a regulatory system is established, there may be significant fiscal impacts on the department to ensure that fish and game resources are protected to the same extent provided by the FERC process as is specified in SB 140.

# FISCAL NOTE

APR 14 2002

**STATE OF ALASKA  
2002 LEGISLATIVE SESSION**

COMMITTEE ON  
FINANCE

Fiscal Note Number: 2  
 Bill Version: SB 140  
 (S) Publish Date: 3/1/02  
 Dept. Affected: Natural Resources  
 BRU: Minerals, Land & Water Dev  
 Component: Water Development  
 Component Number: 916

Revision Date/Time (Note if correction): \_\_\_\_\_  
 Title: SMALL WATER-POWER DEVELOPMENT  
PROJECTS  
 Sponsor: Sen. Torgerson  
 Requester: (S) FIN

**Expenditures/Revenues**

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	22.5	22.5	70.0	70.0	70.0	70.0
Travel	0.0	0.0	10.0	10.0	10.0	10.0
Contractual	1.0	1.0	5.0	5.0	5.0	5.0
Supplies	0.5	0.5	1.0	1.0	1.0	1.0
Equipment	0.0	0.0	2.0	2.0	2.0	2.0
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>24.0</b>	<b>24.0</b>	<b>88.0</b>	<b>88.0</b>	<b>88.0</b>	<b>88.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	24.0	24.0	88.0	88.0	88.0	88.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>24.0</b>	<b>24.0</b>	<b>88.0</b>	<b>88.0</b>	<b>88.0</b>	<b>88.0</b>

Estimate of any current year (FY2002) cost: none

Check this box (X) if funding for this bill is included in the Governor's FY2003 budget proposal:

**POSITIONS**

Full-time	0	0	1	1	1	1
Part-time						
Temporary	1	1				

**ANALYSIS:** (Attach a separate page if necessary)

The Regulatory Commission of Alaska estimates that, in cooperation with the resource agencies, the Commission will require two years to write regulations that establish an efficient processing system that can be approved by FERC. DNR will be required to play a major role in the development of these regulations as its responsibilities in permitting such projects are substantial. A non-perm Natural Resource Mgr I will be required for at least 3 months each year for full participation. These costs are reflected in FY 2003 and 2004. [cont.]

Prepared by: Bob Loeffler  
 Division: Mining, Land and Water  
 Approved by: Pat Pourchot  
 Agency: Natural Resources

Phone 269-8600  
 Date/Time 20-Feb-02  
 Date 21-Feb-02

Beginning in 2005, this fiscal note assumes that an approved program will begin operation in Alaska and DNR will play a major role in the new licensing process, including the water right and temporary water use permitting, environmental consultation and review, and coordination with federal agencies. With one exception, this fiscal note assumes no new costs to deal with an "Alaskanized" licensing process rather than the current federal FERC process. If the regulations assign new responsibilities to DNR, this assumption may change.

The exception is that currently, FERC has jurisdiction over all dams licensed by FERC. If an Alaskan program replaces the FERC program, DNR's dam safety program will be required to accept jurisdiction for permitting, review, and inspection of these dams. DNR's current Dam Safety program is staffed by a single engineer. The fiscal note would fund a subordinate (a Technical Engineer I) to handle the additional workload to the Dam Safety Program.

REPORTED OUT  
**FISCAL NOTE**  
 APR 04 2002  
 SENATE FINANCE

**STATE OF ALASKA  
 2002 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: SB 140  
 (S) Publish Date: 3/1/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DCED  
 Title Small Water-Power Development. Projects BRU Regulatory Commission of Alaska (399)  
 Component Regulatory Commission of Alaska  
 Sponsor Senator Torgerson  
 Requester Senate Finance Component No. 2417

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	31.1	31.1	130.0	130.0	130.0	130.0
Travel	5.0	5.0				
Contractual			50.0	50.0	50.0	50.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>36.1</b>	<b>36.1</b>	<b>180.0</b>	<b>180.0</b>	<b>180.0</b>	<b>180.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (RCA Receipts)	36.1	36.1	180.0	180.0	180.0	180.0
<b>TOTAL</b>	<b>36.1</b>	<b>36.1</b>	<b>180.0</b>	<b>180.0</b>	<b>180.0</b>	<b>180.0</b>

Estimate of any current year (FY2002) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time			2	2	2	2
Part-time	1	1				
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 SB140 will require the equivalent of one-half of a Utility Engineering Analyst III position (estimated cost: \$31,142) in FY03 and FY04 to assist in developing technical regulations and to coordinate the transfer of duties from FERC. Some travel will be necessary for public comment and coordination with FERC. FERC has up to one year to approve the plan. Once underway (FY05), a full-time UEA III and an Environmental Engineer will be needed to analyze water-power applications under the proposed program. \$50,000 in contractual monies will be needed for additional technical support and a contractual Administrative Law Judge to adjudicate technical/regulatory disputes. The RCA's budget is funded through the Regulatory Cost Charge (RCC) and direct charge mechanisms. No general funds are allocated for support of the agency. The agency may consider funding the program by license fees paid by the applicants, similar to the current federal program.

Prepared by: Dawn Bishop-Kleweno, Special Assistant Phone (907) 276-6222  
 Division Regulatory Commission of Alaska Date/Time 2/21/02 9:04 AM  
 Approved by: Deborah B. Sedwick, Commissioner Date 2/21/2002  
 Agency Department of Community & Economic Development

SENATE FINANCE COMMITTEE  
4/3/2002 COMMITTEE ACTION

Bill Number	SB 140		
Amendment	made from Committee		
Motion			
<u>Motion by</u>	Wilken		
<u>Objection by</u>	Green		
Removed	✓		
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	<u>Vote</u>	N
Senator Hoffman			
Senator Leman			
Senator Olson			
Senator Ward			
Senator Wilken			
Senator Austerman			
Senator Green			
Co-Chair Donley			
Co-Chair Kelly			
<u>Tally</u>			
Yea			
Nay			
Absent			
<u>MOTION</u>			

Bill HELD

adopted

SENATE FINANCE  
COMMITTEE  
Amendment Number: 1  
Bill Number: SB 140  
Sponsor: Wilken Date: 4/2/02  
Logged In By: Robin

SENATE FINANCE COMMITTEE

AMENDMENT No. 1

BY SEN WILKEN

TO: Pg 2 LINE 12 SENATE BILL No. SB 140

TO: \_\_\_\_\_ SENATE BILL No. \_\_\_\_\_

Pg. 2 LINE 12

INSERT G) THE INTERESTS OF ALASKA  
RESIDENTS AND LAND  
OWNERS.

Gulley  
2/21/02

SENATE FINANCE COMMITTEE  
4/3/2002 COMMITTEE ACTION

<b>Bill Number</b>	SB 140		
<b>Amendment</b>	#1		
<b>Motion</b>	Supt		
<b><u>Motion by</u></b>	Wilken		
<b><u>Objection by</u></b>	Green		
<b><u>Removed</u></b>	✓		
<b><u>Second Objection by</u></b>			
<b><u>Committee Member</u></b>	<b>Y</b>	<b><u>Vote</u></b>	<b>N</b>
Senator Hoffman			
Senator Leman			
Senator Olson			
Senator Ward			
Senator Wilken			
Senator Austerman			
Senator Green			
Co-Chair Donley			
Co-Chair Kelly			
<b><u>Tally</u></b>			
Yea			
Nay			
Absent			
<b><u>MOTION</u></b>	Pass		

adopted

SENATE FINANCE  
COMMITTEE  
Amendment Number: 2  
Bill Number: SB 140  
Sponsor: Wilken Date: 4/2/02  
Logged In By: Robin

SENATE FINANCE COMMITTEE

AMENDMENT No. 2

By SEN. WILKEN

To: Pg 2 Line 9 SENATE BILL NO. SB 140

To: \_\_\_\_\_ SENATE BILL NO. \_\_\_\_\_

INSERT "RESIDENT" AFTER OF  
BEFORE "ALASKA"

G. Wilken  
2/21/02

SENATE FINANCE COMMITTEE  
4/3/ 2002 COMMITTEE ACTION

Bill Number	SB 140		
Amendment	#2		
Motion	scpt		
<u>Motion by</u>	Wilken		
<u>Objection by</u>	Green		
<u>Removed</u>	✓		
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	<u>Vote</u>	N
Senator Leman			
Senator Olson			
Senator Ward			
Senator Wilken			
Senator Austerman			
Senator Green			
Senator Hoffman			
Co-Chair Donley			
Co-Chair Kelly			
<u>Tally</u>			
Yea			
Nay			
Absent			
<u>MOTION</u>	Pass		

Conceptual Amend #3

ADDED

add effective date 22-LS0059A  
of Jan. 1, 2003

SENATE BILL NO. 140

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY SENATORS TORGERSON, Taylor, Austerman, Cowdery

Introduced: 3/13/01

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to regulation and licensing of certain water-power development  
2 projects."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 \* Section 1. AS 42.45 is amended by adding a new section to read:

5 Article 6A. Water-Power Development Projects.

6 Sec. 42.45.350. Licensing of water-power development projects. (a) The  
7 commission shall adopt regulations to establish a regulatory program for water-power  
8 development projects that qualify under this section.

