

  
**Haines Borough**  
**Borough Assembly Meeting #361**  
**AGENDA**

**June 26, 2018 -6:30pm**

**Location: Assembly Chambers, Public Safety Bldg.**

*Jan Hill*  
Mayor

*Sean Maily*  
Assembly Member

*Heather Lende*  
Assembly Member

*Stephanie Scott*  
Assembly Member

*Tresham Gregg*  
Assembly Member

*Tom Morphet*  
Assembly Member

*Brenda Josephson*  
Assembly Member

*Debra Schnabel*  
Borough Manager

*Alekka Fullerton*  
Borough Clerk

**1. CALL TO ORDER/PLEDGE TO THE FLAG/ROLL CALL**

**2. APPROVAL OF AGENDA & CONSENT AGENDA**

*[The following Consent Agenda items are indicated by an asterisk (\*) and will be enacted by the motion to approve the agenda. There will be no separate discussion of these items unless an assembly member or other person so requests, in which event the asterisk will be removed and that item will be considered by the assembly on the regular agenda.]*

Consent Agenda:

- 3 - Approve Assembly Meeting Minutes
- 11C1 - Planning Commission Appointment

**\* 3. APPROVAL OF MINUTES – 06/12/18 Regular**

**4. PUBLIC COMMENTS - Sign-up is NOT required**

*[For any topics not scheduled for public hearing. Individual comments are limited to 3 minutes]  
Note: during this section of the agenda, the assembly will listen and take notes. No official action will be taken at this time. Instead, comments and requests may be referred for further consideration to the administration, a committee, or a future assembly agenda.*

**5. ASSEMBLY COMMENTS**

**6. MAYOR'S REPORT AND COMMENTS**

**7. PUBLIC HEARINGS**

*[Individual comments are limited to 3 minutes]*

**A. Ordinance 18-05-495 – Second Hearing  
An Ordinance of the Haines Borough Amending Haines Borough Code Title 2 Chapter 2.38 Department of Lands and Planning.**

*This ordinance was introduced on 5/29/18 and had its first public hearing 6/12/18.*

**Motion:** Adopt Ordinance 18-05-495.

**B. Ordinance 18-06-496 – First Hearing  
An Ordinance of the Haines Borough amending Haines Borough Code Title 18 to establish use designations for commercial agriculture and change use designations for crop production.**

*This ordinance was introduced on 6/12/18. The assembly already scheduled a second hearing for 7/10/18. No motion is needed now unless the second hearing date needs to change or some other action is desired such as amendments.*

**C. Ordinance 18-06-497 – First Hearing  
An Ordinance of the Haines Borough amending Haines Borough Code Title 10 Chapter 10.04 Authority Sources to revise the process for disposing of abandoned vehicles.**

*This ordinance was introduced on 6/12/18. The assembly already scheduled a second hearing for 7/10/18. No motion is needed now unless the second hearing date needs to change or some other action is desired such as amendments.*

**D. Ordinance 18-06-498 – First Hearing  
An Ordinance of the Haines Borough amending Haines Borough Code Title 8 to Extend the Prohibition on Littering Borough-wide.**

*This ordinance was introduced on 6/12/18. The assembly already scheduled a second hearing for 7/10/18. No motion is needed now unless the second hearing date needs to change or some other action is desired such as amendments.*

**8. STAFF/FACILITY REPORTS**

**A. Borough Manager – 06/26/18 Report**

## 9. COMMITTEE/COMMISSION/BOARD REPORTS & APPROVED MINUTES

- A. Museum Board of Trustees – *Minutes of 5/10/18*
- B. Parks and Recreation Advisory Committee – *Minutes of 5/2/18*
- C. HEDC – *June report.*
- D. Assembly Committee and Liaison Reports

## 10. UNFINISHED BUSINESS

### 11. NEW BUSINESS

#### A. Resolutions

1. **Resolution 18-06-761**

A Resolution of the Haines Borough Assembly endorsing the Chilkat River Access Working Group Recommendations to the Alaska Department of Transportation and Public Facilities for maintaining and enhancing access to the Chilkat River by design, Haines Highway Project, Phase II.

*This resolution is recommended by the manager. **Motion:** Adopt Resolution 18-06-761.*

2. **Resolution 18-06-762**

A Resolution of the Haines Borough Assembly supporting a Department of Transportation Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant application for fiscal year 2018 for Lutak Dock improvements.

*This resolution is recommended by the director of public facilities. **Motion:** Adopt Resolution 18-06-762.*

3. **Resolution 18-06-763**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to apply to the State of Alaska, Department of Environmental Conservation (ADEC) for a loan from the Alaska Drinking Water Fund for the project entitled Small Tracts/Mud Bay/Front AC Pipe Replacement.

*This resolution is recommended by the director of public facilities. **Motion:** Adopt Resolution 18-06-763.*

#### B. Ordinances for Introduction

*Note: Five minutes allowed for the assembly to determine if a proposed ordinance has merit and should be advanced to a public hearing.*

1. **Ordinance 18-06-499**

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 to allow 'Junkyards' as a conditional use in the Waterfront Industrial zone under HBC 18.70.040.

*This ordinance is recommended by the Planning Commission and director of public facilities. **Motion:** Set Ordinance 18-06-499 for its first public hearing 7/10/18 and a second public hearing for 7/24/18.*

#### C. Other New Business

\*1. **Board Appointments**

*An appointment recommendation has been received from the Planning Commission to appoint Diana Lapham to their board. The mayor plans to make the appointment and seeks assembly confirmation. **Motion:** Confirm the mayor's appointment of Diana Lapham to the Planning Commission for a term ending 11/30/19.*

2. **Draft AML Memorandum of Understanding.**

*Discussion item to approve the understanding of the Lutak Dock project. A resolution is pending AML lawyer approval.*

3. **Presentation regarding Solid Waste Management.**

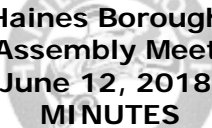
*Staff presentation and comments from Community Waste Solutions.*

4. **University of Alaska Land Trust Response.**

5. **Further Discussion of Chilkoot Corridor Moratorium**

*This item was requested by Assembly Member Tom Morphet.*

- 12. CORRESPONDENCE/REQUESTS**
  - a. Thank you from School Board**
  - b. Letter from OpenGov**
- 13. SET MEETING DATES**
  - a. COW for Borough Attorney Recommendation**
  - b. COW for Discussion of Policing Issues**
- 14. PUBLIC COMMENTS**
- 15. ANNOUNCEMENTS/ASSEMBLY COMMENTS/DIRECTION TO THE MANAGER**
- 16. ADJOURNMENT**

  
**Haines Borough**  
**Borough Assembly Meeting #360**  
**June 12, 2018**  
**MINUTES**

Draft

1. **CALL TO ORDER/PLEDGE TO THE FLAG/ROLL CALL**: Mayor **HILL** called the meeting to order at 6:30 p.m. in the Assembly Chambers and led the pledge to the flag.

**Present:** Mayor Jan **HILL**, and Assembly Members Tom **MORPHET**, Stephanie **SCOTT**, Heather **LENDE**, Tresham **GREGG**, Sean **MAIDY** and Brenda **JOSEPHSON**.

**Staff Present:** Debra **SCHNABEL**/Manager, Alekka **FULLERTON**/Borough Clerk, Helen **ALTEN**/Museum Director, Donna **LAMBERT**/Administrative Assistant, Tina **OLSEN**/Accounts Receivable Clerk, Dean **OLSEN**/Assessor, Carolyn **GOOLSBY**/Library Director, Krista **KIELSMEIER**/Executive Assistant and others.

**Visitors Present:** Abbey **COLLINS**/KHNS, Kyle **CLAYTON**/CVN, Sally **GARTON**, Joe **OESTERLING**, Andy **HEDDEN**, Paul **ROGERS**, Judy **ROGERS**, Leslie **ROSS**, Joe **ORDONEZ**, Tom **GANNER**, Lori **DUDZIK**, Sean **GAFFNEY**, Tracey **HARMON** and others.

2. **APPROVAL OF AGENDA & CONSENT AGENDA**

The following Items were on the published consent agenda indicated by an asterisk (\*):

- 3 – Approve Assembly Meeting Minutes
- 10A – Postpone Sawmill Rezone Petition
- 11C1 – Confirm Board Appointments

**Motion:** **LENDE** moved to “approve the agenda/consent agenda,” and the motion carried unanimously.

- \* 3. **APPROVAL OF MINUTES** – 05/29/18 Regular.

*Note: The motion adopted by approval of the consent agenda: “approve minutes of the 5/29/18 regular borough assembly meeting.”*

4. **PUBLIC COMMENTS**: The following individuals made comments:

**ROSS, GANNER, ORDONEZ**

5. **ASSEMBLY COMMENTS**:

**MORPHET**

6. **MAYOR’S REPORT AND COMMENTS**:

Mayor **HILL** briefly discussed the trip to Excursion Inlet and Senator Murkowski’s visit to Haines. June 20 CSpan bus will be in Haines.

7. **PUBLIC HEARINGS**

- A. **New Tour – Innersea Discoveries, LLC dba Uncruise Adventures Commercial Tour Permit**

*Note: Uncruise Adventures has applied for a 2018 Commercial Tour permit to offer guided hikes directly to their passengers.*

Tim Ratcliffe from Uncruise Adventures explained their proposal. Mayor **HILL** then opened the public hearing at 6:49 pm, and the following individuals made comments:

**ORDONEZ, ROSS, HEDDEN**

Hearing no further comments, the mayor closed the public hearing at 6:53 pm.

**Motion:** **LENDE** moved to “authorize the borough clerk to process Uncruise Adventures’ application, and if everything is in order, issue them a 2018 commercial tour permit,” and the motion carried unanimously in a roll call vote.

- B. **New Tour – SEAK Expeditions Commercial Tour Permit**

*Note: Joe Oesterling has applied for a 2018 Commercial Tour permit to offer guided Sea Kayaking/Stand-Up Paddleboarding tours as well as guided hikes.*

Joe Oesterling explained his proposal. Mayor **HILL** then opened the public hearing at 7:05 pm, and the following individuals made comments:

**ROSS**

Hearing no further comments, the mayor closed the public hearing at 7:06 pm.

**Motion:** SCOTT moved to "authorize the borough clerk to process SEAK Excursions' application, and if everything is in order, issue them a 2018 commercial tour permit," and the motion carried unanimously in a roll call vote.

C. **Ordinance 18-04-492** – Third Hearing

**An Ordinance of the Haines Borough, Alaska, providing for the establishment and adoption of the operating budget, capital budget, and capital improvement plan of the Haines Borough for the period July 1, 2018 through June 30, 2019.**

Mayor HILL then opened and closed the public hearing at 7:12 pm since no member of the public signed up to speak.

**Motion:** LENDE moved to "adopt Ordinance 18-04-492"

**Primary Amendment:** LENDE moved to "increase 25-01-00-7312 contractual expense by \$10,300," and the amendment carried unanimously.

**Primary Amendment:** MAIDY moved to "increase the Fire Chief Stipend by \$250 per month generating an increase of \$3,416 in annual expense to Fund 25," and the amendment carried unanimously.

**Primary Amendment:** LENDE moved to "allocate \$18,000 of CVP funds to contribute to the purchase of an accessible van for transport of visitors and \$3,000 for purchase of trash cans for public areas; and allocate \$18,000 of Fund 23 to Tlingit park upgrades," and the amendment carried unanimously.

**Primary Amendment:** LENDE moved to "delete funding for OpenGov.com," and the amendment carried 4-2 with MAIDY and JOSEPHSON opposed.

**Primary Amendment:** MORPHET moved to "add \$37,000 to the community chest for non-profit funding," and the amendment carried 4-2 with MAIDY and JOSEPHSON opposed.

**Primary Amendment:** MORPHET moved to "fund ½ the Planning and Zoning Technician position," and the amendment FAILED 5-1 with MORPHET in favor.

The main motion carried 5-1 with MAIDY opposed in a roll call vote.

D. **Ordinance 18-05-495**– First Hearing

**An Ordinance of the Haines Borough Amending Haines Borough Code Title 2 Chapter 2.38 Department of Lands and Planning.**

Mayor HILL opened the public hearing at 8:19 pm, and the following individuals made comments:

D. OLSEN

Hearing no further comments, the mayor closed the public hearing at 8:22 pm.

*NOTE: The assembly already scheduled a second hearing for 6/26/18.*

8. **STAFF/FACILITY REPORTS**

A. **Borough Manager** – 6/12/18 Report

SCHNABEL summarized her written report, addressed a few additional items, and responded to questions from the assembly.

**Motion:** LENDE moved to "direct the manager to write a letter to AST to advise that we are aware a recent graduate from the Trooper Academy lives in Haines and we would like him to be posted here," and the motion carried 4-2 with MAIDY and JOSEPHSON opposed.

9. **COMMITTEE/COMMISSION/BOARD REPORTS & APPROVED MINUTES**

A. **Museum Board of Trustees** – Minutes of 4/12/18

B. **Ports and Harbors Advisory Committee** – Minutes of 4/26/18

C. **Assembly Committee and Liaison Reports**

10. **UNFINISHED BUSINESS**

\*A. **Sawmill Rezone Petition**

*Note: The motion adopted by approval of the consent agenda "Postpone consideration of the denial of Takshanuk Watershed Council & Professional Property Management (17-88) Petition for Rezone until receipt of the Planning Commission's decision on their Rezone Hearing: South Sawmill Road Area as an Industrial Light Commercial zone."*

**11. NEW BUSINESS**

**A. Resolutions**

**1. Resolution 18-06-760**

**A Resolution of the Haines Borough Assembly directing the Manager to allocate \$90,000 to the Kitchen Project at the Chilkat Center for the Arts.**

Public Comment: **DUDZIK**

**Motion:** SCOTT moved to "Adopt Resolution 18-06-760," and the motion carried unanimously.

**B. Ordinances for Introduction**

**1. Ordinance 18-06-496**

**An Ordinance of the Haines Borough amending Haines Borough Code Title 18 to establish use designations for commercial agriculture and change use designations for crop production.**

**Motion:** MAIDY moved "to set Ordinance 18-06-496 for public hearing 6/26/18 and a second public hearing 7/10/18," and the motion carried unanimously.

**2. Ordinance 18-06-497**

**An Ordinance of the Haines Borough amending Haines Borough Code Title 10 Chapter 10.04 Authority Sources to revise the process for disposing of abandoned vehicles.**

**Motion:** LENDE moved "to set Ordinance 18-06-497 for public hearing 6/26/18 and a second public hearing 7/10/18," and the motion carried unanimously.

**3. Ordinance 18-06-498**

**An Ordinance of the Haines Borough amending Haines Borough Code Title 8 to Extend the Prohibition on Littering Borough-wide.**

**Motion:** GREGG moved "to set Ordinance 18-06-498 for public hearing 6/26/18 and a second public hearing 7/10/18," and the motion carried unanimously.

**C. Other New Business**

**\* 1. Board Appointments**

*Note: The motion adopted by approval of the consent agenda "Confirm the mayor's appointment of Lora McCoy to the Museum Board of Trustees for a term ending 11/30/20."*

**2. Disposal of Human Resource Building**

**Motion:** LENDE moved "to direct the Manager to proceed with the disposal of the Human Resource Building pursuant to the process outlined in the June 5, 2019 Memo Sale: Lot 9A Native School Reserve, Block 13 Haines Townsite, US Survey 1179," and the motion carried unanimously.

**Motion:** MORPHET moved to "extend the meeting past 10:00 pm," and the motion carried 4-2 with GREGG and JOSEPHSON opposed.

**3. Options for resolution of solid waste issues**

**Motion:** LENDE moved "to authorize the manager to:

- Begin investigating the implementation of SWWG recommendations with a stepped plan for borough management of solid waste, to begin with development of transfer station to handle collection and shipment of non-school borough waste out of borough. Site to be leased or owned. Estimated cost and financial plan to be presented 6/26/18.
- Join SEASWA (Southeast Alaska Solid Waste Authority).
- Consult with SEASWA or a Southeast municipality in development of business plan.
- Report landfill condition to DEC and request inspection. .
- Request CWS to halt burial and ship waste out of borough.

- Initiate public information campaign regarding publically-funded comprehensive SWM program to be brought to voters at the October election.,” and

**Primary Amendment:** MORPHET moved to “remove bullet item #1 and the last one,” and the motion FAILED 3 – 4 with **LENDE, MAIDY, SCOTT,** and **HILL** opposed (the Mayor broke the tie).

**Primary Amendment:** JOSEPHSON moved to “remove the final bullet item (Initiate public information campaign regarding publically-funded comprehensive SWM program to be brought to voters at the October election),” and the motion carried 4-2 with **LENDE** and **SCOTT** opposed.

The main motion, as amended, “to authorize the manager to:

- Begin investigating the implementation of SWWG recommendations with a stepped plan for borough management of solid waste, to begin with development of transfer station to handle collection and shipment of non-school borough waste out of borough. Site to be leased or owned. Estimated cost and financial plan to be presented 6/26/18.
- Join SEASWA (Southeast Alaska Solid Waste Authority).
- Consult with SEASWA or a Southeast municipality in development of business plan.
- Report landfill condition to DEC and request inspection. .
- Request CWS to halt burial and ship waste out of borough,” carried 4-2 with **JOSEPHSON** and **MORPHET** opposed.

12. **CORRESPONDENCE/REQUESTS**

13. **SET MEETING DATES**

A. **Committee of the Whole meeting June 19, 2018 at 6:30 – 8:30 pm.**

Topics: Generalized items of interest to the assembly, Timber Sale, Solid Waste Issues

**Motion:** SCOTT moved to strike the addition of the “Mayor’s speaking for the Assembly” from the agenda for the next COW and the motion carried 5-1 with **MORPHET** opposed.

B. **Committee of the Whole meeting July 30, 2018 6:30 pm**

Topic: Annual Manager Evaluation

14. **PUBLIC COMMENTS:**

D.OLSEN, GARTON

15. **ANNOUNCEMENTS/ASSEMBLY COMMENTS/DIRECTION TO THE MANAGER:**

LENDE, JOSEPHSON, MAIDY, GREGG

16. **ADJOURNMENT – 10:20 pm**

ATTEST:

\_\_\_\_\_  
Janice Hill, Mayor

\_\_\_\_\_  
Alekkka Fullerton, Borough Clerk



Haines Borough  
Assembly Agenda Bill

Agenda Bill No.: 18-837  
Assembly Meeting Date: 06/26/18

Business Item Description:	Attachments:
Subject: Revisions to Title 2 Chapter 2.38 Department of Lands and Planning	1. Proposed Substitute Ordinance 18-05-495 2. Ordinance 18-05-495 (as introduced)
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 5/24/18	

**Full Title/Motion:**  
Motion: Substitute the new Ordinance 18-05-495.  
Motion: Adopt Ordinance 18-05-495

**Administrative Recommendation:**

**Fiscal Impact:**

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$0	\$0	\$0	\$0

**Comprehensive Plan Consistency Review:**  
Comp Plan Goals/Objectives: \_\_\_\_\_  
Consistent:  Yes  No

**Summary Statement:**  
This amendment is being offered to elevate the impact of planning on our borough and to more accurately describe in code the roles of the planner and the assessor as currently provided in their existing job descriptions.  
The substitute ordinance incorporates suggested staff changes.

**Referral:**  
Referred to: \_\_\_\_\_ Referral Date: \_\_\_\_\_  
Recommendation: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

**Assembly Action:**  
Meeting Date(s): 5/29/18, 6/12/18, 6/26/18  
Public Hearing Date(s): 6/12/18, 6/26/18  
Postponed to Date: \_\_\_\_\_



# Draft Substitute 6/26

HAINES BOROUGH, ALASKA  
ORDINANCE No. 18-05-495

## An Ordinance of the Haines Borough Amending Haines Borough Code Title 2 Chapter 2.38 Department of Lands and Planning.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 4. Amendment of Chapter 2.38. Chapter 2.38 of the Haines Borough Code of Ordinances is amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED  
STRIKETHROUGH ITEMS ARE DELETED

### Chapter 2.38 DEPARTMENT OF LANDS, ~~AND~~ **ASSESSMENT** ~~AND~~ PLANNING

Sections:

- 2.38.010 Formation and supervision.
- 2.38.020 Duties of the department.
- 2.38.030 Divisions of the department.
- 2.38.040 Assessor.
- 2.38.050 Duties of the Assessor
- 2.38.060 Planner**
- 2.38.070 Duties of the Planner**

2.38.010 Formation and supervision.

There shall be a department of lands, and **assessment** **and** planning, supervised by a ~~lands~~ director, who shall be appointed by the manager ~~and provided with a job description and responsibilities~~ **to undertake the duties described in 2.38.020.**

2.38.020 Duties of the department.

**The department is engaged foremost in the systematic and creative development of community life as it relates to land use, public infrastructure, economic growth and quality of life. It is the repository of data about the physical borough.** The ~~lands and assessment~~ department shall administer and perform all functions of borough government related to **land use, including** planning, platting, zoning, ~~land use~~ permitting and regulation, real and personal property **ownership and** assessment. ~~and environmental protection as provided for elsewhere in the Haines Borough Code.~~ **Additionally, the department is responsible for the programmatic selection,**

**inventory and sale of borough-owned land. In collaboration with the Borough Clerk,** ~~The department shall further administer, regulate, and enforce provisions of HBC Titles 8, 3, 14 and 18.~~

2.38.030 Divisions of the department.

The department shall contain the following divisions which shall address separate and distinct functions:

A. ~~Planning and zoning~~ division.

B. Assessment division.

2.38.040 Assessor.

There shall be an assessor (or firm with responsible party named by said firm) who shall be appointed by the manager and provided with a job description and responsibilities.

2.38.050 Duties of the assessor.

A. ~~Assess and evaluate all taxable properties, real and personal, within the borough, according to the time frame outlined in HBC 3.72.060; unless otherwise provided for elsewhere in the Haines Borough Code;~~ **prepare and certify annually an assessment roll as outlined in HBC Chapters 3.70 & 3.72** and provide accurate data to the chief fiscal officer for collection of resulting taxes. ~~, unless otherwise provided for elsewhere in the Haines Borough Code;~~

B. ~~Prepare and certify assessment rolls;~~ **Ensure that municipal property tax program is conducted within the statutory provision of AS Title 29.**

C. ~~Perform all other functions delegated to the position by AS 29, the Haines Borough Code, and the job description.~~ **Assist the Director in the development and maintenance of a borough land management program that recommends to the Borough Manager on matters relating to the selection, use and disposition of borough-owned lands.**

**2.38.060 Planner**

**There shall be a Planner who shall be appointed by the manager and provided with a job description and responsibilities.**

**2.38.070 Duties of the Planner**

**A. Serve as administrative staff to the Planning Commission. With the Planning Commission Chair, prepare meeting agendas, provide information to facilitate business meetings, and provide for record of Planning Commission business.**

**B. Assist the Director in the development of a borough land management program that recommends to the manager on matters relating the selection, appraisal, use and disposition of borough-owned lands.**

**C. Coordinate with other borough departments and external stakeholders to support and maintain the Haines Borough Comprehensive Plan as a living document.**

**D. Plan for and develop recommendation to the manager and community stakeholders on matters relating to land use, transportation, public facilities, utilities, housing, economic growth and development, quality of life and civic engagement.**

**E. Develop, maintain and preserve maps of land development, ownership and use in the borough.**

**F. Maintain the Borough GIS system.**

**G. In collaboration with the Borough Clerk, enforce HBC Titles 8, 14 and 18.**

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS  
\_\_\_ DAY OF \_\_\_\_\_, 2018.

ATTEST:

\_\_\_\_\_  
Janice Hill, Mayor

\_\_\_\_\_  
Aleka Fullerton, Borough Clerk

Date of Introduction:  
Date of First Hearing:  
Date of Second Hearing:

**An Ordinance of the Haines Borough Amending Haines Borough Code Title 2  
Chapter 2.38 Department of Lands and Planning.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 4. Amendment of Chapter 2.38. Chapter 2.38 of the Haines Borough Code of Ordinances is amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED  
STRIKETHROUGH ITEMS ARE DELETED

**Chapter 2.38  
DEPARTMENT OF LANDS AND ~~ASSESSMENT~~-PLANNING**

Sections:

- 2.38.010 Formation and supervision.
- 2.38.020 Duties of the department.
- 2.38.030 Divisions of the department.
- 2.38.040 Assessor.
- 2.38.050 Duties of the Assessor
- 2.38.060 Planner**
- 2.38.070 Duties of the Planner**

2.38.010 Formation and supervision.

There shall be a department of lands and ~~assessment~~ planning, supervised by a ~~lands~~ director, who shall be appointed by the manager ~~and provided with a job description and responsibilities~~ **to undertake the duties described in 2.38.020.**

2.38.020 Duties of the department.

**The department is engaged foremost in the systematic and creative development of community life as it relates to land use, public infrastructure, economic growth and quality of life. It is the repository of data about the physical borough.** The ~~lands and assessment~~ department shall administer and perform all functions of borough government related to **land use, including** planning, platting, zoning, ~~land use~~ permitting and regulation, real and personal property **ownership and** assessment, ~~and environmental protection as provided for elsewhere in the Haines Borough Code.~~ **Additionally, the department is responsible for the programmatic selection, inventory and sale of borough-owned land. In collaboration with the Borough**

**Clerk.** ~~The department shall further administer, regulate, and enforce provisions of HBC Titles 8, 14 and 18.~~

2.38.030 Divisions of the department.

The department shall contain the following divisions which shall address separate and distinct functions:

- A. Planning ~~and zoning~~ division.
- B. Assessment division.

