

3/27/03

OVERVIEW:

DENALI

COMMISSION



Alaska State Legislature

House Committee on Community and Regional Affairs

Representative Carl Morgan, Chair
State Capitol Building, Room 408
Juneau, AK 99801
907-465-3882

AGENDA

State Capitol 124
8:00 am – 10:00 am

- **Call to Order**
 - Today's date is March 27, 2003
 - The time is 8 am
 - Roll Call

- **On today's agenda**
 - **Overview of the Denali Commission**
 - Jeff Staser, Federal Co-chairman
 - Yuri Morgan, Legislative staff & Liason

- **Questions and Comments from committee members**

- **Other Business**
 - If there is no other business, announce next meeting announce next meeting.
 - Next Meeting – Tuesday, April 1st

- **Adjourn**

1	Department of Community & Economic Development (Cont.)				
2		Appropriation	General	Federal	Other
3		Allocations	Funds	Funds	Funds
4	Planning and Organization (ED 80)	160,000	160,000		
5	Inter-Island Ferry Authority (ED 5)	250,000	250,000		
6		Department of Corrections			
7	Deferred Maintenance, Renewal and				
8	Replacement, Renovation and Repairs, and				
9	Miscellaneous Projects (ED 99)	2,000,000	2,000,000		
10	Correctional Institutions Roof Repairs and				
11	Siding Replacement (ED 99)	1,455,000	1,455,000		
12	Correctional Institutions Water System				
13	Repairs and Replacement (ED 99)	450,000	450,000		
14		Department of Education and Early Development			
15	Mt. Edgecumbe High School Exterior				
16	Renovations (ED 2)	1,000,000			1,000,000
17	Yuut Elitnaurviat People's Learning Center -				
18	Phase 1 Construction (ED 38)	1,000,000			1,000,000
19		Department of Environmental Conservation			
20	Seafood and Food Safety Lab Replacement (ED				
21	99)	14,285,000			14,285,000
22	Defending State Primacy of the Alaska Air				
23	Permit Program (ED 99)	150,000	150,000		
24	Environmental Monitoring and Assessment of				
25	Surface Waters (ED 99)	1,763,495		1,763,495	
26	Pre-harvest Geoduck PSP Testing (ED 91)	250,000	250,000		
→ 27	Assessment of Health Risks From Use of Diesel				
28	Fuel in Rural Alaska (ED 99)	* 768,300		768,300	
29	Statewide Contaminated Sites Cleanup (ED 99)	5,000,000			5,000,000
30	Alaska Spill Response Depots and Corps System				
31	(ED 99)	300,000			300,000

Background: Diesel power generation is very expensive in rural Alaska, but provides the primary source of electrical power and heating needs. A new federal rule for trucks and buses may force a fuel conversion in rural hubs and villages to the cleaner, but more expensive fuel for all equipment that uses diesel fuel.

Forcing ultra low sulfur diesel into rural Alaska would change the current fuel distribution system. These possible changes, such as dedicated holds on marine barges and new community storage tanks, will cost money. Further, ultra low sulfur diesel will be more expensive. A total conversion to ultra low sulfur diesel could significantly impact cash-short residents to keep the lights on and the home heated. Many small villages do not have a diesel truck and may be greatly impacted for little benefit. Most community leaders have already expressed concern about the potential fuel costs increases, while some leaders have also expressed concern about health consequences from using the existing grade fuel. Currently there is no information on diesel-related pollution in Alaskan villages.

The Proposed Health Assessment: Diesel engines emit large amounts of oxides of nitrogen (NOx) and particulate matter (PM), both of which contribute to serious public health problems in the nation. Exposure is widespread, particularly in urban areas near major roadways. Diesel exhaust or diesel particulate matter (soot) is likely to cause cancer in humans. Other health effects include aggravation of respiratory and cardiovascular disease, aggravation of existing asthma, acute respiratory symptoms, and chronic bronchitis and decreased lung function. Children who regularly use school buses carry some of the greatest health risks from diesel pollution.

National studies have shown significant health consequences for people routinely exposed to motor vehicle exhaust from diesel fueled vehicles. Rural communities depend upon diesel fuel for power and heat and to a minor extent for vehicle use. This project will acquire rural Alaska specific health information to determine if the unique reliance upon diesel fuel for power and heat is creating health risks unique to rural Alaskans that should be mitigated by use of the cleaner diesel fuel.

Nationally, the costs of health impacts outweighed the cost increases of the new fuel. However, those analogies are not useable in rural Alaska since trucks and buses are such a small percentage of the pollution from diesel fuel combustion in rural locations. To be useful for community leaders, this projects needs to be completed in the next 2-3 years.

The health assessment will have three distinct field projects:

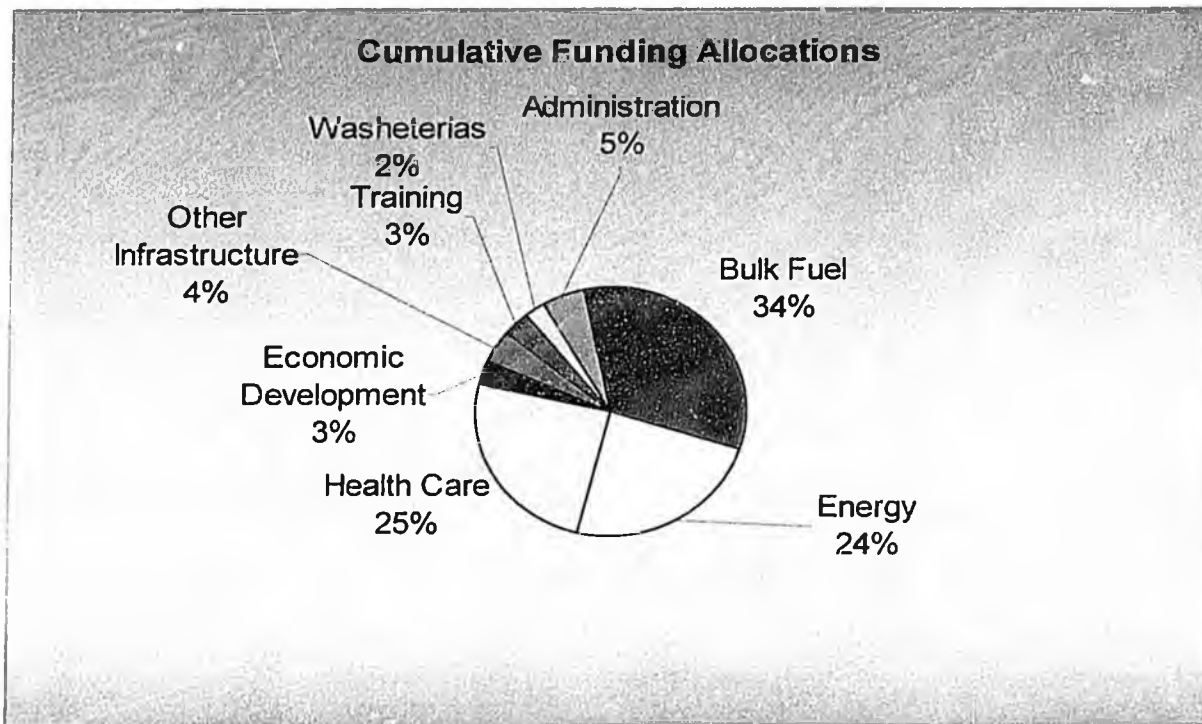
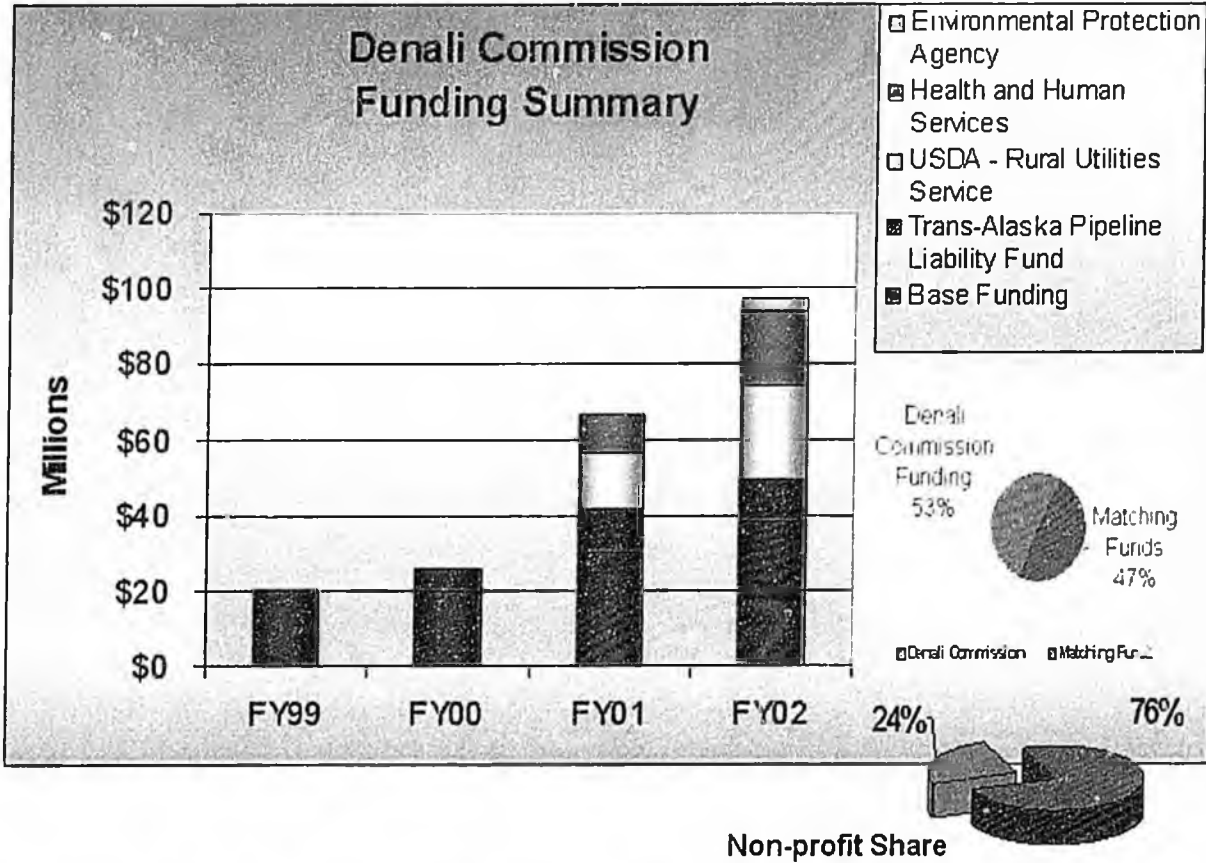
- 1) Emissions testing of typical sized electrical power generators using existing grade fuel and the new clean fuel. Testing will examine traditional pollutants such as nitrogen oxides, sulfur oxides and particulate matter (soot). Additional chemical analyses will also examine cancer-causing agents in the exhaust.
- 2) Ambient air quality monitoring in at least two typical rural communities. The monitoring may be seasonal in nature. It will measure similar pollutants as those in the engine emissions testing. Meteorological and weather conditions will also be recorded. This field work will be coupled with a community inventory of combustion sources that use diesel fuel.
- 3) Health specialist will perform epidemiological monitoring of selected individuals in the chosen rural communities to measure and track any characteristic biomarkers indicative of diesel combustion pollutants that may be traceable through blood, hair or other tissues.

