

Haines Borough
Borough Assembly Meeting #483
AGENDA

February 27, 2024 - 6:30pm

Location: In Assembly Chambers and on ZOOM

Thomas Morphet
Mayor

Natalie Dawson
Assembly Member

Gabe Thomas
Assembly Member

Kevin Forster
Assembly Member

Debra Schnabel
Assembly Member

Ben Aultman-Moore
Assembly Member

Craig Loomis
Assembly Member

Annette Kreitzer
Borough Manager

Alekka Fullerton
Borough Clerk

Kiersten Long
Deputy Clerk

Haines Borough ZOOM information *(You must download Zoom first)*

Webinar ID: 894 7785 2943

Passcode: 563230

- 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 Minutes from 2/13/24 Regular Assembly Meeting

11C1 – Proposed FY25 Budget Meeting Schedule

11C2 – Board and Commission Appointments

- *3. APPROVAL OF MINUTES** -Approve the 2/13/24 Regular Assembly Meetings minutes
- 4. PUBLIC COMMENTS** – [For any topics not scheduled for public hearing. Individual comments are limited to 3 minutes unless another yields 3 minutes to the speaker in advance] *Note: during this section of the agenda, the assembly will listen and take notes. No official action will be taken at this time.*
- 5. ASSEMBLY COMMENTS**
- 6. MAYOR’S REPORT AND COMMENTS**
- 7. PUBLIC HEARINGS**
 - A. Ordinance 24-02-664**
An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Title 10.09.090 Prohibiting the Use of Engine (Jake) Brakes in the Townsite.
*A Substitute Ordinance is offered by its sponsor, Assembly Member Craig Loomis. **Proposed Motion:** Substitute Ordinance 24-02-664A Regulating the Use of Engine (Jake) Brakes in the Townsite Regulating the Use of Engine (Jake) Brakes in the Townsite and Declaring the Use of Engine Brake Without Noise Suppression a Nuisance in the Townsite in place of introduced Ordinance 24-02-664 Prohibiting the Use of Engine (Jake) Brakes in the Townsite.*
 - B. Ordinance 24-02-665**
An Ordinance of the Haines Borough, Providing for the Addition or Amendment of Specific Line Items to the FY24 Budget.
- 8. STAFF/FACILITY REPORTS**
 - A. Borough Manager Report** – *To be provided.*
- 9. COMMITTEE/COMMISSION/BOARD REPORTS & APPROVED MINUTES –**
 - A. Assembly Standing Committee Referred Topics**
 - B. Property Tax Assessment Ad Hoc Board** – *January 17, 2024 Minutes*
- 10. UNFINISHED BUSINESS** – None

11. NEW BUSINESS

A. Resolutions (Individual comments are limited to 3 minutes unless another yields 3 minutes to the speaker in advance)

1. **Resolution 24-02-1096**
A Resolution of the Haines Borough Assembly Supporting the Closure of the Letnikof Cove Harbor Pipe Moorage Floats
Proposed Motion: Adopt Resolution 24-02-1096
2. **Resolution 24-02-1097**
A Resolution of the Haines Borough Assembly supporting a Port Infrastructure Development Program (PIDP) Discretionary Grant application for Fiscal Year 2024 for Letnikof Cove Harbor Improvements
Proposed Motion: Adopt Resolution 24-02-1097
3. **Resolution 24-02-1098**
A Resolution of the Haines Borough Authorizing the Borough Attorney to File Suit to Collect Past Due Sales Tax from Salmon Run Fishing Lodge, LLC in Excursion Inlet
Proposed Motion: Adopt Resolution 24-02-1098
4. **Resolution 24-02-1099**
A Resolution of the Haines Borough Assembly Authorizing an Appeal of the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Deobligation of Funding in the Amount of \$1,435,834.75 Related to the Permanent Repair of Porcupine Trail Road and Authorizing the Borough Manager to Contract with Birch Horton Bittner & Cherot for Consultation Services Associated with Review of Appeal Documents

Possible Executive Session: If the Assembly would like to speak with Holly Wells, they may move into executive session to discuss the proposed appeal with her.

Motion: Move into executive session as allowed by AS 44.62.310(c)(1) to discuss with the borough manager and Holly Wells regarding the FEMA appeal from the deobligation of funds for Porcuine Trail Road; this qualifies for executive session since the subject matter, the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit; the manager and the borough clerk are asked to attend.
Proposed Motion: Adopt Resolution 24-02-1099
5. **Resolution 24-02-1100**
A Resolution of the Haines Borough Assembly Supporting the Current Membership Configuration of the Alaska Marine Highway Operations Board
Proposed Motion: Adopt Resolution 24-02-1100
6. **Resolution 24-02-1101**
A Resolution of the Haines Borough Assembly Supporting the Passage of Senate Bill House Bill 171: An Act Changing the Residency Requirements for Sport Fishing, Hunting, and Trapping Privileges.
Proposed Motion: Adopt Resolution 24-02-1101

11. NEW BUSINESS - *Continued*

B. Ordinances for Introduction

1. **Ordinance 24-02-666**

An Ordinance of the Haines Borough Assembly Repealing and Replacing Haines Borough Code Section 3.72.110 Board of Equalization; Adding Section 3.72.115 Hearing Panels of the Board of Equalization; and Amending 3.72.100 Appeals.

This ordinance is recommended by the Property Tax Assessment Ad Hoc Advisory Board and is being introduced by the Mayor.

Motion: Introduce Ordinance 24-02-666 and set a first public hearing for 3/12/24 and a second public hearing for 3/26/24.

2. **Ordinance 24-02-667**

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Section 3.72.020 Full and True Value.

This ordinance is a modified recommendation of the Property Tax Assessment Ad Hoc Advisory Board incorporating Jesse Kiehl's pending bill as discussed at the Assembly's February 20 Committee of the Whole meeting and is being introduced by the Mayor. **Motion:** Introduce Ordinance 24-02-667 and set a first public hearing for 3/12/24 and a second public hearing for 3/26/24.

3. **Ordinance 24-02-668**

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Section 3.72.105 Exchange of Information

This ordinance is a modified recommendation of the Property Tax Assessment Ad Hoc Advisory Board incorporating section (D) as discussed at the Assembly's February 20 Committee of the Whole meeting and is being introduced by the Mayor. **Motion:** Introduce Ordinance 24-02-668 and set a first public hearing for 3/12/24 and a second public hearing for 3/26/24.

C. Other New Business

*1. **Proposed FY25 Budget Meeting Schedule**

The Haines Borough staff recommends the attached FY25 Budget Meeting Schedule. **Proposed Motion:** Adopt the FY25 Budget Meeting Schedule.

*2. **Boards and Commissions:** Confirmation of Mayor's appointment of Sage Thomas to the Fire Service Area Board #3 with a seat termination date of 11/25 and Deborah Gravel and Rene Morrissey to the Library Advisory Board with a seat termination dates of 11/25.

3. **Lutak Dock Replacement Update** – Maintenance Cost Comparison and Jason Davis Letter

4. **Comprehensive Plan Revision Update** – *verbal*

12. CORRESPONDENCE

13. SET MEETING DATES

14. PUBLIC COMMENT

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS/DIRECTION TO OFFICERS

16. ADJOURNMENT

Haines Borough
Borough Assembly Meeting #481
February 13, 2024
MINUTES

Draft

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

Present: Mayor Thomas **MORPHET**, Assembly Members Gabe **THOMAS** (arrived at 7:10 pm), Debra **SCHNABEL**, Kevin **FORSTER**, Craig **LOOMIS**, Natalie **DAWSON** and Ben **AULTMAN-MOORE**.

Staff Present: Annette **KREITZER**/Manager, Alekka **FULLERTON**/Clerk, Kiersten **LONG**/Deputy Clerk, Jila **STUART**/Finance Director, Dave **LONG**/Public Facilities Tech

Visitors Present: Haynes **TORMEY**, Don **TURNER**, Blythe **CARTER**, Kim **ROSADO**, Glenda **GILBERT**, Jennifer **CANFIELD**, Craig **FRANKE**, Jessica **PLACHTA**, Eben **SARGENT**, Tony **MALONE**, Thom **ELY**, Nancy **BERLAND**, Burl **SHELDON**, Cindy **JONES**, Paul **ROGERS**, Kim **ROSADO**, Emma **BEGLEY**, Patty **KERMOIAN**, Brenda **JOSEPHSON**, Lori **SMITH**, Eric **HOLLE**, Bill **BROSTE**, Diana **LAPHAM**, Kathleen **MENKE**, Patty **KERMOIAN** and others on zoom.

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

Motion: **FORSTER** moved to "approve the agenda and the consent agenda" and the motion carried unanimously.

*3. **APPROVAL OF MINUTES:** - Approve the following Minutes

A. 1/23/24 Regular Assembly Meeting Minutes

Note: The Minutes were approved by approval of the consent agenda: "Approve minutes from 1/23/24 Regular Assembly Meeting Minutes".

4. **PUBLIC COMMENTS:**

TORMEY- Worried about removal of engine brakes in the townsite

CANFIELD – Spoke regarding 3 minute time limit

TURNER – Citing inconsistencies in the mayor and assembly member's comments

FRANKE- Worried about not letting citizens comment at meetings

LAPHAM – Worried about overburdening staff with Manager's report template

ROSADO – What the First Amendment means to her

BEGLEY – Waiting to hear regarding to State's property tax audit

ELY – Wants the Lutak Dock design to be revisited

SHELDON – Citizens have a right to contact public officials

MENKE – Give the community the time they need to get projects done right

KERMOIAN – I support the assembly

5. **ASSEMBLY COMMENTS:**

FORSTER – Manager's report template will be on the GASC agenda again

LOOMIS – Supporting Jake Brake law

6. **MAYOR'S REPORT and COMMENTS:**

Discussed Assembly Planning Retreat; two serious chimney fires this week- need more volunteer firefighters and EMTs; Winterfest coming up next weekend- come out; his meeting with the Chilkat Indian Village.

7. **PUBLIC HEARINGS** – None

8. STAFF/FACILITY REPORTS

- A. Borough Manager Report – February 8, 2024**
- B. Finance Director Report – FY24 Second quarter Financial Report**
- C. Clerk's Report re Census**
- D. Borough Attorney Status Update**

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

- A. Assembly Standing Committee Referred Topics**
- B. Port and Harbor Advisory Committee – 12/28/23 Minutes**
- C. Tourism Advisory Board – 11/9/23 Minutes**
- D. Chilkat Center Advisory Board – 1/12/24**
- E. Property Tax Assessment Ad Hoc Advisory Board – 1/3/24 Minutes**

10. UNFINISHED BUSINESS – None

11. NEW BUSINESS

A. Resolutions

***1. Resolution 24-02-1088**

A Resolution of the Haines Borough Assembly accepting the 2023 Independent Auditor's Report and Report on Financial Statements and Auditor's Letter submitted by the Borough Independent Auditor, Max Mertz of Mertz CPA & Advisors.

Note: The Resolution was adopted by approval of the consent agenda: "Adopt Resolution 24-02-1088".

***2. Resolution 24-02-1089**

A Resolution of the Haines Borough Assembly approving certain unincorporated communities and their respective nonprofit entity for participation in the FY25 Community Assistance Program.

Note: The Resolution was adopted by approval of the consent agenda: "Adopt Resolution 24-02-1089".

***3. Resolution 24-02-1090**

A Resolution of the Haines borough Assembly Supporting the Passage of House Bill 201: An Act Changing the Residency Requirements for Hunting, Trapping, and Sport Fishing Privileges.

Note: The Resolution was adopted by approval of the consent agenda: "Adopt Resolution 24-02-1090".

4. Resolution 24-02-1091

A Resolution of the Haines Borough Assembly delegating to an appointed Board of Equalization for the 2024 per HBC 3.72.110.

Motion: SCHNABEL moved to "Adopt Resolution 24-02-1091"

Primary Amendment: SCHNABEL moved to "Replace the third whereas with the PTAAHAB recommends appointment of a BOE distinct from the Assembly," and the amended motion carried unanimously.

And the Resolution, as amended, was unanimously adopted.

11. NEW BUSINESS

A. Resolutions - *Continued*

5. Resolution 24-02-1092

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute an engineering contract with Reid Middleton for the Portage Cove (Cruise Ship) Floating Dock Concept Project for an amount not to exceed \$29,500.

Motion: THOMAS moved to "Adopt Resolution 24-02-1092" and the motion carried 5-1 with LOOMIS in opposition.

6. Resolution 24-02-1093

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a construction contract with Bore Tide Construction for the School Roof Replacement Phase II and Phase III project for an amount not to exceed \$579,900.00.

Motion: AULTMAN-MOORE moved to "Adopt Resolution 24-02-1093" and the motion carried unanimously in a roll call vote.

7. Resolution 24-02-1094

A Resolution of the Haines Borough Assembly adopting FY2025 Alaska Capital Project Submission and Information System (CAPSIS) priorities, additional Haines Borough capital project priorities, and State funding priorities.

Motion: THOMAS moved to "Adopt Resolution 24-02-1094"

Primary Amendment: DAWSON moved to add Letnikof Float as item #7," and the amendment carried unanimously.

And the Resolution, as amended, was adopted unanimously.

8. Resolution 24-02-1095

A Resolution of the Haines Borough Assembly Supporting the Continuation of the Alaska Chilkat Bald Eagle Preserve Advisory Council.

Motion: AULTMAN-MOORE moved to "Adopt Resolution 24-02-1095" and the motion carried unanimously.

B. Ordinances for Introduction –

***1. Ordinance 24-02-664**

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Title 10.09.090 Prohibiting the Use of Jake Brakes in the Townsite.

Note: The Ordinance was introduced and scheduled for its first public hearing 2/27/24 and its second public hearing 3/12/24 by approval of the consent agenda.

2. Ordinance 24-02-665

An Ordinance of the Haines Borough, Providing for the Addition or Amendment of Specific Line Items to the FY24 Budget.
This Ordinance is being introduced by the Mayor.

Motion: SCHNABEL moved to "Introduce Ordinance 24-02-665 and set a first public hearing for 2/27/24 and a second public hearing for 3/12/24" and the motion carried unanimously.

11. NEW BUSINESS -Continued

C. Other New Business

***1. Alcohol License Renewal – Outfitter Liquor Store**

The Alcohol and Marijuana Control Office (AMCO) has notified the borough of a pending alcohol license renewal for a package store for the Outfitter Liquor Store. AMCO, prior to its final renewal approval, is giving the local government an opportunity to make a statement, if desired. The Haines Borough Police Department has no objection to the reissuance of the license.

Note: The following motion was approved by approval of the consent agenda: “The Haines Borough has no objection to the renewal of the Alcohol License Renewal for Outfitter Liquor Store”.

2. Discussion and proposed comment to BLM Public Land Order environmental impact statement – Comment deadline is February 14, 2024.

Motion: AULTMAN-MOORE moved to “Support alternative A which is no change” and the motion carried unanimously.

**3. Reconsideration of Resolution 24-01-1087
A Resolution of the Haines Borough Assembly Authorizing the Borough Manager to Enter into a Contract with Reid Harris, Harris Advocacy to Provide State Lobbying Services for \$36,000.**

Motion: FORSTER moved to “Reconsider Resolution 24-01-1087” and the motion carried unanimously.

Motion: FORSTER moved to “Adopt Resolution 24-01-1087” and the motion carried unanimously.

4. Property Tax Assessments Ad Hoc Advisory Board Requests:

Motion: SCHNABEL moved to “Refer items 11C4 to a Committee of the Whole meeting on February 20 at 6:30 pm with the Commerce Committee meeting moved to 5:30 pm,” and the motion carried unanimously.

- A. Membership and Duties HBC 3.72.110**
- B. Assessment Notices**
- C. BOE Procedures**
- D. Exchange of Information**
- E. Full and True Value**

5. Lutak Dock Replacement Update – Verbal

6. Request for Assembly Action – LCC Presentation

12. CORRESPONDENCE

- A. Letter to Jesse Kiehl re Chilkat Bald Eagle Preserve Advisory Council**
- B. Southeast Conference Energy Shed**
- C. Comprehensive Plan Update flyer- Upcoming Meetings**

13. SET MEETING DATES

- A. Joint School Board Meeting Wednesday, March 6 at School Library – meeting will be postponed.**
- B. Property Tax Assessments Committee-of-the-Whole – Feb. 20 at 6:30 pm**

14. PUBLIC COMMENT:

- TURNER** – Maintenance on the wave barrier is low.
- ROGERS** – Proposed changes in state law regarding property tax assessments
- ELY** – Lutak Dock is tracking just like the boat harbor project was
- JONES** – Wants something to compare LCC's presentation to
- ROSADO** – Worried about the Borough backing out of their commitments
- BEGLEY** – Thank you for scheduling the COW for the Property Tax Assessments
- JOSEPHSON** – Thank you for Resolution for BOE – feels like recommendations are going slow – supporting the Lutak Dock design
- HOLLE** – Prohibition on Ore across Lutak Dock- get legal advice before going to voters

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS/DIRECTION TO OFFICERS

- DAWSON** – Apprised the public of hearings being held tomorrow
- SCHNABEL** – Assembly Members attendance at AML

16. ADJOURNMENT 9:43 pm

ATTEST:

Thomas C. Morphet, Mayor

Aleka Fullerton, MMC, Borough Clerk



7A

Agenda Bill No.: 24-1353

Assembly Meeting Date: 02/27/24

Business Item Description:	Attachments:
Subject: Townsite Prohibition of Engine (Jake) Brakes	1. Substitute Ordinance 24-02-664A 2. Ordinance 24-02-664 As Introduced
Originator: Assembly Member Craig Loomis	
Originating Department: Assembly	
Date Submitted: 12/12/23	

Full Title/Motion:
Motion: Substitute Ordinance 24-02-664A for the ordinance introduced 2/13/24.

Administrative Recommendation:

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

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

Summary Statement:

Based upon public comment, Assembly Member Loomis offers the attached substitute ordinance for consideration.

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

Assembly Action:	
Meeting Date(s): 2/13/24	Public Hearing Date(s): 2/27/24 and 3/12/24 Postponed to Date:

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Title 10.09.090 Regulating the Use of Engine (Jake) Brakes in the Townsite and Declaring the Use of Engine Brake Without Noise Suppression a Nuisance in the Townsite.