2.38.040 Assessor.

There shall be an assessor (or firm with responsible party named by said firm) who shall be appointed by the manager and provided with a job description and responsibilities.

2.38.050 Duties of the assessor.

- A. Assess and evaluate all taxable properties, real and personal, within the borough, according to the time frame outlined in HBC 3.72.060; **prepare and certify assessment rolls** and provide accurate data to the chief fiscal officer for collection of resulting taxes.  ~~unless otherwise provided for elsewhere in the Haines Borough Code;~~
- B. ~~Prepare and certify assessment rolls;~~ **Ensure that municipal property tax program is conducted within the statutory provision of AS Title 29.**
- C. ~~Perform all other functions delegated to the position by AS 29, the Haines Borough Code, and the job description.~~ **Assist the Planner in the development and maintenance of a borough land management program that recommends to the Borough Manager on matters relating to the selection, use and disposition of borough-owned lands.**
- D. **Assist the Planner in the development and implementation of a borough land management program.**

2.38.060 Planner

**There shall be a Planner who shall be appointed by the manager and provided with a job description and responsibilities.**

2.38.070 Duties of the Planner

- A. **Serve as administrative staff to the Planning Commission. With the Planning Commission Chair, prepare meeting agendas, provide information to facilitate business meetings, and provide for record of Planning Commission business.**
- B. **Collaborate with the Assessor in the development of a borough land management program that recommends to the manager on matters relating to the selection, appraisal, use and disposition of borough-owned lands.**
- C. **Coordinate with other borough departments and external stakeholders to support and maintain the Haines Borough Comprehensive Plan as a living document.**

**D. Plan for and develop recommendation to the manager and community stakeholders on matters relating to land use, transportation, public facilities, utilities, housing, economic growth and development, quality of life and civic engagement.**

**E. Develop, maintain and preserve maps of land development, ownership and use in the borough.**

**F. Maintain the Borough GIS system.**

**G. In collaboration with the Borough Clerk, enforce HBC Titles 8, 14 and 18.**

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS  
\_\_\_ DAY OF \_\_\_\_\_, 2018.

ATTEST:

\_\_\_\_\_  
Janice Hill, Mayor

\_\_\_\_\_  
Aleka Fullerton, Borough Clerk

Date of Introduction:  
Date of First Hearing:  
Date of Second Hearing:



**Haines Borough  
Assembly Agenda Bill**

Agenda Bill No.: 18-840  
Assembly Meeting Date: 6/26/18

Business Item Description:	Attachments:
Subject: Use designations for commercial agriculture and crop production	1. Ordinance 18-06-496 2. Planning Commission's Request for Action. 3. Planner's Memo
Originator: Planning Commission	
Originating Department: Lands	
Date Submitted: 5/10/18	

**Full Title/Motion:**  
No motion necessary unless amendments are desired. The Ordinance is already scheduled for another public hearing 7/10/18.

**Administrative Recommendation:**

**Fiscal Impact:**

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ 0	\$ 0	\$ 0	\$ 0

**Comprehensive Plan Consistency Review:**

Comp Plan Goals/Objectives: Goal 5F	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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**Summary Statement:**

The proposed change accomplishes several goals:

1. Adds "Agriculture, Commercial" to the use chart and removes "Agriculture" since the code will now provide for "Agriculture, Personal Use", "Agriculture, Commercial" and "Crop Production" and a generalized "Agriculture" designation is no longer useful.
2. Makes crop production a secondary use for residential OR commercial uses. For example, a greenhouse or garden used for commercial purposes will now be allowed on a property primarily used as a hardware store.

**Referral:**

Referred to:	Referral Date:
Recommendation:	Meeting Date: 6/12/18

**Assembly Action:**

Meeting Date(s): 6/12, 6/26, 7/10/18	Public Hearing Date(s): 6/26, 7/10/18
	Postponed to Date:

**An Ordinance of the Haines Borough amending Haines Borough Code Title 18 to establish use designations for commercial agriculture and change use designations for crop production.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Chapter 18.20: Chapter 18.20 of the Haines Borough Code of Ordinances is amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED  
~~STRIKETHROUGH~~ ITEMS ARE DELETED

**18.20.020 Definitions – Regulatory.**

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...

~~"Agriculture" means a use involving the commercial growing of vegetation or the raising of farm animals, such as the use of land for farming, dairying, apiculture, horticulture, floriculture and animal husbandry. This definition does not include commercial cultivation of marijuana.~~

~~"Commercial a~~**Agriculture, commercial"** means the use of land for farming, dairying, apiculture, horticulture, floriculture and animal husbandry for profit. **Water service to any lot being used for commercial agriculture and sales shall be metered and billed at the commercial rate for water.** This definition does not include commercial cultivation of marijuana.

~~"Crop production" means a residential use,~~ **accessory to a primary commercial or residential use,** involving the raising of any vegetation for intended profit or personal use. Crops grown on the residential property may be sold on that property; provided, that only plants and crops are sold there. If the crop production or sale of the crops produced creates a need for off-street parking in addition to that required for the residential use, the owner must provide sufficient off-street parking as recommended by the borough. Water service to any lot being used for crop production and sales shall be metered and billed at the commercial rate for water only during the time the crops are being grown and/or sold on the property. During the time the crops or plants are being sold, one sign, no larger than four square feet in area, non-illuminated and located on the principal property, may be displayed. Crop production does not include animal husbandry. ~~This definition does not include~~ **nor** commercial cultivation of marijuana.

...

Section 5. Amendment of Chapter 18.70: Chapter 18.70 of the Haines Borough Code of Ordinances is amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED



~~STRIKETHROUGH~~ ITEMS ARE DELETED

**18.70.040 Zoning use chart.**

The following chart summarizes the uses allowed and the standards of review for each use, townsite planning/zoning district and the zones therein. In the commercial and industrial zones, more than one building housing a permissible principal use may be developed on a single lot; provided, that each building and use shall comply with all applicable requirements of this title. Additional requirements may be applicable to developments within some zones. See the definitions in Chapter 18.20 HBC for descriptions of each use.

**ZONING USE CHART**

**TOWNSITE PLANNING/ZONING DISTRICT**

**UBR = Use-By-Right CU = Conditional Use NA = Not Allowed GFA = Gross Floor Area**

  = Permit Required

  = Permit Not Required

**Under General Classification, uses in UPPER CASE are primary and uses in lower case are secondary.**

USES	I/H	I/L/C	I/W	C	W	SSA	SR	MR	RR	RMU	MU	REC
...												
<b><u>Agriculture commercial</u></b>	<b><u>UBR</u></b>	<b><u>UBR</u></b>	<b><u>UBR</u></b>	<b><u>UBR</u></b>	<b><u>CU</u></b>	<b><u>CU</u></b>	<b><u>CU</u></b>	<b><u>CU</u></b>	<b><u>CU</u></b>	<b><u>CU</u></b>	<b><u>UBR</u></b>	<b><u>CU</u></b>
...												
Crop production	NA <b><u>UBR</u></b>	NA <b><u>UBR</u></b>	NA <b><u>UBR</u></b>	UBR	UBR	UBR	UBR	UBR	UBR	UBR	UBR	NA <b><u>UBR</u></b>
...												

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018.

ATTEST:

\_\_\_\_\_  
 Janice Hill, Mayor

\_\_\_\_\_  
 Alekka Fullerton, Borough Clerk

Date Introduced:            \_/\_/\_\_\_\_  
 Date of First Public Hearing:   \_/\_/\_\_\_\_  
 Date of Second Public Hearing:  \_/\_/\_\_\_\_



Haines Borough  
**BOROUGH ASSEMBLY  
ACTION REQUEST**

DATE: May 10<sup>th</sup>, 2018

TO: Borough Assembly

FROM: Borough Planning Commission

SUBJECT: Agriculture Draft Ordinance

ACTION:

**Motion: Heinz** moved to amend the draft ordinance to make 'crop production' a use-by-right in all zones and the motion carried unanimously.

**Motion: Stephens** moved to "recommend the assembly adopt the draft ordinance as amended and the motion passed unanimously.

RATIONALE:

See attached staff report.

BOARD REQUEST:

The Planning Commission requests that the Assembly adopt the draft ordinance.

SUBMITTED BY

A handwritten signature in black ink, appearing to read "Lee Heinmiller", is written over a horizontal line.

Lee Heinmiller, Vice-Chair  
Haines Borough Planning Commission



HAINES BOROUGH, ALASKA  
P.O. BOX 1209  
HAINES, AK 99827  
(907) 766-4600 \* FAX (907) 766-2716

## Memorandum

Date: June 4, 2018

To: Alekka Fullerton, Borough Clerk  
From: Holly Smith, Borough Planner

**Re: Rationale for Proposed Ordinance Changing Agriculture in Title 18**

---

If you feel it beneficial, please include this memo or portions thereof in the Assembly packet for the corresponding draft ordinance. The staff report referenced in the action request does not adequately address the need to change code. This memo provides background.

In short, the draft ordinance solves two issues with agriculture as a permissible land use within the borough.

### **Issue #1: Many Agriculture Definitions; Not Listed in Use Chart**

Currently, Haines Borough Code (HBC) Title 18 has four agriculture types listed in its definitions:

1. Agriculture
2. Agriculture, Personal Use
3. Crop Production
4. Commercial Agriculture

Of the four definitions, only two are referenced in the zoning use chart – ‘Agriculture, Personal Use’ and ‘Crop Production’. The ordinance adds ‘Agriculture, Commercial’ to the use chart and provides use designations depending on whether a zone is primarily residential in nature or primarily commercial. The ordinance removes the definition of ‘Agriculture’ since it does not refer to a specific permissible use.

### **Issue #2: Crop Production for All Zones**

Currently in code, ‘Crop production’ is a type of agriculture that is designed as a secondary use on a residential property that is primarily used for a single family dwelling. It is allowed as a use-by-right in all residential and commercial zones. The new definition makes crop production a secondary use for residential **or** commercial uses. For example, a greenhouse or garden used for commercial purposes would be allowed on a property primarily used as a hardware store.

### **Comprehensive Plan:**

The Plan directs the Borough to encourage business sales of locally produced food of all types and to ensure the zoning code promotes and allows food production (Goal 5F).

### **Possible Remaining Concerns:**

During the May 10<sup>th</sup> planning commission meeting, some members of the public testified about how the utility hookup fees and rates may be cost-prohibitive for small-time farmers. The borough charges \$400 to install a hose meter for farm use. After installment, the farmer would pay a commercial base rate of \$36.75 for the first 5,000 gallons of water and \$2.55 for each additional 1,000 gallon-units.



Haines Borough  
Assembly Agenda Bill

Agenda Bill No.: 18-843

Assembly Meeting Date: 6/26/18

Business Item Description:	Attachments:
Subject: Revise the Process for Disposing of Abandoned Vehicles (Junk Car Removal Program)	1. Ordinance 18-06-497
Originator: Executive Assistant to the Manager	
Originating Department: Administration/Public Facilities	
Date Submitted: 6/6/18	

**Full Title/Motion:**

No motion is necessary unless amendment is desired. Ordinance 18-06-497 is already scheduled for public hearing 7/10/18.

**Administrative Recommendation:**

This ordinance is recommended by the Director of Public Facilities.

**Fiscal Impact:**

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ 0	\$ 46,000 (FY19)	\$ 0	Covered by vehicle impoundment \$

**Comprehensive Plan Consistency Review:**

Comp Plan Goals/Objectives:  
Objective 15I, page 255

Consistent:  Yes  No

**Summary Statement:**

This ordinance aims to clarify the procedure for disposing of abandoned vehicles in the Haines Borough. It also addresses the repeated problem of vehicles blocking the right-of-way during snow removal. The borough currently is in the third year of its junk car removal program and has required vehicle owners to sign over the title for a vehicle to be collected and then scrapped by the borough, using funding from the motor vehicle registration tax. The most problematic vehicles are not registered and the last owners on record cannot be located. This ordinance outlines a procedure for the borough to dispose of these abandoned vehicles after providing proper notice.

Note: Current code for abandoned vehicles refers to state statutes repeatedly. In the draft ordinance, several references to statutes have been removed, with specific language instead included in the ordinance text. Only two of the sections (10.04.065 and 10.04.120) would be completely new additions to code.

**Referral:**

Referred to:

Referral Date:

Recommendation:

Meeting Date:

**Assembly Action:**

Meeting Date(s): 6/12/18, 6/26/18, 7/10/18

Public Hearing Date(s): 6/26/18, 7/10/18

Postponed to Date:

**An Ordinance of the Haines Borough amending Haines Borough Code Title 10 Chapter 10.04 Authority Sources to revise the process for disposing of abandoned vehicles.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Chapter 10.04: Chapter 10.04 of the Haines Borough Code of Ordinances is amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED  
**STRIKETHROUGH** ITEMS ARE DELETED

**10.04.010 Impound authority Officers authorized to remove and impound vehicles.**

~~13 AAC 02.345:~~

**A. If a vehicle is in violation of the provisions of 13 AAC 02.340 -- 372, or is left on a roadway or under circumstances which obstruct the normal movement of traffic, a police officer or other designated borough employee may move the vehicle, or require the driver or other person in charge of the vehicle to immediately move the vehicle to a position off the roadway or to a safe place on the roadway.**

**B. A police officer or other designated borough employee may cause to be impounded and immediately removed to a place of storage a vehicle which**

**1. is found in the borough and which has been previously reported stolen or taken without the owner's consent;**

**2. is found or operated on a public road, highway, area or facility without license plates or other evidence of registration or which evidence is false with respect to that vehicle;**

**3. is found or presumed to be an abandoned vehicle as defined in HBC 10.04.030; or**

**4. is found to be parked or abandoned in violation of city or state law upon a public roadway or parking area and removal is deemed necessary for safety or maintenance purposes, including snow plowing.**

**C. When a police officer arrests and detains the driver of a motor vehicle the officer shall impound and remove the vehicle to a place of storage; however, the officer shall inform the driver that he or she may elect to have another immediately available person, who is legally licensed to drive a motor vehicle, drive or otherwise remove the vehicle as the driver directs. The driver may designate the nearest available garage or tow car operator of his or her choosing to remove the vehicle. If the driver does not so indicate, the officer shall make the arrangements necessary to remove the vehicle to the place and in the manner utilized for other impounded vehicles pursuant to this chapter.**

**D. When a vehicle is impounded and removed from a road, highway or elsewhere at the discretion of a police officer, the vehicle shall be removed to a place of storage. The owner or driver may claim the vehicle by securing a written release for it from the police officer or agency**

ordering its removal. A vehicle legally removed or impounded may not be released or used by the owner until the officer or the department authorize its release. The expense for the removal and storage must be paid by the owner or driver of the vehicle.

~~10.04.020 Impound authority (abandoned vehicle)~~ Authority to remove and impound abandoned vehicles.

~~AS 28.11.030.~~

A. A police officer or an employee or other person designated by the borough may cause any abandoned vehicle on public property or a right-of-way to be removed and impounded to a place for storage by following the procedures set forth in this chapter, except that any stopped or abandoned vehicle that is deemed a safety hazard, or which impedes traffic or maintenance, including snow plowing, may be immediately removed to a place of storage prior to initiating impoundment proceedings.

B. A police officer or an employee or other person designated by the borough may cause an abandoned vehicle to be removed from private property and impounded only upon the written request by the owner or person in lawful possession or control of the property, and only after a finding by the borough that the vehicle is abandoned pursuant to this chapter.

C. A written report of the removal and the facts supporting the determination that the vehicle is an abandoned vehicle as defined in HBC 10.04.030 shall be made by the person responsible for moving a vehicle under this section, and the report shall be sent to the borough police department, Public Works department, and the person who stores the property. The report must describe the vehicle, the date, time, and place of removal, the grounds for removal, and the place of impoundment of the vehicle.

10.04.030 Abandoned vehicle definitions.

For the purposes of this title, an "abandoned vehicle" is defined as one that is:

A. Left unattended within 10 feet of the roadway in excess of 48 hours;

B. Left unattended on private property in excess of 24 hours without written permission from the owner of the property; or

C. Left on public property without consent of the manager for more than 30 days; or

D. Determined to be a public nuisance, a health or safety hazard, or an impediment to traffic or maintenance operations.

~~10.04.040 Seizure of defective/unsafe vehicles.~~

~~AS 28.05.091.~~

10.04.050 Operator must submit to vehicle inspection.

~~13-ACC-04.006.~~

A police officer having reasonable cause to believe that a vehicle is unsafe, not equipped as required by law, or that its equipment is not in proper adjustment or repair, may require the driver of the vehicle to stop and submit the vehicle to an inspection and tests as may be appropriate.

**10.04.060 Request operator's license re-examination.**

If the chief of police has good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed, the chief may request the Department of Public Safety to require the licensee to submit to an examination under AS 28.15.091.

**10.04.065 Impound procedures for abandoned vehicles.**

**A. If the borough has reason to believe a vehicle is abandoned as defined in HBC 10.04.030, the responsible borough employee shall notify the clerk of such belief and the reasons therefore. Except in the case where immediate removal is authorized by this code or other law, the clerk shall then provide notice by registered or certified mail, return receipt requested, of the borough's intent to move and impound the vehicle to the owner of record and any lienholders that can be identified, if any. The borough shall provide similar notice to the owner of any vehicle that has been moved for safety or other reasons as soon as practicable, and in any event not later than 48 hours after moving the vehicle. The notice of intent shall include a description of the vehicle, including make, model, and vehicle identification number (VIN) if possible, as well as the location of the vehicle, a general summary of the reasons the borough believes the vehicle has been abandoned, and a statement that the owner or lienholder may contest the determination that the vehicle has been abandoned by responding to the notice within fifteen (15) business days. The borough may move and impound an abandoned vehicle that is not registered in the state, or for which the name and address of the registered or legal owner or lienholder cannot be ascertained after reasonable inquiry, without providing the notice described in this subsection provided; however, that notice of impoundment must be provided as required by HBC 10.04.065(D).**

**B. A vehicle owner or lienholder receiving notice of intent to impound may reclaim and move the vehicle, or may dispute that the vehicle is abandoned by providing any relevant information to the clerk in writing within 15 business days of the date the notice of intent was mailed.**

**C. After considering any additional information presented by the owner or lienholder, if any, and the responsible borough employee, the clerk shall make a final determination as to whether the vehicle is abandoned. The clerk's decision may be appealed administratively to the Alaska Superior Court, First Judicial District, within 30 days of the clerk's decision, but in no event shall an appeal prevent or delay the removal of the abandoned vehicle. However, an abandoned vehicle shall not be sold while an appeal is pending.**

**D. Upon the clerk's determination that a vehicle is abandoned, the borough may remove the vehicle or cause the vehicle to be removed to a safe location. The borough clerk shall, within 7 days of removal:**

- 1. personally deliver or cause to be delivered, or send by registered or certified mail, return receipt requested, written notice to the vehicle owner of record and to lienholders of record stating the grounds for removal, the location of the place of impoundment of the vehicle, and a statement that the vehicle may be redeemed by paying the appropriate costs and fees as required by this chapter. The giving of notice by mail is considered complete upon the return of the receipt or upon return of the notice as undeliverable, refused, or unclaimed; or**
- 2. if the vehicle is not registered in the state or the name and address of the registered or legal owner or lienholder cannot be ascertained after reasonable inquiry, cause to be published in a newspaper of general circulation within the borough a notice of the impoundment, the location of the place of impoundment of the vehicle, and statement that the vehicle may be redeemed by paying the appropriate costs and fees.**

**10.04.070 Vesting of title.**

~~In accordance with AS 28.11.050, title to an impounded vehicle not reclaimed by the registered owner, the a lien holder, or other person entitled to possession of the vehicle within 15 business days of the day notice is mailed or published, as applicable, provided by AS 28.11.040 (except that the word "department" as used therein shall refer to the clerk) vests with the Haines Borough. However, nothing in this section prohibits a lien under HBC 10.04.110.~~

**10.04.080 Redemption of vehicles.**

A person who presents satisfactory proof of ownership or right to possession may redeem a vehicle removed under this chapter before auction or relinquishment under HBC 10.04.090 by paying upon presentation of evidence that the charges of towing, storage, notice, and other costs of impoundment ~~have been paid.~~

**10.04.090 Disposal of impounded vehicles.**

A. When title to a vehicle has vested in the Haines Borough under HBC 10.04.070, the vehicle may be disposed of:

1. By removal to a scrap processing yard or auto wrecker for disposal or by public auction conducted not less than 20 days after notice describing the of sale vehicle with reasonable particularity and the place, date, and time that the vehicle will be sold or disposed of is

a. published in a newspaper of general circulation in the borough; and, ~~during which 15-day period notice shall be~~

b. posted continuously in at least three public places in the borough. ~~The published and posted notice shall describe the vehicle and set out the place, date, and time at which it will be sold.~~

2. By relinquishment in favor of a towing or storage lien when the clerk determines that the lien amount exceeds the fair market value of the vehicle; or:

3. By any other reasonable means provided that notice of the disposal is provided to the owner or lienholders, if known, not less than 20 days prior to the proposed disposal.

B. The title certificate and registration of a disposed vehicle, if available, and a copy of the bill of sale or relinquishment of title, along with a copy of the notice published and posted under subsection (A)(1) of this section, shall be surrendered to the Alaska Department of Administration within 10 days of the disposal.

C. A vehicle disposed of under this section by public auction must be registered and titled by the purchaser as provided in AS 28.10.

D. Notwithstanding the provisions of this section, the borough may initiate a civil action against a driver or registered owner of an abandoned vehicle ~~that is abandoned~~ that is in violation of AS 28.11.010 and impounded under AS 28.11.030 pursuant to this chapter for costs exceeding receipts from disposal of the vehicle.

**10.04.100 Disposal facilities.**

The borough may by ordinance designate appropriate areas within the borough for disposal of abandoned vehicles or may make other arrangements to dispose of the vehicles.

**10.04.110 Towing and storage lien on abandoned vehicle.**

~~AS 28.11.090.~~



**The borough, or another person or entity authorized by contract or other official order to remove a vehicle, shall have a lien in the amount of towing, storage, and mailing charges upon a vehicle towed, moved, or stored by and in the possession of the person in accordance with AS 28.10.502.**

**10.04.120 Vehicle defined.**

**In this chapter, "vehicle" means a**

**A. passenger car, motor home, bus, truck, truck-tractor, motorcycle, motorbike, or similar motor vehicle that is designed for use primarily to transport a person or to transport or draw property on a highway or vehicular way; and**

**B. snowmobile, three-wheeler, four-wheeler, or a similar off-highway motor vehicle designed or adapted for cross-country operation over unimproved terrain, ice, or snow and that has been declared by its owner at the time of registration and determined by the Department of Public Safety to be unsuitable for general highway use, although the vehicle may make incidental use of a highway, but not including implements of husbandry or special mobile equipment, such as construction machinery or earthmoving equipment.**


ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018.

ATTEST:

\_\_\_\_\_  
Janice Hill, Mayor

\_\_\_\_\_  
Alekka Fullerton, Borough Clerk

Date Introduced:            \_/\_/\_\_\_\_  
Date of First Public Hearing:   \_/\_/\_\_\_\_  
Date of Second Public Hearing:  \_/\_/\_\_\_\_



Haines Borough  
Assembly Agenda Bill

Agenda Bill No.: 18-841Assembly Meeting Date: 6/26/18

Business Item Description:	Attachments:
Subject: Extending Prohibition on Littering Borough-wide	1. Ordinance 18-06-498
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 6/6/18	

**Full Title/Motion:**

No motion is necessary unless an amendment is desired. Ordinance 18-06-498 is already scheduled for another public hearing 7/10/18.