The results of these three project elements will be used to assess the health risks through normal scientific risk assessment methods to determine what if any additional health risks are borne by rural Alaskans from the use of diesel fuel.

Community & Regional Affairs Committee

Denali Commission Overview

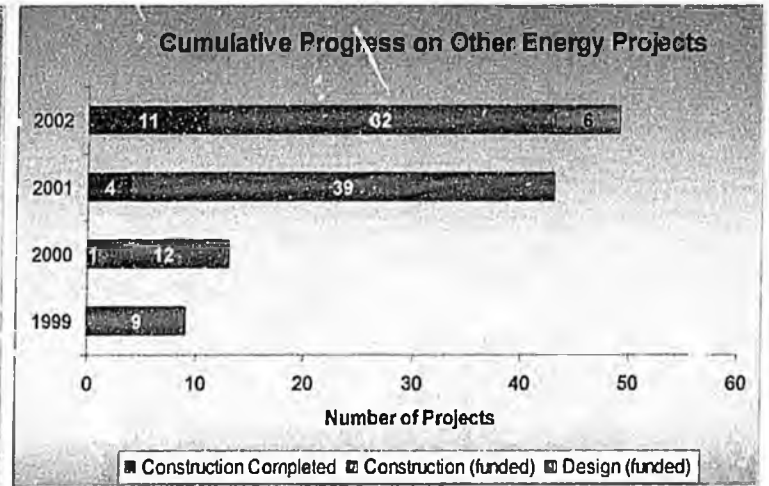
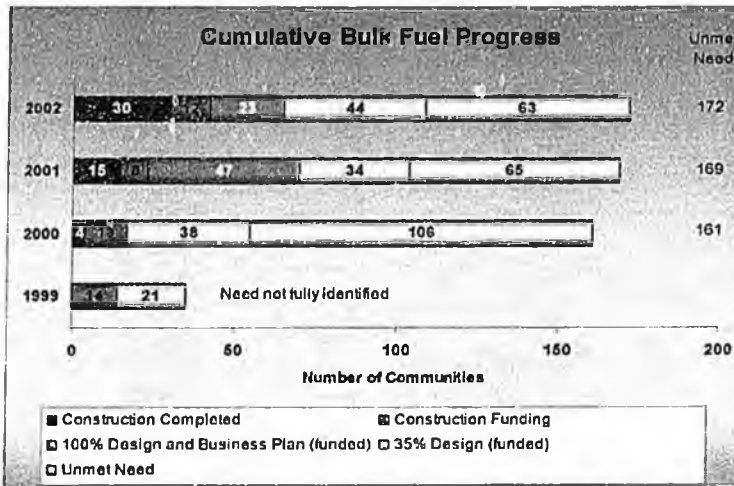
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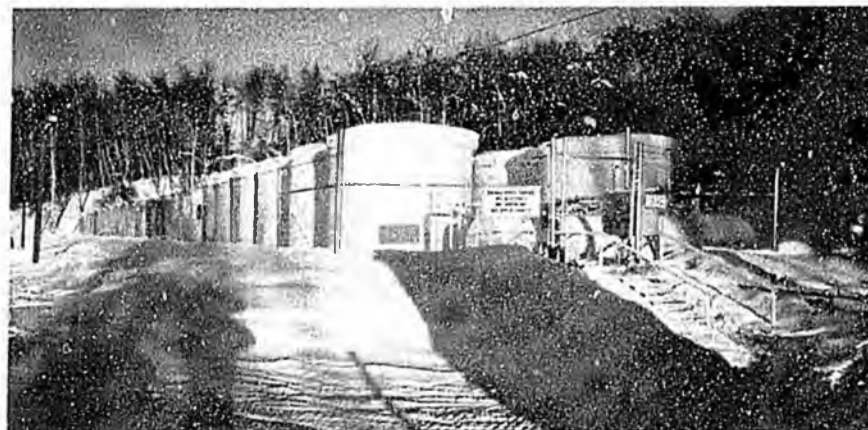
Energy