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. Addition of Section 10.09.090. Section 10.09.090 shall be added as follows:

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

10.09.090 Regulating the use of engine (or Jake) brakes in the townsite.

All vehicles using engine (or Jake) brakes within the Townsite, except for emergency vehicles, must be equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation, with no cutout, bypass, or similar device. For the purpose of this section, the term "engine brake" means a hydraulic engine attachment which converts a diesel engine into an air compressor and when engaged operates to slow the vehicle. The first violation of this section results in a \$100 fine; if there is a second violation within six months of the first violation, the fine shall be \$200; if there is a third violation within six months of any prior violation, the fine shall be \$300.

Section 5. Amendment of Section 10.06.030. Section 10.06.030 shall be amended to add to the table:

10.09.090	Unmodified use of jake brake in townsite	100	first offense
		200	second offense within 6 months
		300	third offense within six months

Section 6. Amendment of Section 8.12.020. Section 8.12.020 shall be amended as follows:

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

8.12.020 Certain conditions declared nuisances.

It shall be unlawful for any person to cause or create the following declared nuisances within the townsite service area:

Haines Borough
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...

M. To use engine brakes without noise suppression.

To use engine (or Jake) brakes while operating a motor vehicle within the townsite, except for emergency vehicles, without a muffler or other effective noise-suppressing system in good working order and in constant operation, with no cutout, bypass, or similar device. For the purpose of this section, the term "engine brake" means a hydraulic engine attachment which converts a diesel engine into an air compressor and when engaged operates to slow the vehicle.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____ DAY OF _____, 2024.

ATTEST:

Thomas C. Morphet, Mayor

Aleka Fullerton, MMC, Borough Clerk

Date Introduced: 02/13/24
Date of First Public Hearing: 02/27/24
Date of Second Public Hearing: 03/12/24

**An Ordinance of the Haines Borough Assembly Amending Haines
Borough Code Title 10.09.090 Prohibiting the Use of Engine (Jake)
Brakes in the Townsite.**

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. Addition of Section 10.09.090. Section 10.09.090 shall be added as follows:

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

10.09.090 Use of engine (or jake) brakes prohibited in the townsite.

No person may use engine or Jake brakes while operating a motor vehicle within the Townsite, except for emergency vehicles, unless the vehicle is equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation, with no cutout, bypass, or similar device. For the purpose of this section, the term "engine brake" means a hydraulic engine attachment which converts a diesel engine into an air compressor and when engaged operates to slow the vehicle. The first violation of this section results in a \$100 fine; if there is a second violation within six months of the first violation, the fine shall be \$200 plus satisfactory commercial vehicle inspection; if there is a third violation within six months of any prior violation, the fine shall be \$300 plus proof of satisfactory commercial vehicle inspection.

Section 5. Amendment of Section 10.06.030. Section 10.06.030 shall be amended to add to the table:

10.09.090	Use of jake brake in townsite	100	first offense
		200	second offense within 6 months plus vehicle inspection
		300	third offense within six months plus vehicle inspection

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____
DAY OF _____, 2024.

ATTEST:

Thomas C. Morphet, Mayor

Aleka Fullerton, MMC, Borough Clerk

Date Introduced: 02/13/24
Date of First Public Hearing: 02/27/24
Date of Second Public Hearing: 03/12/24



7B

**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 24-1356
Assembly Meeting Date: 02/27/24

Business Item Description:	Attachments:
Subject: FY24 Budget Amendment #4	1. Ordinance 24-02-665
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 2/8/24	

Full Title/Motion:
No motion necessary since Ordinance 24-02-665 is already scheduled for its second public hearing 3/12/24.

Administrative Recommendation:
This resolution is recommended by the Borough Manager.

Fiscal Impact:			
Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ As attached	\$	\$ As attached	N/A

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

Summary Statement:
Proposed FY 24 Budget Amendment #4 attached.

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

Assembly Action:
Meeting Date(s): 2/13/24
Public Hearing Date(s): 2/27/24 and 3/12/24 Postponed to Date: _____

AN ORDINANCE OF THE HAINES BOROUGH, PROVIDING FOR THE ADDITION OR AMENDMENT OF SPECIFIC LINE ITEMS TO THE FY24 BUDGET.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 3. Appropriation. This appropriation is hereby authorized as part of the budget for the fiscal year July 1, 2023 through June 30, 2024.

Section 4. Purpose. To provide for the addition or amendment of specific line items to the FY24 budget as follows:

(1) To appropriate \$56,400 for Phases II & III of the high school roof replacement. A total appropriation of \$585,700 is needed for construction and in-house administration and \$529,300 had already been appropriated. In the FY24 adopted budget \$500,000 was appropriated for this project from the \$2,120,669 of prior years' unfunded school debt reimbursement received from the State of Alaska in FY23. This amendment would appropriate additional funds from the same source.				
		Current Budget	Proposed Budget	Fund Balance Increase / (Decrease)*
50-01-00-7392	Project Expense – High School Roof	\$529,300	\$585,700	(\$56,400)
01-98-00-8200	Transfer – OUT from General Fund	\$500,000	\$556,400	(\$56,400)
50-98-00-8200	Transfer – IN to CIP	\$500,000	\$556,400	\$56,400
Total Increased Appropriation for High School Roof				(\$56,400)

(2) To appropriate \$1,000 of Areawide General Funds for FY24 lease payments for a new postage machine for the administration building.				
		Current Budget	Proposed Budget	Fund Balance Increase / (Decrease)*
01-01-10-7230	Material & Equipment	\$1,000	\$2,000	(\$1,000)

(3) To appropriate \$19,824 of Areawide General Funds for health insurance for the administration department. The FY24 adopted budget included three full-time staff but inadvertently only included health insurance expense for two.				
		Current Budget	Proposed Budget	Fund Balance Increase / (Decrease)*
01-01-10-6140	Health Insurance	\$39,648	\$59,472	(\$19,824)

(4) To appropriate \$5,500 of Areawide General Funds for plowing the parking lot at the Mosquito Lake Facility.				
		Current Budget	Proposed Budget	Fund Balance Increase / (Decrease)*
01-04-20-7312	Contractual Services - Plowing	\$0	\$5,500	(\$5,500)

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Ordinance No. 24-02-665
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(5) To appropriate \$29,000 of Areawide General Funds to hire an Assistant to the Borough Manager beginning approximately March 1.				
		Current Budget	Proposed Budget	Fund Balance Increase / (Decrease)*
01-01-10-61XX	Payroll Expense – Assistant to Manager	\$0	\$26,300	(\$26,300)
01-01-10-7241	Computers & Peripherals	\$0	\$2,700	(\$2,700)
Total FY24 appropriation for Assistant to the Manager				(\$29,000)

* A positive amount in this column is favorable. A negative amount is unfavorable.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS
____ DAY OF _____, 2024.

ATTEST:

Thomas C. Morphet, Mayor

Alekkha Fullerton, MMC, Borough Clerk

Date Introduced: 02/13/24
Date of First Public Hearing: 02/27/24
Date of Second Public Hearing: 03/12/24

Committee	Tues	Date	Topic	Priority	Staff Support
Personnel	4th	02/27/24	Police Chief Moving Reimbursement Policy Training Reimbursement Policy		
Govt. Affairs & Services	1st	03/05/24	Manager Report Template Anti-Bullying Policy AI Policy Definition of Ore Prohibition for Lutak Dock		
Finance	2nd	03/12/24	Alaska Permanent Management Fund presentation		
Commerce	3rd	03/19/24	Severance Tax Port Development Fee		
Personnel	4th	03/26/24			
Govt. Affairs & Services	1st	04/02/24	Anti-Bullying Policy AI Policy Definition of Ore Prohibition for Lutak Dock		
Finance	2nd	04/09/24	Manager's Budget Review		
Commerce	3rd	04/16/24	Business related budget review		
Personnel	4th	04/23/24			

Property Tax Assessments Ad Hoc Advisory Board
January 17, 2024 5:30 pm

Members: Glenda Gilbert, Dan Humphrey, Paul Rogers, Kevin Forster, Scott Hansen

Absent: Stacey Prior

Others present: Deputy Clerk Kiersten Long, Kim Rosado, Blythe Carter, Katey Emma Begly, CFO Jila Stuart, Lori Smith, Jenifer Canfield, Mayor Morphet

On zoom: Donna Lambert, Billy O'Brien, Brenda Josephson

1. Roll Call

Motion: Forster moved to "approve the agenda and consent agenda" and the motion carried unanimously.

2. Approval of the Agenda and Consent Agenda

*Minutes of 1-3-24

3. Minutes of 1-3-24

4. Public Comment

Rosado –

Begly –

Smith – How many properties were not assessed for 10-15 years

5. Old Business - None

6. New Business

a. **White Board Discussion of Property Tax Assessment Processes**

Motion: Forster moved to "postpone Roberts rules of order to allow to facilitate a white board exercise to allow to exercise" and the motion carried unanimously.

Discussion:

a. Tenants of a successful property tax system

1. Equitable
2. Easy to Understand
3. Cheap to Administer
4. Adhere to State Law
5. Adhere to Borough Code
6. Define Equitable Accurate/excellence
7. Provide for due process

b. Time line process

c. Technical and financial aspects

b. Develop Calendar for Moving Forward

c.

7. Public Comment:

Rosado – Asked a clarifying question

Carter – Asked another clarifying question

Mayor Morphet – Cards go out March 1st

8. Committee Member Comments:

Hansen

9. Set Meeting Dates: Wednesday, February 14, 2024 at 5:30 pm

Adjourned 8:02pm



11A1

Haines Borough Assembly Agenda Bill

Agenda Bill No.: 24-1357

Assembly Meeting Date: 02/27/24

Business Item Description:

Subject: Closure of the Letnikof Cove Harbor Pipe
Moorage Floats.

Originator:
Harbormaster

Originating Department:
Harbor

Date Submitted:
2/22/24

Attachments:

1. Resolution 24-02-1096

Full Title/Motion:

Motion: Adopt Resolution 24-02-1096

Administrative Recommendation:

This resolution is recommended by the Harbormaster

Fiscal Impact:

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

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:

Consistent: ☒ Yes ☐ No

Summary Statement:

Due to structural cracks at critical points on the existing pipe moorage float at Letnikof Cove Harbor, the Harbormaster has determined that the moorage float is unsafe to use. The Ports and Harbors Advisory Committee has agreed that the float is unsafe and should be closed. It is hoped that this Resolution may be used later to support grant funding requests.

Referral:

Referred to:

Referral Date:

Recommendation:

Meeting Date:

Assembly Action:

Meeting Date(s): 2/27/24

Public Hearing Date(s):

Postponed to Date:

A Resolution of the Haines Borough Assembly Supporting the Closure of the Letnikof Cove Harbor Pipe Moorage Floats.

WHEREAS, last summer stress cracks developed at critical points on the existing pipe moorage float at Letnikof Cove Harbor (moorage float); and

WHEREAS, the Haines Harbormaster has determined that the moorage float is unsafe to use; and

WHEREAS, Moffatt & Nichol have been retained to produce conceptual designs for a moorage float replacement, which designs are expected mid to late summer 2024; and

WHEREAS, the Haines Harbormaster has a plan to provide moorage space in the main harbor to displaced vessels from Letnikof Cove Harbor (Letnikof); and

WHEREAS, the launch ramp at Letnikof will still be available for use in 2024; and

WHEREAS, the Haines Borough Assembly recognizes that Letnikof supports a wide range of boating needs for the Haines community, from supporting our local commercial fishing fleet, subsistence fishermen, pleasure boaters (US & Canadian), and tour operators throughout the busy summer season; and

WHEREAS, time is of the essence since keeping the moorage float closed for any significant amount of time will have a serious negative impact on Haines; and

WHEREAS, the Borough will immediately seek funding to replace the moorage float as soon as possible,

NOW, THEREFORE BE IT RESOLVED that the Haines Borough Assembly supports the closure of the Letnikof Cove Harbor pipe moorage float until it can be repaired or replaced.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this 27th day of February, 2024.

Thomas C. Morphet, Mayor

Attest:

Alekka Fullerton, MMC, Borough Clerk



11A2

Agenda Bill No.: 24-1359

Assembly Meeting Date: 02/27/24

Business Item Description:

Subject: Supporting a PIDP Grant Application for FY24

Originator:

Originating Department:

Date Submitted:
2/22/24

Attachments:

1. Resolution 24-02-1097
2. AML Proposal

Full Title/Motion:

Motion: Adopt Resolution 24-02-1097

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ 15,000	\$ 15,000	\$	N/A

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:

Consistent: ☒ Yes ☐ No

Summary Statement:

Since the Letnikof Cove Harbor was identified by the Assembly as an FY25 priority for the Haines Borough, and in light of the closure of the Letnikof Cove Harbor moorage float, the Borough Manager is seeking support for a Port Infrastructure Development Program (PIDP) grant for Letnikof Harbor improvements including a moorage float and expanded parking lot. The Manager proposes using AML for grant writing support in the amount of \$15,000. The updated PIDP Notice of Funding Opportunity will be posted shortly.

Referral:

Referred to:

Referral Date:

Recommendation:

Meeting Date:

Assembly Action:

Meeting Date(s): 2/27/24

Public Hearing Date(s):

Postponed to Date:

A Resolution of the Haines Borough Assembly supporting a Port Infrastructure Development Program (PIDP) Discretionary Grant application for fiscal year 2024 for Letnikof Cove Harbor improvements and authorizing the Borough Manager to Contract with Alaska Municipal League for Grant Writing Support in an amount not to exceed \$15,000.

WHEREAS, the Haines Borough is seeking a federal appropriation to replace the Letnikof Cove Harbor moorage float and improve the facility's uplands; and

WHEREAS, the Letnikof Cove Harbor facility ("Letnikof") was built in 1979 and consists of an uplands parking area, a single-lane launch ramp with boarding floats, and access to nearly 1,000 linear feet of transient moorage floats; and

WHEREAS, improvements were made to Letnikof in 2014, including replacing the gangway, replacing the gangway float, moving the moorage float to deeper water, replacing the anchor and anchor chains for the steel float, and replacing one section of wooden moorage floats (100 LF); and

WHEREAS, recognizing the age and importance of Letnikof, the Borough began long-term planning in 2022 by appropriating funds for design work for both an expanded long-term parking lot (brought to bid-ready status in 2023) and for conceptual designs for the moorage float (bid-ready documents are expected by mid to late summer of 2024); and

WHEREAS, the estimated cost of improvements to Letnikof are \$3,500,000; and

WHEREAS, during the summer of 2023, stress cracks developed at critical points on the existing pipe moorage float rendering the float unsafe to use; and

WHEREAS, the Letnikof moorage facility must be closed until the float can be replaced; and

WHEREAS, Letnikof supports a wide range of boating needs for the Haines community, from supporting our local commercial fishing fleet, subsistence fishermen, pleasure boaters (US & Canadian), and tour operators throughout the busy summer season; and

WHEREAS, time is of the essence since keeping this harbor closed for any significant amount of time will have a serious negative impact on Haines; and

WHEREAS, Letnikof Cove Harbor was identified by the Haines Borough Assembly as an FY25 funding priority for the Borough; and

WHEREAS, the Bipartisan Infrastructure Law provided \$2.25 billion for the PIDP program over five years (2022 – 2026) and \$450 million has been appropriated to the PIDP for FY2024 discretionary grants for eligible PIDP projects; and

WHEREAS, grants may cover 80 percent or more of project costs with no minimum and no maximum award; and

WHEREAS, the Borough has contacted the Alaska Municipal League (AML) to provide grant writing assistance for the development of the PIDP grant; and

Haines Borough
Resolution No. 24-02-1097
Page 2 of 2

WHEREAS, AML has provided a proposal for an amount not to exceed \$15,000 to provide conceptual options for replacing or refurbishing the Lutak Dock; and

WHEREAS, the funds are available from Harbor funds previously appropriated,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly supports a Port Infrastructure Development Program (PIDP) Discretionary Grant application for fiscal year 2024 for Letnikof Cove Harbor improvements and authorizing the Manager to execute a contract with Alaska Municipal League for an amount not to exceed \$15,000 to provide grant writing assistance for the grant application.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this 27th day of February, 2024.

Thomas C. Morphet, Mayor

Attest:

Alekka Fullerton, MMC, Borough Clerk



ONE SEALASKA PLAZA, SUITE 200 • JUNEAU, ALASKA 99801
TEL (907) 586-1325 • FAX (907) 463-5480 • WWW.AKML.ORG

Member of the National League of Cities and the National Association of Counties

Grant Support Proposal/Scope of Work: PIDP – Haines Borough Project Application

Applicant: Haines Borough

Submission Due: April 30, 2024

AML will provide content drafting, technical services, and other related actions for the following sections of the PIDP grant application:

- Project Narrative
- BCA
- Budget and Narrative

Letters of Support from:

- Potential regional and statewide
- Local entities

AML will provide support to the Haines Borough for completion of forms, including reviewing or providing edits as necessary to budget documents.

Process: Alaska Municipal League (AML) will work closely with and at the direction of Haines Borough in developing all specified products; many of these documents are forms that will be completed initially by AML for Haines Borough to finalize. The more substantive elements – the Program Narrative, BCA, and Budget Narrative – will require a collaborative process between AML and Haines Borough. AML will focus on content and format, while Haines Borough can provide context, technical expertise, and project-specific information. For external engagement with potential partners, AML may provide outreach and coordination in cooperation with Haines Borough or may manage the entire process.

AML and Haines Borough will establish a regular meeting to check in and provide any updates on progress. AML will plan to have all draft documents completed by April 16, 2024 for final review. AML will engage a designer to produce final proofs of the substantive documents, with formatting and design.

Estimated Cost:

- AML personnel - \$4,000
- Design estimate - \$1,000
- BCA - \$7,000



11A3

Haines Borough Assembly Agenda Bill

Agenda Bill No.: 24-1358

Assembly Meeting Date: 02/27/24

Business Item Description:

Subject: Filing suit to Collect past due sales tax from
Salmon Run Fishing Lodge, LLC

Originator:

Originating Department:

Date Submitted:
2/22/24

Attachments:

1. Resolution 24-02-1098
2. Notice of Claim of Municipal Tax Lien

Full Title/Motion:

Motion: Adopt Resolution 24-02-1098

Administrative Recommendation:

Fiscal Impact:

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

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:

Consistent: ☒ Yes ☐ No

Summary Statement:

Salmon Run Fishing Lodge, LLC in Excursion Inlet is delinquent in remitting and reporting sales tax. The borough seeks authorizing to engage the Borough Attorney to file a lawsuit against them to collect monies owed to the Haines Borough.