9 (b) The regulatory program established under this section must

10 (1) protect the public interest, the purposes listed in (2) of this  
11 subsection, and the environment to the same extent provided by the requirements for  
12 licensing and regulation by the Federal Energy Regulatory Commission under 16  
13 U.S.C. 792 - 823c and other applicable federal laws, including 16 U.S.C. 1531 et seq.  
14 (Endangered Species Act) and 16 U.S.C. 661 et seq. (Fish and Wildlife Coordination

1 Act):

2 (2) give equal consideration to

3 (A) energy conservation;

4 (B) the protection of, mitigation of damage to, and  
5 enhancement of, fish and wildlife, including related spawning grounds and  
6 habitat;

7 (C) the protection of recreational opportunities;

8 (D) the preservation of other aspects of environmental quality;

9 (E) the interests of Alaska Natives; and

10 (F) other beneficial public uses, including irrigation, flood  
11 control, water supply, navigation; and

12 (3) require, as a condition of a license for any qualifying project work,

13 (A) the construction, maintenance, and operation by a licensee  
14 at the licensee's own expense of the lights and signals that may be directed by  
15 the secretary of the department of the United States government in which the  
16 United States Coast Guard is operating and the fishways that are prescribed by  
17 the Secretary of the Interior or the Secretary of Commerce, as appropriate;

18 (B) the operation of any navigation facilities that may be  
19 constructed as part of any project to be controlled at all times by the reasonable  
20 rules and regulations that are adopted by the Secretary of the Army; and

21 (C) conditions for the protection of, mitigation of damage to,  
22 and enhancement of fish and wildlife based on recommendations received  
23 under 16 U.S.C. 661 et seq. (Fish and Wildlife Coordination Act) from the  
24 National Marine Fisheries Service, the United States Fish and Wildlife Service,  
25 and the state Department of Fish and Game.

26 (c) For purposes of this section, the term "qualifying project work" means a  
27 project work

28 (1) that is not part of a project licensed under 16 U.S.C. 792 - 823c or  
29 exempted from licensing under 16 U.S.C. 792 - 823c or under 16 U.S.C. 2705 (section  
30 405 of the Public Utility Regulatory Policies Act of 1978) before November 9, 2000;

31 (2) for which a preliminary permit, a license application, or an

Proof of Final

4/4/02

22-LS0659\C 2:45pm

CS FOR SENATE BILL NO. 140(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:  
Referred:

Sponsor(s): SENATORS TORGERSON, Taylor, Austerman, Cowdery

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to regulation and licensing of certain water-power development  
2 projects; and providing for an effective date."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 \* Section 1. AS 42.45 is amended by adding a new section to read:

5 Article 6A. Water-Power Development Projects.

6 Sec. 42.45.350. Licensing of water-power development projects. (a) The  
7 commission shall adopt regulations to establish a regulatory program for water-power  
8 development projects that qualify under this section.

9 (b) The regulatory program established under this section must

10 (1) protect the public interest, the purposes listed in (2) of this  
11 subsection, and the environment to the same extent provided by the requirements for  
12 licensing and regulation by the Federal Energy Regulatory Commission under 16  
13 U.S.C. 792 - 823c and other applicable federal laws, including 16 U.S.C. 1531 et seq.  
14 (Endangered Species Act) and 16 U.S.C. 661 et seq. (Fish and Wildlife Coordination

1 Act);

2 (2) give equal consideration to

3 (A) energy conservation;

4 (B) the protection of, mitigation of damage to, and  
5 enhancement of, fish and wildlife, including related spawning grounds and  
6 habitat;

7 (C) the protection of recreational opportunities;

8 (D) the preservation of other aspects of environmental quality;

9 (E) the interests of resident Alaska Natives; #2

10 (F) other beneficial public uses, including irrigation, flood  
11 control, water supply, navigation; and

12 (G) the interest of Alaska residents and landowners; and #1

13 (3) require, as a condition of a license for any qualifying project work,

14 (A) the construction, maintenance, and operation by a licensee  
15 at the licensee's own expense of the lights and signals that may be directed by  
16 the secretary of the department of the United States government in which the  
17 United States Coast Guard is operating and the fishways that are prescribed by  
18 the Secretary of the Interior or the Secretary of Commerce, as appropriate;

19 (B) the operation of any navigation facilities that may be  
20 constructed as part of any project to be controlled at all times by the reasonable  
21 rules and regulations that are adopted by the Secretary of the Army; and

22 (C) conditions for the protection of, mitigation of damage to,  
23 and enhancement of fish and wildlife based on recommendations received  
24 under 16 U.S.C. 661 et seq. (Fish and Wildlife Coordination Act) from the  
25 National Marine Fisheries Service, the United States Fish and Wildlife Service,  
26 and the state Department of Fish and Game.

27 (c) For purposes of this section, the term "qualifying project work" means a  
28 project work

29 (1) that is not part of a project licensed under 16 U.S.C. 792 - 823c or  
30 exempted from licensing under 16 U.S.C. 792 - 823c or under 16 U.S.C. 2705 (section  
31 405 of the Public Utility Regulatory Policies Act of 1978) before November 9, 2000;

1 (2) for which a preliminary permit, a license application, or an  
 2 application for an exemption from licensing has not been accepted for filing by the  
 3 Federal Energy Regulatory Commission before November 9, 2000, unless the  
 4 application is withdrawn at the election of the applicant;

5 (3) that is part of a project that has a power production capacity of  
 6 5,000 kilowatts or less;

7 (4) that is located entirely within the boundaries of the state; and

8 (5) that is not located in whole or in part on an Indian reservation, a  
 9 conservation system unit as defined in 16 U.S.C. 3102 (sec. 102, Alaska National  
 10 Interest Lands Conservation Act), or on a segment of a river designated for study for  
 11 addition to the National Wild and Scenic Rivers System.

12 (d) In the case of nonqualifying project work that would be qualifying project  
 13 work but for the fact that the project has been licensed or exempted from licensing by  
 14 the Federal Energy Regulatory Commission before November 9, 2000, the licensee of  
 15 the project may elect to make the project subject to licensing and regulation by the  
 16 state under this section.

17 (e) With respect to projects located in whole or in part on a reservation, a  
 18 conservation system unit, or federal public land, a state license or exemption from  
 19 licensing is subject to

20 (1) the approval of the secretary of the federal department having  
 21 jurisdiction over those lands; and

22 (2) the conditions that the secretary may prescribe.

23 (f) The Regulatory Commission of Alaska shall notify the Federal Energy  
 24 Regulatory Commission not later than 30 days after making any significant  
 25 modification to its regulatory program under this section.

26 (g) In this section,

27 (1) "federal public land" means the land and interest in land owned by  
 28 the United States that is subject to private appropriation and disposal under public land  
 29 laws, but does not include a reservation;

30 (2) "licensee" means any person, state, or municipality licensed under  
 31 the provisions of 16 U.S.C. 797 and any assignee or successor in interest of the

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licensee thereof;

(3) "project" means, notwithstanding the definition in AS 42.45.990, a complete unit of improvement or development, consisting of a power house, all water conduits, all dams and appurtenant works and structures, including navigation structures, that are a part of the unit, and all storage, diverting, or forebay reservoirs directly connected with the unit, the primary line or lines transmitting power from the unit to the point of junction with the distribution system or with the interconnected primary transmission system, all miscellaneous structures used and useful in connection with the unit or any part of the unit, and all water rights, rights-of-way, ditches, dams, reservoirs, land, or interests in land the use and occupancy of which are necessary or appropriate in the maintenance and operation of the unit;

(4) "project work" means the physical structure of a project;

(5) "reservation"

(A) means a national forest; tribal land embraced within an Indian reservation; a military reservation; other land and an interest in land owned by the United States and withdrawn, reserved, or withheld from private appropriation and disposal under the public land laws; and land and an interest in land acquired and held for any public purposes;

(B) does not include a national monument or national park.