**Administrative Recommendation:****Fiscal Impact:**

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$0	\$0	\$0	\$0

**Comprehensive Plan Consistency Review:**

Comp Plan Goals/Objectives:  
Objective 15H, Improperly stored garbage

Consistent:  Yes  No

**Summary Statement:**

The problem of litter out the road has been repeatedly discussed by assembly members, the Solid Waste Working Group, etc. While the Haines Borough Charter section 6.01 identifies both the (1) control of hazardous substances and (12) solid waste management as Areawide Powers, Haines Borough Code section 8.08.020 only prohibits littering in the townsite service area. Extending the prohibition against littering throughout the Borough will enhance the Health and Safety of all borough residents.

**Referral:**

Referred to:

Referral Date:

Recommendation:

Meeting Date: 6/12/18

**Assembly Action:**

Meeting Date(s): 6/12/18, 6/26/18, 7/10/18

Public Hearing Date(s): 6/26/18, 7/10/18

Postponed to Date:

**An Ordinance of the Haines Borough amending Haines Borough Code Title 8 to Extend the Prohibition on Littering Borough-wide.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Chapter 8.08.020: Chapter 8.08.020 of the Haines Borough Code of Ordinances is amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED  
~~STRIKETHROUGH~~ ITEMS ARE DELETED

**8.08.020 Litter unlawful.**

It is unlawful for any person to do any of the following within the ~~townsite service area~~ **Haines Borough**:

- A. Cause or allow litter to be collected, deposited, or to remain in any place under the person's control, and/or possession, other than in an appropriate refuse container, designed for such purpose;
- B. Deposit litter in or upon any street, sidewalk, or other public place except in a public refuse container, authorized private trash receptacle, or in a disposal area designated by the borough;
- C. Sweep or deposit into any gutter, street, or other public place the accumulation of litter from any residence, building, lot, public or private sidewalk, or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter;
- D. Drive or move any vehicle that is carelessly loaded or not constructed to prevent its load from falling upon any street, alley, or public place;
- E. Deposit any litter on private property, whether owned by the person or not;
- F. Possess or control private property that is not maintained in a litter-free condition;
- G. Place, post, or deposit any handbill, poster, or other device calculated to attract the public unless permitted under HBC Title [18](#);
- H. Deposit litter in a lake, river, stream, or other body of fresh or salt water; ~~within or adjacent to the townsite service area~~;
- I. Deposit litter generated in a person's household, property, or business in a refuse container not owned, leased, designated, or otherwise intended to be used by that person. This prohibition does not include the deposit of incidental amounts of litter or refuse in refuse containers designated for public use in parks, campgrounds, and other such facilities by users of that public facility;
- J. Deposit litter that may be offensive, noxious, or otherwise dangerous to the public health or safety on any public or private property, alley, street, or other roadway within the ~~townsite service area~~ **Haines Borough**.

Haines Borough  
Ordinance No. 18-06-498  
Page 2 of 2

Section 5. Amendment of Chapter 8.08.030: Chapter 8.08.030 of the Haines Borough Code of Ordinances is amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED  
~~STRIKETHROUGH~~ ITEMS ARE DELETED

**8.08.030 Notice to abate – Removal by borough.**

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A. The abatement official is authorized to notify the responsible party of a violation of HBC 8.08.020 and to require the correction or abatement of the violation by said party. The notice shall specify the violation and required abatement or corrective action and shall be given by certified mail, addressed to the responsible party at the party's reasonably ascertainable last known address. As circumstance may warrant, ~~the chief of police is authorized to issue~~ a citation **may be issued** for a violation pursuant to HBC 1.24.010.

B. Upon the failure, neglect, or refusal of the party so notified to take the required responsive action within 10 days of receipt of the notice, or upon return of the notice if, though properly addressed, it is returned as undeliverable, the abatement official may take such action as the official deems necessary to correct or abate the violation.

C. The cost of such action taken by the abatement official under subsection (B) of this section, including process fees and incidental administrative costs, shall be charged to the responsible party and shall be due and payable within 30 days of the completion of the action, with interest accruing at a rate of 12 percent per year, until paid in full.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018.

ATTEST:

\_\_\_\_\_  
Jan Hill, Mayor

\_\_\_\_\_  
Alekkha Fullerton, Borough Clerk

Date Introduced:            \_\_\_/\_\_\_/\_\_\_  
Date of First Public Hearing:   \_\_\_/\_\_\_/\_\_\_  
Date of Second Public Hearing:  \_\_\_/\_\_\_/\_\_\_

To: Haines Borough Assembly

Fr: Debra Schnabel, Manager

Timeframe: June 12-20, 2018

Meeting Packet: June 26, 2018

## Departmental Reports:

(\* indicates recommended action)

### General Administration/Assembly.

**Haines Timber Development Project.** The Mayor and I conferenced with Patrick Kelly and Christine Klein of UA Land Trust on Wednesday, June 20 at our request. The conversation centered on the question of how the Assembly could interface with the Land during the development, design and realization of the proposed timber sale and the subsequent harvest. Kelly and Klein stated the desire to ensure responsiveness to the community, and they believe that would be best achieved with a group of community members that represented the goals of the Land Trust and the project. They think it is best to avoid working directly with a political group because it can polarize and become argumentative. They see the community-based committee as a conduit to the elected body. At their request, Sylvia Heinz is assisting them in defining the purpose and processes of the committee. The next step, now that the Board of Regents has supported the development plan, is to respond directly to those who submitted comments through the comment period, including the Assembly. Due to other commitments, Kelly and Klein do not see much progress in the project until mid July. They promised to maintain contact with the administration.

**Solid Waste.** Solid Waste Management options were discussed as a committee of the whole on June 19. Staff has begun to describe the potential elements of a transfer station request for proposals in a draft document under agenda item 11.C; staff recommendations to include in an ordinance for a publicly-supported system will be presented Tuesday. CWS has been invited to speak at the meeting.

**Parade Float, Fourth of July.** Mike Case requested the Borough enter a float in the parade. Ed Bryant is preparing the vehicle; our entry will honor "Service in the Public Trust" and feature our current and past Mayors.

**Budget Fallout.** OpenGov reacted to the rejection of its software proposal by revising its offer. Correspondence is attached under agenda item 12. Adam Scholl has requested an audience with the Assembly. I am not making a recommendation on this offer because I heard the Assembly say "No," and even though the offer is a strong tool that would benefit our processes, I do not want to appear defiant. Additionally, the news of the rejection has netted other firms that are pitching similar software. I request action that allows me the freedom to pursue the acquisition of software under specified circumstances in the future.

**Finance.** Tax Bills are still under production. The Annual Assessment Report is complete. Taxable Real Property of the Haines Borough is valued at \$346,642,000. The Haines Borough opts to exempt a value of \$6,895,000 in real property. The Annual Assessment Report can be accessed here:

<http://www.hainesalaska.gov/lands/2018-annual-assessment-report>

### Water & Sewer.

**Public Works & Facilities.** Al Jobbins has been hired on as an equipment operator. He transferred from the Water & Sewer Department. We will be advertising for a Water/Sewer Operator; this will be advertised as a career opportunity (12 years required for certification).

### Ports & Harbors.

MANAGER'S REPORT TO THE ASSEMBLY

**Harbor Expansion Project .**

**Differing Site conditions:** We have set the date for mediation with PPM on a day or two (as required) between August 20 and 24. The mediation will be held in Juneau. At least Brad, Shawn and I will attend with Dick Somerville.

**Fire & EMS.**

**Pool.**

**School.** See correspondence from outgoing Superintendent Carlson, appreciating the additional allocation of SRS funding this year.

**CYD/Parks & Recreation.**

**Planning/Lands/Assessment.**

**Museum.**

**Library.**

**Tourism.** 30 Banners designed locally for street poles have been ordered. AP&T has denied access to their poles: banners will be hung on borough-owned poles and private property as requested.

**Police and Dispatch .** In response to the constant low-level concern expressed for police serving outside of the townsite, the Chief has curtailed traffic control outside the townsite until there is clear direction from the Manager. The Chief has authorized HBPD staff to provide service outside the town site only if an event is deemed an emergency. In the interest of advancing the borough to a decision on service to the community at large, I have prepared a memo that is attached to agenda item 13. It is my recommendation that we convene a COW to discuss our options more fully.

\*\*\*

**HAINES SHELDON MUSEUM  
Board of Trustees Meeting  
May 10, 2018, 5 p.m. at the Sheldon Museum**

**CALL TO ORDER** - 5:10 p.m. by Kelleen Adams, president

**Present** - Helen Alten, Lora McCoy, John Carlson, Kelleen Adams, Lorrie Dudzik, Sue Chasen, Cynthia (CJ) Jones

**Excused** - Tim Ackerman

**Additions to agenda** - Move Anway Cabin to beginning of business. Add Chilkat Center kitchen.

**Consent Agenda:**

The following items are consent items for final action to be taken on all by a single vote. Any item may be removed for separate consideration if necessary.

- Approval of Agenda
- Approval of Minutes - April 12, 2018
- Accept Lora McCoy as a board member, term ending in 2019.

Lorrie/ Sue M/S to approve agenda as amended. Approved unanimously.

**Public Comments** - none

**Staff/Board Reports:**

- President's Report
  - Fort Seward Land - There has not been a formal offer made.
  - Museum Shed Clean Out - May 17, 10 - 2 Come when you can.
  - Kelleen suggests we have a liaison at Eldred Rock and Anway board meetings.
  - Kelleen will attend CVCF May 15th board workshop. Lorrie may attend.
- Treasurer's Report - We're doing OK, but it's time for the season to start, time for income to come in.
- Board Committees
  - Finance - no report
  - Board Development - no report
  - Collections - no report CJ will be on the committee.
  - Totem Trot - We're planning a shuttle from Skagway. Someone should meet with the Great Alaska Running Cruise rep on July 23 in Skagway. Helen suggests adding some kind of art tour to the Totem Trot.
- Museum Director
  - New Roof update - The borough is fixing the roof and the museum facade.
  - Store purchases update - New stuff is out. The store looks great.
  - Personnel manual - Send any comments to Helen.
  - New Hire: Cory Grant - He is learning the job.
  - New rack card - Looks good.

- Authors at the Museum - Heather Lende will speak at 10:00 a.m. on Wednesdays. We may add other authors as well.
- Staff training: Briana - Quick Books, Cory - Sealaska, Helen - HR
- Regi training in Kodiak – mount making
  - \$1800 - A donation will cover the cost.
- Sparks Blanket - Still up in the air.

### **Business**

- CVHS/Anway Cabin - CJ gave a short talk explaining the history of Charles Anway. We may have a joint meeting with the Anway board at the cabin to salvage what artifacts we can.
- John Muir program/fundraiser August 4 with interpreter Lee Stetson - Great idea. Lorrie and Helen will work on it for next meeting.
- Marketing: July 4<sup>th</sup> Float - not this year
- Community Survey - next meeting
- Collections
  - Octopus Bag \$500 - Lorrie/John M/S to purchase bag using endowment fund account.
  - Ward items - hold for collections committee
  - Contractor for backlog - A perfect Grant-in-Aid project
  - Heaton totem pole - We looked at the base which needs work.
- Exhibits: Large landscape painting (Map) - Kelleen generously offered to house the map in her heated garage while it is framed.
- Chilkat Center kitchen - We will write a resolution in support of the FCCA project.

**Adjourn** - 6:50 p.m.

**Next Board meeting:** June 14, 2018 at 6:30 p.m.

Respectfully submitted,

Lorrie Dudzik, secretary



**MINUTES****Parks and Recreation Advisory Committee****Meeting Date: 5/2/2018****Date of Approval: 5/23/18**

1. **Call to Order:** A meeting of the Haines Borough Parks and Recreation Advisory Committee was held in assembly chambers on May 2, 2018; Richard Chapell presiding.
2. **Members in Attendance:** Rich CHAPPELL, Burl SHELDON, George FIGDOR, Lori SMITH, and Patty PETERS.  
**Members Not in Attendance:** Zack FERRIN (excused), Thom ELY  
**Others in Attendance:** Alekka FULLERTON/Borough Clerk, Brenda JOSEPHSON/Assembly Liaison, Jerry LAPP, Kathy LAPP, Patty CAMPBELL and Carol TUYNMAN.
3. **Approval of Agenda:** SHELDON moved to “approved the agenda”, and it was passed unanimously. FIGDOR moved to reconsider the approval of the agenda to have new business heard before unfinished business,” and the motion carried unanimously.
4. **Approval of Minutes:** SHELDON moved to “approve the minutes of March 28, 2018,” and the motion carried unanimously. SHELDON moved to “approve the minutes of the April 2, 2018 minutes as corrected,” and the motion carried unanimously.
5. **Public Comments:**
6. **New Business**
  - A. Plan Joint Meeting with Snowburners and Ski Club about 25-mile
  - B. Parks & Recreation Web Page on Borough Site
7. **Unfinished Business:**
  - A. Plan Park Appreciation Day**Motion:** SHELDON moved to have a BBQ at Tlingit Park to offer Bike Safety, Fire Safety, Bear Safety, Recycling- keep our parks clean, 4<sup>th</sup> of July.
  - B. Funding for Signage at Borough Parks
8. **Committee Comments:** SHELDON, SMITH, FIGDOR
9. **Next Meeting:** The next meeting will be Wednesday, May 23, 2018 at 6:00 pm.
10. **Adjournment:** The meeting was adjourned at 7:11 pm.

By: Alekka Fullerton, Borough Clerk



PO Box 1734 • Haines, AK 99827 • Phone: 907-766-3130  
E-Mail: [director@hainesedc.org](mailto:director@hainesedc.org) Web: [www.hainesedc.org](http://www.hainesedc.org)

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June 21, 2018

Per the Memorandum of Understanding between the Haines Borough and Haines Economic Development Corporation, HEDC will provide updates on our activities quarterly to the assembly. Thank you for the opportunity to update you on HEDC's work since March.

First, thank you for approving another year of funding for HEDC in the FY19 budget. We appreciate your support in our efforts.

Other activities in the last three months include:

- Meeting with the assembly over breakfast to better understand the role and expectations of HEDC and build the relationship between the HEDC board and assembly.
- We secured an office (#28 in the Gateway Building) and increased our executive director's hours to fulltime.
- Our ED (Margaret Friedenauer) attended the British Columbia Economic Development Summit in early June. This was followed by a two-day training with the International Economic Development Council for a training session called, "Managing Economic Development Organizations."
- We continue to work with McDowell to finalize the Baseline Data Report and move ahead with our strategic planning. This work is expected to conclude by August.
- We have continued to engage the University of Alaska on the proposed timber sale for the Haines area. Working with Haines Borough Planner Holly Smith, we developed a scoping document that suggest what a comprehensive economic analysis of the timber sale may look like. We have asked the university to partner with us on this analysis. We also submitted this document and comments to the university Board of Regents encouraging an economic analysis, setting aside some defined amount of the timber harvest for local sale and/or processing and expressing interest in an outright sale of land should any university lands in the Haines area become available. The university named HEDC to its "Haines Action Committee."

- We submitted a letter of support to the state in naming Haines an “Opportunity Zone” under a federal program designed to drive long-term capital to distressed community. Gov. Walker included Haines in his designation of 25 Opportunity Zones under this program.
- We continue to respond to requests to information including specific requests in the last three months from the state DOT, the university and assembly members.
- At the assembly’s request, HEDC plans to undertake a Housing Needs Assessment in the coming months.

Thank you for your continued support of HEDC and economic development in Haines. Please let us know if you have any questions. We are available anytime for your questions and feedback.

Sincerely,

HEDC Board of Directors

- *Heather Shade - President*
- *Sean Gaffney - Vice President*
- *Jessica Edwards - Secretary*
- *Greg Schlachter - Treasurer*
- *Mike Ward*
- *Doug Olerud*
- *Harry Rietze*
- *Mayor Jan Hill ex officio member*
- *Holly Smith ex officio member*



**Haines Borough  
Assembly Agenda Bill**

**Agenda Bill No.:** 18-844

**Assembly Meeting Date:** 6/26/18

Business Item Description:	Attachments:
Subject: Chilkat River Access	1. Resolution 18-06-761 2. Chilkat River Working Group May 25, 2018 report.
Originator: Borough Manager	
Originating Department: Tourism	
Date Submitted: 6/19/18	

Full Title/Motion:
Motion: Adopt Resolution 18-06-761.

Administrative Recommendation:

Fiscal Impact:			
Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ 0	\$ 0	\$ 0	\$ 0

Comprehensive Plan Consistency Review:	
Comp Plan Goals/Objectives: Goal 8, Objective 8a	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
The Chilkat River Working Group met three times to consider and report on the Chilkat River Access issues. Their final report and request of May 25, 2018 is attached.

Referral:	
Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:	
Meeting Date(s): 6/26/18	Public Hearing Date(s):
	Postponed to Date:

HAINES BOROUGH  
RESOLUTION No. 18-06-761

**A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY endorsing the Chilkat River Access Working Group Recommendations to the Alaska Department of Transportation and Public Facilities for maintaining and enhancing access to the Chilkat River by design, Haines Highway Project, Phase II.**

**WHEREAS**, the Chilkat River supports all life in the valley; is critical to the health and sustenance of salmon and trout and all that feed upon them; and

**WHEREAS**, the resources of the Chilkat River valley provide critical habitat for wildlife and offer people opportunities for recreation, subsistence, sport and commerce; and

**WHEREAS**, the Haines Highway (Alaska Route 7) is routed mainly along the shores of the Chilkat River miles 7 to 24 and the Klehini River mile 25 and 26; and

**WHEREAS**, adequate, safe and ongoing access to the Chilkat River and the Klehini River is essential in supporting life and commerce; and

**WHEREAS**, the State of Alaska Department of Transportation is currently designing the realignment of the Haines Highway from miles 12 to 26; and

**WHEREAS**, the borough convened a working group of stakeholders in the health and use of the Chilkat and Klehini rivers in Haines April – May, 2018 to document currently-used access points, to identify how the points are used and challenges that have arisen during times of high use and demand; and

**WHEREAS**, the consensus among stakeholders is that maintenance and enhancement of the identified access points is critical to subsistence fishing and hunting, fish habitat enhancement and the growth and expansion of the tourism industry;

**NOW, THEREFORE BE IT RESOLVED** that the Haines Borough Assembly by this resolution endorses the findings of the Chilkat River Access Working Group and recommends the maintenance of all points providing access to the Chilkat and Klehini Rivers documented in the May 25, 2018 report to the State Department of Transportation and Public Facilities Design & Engineering.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this 26<sup>th</sup> day of June, 2018.

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Janice Hill, Mayor

Attest:

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Alekka Fullerton, Borough Clerk

MILEPOST	SECTION	COMMENTS	SOLUTIONS?
13	0	<p>Heavily dependent on river flow, so not always accessible, so not as preferable for commercial users. Road is rough and unimproved. Bring material in. Parking can be built out after that.</p> <p><b>UNSAFE Corner</b> Road will likely erode soon if not raised. Good way sight for excess rock. DOT doesn't like this spot b/c dangerous corner. We don't know the new alignment yet – it's at 50% design phase. Legally cannot cutoff access to legal waterways. Dumping will be improved automatically with road and visibility improvement. We haul tons of trash. Recommendations went to Parks 12 years ago, asking to block this off because of garbage.</p>	<p>Partner with Chilkoot Indian Association (tribal government) for capital improvements and the Haines Borough for waste management.</p> <p>Maintain Access Excess Rock Harden Road/Parking Access moved when existing access is precluded → NW approx. 300 feet if guardrail is needed. Build an apron capable of having 40 ft trailers – keep in mind eagle habitat in trees. Harden the road – use D1. Raise the bed b/c probably sitting on the water table. Design should include the ability to accommodate 40 ft length vehicles. Parks revisiting their recommendation from 12 years ago to DOT</p>
14	A	<p>Downstream. At low water. Challenging access. Can't put a boat in there at low water. Traditional fish camp / high subsistence use. Commercial does like to put in there. Subsistence use can't close off access. It is in such a critical area for raft tours.</p> <p>Operators: We need two launches at this spot.</p>	<p>Maintain access. Expand and level parking area without blocking launch areas. Ask for a possibility of creating natural eddies for creating downstream ramp. Request pave the whole lot with parking</p>
14	B	<p>Clear pool. Discussion bought up conflict on whether DOT will enlarge the area or fill it in.</p> <p>Highest use area on entire road/river access</p>	<p>Maintain access. Make pool bigger with strong attention to avoid spawning areas. Channel into clear pool is critical for jet boat access Manage walk able areas to avoid fish habitat damage.</p> <p>Request pave the whole lot with parking</p>

14.5		Used by all user groups, particularly subsistence users.	Maintain Access
16	0	Heavily dependent on river flow, so not always accessible. DOT and Parks would like to shut down this access because of garbage dumping.	Maintain Access Harden Road/Parking areas to improve Access moved when existing access is precluded → NW approx. 300 feet if guardrail is needed. Build an apron capable of having 40 ft trailers – keep in mind eagle habitat in trees. Partner with Chilkoot Indian Association for solid waste management.
19	0	Land ownership must be researched, ie native allotments, BLM, State, etc.  Would Klukwan rather see downstream access improved?  This area has not been surveyed.	Maintain access to 19 mile slide. Talk to Klukwan about this issue. If existing access is denied, relocate access to upper (northern) edge of slide toe.  
21	0	Used by all user groups. Highway plans show the road shifting closer to the hillside by a considerable distance. Rich: ADFG Uses this are as a boat launch and maintains a small tent there.	Increase size of the parking area to accommodate demands Capture riverside uplands as parking lot and fill entire area to the edge of the road. Harden or pave boat launch ramp
24	0	Wells bridge favored by all users. Jacquot has an access that is private This was a traditional access point that was removed when the State put in bridge	When bridge is removed/moved as proposed, reinstate access for users at this point Borough needs to negotiate with Klukwan to gain access above the village Pedestrian trail to water is needed.
24	.8		Spawning habitat. Install culverts or bridge stream to protect spawning channel when river is high. American Bald Eagle Preserve AC has advised this area be improved to protect

			sensitive spawning areas. Perhaps work with them to find \$\$ for this project
<b>25</b>	<b>.5</b>	Rafter commercial user access point	Maintain access for commercial users to use in late summer/fall. The Haines Borough Comprehensive Plan, Goal 8, Objective 8a directs for Enhanced public access for this point.
<b>26</b>	<b>0</b>	Access was lost during bridge replacement DOT promised to reinstate access	Maintain access. Borough should not sign off on this project until access reinstated Move the access 20 ft from the original access point and reinstate Partner with the American Bald Eagle Preserve AC/Takshanuk to establish access as part of the enhancement project.



# Visit Haines!

(907) 766-6418 / (907) 766-3155 fax



May 25, 2018

To: Debra Schnabel, Borough Manager

From: Carolann Wooton, Director of Tourism

Re: Chilkat River Access Working Group Recommendations for maintaining river access groups  
During Haines Highway Project, Phase II

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Per your recommendation, the Chilkat River Access Working Group was formed in April 2018 with the goal of bringing all stakeholders who use the Chilkat River for work or recreation to form an active inventory of access points along the river and provide the Borough with recommendations of issues to approach the Alaska State DOT during Phase II of the Haines Highway Project.

The sections of this memo include:

1. **Decision-Making Procedure** detailing the discussions of the working group.
2. **Background** information and historical facts and uses of various access points along the Chilkat River, along with ownership issues surrounding points if they exist.
3. **Analysis** of the discussion and recommended actions of the group.
4. **Recommendations** created by the group, and alternatives if they exist.

## DECISION-MAKING PROCEDURE

The use of the Chilkat River is a critical part of life in the community with many user groups who are heavily dependent upon safe, adequate and ongoing access to the river. The Chilkat user groups were identified as:

- Recreational users – each year Haines has thousands of visitors to the community (192,226 in 2017) who make recreational use of the Chilkat River. From hiking, to eagle viewing or fishing the Chilkat is one of the busiest waterways in the region.
- Commercial Tour Operators – there are currently four commercial tour operators who use the Chilkat to support the growing visitor industry in Haines.
- Subsistence Users – the community of Haines is heavily dependent upon a subsistence lifestyle and the Chilkat River access is critical to maintaining this lifestyle.
- Sport Users – sport fishermen and hunters use the Chilkat River to fish and hunters use the river to access hard to reach hunting areas for moose and bear.
- Habitat – the Chilkat River is critical and sensitive spawning ground for salmon and the American Bald Eagle Preserve borders many miles of the river.
- Cultural – The Chilkat River is also home to many culturally sensitive areas important to the native Tlingit. Klukwan Village resides right on the riverbanks.

Haines Visitors Center P.O. Box 530 Haines, AK 99827 [www.visithaines.com](http://www.visithaines.com)

The working group was formed with every effort to include and bring to the table representatives of each user group. Additionally, members from State Agencies such as AK DOT, AK State Parks, AK Department of Fish and Game, Takshanuk Watershed Council were involved in the discussion to ensure every stakeholder provided input into the project.