Referral:

Referred to:

Referral Date:

Recommendation:

Meeting Date:

Assembly Action:

Meeting Date(s): 2/27/24

Public Hearing Date(s): 2/27/24

Postponed to Date:

A Resolution of the Haines Borough Authorizing the Borough Attorney to File Suit to Collect Past Due Sales Tax from Salmon Run Fishing Lodge, LLC in Excursion Inlet.

WHEREAS, the Haines Borough requires persons making sales, charging rents or providing services within the Borough to collect and remit sales tax and to file monthly sales tax returns; and

WHEREAS, Salmon Run Fishing Lodge, LLC in Excursion Inlet has failed to timely report and remit sales tax as required by Haines Borough Code Sections 3.80.080 and 3.80.090; and

WHEREAS, the Haines Borough sent a letter to Salmon Run Fishing Lodge, LLC reminding them of their obligation to file tax returns and remit sales tax on a timely basis and informing them of the date by which the fact of the delinquency would be reported in the Chilkat Valley News and the steps to be taken in order to avoid publication of the business name in the Chilkat Valley News; and

WHEREAS, the Haines Borough sent a letter by certified mail to Salmon Run Fishing Lodge, LLC following the third month of its delinquency reminding them of its obligation to file tax returns and remit sales tax on a timely basis and informing them that if it failed to report and remit tax owed a tax assessment would be made and more than fourteen (14) days has passed since the date of this mailing; and

WHEREAS, the Haines Borough sent by certified mail to Salmon Run Fishing Lodge, LLC a copy of a sales tax assessment prepared after its failure to respond to earlier requests for filing tax returns and remitting payment informing them that payment in full of the amount of the assessment must be made within fourteen (14) business days to avoid court action and more than fourteen (14) days has passed since the date of this mailing; and

WHEREAS, no response to said written demands and assessment or payment of sales tax under protest or otherwise has been received from Salmon Run Fishing Lodge, LLC; and

WHEREAS, the jurisdictional limit of the District Courts of Alaska for recovery of debts owed using the small claims procedure is a maximum amount of ten thousand dollars (\$10,000);

WHEREAS, the Haines Borough has caused a Notice of Claim of Municipal Tax Lien to be filed against the delinquent taxpayer, Menco Jeff Copinga, Salmon Run Fishing Lodge, LLC on August 22, 2023 in the amount of Borough sales tax owed, plus penalties, interest and processing fee, in the amount of \$159,719.53 as of August 15, 2023; and

WHEREAS, Salmon Run Fishing Lodge, LLC has failed to obtain a Borough business license as required by HBC 5.02.010(A),

NOW, THEREFORE BE IT RESOLVED, that the Haines Borough Assembly authorizes the Borough Attorney to file suit against Salmon Run Fishing Lodge, LLC and Menco Jeff Copinga and any other person legally responsible for payment of the past due sales tax to recover the past due tax, penalty and interest, obtain an injunction ordering compliance with the Borough's business license ordinance and sales tax ordinance and all other damages or relief to which the Borough may be entitled.

Haines Borough
Resolution No. 24-02-1098
Page 2 of 2

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this 27th day of February, 2024.

Thomas C. Morphet, Mayor

Attest:

Alekka Fullerton, MMC, Borough Clerk

RECORD IN THE HAINES RECORDING DISTRICT

NOTICE OF CLAIM OF MUNICIPAL TAX LIEN

PLEASE TAKE NOTICE that the Haines Borough, P. O. Box 1209, Haines, AK 99827, hereby gives notice of a claim of lien for unpaid Borough sales tax, plus penalties and interest.

NAME OF DELINQUENT TAXPAYER: Menco Jeff Copinga
Salmon Run Fishing Lodge, LLC
(Lot 2, BlkC Duncan's Camp Sub.
Plat 97-57)

ADDRESS OF DELINQUENT TAXPAYER: PO Box 1195
Haines, AK 99827


The following amounts are delinquent for the tax periods between June 1,
2017, through September 30, 2022:

PRINCIPAL AMOUNT OF TAX DUE AND OWING:	\$ 96,624.00
INTEREST ACCRUED: (as of <u>5/31/23</u>)	\$ 38,914.53
PENALTIES ACCRUED: (as of <u>5/31/23</u>)	\$ 24,156.00
PROCESSING FEE: (as of <u>8/15/23</u>)	\$ 25.00
TOTAL AMOUNT OF LIEN: (as of <u>8/15/23</u>)	\$ 159,719.53

THIS LIEN IS ASSERTED AGAINST ALL REAL AND PERSONAL
PROPERTY OF THE ABOVE-NAMED DELINQUENT TAXPAYER. Additional
interest continues to accrue at the rate of fifteen percent (15%) per annum after May
31, 2023.

DATED this 15 day of August, 2023.

HAINES BOROUGH


BY: JILA STUART
ITS: Chief Fiscal Officer

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

On this 15th day of August, 2023, before a Notary Public commissioned for the State of Alaska, personally appeared Jila Stuart, known to me to be the Chief Fiscal Officer for the Haines Borough, and acknowledge this instrument to be the free and voluntary act and deed of the Haines Borough for the uses and purposes herein mentioned, and on oath stated that he was authorized to execute this instrument on the Borough's behalf.



Tina Olsen
Notary Public for Alaska
My commission expires: 6/15/2027

After recording, return to:
Chandler, Falconer, Munson & Cacciola, LLP
911 W. 8th Avenue, Suite 302
Anchorage, AK 99501



11A4

Haines Borough Assembly Agenda Bill

Agenda Bill No.: 24-1361

Assembly Meeting Date: 02/27/24

Business Item Description:

Subject: Authorizing FEMA Appeal regarding
Porcupine Trail Road

Originator:
Administration

Originating Department:
Administration

Date Submitted:
2/22/24

Attachments:

1. Resolution 24-02-1099
2. Birch Horton Bittner & Cherot Proposal
3. Draft Appeal Letter with Attachments

Full Title/Motion:

Motion: Adopt Resolution 24-02-1099

Administrative Recommendation:

Fiscal Impact:

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

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:

Consistent: ☒ Yes ☐ No

Summary Statement:

On January 4, 2024 the Haines Borough received a Determination Memo from FEMA denying eligibility for the Porcupine Trail Road project and deobligating previously obligated (and expended) funds. The Haines Borough has 60 days from January 4, 2024 to provide an appeal to the Alaska Department of Military and Veterans Affairs (a necessary step prior to conveying the appeal to FEMA). At Assembly suggestion, the Manager has reached out to legal consultant for assistance.

Referral:

Referred to:

Referral Date:

Recommendation:

Meeting Date:

Assembly Action:

Meeting Date(s): 2/27/24

Public Hearing Date(s): 2/27/24

Postponed to Date:

A Resolution of the Haines Borough Assembly authorizing an appeal of the Department of Homeland Security's Federal Emergency Management Agency (FEMA) deobligation of funding in the amount of \$1,435,834.75 related to the permanent repair of Porcupine Trail Road and authorizing the Borough Manager to Contract with Birch Horton Bittner & Cherot for Consultation Services associated with review of appeal documents.

WHEREAS, In December 2020 the Haines Borough experienced a major winter weather event that resulted in flooding, debris flows, and landslides throughout the borough; and

WHEREAS, Porcupine Trail Road sustained extensive damage and required work to return it to its pre-disaster design, function, and capacity along with hazard mitigation improvements to the overall drainage issues related to the disaster damages; and

WHEREAS, on October 21, 2022, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) obligated the sum of \$1,398,659.75 for Phase 1 permanent repair work to Porcupine Trail Road; and

WHEREAS, in reliance thereon, the Haines Borough contracted with Glacier Construction, Inc. dba Southeast Road Builders to perform the repair work; and

WHEREAS, the Phase I permanent repair work was completed July 13, 2023; and

WHEREAS, on December 12, 2023, FEMA deobligated its funding for the Porcupine Trail Road project; and

WHEREAS, on January 4, 2024, the Haines Borough received a Determination Memo from FEMA denying eligibility for the Porcupine Trail Road project; and

WHEREAS, the Haines Borough has 60 days from January 4, 2024 to provide an appeal to the Alaska Department of Military and Veterans Affairs (a necessary step prior to conveying the appeal to FEMA); and

WHEREAS, the Haines Borough has engaged proHNS to assist them in the drafting of an appeal letter; and

WHEREAS, upon recommendation of the Haines Borough Assembly, the Borough Manager sought out consultants to advise the Haines Borough with respect to a potential appeal; and

WHEREAS, Birch Horton Bittner & Cherot has submitted a proposal to review the response to FEMA's January 4, 2024 determination denying eligibility and deobligation of funds for the project, and supplement the response with legal points on appeal,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes an appeal of the Department of Homeland Security's Federal Emergency Management Agency (FEMA) deobligation of funding in the amount of \$1,435,834.75 related to the permanent repair of Porcupine Trail Road and authorizing the Borough Manager to Contract with Birch Horton Bittner & Cherot for Consultation Services associated with review of appeal documents.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this 27th day of February, 2024.

Thomas C. Morphet, Mayor

Attest:

Alekka Fullerton, MMC, Borough Clerk

From: [Alekka Fullerton](#)
To: [Alekka Fullerton](#)
Subject: FW: FEMA Representation
Date: Tuesday, February 20, 2024 1:01:58 PM

From: Holly Wells <hwells@BHB.com>
Sent: Tuesday, February 13, 2024 2:53 PM
To: Annette Kreitzer
Cc: Jessica Spuhler
Subject: FEMA Representation

CAUTION: This email originated from outside of the Haines Borough. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

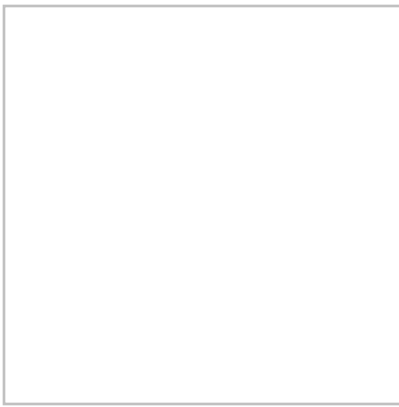
Annette,

I wanted to send a quick email with some of the estimates and rates we discussed this afternoon so you have it for easy access at tonight's meeting:

1. Given the time constraints and applicable procedure, we could provide a review of the response to FEMA's determination and supplement that response with legal points on appeal, ensuring that those arguments are flagged for FEMA and preserved for any level 2 appeal or arbitration. The estimated cost of this review is under \$5,000.
2. In the event that FEMA's position remains unchanged, the next step would be a preliminary assessment memo analyzing the strength and weaknesses of FEMA's determination and presentation of that assessment to the Assembly. That preliminary assessment may also include a discussion of alternative courses of action, including but not limited to an assessment of fault and liability of third parties. The estimated cost of that assessment is \$15,000-\$20,000. We draft the analysis in the preliminary assessment to allow the arguments within it to be incorporated into future briefing.
3. While our 2024 hourly rate is \$415 an hour, our special projects 2024 government rate is \$375 an hour, which would apply to Haines.

Hope this helps; Thank you!

Holly



Holly Wells

Partner

Birch Horton Bittner & Cherot

510 L Street, Suite 700 | Anchorage AK 99501

Tel 907.263.7222 | Main 907.276.1550

hwells@BHB.com | www.birchhorton.com | [Bio](#)

AillyLaw

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March 04, 2024

Willie G. Nunn
Regional Administrator
FEMA Region 10
P.O. Box 10055
Hyattsville, MD 20782-8055

Re: Eligibility Determination Memorandum Appeal, PA ID 100-99100-00,
FEMA-4585-DR-AK, Project Worksheet (PW) 13 – Porcupine Trail Road

Dear Mr. Nunn,

This letter is in response to the eligibility determination memo (DM) dated December 21, 2023, and received via Grants Portal January 4, 2024. The Haines Borough (Applicant) presents this appeal to the Department of Homeland Security's Federal Emergency Management Agency (FEMA) in response to their deobligation of funding in the amount of \$1,435,834.75 for costs related to the permanent repair of Porcupine Trail Road. The Applicant seeks relief in the form of re-obligation of PW 13 – Porcupine Trail Road, including \$1,435,834.75 of previously obligated funding to PW 13.

The following claims of non-compliance appear to constitute FEMA's primary justification for the denial:

1. The work completed by the Applicant on Phase I exceeded the agreed upon scope of work (SOW), and the work was completed without prior approval by FEMA. This point refers to the alleged road widening.
2. The work completed by a third party, Constantine Mining, LLC, is considered a connected action and construction was completed without prior approval by FEMA. This point refers to alleged third party connected action work.
3. The work by the Applicant on Phase I and third party (connected action) work exceeded the agreed upon SOW for Porcupine Trail Road and was completed without prior approval by FEMA. This work resulted in an impact to historic and ongoing ancestral areas of interest, thus putting the Agency in a position of non-compliance with Section 106 of the National Historic Preservation Act (NHPA). This point refers to FEMA Environmental & Historic Preservation (EHP) alleging failure by the Applicant to allow FEMA the required opportunity to coordinate and consult with the affected Chilkat Indian Village as Executive Order 13175 mandates.

In the following analysis and supporting documentation, justification is provided in support of the Applicant's position and request for monetary relief. Though the three claims identified above are related and have areas of overlap, each will be addressed individually to help clearly identify the Applicant's position and appeal of FEMA's determination of ineligibility.

History of Porcupine Trail Road

Historic Use

The current Porcupine Trail Road exists within a historic district referred to by the Haines Borough as the Dalton Trail General Area. While the trail was named after an Upper Lynn Canal businessman named Jack Dalton, the Chilkat people forged and used the 246-mile route from Pyramid Harbor into Canada's Yukon Territory as a trade route for hundreds of years prior to Dalton's arrival. In the late 1800s, increased numbers of prospectors, explorers, and missionaries moved up the coast from Seattle, British Columbia and other areas, and the trail began to see heavier use.

When gold was discovered in the Klondike in 1896, Jack Dalton resolved to develop a toll trail to the gold fields and the eponymous Dalton Trail played a short but important role in the Klondike Gold Rush. The subsequent gold strike on Porcupine Creek in the summer of 1898 brought over 1,000 people into the local area during the next year, many coming over the Dalton.

Contemporary Use and Roadway Maintenance

In 1971, the Alaska Department of Transportation (AK DOT&PF) built the Klehini River Bridge, connecting the Haines Highway to the Dalton Trail Historic District. This link enabled expanded use of area, including building of roads, construction of private homes, small-scale logging operations, resource exploration, and increased access to hunting, fishing, foraging, trapping, and recreational activities.

In June 2000, the Haines Borough via Resolution #494 accepted ownership and maintenance responsibility of Klehini Crossing, Porcupine Trail Road, and Chilkat Lake Road in exchange for AK DOT&PF making improvements to Chilkat Lake Road. The transfer became officially effective on May 25, 2005, with the deed noting that "upon acceptance of this right of way interest by the Haines Borough, the State shall cease maintenance and operation of the Porcupine Road and Chilkat Lake Road, and the Haines Borough shall be responsible for the maintenance and operation of above described roads."²¹

Haines Borough Code 7.08.050 established the Historic Dalton Trail Road Maintenance Service Area (RMSA), which includes Porcupine Trail Road.²² The Haines Borough features several RMSAs, which are defined areas outside of the Townsite where Users, i.e. third-party individuals or organizations, contribute to routine maintenance and sometimes temporary or emergency repairs of facilities within the RMSA.

The Haines Borough has been performing maintenance on the Porcupine Trail Road corridor since 2005, but budgetary constraints have historically limited the frequency and types of maintenance that occur. Most often, the Haines Borough's maintenance consists of temporary or emergency repairs and annual grading (or blading) of the roadway's gravel surface. Between 2018 and 2022, the Borough spent \$77,339 maintaining Porcupine Road.¹⁸

With these budgetary constraints in mind, the Historic Dalton Trail Road RMSA and Haines Borough Code 12.08.170 have allowed Porcupine Trail Road Users to assist with and at times lead maintenance and repair efforts along the corridor.²² While monetary and in-kind contributions by Users are not explicitly tracked, these contributions have been repeatedly acknowledged by the Borough. In its March 9, 2019, meeting minutes, the Historic Dalton Trail RMSA Board noted, “On behalf of the many users of the Porcupine Road, we want to thank the Borough for the support in addressing the road washout that occurred last year. The Borough assisted in the permitting and use of equipment. We also want to recognize the many industry contributors to those repairs and for the annual maintenance they help to pay for. Both Constantine and Raw TV paid \$5-10K apiece (some of that was in-kind with fuel and labor) and the Stump Company on many occasions used their equipment to move brush and clear ditches.”¹⁹ Well before the December 2020 Storm Event, the Borough had set the code-permitted precedent of accepting maintenance and repair assistance from Users to mitigate the logistical and budgetary challenges of managing such a large, rural facility.

While all parties (the Borough and Porcupine Trail Road Users) have done their best over the years to keep up with routine maintenance, the road is plagued by vegetation encroachment, filling in of ditches with debris and vegetation, erosion, and potholing that one would expect of a remote gravel roadway within an Alaska temperate rainforest (see Figure 1 below).



Figure 1: A typical location of vegetation encroachment on roadway shoulders and in ditches on Porcupine Trail Road, taken 6/7/2023 prior to Applicant’s Phase 1 work. Source – Garret Gladsjo, proHNS.

FEMA Claim 1: Alleged Road Widening

FEMA claims the Applicant's work exceeded the agreed upon scope by widening the roadway beyond the approved 22-foot width without first obtaining a change in SOW approval from FEMA. FEMA EHP used measurements obtained during an 8/31/2023 site visit to calculate average road widths, then used the difference between these averages and 22-foot-width in question to calculate and claim there was an additional 2.28 acres of ground disturbing activities outside of the developed road right-of-way.