\* Sec. 2. This Act takes effect January 1, 2003.

Conceptual  
Amended  
#3



Official Business

# Alaska State Senate

## Senate Finance Committee

*Faxed 11:50 AM 4/4/02*

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1182

### FAX COVER SHEET

DATE: 4/4/02 TIME: 11:50 AM

TO: Legal

NUMBER OF PAGES, INCLUDING COVER SHEET: 4

FROM: ROBIN PAUL  
SENATE FINANCE CMTE. ASST. SECRETARY  
PHONE: 465-2618  
FAX: 465-2187

NOTES: Need a FINAL of 22-LS0659/A  
CS SB 140 (FIN)

to include 3 amendments attached.

\*Note that Amendment #3 is a  
conceptual Amendment to add an  
effective date of January 1, 2003

*Thank You!  
Robin*



# ALASKA STATE LEGISLATURE

**SENATOR JOHN TORGERSON**

CHAIR, SENATE RESOURCES COMMITTEE

CHAIR, SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

CHAIR, JOINT COMMITTEE ON NATURAL GAS PIPELINES

Session:


State Capitol, Room 427, Juneau, AK 99801  
Telephone 907/465-2828 Fax 907/465-4779

District:

45457 Kenai Spur Hwy.; Suite 101B, Soldotna, AK 99669  
Telephone 907/260-3042 Fax 907/260-3044

## MEMORANDUM

To: Senator Pete Kelly, Co-Chair  
Senate Finance Committee

From: Senator John Torgerson 

Date: February 11, 2002

Re: Hearing request for SB 140  
"Small Water Power Development Projects"

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Please accept this memorandum as a request to schedule SB 140 for a hearing in the Senate Finance Committee at your earliest convenience. This bill will transfer regulatory powers over small hydroelectric projects in Alaska from the Federal Energy Regulatory Commission to the Regulatory Commission of Alaska. State regulatory authority will result in less money and time spent on licensing small hydro projects for utilities and personal use.

I have enclosed the following back-up information for your review and inclusion in the bill packets:

- SB 140
- RCA fiscal note
- Sponsor Statement
- Senator Murkowski's enabling legislation from the 106<sup>th</sup> Congress
- 10/26/00 Petersburg Pilot article
- Letter from Robert S. Grimm, President of Alaska Power & Telephone Company

Thank you for your consideration of this request.

### REPRESENTING THE KENAI PENINSULA

*Anchor Point Bear Creek Clam Gulch Cooper Landing Crown Point Fritz Creek Happy Valley Halibut Cove  
Homer Hope Kachemak City Kachemak Selo Kasilof Lowell Point Moose Pass Nanwalek Nikolaevsk  
Ninilchik Port Graham Razdolna Seward Seldovia Soldotna Stariski Sterling Voznesenka*

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Office

## SENATE RESOURCES COMMITTEE

### SPONSOR STATEMENT

SB 140

#### "Small Water-Power Development Projects"

On November 9, 2000, Congress approved legislation extending programs under the federal Energy Policy and Conservation Act. Title V of this Act, placed in federal statute as Public Law 106-469, was proposed by Senator Murkowski who is chair of the Senate Energy and Natural Resources Committee.

Senator Murkowski's language amends the Federal Power Act to allow licensing and regulatory authority over small hydroelectric projects in Alaska to transfer from the federal government to the State of Alaska. Small hydroelectric projects are defined as those of 5,000 kilowatts (5 megawatts) or less. The federal enabling legislation applies to new projects and to existing projects if the owner so elects. A number of our small utilities as well as the State supported this legislation.

Before Alaska can acquire jurisdiction from the Federal Energy Regulatory Commission (FERC), which currently oversees hydroelectric projects, the Legislature must adopt legislation and the Governor must submit a program to FERC to satisfy the requirements in Title V of PL 106-469. All current environmental and other protections required under federal law must be contained in the State program. Small hydroelectric projects located on Indian reservations, conservation units of ANILCA, or rivers designated for the Wild and Scenic Rivers System would not be eligible for State jurisdiction.

SB 140 will begin implementation of Title V of PL 106-469 in an effort to bring regulations closer to home and to reduce the great time and expense currently associated with federal licensing and regulation of small hydro projects in Alaska. The time and money required for federal licensing is virtually prohibitive for some small projects. Now the Legislature has an opportunity to remove this hindrance and encourage development of renewable electric infrastructure.

provided by:  
 Senator John Targerson

PUBLIC LAW 106-469—NOV. 9, 2000

114 STAT. 2037

Resources of the Senate not later than 180 days after the enactment of this section. The report shall contain a review of prior studies conducted on the subjects described in subsection (a). Deadline.

### TITLE III—MARGINAL WELL PURCHASES

#### SEC. 301. PURCHASE OF OIL FROM MARGINAL WELLS.

(a) PURCHASE OF OIL FROM MARGINAL WELLS.—Part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6232 et seq.) is amended by adding the following new section after section 168:

##### “PURCHASE OF OIL FROM MARGINAL WELLS

“SEC. 169. (a) IN GENERAL.—From amounts authorized under section 166, in any case in which the price of oil decreases to an amount less than \$15.00 per barrel (an amount equal to the annual average well head price per barrel for all domestic crude oil), adjusted for inflation, the Secretary may purchase oil from a marginal well at \$15.00 per barrel, adjusted for inflation. 42 USC 6247b.

“(b) DEFINITION OF MARGINAL WELL.—The term ‘marginal well’ has the same meaning as the definition of ‘stripper well property’ in section 613A(c)(6)(E) of the Internal Revenue Code (26 U.S.C. 613A(c)(6)(F)).”

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy and Conservation Act is amended by inserting after the item relating to section 168 the following:

“Sec. 169. Purchase of oil from marginal wells.”

### TITLE IV—FEDERAL ENERGY MANAGEMENT

#### SEC. 401. FEMP.

Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(D)(iii)), is amended by striking “\$750,000” and inserting “\$10,000,000”.

### TITLE V—ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS

#### SEC. 501. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

“SEC. 32. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS. 16 USC 823c.

“(a) DISCONTINUANCE OF REGULATION BY THE COMMISSION.—Notwithstanding sections 4(c) and 23(b), the Commission shall discontinue exercising licensing and regulatory authority under this

part over qualifying project works in the State of Alaska, effective on the date on which the Commission certifies that the State of Alaska has in place a regulatory program for water-power development that—

"(1) protects the public interest, the purposes listed in paragraph (2), and the environment to the same extent provided by licensing and regulation by the Commission under this part and other applicable Federal laws, including the Endangered Species Act (16 U.S.C. 1531 et seq.) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

"(2) gives equal consideration to the purposes of—

"(A) energy conservation;

"(B) the protection, mitigation of damage to, and enhancement of, fish and wildlife (including related spawning grounds and habitat);

"(C) the protection of recreational opportunities;

"(D) the preservation of other aspects of environmental quality;

"(E) the interests of Alaska Natives; and

"(F) other beneficial public uses, including irrigation, flood control, water supply, and navigation; and

"(3) requires, as a condition of a license for any project works—

"(A) the construction, maintenance, and operation by a licensee at its own expense of such lights and signals as may be directed by the Secretary of the Department in which the Coast Guard is operating, and such fishways as may be prescribed by the Secretary of the Interior or the Secretary of Commerce, as appropriate;

"(B) the operation of any navigation facilities which may be constructed as part of any project to be controlled at all times by such reasonable rules and regulations as may be made by the Secretary of the Army; and

"(C) conditions for the protection, mitigation, and enhancement of fish and wildlife based on recommendations received pursuant to the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) from the National Marine Fisheries Service, the United States Fish and Wildlife Service, and State fish and wildlife agencies.