The Denali Commission is building sustainable, rural energy infrastructure

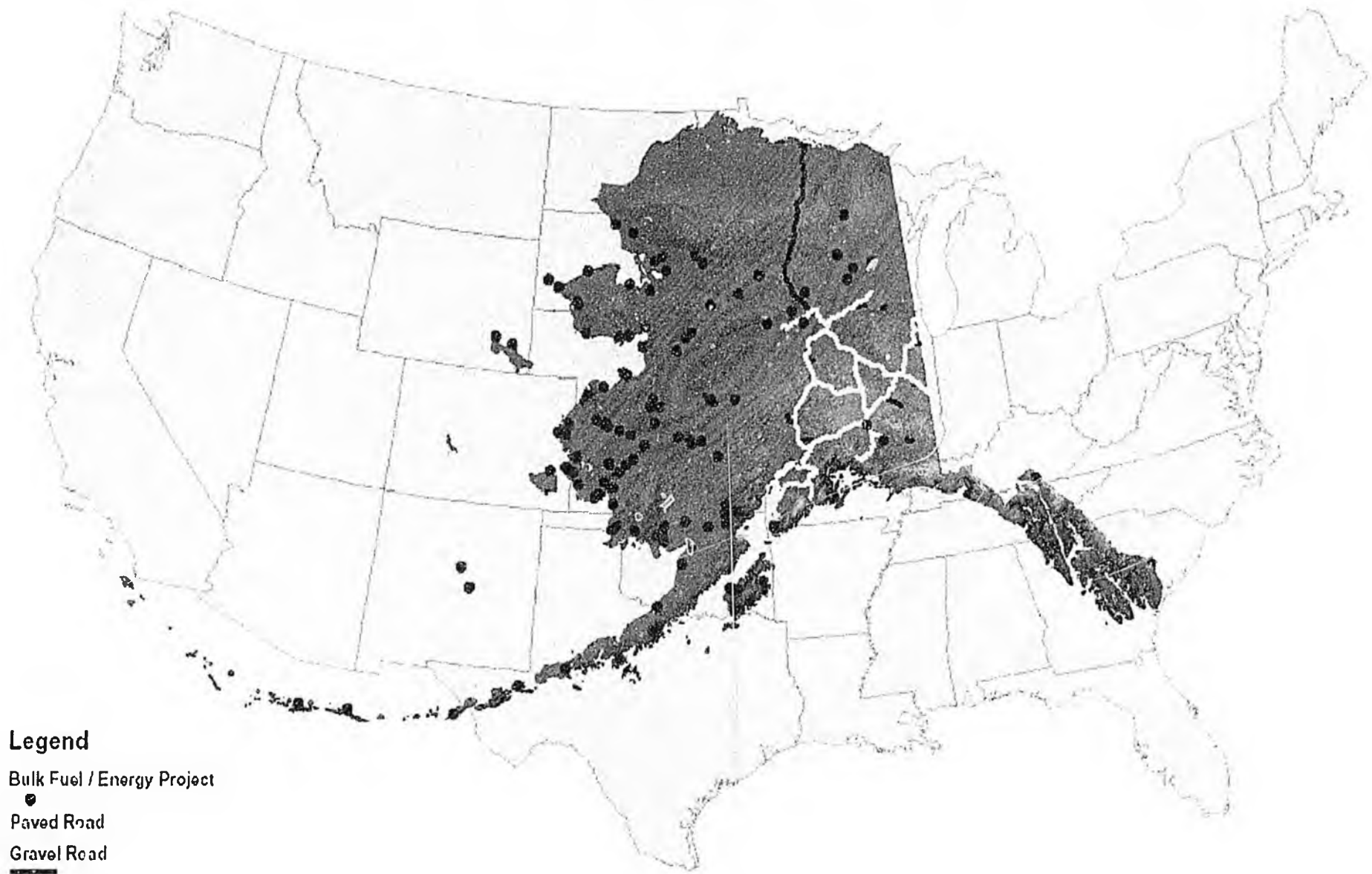
- Needs:
 - 45 million gallons of bulk fuel storage (approximately \$450 million)
 - \$100 million in power distribution construction & rehabilitation
 - \$68 million in power plant construction and rehabilitation
- Requirements:
 - Sustainability—agree to a business plan
 - Collect O&M and renewal & replacement costs



Bulk Fuel Facility, Grayling, Alaska – Before & After



Denali Commission Cumulative (FY99-FY02) Bulk Fuel & Energy Projects
2/07/2003



Legend

Bulk Fuel / Energy Project

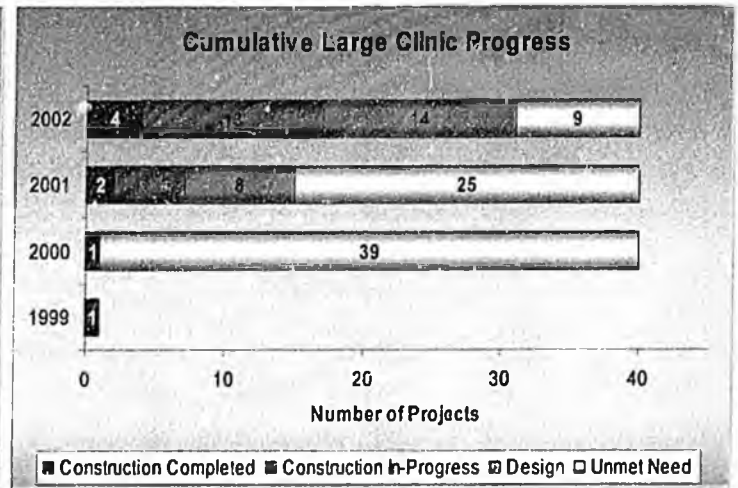
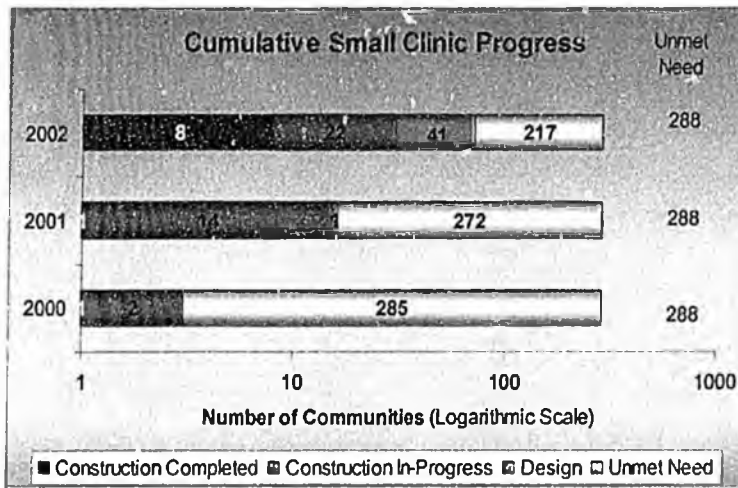