Timeline of Applicable Events¹:

11/30/2020- 12/2/2020	December 2020 Storm Event
12/2/2020	Haines Borough Disaster Declaration
12/5/2020	State of Alaska Disaster Declaration
1/14/2021	Haines Borough submits Category C Preliminary Damage Assessment Estimate to State of Alaska for Porcupine Trail Road describing "Washout of roadway causing severe roadway damage." Damage location noted as LAT 59.41276 and LONG - 135.007487.
2/17/2021	Federal disaster declaration.
8/26/2021	FEMA performs initial site inspection for Porcupine Trail Road with Applicant and State of Alaska Representatives. During the inspection, FEMA performs all measurements for developing the Damage Description and Dimensions (DDD) captured in the Site Inspection Report (SIR).
7/14/2022	Applicant and State of Alaska DMVA (Recipient) submit SOW Change Request for Porcupine Trail Road.
7/20/2022	Consolidated Resource Center (CRC) and EHP comment on the SOW Change Request, stating Phase I work will "reestablish ditches and repair the surface of the roadway in the existing footprint."
7/21/2022	FEMA requests clarification on limits of work for SOW Change Request that includes limits shown from back of existing ditch to back of existing ditch.
8/5/2022	FEMA sends letter to AK SHPO describing Area of Potential Effects (APE) as "...approximately 7.5 miles long by 50 to 100-foot-wide area that encompasses all of the segments for road, ditch, and embankment repair as well as the staging of equipment (Figure 2)."
10/21/2022	FEMA obligates \$1,398,659.75 for Phase I permanent repair work.
6/14/2023	Phase I permanent repair work begins.
7/13/2023	Phase I permanent repair work complete.
7/20/2023	The Applicant pays the Contractor in full for Phase I permanent repair work.

7/24/2023 FEMA receives email from Takshanuk Watershed Council (TWC) expressing concerns about Phase I work.

8/31/2023 FEMA EHP performs follow-up site inspection for Porcupine Trail Road.

9/20/2023 FEMA EHP submits Request for Information (RFI) for Porcupine Trail Road.

10/10/2023 Applicant provides response to EHP RFI.

10/30/2023 FEMA informs the Applicant that the project funding will be deobligated.

12/12/2023 Porcupine Trail Road funding is deobligated.

1/4/2024 Applicant receives DM denying eligibility.

1/9/2024 FEMA provides Applicant with copies of correspondence with Alaska State Historic Preservation Officer from 8/5/2022 and 8/9/2022.

2/6/2024 FEMA provides clarification via email regarding their method of calculation for alleged 2.28 acres of additional ground disturbance by the Applicant.

Applicant's Position:

All Phase I permanent repair work completed by the Applicant was within the agreed upon SOW approved by FEMA, including alleged ground disturbances associated with roadway shoulders and adjacent ditch reconditioning.

The DM repeatedly references a road width of 22 feet, a measurement taken during the initial FEMA site visit and subsequently documented in the original site inspection report (SIR)². EHP uses this 22-foot measurement as the basis for its Phase I SOW increase/road widening claim, including as a constant factor when calculating 2.28 of additional ground disturbance. Contrary to FEMA's assertions, the 22-foot-wide roadway surface width included on Plan Sheet C02 – Typical Section³, which FEMA approved as part of a SOW Change Request in August 2022, only represents one part of the approved SOW for Porcupine Trail Road Phase I.

The single 22-foot measurement taken during the original SIR was for one location along a 7.5-mile road and is not an accurate or representative measurement that can be applied consistently to the entire road length, nor did this measurement capture the width of existing roadway shoulders and ditches. The 22-foot dimension was a "typical" measurement representing an average width of the existing roadway surface (excluding adjoining roadway shoulders and ditches) for scope and cost estimating purposes as described in the SIR.

Justification:

The 22-foot-wide measurement is a broad generalization of the SOW and is unrepresentative of the actual pre-existing site conditions. A gravel road is by nature unconfined, resulting in variable widths as determined by site constraints. Maintenance blading/grading of the roadway surface over the years had created berms along the roadway shoulders preventing drainage of surface storm water from leaving the roadway or entering adjoining ditches (see Figure 2 below), which Phase I work repaired through reconditioning of roadway shoulders and ditches. Existing roadway shoulders and adjoining ditches damaged by the December 2020 Storm Event were documented by FEMA during the August 26, 2021, site inspection (see Figures 3 and 4 below).

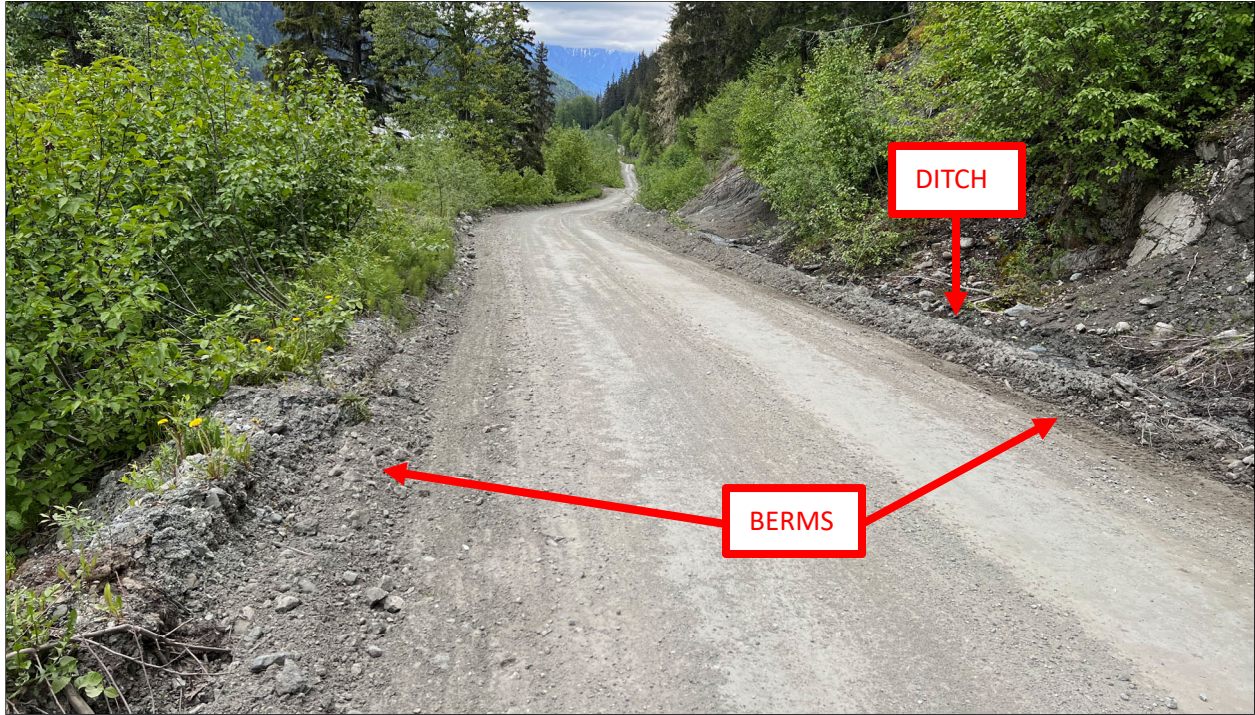


Figure 2: A typical location on Porcupine Trail Road showing vegetation encroachment on roadway shoulders and existing berms (the result of blading/grading maintenance) preventing drainage of storm water off roadway and/or to adjoining ditches, taken 6/7/2023 prior to Applicant's Phase 1 work. Source – Garret Gladsjo, proHNS.



Site 2 GPS: 59.412354, -136.029592: Ditches, 7,626.6667 CY of native material drainage canals, 34,320 FT long x 3 FT wide x 2 FT deep, high volume and high velocity surface water flooding scoured and washed out ditches.

Figure 3: A location on Porcupine Trail Road showing existing roadway shoulder and adjoining ditch impacted by debris. Source – 8/26/2021 FEMA SIR Photo Page for Porcupine Trail Road.



Site 2 GPS: 59.412354, -136.029592: Ditches, 7,626.6667 CY of native material drainage canals, 34,320 FT long x 3 FT wide x 2 FT deep, high volume and high velocity surface water flooding scoured and washed out ditches.

Figure 4: A location on Porcupine Trail Road showing adjoining roadway ditch filled with debris. Source – 8/26/2021 FEMA SIR Photo Page for Porcupine Trail Road.

The 22-foot measurement does not represent the entire agreed upon SOW as identified in the FEMA SIR², Applicant SOW documents³, and other project documentation. The 22-foot measurement taken during the original SIR only captured the road surface and did not incorporate the width of the shoulder or ditches. Several federal roadway standards^{4,5} – including the FEMA Public Assistance Program and Policy Guide⁶ – draw a clear distinction between the width of the road surface, the width of the shoulder, and the width of the ditch; they are finite features (see Figure 5 below). This distinction is critical, because the measurements taken during the follow-up FEMA site visit and subsequently documented in the SIR⁷ attached to the DM show road surface measurements at *less than* 22 feet. The road could therefore only be interpreted as widened when the shoulder width is added to the road surface width.

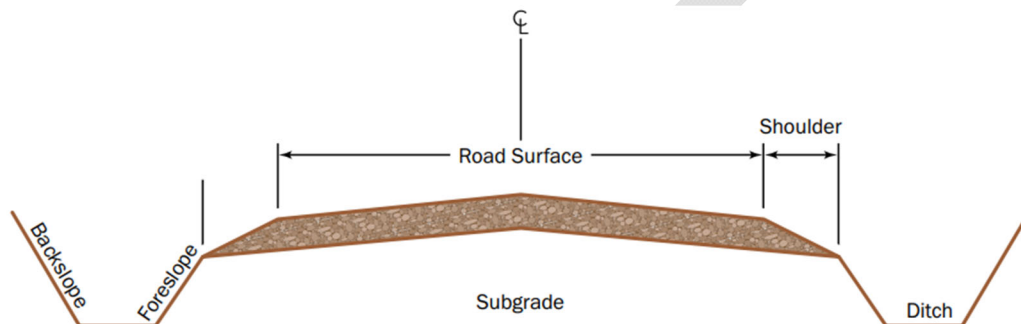


Figure 5: Source - FEMA Hurricane and Flood Mitigation Handbook for Public Facilities - Fact Sheet 1.1: Road and Highway Surfaces

Additional justification for the Applicant's position can be found in the July 14, 2022, SOW Change Request correspondence between the Recipient and FEMA⁸ where the Applicant clearly identified that the limits of work, as shown on the design drawings, included the 22-foot-wide road surfacing, variable width shoulder, and variable width ditches. It was also noted on the FEMA-approved plans that the existing road width varies³. The SOW for Phase I was further clarified between the stakeholders via email correspondence between FEMA, the Applicant, and the Recipient on July 21, 2022⁸.

The August 5, 2022, correspondence from FEMA to the Alaska State Historic Preservation Officer states, "FEMA has determined that the Area of Potential Effects (APE) is one approximately 7.5 mile long by 50 to 100-foot-wide area that encompasses all of the segments for road, ditch, and embankment repair as well as the staging of equipment (Figure 2)." This description of the APE implies FEMA representatives understood the SOW of Porcupine Trail Road included repairs beyond the 22-foot-wide measurement for Phase I repairs.

The Applicant also provided FEMA with documented correspondence between the Contractor and the Applicant⁹ during bidding, where clarification was requested regarding the limits of work. The Applicant clearly outlines that the intent of the project is not to widen the road: "Our intent is for the reconditioned road surface to match the existing road surface up to 22 feet wide. Where the existing road surface is less than 22 feet wide, we do not intend to widen the [road] but recondition to match the narrower road."

FEMA has alleged the Applicant performed work on Phase I outside the approved SOW that resulted in an additional 2.28 acres of ground disturbance, for which they provided additional clarification and backup calculations on 2/6/2024¹⁴. However, it is evident from FEMA's

correspondence and backup calculations that the 2.28 acres of alleged ground disturbance does not take into account the August 2022 approved SOW for roadway shoulders and ditch reconditioning. FEMA's calculations also do not represent a comparison of the pre- and post-repair project limits to determine an amount of ground disturbance, which would be a truer representation of the work performed, rather than calculations using average measurements.

The Applicant's SOW documents approved by FEMA in August 2022 for Phase I included Plan Sheet C02 Typical Section³ and Item 303.0002.0002 Reconditioning, Ditches with a total bid quantity of 343 stations (or 34,300 feet, approximately 6.5 miles)⁸. The approved SOW included incidental clearing and grubbing activities (i.e., ground disturbance) that were associated with ditch reconditioning work under Item 303.0002.0002. This is made clear by Note 4 on Plan Sheet C02, which states, "Recondition existing ditches in accordance with Section 303 Reconditioning. Place ditch spoils, not to exceed 2' in height back of ditch. Ditch clearing and grubbing is incidental to this work. Payment for this work shall be 303.0002.0002 Reconditioning, Station."

FEMA's calculation of 2.28 acres of additional ground disturbance does not take into account the total area of ditch reconditioning under Item 303.0002.0002 that was included in the August 2022 approved SOW. As can be seen in Figure 6 below and on Plan Sheet C02 Typical Section, typical slopes, widths, and variable depths for ditch reconditioning/reconstruction were included in the approved SOW. At 1-foot deep, the total width of ditch reconditioning from the edge of the roadway shoulder would be 4-foot-wide, and at 3-feet deep the total width of ditch reconditioning would be 10-foot-wide.

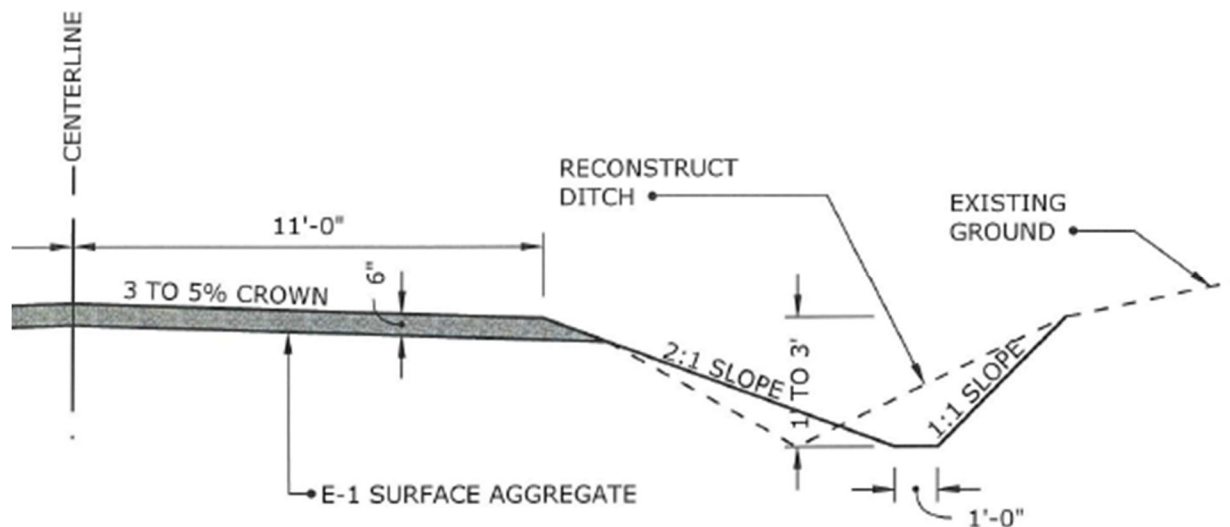


Figure 6: Source - Plan Sheet C02 Typical Section for Haines Borough Porcupine Trail Road, Phase I project.

How much ground disturbance, and possible clearing and grubbing, can therefore be associated with Item 303.0002.0002 Reconditioning, Ditches considering a total project length of 343 stations (34,300 feet)?

- i. At 4-foot-wide: $4\text{ft} \times 34,300\text{ft} / 43,560\text{sf/acre} = 3.15$ acres
- ii. At 10-foot-wide: $10\text{ft} \times 34,300\text{ft} / 43,560\text{sf/acre} = 7.87$ acres

Based on the August 2022 FEMA approved SOW for Porcupine Trail Road Phase I, the total area of ditch reconditioning work adjacent to the roadway surface and shoulders (and outside the 22-foot-wide typical roadway surface width) is between 3.15 and 7.87 acres, both greater than the 2.28 acres claimed by FEMA to represent additional ground disturbance outside of the developed road right-of-way.

Conclusion:

FEMA's claim in the DM that "*the average width of the road (including the shoulders...) significantly increased the area of ground disturbance... beyond the FEMA approved scope of work*" relies on a broad generalization of the SOW and makes an unsubstantiated assumption that the road surface includes the shoulders. This assumption not only defies industry standards of measurement, but it also goes against the definitions and distinctions put forth in FEMA's own policy guides. The 22-foot-wide measurement represented the width of roadway surfacing material for the Phase I project and does not include the width of adjacent roadway shoulders and ditch reconditioning, work detailed on Plan Sheet C02.

Arguments made in support of project deobligation are contrary to FEMA's August 2022 review and approval of the July 14, 2022, SOW Change Request and August 5, 2022, correspondence with the Alaska State Historic Preservation Officer. The Applicant's SOW documents provided to FEMA to support the approval of Phase I, including follow up clarifications from the Applicant to FEMA, clearly indicate the proposed work for Phase I was not limited to a single 22-foot-wide measurement.

The Phase I work completed did not require placement of any structural fill or widening of road base material and was limited to the repair of the existing roadway and adjoining ditches within the Porcupine Trail Road developed right-of-way. The above analysis and provided documentation not only demonstrate the Applicant obtained a FEMA-approved SOW Change Request for Phase I that included work beyond the 22-foot-wide measurement, but that the Applicant understood and enforced construction of the FEMA-approved SOW consistent with federal guidelines.

FEMA Claim 2: Alleged Connected Action Work

FEMA claims the Applicant allowed third party work to be performed on Porcupine Trail Road without prior FEMA review and approval, and that this work qualifies as a connected action.

Timeline of Applicable Events¹:

11/30/2020- 12/2/2020	December 2020 Storm Event
12/2/2020	Haines Borough Disaster Declaration
12/5/2020	State of Alaska Disaster Declaration
1/14/2021	Haines Borough submits Category C Preliminary Damage Assessment Estimate to State of Alaska for Porcupine Trail Road describing "Washout of roadway causing severe roadway damage." Damage location noted as LAT 59.41276 and LONG - 135.007487.