The initial meeting held on Monday, April 9, 2018 with a large group in attendance, the meeting identified and created an inventory of current access points along the Haines Highway from 12 mile to 26 mile, this is the portion of the highway that will be completed in Phase II of the Haines Highway Improvement

Project. The groups actively engaged in identifying how the points are used and challenges that have arisen during times of high use. Also during this meeting, Jim Scholl from Alaska DOT was present to answer questions from the group regarding the current plans for improving or changing access along the river. Jim did share that the plan for the second phase of the project is to go out to bid by summer 2019, so this is the best time to make any recommended changes. He did, however, stress to the group that the window for recommendations to impact the DOT plans is short and the group should try to complete this project as quickly as possible.

Subsequent meetings were held on Monday, April 30 and May 17. The meetings with a much smaller, more focused group began to make recommendations for improvement or needs at all the access points located on the highway in the Phase II planned work.

## BACKGROUND/ANALYSIS

The Chilkat River is a large braided waterway that has times of high/low water and more importantly, the river bed continues to change and shift rendering some access points unusable. The river is a key area for tourists to visit and supports a large commercial industry which is only expected to grow. Conducting the work of documenting these access points will be critical to help the community plan for future growth and expansion. The group identified the following:

1. 13 Mile – utilized by all user groups this area has some challenges because it is located on a rather sharp corner and lacks adequate parking; in addition there is a history of trash dumping making the area unsightly. ***There has been a significant improvement in the dumping in this area and 16 mile as users have worked hard to clean up these areas.*** Hunting, fishermen and trappers favor this area to gain access to hunting grounds; however, commercial operators only use this when other options are not available.
2. 14 A Mile – also known as the clear pool is a high use area for all user groups. This access has heavy commercial use which has created issues for non commercial users who find the area crowded with rafting tourists and the setups of the commercial operations. The pool is also identified as a sensitive habitat area where spawning fish will rest prior to continuing upstream to spawning areas.
3. 14 B Mile – a secondary part of the 14 mile pull out that is used most often by subsistence fishermen to put out nets, but also offers a secondary pull out for commercial users during times of congestion, or low water levels.

4. 14.5 Mile – used by all users, particularly subsistence hunting, fishing and trappers. This is also a sensitive habitat for fish spawning.
5. 16 Mile – used by all users, but the access point is hard to get to because of an unimproved road that is pretty far off the highway and it is also on a sharp corner making access difficult. This point was identified by the State DOT as an access to be removed due to the history of garbage dumping and dangerous corner. Smelt rearing does take place at 16 mile.
6. 19 Mile – used mainly by commercial tour operators with rafts, sport fishermen, and bird photographers. There are some possible ownership issues with Native allotment; in addition the slide here is quite large and very active during times of high rainfall. Bird photographers trespass on native lands causing disturbances and degradation.
7. 21 Mile – used by all user groups this is a heavily utilized access to the Chilkat causing congestion on the ramp. Lack of parking space causes issues when commercial operators block parking and ramp access for other users. Issues also arise when subsistence fishermen place nets and block ramp access for others. Fish research access area.
8. 24 Mile (Wells Bridge) – this has been a traditional access point prior to the replacement of the bridge. Need sport fishing and pedestrian access reestablished.
9. 24.8 Mile – primarily used by jet boaters to access hunting grounds higher up the river, access to this requires driving through a chum fish spawning channel.
10. 25.5 Mile – accessed by commercial rafters.
11. 26 Mile (Klehini River Bridge) – traditional jet boat and commercial rafter access point that was removed during the bridge replacement and has not to date been restored.

## **RECOMMENDATIONS**

The Chilkat River is an important navigable waterway critical to commerce in the Chilkat Valley. The Haines Highway Corridor Plan noted the importance of providing safe and efficient river access to this part of the Chilkat, and as a unique area of formal and informal access points that must be improved. The work of the group was also reliant upon both the 2017 Haines Highway Corridor Partnership Plan and the Haines Borough Comprehensive Plan. Specifically, the Haines Borough Comprehensive Plan, Goal 8, Object 8a recommends:

*“Coordinate Haines Highway pullout development (per Highway Scenic Corridor Plan and Figure 8-3) with ADOT&PF as future road improvements occur. All pullouts should be multi-use/purpose and provide parking for people who want to look at scenery, take photos of eagles, or launch for a recreational activity. There should be breaks in guard rails at pullouts to facilitate recreational access to river. Use expertise of Chilkat Guides and ADF&G to identify places in river for more “hardened” jet boat launch. If possible, identify and harden some jet boat launches (removable in winter) to consolidate this activity and associated riparian habitat wear and tear. Possible locations are at 10 Mile, 14 Mile, 19 Mile and 21 Mile Haines Highway.”*

Over the next several years we expect to see significant growth in cruise ship traffic where many of the visitors enjoy rafting expeditions down the Chilkat River, and current access points continue to experience increased pressure. The working group recommends that the Borough request AK DOT to ensure that all currently identified points in this document are retained.

One suggestion in the past has been to limit user groups or confine some users (such as commercial operators) to specific access areas. The group discussed this concept and overruled it because of the natural movement of the river. As stated earlier, the Chilkat River frequently moves during times of high or low water that can render areas unusable to gain access to the river. All groups would like to ensure the ability to adjust with ebb and flow of the river as needed.


There are improvements recommended within the document to ensure the ongoing, safe enjoyment for all user groups which can be used when seeking grant or other funding streams. This document identifying the access points currently used can be a useful way to catalogue the many ways that the community utilizes the resources of the Chilkat River.

Chilkoot Indian Association (CIA) has offered to utilize Federal funds to improve access to MP 13, including possible road improvement and launch site infrastructure, this should be fully investigated with ongoing conversations by the Borough and CIA to secure the funds. In addition, during discussions with AK DOT representative Jim Scholl, regarding the possible closure of MP 16, CIA indicated an interest in providing oversight of the area to mitigate the garbage dumping and allow the State of Alaska to relinquish responsibility for maintenance of the area. This also should be discussed with CIA to ensure this crucial access remains intact.

The group is requesting a resolution from the Haines Borough Assembly to support the Chilkat access.

For the sake of clarity, while all locations can be utilized in any manner, MP 13 – 21 are primarily used as “take out” locations and MP 21 – 26 are primarily “put in” locations. The only exception to this is MP 21 which is heavily used for both purposes. The following chart outlines the group’s recommendations:

MILEPOST	SECTION	COMMENTS	SOLUTIONS?
13	0	<p>Heavily dependent on river flow, so not always accessible, so not as preferable for commercial users. Road is rough and unimproved. Bring material in. Parking can be built out after that.</p> <p><b>UNSAFE Corner</b> Road will likely erode soon if not raised. Good way sight for excess rock. DOT doesn't like this spot b/c dangerous corner. We don't know the new alignment yet – it's at 50% design phase. Legally cannot cutoff access to legal waterways. Dumping will be improved automatically with road and visibility improvement. We haul tons of trash. Recommendations went to Parks 12 years ago, asking to block this off because of garbage.</p>	<p>Partner with Chilkoot Indian Association (tribal government) for capital improvements and the Haines Borough for waste management.</p> <p>Maintain Access Excess Rock Harden Road/Parking Access moved when existing access is precluded → NW approx. 300 feet if guardrail is needed. Build an apron capable of having 40 ft trailers – keep in mind eagle habitat in trees. Harden the road – use D1. Raise the bed b/c probably sitting on the water table. Design should include the ability to accommodate 40 ft length vehicles. Parks revisiting their recommendation from 12 years ago to DOT</p>
14	A	<p>Downstream. At low water. Challenging access. Can't put a boat in there at low water. Traditional fish camp / high subsistence use. Commercial does like to put in there. Subsistence use can't close off access. It is in such a critical area for raft tours.</p> <p>Operators: We need two launches at this spot.</p>	<p>Maintain access. Expand and level parking area without blocking launch areas. Ask for a possibility of creating natural eddies for creating downstream ramp. Request pave the whole lot with parking</p>
14	B	<p>Clear pool. Discussion bought up conflict on whether DOT will enlarge the area or fill it in.</p> <p>Highest use area on entire road/river access</p>	<p>Maintain access. Make pool bigger with strong attention to avoid spawning areas. Channel into clear pool is critical for jet boat access Manage walk able areas to avoid fish habitat damage.</p> <p>Request pave the whole lot with parking</p>

14.5		Used by all user groups, particularly subsistence users.	Maintain Access
16	0	Heavily dependent on river flow, so not always accessible. DOT and Parks would like to shut down this access because of garbage dumping.	Maintain Access Harden Road/Parking areas to improve Access moved when existing access is precluded → NW approx. 300 feet if guardrail is needed. Build an apron capable of having 40 ft trailers – keep in mind eagle habitat in trees. Partner with Chilkoot Indian Association for solid waste management.
19	0	Land ownership must be researched, ie native allotments, BLM, State, etc.  Would Klukwan rather see downstream access improved?  This area has not been surveyed.	Maintain access to 19 mile slide. Talk to Klukwan about this issue. If existing access is denied, relocate access to upper (northern) edge of slide toe.  
21	0	Used by all user groups. Highway plans show the road shifting closer to the hillside by a considerable distance. Rich: ADFG Uses this are as a boat launch and maintains a small tent there.	Increase size of the parking area to accommodate demands Capture riverside uplands as parking lot and fill entire area to the edge of the road. Harden or pave boat launch ramp
24	0	Wells bridge favored by all users. Jacquot has an access that is private This was a traditional access point that was removed when the State put in bridge	When bridge is removed/moved as proposed, reinstate access for users at this point Borough needs to negotiate with Klukwan to gain access above the village Pedestrian trail to water is needed.
24	.8		Spawning habitat. Install culverts or bridge stream to protect spawning channel when river is high. American Bald Eagle Preserve AC has advised this area be improved to protect

			sensitive spawning areas. Perhaps work with them to find \$\$ for this project
<b>25</b>	<b>.5</b>	Rafter commercial user access point	Maintain access for commercial users to use in late summer/fall. The Haines Borough Comprehensive Plan, Goal 8, Objective 8a directs for Enhanced public access for this point.
<b>26</b>	<b>0</b>	Access was lost during bridge replacement DOT promised to reinstate access	Maintain access. Borough should not sign off on this project until access reinstated Move the access 20 ft from the original access point and reinstate Partner with the American Bald Eagle Preserve AC/Takshanuk to establish access as part of the enhancement project.



**Haines Borough  
Assembly Agenda Bill**

**Agenda Bill No.:** 18-847  
**Assembly Meeting Date:** 6/26/18

Business Item Description:	Attachments:
Subject: Support Federal BUILD Grant Application for Lutak Dock Improvements (\$25 million)	1. Resolution 18-06-762 2. Updated R&M Consultants Cost Estimate 3. BUILD Notice of Funding Opportunity
Originator: Director of Public Facilities	
Originating Department: Public Facilities	
Date Submitted: 6/20/18	

**Full Title/Motion:**  
Motion: Adopt Resolution 18-06-762.

**Administrative Recommendation:**  
This resolution is recommended by the director of public facilities.

**Fiscal Impact:**

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ 0	\$ 0	\$ 0	N/A

**Comprehensive Plan Consistency Review:**

Comp Plan Goals/Objectives: Objective 2B, Page 56-57	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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**Summary Statement:**

The Haines Borough in 2016 applied for a federal DOT Nationally Significant Freight and Highway Projects (FASTLANE Grant) for Lutak Dock improvements. Upon being rejected for funding, the Borough had a teleconference with DOT for feedback on the grant application and was told to show it had enough cash on hand to complete the entire project if awarded a grant. Hypothetical future funding from a source such as a bond vote would not meet this requirement. DOT's Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant program may cover 100 percent of project costs up to \$25 million in rural areas. Staff recommends applying for the \$25 million maximum amount for R&M Consultants' recommended Alternative 1B: Encapsulate Using Modified Diaphragm. An updated estimate from R&M removes the cost of the roll-on/roll-off facility (ro-ro), which currently is being addressed in a draft memorandum of understanding with AML. The BUILD grant application would show funding for a complete project, but additional Borough funding could be added later to expand the project scope.

**Referral:**

Referred to:	Referral Date:
Recommendation:	Meeting Date:

**Assembly Action:**

Meeting Date(s): 6/26/18	Public Hearing Date(s):
	Postponed to Date:



**A Resolution of the Haines Borough Assembly supporting a Department of Transportation Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant application for fiscal year 2018 for Lutak Dock improvements.**

**WHEREAS**, the Haines Borough seeks a federal appropriation to repair or replace the Lutak Dock; and

**WHEREAS**, the dock is a year-round, sheltered harbor, with excellent road connectivity and the potential to develop spacious upland storage; and

**WHEREAS**, a 2014 structural assessment prepared by PND Engineers, Inc. concluded “the structure has reached the end of credible 60-year service life” and “is effectively on borrowed time”; and

**WHEREAS**, the Consolidated Appropriations Act of 2018 made available \$1.5 billion for Department of Transportation Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grants through September 30, 2020; and

**WHEREAS**, these grants replace the Transportation Investment Generating Economic Recovery (TIGER) grant program; and

**WHEREAS**, grants may cover 100 percent of project costs up to \$25 million in rural areas; and

**WHEREAS**, the Borough contracted with R&M Consultants, Inc. for an amount not to exceed \$129,530 to provide conceptual options for replacing or refurbishing the Lutak Dock; and

**WHEREAS**, the Borough will apply for the \$25 million maximum amount for R&M Consultants’ recommended Alternative 1B: Encapsulate Using Modified Diaphragm; and

**WHEREAS**, Lutak Dock ranks as the top funding priority for the Borough,

**NOW, THEREFORE, BE IT RESOLVED** that the Haines Borough Assembly supports a Department of Transportation Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant application for fiscal year 2018 for Lutak Dock improvements.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Janice Hill, Mayor

Attest:

\_\_\_\_\_  
Aleka Fullerton, Borough Clerk

## ESTIMATED CONSTRUCTION COST

### HAINES LUTAK DOCK - ENCAPSULATION MODIFIED DIAPHRAGM - 1B

NO.	PAY ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT
1	Mob and Demob	LS	1	\$3,000,000	\$3,000,000
2	Construction Survey	LS	1	\$180,000	\$180,000
3	Protected Species Observer	LS	1	\$120,000	\$120,000
4	Erosion and Pollution Control	LS	1	\$31,250	\$31,250
5	Silt Curtain - Boom	LS	1	\$120,000	\$120,000
6	Demolition of Pile Caps and Misc Structure	LF	550	\$510	\$280,500
7	Demolition of Dolphins and Existing Structure	LS	1	\$50,000	\$50,000
8	Demolition Closure Arcs	EA	8	\$25,000	\$200,000
9	Salvage Existing Fenders	EA	8	\$2,000	\$16,000
10	Salvage Existing Fender Piles	EA	16	\$2,500	\$40,000
11	Excavation and Disposal of Existing Fill	CY	66,280	\$15	\$994,198
12	Dredging and Disposal	CY	34,369	\$24	\$824,900
	Sub Total Demolition				\$2,405,598
13	Furnish PS-31 Sheet Piling	SF	165,544	\$34	\$5,628,497
14	Install PS-31 Sheet Piling, per pair	EA	600	\$2,500	\$1,500,000
15	Furnish and Install Porous Backfill	CY	15,106	\$40	\$604,242
16	Furnish and Install Select Material Type A	CY	40,295	\$20	\$805,892
17	Furnish and Install Subbase Grading Type B	CY	5,035	\$25	\$125,870
18	Furnish and Install Leveling Course D-1	CY	841	\$40	\$33,632
19	Furnish 16 inch Diameter Face Beam Piling	LF	1,633	\$91	\$148,603
20	Install 16 inch Diameter Face Beam Piling	EA	23	\$3,900	\$89,700

## ESTIMATED CONSTRUCTION COST

### HAINES LUTAK DOCK - ENCAPSULATION MODIFIED DIAPHRAGM - 1B

NO.	PAY ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT
21	Furnish 18 inch Diameter Piling	LF	584	\$128	\$74,752
22	Install 18 inch Diameter Face Beam Piling	EA	8	\$4,000	\$32,000
23	Install 18 inch Diameter Piling in Rock Socket	EA	6	\$20,000	\$120,000
24	Furnish and Install Face Beam and Bullrail	CY	802	\$2,000	\$1,604,973
25	Install Salvaged Fenders	EA	8	\$6,000	\$48,000
26	Install Salvaged Fender Piles	EA	16	\$2,500	\$40,000
27	Furnish and Install Bollards	EA	8	\$10,000	\$80,000
28	Furnish and Install Life Rings	EA	5	\$1,200	\$6,000
29	Furnish and Install Fire Extinguishers	EA	5	\$1,200	\$6,000
30	Furnish and Install Fire Standpipe	LF	700	\$120	\$84,000
31	Furnish and Install 150# Anodes	EA	407	\$1,200	\$488,400
32	Furnish 30 inch Diameter Piling	LF	550	\$258	\$141,900
33	Install 30 inch Diameter Piling in Rock Socket	EA	11	\$25,000	\$275,000
34	Furnish and Install Tension Anchor	EA	23	\$35,000	\$805,000
35	Furnish and Install Abutment Pile Cap	LS		\$30,000	
36	Furnish and Install Barge Transfer Bridge	LS		\$1,120,000	
37	Furnish and Install 3 Pile Dolphins	EA	3	\$140,000	\$420,000
38	Furnish and Install 4 Pile Dolphins	EA	2	\$210,000	\$420,000
39	Electrical and Lighting	LS	1	\$315,000	\$315,000
	Sub Total Construction				\$19,754,309

## ESTIMATED CONSTRUCTION COST

### HAINES LUTAK DOCK - ENCAPSULATION MODIFIED DIAPHRAGM - 1B

NO.	PAY ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT
A	Design Upland Survey	LS	1	\$55,000	\$55,000
B	Design Hydrographic Survey	LS	1	\$20,000	\$20,000
C	Design Geotech Program	LS	1	\$140,000	\$140,000
D	Design (10% of construction)	LS	1	\$1,975,431	\$1,975,431
E	Permitting Clean Water Act Section 10 and 404	LS	1	\$20,000	\$20,000
F	Permitting NMFS IHA	LS	1	\$80,000	\$80,000
G	Permitting NEPA	LS	1	\$100,000	\$100,000
H	Construction Administration (6% of construction)	LS	1	\$1,185,259	\$1,185,259
	Sub Total Engineering and Admin				\$3,575,689

\$23,329,998

\$2,333,000

**Total** \$25,700,000

10. What actions can be taken to improve public awareness of traumatic injury as a public health issue?

11. What actions could be taken to improve the rapid extrication of motor vehicle crash patients?

12. What actions could be taken to improve the rapid transport of trauma patients?

13. What actions could be taken to improve prehospital care for pediatric trauma patients?

14. What actions could be taken to improve tribal prehospital trauma care?

15. What research is needed to improve prehospital trauma care during a mass casualty incident?

16. What is the potential role of 9–1–1 in improving prehospital trauma care outcomes?

17. What is the potential role of bystander care, such as Stop the Bleed, in improving prehospital trauma care outcomes?

18. What is the potential role of vehicle telematics in improving prehospital trauma care outcomes?

19. What is the potential role of telemedicine in improving prehospital trauma care outcomes?

20. What is the potential role of community paramedicine, mobile integrated healthcare, and other emerging EMS subspecialties in improving prehospital trauma care outcomes?

21. How could data-driven and evidence-based improvements in EMS systems improve prehospital trauma care?

22. How could enhanced collaboration among EMS systems, health care providers, hospitals, public safety answering points, public health, insurers, and others improve prehospital trauma care?

23. What are some opportunities to improve exchange of evidence based prehospital trauma care practices between military and civilian medicine?

24. Do you have any additional comments regarding prehospital trauma care?

**Authority:** 44 U.S.C. Section 3506(c)(2)(A).

Issued in Washington, DC, on April 19, 2018.

**Jeff Michael,**

*Associate Administrator, Research and Program Development.*

[FR Doc. 2018–08504 Filed 4–26–18; 8:45 am]

**BILLING CODE 4910–59–P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary of Transportation

#### Notice of Funding Opportunity for the Department of Transportation's National Infrastructure Investments Under the Consolidated Appropriations Act, 2018

**AGENCY:** Office of the Secretary of Transportation, DOT.

**ACTION:** Notice of funding opportunity.

**SUMMARY:** The Consolidated Appropriations Act, 2018 (Pub. L. 115–141, March 23, 2018) (“FY 2018 Appropriations Act” or the “Act”) appropriated \$1.5 billion to be awarded by the Department of Transportation (“DOT” or the “Department”) for National Infrastructure Investments. This appropriation stems from the program funded and implemented pursuant to the American Recovery and Reinvestment Act of 2009 (the “Recovery Act”). This program was previously known as the Transportation Investment Generating Economic Recovery, or “TIGER Discretionary Grants,” program and is now known as the Better Utilizing Investments to Leverage Development, or “BUILD Transportation Discretionary Grants,” program. Funds for the FY 2018 BUILD Transportation program are to be awarded on a competitive basis for projects that will have a significant local or regional impact. The purpose of this Final Notice is to solicit applications for BUILD Transportation Discretionary Grants.

**DATES:** Applications must be submitted by 8:00 p.m. E.D.T. on July 18, 2018.

**ADDRESSES:** Applications must be submitted through *Grants.gov*.

**FOR FURTHER INFORMATION CONTACT:** For further information concerning this notice, please contact the BUILD Transportation program staff via email at *BUILDgrants@dot.gov*, or call Howard Hill at 202–366–0301. A TDD is available for individuals who are deaf or hard of hearing at 202–366–3993. In addition, DOT will regularly post answers to questions and requests for clarifications as well as information about webinars for further guidance on DOT’s website at *www.transportation.gov/BUILDgrants*.

**SUPPLEMENTARY INFORMATION:** Many of the selection criteria of BUILD Transportation grants overlap with previous rounds of National Infrastructure Investments discretionary grants, though the program is refocused on infrastructure investment that will

make a positive impact throughout the country. The FY 2018 BUILD Transportation program will continue to give special consideration to projects located in rural areas. For this round of BUILD Transportation Discretionary Grants, the maximum grant award is \$25 million, and no more than \$150 million can be awarded to a single State, as specified in the FY 2018 Appropriations Act. Each section of this notice contains information and instructions relevant to the application process for these BUILD Transportation Discretionary Grants, and all applicants should read this notice in its entirety so that they have the information they need to submit eligible and competitive applications.

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- D. Application and Submission Information
- E. Application Review Information
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- H. Other Information

#### A. Program Description

The Consolidated Appropriations Act, 2018 (Pub. L. 115–141, March 23, 2018) (“FY 2018 Appropriations Act” or the “Act”) appropriated \$1.5 billion to be awarded by the Department of Transportation (“DOT” or the “Department”) for National Infrastructure Investments. Since this program was first created, \$5.6 billion has been awarded for capital investments in surface transportation infrastructure over nine rounds of competitive grants. Throughout the program, these discretionary grant awards have supported projects that have a significant local or regional impact.

The Department is committed to addressing the unmet transportation infrastructure needs of rural areas. Rural America is home to many of the nation’s most critical transportation infrastructure assets, including 444,000 bridges, 2.98 million miles of roadways, and 30,500 miles of Interstate highways. More than 55 percent of all public road miles are locally-owned rural roads. While only 19 percent of the nation’s population lives in rural areas, 49 percent of all traffic fatalities occur on rural roads (2015). In addition, Americans living in rural areas and on Tribal lands continue to disproportionately lack access to basic broadband service. The Department believes that underinvestment in rural transportation systems has allowed a slow and steady decline in the transportation routes that connect rural

American communities to each other and to the rest of the county. New investment is necessary to grow rural economies, facilitate freight movement, improve access to reliable and affordable transportation options and enhance health access and safety for residents. To address these rural transportation infrastructure needs, DOT intends to award a greater share of BUILD Transportation Discretionary Grant funding to projects located in rural areas that align well with the selection criteria than to such projects in urban areas.

## B. Federal Award Information

### 1. Amount Available

The FY 2018 Appropriations Act appropriated \$1.5 billion to be awarded by DOT for the BUILD Transportation program. The FY 2018 BUILD Transportation Discretionary Grants are for capital investments in surface transportation infrastructure and are to be awarded on a competitive basis for projects that will have a significant local or regional impact. Additionally, the Act allows for up to \$15 million (of the \$1.5 billion) to be awarded as grants for the planning, preparation or design of eligible projects. DOT is referring to any such awarded projects as BUILD Transportation Planning Grants. The FY 2018 Appropriations Act also allows DOT to retain up to \$25 million of the \$1.5 billion for award, oversight and administration of grants and credit assistance made under the BUILD Transportation program. If this solicitation does not result in the award and obligation of all available funds, DOT may publish additional solicitations.