Paved Road

Gravel Road

Health Care Facilities

- o \$253 million in statewide need for primary care facilities
- o Emphasis on primary care facilities; serving high need communities; projects must be sustainable
- o Competitive process (RFP); required cost share match for construction & equipment

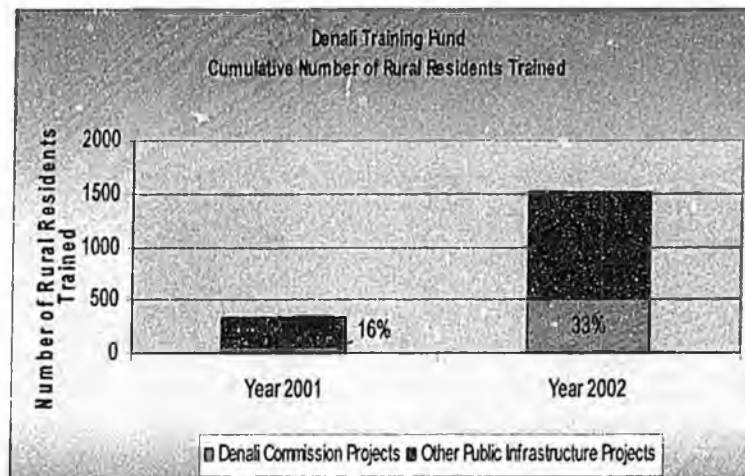


Subregional Clinic, Unalakleet, Alaska



Training

- Training for construction, operations and maintenance Denali Commission projects
- Training ensures sustainable operations of federally funded projects
- Training is tied to jobs and encourages careers rather than short term employment



Intergovernmental Coordination

- Provide guidance regarding development barriers in rural Alaska and improve government efficiency and local management capacity in rural Alaska
- Promote locally developed, regionally supported planning

Other Infrastructure

○ Economic Development

- *Community Priorities Program*: target construction-ready fixed infrastructure
- *Mini-Grant Program*: target community development
- *Initiative for Accelerated Infrastructure Development*: target community mapping
- *Airport Assistance Program*: target runway extensions & reconstruction