2/17/2021 Federal disaster declaration.

5/31/2023 - Third-party, Constantine Mining, LLC, temporary emergency repair work.
6/13/2023

6/14/2023 Phase I permanent repair work begins.

7/13/2023 Phase I permanent repair work complete.

8/31/2023 FEMA performs follow up site inspection for Porcupine Trail Road.

9/20/2023 FEMA EHP submits RFI for Porcupine Trail Road.

10/10/2023 Applicant provides response to EHP RFI.

12/12/2023 Porcupine Trail Road funding is deobligated.

1/4/2024 Applicant receives DM denying eligibility.

Applicant's Position:

Alleged connected action work, between May 31 and June 13, 2023, did not occur as part of the FEMA-approved SOW for Phase I and was not integral to the completion of Phase I work. Though authorized by the Applicant, third party work was independently planned, constructed, and funded. A complete SOW for third party work, including documentation supporting a clear distinction between third party work and Applicant's FEMA-funded Phase I work, was provided in the Applicant's 10/10/2023 response to the 9/20/2023 FEMA EHP RFI¹³.

As outlined in the Contemporary Use and Maintenance section on Page 2, temporary emergency repair work by Historic Dalton Trail RMSA users was a periodic occurrence on Porcupine Trail Road since well before the December 2020 Storm Event.¹⁹ Users, including Constantine Metal Resources, Raw TV, the Stump Company, and others have historically used their own funds, equipment, and labor to ensure normal access, setting a precedent for User temporary emergency repair work. The alleged third party connected action work in question was in response to a separate 2022 flood event, not the December 2020 Storm Event, and was authorized by the Applicant under Haines Borough Code as has been historically done.

The alleged connected action (temporary emergency repair work completed by the third party on Porcupine Trail Road) does not meet the requirements of a connected action and therefore did not require FEMA review and approval.

Justification:

The third-party temporary emergency repair work performed was contained within the existing road corridor. No excavation was performed as part of this work and the only earth disturbing activity involved the placement of roadway material directly on the existing road surface. A small quantity of riprap was placed by the third-party work to protect roadway material from erosion during floods, but riprap was placed above ordinary high water and in the uplands above the Klehini River channel.

The third-party temporary emergency repair work was performed to ensure the road remained passable following 2022 Klehini River flood and erosion events. In an April 6, 2023, email from Constantine representative Liz Cornejo to the Haines Borough, Ms. Cornejo underscored that the

third-party emergency repairs would be “a temporary fix and in-kind contribution from Constantine to support effective use of the road until funding for a more permanent fix is available.”²⁰ In addition to keeping the road open, the emergency repairs also had the secondary benefit of protecting the Herman Creek salmon spawning beds, a high-value salmon resource, from flooding and erosion by the Klehini River.

The third-party temporary emergency repair work was not in response to damages that occurred as a result of the December 2020 Storm Event, nor was it associated with the Applicant’s proposed SOW for permanent repairs to Porcupine Trail Road. Per Ms. Cornejo’s email, the work was necessary to address damage from multiple flooding events in 2022: “The purpose of the road fill is to stabilize the existing roadbed and raise the driving surface above river water flood levels experienced multiple times in 2022.”²⁰

The DM asserts that the third-party work was connected to the FEMA approved SOW and references the applicable federal code regarding connected actions. However, the DM fails to describe or substantiate how the third-party work rises to the level of a connected action as outlined under federal code¹⁰.

In federal code, an activity is defined as a connected action if it meets the following requirements:

- i. Automatically trigger other actions.
- ii. Cannot or will not proceed unless other actions are taken previously or simultaneously.
- iii. Are interdependent parts of a larger action and depend on the larger action for their justification.

In FEMA’s DM, the Subject Action (the work in contention) is broadly identified as road repairs paid for and performed by a third party. No other scope, activity, or detail is offered to characterize the Subject Action, though we believe FEMA is referring to temporary emergency repair work that consisted of placement and grading of roadway material, constructed and paid for by a third party. For the following reasons (corresponding to the requirements above), the Subject Action does not amount to a connected action:

- i. No FEMA approved SOW or actions were triggered by the Subject Action.
 - a. The Phase I SOW was planned, designed, reviewed, and obligated without input from the Subject Action and was triggered specifically by the 2020 flood event.
- ii. The Subject Action proceeded independently of the FEMA approved SOW or action. The FEMA approved SOW or action was not taken previously or simultaneously.
 - a. The Phase I SOW did not affect the Subject Action’s ability to proceed. The Phase I SOW was completed after the Subject Action.
- iii. The Subject Action is a part of a larger action, but it does not depend on the larger action for its justification.
 - a. The Subject Action is located along the same road corridor as the FEMA action performed on Porcupine Trail Road for Phase I SOW but does not depend on the

FEMA actions for justification. The Subject action maintains independent justification hence the third-party work and independent funding.

Conclusion:

The requirements necessary for identifying an action as a connected action are clearly and specifically defined in federal code. FEMA's claim in the DM that "*road sections worked on by the third party that were authorized by the applicant are connected actions and must be considered and reviewed by FEMA EHP prior to construction*" fails to identify any specific way that the Subject Action met these federal code requirements to elevate it to the level of connected action.

Though an action may appear connected due to factors such as physical proximity or scope of work, these alone do not meet the requirements of federal code. The above analysis shows that the work performed by the third party does not meet the requirements of a connected action under federal code. Therefore, review and approval by FEMA was not required for this work.

FEMA Claim 3: Section 106 Non-Compliance Result of Applicant Missteps

FEMA claims both the work completed by the Applicant on Phase I and work completed by a third party (alleged connected action) exceeded the agreed upon SOW for Porcupine Trail Road and was completed without prior approval by FEMA. This work resulted in an impact to historic and ongoing ancestral areas of interest, thus putting the Agency in a position of non-compliance with Section 106 of the National Historic Preservation Act (NHPA). FEMA Environmental & Historic Preservation (EHP) alleges this non-compliance occurred as the result of the Applicant's failure to allow FEMA the required opportunity to coordinate and consult with the affected Chilkat Indian Village as Executive Order (EO) 13175 mandates.

Timeline of Applicable Events:

11/30/2020- 12/2/2020	December 2020 Storm Event
12/2/2020	Haines Borough Disaster Declaration
12/5/2020	State of Alaska Disaster Declaration
1/14/2021	Haines Borough submits Category C Preliminary Damage Assessment Estimate to State of Alaska for Porcupine Trail Road describing "Washout of roadway causing severe roadway damage." Damage location noted as LAT 59.41276 and LONG - 135.007487.
2/17/2021	Federal disaster declaration.
7/5/2021	Temporary Emergency Bypass Road installed as Cat B work.
8/26/2021	FEMA performs initial site inspection for Porcupine Trail Road with Applicant and State of Alaska Representatives. During the inspection, FEMA takes all measurements for developing the Damage Description and Dimensions (DDD) captured in the Site Inspection Report (SIR).

11/16/2021 Applicant provides memo on Haines Borough regular maintenance activities.

1/11/2022 Applicant confirms with FEMA the creation of the new temporary access road adjacent to Site 9 as part of Cat B work.

5/18/2022 Original EHP Record of Environmental Consideration (REC) completed for Cat B work, including Porcupine Trail Road.

7/14/2022 Applicant and Recipient submit SOW Change Request to separate Porcupine Trail Road into three phases. Email chain shows archaeological site along Porcupine Trail Road is likely mapped in the wrong location.

8/5/2022 FEMA sends letter to AK SHPO with determination of “No Adverse Effects to Historic Properties.”

8/9/2022 AK SHPO provides concurrence with FEMA finding “no historic properties adversely affected.”

8/19/2022 Updated EHP REC to add Version 2 for Phase I SOW.

1/20/2023 Applicant and Recipient submit SOW Change Request to increase funding to include Phases II and III construction.

5/31/2023 - 6/13/2023 Third-party, Constantine Mining, LLC, temporary emergency repair work.

6/14/2023 Phase I reconditioning begins.

7/13/2023 Phase I reconditioning complete.

8/31/2023 FEMA performs follow up site inspection for Porcupine Trail Road.

9/20/2023 FEMA EHP submits RFI for Porcupine Trail Road.

10/10/2023 Applicant provides response to EHP RFI, including SOW documents for third party work.

12/12/2023 Porcupine Trail Road funding is deobligated.

1/4/2024 Applicant receives DM denying eligibility.

1/9/2024 Following Applicant request, FEMA provides copies of correspondence with Alaska State Historic Preservation Officer from 8/05/2022 and 8/09/2022.

1/25/2024 Following Applicant request, FEMA provides summary of correspondence with Chilkat Indian Village that occurred on 9/16/2023, 10/30/2023, and 10/31/2023.

Applicant’s Position:

The Applicant does not deny that the FEMA-approved SOW for Phase I of Porcupine Trail Road, which was constructed from June 14 to July 13, 2023, impacted a traditional soapberry gathering area of cultural significance to the Chilkat Indian Village. Unfortunately, neither the Applicant nor FEMA were aware of the presence of the traditional soapberry gathering area adjacent to the

Porcupine Road shoulder, and within the Phase I approved SOW limits, until notified of the impact by the Chilkat Indian Village.

However, as stated in the Applicant's response to FEMA Claim 1, the work performed on Phase I was within the FEMA-approved SOW for Phase I and did not require a SOW Change Request. Additionally, the July 2022 SOW Change Request⁸ submitted by the Applicant for FEMA EHP review and approval provided sufficient information to pursue the required opportunity to coordinate and consult with the Chilkat Indian Village as Executive Order 13175 mandates.

The Applicant acknowledges that SOW documents for third-party temporary emergency repairs were not submitted to FEMA until after completion of the work in June 2023. However, and as shown in our response to FEMA Claim 2, submission of the SOW documents for third-party work was not required as the action does not meet the requirements under federal code to be considered a connected action. Additionally, the work completed by the third party, Constantine Mining, LLC, on Porcupine Trail Road consisted of temporary emergency repairs within the developed footprint of the existing roadway and shoulders. The third-party work did not impact the traditional soapberry gathering area within the limits of Phase I.

Justification:

The SOW of the third-party temporary emergency repair work performed was contained within the existing road corridor. The work was performed independently from FEMA-funded Phase I work under a separate agreement between private parties. No excavation was performed as part of this work and the only earth disturbing activity was the placement of roadway material directly on the existing road surface. A small quantity of riprap was placed by the third-party work to protect roadway material from erosion during floods, but riprap was placed above ordinary high water and in the uplands above the Klehini River. The work did not impact the traditional soapberry gathering area.

As stated in the Applicant's response to FEMA Claim 1, the work performed on Phase I was within the August 2022 FEMA-approved SOW Change Request⁸ submitted by the Applicant. FEMA EHP prepared a Record of Environmental Consideration (REC) on 8/22/2022 for the Phase I SOW Change Request¹⁵. Under the National Historic Preservation Act (NHPA) section of the REC, the last comments entered by FEMA state, "Reworked to Phase project into road and surface repair (1) and embankment repair (2). There is an Archaeological site within the APE according to AHRS. Consultation with the AK SHPO initiated on 8/5/2022 and a No Adverse Effect determination was made (Attached). SHPO concurred on 8/10/2022 (Attached). - pfisher1 -08/22/2022 13:33:43 GMT."

While the Applicant was able to view the REC when it was posted on 8/22/2022, the attachments referenced in the quoted comment above were not provided to the Applicant until requested on 1/9/2024. The content of the correspondence between FEMA Regional Environmental Officer Science Kilner on 8/5/2022¹¹ and Alaska State Historic Preservation Officer (SHPO) Judith Bittner on 8/9/2022¹² is of importance for several reasons. Firstly, the 8/5/2022 correspondence clearly identifies the Area of Potential Effects (APE) as "one approximately 7.5 mile long by 50 to 100-foot-wide area that encompasses all segments for road, ditch, and embankment repair as well as the staging of equipment"¹¹. APE maps are included with the 8/5/2022 correspondence, and along with the description, clearly include the Porcupine Trail Road work limits.

Secondly, the 8/9/2022 correspondence from SHPO Judith Bittner to FEMA¹² concurs with Science Kilner's determination that "the Undertaking will result in No Adverse Effect to Historic properties." Of note, Bittner's correspondence states, "As stipulated in 36 CFR 800.3, other consulting parties such as the local government and Tribes are required to be notified of the undertaking." On 1/23/2024, Applicant representatives requested copies of correspondence between FEMA and local Tribes regarding the Porcupine Trail Road project, a summary of which was provided by FEMA via email¹⁶.

The FEMA email summarizes a request from the Chilkat Indian Village on 9/16/2023 for Government-to-Government consultation in accordance with EO 13175 regarding the Porcupine Trail Road Phase I project. It is unclear if FEMA notified (as required by 36 CFR 800.3) or corresponded with the Chilkat Indian Village regarding PW 13 Porcupine Trail Road prior to September 16, 2023, but based on the context of the September 16 email and following exchanges summarized by FEMA, it appears this was the first correspondence between the parties.

The Grants Portal Damage Details for PW 13 Porcupine Trail Road clearly state "No" in response to the Category C question of whether THPO or Tribal Consultation is required for the project¹⁷. This information provided to the Applicant by FEMA appears to have been in error, as evidenced by the 8/9/2022 SHPO correspondence that indicates notification to local Tribes was required.

Conclusion:

The Applicant does not deny that the FEMA-approved SOW for Phase I of Porcupine Trail Road, which was constructed from June 14 to July 13, 2023, impacted a traditional soapberry gathering area of cultural significance to the Chilkat Indian Village. Had Tribal Consultation occurred prior to the Phase I work, it is likely the Chilkat Indian Village would have identified this site of cultural significance and reported it to FEMA EHP, and the Applicant could have revised the Phase I SOW to negate the impact that ultimately occurred.

The Applicant's SOW Change Request for Phase I, submitted in July 2022 and approved by FEMA in August 2022, clearly included work beyond the 22-foot-wide measurement for ditch reconditioning. This work was clarified to FEMA and included in the APE for the project and Section 106 compliance. Though the SOW for third-party temporary emergency repair work was not submitted to FEMA and the Applicant does not consider it a connected action under federal code, the work itself did not negatively impact areas of cultural or historical impact.

As shown herein, allegations that Section 106 non-compliance occurred as the result of the Applicant's failure to allow FEMA the required opportunity to coordinate and consult with the Chilkat Indian Village are inaccurate. The Applicant was not privy to FEMA's correspondence with SHPO, and FEMA's correspondence with the Chilkat Indian Village, until January 2024. FEMA had ample opportunity, between August 2022 and the commencement of Phase I work in June 2023, to consult with the Chilkat Indian Village regarding PW 13 Porcupine Trail Road.

Summary Conclusion

To summarize this appeal, we do not believe the DM provides sufficient justification or support for the denial of eligibility for PW 13 Porcupine Trail Road. The DM references applicable statutes, regulations, and policies, but does not fully explain or provide examples of how the project is not in compliance with these statutes, regulations, or policies. For example, regarding the alleged connected action third-party work, FEMA cites applicable federal code in the DM but fails to specify how any project action or work violated that code. The DM states, “*Work completed was found to not meet provisions of National Environmental Policy Act (NEPA Categorical Exclusions (CATEXs)), as defined in 40 C.F.R. § 1508.4.* As a result, FEMA has determined that the project is ineligible for reimbursement,” but no further rationale is given.

The DM also states the Applicant has not provided sufficient documentation to support that the damages to Porcupine Trail Road occurred as a result of FEMA-4585-DR-AK and mentions a lack of clarity among stakeholders over the cause and timing of damages. These comments are surprising, considering damages on Porcupine Trail Road were identified by the Applicant and submitted more than three years ago, first on 1/14/2021¹. Since then, there have been multiple reviews of PW 13 Porcupine Trail Road by FEMA CRC and EHP personnel, as well as site visits by FEMA. Damage Description and Dimensions (DDD) for the sites on Porcupine Trail Road impacted by the December 2020 Storm Event were clearly captured in the August 26, 2021, Site Inspection Report (SIR). The June-July 2021 Porcupine Trail Road flooding required temporary emergency protective measures and repairs under PW 43 – the DM concurs this work is not an issue. PW 13 Porcupine Trail Road has been reviewed and approved, with funding obligated to project components, on multiple occasions by FEMA (including PW 43 on Porcupine Trail Road) which indicates a confirmation of project eligibility. The Applicant is clear on the cause and timing of damages but is unclear as to the additional information FEMA is seeking.

We had hoped our response to EHP’s RFI on Oct. 10, 2023¹³, would be the first step in opening a dialogue between the Applicant and FEMA where both parties could provide clarification, exchange information, and work toward a resolution. Based on prior correspondence between and meetings with the Recipient and FEMA, the Applicant was under the impression FEMA EHP would be performing a re-evaluation of the SOW for Phase I, II, III, and third-party work as a whole. When we subsequently received notification of funding deobligation on Dec. 12, 2023, we were confused and disappointed by the abrupt decision.

Since a significant amount of work has already been completed and paid for in full by the Applicant for Porcupine Trail Road, deobligation has placed a more than \$1.4 million unforeseen financial burden on the budget of a small, local government with limited avenues for revenue generation. If a resolution cannot be reached, and funding re-obligated to the project in a timely manner, the Applicant is faced with an unforeseen financial burden that will significantly reduce local funding for capital projects, community services, and programs which support the daily needs of Haines residents.

Thank you for taking the time to consider the merits of our appeal. We hope that you take this opportunity to thoroughly review the information we have submitted and provide an eligibility determination that is fact-based, substantiated, and reflective of FEMA’s core values. We have been through a federally declared disaster and have been operating in good faith throughout the public assistance process, and respectfully request that FEMA reconsider its eligibility denial of PW 13 Porcupine Trail Road.