"(b) DEFINITION OF 'QUALIFYING PROJECT WORKS'.—For purposes of this section, the term 'qualifying project works' means project works—

"(1) that are not part of a project licensed under this part or exempted from licensing under this part or section 405 of the Public Utility Regulatory Policies Act of 1978 prior to the date of the enactment of this section;

"(2) for which a preliminary permit, a license application, or an application for an exemption from licensing has not been accepted for filing by the Commission prior to the date of the enactment of subsection (c) (unless such application is withdrawn at the election of the applicant);

"(3) that are part of a project that has a power production capacity of 5,000 kilowatts or less;

"(4) that are located entirely within the boundaries of the State of Alaska; and

"(5) that are not located in whole or in part on any Indian reservation, a conservation system unit (as defined in section

PUBLIC LAW 106-469—NOV. 9, 2000

114 STAT. 2039

102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4))), or segment of a river designated for study for addition to the Wild and Scenic Rivers System.

"(c) ELECTION OF STATE LICENSING.—In the case of nonqualifying project works that would be a qualifying project works but for the fact that the project has been licensed (or exempted from licensing) by the Commission prior to the enactment of this section, the licensee of such project may in its discretion elect to make the project subject to licensing and regulation by the State of Alaska under this section.

"(d) PROJECT WORKS ON FEDERAL LANDS.—With respect to projects located in whole or in part on a reservation, a conservation system unit, or the public lands, a State license or exemption from licensing shall be subject to—

"(1) the approval of the Secretary having jurisdiction over such lands; and

"(2) such conditions as the Secretary may prescribe.

"(e) CONSULTATION WITH AFFECTED AGENCIES.—The Commission shall consult with the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce before certifying the State of Alaska's regulatory program.

"(f) APPLICATION OF FEDERAL LAWS.—Nothing in this section shall preempt the application of Federal environmental, natural resources, or cultural resources protection laws according to their terms.

"(g) OVERSIGHT BY THE COMMISSION.—The State of Alaska shall notify the Commission not later than 30 days after making any significant modification to its regulatory program. The Commission shall periodically review the State's program to ensure compliance with the provisions of this section.

Notification  
Deadline.

"(h) RESUMPTION OF COMMISSION AUTHORITY.—Notwithstanding subsection (a), the Commission shall reassert its licensing and regulatory authority under this part if the Commission finds that the State of Alaska has not complied with one or more of the requirements of this section.

"(i) DETERMINATION BY THE COMMISSION.—(1) Upon application by the Governor of the State of Alaska, the Commission shall within 30 days commence a review of the State of Alaska's regulatory program for water-power development to determine whether it complies with the requirements of subsection (a).

Deadline.

"(2) The Commission's review required by paragraph (1) shall be completed within 1 year of initiation, and the Commission shall within 30 days thereafter issue a final order determining whether or not the State of Alaska's regulatory program for water-power development complies with the requirements of subsection (a).

Deadline.

"(3) If the Commission fails to issue a final order in accordance with paragraph (2) the State of Alaska's regulatory program for water-power development shall be deemed to be in compliance with subsection (a)."

Date OCT 26 2000

Petersburg Pilot

Client No. 420A

provided by:  
Senator John Torgerson

# House approves hydroelectric regulatory bill that may help City

<sup>2107 420A 310 330 620 650</sup>  
Petersburg has been working for nearly five years and spent almost \$500,000 to have the Blind Slough Hydroelectric Facility re-licensed by the Federal Energy Regulatory Commission. It is expected to take several more years to complete and cost upwards of \$1 million when all is said and done. But, legislation passed this week might be able to offset the need to have the 2.5 megawatt project controlled by the federal government and put the control

of similarly sized projects in the hands of the state.

The House of Representatives on Tuesday, approved a bill, which previously had passed the Senate, allowing the State of Alaska to regulate small scale hydroelectric projects in Alaska, rather than having them regulated by the Federal Energy Regulatory Commission.

The bills now head to the President for his signature.

This summer Petersburg Power and Light Superintendent Dennis Lewis testified before Congress on the current re-licensing process saying "the current federal hydropower licensing process of small rural facilities is dysfunctional."

This week, after hearing the news, he said that Petersburg would be very interested in having the federal license process vacated and dealing with a state regulatory process.

"Alaska has great potential for small-scale hydroelectric projects that would help reduce the price of electricity to consumers in Alaska and help the environment by reducing air pollution," said Sen. Frank Murkowski. "But under existing law, a project, no matter how small or remote, must obtain a federal license and the licensing process itself is a major impediment and cost for these small projects," said Murkowski.

While saying the five- to 10-

year FERC licensing process may not defeat a giant project, it represents a significant cost increase for smaller projects.

Murkowski said the Black Bear Lake project on Prince of Wales Island, a proposed 4.5-megawatt generator, took seven years and \$1.2 million to complete the licensing process — adding significantly to the \$10 million cost of the project. The nearby Goat Lake project required five years and \$1 million in spending to win FERC approval, adding to its \$10 million construction cost.

"For a small project located in a remote region of Alaska,

Continued on page 5

## FERC

Continued from page 3

FERC's licensing process is a major expense. And for too many small projects, this alone dooms an otherwise economically viable and environmentally beneficial project," said Murkowski.

He noted that most of these projects are not on salmon spawning streams, but small creeks or at the outflow of lakes and that the projects have no effect on the environment or wildlife.

"Small hydro projects in Alaska are environmentally sound, renewable power sources since they replace fossil-fuel burning diesel generators as power sources. It is important to

Instead, it allows the state to regulate (them) in lieu of FERC. I ask, who is more interested in the environment of Alaska — Alaskans or distant FERC regulators?" asked Murkowski.

Murkowski noted that Alaskans on average pay 36 percent more for electricity and that some in rural Alaska pay up to 43 cents per kilowatt hour — five times the national average. These high costs result from the fact that power is generated from diesel generators whose fuel must be shipped to remote areas at great cost.

The FERC exemption will only be triggered if Alaska's Governor notifies the Secretary of Energy that the State has in place a comprehensive process

resources, or cultural resource protection laws.

The bill has been endorsed by Alaska Legislature's Utilities Restructuring Committee, by the Alaska Village Electric Cooperative and by Alaska State government.

The small hydro bill (S. 422) passed the Senate on March 26, 1999 and again last week when it was added to the re-authorization of the Energy Policy and Conservation Act (EPCA) (H.R. 2884). EPCA also authorizes the nation's Strategic Petroleum Reserve and the new Northeast Home Heating Oil Reserve.

The 2.5 megawatt Blind Slough Hydroelectric Facility, which supplies the city with about one-quarter of its peak

provided by:

Senator John Toogerson



Statement of Robert S. Grimm, President  
of Alaska Power & Telephone Company.  
Dated 3-15-2001

I would like to voice my strong support of Senate Bill No. 140.

Alaska Power & Telephone Company is an employee-owned corporation that has been providing public utility service to Alaska since 1957. We currently provide service to the residents of 25 different rural communities from above the Arctic Circle to the very southern portions of Alaska. Our experience in developing small hydropower projects is extensive and current.

I have attached a copy of my testimony on this issue when it was heard by the US Congress, House of Representatives, Committee on Commerce, and Subcommittee on Energy and Power on March 30, 2000. These comments remain relevant to Senate Bill No. 140.

Secondly, I have attached a paper titled "Alaska Small Hydroelectric and the Question of Sustainable Development" dated March 1999.

Both of these documents point out the difficulty and high cost associated with the development of small hydroelectric projects. I am testifying in the hope that this legislation will result in cost and time savings when permitting small hydroelectric projects.

Finally, I would like to make a few other points:

1. In Southeast Alaska the number of small hydropower projects (500 to 5000 kw) is finite. I have prepared a list of the hydropower projects that may likely developed in the next ten years. While I am sure there are others, I thought it would be useful to point out that the numbers of projects are limited and thus the work load and associated costs of the agency given responsibility should be commensurate with the number of projects.