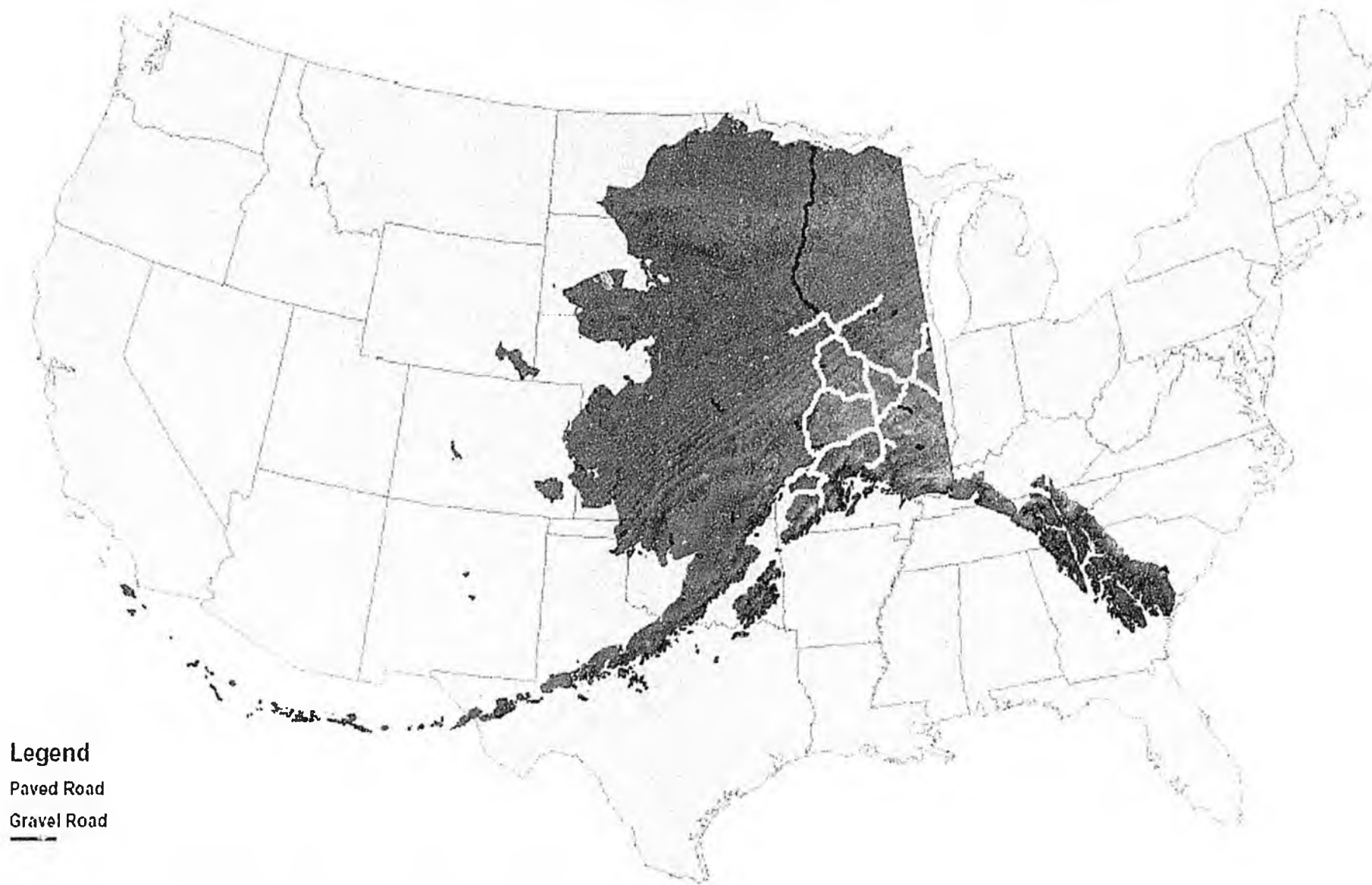
○ Washeterias

- Construction, repair and renovation
- Essential community facilities providing potable water, washers and dryers, and shower facilities



State of Alaska Access System

2/07/2003



Legend

Paved Road

Gravel Road

Unmet Access Needs > \$10 billion (ADOT&PF, Nov 02)

Overview with Denali Commission

I would like to recognize Lt. Governor Loren Leman, the State's Co-chairman of the Denali Commission.

Lt. Governor Leman recently stated in his speech at the Tanana Chiefs Conference that the Denali Commission is investing in community infrastructure and is committed to helping communities become self-sufficient.

Jeff, you made a previous statement (April 5, 2001) that Congress established the Denali Commission to address some of Alaska's most stubborn infrastructure challenges.

? Do you see the issue of Low Sulfur Diesel as a challenge to infrastructure in rural and bush Alaska?

You state that a properly maintained infrastructure costs significantly less over time. And that reliable and affordable power is essential to the well being of every community.

Low Sulfur Diesel is an issue – it is a very serious issue!

The Department of Environmental Conservation has received funds appropriated from the EPA for an assessment of health risks from the use of diesel fuel in rural Alaska.

Let me ask you two questions.....

? 1) Should the Denali Commission appropriate funds to the AEA to conduct an assessment of the cost associated with the use of Ultra Low Sulfur Diesel?

? 2) Do you see the issue of Low Sulfur Diesel as a challenge to infrastructure in rural and bush Alaska?

? Are there deadlines for communities to apply or make application?

? What have you done to inform communities of these deadlines?

? What is your method of outreach for communities such as Takotna?

? Do you know how many homes in these communities have computers to be able to access the Denali Commission's web site?



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HOUSE JOINT RESOLUTION NO. 19
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE SAMUELS

Introduced: 3/26/03
Referred: Resources

A RESOLUTION

1 **Relating to the ultra low sulfur diesel fuel requirements of the United States**
2 **Environmental Protection Agency and their application to Alaska.**

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **WHEREAS** the United States Environmental Protection Agency has ruled that, in
5 order to reduce emissions of particulate matter and nitrogen oxide from large trucks and buses
6 into the air, which causes environmental and health problems in parts of the country, ultra low
7 sulfur diesel fuels having a sulfur content of not more than 15 parts per million must be used
8 nationwide for road vehicles; and

9 **WHEREAS** rural Alaska depends on diesel fuel for its electrical power generation;
10 and

11 **WHEREAS** ultra low sulfur diesel fuel costs more to produce and is less efficient,
12 resulting in an overall higher cost to produce the same output as the high sulfur fuel currently
13 in use; and

14 **WHEREAS** northern Alaska temperatures are colder than most areas of the United
15 States, and fuel additives that create an arctic-grade of ultra low sulfur diesel fuel are
16 necessary to avoid fuel failure; and

1 **WHEREAS** arctic-grade ultra low sulfur diesel fuel is currently manufactured only in
2 Alberta, Canada, and must be imported into the state, increasing fuel transportation costs; and

3 **WHEREAS** diesel fuel constitutes only a small part of the fuel refined in Alaska, and
4 to modify Alaska refineries to produce low sulfur diesel fuel would be prohibitively
5 expensive; and

6 **WHEREAS** ultra low sulfur diesel fuel may not be transported or stored in the same
7 tanks used for high sulfur diesel fuel unless the tanks have been cleaned; and

8 **WHEREAS** the necessary separation of fuel types will make it more expensive to
9 transport more than one type of fuel to rural Alaska; and

10 **WHEREAS** the necessary separation of fuel types will create storage problems in
11 rural Alaska and will make it prohibitively expensive for communities to import more than
12 one type of fuel; and

13 **WHEREAS** electric utilities that serve rural communities estimate that electric costs
14 will increase 25 to 33 percent based on the lower efficiency and higher cost of producing,
15 transporting, storing, and using arctic-grade ultra low sulfur diesel fuel; and

16 **WHEREAS** the Alaska Department of Environmental Conservation has
17 recommended applying the national plan proposed by the United States Environmental
18 Protection Agency for ultra low sulfur diesel fuel requirements to all road communities and
19 major communities on the Alaska marine highway system by September 2006, despite the
20 fact that many of these communities are small and rural and have few heavy-duty diesel
21 trucks and buses; and