Sincerely,

Annette Kreitzer
Haines Borough Manager

CC: Ed Coffland, P.E., Haines Borough Public Facilities Director
Annelise Silk, Haines Borough Grants & Contracts Administrator
Jenny Belanger, State of Alaska DMVA, DHS&EM
Mike Macans, State of Alaska DMVA, DHS&EM
Alan Cavallo, State of Alaska DMVA, DHS&EM
Garret Gladsjo, P.E., proHNS LLC Principal Engineer

Referenced Attachments

- ¹ Attachment A – Porcupine Trail Road Project Timeline
- ² Attachment B –Original Site Inspection Report (DR4585-AK Haines Borough_WO 71856_DI553459_SIR)
- ³ Attachment C – Porcupine Trail Road - Phase I Plans
- ⁷ Attachment D – EHP Site Inspection Report
- ⁸ Attachment E – Scope of Work Change Request (RE_ DR-4585 Haines PW 0013 SOW Change Request)
- ⁹ Attachment F – Haines Borough/Contractor Q&A via Bid Express (Q_and_A_HB 22-12)
- ¹¹ Attachment G – August 5 2022 Correspondence between FEMA Regional Environmental Officer Science Kilner and Alaska State Historic Preservation Officer Judith Bittner (20220805_FEMA_DR4585_PW13_PorcupineRdRepair_SHPO_consult)
- ¹² Attachment H – August 9 2022 Correspondence between FEMA Regional Environmental Officer Science Kilner and Alaska State Historic Preservation Officer Judith Bittner (3130-1R FEMA 2022-00986 Porcupine Road_2022Aug09)
- ¹³ Attachment I –FEMA EHP RFI and Haines Borough Response (DR-4585 PW 13 FEMA 9/20/23 EHP RFI & 10/10/23 Applicant Response)
- ¹⁴ Attachment J - February 5 & 6 2024 FEMA Correspondence and Calculations (DR-4585 PW 13 Porcupine Trail Road - Applicant RFI_2024.02.06)
- ¹⁵ Attachment K – August 22 2022 FEMA EHP REC for Phase I Scope of Work Change Request (PA-10-AK-4585-PW-00013_REC_2022.08.22)
- ¹⁶ Attachment L - Applicant Request for Correspondence between FEMA and Local Tribes Regarding the Porcupine Trail Road Project and FEMA Response (RE_ DR-4585 PW 13 Haines Borough Request_FEMA Summary on CIV)
- ¹⁷ Attachment M - Grants Portal Damage Details for 435787 Porcupine Trail Road
- ¹⁸ Attachment N - Memo on Porcupine Trail Road Borough Maintenance and Repair Costs
- ¹⁹ Attachment O - Historic Dalton Trail RMSA Board of Directors Meeting Minutes 03.09.2019
- ²⁰ Attachment P - Attachment P - April 2023 Email Between Constantine Representative and Borough Manager

²¹Attachment Q - AK DOT&PF Commissioner's Quitclaim Deed and Haines Borough Resolution 494

²²Attachment R - HBC 7.08.050 and HBC 12.08.170

Policy References

⁴ FEMA Hurricane and Flood Mitigation Handbook for Public Facilities, Fact Sheet 1.1: Road and highway Surfaces; Figure 1.1.1.

⁵ FHWA Gravel Roads Construction & Maintenance Guide; Section 1.1: Understanding the Gravel Road Cross Section; Figure 1.

⁶ PAPPG, at 168

¹⁰ 40 C.F.R. § 1508.25(a)(1)

Attachment A

Porcupine Trail Road Project Timeline

Porcupine Trail Road Project Timeline

Year	Date	Description	Reference
2020	11/30/2020-12/2/2020	December 2020 Storm Event	
	12/2/2020	Haines Borough Disaster Declaration	
	12/5/2020	State of Alaska Disaster Declaration	
	1/14/2021	Haines Borough submits Category C Preliminary Damage Assessment Estimate to State of Alaska for Porcupine Trail Road describing "Washout of roadway causing severe roadway damage." Damage location noted as LAT 59.41276 and LONG -135.007487.	
2021	2/17/2021	Federal Disaster Declaration	
	6/11/2021	Applicant indicates expresses interest to add Porcupine Trail Road as Emergency Access.	181119: Project comments J. Jackson
	6/28/2021	Porcupine Trail Road is actively washing out.	4375787: Document: Porcupine Road – Picture – Post Flooding
	6/30/2021	Applicant expresses interest in performing repairs to Porcupine Trail Road.	181119: Document: FEMA Follow-Up Meeting Minutes
	7/2/2021	Email from Constantine documenting loss of access via porcupine road is eminent.	181119: Email dated 7/2/2021 (From: Constantine, To: HB, SERB)
	7/5/2021	Temporary Emergency Bypass Road installed as Category B (Cat B) work.	181119: Email dated 7/7/2021 (From: SERB, To: HB) 181119: Document: Invoice dated 7/30/2021
	8/26/2021	FEMA performs initial site inspection for Porcupine Trail Road with Applicant and State of Alaska Representatives. During the inspection, FEMA takes all measurements for developing the Damage Description and Dimensions (DDD) captured in the Site Inspection Report (SIR).	437587: Document: DI 553459 SIR 437587: Document: DI 553459 Photo Page 437587: Document: DI 553459 Location Map 437587: Document: DI 553459 Flood Map

	8/27/2021	Applicant provides memo on Haines Borough regular maintenance activities.	437587: Document: Porcupine Road – NOAA Atlas 14 Precipitation Frequency Values
	11/16/2021	Applicant provides memo on Haines Borough regular maintenance activities.	437587: Document: Porcupine Maintenance
2022	1/11/2022	Applicant confirms with FEMA the creation of the new temporary access road adjacent to site 9 as part of Cat B work. Email chain between FEMA, Recipient, and Applicant on current understanding of Porcupine Road.	437587: Document: Porcupine Road Current Understanding
	1/21/2022	Original EHP REC for VO A&E	437587: Document: PA-10-AK-4585-PW-00013_REC(1)
	2/1/2022	Revision to original EHP REC for VO A&E	437587: Document: PA-10-AK-4585-PW-00013_REC(2)
	5/18/2022	Original EHP REC for Cat B work, including Porcupine Trail Road	181119: Document: PA-10-AK-4585-PW-00043_REC
	6/8/2022	Recipient submits SOW change for revised project GPS coordinates to FEMA.	437587: Email dated 6/8/2022 (From: DMVA, To: FEMA, Cc: HB, proHNS)
	6/22/2022	Revised EHP REC for Cat B work, including Porcupine Trail Road	181119: Document: PA-10-AK-4585-PW-00043_REC 20220622 rework
	7/6/2022	FEMA follow-up meeting agenda item “Porcupine Road. Update from the field EHP”	437587: Email dated 7/6/2022 (From: FEMA, To: HB, DMVA, proHNS)
	7/14/2022	Applicant and Recipient submit SOW change request to separate into phases and increase funding to include phase 1 construction. Construction plans included..	437587: Document: SOW Change Request to FEMA 437587: Document: SOW Change Request-Email Thread
	7/20/2022	CRC and EHP comment on the SOW change request, stating Phase I work will “reestablish ditches and repair the surface of the roadway in the existing footprint.”	437587: Project Comments K. Levenstein
	7/21/2022	FEMA requests clarification on limits of work for SOW change request that includes limits shown	437587: Email dated 7/21/2022 (From: FEMA, To: DMVA)

2023		from back of existing ditch to back of existing ditch.	
	8/5/2022	FEMA sends letter to AK SHPO with determination of “No Adverse Effects to Historic Properties.” FEMA correspondence states, “FEMA has determined that the Area of Potential Effects (APE) is one approximately 7.5 mile long by 50 to 100-foot-wide area that encompasses of the segments for road, ditch, and embankment repair as well as the staging of equipment (Figure 2).”	437587: Email dated 8/5/2022 (From: FEMA, To: DNR) State of Alaska provides copy of referenced email and attached correspondence with AK SHPO to Applicant on 1/9/2024.
	8/9/2022	AK SHPO provides concurrence with FEMA finding “no historic properties adversely affected.” AK SHPO correspondence also states, “As stipulated in 36 CFR 800.3, other consulting parties such as the local government and Tribes are required to be notified of the undertaking.”	437587: Email dated 8/9/2022 (From: DNR, To: FEMA) State of Alaska provides copy of referenced email and attached correspondence with AK SHPO to Applicant on 1/9/2024.
	8/9/2022	FEMA follow-up meeting agenda item “Porcupine Road. Update from the field EHP, pending EHP review.”	437587: Email dated 8/9/2022 (From: FEMA, To: HB, DMVA, Cc: proHNS)
	8/19/2022	Updated EHP REC to add Version 2 for Phase I SOW.	437587: Document: PA-10-AK-4585-PW-00013_REC(3)
	8/22/2022	FEMA project status for Porcupine Trail Road “Final FEMA Review.”	437587: Email dated 8/22/2022 (From: HB, To: proHNS, DMVA)
	10/21/2022	FEMA obligates \$1,398,659.75 for Phase I.	437587: Grants Portal, Award Information
	12/07/2022	Haines Borough Planning Commission receives comments from Takshanuk Watershed Council regarding Phase II Design Concept Report.	437587: Email dated 12/7/2022 (From: TWC, To: HB, proHNS)
	12/9/2022	ADFG issues FHP FH22-I-0090 for work in Klehini River	Permit dated 12/9/2022
2023	1/20/2023	Applicant and Recipient submit SOW change	437587: Email dated 1/20/2023 (From: HB, To: DMVA, Cc:proHNS)

	request to increase funding to include Phases II and III construction.	
2/16/2023	Applicant Design Concept Report for Phase II Permanent Method of Repair Alternatives uploaded to Grants Portal.	435787: Design Concept Report for Porcupine Trail Road Phase II - PW #00013 (435787) Permanent Method of Repair of Channel Bank Erosion on the Klehini River near Haines, Alaska
4/28/2023	EHP provides guidance on phase II & II considerations via email from Molly Parkan.	437587: Email dated 4/28/2023 (From: FEMA, To: proHNS, Cc: HB, DMVA)
5/4/2023	FEMA follow-up meeting agenda item "Porcupine Trail Road. EHP Compliance ~Laura Herriott."	437587: Email dated 5/4/2023 (From: FEMA, To: HB, proHNS, Cc: DMVA)
5/31/2023 – 6/13/2023	Third-party, Constantine Mining, LLC, temporary emergency repair work.	Email dated 9/20/2023 (From: SERB, To: proHNS)
6/14/2023	Phase I reconditioning begins.	437587: Email dated 6/20/2023 (From: proHNS, To: HB)
6/21/2023	Revised EHP REC for Cat B work, including Porcupine Trail Road	181119: Document: PA-10-AK-4585-PW-00043_REC 20230621 rework
7/13/2023	Phase I reconditioning complete.	437587: Email dated 7/17/2023 (From: proHNS, To: SERB, Cc: HB)
7/20/2023	The Applicant pays the Contractor in full for Phase I.	437587: HB, Expenditures
7/24/2023	FEMA receives email from Takshanuk Watershed Council (TWC) expressing concerns about Phase I work.	437587: Document: Email from Watershed Group
8/10/2023	HB submits reimbursement request to State.	437587: Email dated 8/10/2023 (From: HB, To: DMVA, Cc: proHNS)
8/31/2023	FEMA performs follow up site inspection for Porcupine Trail Road.	437587: Document: EHP Site Inspection Report
9/16/2023	Chilkat Indian Village (CIV) sends email to FEMA requesting Government to Government consultation (EO 13175).	FEMA emails Applicant on 1/25/2024 under subject "RE: DR-4585 PW 13 Haines Borough Request" with partial summary of CIV correspondence on 9/16/2023.

	9/19/2023	Met with State and FEMA leadership to discuss issues with project and how to move forward to reach compliance.	437587: Project Comments K. Rose
	9/20/2023	FEMA EHP submits RFI for Porcupine Trail Road.	437587: Email dated 9/20/2023 (From: FEMA, To: DMVA)
	9/21/2023	Updated EHP to de-obligate project.	437587: Document: PA-10-AK-4585-PW-00013_REC_20231219DeObligation-HMP
	10/10/2023	Applicant provides response to EHP RFI.	437587: Email dated 10/10/2023 (From: proHNS, To: DMVA, HB) Uploaded to Grants Portal on 10/18/2023
	10/30/2023	CIV and FEMA conduct follow up meeting via Zoom to discuss Project.	437587: FEMA emails Applicant on 1/25/2024 under subject "RE: DR-4585 PW 13 Haines Borough Request" with summary of meeting.
	10/30/2023	FEMA informs the Applicant that the project funding will be deobligated.	437587: Teams Meeting (attendees: FEMA, DMVA, HB, proHNS)
	10/31/2023	FEMA responds to CIV follow up questions via email.	437587: FEMA emails Applicant on 1/25/2024 under subject "RE: DR-4585 PW 13 Haines Borough Request" with summary of CIV questions and FEMA responses.
	11/17/2023	8-31-23 EHP Site Inspection Report uploaded to Grants Portal.	437587: EHP SIR 08-31-2023
	12/12/2023	Porcupine Trail Road funding is deobligated.	437587: Project Comments K. Rose
2024	12/22/2023	Draft determination memo sent to HB.	437587: Email dated 12/22/2023 (From: FEMA, To: HB, Cc: DMVA)
	1/04/2024	Applicant receives DM denying eligibility.	437587: Grant Portal Notification
	1/9/2024	Following Applicant request, FEMA provides copies of correspondence with Alaska State Historic Preservation Officer from 8/05/2022 and 8/09/2022.	437587: Email dated 1/09/2024 (From: DMVA, To: HP, proHNS)

	1/25/2024	Following Applicant request, FEMA provides summary of correspondence with Chilkat Indian Village (CIV) that occurred on 9/16/2023, 10/30/2023, and 10/31/2023.	437587: Email dated 1/25/2024 (From: FEMA, To: DMVA, Cc: HB, proHNS)
	2/6/2024	Following Applicant request, FEMA provides responses to questions on whether or not EHP re-evaluation of the SOW for Phases I, II, III-, and third-party work was completed. Additionally, FEMA responds to Applicant questions regarding the basis of calculations for FEMA's alleged 2.28 acres of disturbance beyond the approved SOW for Phase I.	437587: Email chain dated 2/5/2024 – 2/6/2024 (FEMA, DMVA, HB, proHNS)

Attachment B

Original Site Inspection Report

(DR4585-AK Haines Borough_WO 71856_DI553459_SIR)

Records Needed:
Pre - DR condition
Post - DR repair

SITE INSPECTION REPORT

CATEGORY C - ROAD-LOW WATER CROSSING

Porcupine Road -

Applicant Haine S Borough	PA ID # 100-99100-00	Applicant Representative Ed Caffland	Applicant Representative Title Public Works Director
Site Inspection Date Aug 26, 2021		Site Inspector Name Glenn Lewis	
Work Order # 71856		Damage # 553459	
Facility: <input checked="" type="checkbox"/> Road <input type="checkbox"/> Low Water Crossing			
GPS Start Latitude 59.412208 59.412354		GPS Start Longitude -136.024685 -136.029592	
GPS End Latitude 59.420100 59.42065		GPS End Longitude -136.221006 -136.19023	
NOTE: All damaged facilities longer than 200 linear feet require coordinates for both endpoints.			
Date Damaged 11-30-2020 - 12-2-2020		Age of Facility <input type="checkbox"/> Exact <input checked="" type="checkbox"/> Approximate Year Built: 1940	Legal Responsibility <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Road Type: <input type="checkbox"/> Asphalt <input type="checkbox"/> Concrete <input type="checkbox"/> Composite <input type="checkbox"/> Chip & Seal <input type="checkbox"/> Dirt <input checked="" type="checkbox"/> Gravel	Dimensions Length: 7 miles Width: 22ft	Number of Lanes 2 Lane gravel road. Applicant states Borough maintains this access road to resources (timber, fish, gold mine, RECREATION) 8/27/21 Post Disaster Restoration performed. Documents needed to establish extent of repair performed. 2nd incident High Water (flooding) INDIAN PHOTOS, MAINTENANCE RECORDS. June-July 2021. per Applicant performed repairs from Nov/Dec 2020 Event had not been done before June/July 2021 new Flooding - pending review of records & documentation in GP	

Applicant Representative Signature: Glenn Lewis

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Recipient Authorized Representative Signature (if applicable): [Signature]

For FEMA Use Only

Work Order # (if applicable) 71856 Damage # 553459

Facility Description: (Pre-disaster design, function, capacity, dimensions, and footprint)

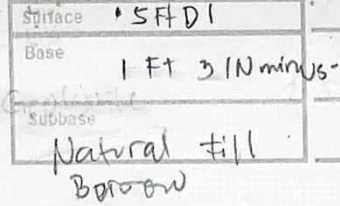
Facility Description Only

Describe embankments / slopes / ditches

SKETCH: (Click box to upload an image)

Layers

Easement



NOTES:

Applicant Representative Initials: ECU

Page 2 of 9

Recipient Authorized Representative Initials (if applicable): AL

Facility Component Damages

Site #	Damage Component Material/Model/Type/Capacity	Location Address/GPS/begin-end	Damage Dimensions: (L x W x D/L x Dia) Electrical/Mechanical/etc.
1	Surface D-1 71% of the area	59.412240 -136.029598	(5 Miles) 26.340 FT x 22 ft w x .5 ft D
Method of Repair (change in design, materials, size, capacity etc.)			1
Replace D-1 surface washed out By flood waters			FA <input type="checkbox"/> Quantity 10,755.55 CTR <input checked="" type="checkbox"/> Units 0 Both <input type="checkbox"/> % Complete 0
2	Drainage Ditch/d	59.412240 -136.029598	(34,320) 6.5 miles Long / 3 ft wide x 2 foot deep
Method of Repair (change in design, materials, size, capacity etc.)			1
30% of Road has drainage on 2 sides 30% of ditches on both sides of road contains washed out road fill requiring removal and needs to be re-established			FA <input type="checkbox"/> Quantity 7,626 CTR <input checked="" type="checkbox"/> Units 0 Both <input type="checkbox"/> % Complete 0
3	Slope Embankment #1	59.42065 -136.19023	30ft L x 16ft w x 30ft D
Method of Repair (change in design, materials, size, capacity etc.)			1
-pull GPS not google maps • Length of Road 16ft wide • 21ft from road from drop			FA <input type="checkbox"/> Quantity 533.33 CTR <input checked="" type="checkbox"/> Units 0 Both <input type="checkbox"/> % Complete 0
4	Slope embankment #2	59.42115 -136.17052	8ft L x 22ft w 40ft x D
Method of Repair (change in design, materials, size, capacity etc.)			1
Length of Road 15ft + 2ft of shoulder high volume and high velocity surface water flooding washed out embankment destabilizing edge of roadway			FA <input type="checkbox"/> Quantity 260.74 CTR <input checked="" type="checkbox"/> Units 0 Both <input type="checkbox"/> % Complete 0
Component Types: 1 - Surface 2 - Base 3 - Sub Base 4 - Shoulder 5 - Ditch 6 - Striping 7 - Embankment 8 - Sidewalk 9 - Curb 10 - Median 11 - Guardrail 12 - Lighting 13 - Signage 14 - Culvert 15 - Wall 16 - Armor 17-Retaining Wall 18 - Other (specify)			Cause of Damage: 1 - Surface water flooding 2 - Wind Driven Rain 3 - Sewer Back up 4 - Foundation Seepage 5 - Lightning 6 - High Winds 7 - Tree Damage 8 - Wind Blown Debris 9 - Earthquake 10 - Fire 11 - Explosion 12 Other (Specify)