The FY 2018 Appropriations Act allows up to 20 percent of available funds (or \$300 million) to be used by the Department to pay the subsidy and administrative costs for a project receiving credit assistance under the Transportation Infrastructure Finance and Innovation Act of 1998 (“TIFIA”) program, if that use of the FY 2018 BUILD funds would further the purposes of the BUILD Transportation program.

### 2. Award Size

The FY 2018 Appropriations Act specifies that BUILD Transportation Discretionary Grants may not be less than \$5 million and not greater than \$25 million, except that for projects located in rural areas (as defined in Section C.3.ii.) the minimum BUILD Transportation Discretionary Grant size is \$1 million. There is no statutory minimum grant size, regardless of

location, for BUILD Transportation Planning grants.

### 3. Restrictions on Funding

Pursuant to the FY 2018 Appropriations Act, no more than 10 percent of the funds made available for BUILD Transportation Discretionary Grants (or \$150 million) may be awarded to projects in a single State. The Act also directs that not less than 30 percent of the funds provided for BUILD Transportation Discretionary Grants (or \$450 million) shall be used for projects located in rural areas. Further, DOT must take measures to ensure an equitable geographic distribution of grant funds, an appropriate balance in addressing the needs of urban and rural areas, and investment in a variety of transportation modes.

### 4. Availability of Funds

The FY 2018 Appropriations Act requires that FY 2018 BUILD Transportation Discretionary Grants funds are only available for obligation through September 30, 2020. Obligation occurs when a selected applicant and DOT enter into a written grant agreement after the applicant has satisfied applicable administrative requirements, including transportation planning and environmental review requirements. All FY 2018 BUILD funds must be expended (the grant obligation must be liquidated or actually paid out to the grantee) by September 30, 2025. After this date, unliquidated funds are no longer available to the project. As part of the review and selection process described in Section E.2., DOT will consider whether a project is ready to proceed with an obligation of grant funds from DOT within the statutory time provided. No waiver is possible for these deadlines.

### 5. Previous TIGER Awards

Recipients of TIGER Discretionary Grants may apply for funding to support additional phases of a project awarded funds in the TIGER program. However, to be competitive, the applicant should demonstrate the extent to which the previously funded project phase has been able to meet estimated project schedules and budget, as well as the ability to realize the benefits expected for the project.

## C. Eligibility Information

To be selected for a BUILD Transportation Discretionary Grant, an applicant must be an Eligible Applicant and the project must be an Eligible

### 1. Eligible Applicants

Eligible Applicants for BUILD Transportation Discretionary Grants are State, local, and tribal governments, including U.S. territories, transit agencies, port authorities, metropolitan planning organizations (MPOs), and other political subdivisions of State or local governments.

Multiple States or jurisdictions may submit a joint application and must identify a lead applicant as the primary point of contact, and also identify the primary recipient of the award. Each applicant in a joint application must be an Eligible Applicant. Joint applications must include a description of the roles and responsibilities of each applicant and must be signed by each applicant.

### 2. Cost Sharing or Matching

Per the FY 2018 Appropriations Act, BUILD Transportation Discretionary Grants may be used for up to 80 percent of a project located in an urban area<sup>1</sup> and the Secretary may increase the Federal share of costs above 80 percent for a project located in a rural area. Urban area and rural area are defined in Section C.3.ii of this notice.

For a project located in an urban area, the Federal share of the costs for which an expenditure is made under a BUILD Transportation grant may not exceed 80 percent. Non-Federal sources include State funds originating from programs funded by State revenue, local funds originating from State or local revenue-funded programs, or private funds. Toll credits under 23 U.S.C. 120(i) are considered a non-Federal source. Unless otherwise authorized by statute, State or local cost-share may not be counted as the non-Federal share for both the BUILD Transportation grant and another Federal grant program. The Department will not consider previously-incurred costs or previously-expended or encumbered funds towards the matching requirement for any project. Matching funds are subject to the same Federal requirements described in Section F.2. as awarded funds.

### 3. Other

#### i. Eligible Projects

Eligible projects for BUILD Transportation Discretionary Grants are capital projects that include, but are not limited to: (1) Highway, bridge, or other road projects eligible under title 23, United States Code; (2) public transportation projects eligible under chapter 53 of title 49, United States

<sup>1</sup> To meet match requirements, the minimum total project cost for a project located in an urban area must be \$6.25 million.

Code; (3) passenger and freight rail transportation projects; (4) port infrastructure investments (including inland port infrastructure and land ports of entry); and (5) intermodal projects.<sup>2</sup> The FY 2018 Appropriations Act allows up to \$15 million for the planning, preparation or design of projects eligible for BUILD Transportation funding. Activities eligible for funding under BUILD Transportation Planning Grants are related to the planning, preparation, or design—including environmental analysis, feasibility studies, and other pre-construction activities—of surface transportation projects. Research, demonstration, or pilot projects are eligible only if they will result in long-term, permanent surface transportation infrastructure that has independent utility as defined in Section C.3.iii. Applicants are strongly encouraged to submit applications only for eligible award amounts.

#### ii. Rural/Urban Definition

For purposes of this notice, DOT defines “rural area” as an area outside an Urbanized Area<sup>3</sup> (UA) as designated by the U.S. Census Bureau. In this notice, an “urban area” is defined as an area inside a UA as designated by the U.S. Census Bureau.<sup>4</sup>

The Department will consider a project to be in a rural area if the majority of the project (determined by geographic location(s) where the majority of the money is to be spent) is located in a rural area. Costs incurred on an Urbanized Area border, including an intersection with an Urbanized Area, will be considered urban for the purposes of the FY 2018 BUILD Transportation Program. Rural and urban definitions differ in some other DOT programs, including TIFIA and the Nationally Significant Freight and Highway Projects Program (FAST Act § 1105; 23 U.S.C. 117).

This definition affects three aspects of the program. The FY 2018 Appropriations Act directs that (1) not less than \$450 million of the funds provided for BUILD Transportation Discretionary grants are to be used for projects in rural areas; (2) for a project

in a rural area the minimum award is \$1 million; and (3) the Secretary may increase the Federal share above 80 percent to pay for the costs of a project in a rural area.

#### iii. Project Components

An application may describe a project that contains more than one component, and may describe components that may be carried out by parties other than the applicant. DOT may award funds for a component, instead of the larger project, if that component (1) independently meets minimum award amounts described in Section B and all eligibility requirements described in Section C; (2) independently aligns well with the selection criteria specified in Section E; and (3) meets National Environmental Policy Act (NEPA) requirements with respect to independent utility. Independent utility means that the component will represent a transportation improvement that is usable and represents a reasonable expenditure of DOT funds even if no other improvements are made in the area, and will be ready for intended use upon completion of that component's construction. All project components that are presented together in a single application must demonstrate a relationship or connection between them. (See Section D.2.iv. for Required Approvals).

Applicants should be aware that, depending upon the relationship between project components and applicable Federal law, DOT funding of only some project components may make other project components subject to Federal requirements as described in Section F.2.

DOT strongly encourages applicants to identify in their applications the project components that have independent utility and separately detail costs and requested BUILD Transportation funding for those components. If the application identifies one or more independent project components, the application should clearly identify how each independent component addresses selection criteria and produces benefits on its own, in addition to describing how the full proposal of which the independent component is a part addresses selection criteria.

#### iv. Application Limit

Each lead applicant may submit no more than three applications. Unrelated project components should not be bundled in a single application for the purpose of adhering to the limit. If a lead applicant submits more than three applications as the lead applicant, only

the first three received will be considered.

#### v. Program of Projects

Applicants that demonstrate the ability to generate additional non-Federal revenue for transportation infrastructure investment as described in Section E.1.i.h. of this notice may apply for multiple projects, exceeding the three application limit, that collectively constitute a “program of projects”. A program of projects consists of independent projects that address the same transportation challenge and whose combined benefits, including funding efficiency, are greater than if the projects are completed individually. For a program of projects, applicants must submit an application for each project within the program and describe how each project constitutes a program. Each project application within a program of projects must meet eligibility criteria described in Section C of this notice, demonstrate independent utility, and individually address the merit criteria within this notice. DOT will evaluate each application within a program of projects in the same manner in which it evaluates individual project applications. Each project within a program of projects is subject to the \$25 million award maximum and total awards cannot exceed \$150 million per State. Only applicants that generate additional non-Federal revenue as described in Section E.1.i.h. may submit applications exceeding the three application limit for consideration as a program of projects, and only one program of projects may be submitted by each eligible applicant.

### D. Application and Submission Information

#### 1. Address

Applications must be submitted to *Grants.gov*. Instructions for submitting applications can be found at [www.transportation.gov/BUILDgrants](http://www.transportation.gov/BUILDgrants) along with specific instructions for the forms and attachments required for submission.

#### 2. Content and Form of Application Submission

The application must include the Standard Form 424 (Application for Federal Assistance), Standard Form 424C (Budget Information for Construction Programs), cover page, and the Project Narrative. More detailed information about the Project Narrative follows. Applicants should also complete and attach to their application the “BUILD 2018 Project Information”

<sup>2</sup>Please note that the Department may use a BUILD Transportation Discretionary Grant to pay for the surface transportation components of a broader project that has non-surface transportation components, and applicants are encouraged to apply for BUILD Transportation Discretionary Grants to pay for the surface transportation components of these projects.

<sup>3</sup>Updated lists of UAs as defined by the Census Bureau are available on the Census Bureau website at [http://www2.census.gov/geo/maps/dc10map/UAUC\\_RefMap/ua/](http://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/).

<sup>4</sup>See [www.transportation.gov/BUILDgrants](http://www.transportation.gov/BUILDgrants) for a list of UAs.

form available at [www.transportation.gov/BUILDgrants](http://www.transportation.gov/BUILDgrants).

The Department recommends that the project narrative follow the basic outline below to address the program

requirements and assist evaluators in locating relevant information.

I. Project Description .....	See D.2.i.
II. Project Location .....	See D.2.ii.
III. Grant Funds, Sources and Uses of all Project Funding .....	See D.2.iii.
IV. Merit Criteria .....	See D.2.iv.(1).
V. Project Readiness .....	See D.2.iv.(2) and E.1.ii.

The project narrative should include the information necessary for the Department to determine that the project satisfies project requirements described in Sections B and C and to assess the selection criteria specified in Section E.1. To the extent practicable, applicants should provide supporting data and documentation in a form that is directly verifiable by the Department. The Department may ask any applicant to supplement data in its application, but expects applications to be complete upon submission.

In addition to a detailed statement of work, detailed project schedule, and detailed project budget, the project narrative should include a table of contents, maps and graphics, as appropriate, to make the information easier to review. The Department recommends that the project narrative be prepared with standard formatting preferences (a single-spaced document, using a standard 12-point font such as Times New Roman, with 1-inch margins). The project narrative may not exceed 30 pages in length, excluding cover pages and table of contents. The only substantive portions that may exceed the 30-page limit are documents supporting assertions or conclusions made in the 30-page project narrative. If possible, website links to supporting documentation should be provided rather than copies of these supporting materials. If supporting documents are submitted, applicants should clearly identify within the project narrative the relevant portion of the project narrative that each supporting document supports. At the applicant's discretion, relevant materials provided previously to an operating administration in support of a different DOT financial assistance program may be referenced and described as unchanged. The Department recommends using appropriately descriptive file names (e.g., "Project Narrative," "Maps," "Memoranda of Understanding and Letters of Support," etc.) for all attachments. DOT recommends applications include the following sections:

i. Project Description

The first section of the application should provide a concise description of the project, the transportation challenges that it is intended to address, and how it will address those challenges. This section should discuss the project's history, including a description of any previously completed components. The applicant may use this section to place the project into a broader context of other transportation infrastructure investments being pursued by the project sponsor, and, if applicable, how it will benefit communities in rural areas.

ii. Project Location

This section of the application should describe the project location, including a detailed geographical description of the proposed project, a map of the project's location and connections to existing transportation infrastructure, and geospatial data describing the project location. If the project is located within the boundary of a Census-designated UA, the application should identify the UA.

iii. Grant Funds, Sources and Uses of Project Funds

This section of the application should describe the project's budget. This budget should not include any previously incurred expenses. At a minimum, it should include:

- (A) Project costs;
- (B) For all funds to be used for eligible project costs, the source and amount of those funds;
- (C) For non-Federal funds to be used for eligible project costs, documentation of funding commitments should be referenced here and included as an appendix to the application;
- (D) For Federal funds to be used for eligible project costs, the amount, nature, and source of any required non-Federal match for those funds;
- (E) A budget showing how each source of funds will be spent. The budget should show how each funding source will share in each major construction activity, and present that data in dollars and percentages. Funding sources should be grouped into three categories: non-Federal; BUILD;

and other Federal. If the project contains individual components, the budget should separate the costs of each project component. If the project will be completed in phases, the budget should separate the costs of each phase. The budget detail should sufficiently demonstrate that the project satisfies the statutory cost-sharing requirements described in Section C.2;

In addition to the information enumerated above, this section should provide complete information on how all project funds may be used. For example, if a particular source of funds is available only after a condition is satisfied, the application should identify that condition and describe the applicant's control over whether it is satisfied. Similarly, if a particular source of funds is available for expenditure only during a fixed time period, the application should describe that restriction. Complete information about project funds will ensure that the Department's expectations for award execution align with any funding restrictions unrelated to the Department, even if an award differs from the applicant's request.

iv. Criteria

This section of the application should demonstrate how the project aligns with the Criteria described in Section E.1 of this notice. The Department encourages applicants to either address each criterion or expressly state that the project does not address the criterion. Applicants are not required to follow a specific format, but the outline suggested below, which addresses each criterion separately, promotes a clear discussion that assists project evaluators. To minimize redundant information in the application, the Department encourages applicants to cross-reference from this section of their application to relevant substantive information in other sections of the application. The guidance in this section is about how the applicant should organize their application. Guidance describing how the Department will evaluate projects against the Merit Criteria is in Section E.1 of this notice. Applicants also should review that section before



considering how to organize their application.

(1) Merit Criteria

(a) Safety

This section of the application should describe the anticipated outcomes of the project that support the Safety criterion (described in Section E.1.i.(a) of this notice). The applicant should include information on, and to the extent possible, quantify, how the project would improve safety outcomes within the project area or wider transportation network, to include how the project will reduce the number, rate, and consequences of transportation-related accidents, serious injuries, and fatalities among transportation users, or how the project will eliminate unsafe grade crossings or contribute to preventing unintended releases of hazardous materials.

(b) State of Good Repair

This section of the application should describe how the project will contribute to a state of good repair by improving the condition or resilience of existing transportation facilities and systems (described in Section E.1.i.(b) of this notice), including the project's current condition and how the proposed project will improve it, and any estimation of impacts on long-term cost structures or impacts on overall life-cycle costs. If the project will contribute to a state of good repair of transportation infrastructure that supports border security, the applicant should describe how.

(c) Economic Competitiveness

This section of the application should describe how the project will support the Economic Competitiveness criterion (described in Section E.1.i.(c) of this notice). The applicant should include information about expected impacts of the project on the movement of goods and people, including how the project increases the efficiency of movement and thereby reduces costs of doing business, improves local and regional freight connectivity to the national and global economy, reduces burdens of commuting, and improves overall well-being. The applicant should describe the extent to which the project contributes to the functioning and growth of the economy, including the extent to which the project addresses congestion or freight connectivity, bridges service gaps in rural areas, or promotes the expansion of private economic development.

(d) Environmental Protection

This section of the application should describe how the project addresses the

environmental protection criterion (described in Section E.1.i.(d) of this notice). Applicants are encouraged to provide quantitative information, including baseline information that demonstrates how the project will reduce energy consumption, stormwater runoff, or achieve other benefits for the environment such as brownfield redevelopment.

(e) Quality of Life

This section should describe how the project increases transportation choices for individuals, expands access to essential services for people in communities across the United States, improves connectivity for citizens to jobs, health care, and other critical destinations, particularly for rural communities, or otherwise addresses the quality of life criterion (described in Section E.1.i.(e) of this notice). If construction of the transportation project will allow concurrent installation of fiber or other broadband deployment as an essential service, the applicant should describe those activities and how they support quality of life. Unless the concurrent activities support transportation, they will not be eligible for reimbursement.

(f) Innovation

This section of the application should describe innovative strategies used and the anticipated benefits of using those strategies, including those corresponding to three categories (described in Section E.1.i.(f) of this notice): (i) Innovative Technologies, (ii) Innovative Project Delivery, or (iii) Innovative Financing.

(i) Innovative Technologies

If an applicant is proposing to adopt innovative safety approaches or technology, the application should demonstrate the applicant's capacity to implement those innovations, the applicant's understanding of whether the innovations will require extraordinary permitting, approvals, or other procedural actions, and the effects of those innovations on the project delivery timeline.

(ii) Innovative Project Delivery

If an applicant plans to use innovative approaches to project delivery, applicants should describe those project delivery methods and how they are expected to improve the efficiency of the project development or expedite project delivery.

If an applicant is proposing to use SEP-14 or SEP-15 (as described in section E.1.i.(f) of this notice) the applicant should describe that proposal.

The applicant should also provide sufficient information for evaluators to confirm that the applicant's proposal would meet the requirements of the specific experimental authority program.<sup>5</sup>

(iii) Innovative Financing

If an applicant plans to incorporate innovative funding or financing, the applicant should describe the funding or financing approach, including a description of all activities undertaken to pursue private funding or financing for the project and the outcomes of those activities.

(g) Partnership

This section of the application should include information to assess the partnership criterion (described in Section E.1.i.(g) of this notice) including a list of all project parties and details about the proposed grant recipient and other public and private parties who are involved in delivering the project. This section should also describe efforts to collaborate among stakeholders, including with the private sector.

(h) Non-Federal Revenue for Transportation Infrastructure Investment

If an applicant generates additional non-Federal revenue (as described in Section E.1.i.(h) of this notice), this section should provide evidence of newly secured and committed revenue for transportation infrastructure investments and identify the source of the revenue. If new revenue for transportation infrastructure investments has not already been secured, the applicant should explain necessary steps to securing revenue and provide a timeline of key milestones leading to its commitment. To ensure new revenue does not supplant existing sources, applications should provide estimates of future revenue levels absent and, separately, with the new revenue. If applicable, this section should describe any fiscal or legal constraints that affect the applicant's ability to generate non-Federal revenue.

(2) Project Readiness

This section of the application should include information that, when considered with the project budget information presented elsewhere in the application, is sufficient for the Department to evaluate whether the project is reasonably expected to begin

<sup>5</sup> SEP-14 information is available at [https://www.fhwa.dot.gov/programadmin/contracts/sep\\_a.cfm](https://www.fhwa.dot.gov/programadmin/contracts/sep_a.cfm). SEP-15 information is available at [https://www.fhwa.dot.gov/ipd/p3/tools\\_programs/sep15\\_procedures.aspx](https://www.fhwa.dot.gov/ipd/p3/tools_programs/sep15_procedures.aspx).

construction in a timely manner. To assist the Department's project readiness assessment, the applicant should provide the information requested on technical feasibility, project schedule, project approvals, and project risks, each of which is described in greater detail in the following sections. Applicants are not required to follow the specific format described here, but this organization, which addresses each relevant aspect of project readiness, promotes a clear discussion that assists project evaluators. To minimize redundant information in the application, the Department encourages applicants to cross-reference from this section of their application to relevant substantive information in other sections of the application.

The guidance here is about what information applicants should provide and how the applicant should organize their application. Guidance describing how the Department will evaluate a project's readiness is described in Section E.1.ii of this notice. Applicants also should review that section when considering how to organize their application.

#### (a) Technical Feasibility

The applicant should demonstrate the technical feasibility of the project with engineering and design studies and activities; the development of design criteria and/or a basis of design; the basis for the cost estimate presented in the BUILD application, including the identification of contingency levels appropriate to its level of design; and any scope, schedule, and budget risk-mitigation measures. Applicants should include a detailed statement of work that focuses on the technical and engineering aspects of the project and describes in detail the project to be constructed.

#### (b) Project Schedule

The applicant should include a detailed project schedule that identifies all major project milestones. Examples of such milestones include State and local planning approvals (programming on the Statewide Transportation Improvement Program); start and completion of NEPA and other Federal environmental reviews and approvals including permitting; design completion; right of way acquisition; approval of plans, specifications and estimates; procurement; State and local approvals; project partnership and implementation agreements, including agreements with railroads; and construction. The project schedule should be sufficiently detailed to demonstrate that:

(1) All necessary activities will be complete to allow BUILD Transportation funds to be obligated sufficiently in advance of the statutory deadline (September 30, 2020 for FY 2018 funds), and that any unexpected delays will not put the funds at risk of expiring before they are obligated;

(2) the project can begin construction quickly upon obligation of BUILD Transportation funds, and that the grant funds will be spent expeditiously once construction starts, with all BUILD Transportation funds expended by September 30, 2025; and

(3) all real property and right-of-way acquisition will be completed in a timely manner in accordance with 49 CFR part 24, 23 CFR part 710, and other applicable legal requirements or a statement that no acquisition is necessary.

#### (c) Required Approvals

(1) Environmental Permits and Reviews. The application should demonstrate receipt (or reasonably anticipated receipt) of all environmental approvals and permits necessary for the project to proceed to construction on the timeline specified in the project schedule and necessary to meet the statutory obligation deadline, including satisfaction of all Federal, State and local requirements and completion of the NEPA process. Specifically, the application should include:

(a) Information about the NEPA status of the project. If the NEPA process is complete, an applicant should indicate the date of completion, and provide a website link or other reference to the final Categorical Exclusion, Finding of No Significant Impact, Record of Decision, and any other NEPA documents prepared. If the NEPA process is underway, but not complete, the application should detail the type of NEPA review underway, where the project is in the process, and indicate the anticipated date of completion of all milestones and of the final NEPA determination. If the last agency action with respect to NEPA documents occurred more than three years before the application date, the applicant should describe why the project has been delayed and include a proposed approach for verifying and, if necessary, updating this material in accordance with applicable NEPA requirements.

(b) Information on reviews, approvals, and permits by other agencies. An application should indicate whether the proposed project requires reviews or approval actions by other agencies,<sup>6</sup>

<sup>6</sup> Projects that may impact protected resources such as wetlands, species habitat, cultural or

indicate the status of such actions, and provide detailed information about the status of those reviews or approvals and should demonstrate compliance with any other applicable Federal, State or local requirements, and when such approvals are expected. Applicants should provide a website link or other reference to copies of any reviews, approvals, and permits prepared.

(c) Environmental studies or other documents, preferably through a website link, that describe in detail known project impacts, and possible mitigation for those impacts.

(d) A description of discussions with the appropriate DOT operating administration field or headquarters office regarding the project's compliance with NEPA and other applicable Federal environmental reviews and approvals.

(e) A description of public engagement about the project that has occurred, including details on the degree to which public comments and commitments have been integrated into project development and design.

(2) State and Local Approvals. The applicant should demonstrate receipt of State and local approvals on which the project depends, such as State and local environmental and planning approvals and Statewide Transportation Improvement Program (STIP) or (Transportation Improvement Program) TIP funding. Additional support from relevant State and local officials is not required; however, an applicant should demonstrate that the project has broad public support.

(3) Federal Transportation Requirements Affecting State and Local Planning. The planning requirements applicable to the relevant operating administration apply to all BUILD Transportation projects,<sup>7</sup> including

historic resources require review and approval by Federal and State agencies with jurisdiction over those resources.

<sup>7</sup> Under 23 U.S.C. 134 and § 135, all projects requiring an action by FHWA must be in the applicable plan and programming documents (e.g., metropolitan transportation plan, transportation improvement program (TIP) and statewide transportation improvement program (STIP)). Further, in air quality non-attainment and maintenance areas, all regionally significant projects, regardless of the funding source, must be included in the conforming metropolitan transportation plan and TIP. Inclusion in the STIP is required under certain circumstances. To the extent a project is required to be on a metropolitan transportation plan, TIP, and/or STIP, it will not receive a BUILD Transportation grant until it is included in such plans. Projects not currently included in these plans can be amended by the State and MPO. Projects that are not required to be in long range transportation plans, STIPs, and TIPs will not need to be included in such plans in order to receive a BUILD Transportation grant. Port, freight rail, and intermodal projects are not required to be on the State Rail Plans called for in the Passenger Rail Investment and Improvement Act of

intermodal projects located at airport facilities.<sup>8</sup> Applicants should demonstrate that a project that is required to be included in the relevant State, metropolitan, and local planning documents has been or will be included in such documents. If the project is not included in a relevant planning document at the time the application is submitted, the applicant should submit a statement from the appropriate planning agency that actions are underway to include the project in the relevant planning document.