22 **WHEREAS**, by June 2003, the Alaska Department of Environmental Conservation
23 must submit a plan for applying the United States Environmental Protection Agency standards
24 for the use of ultra low sulfur diesel fuel in rural Alaska communities;

25 **BE IT RESOLVED** that the Alaska State Legislature urges the state's delegation in
26 the United States Congress to request the United States Environmental Protection Agency to
27 provide funding to investigate and examine the fiscal and logistical effects of arctic-grade
28 ultra low sulfur diesel fuel on the current energy and transportation infrastructure in Alaska;
29 and be it

30 **FURTHER RESOLVED** that the Alaska State Legislature urges the state's
31 delegation in the United States Congress to request the Denali Commission to coordinate with

1 the United States Environmental Protection Agency to determine the fiscal and logistical
2 effects on the state of using arctic-grade ultra low sulfur diesel fuel in Alaska and to consider
3 those effects when reviewing fuel storage tank plans for possible funding; and be it

4 **FURTHER RESOLVED** that the Alaska State Legislature urges the Governor to
5 direct the Alaska Department of Environmental Conservation to coordinate with the United
6 States Environmental Protection Agency and the Denali Commission to determine the fiscal
7 and logistical effects on the state of using arctic-grade ultra low sulfur diesel fuel in Alaska;
8 and be it

9 **FURTHER RESOLVED** that the Alaska State Legislature urges the Governor to
10 direct the Alaska Department of Environmental Conservation to provide, in its plan for the
11 application of the United States Environmental Protection Agency standards, that rural Alaska
12 have as much flexibility as possible in the use of ultra low sulfur diesel fuel; and be it

13 **FURTHER RESOLVED** that the Alaska State Legislature urges the Governor to
14 direct the Alaska Department of Environmental Conservation to reexamine how the United
15 States Environmental Protection Agency standards for the use of ultra low sulfur diesel fuel
16 are applied to the state's plan for off-road communities.

17 **COPIES** of this resolution shall be sent to the Honorable Christine Todd Whitman,
18 Administrator, U.S. Environmental Protection Agency; and to the Honorable Ted Stevens and
19 the Honorable Lisa Murkowski, U.S. Senators, and the Honorable Don Young, U.S.
20 Representative, members of the Alaska delegation in Congress.

HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

DATE: _____ ISSUE: _____

	YEA	NAY	PRESENT
Representative Kookesh			
Representative Wolf			
Representative Kott			
Representative Anderson			
Representative Samuels			
Representative Cissna			
Chair Morgan			
TOTALS:			

PASSED _____ FAILED _____



The Denali Commission Act of 1998



The Denali Commission Act of 1998



Purpose



Membership



Statewide Priorities



Organization and Operations



Actual Text of the Denali Commission Act of 1998

TITLE III--DENALI COMMISSION

Denali Commission Act of 1998. 42 USC 3121.

SEC. 301. SHORT TITLE.

This title may be cited as the ``Denali Commission Act of 1998''.

SEC. 302. PURPOSES.

The purposes of this title are as follows:

(1) To deliver the services of the Federal Government in the most cost-effective manner practicable by reducing administrative and overhead costs.

(2) To provide job training and other economic development services in rural communities particularly distressed communities (many of which have a rate of unemployment that exceeds 50 percent).

(3) To promote rural development, provide power generation and transmission facilities, modern communication systems, water and sewer systems and other infrastructure needs.

SEC. 303. ESTABLISHMENT OF COMMISSION.

(a) Establishment.--There is established a commission to be known as the Denali Commission (referred to in this title as the ``Commission").

(b) <<NOTE: Alaska.>> Membership.--

(1) Composition.--The Commission shall be composed of 7 members, who shall be appointed by the Secretary of Commerce

(referred to in this title as the ``Secretary"), of whom--

(A) one shall be the Governor of the State of Alaska, or an individual selected from nominations submitted by the Governor, who shall serve as the State Cochairperson;

(B) one shall be the President of the University of Alaska, or an individual selected from nominations

submitted by the President of the University of Alaska;
(C) one shall be the President of the Alaska Municipal League or an individual selected from nominations submitted by the President of the Alaska Municipal League;
(D) one shall be the President of the Alaska Federation of Natives or an individual selected from nominations submitted by the President of the Alaska Federation of Natives;
(E) one shall be the Executive President of the Alaska State AFL-CIO or an individual selected from nominations submitted by the Executive President;
(F) one shall be the President of the Associated General Contractors of Alaska or an individual selected from nominations submitted by the President of the Associated General Contractors of Alaska; and

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(G) one shall be the Federal Cochairperson, who shall be selected in accordance with the requirements of paragraph (2).

(2) Federal cochairperson.--

(A) In general.--The President pro tempore of the Senate and the Speaker of the House of Representatives shall each submit a list of nominations for the position of the Federal Cochairperson under paragraph (1)(G), including pertinent biographical information, to the Secretary.

(B) Appointment.--The Secretary shall appoint the Federal Cochairperson from among the list of nominations submitted under subparagraph (A). The Federal Cochairperson shall serve as an employee of the Department of Commerce, and may be removed by the Secretary for cause.

(C) Federal cochairperson vote.--The Federal Cochairperson appointed under this paragraph shall break any tie in the voting of the Commission.

(4) Date.--The appointments of the members of the Commission shall be made no later than January 1, 1999.