Otter Creek in Skagway  
 Thayer Lake in Angoon  
 Reynolds Creek in Hydaburg  
 South Fork on Prince of Wales Island  
 Wolf Lake near Hollis  
 Martina Crook in Hoonah

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES

Gunnuk Creek in Kake  
Sunrise Lake near Wrangell

A few relicense efforts are under way or will occur soon at:

Crystal Lake in Petersburg  
Dewey Lakes in Skagway

2. With the new legislation, Alaska would be unique. For projects under FERC, there is no minimum size. For example, if an Alaskan resident had a site that could generate 2 KW for their personal use, it could be jurisdictional by FERC, requiring a license that could make the project uneconomic because of the licensing process. If the state develops a well thought out and cost effective program, it will make micro-hydro (under 500KW) very attractive. Another plus of the legislation is that it would likely remove any temptation by micro-hydro developers to merely build their projects without licensing because of the costs and time associated with the current federal process.
3. Currently the State permits small domestic water systems in villages and towns. I believe small hydropower projects are very similar. I do not think we need to or intend to create a State FERC with its high cost and untimely decisions. We need to develop a process that is Alaskan in scope, well thought out and cost effective while meeting the requirements of the this legislation. We need some agency to take the lead. This agency must balance any of adverse impacts with the beneficial impacts of any proposed hydro development. I believe agencies with general charges such as the RCA, DGC or DNR are appropriate and have statutory responsibility to balance impacts (adverse and beneficial) so that hydro development occurs in a cost effective and timely manner consistent with the public interest. I have attached a paper written in 1999. It is critical of resource agencies that take the narrow view of their responsibilities. This problem needs to be corrected whether or not the state wishes to assume the responsibility of permitting small hydropower projects.

In this regard, the Alaska Rural Electric Cooperative Association (ARLCA) membership passed a Resolution 01-9, supporting the recognition of hydroelectric power as a renewable energy resource, and requiring federal and state agencies to take a balanced approach to existing and new hydroelectric projects. I have attached a full copy of this resolution for your consideration.

**Resolution 01-9**

**A Resolution Supporting the Recognition of Hydroelectric Power as a Renewable Energy Resource, and Requiring the Federal and State Governments to Take a Balanced Approach to Existing and New Hydroelectric Projects**

Hydroelectric power is a clean, economical and renewable energy alternative to power plants using fossil fuels, which are dependent on price variations and encounter transportation, storage and air emission problems. In Alaska, most small hydro projects use natural water features that do not require the damming of free-flowing rivers. Some interest groups and some in the federal government have come to consider hydroelectric power as a non-renewable energy resource. ARECA encourages the Alaska Congressional delegation to seek legislation recognizing hydropower as a renewable energy resource.

ARECA supports the efforts of its members to develop and redevelop hydroelectric projects. Furthermore, ARECA supports state-level policy that would require state resource agencies to balance the impacts of habitat changes associated with hydro projects with the benefits of such projects relative to fossil fuel alternatives.

*Adopted: December 14, 2000*



# **HYDROELECTRIC LEGISLATION**

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## **HEARING**

BEFORE THE

**SUBCOMMITTEE ON ENERGY AND POWER**

OF THE

**COMMITTEE ON COMMERCE**

**HOUSE OF REPRESENTATIVES**

**ONE HUNDRED SIXTH CONGRESS**

**SECOND SESSION**

ON

**H.R. 2335, H.R. 1262, H.R. 3852,  
S. 334, S. 422, S. 1236, and S. 1937**

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MARCH 30, 2000

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**Serial No. 106-106**

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Printed for the use of the Committee on Commerce



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~~native to the region. Permitting process which is being used to build dams throughout Alaska.~~

~~American Rivers and our partner organizations in Michigan also oppose HR 1262, which would exempt hydropower facilities on the Pentwater River and owned by the City of Hart, Michigan from regulation under the Federal Power Act. The Pentwater River is a tributary to Lake Michigan and a small but important steelhead fishery that currently suffers from inadequate flows from the Hart Project. These flows, which drop down to almost zero at night, cause wild fluctuations that harm migrating fish and cause significant problems with water temperature, all for a small amount of power. There is no reason that this project should be exempted from the same environmental standards that others must meet.~~

~~As a general matter, American Rivers and the members of the Hydropower Reform Coalition oppose Congressional extensions for commencement to construct new hydropower projects. The Federal Power Act currently provides for a two-year period in which to commence construction of a dam with an option to extend that period for an additional two years. Extending commencement of construction to 10 years as proposed in S. 439 could render environmental and economic evaluations conducted during the licensing process useless as conditions in the project area may change. Such extensions also limit alternative economic activity at the site, including alternative power development. Projects should not be licensed unless they are fully prepared to carry out their obligations and responsibilities. Congress should simply not accept so many extension bills.~~

#### CONCLUSION

~~Our nation's rivers and fisheries are facing a crisis of slow but steady extinction. Resource agencies with expertise in these areas are in the best position to address this threat. The relicensing process can always benefit from incremental administrative improvements, and perhaps one day we will come to a conclusion that it is time to look at an entirely new way of doing business, but until that point, HR 2335, and bills like it, will only turn back the clock to an era of litigation, hostility, and continued environmental decline. We can endeavor to find better ways to generate hydropower and new sources of energy but we cannot bring back species once they have gone extinct.~~

Mr. SHADEGG. Thank you. And I'd like to compliment each of the witnesses so far for staying quite close to the timeline. Mr. Grimm?

#### STATEMENT OF ROBERT S. GRIMM

Mr. GRIMM. Thank you, Mr. Chairman and members of the subcommittee. My name is Robert Grimm. I serve as president of Alaska Power & Telephone Company. AP&T is an investor-owned, employee-owned corporation which has been providing public utility services in Alaska since 1957.

We currently provide service to 25 different communities from above the Arctic Circle to the very southern portions of Alaska. Most of these communities are very small and due to lack of infrastructure, have isolated electric systems utilizing small diesel electric generating units that use fossil fuel.

In addition to representing my own company, I'm speaking today on behalf of Alaska's electric utility industry through our statewide association known as ARECA. We strongly support S. 422 for the reasons I would like to outline, using my utility experience as an example, but emphasizing that many other companies in Alaska have similar experiences.

One of the solutions to fossil fuel generation in these remote areas is the development of small hydro to provide a renewable and nonpolluting source of energy. We at AP&T began the program to identify and develop cost-effective projects in 1984. In 1987 we applied for a preliminary permit from FERC, which we received in June, for 36 months. In November 1993, FERC issued the license authorizing the project with a capacity of 4.5 megawatts. The

project was completed and began commercial operation in 1995. The permitting and licensing process took 7 years and cost \$1.2 million. The actual construction took 1 year and cost \$10 million. It's interesting to note that the licensing cost and permitting cost exceed the installed cost of equivalent diesel electric generating units.

This is not just a bad example or an anecdotal thing. We also have another project in Skagway, Alaska with a capacity of 4 megawatts. It's at Goat Lake, which is near Skagway. Filed for the preliminary permit in 1991. In 1994 a license application. Got the license in 1996. Took over 5 years and cost over \$1 million. The project was completed in the fall of 1998 at a cost of \$10 million.

Additionally, we have a couple of other projects that are currently under license. We've been through a relicense in our Dewey Lake system. Hence, we have first-hand experience with FERC during the last decade. It appears to us that the lack of flexibility, large project, small project, large impact, small impact in the FERC rules, regulations and requirements for these small projects has been the major reason so few have been developed in Alaska. Thus, we're forced to use fossil fuel in these remote areas, with the significant impacts associated with fuel storage, fuel spills, air emission, more than offset any of the adverse effects that have been identified in any of the projects that we've already completed or have currently under license.

These projects are very similar to small community water systems which are being developed in Alaska under State law. Small hydropower is a resource that has prove itself, yet the regulatory maze continues to hinder its development. Those of us on the front line trying to implement renewable energy policies are bewildered. With all the benefit associated with the development of small hydropower when compared to the continued use of fossil fuel, why is everybody making it so hard and difficult to develop?

My last point is tidal power. In Alaska, a lot of the communities are either on coastal sites, because there's no roads—very few roads in Alaska—or along rivers. And we've looked at several different free-flowing turbines which are essentially an adapted wind-mill type of a thing that is actually put into the water. Uses the—captures the free-flowing energy of the river that many of these villages sit by.

Unfortunately, these units are very small—in the neighborhood of 100 KW. Well, because these rivers are navigable, that would make a FERC permit required. So we would be looking at \$1 million or more to permit a project of 100 KW in these villages where we're now using—it just makes some of the alternative energy a non-option.

To reiterate, S. 442 will not diminish public interest, environmental or conservation considerations and protection as under FERC. The bill will simply transfer regulatory jurisdiction from a very distant Washington, DC to our State government in Juneau.

My understanding is that because of our special situation in Alaska, FERC does not object to the Alaska-only program contained in S. 422, and the State of Alaska supports it. Thank you.

[The prepared statement of Robert S. Grimm follows.]