Applicant Representative Initials: [Signature]

Recipient Authorized Representative Initials (if applicable): [Signature]

For FEMA Use Only

Work Order # (if applicable) 71856 Damage # 553459

Category

FEMA Use Only
Work Order #

Facility Component Damages

Site #	Damage Component Material/Model/Type/Capacity	Location Address/GPS/begin-end	Damage Dimensions: (L x W x D/L x Dia) Electrical/Mechanical/etc.	
5	Slope embankment #3	59.421307 -136.169618	16 ft L x 16 ft W x 25 ft D	
Method of Repair (change in design, materials, size, capacity etc.)			Cause of Damage	
Slope Restabilization			1	
high volume and high velocity surface water flooding washed out embankment destabilizing edge of roadway.			FA	<input type="checkbox"/>
			Quantity	88.88
			CTR	<input checked="" type="checkbox"/>
			Units	CY
			Both	<input type="checkbox"/>
			% Complete	0
Site #	Damage Component Material/Model/Type/Capacity	Location Address/GPS/begin-end	Damage Dimensions: (L x W x D/L x Dia) Electrical/Mechanical/etc.	
6	Slope embankment #4	59.421280 -136.149301	8 ft L x 22 ft W x 19 ft D	
Method of Repair (change in design, materials, size, capacity etc.)			Cause of Damage	
Road width 20 ft			1	
high volume and high velocity surface water flooding washed out embankment destabilizing edge of roadway			FA	<input type="checkbox"/>
			Quantity	123.85
			CTR	<input checked="" type="checkbox"/>
			Units	CY
			Both	<input type="checkbox"/>
			% Complete	0
Site #	Damage Component Material/Model/Type/Capacity	Location Address/GPS/begin-end	Damage Dimensions: (L x W x D/L x Dia) Electrical/Mechanical/etc.	
7	Slope embankment #5	59.421530 -136.169010	20 ft L x 50 ft W x 30 ft D	
Method of Repair (change in design, materials, size, capacity etc.)			Cause of Damage	
Rd width 21 ft			1	
high volume and high velocity surface water flooding washed out embankment destabilizing edge of roadway			FA	<input type="checkbox"/>
			Quantity	1,111.11
			CTR	<input checked="" type="checkbox"/>
			Units	CY
			Both	<input type="checkbox"/>
			% Complete	0
Site #	Damage Component Material/Model/Type/Capacity	Location Address/GPS/begin-end	Damage Dimensions: (L x W x D/L x Dia) Electrical/Mechanical/etc.	
8	Slope embankment #6	59.421193 -136.168441	30 ft L x 33 ft W x 37 ft D	
Method of Repair (change in design, materials, size, capacity etc.)			Cause of Damage	
Rd Width 16 ft			1	
high volume and high velocity surface water flooding washed out embankment destabilizing edge of roadway			FA	<input type="checkbox"/>
			Quantity	1356.66
			CTR	<input checked="" type="checkbox"/>
			Units	CY
			Both	<input type="checkbox"/>
			% Complete	0
Component Types: 1 - Surface 2 - Base 3 - Sub Base 4 - Shoulder 5 - Ditch 6 - Striping 7 - Embankment 8 - Sidewalk 9 - Curb 10 - Median 11 - Guardrail 12 - Lighting 13 - Signage 14 - Culvert 15 - Wall 16 - Armor 17 - Retaining Wall 18 - Other (specify)			Cause of Damage: 1 - Surface water flooding 2 - Wind Driven Rain 3 - Sewer Back up 4 - Foundation Seepage 5 - Lightning 6 - High Winds 7 - Tree Damage 8 - Wind Blown Debris 9 - Earthquake 10 - Fire 11 - Explosion 12 Other (Specify)	

Applicant Representative Initials: ELCPage 4 of 9Recipient Authorized Representative Initials (if applicable): ALH

Work Order # (if applicable) 71856 Damage # 553459

Facility Component Damages

Site #	Damage Component Material/Model/Type/Capacity	Location Address/GPS/begin-end	Damage Dimensions: (L x W x D/L x Dia) Electrical/Mechanical/etc.
9	Road washout Base	59.41416 136.08884 END 59.4143052 136.088552	636 FT L X 20 FT W X 1 FT D
Method of Repair (change in design, materials, size, capacity etc.)			Cause of Damage
Replace Base in End			1
			FA <input type="checkbox"/> Quantity 471.11
			CTR <input checked="" type="checkbox"/> Units CY
			Both <input type="checkbox"/> % Complete 0
Site #	Damage Component Material/Model/Type/Capacity	Location Address/GPS/begin-end	Damage Dimensions: (L x W x D/L x Dia) Electrical/Mechanical/etc.
9A	Borrow Fill	"	636 FT L X 20 FT W X 2 FT D
Method of Repair (change in design, materials, size, capacity etc.)			Cause of Damage
Replace Borrow Fill			1
			FA <input type="checkbox"/> Quantity 942.22
			CTR <input checked="" type="checkbox"/> Units CY
			Both <input type="checkbox"/> % Complete 0
Site #	Damage Component Material/Model/Type/Capacity	Location Address/GPS/begin-end	Damage Dimensions: (L x W x D/L x Dia) Electrical/Mechanical/etc.
9B	Rip rap Armor Rock Embankment 24 - 48 IN MINUS	"	636 FT L X 13 FT W X 8 FT D
Method of Repair (change in design, materials, size, capacity etc.)			Cause of Damage
Install Rip Rap			1
			FA <input type="checkbox"/> Quantity 2449.77
			CTR <input checked="" type="checkbox"/> Units CY
			Both <input type="checkbox"/> % Complete 0
Site #	Damage Component Material/Model/Type/Capacity	Location Address/GPS/begin-end	Damage Dimensions: (L x W x D/L x Dia) Electrical/Mechanical/etc.
Method of Repair (change in design, materials, size, capacity etc.)			Cause of Damage
			FA <input type="checkbox"/> Quantity
			CTR <input type="checkbox"/> Units
			Both <input type="checkbox"/> % Complete

Component Types: 1-Surface 2-Base 3-Sub Base 4-Shoulder 5-Ditch 6-Striping 7-Embankment 8-Sidewalk 9-Curb 10-Median 11-Guardrail 12-Lighting 13-Signage 14-Culvert 15-Wall 16-Armor 17-Retaining Wall 18-Other (specify)

Cause of Damage: 1- Surface water flooding 2-Wind Driven Rain 3-Sewer Back up 4-Foundation Seepage 5-Lightning 6-High Winds 7-Tree Damage 8-Wind Blown Debris 9-Earthquake 10- Fire 11-Explosion 12 Other (Specify)

Applicant Representative Initials: ELM

Page 5 of 9

Recipient Authorized Representative Initials (if applicable): DA

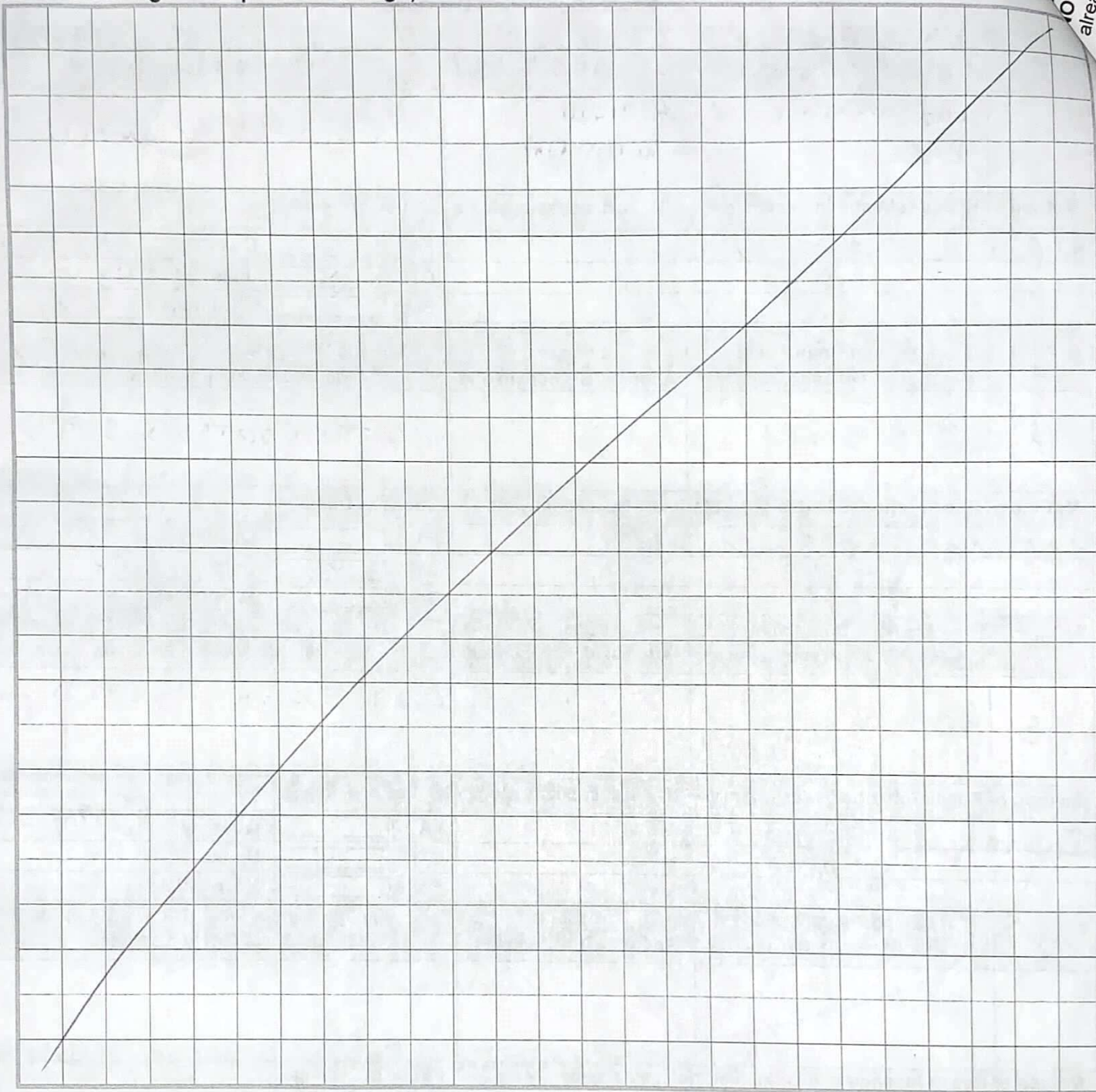
For FEMA Use Only

Work Order # (if applicable) 718576 Damage # 553459

Category

FEMA Use Only
Work Order #
NOTE FOR SITE INSPECTION
already asked some questions
Additional Notes section

SKETCH: Click grid to upload an image)



NOTES:

Applicant Representative Initials: FSM

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Recipient Authorized Representative Initials (if applicable): ML

NOTE FOR SITE INSPECTOR: Please ask the Applicant representative the following questions. Although the PDMG may have already asked some of these questions, the Applicant representative at the site inspection may have additional information. Use the Additional Notes section to record any additional explanation.

Mitigation Considerations

FEMA Public Assistance encourages protection of disaster-damaged facilities by providing assistance for cost-effective hazard mitigation measures that reduce or eliminate the risk of similar damage from happening again in a future event. For each question, elaborate on the answer in the space provided for comments.

1. Identify the specific cause of damage (such as water eroded {under the toe and slab, the driving surface, the road at the end of the LWC} or debris blocked the culvert in the LWC, etc.).

Rain water and Severe flooding caused Road washout

2. What can be done to prevent future damage in a similar event? (check all of interest to the Applicant):

- ☐ Form and pour deeper concrete toes along the LWC upstream and downstream edges.
☐ Anchor the LWC toes with vertical steel rebars in holes drilled into the bedrock.
☐ Form and pour steel reinforced concrete instead of grouted riprap on the LWC slopes.
☐ Replace the low-water crossing with a bridge. (Note: A Hydrology & Hydraulic Study will be needed)
☐ Increase the steel reinforcing in the concrete slab and toes.

☒ Other mitigation (specify): Embankment Stabilization

3. Does the Applicant plan to perform additional work to protect damaged facilities against similar damage in a future event?

- ☐ Yes
☒ No
☐ Unsure

Comments:

4. Will the Applicant provide a proposal for hazard mitigation work?

- ☒ Yes
☐ No
☐ Unsure

Comments: Estimate will be provided to PDMG

5. Would the Applicant like FEMA to prepare a proposal for hazard mitigation work?

- ☐ Yes
☒ No
☐ Unsure

Comments:

Record any additional notes about the Applicant's interest in hazard mitigation opportunities and other relevant information in the space below. This information will be used by hazard mitigation specialists and costing specialists to develop a hazard mitigation proposal (HMP) for the Applicant's consideration. Potential Mitigation Scope of Work: (Include dimensions, quantities and sketches of HMP measures).

The following mitigation measures will help prevent future damage in a similar event:

Embankment Stabilization

Applicant Representative Initials: [Signature]

Page 7 of 9

Recipient Authorized Representative Initials (if applicable): [Signature]

For FEMA Use Only

Work Order # (if applicable) 71856 Damage # 553459

Category C

Insurance Considerations

FEMA is legally prohibited from duplicating benefits from other sources and will reduce eligible costs by the amount of insurance proceeds received.

1. Does the damaged facility have insurance coverage and/or is it an insurable risk (e.g., buildings, equipment, vehicles)?

☐ Yes
☒ No
☐ Unsure

Comments:

Environmental & Historic Preservation Considerations

FEMA is required to ensure that work complies with applicable environmental and historic preservations laws, regulations, and executive orders.

1. Is the damaged facility(ies) located within a floodplain or a coastal high hazard area and/or does it have an impact on a floodplain or wetland? Can the project site be impacted by flooding? Will work occur within 200 feet of a waterway/waterbody?

☐ Yes
☒ No
☐ Unsure

Comments:

2. Is the damaged facility located within or adjacent to a Coastal Barrier Resource System Unit or an Otherwise Protected Area?

☐ Yes
☒ No
☐ Unsure

Comments:

3. Will the proposed facility repairs/reconstruction change the pre-disaster conditions (e.g., footprint – including depth of footprint, material, location, capacity, use or function), including construction of an access road, establishing a staging area, or other work outside of the constructed right-of-way? If yes, describe changes or work outside of the constructed right-of-way. Provide detailed justification for the change (e.g. codes and standards).

☐ Yes
☒ No
☐ Unsure

Comments:

4. Is the damaged facility(ies) listed on a local/state/national historic register or is it a locally recognized landmark? Is it older than 45 years? (Provide the age of the facility) Are there more, similar buildings near the site?

☐ Yes
☒ No
☐ Unsure

Comments:

5. Are there any large, undeveloped or undisturbed areas on, or near, the project site? (Select "yes" if there are large tracts of forestland, grassland, or naturally preserved areas, etc.)

☒ Yes
☐ No
☐ Unsure

Comments:

River and wooded Areas

6. Are there any hazardous materials at or adjacent to the damaged facility?

☐ Yes
☒ No
☐ Unsure

Comments:

Applicant Representative Initials: ELM

Recipient Authorized Representative Initials (if applicable): AK

FEMA Use Only

Work Order # (if applicable) 71856 Damage # 53451

Category C

7. Are there any other environmental or controversial issues associated with the damaged facility and/or work item? (select yes if facility is a road maintained by a Tribal Government or if the project necessitates the establishment of a new borrow area or the horizontal expansion of an existing borrow area.)

- ☐ Yes
☒ No
☐ Unsure

Comments:

8. Are there any known endangered species in the work area?

- ☐ Yes
☒ No
☐ Unsure

Comments:

Additional Notes / Comments:

Slope Embankment #1 has Recurring Slope damage stated by Applicant.

Applicant states that road 636 FT L was washed out by the incident and the river claimed surface, base, riprap & borrow fill.

Temporary road was put by Haines Borough 20 FT from original road.

* EHP and Mitigation

Applicant states that the river continues to ~~erode~~ the road.

Applicant Representative Initials: ELL

Recipient Authorized Representative Initials (if applicable): AK

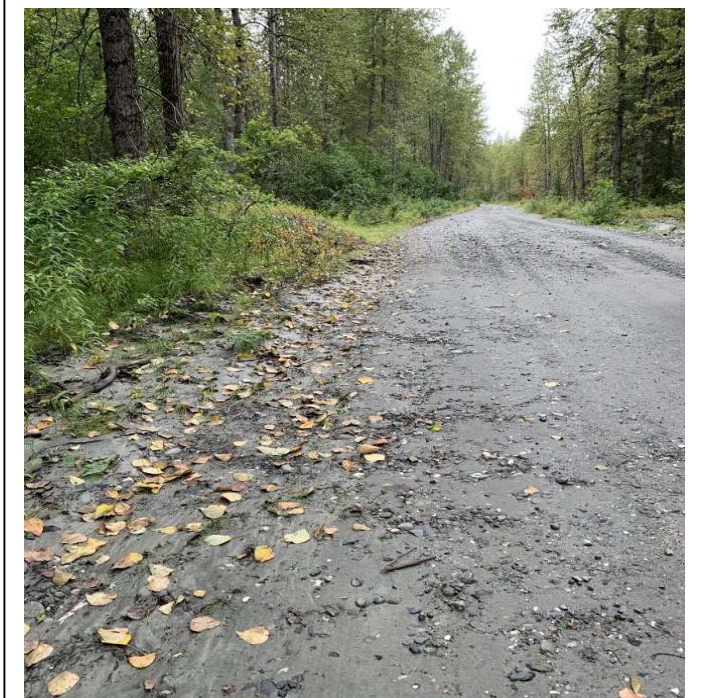
SITE INSPECTION PHOTO PAGE		DISASTER: DR4585-AK		APPLICANT (FIPS#): Haines Borough 100-99100-00
INSPECTION DATE: Aug 26, 2021	WORK ORDER #: 71855	CATEGORY: C	COUNTY: Haines Borough	APPLICANT ADDRESS: 103 Third Ave S. Haines, Alaska 99827
SITE INSPECTOR(S): Glenn Lewis/ Ivy Alexander		DAMAGE # / DAMAGE NAME: DI553459- Porcupine Access Road		GPS COORDINATES: Start: 59.412354, -136.029592 End: 59.42065, -136.19023



Site 1 GPS: 59.412354, -136.029592: Surface, 10,755.5556 CY of D1, 26,400 FT long x 22 FT wide x 0.5 FT deep, high volume and high velocity surface water flooding washed out road surface. Perspective view northwest.