To the extent possible, freight projects should be included in a State Freight Plan and supported by a State Freight Advisory Committee (49 U.S.C. 70201, 70202), if these exist. Applicants should provide links or other documentation supporting this consideration.

Because projects have different schedules, the construction start date for each BUILD Transportation grant must be specified in the project-specific agreements signed by relevant operating administration and the grant recipients, based on critical path items that applicants identify in the application and will be consistent with relevant State and local plans.

#### (d) Assessment of Project Risks and Mitigation Strategies

Project risks, such as procurement delays, environmental uncertainties, increases in real estate acquisition costs, uncommitted local match, or lack of legislative approval, affect the likelihood of successful project start and completion. The applicant should identify all material risks to the project and the strategies that the lead applicant and any project partners have undertaken or will undertake in order to mitigate those risks. The applicant should assess the greatest risks to the

2008, or in a State Freight Plan as described in the FAST Act. However, applicants seeking funding for freight projects are encouraged to demonstrate that they have done sufficient planning to ensure that projects fit into a prioritized list of capital needs and are consistent with long-range goals. Means of demonstrating this consistency would include whether the project is in a TIP or a State Freight Plan that conforms to the requirements Section 70202 of Title 49 prior to the start of construction. Port planning guidelines are available at [StrongPorts.gov](http://StrongPorts.gov).

<sup>8</sup>Projects at grant obligated airports must be compatible with the FAA-approved Airport Layout Plan, as well as aeronautical surfaces associated with the landing and takeoff of aircraft at the airport. Additionally, projects at an airport: Must comply with established Sponsor Grant Assurances, including (but not limited to) requirements for non-exclusive use facilities, consultation with users, consistency with local plans including development of the area surrounding the airport, and consideration of the interest of nearby communities, among others; and must not adversely affect the continued and unhindered access of passengers to the terminal.

project and identify how the project parties will mitigate those risks.

To the extent it is unfamiliar with the Federal program, the applicant should contact the appropriate DOT operating administration field or headquarters offices, as found in contact information at [www.transportation.gov/BUILDgrants](http://www.transportation.gov/BUILDgrants), for information on the pre-requisite steps to obligate Federal funds in order to ensure that their project schedule is reasonable and that there are no risks of delays in satisfying Federal requirements.

BUILD Transportation Planning Grant applicants should describe their capacity to successfully implement the proposed activities in a timely manner.

#### (3) Benefit Cost Analysis

This section describes the recommended approach for the completion and submission of a benefit-cost analysis (BCA) as an appendix to the Project Narrative. The results of the analysis should be summarized in the Project Narrative directly, as described in Section D.2.

Applicants should delineate each of their project's expected outcomes in the form of a complete BCA to enable the Department to evaluate the project's cost-effectiveness by estimating a benefit-cost ratio and calculating the magnitude of net benefits and costs for the project. In support of each project for which an applicant seeks funding, that applicant should submit a BCA that quantifies the expected benefits of the project against a no-build baseline, provides monetary estimates of the benefits' economic value, and compares the properly-discounted present values of these benefits to the project's estimated costs.

The primary economic benefits from projects eligible for BUILD Transportation Grants are likely to include savings in travel time costs, vehicle operating costs, and safety costs for both existing users of the improved facility and new users who may be attracted to it as a result of the project. Reduced damages from vehicle emissions and savings in maintenance costs to public agencies may also be quantified. Applicants may describe other categories of benefits in the BCA that are more difficult to quantify and value in economic terms, such as improving the reliability of travel times or improvements to the existing human and natural environments (such as increased connectivity, improved public health, storm water runoff mitigation, and noise reduction), while also providing numerical estimates of the magnitude and timing of each of these additional impacts wherever possible.

Any benefits claimed for the project, both quantified and unquantified, should be clearly tied to the expected outcomes of the project.

The BCA should include the full costs of developing, constructing, operating, and maintaining the proposed project, as well as the expected timing or schedule for costs in each of these categories. The BCA may also consider the present discounted value of any remaining service life of the asset at the end of the analysis period. The costs and benefits that are compared in the BCA should also cover the same project scope.

The BCA should carefully document the assumptions and methodology used to produce the analysis, including a description of the baseline, the sources of data used to project the outcomes of the project, and the values of key input parameters. Applicants should provide all relevant files used for their BCA, including any spreadsheet files and technical memos describing the analysis (whether created in-house or by a contractor). The spreadsheets and technical memos should present the calculations in sufficient detail and transparency to allow the analysis to be reproduced by DOT evaluators. Detailed guidance for estimating some types of quantitative benefits and costs, together with recommended economic values for converting them to dollar terms and discounting to their present values, are available in the Department's guidance for conducting BCAs for projects seeking funding under the BUILD Transportation program (see [www.transportation.gov/BUILDgrants/additional-guidance](http://www.transportation.gov/BUILDgrants/additional-guidance)).

#### 3. Unique Entity Identifier and System for Award Management (SAM)

Each applicant must: (1) Be registered in SAM before submitting its application; (2) provide a valid unique entity identifier in its application; and (3) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. The Department may not make a BUILD Transportation grant to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time the Department is ready to make a BUILD Transportation grant, the Department may determine that the applicant is not qualified to receive a BUILD Transportation grant and use that determination as a basis for making

a BUILD Transportation grant to another applicant.

#### 4. Submission Dates and Times

##### i. Deadline

Applications must be submitted by 8:00 p.m. E.D.T. on July 18, 2018. The *Grants.gov* "Apply" function will open by June 3, 2018.

To submit an application through *Grants.gov*, applicants must:

- (1) Obtain a Data Universal Numbering System (DUNS) number;
- (2) Register with the System for Award Management (SAM) at [www.SAM.gov](http://www.SAM.gov);
- (3) Create a *Grants.gov* username and password; and
- (4) The E-Business Point of Contact (POC) at the applicant's organization must respond to the registration email from *Grants.gov* and login at *Grants.gov* to authorize the applicant as the Authorized Organization Representative (AOR). Please note that there can be more than one AOR for an organization.

Please note that the *Grants.gov* registration process usually takes 2–4 weeks to complete and that the Department will not consider late applications that are the result of failure to register or comply with *Grants.gov* applicant requirements in a timely manner. For information and instruction on each of these processes, please see instructions at <http://www.grants.gov/web/grants/applicants/applicant-faqs.html>. If applicants experience difficulties at any point during the registration or application process, please call the *Grants.gov* Customer Service Support Hotline at 1(800) 518–4726, Monday–Friday from 7:00 a.m. to 9:00 p.m. EST.

##### ii. Consideration of Applications

Only applicants who comply with all submission deadlines described in this notice and electronically submit valid applications through *Grants.gov* will be eligible for award. Applicants are strongly encouraged to make submissions in advance of the deadline.

##### iii. Late Applications

Applicants experiencing technical issues with *Grants.gov* that are beyond the applicant's control must contact [BUILDgrants@dot.gov](mailto:BUILDgrants@dot.gov) prior to the application deadline with the user name of the registrant and details of the technical issue experienced. The applicant must provide:

- (1) Details of the technical issue experienced;
- (2) Screen capture(s) of the technical issues experienced along with corresponding *Grants.gov* "Grant tracking number";

(3) The "Legal Business Name" for the applicant that was provided in the SF–424;

(4) The AOR name submitted in the SF–424;

(5) The DUNS number associated with the application; and

(6) The *Grants.gov* Help Desk Tracking Number.

To ensure a fair competition of limited discretionary funds, the following conditions are not valid reasons to permit late submissions: (1) Failure to complete the registration process before the deadline; (2) failure to follow *Grants.gov* instructions on how to register and apply as posted on its website; (3) failure to follow all instructions in this notice of funding opportunity; and (4) technical issues experienced with the applicant's computer or information technology environment. After the Department reviews all information submitted and contact the *Grants.gov* Help Desk to validate reported technical issues, DOT staff will contact late applicants to approve or deny a request to submit a late application through *Grants.gov*. If the reported technical issues cannot be validated, late applications will be rejected as untimely.

#### E. Application Review Information

##### 1. Criteria

This section specifies the criteria that DOT will use to evaluate and award applications for BUILD Transportation Discretionary Grants. The criteria incorporate the statutory eligibility requirements for this program, which are specified in this notice as relevant. Projects will also be evaluated for demonstrated project readiness and benefits and costs.

##### i. Merit Criteria

Applications that do not demonstrate a likelihood of significant long-term benefits based on these criteria will not proceed in the evaluation process. DOT does not consider any merit criterion more important than the others. BUILD Transportation Planning Grant applications will be evaluated against the same criteria as capital grant applications. While the FY 2018 Appropriations Act allows funding solely for pre-construction activities, the Department will prioritize FY 2018 BUILD Transportation funding for projects which demonstrate the ability to move into the construction phase within the period of obligation. The selection criteria, which will receive equal consideration, are:

##### (a) Safety

The Department will assess the project's ability to foster a safe transportation system for the movement of goods and people. The Department will consider the projected impacts on the number, rate, and consequences of crashes, fatalities and injuries among transportation users; the project's contribution to the elimination of highway/rail grade crossings, or the project's contribution to preventing unintended releases of hazardous materials.

##### (b) State of Good Repair

The Department will assess whether and to what extent: (1) The project is consistent with relevant plans to maintain transportation facilities or systems in a state of good repair and address current and projected vulnerabilities; (2) if left unimproved, the poor condition of the asset will threaten future transportation network efficiency, mobility of goods or accessibility and mobility of people, or economic growth; (3) the project is appropriately capitalized up front and uses asset management approaches that optimize its long-term cost structure; (4) a sustainable source of revenue is available for operations and maintenance of the project and the project will reduce overall life-cycle costs; (5) maintain or improve transportation infrastructure that supports border security functions; and (6) the project includes a plan to maintain the transportation infrastructure in a state of good repair. The Department will prioritize projects that ensure the good condition of transportation infrastructure, including rural transportation infrastructure, that support commerce and economic growth.

##### (c) Economic Competitiveness

The Department will assess whether the project will (1) decrease transportation costs and improve access, especially for rural communities, through reliable and timely access to employment centers and job opportunities; (2) improve long-term efficiency, reliability or costs in the movement of workers or goods; (3) increase the economic productivity of land, capital, or labor; (4) result in long-term job creation and other economic opportunities; or (5) help the United States compete in a global economy by facilitating efficient and reliable freight movement.

Projects that address congestion in major urban areas, particularly those that do so through the use of congestion

pricing or the deployment of advanced technology, projects that bridge gaps in service in rural areas, and projects that attract private economic development, all support local or regional economic competitiveness.

(d) Environmental Protection

The Department will consider the extent to which the project improves energy efficiency, reduces dependence on oil, reduces congestion-related emissions, improves water quality, avoids and mitigates environmental impacts and otherwise benefits the environment, including through alternative right of way uses demonstrating innovative ways to improve or streamline environmental reviews while maintaining the same outcomes. The Department will assess the project's ability to: (i) Reduce energy use and air or water pollution through congestion mitigation strategies; (ii) avoid adverse environmental impacts to air or water quality, wetlands, and endangered species; or (iii) provide environmental benefits, such as brownfield redevelopment, ground water recharge in areas of water scarcity, wetlands creation or improved habitat connectivity, and stormwater mitigation.

(e) Quality of Life

The Department will consider the extent to which the project: (i) Increases transportation choices for individuals to provide more freedom on transportation decisions; (ii) expands access to essential services for communities across the United States, particularly for rural communities; and (iii) improves connectivity for citizens to jobs, health care, and other critical destinations, particularly for rural communities. Americans living in rural areas and on Tribal lands continue to disproportionately lack access and connectivity, and the Department will consider whether and the extent to which the construction of the transportation project will allow concurrent installation of fiber or other broadband deployment as an essential service.

(f) Innovation

The Department will assess the extent to which the applicant uses innovative strategies, including: (i) Innovative technologies, (ii) innovative project delivery, or (iii) innovative financing.

(i) Innovative Technologies

DOT will assess innovative approaches to transportation safety, particularly in relation to automated vehicles and the detection, mitigation,

and documentation of safety risks. When making BUILD Transportation award decisions, the Department will consider any innovative safety approaches proposed by the applicant, particularly projects which incorporate innovative design solutions, enhance the environment for automated vehicles, or use technology to improve the detection, mitigation, and documentation of safety risks. Innovative safety approaches may include, but are not limited to:

- Conflict detection and mitigation technologies (e.g., intersection alerts and signal prioritization);
- Dynamic signaling or pricing systems to reduce congestion;
- Signage and design features that facilitate autonomous or semi-autonomous vehicle technologies;
- Applications to automatically capture and report safety-related issues (e.g., identifying and documenting near-miss incidents); and
- Cybersecurity elements to protect safety-critical systems.

For innovative safety proposals, the Department will evaluate safety benefits that those approaches could produce and the broader applicability of the potential results. DOT will also assess the extent to which the project uses innovative technology that supports surface transportation to significantly enhance the operational performance of the transportation system.

Innovative technologies include: broadband deployment and the installation of high-speed networks concurrent with the project construction; connecting Intelligent Transportation System (ITS) infrastructure; and providing direct fiber connections that support surface transportation to public and private entities, which can provide a platform and catalyst for growth of rural communities. The Department will consider whether and the extent to which the construction of the transportation project will allow concurrent broadband deployment and the installation of high-speed networks.

(ii) Innovative Project Delivery

DOT will consider the extent to which the project utilizes innovative practices in contracting, congestion management, asset management, or long-term operations and maintenance.

The Department also seeks projects that employ innovative approaches to improve the efficiency and effectiveness of the environmental permitting and review to accelerate project delivery and achieve improved outcomes for communities and the environment. The Department's objective is to achieve

timely and consistent environmental review and permit decisions. Participation in innovative project delivery approaches will not remove any statutory requirements affecting project delivery. While BUILD Transportation award recipients are not required to employ innovative approaches, the Department encourages BUILD Transportation applicants to describe innovative project delivery methods for proposed projects.

Additionally, DOT is interested in projects that apply innovative strategies to improve the efficiency of project development or expedite project delivery by using FHWA's Special Experimental Project No. 14 (SEP-14) and Special Experimental Project No. 15 (SEP-15). Under SEP-14 and SEP-15, FHWA may waive statutory and regulatory requirements under title 23 on a project-by-project basis to explore innovative processes that could be adopted through legislation. This experimental authority is available to test changes that would improve the efficiency of project delivery in a manner that is consistent with the purposes underlying existing requirements; it is not available to frustrate the purposes of existing requirements.

When making BUILD Transportation award decisions, the Department will consider the applicant's proposals to use SEP-14 or SEP-15, whether the proposals are consistent with the objectives and requirements of those programs, the potential benefits that experimental authorities or waivers might provide to the project, and the broader applicability of potential results. The Department is not replacing the application processes for SEP-14 or SEP-15 with this notice or the BUILD Transportation program application. Instead, it seeks detailed expressions of interest in those programs. If selected for an BUILD Transportation award, the applicant would need to satisfy the relevant programs' requirements and complete the appropriate application processes. Selection for a BUILD Transportation award does not mean a project's SEP-14 or SEP-15 proposal has been approved. The Department will make a separate determination in accordance with those programs' processes on the appropriateness of a waiver.

(iii) Innovative Financing

DOT will assess the extent to which the project incorporates innovations in transportation funding and finance through both traditional and innovative means, including by using private sector funding or financing and recycled

revenue from the competitive sale or lease of publicly owned or operated assets.

(g) Partnership

The Department will consider the extent to which projects demonstrate strong collaboration among a broad range of stakeholders. Projects with strong partnership typically involve multiple partners in project development and funding, such as State and local governments, other public entities, and private or nonprofit entities. DOT will consider rural applicants that partner with State, local, or private entities for the completion and operation of transportation infrastructure to have strong partnership. DOT will also assess the extent to which the project application demonstrates collaboration among neighboring or regional jurisdictions, including neighboring rural areas, to achieve local or regional benefits. In the context of public-private partnerships, DOT will assess the extent to which partners are encouraged to ensure long-term asset performance, such as through pay-for-success approaches.

DOT will also consider the extent to which projects include partnerships that bring together diverse transportation agencies or are supported, financially or otherwise, by other stakeholders that are pursuing similar objectives. For example, DOT will consider the extent to which transportation projects are coordinated with economic development, housing, water and waste infrastructure, power and electric infrastructure, broadband and land use plans and policies or other public service efforts.

(h) Non-Federal Revenue for Transportation Infrastructure Investment

The Administration believes that attracting significant new, non-Federal revenue streams dedicated to transportation infrastructure investment is desirable to maximize investment in transportation infrastructure. The Department will assess the extent that applications provide evidence that the applicant will secure and commit new, non-Federal revenue to transportation infrastructure investment.

New revenue means revenue that is not included in current and projected funding levels and results from specific actions taken to increase transportation infrastructure investment. For example, an applicant may generate new revenue through asset recycling, tolling, tax-increment financing, or sales or gas tax increases. New revenue does not include the proceeds of a new bond

issuance unless an applicant raises or commits to raising new revenue to repay the bonds. The Department will consider actions to create new revenue only if those actions occurred after January 1, 2015 or will occur in the future; it will not consider actions that occurred before January 1, 2015. For applications that propose to generate revenue over multiple years, the maximum time period that should be used is 10 years, beginning on January 1, 2018. Among otherwise similar applications, applicants that generate more new non-Federal revenue for future transportation infrastructure investment will be more competitive. The Department recognizes that applicants have varying abilities and resources to generate non-Federal revenue. If an applicant describes broader legal or fiscal constraints that affect its ability to generate non-Federal revenue, the Department will consider those constraints. As mandated by the FY 2018 Appropriations Act, the Department will not use the Federal share as a selection criterion in awarding projects.

ii. Demonstrated Project Readiness

During application evaluation, the Department may consider project readiness to assess the likelihood of a successful project. In that analysis, the Department will consider significant risks to successful completion of a project, including risks associated with environmental review, permitting, technical feasibility, funding, and the applicant's capacity to manage project delivery. Risks do not disqualify projects from award, but competitive applications clearly and directly describe achievable risk mitigation strategies. A project with mitigated risks or with a risk mitigation plan is more competitive than a comparable project with unaddressed risks.

iii. Project Costs and Benefits

The Department may consider the costs and benefits of projects seeking BUILD Transportation funding. To the extent possible, the Department will rely on quantitative, data-supported analysis to assess how well a project addresses this criterion, including an assessment of the project's estimated benefit-cost ratio and net quantifiable benefits based on the applicant-supplied BCA described in Section D.2.vi.

iv. Additional Considerations

The FY 2018 Appropriations Act requires the Department to consider contributions to geographic diversity among recipients, including the need for a balance between the needs of rural

and urban communities when selecting BUILD Transportation projects.

2. Review and Selection Process

DOT reviews all eligible applications received by the deadline. The BUILD Transportation grants review and selection process consists of at least Technical Review and Senior Review. In the Technical Review, teams comprising staff from the Office of the Secretary (OST) and operating administrations review all eligible applications and rate projects based on how well the projects align with the selection criteria. The Senior Review Team, which includes senior leadership from OST and the operating administrations determines which projects to advance to the Secretary as Highly Rated. The FY 2018 Appropriations Act mandated BUILD Transportation grant awards by December 18, 2018. To ensure the Department meets the statutory deadline specified in the FY 2018 Appropriations Act, the Department may revise the evaluation process based on the number of applications received. The Secretary selects from the Highly Rated projects for final awards.

3. Additional Information

Prior to award, each selected applicant will be subject to a risk assessment as required by 2 CFR 200.205. The Department must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). An applicant may review information in FAPIIS and comment on any information about itself. The Department will consider comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants.

**F. Federal Award Administration Information**

1. Federal Award Notice

Following the evaluation outlined in Section E, the Secretary will announce awarded projects by posting a list of selected projects at [www.transportation.gov/BUILDgrants](http://www.transportation.gov/BUILDgrants). Notice of selection is not authorization to begin performance. Following that announcement, the relevant operating administration will contact the point of contact listed in the SF 424 to initiate negotiation of the grant agreement for authorization.

## 2. Administrative and National Policy Requirements

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR part 200, as adopted by DOT at 2 CFR part 1201. Additionally, applicable Federal laws, rules and regulations of the relevant operating administration administering the project will apply to the projects that receive BUILD Transportation Discretionary Grants awards, including planning requirements, Service Outcome Agreements, Stakeholder Agreements, Buy America compliance, and other requirements under DOT's other highway, transit, rail, and port grant programs.

For projects administered by FHWA, applicable Federal laws, rules, and regulations set forth in Title 23 U.S.C. and Title 23 CFR apply. For an illustrative list of the applicable laws, rules, regulations, executive orders, policies, guidelines, and requirements as they relate to a BUILD Transportation project administered by the FHWA, please see [https://ops.fhwa.dot.gov/Freight/infrastructure/tiger/fy2016\\_gr\\_exhbt/index.htm](https://ops.fhwa.dot.gov/Freight/infrastructure/tiger/fy2016_gr_exhbt/index.htm). For BUILD Transportation projects administered by the Federal Transit Administration and partially funded with Federal transit assistance, all relevant requirements under chapter 53 of title 49 U.S.C. apply. For transit projects funded exclusively with BUILD Transportation Discretionary Grants funds, some requirements of chapter 53 of title 49 U.S.C. and chapter VI of title 49 CFR apply. For projects administered by the Federal Railroad Administration, FRA requirements described in 49 U.S.C. Subtitle V, Part C apply.

Federal wage rate requirements included in subchapter IV of chapter 31 of title 40, U.S.C., apply to all projects receiving funds under this program, and apply to all parts of the project, whether funded with BUILD Transportation Discretionary Grant funds, other Federal funds, or non-Federal funds.

## 3. Reporting

### i. Progress Reporting on Grant Activities

Each applicant selected for BUILD Transportation Discretionary Grants funding must submit quarterly progress reports and Federal Financial Reports (SF-425) to monitor project progress

and ensure accountability and financial transparency in the BUILD Transportation program.

### ii. System Performance Reporting

Each applicant selected for BUILD Transportation Discretionary Grant funding must collect information and report on the project's observed performance with respect to the relevant long-term outcomes that are expected to be achieved through construction of the project. Performance indicators will not include formal goals or targets, but will include observed measures under baseline (pre-project) as well as post-implementation outcomes for an agreed-upon timeline, and will be used to evaluate and compare projects and monitor the results that grant funds achieve to the intended long-term outcomes of the BUILD Transportation program are achieved. To the extent possible, performance indicators used in the reporting should align with the measures included in the application and should relate to at least one of the selection criteria defined in Section E. Performance reporting continues for several years after project construction is completed, and DOT does not provide BUILD Transportation Discretionary Grant funding specifically for performance reporting.

### iii. Reporting of Matters Related to Recipient Integrity and Performance

If the total value of a selected applicant's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then the applicant during that period of time must maintain the currency of information reported to the SAM that is made available in the designated integrity and performance system (currently FAPIIS) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

## G. Federal Awarding Agency Contacts

For further information concerning this notice please contact the BUILD Transportation program staff via email at [BUILDgrants@dot.gov](mailto:BUILDgrants@dot.gov), or call Howard Hill at 202-366-0301. A TDD is available for individuals who are deaf or hard of hearing at 202-366-3993. In addition, DOT will post answers to questions and requests for clarifications on DOT's website at [www.transportation.gov/BUILDgrants](http://www.transportation.gov/BUILDgrants). To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact DOT directly, rather than through intermediaries or third parties, with questions. DOT staff may also conduct briefings on the BUILD Transportation Discretionary Grants selection and award process upon request.

## H. Other information

### 1. Protection of Confidential Business Information

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the application includes information the applicant considers to be a trade secret or confidential commercial or financial information, the applicant should do the following: (1) Note on the front cover that the submission "Contains Confidential Business Information (CBI)"; (2) mark each affected page "CBI"; and (3) highlight or otherwise denote the CBI portions. DOT protects such information from disclosure to the extent allowed under applicable law. In the event DOT receives a Freedom of Information Act (FOIA) request for the information, DOT will follow the procedures described in its FOIA regulations at 49 CFR 7.17. Only information that is ultimately determined to be confidential under that procedure will be exempt from disclosure under FOIA.

Issued on: April 20, 2018.

**Elaine L. Chao,**

Secretary.