(c) Period of Appointment; Vacancies.--Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) Meetings.--

(1) In general.--The Commission shall meet at the call of

the Federal Cochairperson not less frequently than 2 times each year, and may, as appropriate, conduct business by telephone or other electronic means.

(2) Notification.--Not later than 2 weeks before calling a meeting under this subsection, the Federal Cochairperson shall--

(A) notify each member of the Commission of the time, date and location of that meeting; and

(B) provide each member of the Commission with a written agenda for the meeting, including any proposals for discussion and consideration, and any appropriate background materials.

(e) Quorum.--A majority of the members of the Commission shall

constitute a quorum, but a lesser number of members may hold hearings.

SEC. 304. DUTIES OF THE COMMISSION.

(a) Work Plan.--

(1) In general.--Not later than 1 year after the date of enactment of this Act and annually thereafter, the Commission shall develop a proposed work plan for Alaska that meets the requirements of paragraph (2) and submit that plan to the Federal Cochairperson for review in accordance with the requirements of subsection (b).

(2) Work plan.--In developing the work plan, the Commission shall--

(A) solicit project proposals from local governments and other entities and organizations; and

(B) provide for a comprehensive work plan for rural and infrastructure development and necessary job training in the area covered under the work plan.

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(3) Report.--Upon completion of a work plan under this subsection, the Commission shall prepare, and submit to the Secretary, the Federal Cochairperson, and the Director of the Office of Management and Budget, a report that outlines the work plan and contains recommendations for funding priorities.

(b) Review by Federal Cochairperson.--

(1) <<NOTE: Federal Register, publication.>> In general.-- Upon receiving a work plan under this section, the Secretary, acting through the Federal Cochairperson, shall publish the

work
plan in the Federal Register, with notice and an opportunity for
public comment. The period for public review and comment
shall
be the 30-day period beginning on the date of publication of
that notice.

(2) Criteria for review.--In conducting a review under
paragraph (1), the Secretary, acting through the Federal
Cochairperson, shall--

(A) take into consideration the information, views,
and comments received from interested parties through
the public review and comment process specified in
paragraph (1); and

(B) consult with appropriate Federal officials in
Alaska including but not limited to Bureau of Indian
Affairs, Economic Development Administration, and Rural
Development Administration.

(3) Approval.--Not later than 30 days after the end of the
period specified in paragraph (1), the Secretary acting through
the Federal Cochairperson, shall--

(A) approve, disapprove, or partially approve the
work plan that is the subject of the review; and

(B) issue to the Commission a notice of the
approval, disapproval, or partial approval that--

(i) specifies the reasons for disapproving any
portion of the work plan; and

(ii) if applicable, includes recommendations
for revisions to the work plan to make the plan
subject to approval.

(4) Review of disapproval or partial approval.--If the
Secretary, acting through the Federal Cochairperson,
disapproves

or partially approves a work plan, the Federal Cochairperson
shall submit that work plan to the Commission for review and
revision.

SEC. 305. POWERS OF THE COMMISSION.

(a) Information From Federal Agencies.--The Commission
may secure

directly from any Federal department or agency such
information as it

considers necessary to carry out the provisions of this Act.

Upon

request of the Federal Cochairperson of the Commission, the
head of such

department or agency shall furnish such information to the
Commission.

Agencies must provide the Commission with the requested
information in a

timely manner. Agencies are not required to provide the Commission any information that is exempt from disclosure by the Freedom of Information Act. Agencies may, upon request by the Commission, make services and personnel available to the Commission to carry out the duties of the Commission. To the maximum extent practicable, the Commission shall contract for completion of necessary work utilizing local firms and labor to minimize costs.

[[Page 112 STAT. 2681-640]]

(b) Postal Services.--The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(c) Gifts.--The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 306. COMMISSION PERSONNEL MATTERS.

(a) Compensation of Members.--Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during the time such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation that is in addition to that received for their services as officers or employees of the United States.

(b) Travel Expenses.--The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of

title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) Staff.--

(1) In general.--The Federal Cochairperson of the Commission may, without regard to the civil service laws and regulations, appoint such personnel as may be necessary to enable the Commission to perform its duties.

(2) Compensation.--The Chairman of the Commission may fix the compensation of personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(d) Detail of Government Employees.--Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) Procurement of Temporary and Intermittent Services.--The Federal Cochairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) Offices.--The principal office of the Commission shall be located in Alaska, at a location that the Commission shall select.

SEC. 307. SPECIAL FUNCTIONS.

(a) Rural Utilities.--In carrying out its functions under this title, the Commission shall as appropriate, provide assistance, seek to avoid duplicating services and assistance, and complement the water and sewer wastewater programs under section 306D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926d) and section 303 of the Safe Drinking Water Act Amendments of 1996 (33 U.S.C. 1263a).

(b) Bulk Fuels.--The Commission, in consultation with the Commandant

of the Coast Guard, shall develop a plan to provide

[[Page 112 STAT. 2681-641]]

for the repair or replacement of bulk fuel storage tanks in Alaska that

are not in compliance with applicable--

(1) Federal law, including the Oil Pollution Act of 1990

(104 Stat. 484); or

(2) State law.

SEC. 308. EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act shall not apply to the Commission.

SEC. 309. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.--There are authorized to be appropriated to the Commission to carry out the duties of the Commission consistent with the

purposes of this title and pursuant to the work plan approved under

section 4 under this Act, \$20,000,000 for fiscal year 1999, and such

sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003

(b) Availability.--Any sums appropriated under the authorization

contained in this section shall remain available until expended.



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