## PREPARED STATEMENT OF ROBERT S. GRIMM, PRESIDENT, ALASKA POWER &amp; TELEPHONE COMPANY

My name is Robert S. Grimm. I serve as President of Alaska Power & Telephone Company (AP&T). AP&T is an investor-owned and employee-owned corporation which has been providing public utility services in Alaska since 1957. We currently provide services to 25 different communities from above the Arctic Circle to very southern portions of Alaska. Most of these communities are very small and, due to the lack of infrastructure, have isolated electric systems utilizing small diesel electric generating units that use fossil fuel.

In addition to representing my own company, I'm speaking today on behalf of Alaska's electric utility industry, through our statewide association known as ARECA. We strongly support S.422 for reasons I would like to outline, using my utility's experience as an example, but emphasizing that many other of our rural utilities have similar experiences.

One of the solutions to fossil fuel generation in these remote areas is the development of small hydroelectric projects to provide a renewable and non-polluting source of energy. We at AP&T began a program to identify and develop cost-effective projects in 1984.

In July 1987 we applied to the Federal Energy Regulatory Commission (FERC) for a preliminary permit for the Black Bear Lake Project on Prince of Wales Island in Southeast Alaska. In June 1988, FERC issued a preliminary permit for a term of 36 months. During this period, as evidenced by progress reports filed with the agency, AP&T spent a considerable amount of time and effort consulting with the agencies. In May 1991, we filed our license application. In November 1993, FERC issued the license authorizing the project with a capacity of 4.5 MW. The project was completed and began commercial operation on August 28, 1995. The permitting and licensing phase took seven years and cost nearly \$1.2 million. The actual construction took one year and cost \$10 million. It is interesting to note that the permitting costs alone almost exceed the installed cost of equivalent diesel electric generating units. I would like to point out that this project was funded entirely from private funds.

Another of our projects is located near Skagway, Alaska and has a capacity of 4 MW. The project is called the Goat Lake Hydropower. We filed for a FERC preliminary permit in January 1991 and the FERC issued that permit in June 1991. In May 1994, we filed our license application and FERC issued the license in July 1996. The permitting and licensing process took over five years and cost us \$1,043,100. The project was completed in the fall of 1998 at a cost of about \$10 million. Again, this project was funded entirely with private funds.

Another small hydroelectric project, Wolf Lake, is also located on Prince of Wales Island, and has a capacity of about 2 MW. The preliminary permit was issued by the FERC in April 1995. We fulfilled our obligations under the permit and filed our license application March 27, 1998. We are still awaiting a FERC license. This project would have been already permitted and under construction if the proposed legislation before you had been in place five years ago.

Additionally, as part of the Upper Lynn Canal Regional Energy Plan, we are waiting for FERC licensing for a 3 MW project located on Kasidaya Creek north of Juneau near Skagway and Haines in Southeast Alaska. We filed for our preliminary permit in July 1996 and FERC issued the permit in November 1996. We then followed an Applicant Prepared Environmental Assessment Process. That process took three years, and we applied for the license last October.

In addition, we have had the opportunity to re-license and amend our 1 MW project for Dewey Lakes FERC Project No. 1051 at Skagway, Alaska.

Hence, we have had extensive first hand experience with FERC during the last decade. It appears to us that the lack of flexibility (i.e. large impact vs. small impact) in the FERC rules, regulations, and requirements for these small projects has been the major reason that so few have been developed in Alaska.

The continued use of fossil fuel generation in these remote areas and the significant impacts associated with fuel storage and air emissions more than offset the minor impacts of these hydroelectric projects. These projects do not have large dams that constrict free-flowing rivers. These projects are very similar to the small-community water systems being developed in Alaska under state law.

As you are aware, the environmental costs associated with the continued use of fossil fuels are significant. One authority has attempted to estimate the "bottom line" cost of fossil fuels. Included in this assessment were health costs, damage to water resources, treatment costs necessary to counteract the adverse effect of fossil fuel use on food supplies, water resources, climate, and health. These costs, when tabulated, equal 3.35 cents per kilowatt-hour of fossil fuel energy. Even this assess-

ment does not include the environmental costs of cleaning up contaminated fossil fuel storage sites, which in rural Alaska alone is a \$300 million dollar problem waiting to be addressed. These facts are understood and widely accepted.

Small hydropower in Alaska is a resource that has proven itself, yet the regulatory maze continues to hinder its development. Those of us on the front line trying to implement renewable energy policies are bewildered. With all of the benefits associated with the development of small hydropower when compared to the continued use of fossil fuels, why is it that small hydro is so difficult to develop?

The proposed legislation will provide us significant regulatory relief from the hardship we are now encountering when trying to displace fossil fuel generation with a proven renewable and non-polluting resource. That relief translates into dollars and time savings.

You may hear how FERC regulations contain shortcuts to be used by smaller projects and how the Applicant Prepared Environmental Assessment can deliver a FERC license in a shorter time period. We have had direct experience with these shortcuts and have found them to be largely ineffective. While we appreciate the intent and efforts of individual FERC staff, the Applicant Prepared Environmental Assessment process simply has not saved us time or money.

A major underlying problem is the diffusion of hydropower oversight that once was exclusively FERC's. Over the years FERC's overall authority under the Federal Power Act has been eroded by court decisions and legislative initiatives giving multiple state and federal agencies authority over various aspects of the licensing process. The process has become very inefficient and confrontational and results in very long licensing time periods and additional costs. Many small hydropower projects simply cannot afford these costs.

My last point is tidal power. Currently we believe that small tidal or free flowing hydropower plants placed upon navigable waters will be subject to the jurisdiction of FERC. In Alaska this technology may have promise for many small coastal or riverside villages. However, the cost and time required for a FERC license make this technology a non-option for small-scale development.

S.422 recognizes the special circumstances that exist in rural Alaska: very small communities, remote sites, no interstate (or for the most part intrastate) power grid, stand-alone generation that is largely diesel, limited local financial resources and much undeveloped small hydroelectric potential. Hence, S.422 would greatly facilitate the development of Alaska's small hydro potential by removing regulatory overlay while still requiring applicants to receive approvals from all other local, state and federal agencies.

To reiterate, S.422 will not diminish public interest, environmental or conservation considerations and protections as under FERC. The bill will simply transfer regulatory jurisdiction from a very distant Washington, D.C. to our state government in Juneau. This jurisdictional transfer would only occur upon submission by the Alaska governor of a state regulatory program and the approval of that program by FERC after consultation with the secretaries of the Interior, Agriculture and Commerce. My understanding is that, because of our special situation, FERC does not object to the Alaska-only program contained in S.422, and the State of Alaska supports it.

We ask for your support and passage of S.422. I will gladly respond to any questions.

Thank you for this opportunity.

Mr. SHADEGG. Mr. Grimm, thank you very much for your testimony. Mr. David Piper.

#### ~~STATEMENT OF DAVID E. PIPER~~

~~Mr. PIPER. Thank you, Mr. Chairman, members of the subcommittee. My name is Dave Piper. I'm President and Chief Executive Officer of PNGC Power, which is also known as the Pacific Northwest Generating Cooperative.~~

~~We're located in Portland, Oregon. We're a cooperatively based energy service provider for our 11 owners who are mostly small, rural electric systems throughout the Pacific Northwest.~~

~~I want to thank you and the staff particularly for convening this hearing and the courtesies that have been extended to us in this process over the last period of weeks and months. I'd like to submit~~

## Alaska Small Hydroelectric and the Question of Sustainable Development

By Robert S. Grimm, President  
Alaska Power & Telephone Company  
March, 1999

I believe that sustainable development is a goal that we, as the most advanced species on earth, will need to adhere to in the future as the demands of our advancing civilization continue to place stresses on our natural environment. The Brundtland Commission over ten years ago proposed the following definition: *development is sustainable if it meets the needs of the present generation without diminishing the ability of future generations to meet their own needs.*<sup>1</sup> The Southeast Alaska Conservation Council also has a definition: It is renewable, it is equitable, and it is digestible<sup>2</sup>.

The global population has tripled in this century. Biomass and food consumption has reached 40 percent of the entire land-based output of photosynthesis. No one is sure if man can continue to increase this number. Fossil and mineral resource consumption is depleting stocks in hundreds of years that took tens of thousands, or millions, of years to accumulate<sup>3</sup>. This consumption is now affecting the air we breathe and all aspects of the environment of earth.