[FR Doc. 2018-08906 Filed 4-26-18; 8:45 am]

**BILLING CODE 4910-9X-P**



**Haines Borough  
Assembly Agenda Bill**

Agenda Bill No.: 18-845

Assembly Meeting Date: 6/26/18

Business Item Description:	Attachments:
Subject: Authorize Loan Application from the Alaska Drinking Water Fund for AC Pipe Replacement	1. Resolution 18-06-763 2. Alaska Drinking Water Fund Priority List (ADEC)
Originator: Director of Public Facilities	
Originating Department: Public Facilities	
Date Submitted: 6/20/18	

**Full Title/Motion:**  
Motion: Adopt Resolution 18-06-763.

**Administrative Recommendation:**  
This resolution is recommended by the director of public facilities.

**Fiscal Impact:**

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ 0	\$ 0	\$ 0	Later ordinance would accept loan

**Comprehensive Plan Consistency Review:**

Comp Plan Goals/Objectives: Objective 15B, Page 252	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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**Summary Statement:**

The Small Tracts/Mud Bay/Front AC Pipe Replacement project would replace approximately 3,300 feet of asbestos cement (AC) pipe with C-900 PVC on Small Tracts/Mud Bay roads and Front Street. The AC pipe in this area is brittle and prone to leaks. The State of Alaska, Department of Environmental Conservation (ADEC) is able to offer funding through the Alaska Drinking Water Fund. The project currently is ranked third on an Alaska Drinking Water Fund priority list for fiscal year 2019. The loan questionnaire received additional points as a public health project that "will correct potential long-term, chronic health threats, or resolve serious distribution system problems or leaks." The loan of up to \$2,284,590 would be repaid over no more than a 30-year term, with a 2 percent finance rate. The loan has a \$500,000 subsidy in the form of principal forgiveness, the maximum subsidy granted for Disadvantaged Community Assistance. Upon receiving the loan agreement document, Haines Borough Charter Section 3.03 will require assembly authorization by ordinance to borrow the money.

**Referral:**

Referred to:	Referral Date:
Recommendation:	Meeting Date:

**Assembly Action:**

Meeting Date(s): 6/26/18	Public Hearing Date(s):
	Postponed to Date:



**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to apply to the State of Alaska, Department of Environmental Conservation (ADEC) for a loan from the Alaska Drinking Water Fund for the project entitled Small Tracts/Mud Bay/Front AC Pipe Replacement.**

**WHEREAS**, the Small Tracts/Mud Bay/Front AC Pipe Replacement project would replace approximately 3,300 feet of asbestos cement (AC) pipe with C-900 PVC on Small Tracts/Mud Bay roads and Front Street; and

**WHEREAS**, the AC pipe in this area is brittle and prone to leaks; and

**WHEREAS**, the Haines Borough seeks to obtain the necessary financial assistance for the project; and

**WHEREAS**, the State of Alaska, Department of Environmental Conservation (ADEC) is able to offer funding through the Alaska Drinking Water Fund; and

**WHEREAS**, the project currently is ranked third on an Alaska Drinking Water Fund priority list for fiscal year 2019; and

**WHEREAS**, the loan questionnaire received additional points as a public health project that "will correct potential long-term, chronic health threats, or resolve serious distribution system problems or leaks"; and

**WHEREAS**, the loan of up to \$2,284,590 would be repaid over no more than a 30-year term, with a 2 percent finance rate; and

**WHEREAS**, the loan has a \$500,000 subsidy in the form of principal forgiveness, the maximum subsidy granted for Disadvantaged Community Assistance; and

**WHEREAS**, upon receiving the loan agreement document, Haines Borough Charter Section 3.03 will require assembly authorization by ordinance to borrow the money,

**NOW, THEREFORE, BE IT RESOLVED** that the Haines Borough Assembly authorizes the Borough Manager to apply to the State of Alaska, Department of Environmental Conservation (ADEC) for a loan from the Alaska Drinking Water Fund for the project entitled Small Tracts/Mud Bay/Front AC Pipe Replacement.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Janice Hill, Mayor

Attest:

\_\_\_\_\_  
Aleka Fullerton, Borough Clerk

## Alaska Drinking Water Fund - State Fiscal Year (SFY) 2019 Project Priority List

Note: All projects identified in the first quarter of SFY19 are within the fundable limit of the Alaska Drinking Water Fund. Applications will be accepted for any project on the list when the final Intended Use Plan (IUP) is released. Funding will be awarded on a first-come, first-served basis.

(1) Additional subsidy is subject to change depending on the readiness of projects to proceed.

(2) Loan terms will be finalized when a loan agreement is offered. The finance rate will be based on a calculation identified in Alaska Administrative Code (18 AAC 76).

Rank	Score	Public Water System ID# (Population)	Applicant	Project Name and Description	Requested Loan Amount	Estimated Additional Subsidy (1)	Disadvantaged Community	Distressed Community	Requested Loan Term (Yrs) (2)	Green Project Amount (Type)	Sustainability Policy	Estimated Construction Start	Quarter Added to IUP
1	185	AK2211229 (575)	Alpat Water Utility Homestead Service Area	<b>Well Facility and Transmission Main</b> - Construct a well, well house and transmission main to serve the entire Homestead and Meadow Ridge service area from one facility with redundancy to maintain continuous service. Also included is lead detection equipment.	\$693,551	\$346,776	X		20 to 30	\$ 693,551 (Energy)	Fix It First	8/1/18	Q1
2	171	AK2340010 (3,797)	Nome Joint Utility System	<b>Bering Street Water System Replacement</b> - Replace leaking 33 year old "Sclaircore" direct bury (and joint trench) water distribution piping in coordination with an Alaska Department of Transportation & Public Facilities project.	\$2,433,988	\$500,000	X		5 to 20	\$ 2,433,988 (Energy)	Fix It First	6/1/20	Q1
3	151	AK2110619 (253)	Haines Borough	<b>Small Tracts/Mud Bay/Front AC Pipe Replacement</b> -Replace approximately 3,300 feet of asbestos cement (AC) pipe with C-900 PVC on Small Tracts/Mud Bay roads and Front Street.	\$2,284,590	\$500,000	X		20 to 30	\$ 2,284,590 (Energy)	Fix It First	6/3/19	Q1
4	121	AK2210906 (297,483)	Anchorage AWWU	<b>Mink Avenue Water Rehab</b> - Reconstruct approximately 550 feet of 6- inch cast iron water main.	\$371,000				5 to 20		Fix It First	6/1/18	Q1
5	121	AK2210906 (297,483)	Anchorage AWWU	<b>Thunderbird Grandview Subdivision Water Upgrade</b> - Replace or rehabilitate existing water distribution main in the TBird Grandview subdivision area. Condition assessment of the project pipe and the leak history of the area were used to identify this project. Project was submitted in SFY18 as Primrose E17th E18th Water Rehab due to change in scope of project.	\$1,508,000				5 to 20		Fix It First	6/1/18	Q1
6	115	AK2210906 (297,483)	Anchorage AWWU	<b>Girdwood Well Site Upgrade</b> - Design and construct various improvements at the Girdwood well. These improvements will primarily include upgrades to the backup power system and the replacement of the hypochlorite generation system. During the design phase of the project the condition of other systems at the well site will be evaluated for potential upgrades as part of the project.	\$468,000				5 to 20	\$ 150,000 (Energy)	Fix It First	1/18/19	Q1
7	115	AK2270320 (1,049)	Chevak	<b>Chevak Helical Pile Installation (Water)</b> - Install 2 helical piles per 10 feet of water distribution piping. Approximately 50 supports shall be installed.	\$33,675	\$26,940	X	X	< 5		Fix it First	07/01/2018	Q1
8	110	AK2260367 (516)	New Stuyahok	<b>New Stuyahok Curb Stops Installation</b> - Install approximately 10 curb stops and associated items for service line isolation.	\$35,800	\$28,640	X	X	< 5		Effective Utility Mgmt	07/01/2018	Q1
9	110	AK2340109 (686)	Noorvik	<b>Noorvik Utilidor Replacement (Water)</b> - Replace existing damaged utilidor with new aluminum insulated utilidor. Existing main water piping shall be replaced as needed. Utilidor will be relevelled on-site.	\$29,275	\$23,420	X	X	< 5		Fix it First	07/01/2018	Q1
10	110	AK2340183 (705)	Savoonga	<b>Savoonga Helical Pile Installation (Water)</b> - Install 2 helical piles per water main support. Approximately 75 supports shall be installed.	\$37,463	\$29,970	X	X	< 5		Fix it First	07/01/2018	Q1
11	101	AK2210906 (297,483)	Anchorage AWWU	<b>Becharof-Rakof-Chirkof Water Main Rehab</b> -Replace approximately 988 feet of 8-inch cast iron water main and 660 feet of 6-inch water main at the end of its useful life. Install inerties to reduce the COF of each of these pipes.	\$1,875,000				5 to 20		Fix It First	08/15/2018	Q1
12	101	AK2210906 (297,483)	Anchorage AWWU	<b>Boston Street Water Rehab</b> - Replace approximately 895 feet of 6-inch cast iron water main at the end of its useful life.	\$896,000				5 to 20		Fix It First	06/01/2018	Q1

## Alaska Drinking Water Fund - State Fiscal Year (SFY) 2019 Project Priority List

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(1) Additional subsidy is subject to change depending on the readiness of projects to proceed.

(2) Loan terms will be finalized when a loan agreement is offered. The finance rate will be based on a calculation identified in Alaska Administrative Code (18 AAC 76).

Rank	Score	Public Water System ID# (Population)	Applicant	Project Name and Description	Requested Loan Amount	Estimated Additional Subsidy (1)	Disadvantaged Community	Distressed Community	Requested Loan Term (Yrs) (2)	Green Project Amount (Type)	Sustainability Policy	Estimated Construction Start	Quarter Added to IUP
13	101	AK2210906 (297,483)	Anchorage AWWU	<b>E 42nd Lake Otis to Pipe Water Rehab</b> - Replace and/or rehabilitate water lines along 42nd Avenue from Lake Otis to Pipe Street.	\$1,650,000				5 to 20		Fix It First	08/14/2018	Q1
14	101	AK2210906 (297,483)	Anchorage AWWU	<b>E 7th Lane to Pine Water Rehab</b> - Replace approximately 572 feet of 6-inch cast iron water main at the end of its useful life.	\$458,000				5 to 20		Fix It First	08/15/2018	Q1
15	101	AK2210906 (297,483)	Anchorage AWWU	<b>E Northern Lights Blvd Augustine Water Upgrade</b> - Rehabilitate or replace approximately 853 feet of 8-inch ductile iron pipe that at the end of its useful life.	\$384,000				5 to 20		Fix It First	01/19/2019	Q1
16	101	AK2210906 (297,483)	Anchorage AWWU	<b>Gruening Reservoir/Booster/Well Station Rehab</b> - Evaluate and identify deficiencies in the Gruening Well, Booster Station and Reservoir. Once fully identified solutions to these deficiencies will be designed and constructed under this project.	\$1,071,000				5 to 20	\$ 500,000 Energy	Fix It First	09/24/2018	Q1
17	101	AK2210906 (297,483)	Anchorage AWWU	<b>Inlet Place Water Rehab</b> - Replace approx. 710 feet of 6-inch cast iron water main at the end of its useful life.	\$486,000				5 to 20		Fix It First	06/25/2018	Q1
18	101	AK2210906 (297,483)	Anchorage AWWU	<b>San Antonio-Camila-San Rob Water Rehab</b> - Replace 2,300 feet of water main, numerous water service lines, and adjacent fire hydrants within the right-of-way that are approaching the end of useful life.	\$1,390,000				5 to 20		Fix It First	06/01/2018	Q1
19	101	AK2210906 (297,483)	Anchorage AWWU	<b>W 43rd Aero Constellation Water Rehab</b> - Replace approximately 1,023 feet of 6-inch cast iron water main at the end of its useful life.	\$818,000				5 to 20		Fix It First	07/18/2018	Q1
20	101	AK2210906 (297,483)	Anchorage AWWU	<b>Tanglewood Place Water Rehab</b> - Replace approximately 600 feet of aging 6-inch cast iron water main.	\$395,000				5 to 20		Fix It First	06/01/2018	Q1
21	101	AK2120193 (1,548)	Craig	<b>Replace 5.5 miles of Raw Water Main</b> - Inspect and replace approximately 5.5 miles of aging ductile iron raw water main that transmits raw water from North Fork Lake to the Craig water treatment plant.	\$2,900,000	\$500,000	X		5 to 20		Fix It First	04/02/2018	Q1
22	101	AK2120193 (1,548)	Craig	<b>Spruce Street Storage Tank</b> - Improve tank, repair leaks, install variable frequency drive pump, pressure switch, and associated controls to operate manually or automated, install automated input pipe with control valve.	\$219,000		X		5 to 20		Fix It First	10/01/2018	Q1
23	91	AK2240757 (2,787)	Seward	<b>Gateway Water Tank</b> - Refurbish the Gateway water storage tank roof.	\$300,000	\$150,000	X		5 to 20	\$ 300,000 (Energy)	Fix it First	09/03/2018	Q1
24	81	AK2210906 (297,483)	Anchorage AWWU	<b>Jewel Lake Intertie</b> - Construct approximately 1400 feet of 16-inch backbone water main and associated interties between 84th and 88th Avenue as part of a road widening project.	\$1,100,000				5 to 20		Fix It First	06/01/2018	Q1
25	76	AK2210906 (297,483)	Anchorage AWWU	<b>486 Zone Debarr Intertie</b> - Construct approximately 700 feet of 16-inch water main between the Anchorage Loop Debarr PRV Vault and Early View Drive located in East Anchorage including piping modifications within the Debarr PRV vault. Address hydraulic deficiencies in the northeast portion of the 486 pressure zone, provide system redundancy, and allow for the Muldoon Booster Station to be abandoned.	\$1,022,000				5 to 20		Fix It First	06/25/2018	Q1

## Alaska Drinking Water Fund - State Fiscal Year (SFY) 2019 Project Priority List

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26	76	AK2210906 (297,483)	Anchorage AWWU	<b>92nd Ave Intertie Zone Conversion</b> - Construct 750 feet of 12-Inch water intertie and associated appurtenances between 94th Ave. and Lakewood Court. This project will also convert the 320 pressure zone to the 347 pressure zone.	\$639,000				5 to 20		Effective Utility Mgmt.	09/25/2018	Q1
27	76	AK2210906 (297,483)	Anchorage AWWU	<b>Briarwood Dimond Intertie</b> - Construct approximately 400 feet of water main on Dimond Blvd. between the Old Seward Highway and Spring Street. The project will provide for redundancy for water service to residential and commercial customers between Dimond Boulevard, Lore Road, the Old Seward Hwy and the New Seward Hwy.	\$340,500				5 to 20		Effective Utility Mgmt.	09/24/2018	Q1
28	76	AK2210906 (297,483)	Anchorage AWWU	<b>ER Well Rehab - Norfolk, Gruening, Well #8</b> - Rehabilitate Norfolk and/or Well #8 in Eagle River.	\$750,000				5 to 20	\$ 500,000 Energy	Fix It First	06/01/2018	Q1
29	76	AK2210906 (297,483)	Anchorage AWWU	<b>Northern Community Zone Conversion Projects</b> - Design and construct a series of projects to combine pressure zones in the northern communities. Pressure zone conversion will provide for operational flexibility and efficiencies within the water distribution system. The pressure zone conversions include; merging the 484 and 520 zones, the 440 and 520 zones, and the 570 and 600 pressure zones.	\$2,486,121				5 to 20		Effective Utility Mgmt.	09/25/2018	Q1
30	75	AK2340418 (399)	Brevig Mission	<b>Water Treatment Plant Heat Recovery</b> - Harness waste heat from the power plant generators and transfer that heat using heat exchangers and a glycol loop to offset fuel usage at the water treatment plant.	\$550,000	\$440,000	X	X	20 to 30	\$ 550,000 (Energy)	Effective Utility Mgmt.	06/01/2018	Q1
31	71	AK2120193 (1,548)	Craig	<b>Radio Read Water Meter Upgrade</b> - Install new water meters with radio read components.	\$195,000		X		20 to 30	\$ 189,000 (Water)	Effective Utility Mgmt.	06/25/2018	Q1
32	70	AK2280074 (173)	Holy Cross	<b>Water Treatment Plan Heat Recovery</b> - Design and construct a heat recovery system to serve the water treatment plant.	\$782,756	\$626,205	X	X	20 to 30	\$ 782,756 (Energy)	Effective Utility Mgmt.	07/01/2018	Q1
33	55	AK2340010 (3,797)	Nome Joint Utility System	<b>USDA Loan Refinance (Water)</b> - Refinance three water loans with USDA for facilities that were constructed and are now in operation.	\$882,700		X		5 to 20	\$ 882,700 (Energy)	Not Applicable	06/30/2006	Q1
34	51	AK2120193 (1,548)	Craig	<b>New Water Source Study</b> - Review potential new sources of drinking water to supply the water treatment and distribution system. This project will look for other local water sources, including incorporating water from the City's prior water source as a supplement to the existing water source.	\$100,000		X		5 to 20		Effective Utility Mgmt.	09/17/2018	Q1
35	51	AK2260244 (972)	King Cove	<b>Delta Creek USDA Loan Refinance</b> - Refinance a USDA loan for water system infrastructure.	\$1,000,000		X		20 to 30		Not Applicable	05/31/2018	Q1

## Alaska Drinking Water Fund - State Fiscal Year (SFY) 2019 Project Priority List

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36	46	AK2210906 (297,483)	Anchorage AWWU	<b>Updated Water Master Plan</b> - Update the AWWU Water Master Plan. The water master plan provides a guide for future expansion, modifications, and rehabilitation over a 20-year planning horizon.	\$553,341				5 to 20		Effective Utility Mgmt.	01/19/2019	Q1
37	46	AK2120193 (1,548)	Craig	<b>Water Plant Contact Chamber Baffles</b> - Install baffles in the existing 35,000 chlorine contact chamber and the 165,000 gallon water storage tanks to achieve chlorine contact time more efficiently. An additional 30,000 gallon baffled storage tank is also needed.	\$588,200		X		5 to 20		Effective Utility Mgmt.	09/17/2018	Q1
38	41	AK2214730 (375)	Potter Creek Water Co.	<b>Reservoir Security Upgrade</b> - Survey and record an easement for exclusive utility use, and construct a security fence around reservoir easement.	\$56,465				20 to 30		Effective Utility Mgmt.	07/20/2018	Q1
<b>TOTAL</b>					<b>\$31,783,425</b>	<b>\$ 3,171,951</b>				<b>\$9,266,585</b>			



**Haines Borough  
Assembly Agenda Bill**

Agenda Bill No.: 18-846  
Assembly Meeting Date: 6/26/18

Business Item Description:	Attachments:
<b>Subject:</b> Allow Junkyards as a Conditional Use in the Waterfront Industrial Zone Under HBC 18.70.040 <b>Originator:</b> Director of Public Facilities <b>Originating Department:</b> Public Facilities <b>Date Submitted:</b> 6/20/18	1. Ordinance 18-06-499 2. Planning Commission's Request for Action

**Full Title/Motion:**  
 Motion: Set Ordinance 18-06-499 for public hearings 7/10/18 and 7/24/18.

**Administrative Recommendation:**  
 This ordinance is recommended by the Planning Commission and director of public facilities.

**Fiscal Impact:**

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ 0	\$ 0	\$ 0	Potential lease of Lutak Dock space

**Comprehensive Plan Consistency Review:**

Comp Plan Goals/Objectives: Objective 15I, page 255	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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**Summary Statement:**

The borough's director of public facilities has identified the waterfront industrial area as one of the best locations for a junkyard, but the use is not currently allowed in this zone. The waterfront industrial zone was historically used as a vehicle processing location, likely due to its proximity to the water for barge transfer and because waterfront industrial zones are adjacent to industrial zones where junkyards are a use-by-right. In other Southeast Alaskan communities, junkyards are generally permitted in waterfront industrial zones.

Staff is proposing that junkyards be a conditional use in this zone, which would allow greater public scrutiny with regard to environmental and aesthetic concerns during the permitting process. Junkyards already have special approval criteria in HBC 18.60.020. We have added language that would provide necessary oversight in the waterfront industrial zone, which should mitigate the occurrences of ground and waterway contamination.

**Referral:**

Referred to:	Referral Date:
Recommendation:	Meeting Date:

**Assembly Action:**

Meeting Date(s): 6/26/18	Public Hearing Date(s):
	Postponed to Date:

**An Ordinance of the Haines Borough amending Haines Borough Code Title 18 to allow 'Junkyards' as a conditional use in the Waterfront Industrial zone under HBC 18.70.040.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Title 18: The zoning use designation of 'Junkyard' in Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED  
~~STRIKETHROUGH~~ ITEMS ARE DELETED

**18.60.020: APPROVAL CRITERIA – Specific Approval Criteria.**

B. Junkyard. No junkyard shall be established or operated unless it is completely obscured from view of any traveled or public right-of-way or adjacent properties with a non-compatible use (i.e., residential, commercial). The manager or commission may require a continuous solid fence to prevent the unsightly display of the yard. The fencing provided shall be continuous and of sufficient height and density to provide visual screening required by this chapter on a year-round basis. Precautions shall be taken to prevent ground or water contamination from runoff containing, including but not limited to, fuels and hazardous chemicals. **Applications for junkyards in the Waterfront Industrial zone must include a plan for addressing air pollution, oil, spill prevention, hazardous waste, water discharge, stormwater runoff, underground storage tanks, aesthetic concerns, and state and federal permits.**

. . .

**18.70.040: ZONING DISTRICTS – Zoning use chart.**

The following chart summarizes the uses allowed and the standards of review for each use, townsite planning/zoning district and the zones therein. In the commercial and industrial zones, more than one building housing a permissible principal use may be developed on a single lot; provided, that each building and use shall comply with all applicable requirements of this title. Additional requirements may be applicable to developments within some zones. See the definitions in Chapter 18.20 HBC for descriptions of each use.

UBR = Use-By-Right CU = Conditional Use NA = Not Allowed GFA = Gross Floor Area												
USES	I/H	I/L/C	I/W	C	W	SSA	SR	MR	RR	RMU	MU	REC
Junkyard Yard	UBR	UBR	<del>CUNA</del>	CU	NA	NA	NA	NA	NA	CU	UBR	NA

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS \_\_\_\_  
DAY OF \_\_\_\_\_, 2018.

ATTEST:

\_\_\_\_\_  
Janice Hill, Mayor

\_\_\_\_\_  
Alekkka Fullerton, Borough Clerk

Date Introduced:                    \_/\_/\_  
Date of First Public Hearing:     \_/\_/\_  
Date of Second Public Hearing:   \_/\_/\_





Haines Borough  
**BOROUGH ASSEMBLY  
ACTION REQUEST**

DATE: June 14<sup>th</sup>, 2018

TO: Borough Assembly

FROM: Borough Planning Commission

SUBJECT: Draft Ordinance: Allowing Junkyards in the Waterfront Industrial Zone as a Conditional Use

ACTION:

Commissioner Turner made a motion to RECOMMEND THAT JUNKYARDS BE A CONDITIONAL USE IN THE WATERFRONT INDUSTRIAL ZONE.  
Commissioner Heinz seconded and the motion passed 5-0.

RATIONALE:

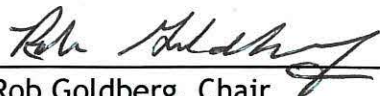
The borough's director of public facilities has identified the waterfront industrial area as one of the best locations for a junkyard, but the use is not currently allowed in this zone. The waterfront industrial zone was historically used as a vehicle processing location, likely due to its proximity to the water for barge transfer and because waterfront industrial zones are adjacent to industrial zones where junkyards are a use-by-right. In other Southeast Alaskan communities, junkyards are generally permitted in waterfront industrial zones.

Staff is proposing that junkyards be a conditional use in this zone, which would allow greater public scrutiny with regard to environmental and aesthetic concerns during the permitting process. Junkyards already have special approval criteria in HBC 18.60.020. We have added language that would provide necessary oversight in the waterfront industrial zone, which should mitigate the occurrences of ground and waterway contamination.

Junk car removal is referenced in the comprehensive plan, Objective 15I: "ID parcel for use as a storage lot until a scrap barge can remove vehicles; if parcel not borough-owned, lease, rent or acquire land."

BOARD REQUEST:

The Planning Commission requests that the Assembly adopt the draft ordinance.

SUBMITTED BY   
Rob Goldberg, Chair  
Haines Borough Planning Commission



Haines Borough  
**PLANNING COMMISSION**  
**RECORD OF DECISION**

DATE: June 14<sup>th</sup>, 2018

TO: Borough Assembly

FROM: Planning Commission

**BOARD DECISION:**

**Motion:** Dan Turner III made a motion to recommend that the Mayor and Assembly  
 [Commissioner]

appoint DIANA LAPHAM to Seat B (expiring 11/30/2019).

LEE HEINMILLER seconded and the motion carried 5-0.  
 [Commissioner]

**RATIONALE:**

This vacancy was advertised in the May 18<sup>th</sup> issue of the CVN and posted in three public places for three weeks. The borough received two applications for the seat from Zack Ferrin and Diana Lapham.