It occurs to me that any type of renewable resource that can be utilized by mankind should be encouraged and made a priority by the policy makers. This is especially true when the use of that resource has side benefits that not only reduce the depletion of the non-renewable resource, but also reduce the other negative aspects of consuming the non-renewable, such as air or water pollution. Another side benefit is the cost to society of transporting a resource from where it is manufactured or extracted to the point where it is consumed.

It would appear that small hydro development in Alaska meets many, if not all, of the requirements of sustainable development. However, this message has not yet filtered down to the regulators that currently use an adverse and burdensome process when licensing and permitting small hydroelectric facilities. This is true not only in Alaska but in the rest of the nation also.

Alaska Power & Telephone Company has been active in the development of small hydroelectric projects throughout southeast Alaska. We began in 1995 with the development of the Black Bear Hydroelectric Project near Klawock on Prince of Wales Island, and just completed the Goat Lake Hydroelectric Project near Skagway during 1998. In addition, we were able to interconnect Haines and Skagway using a high voltage submarine cable, making both communities energy independent of fossil fuels. Both of these projects took many years to move through the permitting process: eight years at BBI, and seven years at Goat Lake. The cost was huge when compared to the population of the communities served and the continued use of fossil fuels (diesel). But the permitting cost for both projects totaled over 2 million dollars, all of which will be collected by rates from the local customers. This cost is disproportionate when compared to both the size of the project, the energy output, and the now known impacts that the project had upon the environment and resources of the area.

I am convinced that sustainable development is part of the solution, not part of the problem. It, along with other policies, will allow us as global citizens to insure that the planet earth we leave behind is better than the one we found at our birth. I believe further that the vast hydroelectric resources available to us in southeast Alaska, together with electrical transmission facilities, will allow us to displace fossil fuel energy generation completely. Since we have been given this gift, it is our responsibility to make sure it is utilized, as there are many places on earth that are not as fortunate.

The current decision making process, current regulations, and adverse regulatory environment are too expensive and too much of a burden upon our customers. Why this is, I do not know. Perhaps the process has become tainted by historical hydropower impacts that are easily avoided with today's technology and knowledge. What I do know is that change needs to occur. The overall value of renewable resources and encouragement of sustainable development needs to be recognized in today's regulatory environment. Hopefully, this will lower the current costs and efforts of licensing and permitting small hydroelectric projects to acceptable levels.

Our goal is to enter into discussions to change the process, allowing us as a civilization to authorize construction of renewable small hydroelectric projects in a manner that protects the environment and allows the benefits of the project to be captured by several, if not all, future generations. This would allow the development of these projects in a cost-effective manner so that present and future residents of Alaska do not need to consume a disproportionate amount of their limited resources to develop projects responsibly.

Now that you (person, agency, or group) understand that we are serious and willing to work toward a solution, are you willing to do the same? One of the major issues that must be addressed is the policy or goals of each of the agencies that go about their respective duties without any overview or serious policy guidance in regards to how to balance the overall benefits (direct, as well as indirect) of appropriate development. These benefits must be weighed against the impacts that inevitably come with any development.

For example, currently an agency charged with the protection of fish might, in its zeal to fulfill its mission, place conditions upon a small hydroelectric project that renders the project uneconomical and /or impracticable from an operational standpoint. This results in the small hydro being abandoned or developed in a manner that does not utilize the water resource to its fullest extent. Their actions might preserve some habitat, but in some cases the habitat is marginal at best. They may truly believe that they fulfilled their responsibility to the public by their actions and take pride in their actions, but I believe they have missed the point!

In reality they have inadvertently made the world worse, not better. They have made a policy decision that reaches far beyond their agency mission. Yes, they have preserved some habitat and a few fish, but in the process they have denied the world the use, for generations to come, of non-polluting and renewable resource waterpower. Because this energy is not available, another energy source must be used to meet energy demands. In the foreseeable future this energy will be produced with fossil fuels. As discussed above, fossil fuels rely upon non-renewable stocks that took nature millions of years to create, yet man depletes in mere hundreds of years. Fossil fuels already pollute the air<sup>1</sup> and contribute to the CO<sub>2</sub>

<sup>1</sup>The fossil fueled generators now used in Alaska produce emissions of about 1.52 pounds per kW-hr. Over a 50- year license term of a small hydroelectric even a small 5-megawatt diesel plant produces 1,741,050 tons of

concentrations that are a major contribution factor to the international concerns of global warming.

This is why the process must be changed. A balancing process must be achieved that views any proposed development in a holistic manner. This insures that the concerns, mandatory conditions and recommendations of one group<sup>11</sup> representing only their narrow interests or mission is balanced when viewed from a globally sustainable basis. The first step is for all of us involved in the water resource decisions, to recognize that this balancing must occur and to personally and professionally take responsibility to see that it does occur.

Remember the bumper sticker, "Think Globally-Act Locally".

Thank you for the opportunity to share my thoughts.

<sup>1</sup> Bruntland Commission, World Commission on Environment and Development, *Our Common Future*, Oxford University Press, Oxford, 1987.

<sup>2</sup> Southeast Alaska Conservation Council <http://www.soacc.org/pages/SUSTAIN.ITM>, It is renewable. It uses resources no faster than they can be replenished. In general, natural capital is conserved rather than depleted. It is equitable. It is equitable among people and across generations. The future is not sacrificed for the present. It is digestible. The by-products of production are re-usable, recyclable, or biodegradable.

<sup>3</sup> William C. Clark, at the Kennedy School of Government, Harvard University, [The world] physical stage is rapidly changing. It holds twice as many people as it did in 1950; four times what it did in 1850. World trade has increased more than 20-fold over the last century; energy use more than 100-fold. This increasing magnitude of human activity has brought about an increasing scale and complexity of interactions among humans, their technologies, and their environment. What were once local incidents of pollution shared throughout a common watershed or air basin now involve multiple nations—witness the concern for acid deposition in Europe and North America. What were once acute episodes of relatively reversible damage now affect multiple generations—witness debates over disposal of chemical and radioactive wastes. What were once straightforward questions of ecological preservation versus economic growth now reflect complex linkages—witness the feedback among energy and crop production, deforestation and climate change that are evident in studies of the atmospheric greenhouse effect. What once was a relatively well-behaved world of smooth and predictable trends increasingly reveals a propensity for abrupt and unexpected change—witness the surprise and consternation of scientists and people alike confronted with the appearance of the Antarctic ozone hole.

emissions into the atmosphere that surrounds earth. Ten years ago the Exxon Valdez spilled almost eleven million gallons into Prince Williams Sound. The total weight of the oil spilled was 40,700 tons. The Valdez spill represents only 2% of the weight created by the operation of a small fossil fuel generator that can be replaced by non-polluting, renewable small hydro. Emission data from AP-42, Section 3.4, Environmental Protection Agency.

<sup>11</sup> These groups include project developers, as well as agencies, special interest, and the general public.

**SB140 Regulating and Licensing Certain Water-Power Development Projects**  
**DCED Talking Points**  
**Senate Finance**

- Bill calls for RCA to adopt regulations, license and regulate water power plants of 5 mw or less, essentially creating a state version of the Federal Energy Regulatory Commission program. We believe RCA is an appropriate agency to assume these duties. It does represent an expansion of their current mission, and accordingly costs are outlined in our fiscal note and in fiscal notes of other agencies.
  
- Administration has an interagency team (DNR, F&G, CZM, RCA and DCED) analyzing the bill. Want to share today the common points emerging from our review.
  
- We believe development of small hydro projects can support economic development and improve the availability/cost of power in rural Alaska. We understand a state program may have advantages in allowing us to focus the process on issues pertinent to Alaska
  
- When federal legislation was pending, the Governor supported giving Alaska jurisdiction. At the same time the Governor recognized that this is a complex undertaking and we must be sure a state program results in proper design and construction, and at the same time protects fish, wild life and the environment at least as well, or as rigorously, as does FERC. The Governor also acknowledged the importance of establishing an appropriate funding mechanism that could be either a direct appropriation or be based on a user fee system.
  
- Each agency fiscal note (RCA, DNR, F&G) assumes it will take two years to develop regulations that will define program operations. Once state regulations are recommended, FERC must approve our state program before ceding authority to the state.
  
- Costs of operating the program in FY05 and beyond are a bit more difficult to estimate. Agencies currently understand their existing role with FERC process but expect during the regulations process to outline the additional duties, statutes and regulatory authority they may need to operate a program as well as FERC (for example, FERC has jurisdiction over entire watersheds while F&G currently has oversight only of streambeds.)
  
- The State of Oregon currently has a hydro project program that operates in addition to FERC for all hydro projects in that state, and we will examine their extensive statutes and regulations, as well as work with FERC, for ideas.
  
- Thank you and will turn over to agencies to testify and respond to questions on program impacts and fiscal notes.

STATEMENT OF THE ALASKA PUBLIC WATERS COALITION  
on  
SB 140, REGULATION AND LICENSING OF CERTAIN WATER-POWER  
DEVELOPMENT PROJECTS  
before the  
SENATE FINANCE COMMITTEE  
ALASKA LEGISLATURE  
JUNEAU, ALASKA  
FEBRUARY 21, 2002

Mr. Chairman and members of the Committee, my name is Jack Hession, and I am representing the Alaska Public Water Coalition here this morning. The Coalition includes sport fishing groups, conservation organizations, former members of the Alaska Water Board and other individuals, all of whom share an interest in the sound management and proper disposition of Alaska's publicly owned water resources.

In summary, the Coalition strongly opposes enactment of SB 140, which would establish a state hydroelectric regulatory program with authority to accept license applications for hydroelectric projects on state, private, and federal lands in Alaska, including state and federal conservation system units. The Coalition supports the continuation of Federal Energy Regulatory Commission jurisdiction on all lands in Alaska.

Impact on state and national conservation system units

Under SB 140 a state license or exemption from licensing in a national conservation system unit would be subject to the approval of the Secretary of the Interior or Agriculture, and licensing conditions would be imposed. This provision provides insufficient protection for the national conservation system units, as a Secretary favoring hydropower could be expected to endorse projects in the units. The bill does not have a similar provision for state conservation system units.

Alaska jurisdiction over projects located in federal conservation system units would be unprecedented; no state currently has such jurisdiction. Under the Federal Power Act and other applicable federal law, the Federal Energy Regulatory Commission does not accept applications for hydropower projects located within national parks, wild and scenic rivers, or wilderness areas, all of which are closed to new hydropower development.

If a state regulatory authority accepted license applications for hydropower projects within these national conservation system, it would be met with intense controversy and litigation from citizens determined to protect the purposes and natural values for which

these lands were set aside by Congress. With equal determination, citizens would also defend state conservation system units from destructive hydroelectric dams.

The State should not assume the cost of hydropower regulation

SB 140 would establish a state hydroelectric regulatory program within the Regulatory Commission of Alaska for the purpose of licensing, re-licensing, exempting from licensing, and regulating hydroelectric projects of 5 megawatts or less on all lands in Alaska, with the exception of national study rivers. The new regulatory program would be modeled after the licensing requirements of the Federal Energy Regulatory Commission (FERC). To ensure that the state program met these federal requirements, the program would have to be approved by FERC.

Putting this state regulatory program in place would require a professional staff capable of matching FERC's expertise, and a substantial annual expenditure of state funds. Because the federal law requires the state's regulatory program to "...protect the public interest, purposes... and the environment to the same extent provided by the requirements for licensing and regulation by [FERC]," the State would be obliged to spend approximately as much on a regulatory program as FERC now does for its Alaska regulatory responsibilities. (Emphasis added). The State's cost could even exceed FERC's if state regulators accepted applications for dams in national conservation system units.

To get a realistic estimate of the cost of a state regulatory program, the Committee should consult FERC on the cost of the Commission's Alaska regulatory program.

In any event, we question whether it is in the State's interest to take on a new and costly responsibility when the State is facing a fiscal crisis and the Legislature is seeking to reduce, not increase, the cost of state government.

Federal Energy Regulatory Commission

Expanding an existing state bureaucracy such as the Alaska Regulatory Commission, or creating an entirely new agency or division in an existing department makes no sense at all when licensing of hydroelectric projects is being competently administered by FERC. The "small" hydropower industry, which was the moving force behind the federal law and now supports SB 140, has failed to show that FERC's licensing process for small hydro is flawed or somehow fails to protect the State's interests in hydropower license procedures. The industry complains of its costs and the length of the FERC process, but to our knowledge the industry has been unable to cite a single instance of an Alaska license application being denied by the federal commission.

Ironically, the Alaska Rural Electric Co-Operative Association, which supports SB 140, had some kind words about the existing FERC process. In testimony before the Senate Resources Committee's February 8 hearing on SB140, Eric Yould, the Association's Executive Director, said that "Our members have taken a certain amount of solace in

having a third independent body, FERC, with the ability to stand up to federal and state agencies. We have found ourselves at the mercy of state agencies that sometime are not friendly at all to the very notion of hydro projects and make the lives of people trying to do this quite miserable." He said that FERC is a "known" and "trusted" entity that acts as an independent arbiter.

His observations bear on the fundamental question before the Alaska Legislature as it considers SB 140: Given that the FERC process is working satisfactorily, should the State rush to replace it and assume the financial burden now carried by the federal government? We think the answer is clearly "no."

Thus as it considers SB 140, we recommend that the Committee and the Legislature as a whole apply the adage "if it ain't broke, don't fix it." FERC's program is not broken; the Commission is adequately carrying out the responsibilities assigned to it by Congress.

Furthermore, a state takeover of FERC's responsibilities would amount to voluntarily accepting an unfunded mandate from the federal government. By contrast, other federal mandates to the State are accompanied by substantial federal funds, an example of which is the generous federal funding of the Alaska Surface Mining Control and Reclamation Act. Thus in order to adequately fund a state hydropower regulatory program, the Legislature would be obliged to increase overall state spending, or take the necessary funds from other vital state services and programs. Neither course is in the public interest. Congress's offer of "small" hydropower jurisdiction is an offer the State should politely but firmly refuse.

In conclusion, a state regulatory program would likely result in intense controversy if hydropower projects were proposed for units of the state and national conservation systems. Because the existing FERC licensing and regulatory process is performing satisfactorily and at minimum cost to the state government, it is not fiscally prudent for the State to assume FERC's responsibilities and costs, particularly at a time of major shortfalls in state revenues.

We recommend that the Committee take no further action on SB 140.

Thank you for considering our views.



OFFICIAL BUSINESS

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Office of the Secretary

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**FOR YOUR IMMEDIATE ATTENTION**

DATE: March 1, 2002  
TO: Finance Committee  
(Mindy/Robin - Room 520)  
FROM: Office of the Senate Secretary  
SUBJ: Fiscal Note(s)

The attached fiscal note or notes relate to the following bill pending in your Committee:

***SENATE BILL NO. 140***

*"An Act relating to regulation and licensing of certain water-power development projects."*

Please add the fiscal note(s) to the inside front cover of the blue or yellow committee folder.

Thank you.

Attachment(s)

SB 140-SMALL WATER-POWER DEVELOPMENT PROJECTS  
SENATE FINANCE COMMITTEE

SIGN-IN

\* NAME: Sally Sadder Subject/Bill No: SB140  
Co./Dept./Title: Dept. Comm. Econ Dev Phone: X2503  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

NAME: Chico Donnerstein Subject/Bill No: SB140  
Co./Dept./Title: Director, Hab Div., GDF&G Phone: X4105  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

SITE: ANCHORAGE LIO

COMMITTEE: Senate Finance

DATE: 04-02-02

SUBJECT OF MEETING:

SB 140

UPDATE #: 3



P R I N T YOUR NAME

ADDRESS (MAILING & ZIP)

REPRESENTING

DO YOU WANT  
TO TESTIFY?  
Y or N

<u>P R I N T</u> YOUR NAME	ADDRESS (MAILING & ZIP)	REPRESENTING	DO YOU WANT TO TESTIFY? Y or N
<b>Keith Bayha</b>			Y - SB 140
Email address:			
<b>Will Abbott</b>		RCA	Y - SB 140
Email address:			
Email address:			
Email address:			
Email address:			
Email address:			





SITE: ANCHORAGE LIO

COMMITTEE: Sen Finance

DATE: 2-21-02

SUBJECT OF MEETING:

SB 140

UPDATE #: 1



DO YOU WANT

P R I N T YOUR NAME

ADDRESS (MAILING & ZIP)

REPRESENTING

TO TESTIFY?

Y or N

<b>Gary Prokosch</b>		DNR	Ans?
Email address:			SB 140
<b>Jack Hession</b>		AK Public Water Coal.	Y-SB 140
Email address:			
<b>Will Abbott</b>		Regulatory Comm.	Y-SB 140
Email address:			
Email address:			
Email address:			
Email address:			