Each commissioner provided their first and second choice for the seat during the June 14<sup>th</sup> meeting. Ms. Lapham received the highest score.

SUBMITTED BY Rob Goldberg (signature)  
 [Rob Goldberg, Planning Commission Chair]

# Haines Borough Application for Board Appointment

**Appointment** (I am not currently on the board)

**Reappointment** (I am currently a member of the board)

Check the board, commission, or committee for which you are applying :

<input checked="" type="checkbox"/>	Planning Commission		Port and Harbor Advisory Committee
	Tourism Advisory Board		Code Review Commission
	Chilkat Center Advisory Board		Fire Service Area Board #3 (Klehini)
	Parks and Recreation Advisory Committee		Letnikof Estates Road Maintenance Service Area Board
	Museum Board of Trustees		Riverview Drive Road Maintenance Service Area Board
	Library Advisory Board		Historic Dalton Trail Road Maintenance Service Area Board
	Public Safety Commission		Four Winds Road Maintenance Service Area Board
	Temporary (Ad-hoc) Board/Committee _____		

Name: Diana W. Hapham  
 Residence Address: 385 Allen Road  
 Mailing Address: Box 503 Haines, AK 99827  
 Business Phone: 907-314-0402 Home Phone: 907-766-2503  
 Fax: \_\_\_\_\_ Email: \_\_\_\_\_

I declare that I am willing to serve as a member of the designated board, commission, or committee. Please enter my name for consideration of appointment by the mayor, subject to confirmation by the assembly. I am a registered voter of the State of Alaska and have resided within the Haines Borough for at least thirty (30) days preceding this date or the date of appointment.\*

Diana W. Hapham  
 Signature of Applicant

3/20/2018  
 Date

**PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS** (You may attach a resume):

Please see attached

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\* HBC 2.60.020 - A member of a committee, board or commission shall be a resident of the borough as defined below...a person qualifying as a borough resident shall: A) continue to maintain the person's principal place of residence within the corporate boundaries of the borough and have done so for at least 30 days immediately preceding the date of the person's appointment by the mayor; and B) physically occupy said residence for at least 30 days immediately preceding the date of the person's appointment by the mayor.

Form Rev.7-16

**C.V. Attachment for Planning Commission Application**  
**Diana Lapham**  
**March 20, 2018**

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3 Year Assembly

2 Year Deputy Mayor

Assembly Liaison to:

- Planning and Zoning
- Library Board
- Museum Board
- Tourism Advisory Board.

Have sat on all standing committees, and I made it a priority to go to all advisory committee meetings to listen to public input. I have been the Chair of the Finance Committee and the Government Affairs Committee.

I was the Assembly representative on the Bald Eagle Advisory Commission, this is a group made up of all State agencies. This Commission is Co-Chaired by the Mayor of the Haines Borough as well as the State Commissioner of Parks. This was a Mayor appointed position.

I was designated to go to the first Transboundary Seminar held in Juneau and hosted by Lt. Governor Byron Mallott. All stakeholders from State agencies and Tribal Governments, and Municipalities and our State Legislature were in attendance.

I was the Assembly designee to the Haines Chamber of Commerce Marijuana Board which was created by Debra Schnabel. We were advisory to the Assembly.

I have kept current on the committee issues I have the desire and the time and energy to devote to the Planning and Zoning Commission.

I welcome any questions or concerns and I hope to be an active member of this Commission.

RECEIVED

MAR 26 2018

# Haines Borough Application for Board Appointment

HAINES BOROUGH  
CLERK'S OFFICE

- Appointment** (I am not currently on the board)
- Reappointment** (I am currently a member of the board)

Check the board, commission, or committee for which you are applying :

<input checked="" type="checkbox"/>	Planning Commission		Port and Harbor Advisory Committee
	Tourism Advisory Board		Code Review Commission
	Chilkat Center Advisory Board		Fire Service Area Board #3 (Klehini)
	Parks and Recreation Advisory Committee		Letnikof Estates Road Maintenance Service Area Board
	Museum Board of Trustees		Riverview Drive Road Maintenance Service Area Board
	Library Advisory Board		Historic Dalton Trail Road Maintenance Service Area Board
	Public Safety Commission		Four Winds Road Maintenance Service Area Board
	Temporary (Ad-hoc) Board/Committee _____		

Name: Zack Ferrin  
 Residence Address: 30 Sunshine St.  
 Mailing Address: HC 600 Box 6150  
 Business Phone: (907) 796-9026 Home Phone: (907) 766-2697  
 Fax: N/A Email: zeferrin@gmail.com

I declare that I am willing to serve as a member of the designated board, commission, or committee. Please enter my name for consideration of appointment by the mayor, subject to confirmation by the assembly. I am a registered voter of the State of Alaska and have resided within the Haines Borough for at least thirty (30) days preceding this date or the date of appointment.\*

[Signature]  
Signature of Applicant

3-26-2018 3-26-2018  
Date

**PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS** (You may attach a resume):

I currently sit on the P.R.A.C., am Vice Commander of the Sons of the American Legion, Chilkat Snowborders, and the UGLYS of Haines. I have worked for the State Department of Transportation, Construction Section for nearly 17 years which has instilled Planning skills, plan & spec. reading & interpreting skills, & project admin. in me.

\* HBC 2.60.020 - A member of a committee, board or commission shall be a resident of the borough as defined below...a person qualifying as a borough resident shall: A) continue to maintain the person's principal place of residence within the corporate boundaries of the borough and have done so for at least 30 days immediately preceding the date of the person's appointment by the mayor; and B) physically occupy said residence for at least 30 days immediately preceding the date of the person's appointment by the mayor.



# Haines Borough

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## DRAFT MEMORANDUM OF UNDERSTANDING

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### LEASE FOR CONSTRUCTION AND OPERATION OF ROLL-ON/ROLL-OFF FACILITY

DATED: XXX, 2018

This Memorandum of Understanding (MOU) is made on \_\_\_\_\_ by and between Haines Borough (the Borough) and Alaska Marine Lines, Inc (AML). This MOU may be replaced by a lease(s) describing the terms of land lease and transshipment operations.

This MOU is designed to reflect the preliminary understandings between the Borough, a municipal corporation of the State of Alaska, and AML, a private corporation, pertaining to good faith negotiations for the construction by AML of a facility for loading and unloading freight in the Borough for public use on Borough tidelands and a lease of those tidelands and adjacent uplands to AML:

- Both the Borough and AML recognize the need for an improved roll-on/roll-off facility (ro-ro) for loading and unloading freight.
- The Borough owns the tidelands immediately north of the existing Borough-owned Lutak Dock identified by AML and the Borough as a preferred location for a new ro-ro.
- The ro-ro will be constructed to AML's design specifications subject to approval by the Borough.
- As provided by HBC 14.16.160, the Borough intends to introduce a non-code ordinance authorizing the Borough Manager to negotiate a lease of tidelands and uplands to AML.
- Terms of the lease shall be subject to HBC 14.16.020 Lands available for leasing; 14.16.030 Applications, fees, terms, payment; 14.16.080 Term of lease; and all applicable provisions of borough code including waiver of specified actions such as application.
- Any proposed lease is subject to approval of the Assembly.
- If a subdivision of the tidelands is deemed warranted by both parties, the borough will subdivide and plat per HBC14.16.040 F. for purposes of this lease. Otherwise, the lease will describe the area of the lease with measurements and written description.
- The scope of work will be described in a lease agreement and will include design, permitting, demolition as necessary, construction, a maintenance plan, and financing.

- The lease agreement will describe and guarantee a traffic corridor through the leased parcel deemed necessary for authorized users to access the Lutak uplands.
- The lease will include provision for AML to guarantee a rate schedule for reasonable access for third-party use of the ro-ro.
- Short-term lease for construction may begin spring/summer 2019; a long-term lease agreement will follow the completion of construction.
- Within six months before the date of the beginning term of the formal lease(s), the Borough will conduct an appraisal of the tidelands and uplands intended for lease as required by Haines Borough Code (HBC) 14.16.090 Appraisal.
- The Borough shall be compensated for use of tidelands and uplands. Compensation shall be negotiated and may be as provided by HBC 14.16.080 not less than 10% of appraised value annually or may be calculated as wharfage or a combination thereof. Should negotiations fail to produce an agreeable compensation package, this MOU shall be void.
- The tidelands may be leased long-term (35 years) and uplands leased in 10-year, renewable increments up to a maximum term of thirty (30) years.
- The Borough will research potential benefits for corporate investors resulting from the Borough's recent designation as a federal Opportunity Zone, providing tax incentives to corporate investors in low-income communities.
- This MOU will remain in effect unless terminated by either the Borough or AML by written notice. Notice will be given at least thirty (30) days in advance of the termination date.
- Each side shall bear its own expenses incurred in connection with obligations undertaken in connection with this Memorandum of Understanding.

This Memorandum of Understanding does not obligate the Borough Assembly to approve lease terms negotiated by the Borough Manager.

The Borough and AML may agree to amend this MOU from time to time as actual experience dictates the need for changes or clarification. Any change must be in writing and signed by both parties.

**Haines Borough**

**Title: Borough Manager**

**Date:** \_\_\_\_\_

**Alaska Marine Lines, Inc.**

**Title:**

**Date:** \_\_\_\_\_

## **Request for Proposals - Haines Borough MSW and C&D Processing and Disposal**

The Haines Borough is accepting proposals for the collection and disposal of Municipal Solid Waste (MSW) and Construction and Demolition Debris (C&D). This process is being handled as a proposal instead of a formal bid in order to provide potential vendors the opportunity to propose alternatives that best suit their individual capabilities and the Borough's objectives.

**Background/Scope:** The Haines Borough serves a population of approximately 2,500 year-round residents and thousands of additional summer tourists. Community Waste Solutions provides collection service under private contracts for residences and commercial facilities. However, 80% of MSW is self-hauled to Community Waste Solutions' landfill facility. In addition, Haines Friends of Recycling collects sorted recycling and ships it to buyers in the Pacific Northwest. It is estimated that the Haines Borough community and its visitors produce between 1,000 and 1,500 tons of MSW, recycling, and C&D annually.

This request is for the following scope of work.

**1) *Maintain a transfer station within the Haines Borough in or adjacent to the townsite.***

***The transfer station should have the following capabilities.***

- a. Open for the collection of MSW between the hours of 10:00 a.m. and 6:00 p.m. Tuesday through Saturday.
- b. Collect up to 10 tons/day and 1,500 tons/ annually.
- c. Conduct collection and short-term storage of MSW in a covered facility that would prevent MSW and associated leachate from moving off the site.
- d. Weigh the collection of MSW delivered in small containers and/or bags as well as in large trucks.
- e. Weigh all incoming loads and provide a weight slip for each.
- f. Collect a nominal fee for MSW to incentivize recycling.
- g. Preference for central location within the Haines townsite.

**2) *Recycling***

- a. Maximize the opportunity for community members to drop off sorted recycling.
- b. Provide a hook truck container for single-stream recycling.

**3) *Baling Facility***

- a. Provide bales of a size and sufficient density to load a 48-52 foot shipping container between 25 and 28 tons.
- b. Provide a loading facility to park up to three 48-52 foot containers to be loaded with bales of MSW or recycling.
- c. Provide equipment necessary to end load closed containers with bales of MSW and/or recycling.



**4) Construction Debris Disposal**

- a. Provide a cost proposal and plan for the collection and disposal of C&D either locally or shipped out of the Haines Borough.
- b. Provide documentation of the necessary permits for the disposal plan for C&D.

**Municipal Solid Waste (MSW)** means general solid waste emanating from household and normal commercial sources. MSW includes front end process residue from the processing of MSW.

**Construction and Demolition Debris (C&D)** means a mix of bulky wastes that typically include such items as wooden, plastic, upholstered, and mixed material furniture, linoleum and Formica type plastics, various types of construction wood when mixed with other bulky wastes, windows, insulation, particle board, pressure-treated wood, bulky items, rugs and mattresses. Vendors shall specify the types and quality of C&D that they will accept and list any penalties for the delivery of materials that do not meet their quality requirements. For this proposal, C&D will also include materials generally categorized as Oversized Bulky Waste (OBW).

**Acceptance and Disposal of Municipal Solid Waste:** This work consists of furnishing all facilities, labor, tools, equipment, protective clothing, materials, supplies and services necessary to provide for the proper, safe, and environmentally sound disposal of municipal solid waste in accordance with the RFP and an agreement to be negotiated with the selected vendor. The vendor's facilities must be licensed in the state in which they are located and meet all U.S. Environmental Protection Agency regulations. The selected vendor must have the ability to weigh all incoming loads and shall provide weight slips for each. The vendor's facility(ies) must allow for transport vehicles to drop materials efficiently and allow complete emptying of containers. Vendors shall furnish a list of unacceptable wastes. The vendor shall also provide information on contingency arrangements should the primary disposal facility be inoperable. Any additional hauling costs or tipping fees for use of an alternative site shall be at the vendor's expense.

TO: Division of State Parks Director Ethan Tyler  
Division of State Parks Regional Supervisor Preston Kroes

The Haines Borough Assembly recently placed a moratorium on issuing borough tour permits for new tour operations along the Chilkoot River corridor. The moratorium is not intended to stymie commerce or abridge in any way the state's authority on its property at Chilkoot.

The moratorium is one of the few actions open to the assembly for addressing chronic, serious problems along the river associated with wild brown bears feeding in close proximity of crowds of tourists, anglers and others.

The assembly also wishes the moratorium will serve as a hiatus of sorts, to allow the State of Alaska to refocus efforts on methods of improving the situation at Chilkoot.

Below is a list of ideas for relieving congestion, improving visitor behavior and safety, and preserving the Chilkoot River corridor as a key visitor attraction to Haines and the State of Alaska.

In no particular order, this list includes recommendations from the Haines Borough's Tourism Advisory Board, the Alaska Chilkoot Bear Foundation, tour operators and other concerned individuals. It is by no means an exhaustive or scientific survey of opinion in Haines (for example, there was no attempt to contact local governments or tribes), nor does it provide a long-term vision. Many of its suggestions could be implemented in the short-term.

This list is submitted in the spirit of inviting the State of Alaska to consider **immediate** improvements at Chilkoot and to pursue any of the below options or any combination of options – including ones not listed here – as the state sees fit.

The Haines Borough Assembly is interested in seeing the State of Alaska make significant improvements to current management along the Chilkoot Corridor. While those decisions belong largely to the State of Alaska, the Haines Borough is interested in serving as a sounding board for the state's proposals and as a partner in resolving conflict at this special spot.

#### **SOME IDEAS FOR THE CHILKOOT CORRIDOR IMPROVEMENTS:**

1. Increased enforcement: ticketing instead of warnings
2. Add stripes to identify shoulders and parking areas
3. Increase education
4. Increase signage
5. Increase training for tour operators
6. Add 1 borough-funded seasonal position to Division of Park to assist parks as monitor, develop and distribute brochure
7. Don't make more parking areas. This helps tour companies but hurts bears.
8. Don't allow people to park vehicles for bear-viewing – sometimes they sit for hours waiting for bears to appear.

9. Prohibit evening fishing on the river. Bears are more active at that time.
10. If walking is allowed, trim limbs and brush for people and bear safety.
11. Prohibit fishing on the eastern bank of river north of the bridge.
12. Limit number of vehicles allowed on road along river to allow the best viewing experience.
13. Use commercial buses for foot traffic, akin to in Yosemite, Denali, Zion national parks.
14. Charge admission and use fees to pay for corridor management.
15. Keep monitors present at the site from dawn to dark. (Paid for by admissions.)
16. Develop carrying capacity, i.e., maximum optimal numbers of vehicle and pedestrians along Chilkoot River corridor with minimal impact to resource. (There are ways to assess that. Once the carrying capacity is defined then the discussion can happen as to how and who to limit. The Alaska Chilkoot Bear Foundation had recommendations for this in the ISP.)
17. Enforce existing laws and regulations by both the borough and the state. (Preston Kroes said he wants to see Travis Russell give out a few tickets so the public knows that there is enforcement. Mike Eberhardt wouldn't let the Rangers enforce, so now there is no reason for anyone to obey the regs. Eberhardt said he would not allow enforcement, presumably because he didn't want Rangers to be cops and soil the recreational experience. Eberhardt never gave a reason. Enforcement includes the borough ticketing people who don't have permits to run tours.)
18. Erect a sign at the entrance to the riverside road saying that commercial operators must have permits from both the State and the Borough
19. Invite the State Parks Director to visit the corridor during peak season for bears and visitors. (Pick a Wednesday if possible, but not a Sunday or Monday (no tours; that is when regional parks director Mike Eberhardt brought parks director Ben Ellis over.
20. It is my understanding that if Parks gets too many complaints, they have the power to close down the whole operation and give tours to the highest bidder, like Aramark. That puts many locals out of business and is the least desirable solution.
21. Develop Limits of Acceptable Change for wilderness planning. (Information available from Alaska Chilkoot Bear Foundation.)
22. Develop an Interpretive Site Plan for the corridor, akin to McNeil River.
23. Consider Alaska Chilkoot Bear Foundation recommendations for the corridor
24. Have the Borough ask F & G to start keeping bears off the weir during the day. (Fish and Game previously used rubber bullets and more recently bear spray.)
25. Fill the potholes.
26. Widen the road in 2 places so there is inter-sight distance between curves.
27. Send notice to all illegal operators that there is a moratorium in place for commercial permits.
28. Brush the left side of the road so vehicles can pull over further. (DOT brushed with its roto-wheel a long time ago that looked bad and has since grown back into the roadway. Cutting limbs back flush with the boles of trees wouldn't be as unsightly and it would vastly improve parking. It's an inexpensive way to improve congestion.)
29. Add another bear monitor on a bicycle to help out from August through September.
30. Ask Parks to remove the gate as it would be illegal to deny access to those private lands beyond it.
31. If road gets widened, speed will increase, so put in speed bumps if widening occurs.

32. Enforce the overnight camping ban, including around the bridge. (At one time, it had been a mile-long campsite all summer. They are creeping back and that needs some enforcement.)
33. Remove or reconfigure the Fish and Game weir on the Chilkoot River.

Thank you for considering all options for improvements at Chilkoot. We urge the state to take meaningful action soon to protect bears and people there, and to help preserve this special corner of our state.



# 12A

## HAINES BOROUGH SCHOOLS

P.O. Box 1289

Haines, Alaska 99827

June 14, 2018

Manager Debra Schnabel and  
Haines Borough Assembly Members  
PO Box 1209  
Haines, AK 99827

Dear Ms. Schnabel and Assembly Members:

On behalf of the Haines Borough School District I would like to thank the Borough Manager, Borough Assembly, Chief Financial Officer, the mayor, and all who were involved in the creation of the FY19 budget that will provide increased funding for the District. The addition of \$45,000 will help us continue to provide a quality and well-rounded educational program. The Borough's support of the District demonstrates one of the reasons Haines is such a special community.

Again, thank you very much.

Sincerely,



Richard E. Carlson  
Superintendent

Dear Assembly,

I have been following the Council's concerns about purchasing our Budgeting and Performance and Citizen Engagement solutions.

At OpenGov, our mission is to power more effective and accountable government; no matter what it takes. We truly believe in our mission. What we see time and time again is that our modern cloud technology helps governments of all sizes - especially governments the size of the Borough of Haines - maximize the efficiency and effectiveness of their resources. In fact, Provincetown, MA (population 3,000), told us that our technology has been a force multiplier, helping its team do more with less. We're confident that our technology can help the Borough in the same manner.

Because we are so committed to our mission, we would like to offer an updated proposal that will provide the Borough of Haines and the Finance team with a solution that will help streamline the budgeting process; automate the creation of the annual budget book; better manage the budget; and provide insights that can be used to make more efficient and calculated budgeting decisions. This Budgeting and Planning solution will only be for internal usage by the Borough staff. The project would cost the Borough \$24,125 in initial costs, and \$11,945.00 to maintain on an annual basis.

We ask that you please re-consider our proposal to the Borough of Haines. We're committed to doing whatever it takes to help you succeed!

Regards,

Zac Bookman  
Chief Executive Officer



# Memo

Date: June 19, 2018  
To: Borough Assembly  
From: Debra Schnabel, Manager, Haines Borough  
Re: Police Service Area (proposed)

## Background

Citizens of the City of Haines and the Haines Borough consolidated October 2003 to form the home rule Haines Borough to secure maximum control of local affairs and achieve common goals (Haines Borough Charter, Preamble). The Charter provides that service areas may be established to provide services not provided on an areawide basis or to provide a higher level of service to meet needs and reasonable benefits to residents of the area (Charter Section 12.01).

At the time of consolidation, the City of Haines operated a police department within its political boundaries. Alaska State Troopers provided police protection in the borough area outside the City of Haines. In spring 2017 the Alaska Department of Public Safety informed the Haines Borough that the Troopers were withdrawing their station and henceforth considered the Haines Borough responsible for police services within its jurisdiction.

The Charter reserves the operation of police departments for exercise in service areas only (Charter Section 6.02 (B)). The former City of Haines became a service area with the advent of consolidation, and it operates a police department within its political boundaries. If police services are to be performed legally outside of the townsite, a service area must be established.

A service area may be created, altered, consolidated or abolished by voter petition or by notice of intent by the Assembly to introduce a service area ordinance (Charter Section 12.02 (A)). A new service area may be established only after the Assembly determines that such services cannot reasonably be provided by an existing service area (HBC 7.04.030). The ordinance proposing the service area may levy taxes, make assessments, receive state funds, and otherwise generate income to pay the costs of services provided (Charter Section 12.04 (B)). Ordinances expanding or consolidating the boundaries of a service area require separate ratification by the voters in the area of expansion as well as ratification by the voters in the existing service area (HBC 7.04.050 (A)).

## Fundamental Beliefs and Assumptions

1. Through provision for service areas, citizens of an area of the home rule Haines Borough hold power to determine by election the nature and level of service provided within that area.

2. The provision of police service is a fundamental purpose of government, and is assumed to benefit citizens by protecting life and property, improve safety, facilitate the delivery of justice and maintain peace.

3. Police service is provided at a cost including personnel, communications, equipment, laboratory and other services necessary to research, investigate and facilitate justice.

#### Statement of Need

The citizens of the Haines Borough outside of the townsite are denied police service on two fronts: (1) refusal of the Alaska State Troopers to accept jurisdiction within the borough; and (2) lack of the only local political mechanism available – a service area - to provide the service.

Residents of the borough outside of the townsite service area have expressed at public forums the desire for on-call (non-patrol) police services. Documented calls for service outside the townsite are not being honored due to the lack of an accepted mechanism for funding the expense of service. Police department personnel in service to townsite residents acknowledge their extended statutory responsibilities to serve all Alaskans, and are compromised in their professional commitments when denied authority to respond to calls for service outside of the townsite.

#### Preliminary Police Service Area Proposal

Rejected: Expand the boundaries of the townsite service area to include residents accessed by the road system for the delivery of police services.

- The townsite service area provides for public works and animal control in addition to police services. All services are accounted for in a single fund. Expanding the boundaries of the townsite service area for police service only presents a cumbersome accounting challenge or, conversely, by default generates a new service area. Expanding the townsite service area is not “reasonable.”

Recommended: Create a new service area containing residents accessed by the road system to contract with the townsite service area for the desired level of police service.

- Assembly to make notice of intent to introduce an ordinance that
  - Defines the boundaries and areas to be included:
    - Tax District FD#1: Outside townsite to 10 Mile
    - Tax District FD#2: Lutak Road
    - Tax District FD#3: Haines Highway 10 Mile to the Border
    - Tax District FD#4: Mud Bay Road
    - Note: Tax District B (Remote) including Rutzeback, Chilkat Lake, Glacier Point, EXI excluded
  - Defines the level of police service to be provided as on-call or as warranted by residents
  - Provides for generation of revenue to be accounted separately from all other borough accounts to pay for costs
    - Assumed annual costs: \$70,000
    - Valuation: \$97,000,000. Presumed mill rate: .72
      - Note: Fire Service District #3 mill rate: .83
  - May provide that Public Safety Commission serve as governing board
- Schedule ordinance for public hearing, provide for protest and vote in October election



### Ramifications of Nonaction or Rejection of Service Area

If the voters do not form a service area to provide police services at a defined level and the Assembly does not sanction providing service through some other method (General Fund or Townsite Service Area subsidy), the citizens living outside the townsite will not have the benefit of law enforcement, public safety or welfare assistance regardless of the magnitude of need.

It has been suggested that property insurance rates may be affected by the availability of police protection. This is not yet researched, however, using the same logic that encouraged the formation of fire service districts, insurance rates on real property may increase for residents outside of law enforcement services. I will research this issue.