Site 1 GPS: 59.412354, -136.029592: Surface, 10,755.5556 CY of D1, 26,400 FT long x 22 FT wide x 0.5 FT deep, high volume and high velocity surface water flooding washed out road surface. Perspective view northwest.



Site 1 GPS: 59.412354, -136.029592: Surface, 10,755.5556 CY of D1, 26,400 FT long x 22 FT wide x 0.5 FT deep, high volume and high velocity surface water flooding washed out road surface.

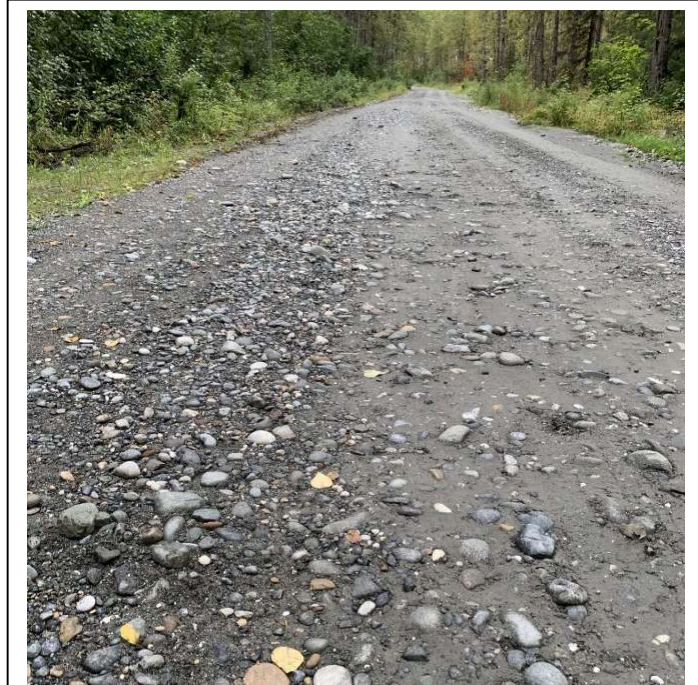


Perspective view of surface washout and normal current water flow through the ditches.

SITE INSPECTION PHOTO PAGE		DISASTER: DR4585-AK		APPLICANT (FIPS#): Haines Borough 100-99100-00
INSPECTION DATE: Aug 26, 2021	WORK ORDER #: 71855	CATEGORY: C	COUNTY: Haines Borough	APPLICANT ADDRESS: 103 Third Ave S. Haines, Alaska 99827
SITE INSPECTOR(S): Glenn Lewis/ Ivy Alexander		DAMAGE # / DAMAGE NAME: DI553459- Porcupine Access Road		GPS COORDINATES: Start: 59.412354, -136.029592 End: 59.42065, -136.19023



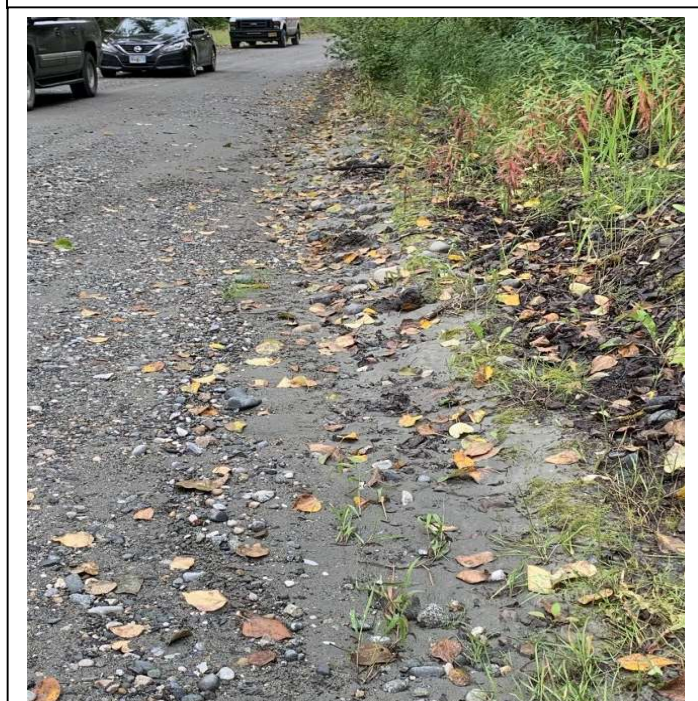
High volume and high velocity surface water flooding washed out 10,755.5556 CY of D1, 26,400 FT long x 22 FT wide x 0.5 FT deep of road surface.



High volume and high velocity surface water flooding washed out 10,755.5556 CY of D1, 26,400 FT long x 22 FT wide x 0.5 FT deep of road surface.



Site 2 GPS: 59.412354, -136.029592: Ditches, 7,626.6667 CY of native material drainage canals, 34,320 FT long x 3 FT wide x 2 FT deep, high volume and high velocity surface water flooding scoured and washed out ditches.



Site 2 GPS: 59.412354, -136.029592: Ditches, 7,626.6667 CY of native material drainage canals, 34,320 FT long x 3 FT wide x 2 FT deep, high volume and high velocity surface water flooding scoured and washed out ditches.

SITE INSPECTION PHOTO PAGE		DISASTER: DR4585-AK		APPLICANT (FIPS#): Haines Borough 100-99100-00
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SITE INSPECTOR(S): Glenn Lewis/ Ivy Alexander		DAMAGE # / DAMAGE NAME: DI553459- Porcupine Access Road		GPS COORDINATES: Start: 59.412354, -136.029592 End: 59.42065, -136.19023



Site 2 GPS: 59.412354, -136.029592: Ditches, 7,626.6667 CY of native material drainage canals, 34,320 FT long x 3 FT wide x 2 FT deep, high volume and high velocity surface water flooding scoured and washed out ditches.

Site 2 GPS: 59.412354, -136.029592: Ditches, 7,626.6667 CY of native material drainage canals, 34,320 FT long x 3 FT wide x 2 FT deep, high volume and high velocity surface water flooding scoured and washed out ditches.



High volume and high velocity surface water flooding washed out 10,755.5556 CY of D1, 26,400 FT long x 22 FT wide x 0.5 FT deep of road surface. Perspective view south.

High volume and high velocity surface water flooding washed out 10,755.5556 CY of D1, 26,400 FT long x 22 FT wide x 0.5 FT deep of road surface. Perspective view south.

SITE INSPECTION PHOTO PAGE		DISASTER: DR4585-AK		APPLICANT (FIPS#): Haines Borough 100-99100-00
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SITE INSPECTOR(S): Glenn Lewis/ Ivy Alexander		DAMAGE # / DAMAGE NAME: DI553459- Porcupine Access Road		GPS COORDINATES: Start: 59.412354, -136.029592 End: 59.42065, -136.19023



Site 3 GPS: 59.42065, -136. 19023: Embankment #1: 533.3333 CY of native material sloped embankment, 30 FT long x 16 FT wide x 30 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment



Site 3 GPS: 59.42065, -136. 19023: Embankment #1: 533.3333 CY of native material sloped embankment, 30 FT long x 16 FT wide x 30 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment

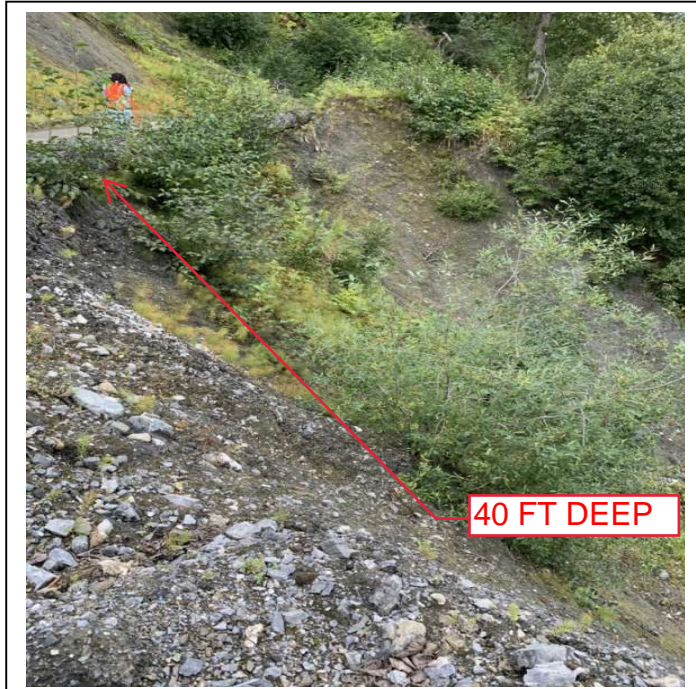


Site 3 GPS: 59.42065, -136. 19023: Embankment #1: 533.3333 CY of native material sloped embankment, 30 FT long x 16 FT wide x 30 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment



Site 3 GPS: 59.42065, -136. 19023: Embankment #1: 533.3333 CY of native material sloped embankment, 30 FT long x 16 FT wide x 30 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment

SITE INSPECTION PHOTO PAGE		DISASTER: DR4585-AK		APPLICANT (FIPS#): Haines Borough 100-99100-00
INSPECTION DATE: Aug 26, 2021	WORK ORDER #: 71855	CATEGORY: C	COUNTY: Haines Borough	APPLICANT ADDRESS: 103 Third Ave S. Haines, Alaska 99827
SITE INSPECTOR(S): Glenn Lewis/ Ivy Alexander		DAMAGE # / DAMAGE NAME: DI553459- Porcupine Access Road		GPS COORDINATES: Start: 59.412354, -136.029592 End: 59.42065, -136.19023



Site 4 GPS: 59.42115, -136.17052: Embankment #2, 260.7407 CY of native material sloped embankment, 8 FT long x 22 FT wide x 40 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment.



Site 4 GPS: 59.42115, -136.17052: Embankment #2, 260.7407 CY of native material sloped embankment, 8 FT long x 22 FT wide x 40 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment.



Site 4 GPS: 59.42115, -136.17052: Embankment #2, 260.7407 CY of native material sloped embankment, 8 FT long x 22 FT wide x 40 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment.



Site 4 GPS: 59.42115, -136.17052: Embankment #2, 260.7407 CY of native material sloped embankment, 8 FT long x 22 FT wide x 40 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment.

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SITE INSPECTOR(S): Glenn Lewis/ Ivy Alexander		DAMAGE # / DAMAGE NAME: DI553459- Porcupine Access Road		GPS COORDINATES: Start: 59.412354, -136.029592 End: 59.42065, -136.19023



Site 4 GPS: 59.42115, -136.17052: Embankment #2, 260.7407 CY of native material sloped embankment, 8 FT long x 22 FT wide x 40 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment.



Site 5 GPS: 59.421307, -136.169618: Embankment #3, 88.8889 CY of native material sloped embankment, 6 FT long x 16 FT wide x 25 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment.



Site 6 GPS: 59.421280, -136.169301: Embankment #4, 88.8889 CY of native material sloped embankment, 6 FT long x 16 FT wide x 25 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment.



Site 7 GPS: 59.421530, -136.169010: Embankment #5, 1,111.1111 CY of native material sloped embankment, 20 FT long x 50 FT wide x 30 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment.

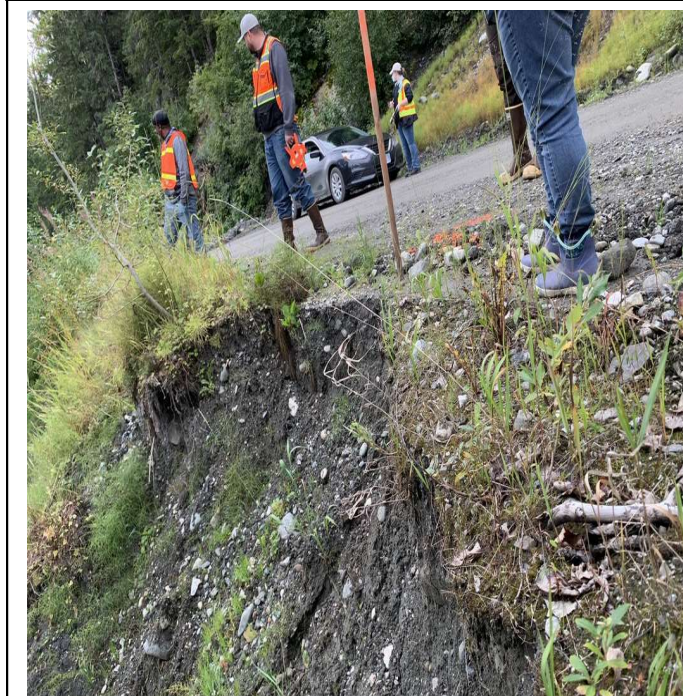
SITE INSPECTION PHOTO PAGE		DISASTER: DR4585-AK		APPLICANT (FIPS#): Haines Borough 100-99100-00
INSPECTION DATE: Aug 26, 2021	WORK ORDER #: 71855	CATEGORY: C	COUNTY: Haines Borough	APPLICANT ADDRESS: 103 Third Ave S. Haines, Alaska 99827
SITE INSPECTOR(S): Glenn Lewis/ Ivy Alexander		DAMAGE # / DAMAGE NAME: DI553459- Porcupine Access Road		GPS COORDINATES: Start: 59.412354, -136.029592 End: 59.42065, -136.19023



Site 7 GPS: 59.421530, -136.169010: Embankment #5, 1,111.1111 CY of native material sloped embankment, 20 FT long x 50 FT wide x 30 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment.



Site 7 GPS: 59.421530, -136.169010: Embankment #5, 1,111.1111 CY of native material sloped embankment, 20 FT long x 50 FT wide x 30 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment.



Site 7 GPS: 59.421530, -136.169010: Embankment #5, 1,111.1111 CY of native material sloped embankment, 20 FT long x 50 FT wide x 30 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment.



Site 8 GPS: 59.421193, -136.168441. Embankment, 1,356.6667 CY of native material sloped embankment, 30 FT long x 33 FT wide x 37 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment.

SITE INSPECTION PHOTO PAGE		DISASTER: DR4585-AK		APPLICANT (FIPS#): Haines Borough 100-99100-00
INSPECTION DATE: Aug 26, 2021	WORK ORDER #: 71855	CATEGORY: C	COUNTY: Haines Borough	APPLICANT ADDRESS: 103 Third Ave S. Haines, Alaska 99827
SITE INSPECTOR(S): Glenn Lewis/ Ivy Alexander		DAMAGE # / DAMAGE NAME: DI553459- Porcupine Access Road		GPS COORDINATES: Start: 59.412354, -136.029592 End: 59.42065, -136.19023



Site 8 GPS: 59.421193, -136.168441. Embankment, 1,356.6667 CY of native material sloped embankment, 30 FT long x 33 FT wide x 37 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment.



Site 8 GPS: 59.421193, -136.168441. Embankment, 1,356.6667 CY of native material sloped embankment, 30 FT long x 33 FT wide x 37 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment.



Site 9 GPS START: 59.41416, -136.08884 GPS END: 59.414363, -136.085552: Photo from applicant taken in June 2021.



Site 9 GPS START: 59.41416, -136.08884 GPS END: 59.414363, -136.085552: Photo Taken August 26, 2021. Base, 471.1111 CY of native material, 636 FT long x 20 FT wide x 1 FT deep, high volume and high velocity surface water flooding washed out base.

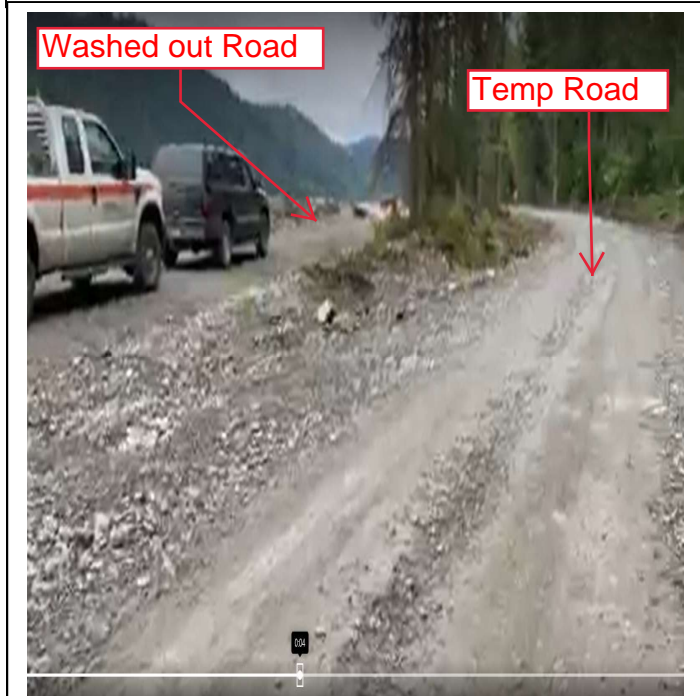
SITE INSPECTION PHOTO PAGE		DISASTER: DR4585-AK		APPLICANT (FIPS#): Haines Borough 100-99100-00
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SITE INSPECTOR(S): Glenn Lewis/ Ivy Alexander		DAMAGE # / DAMAGE NAME: DI553459- Porcupine Access Road		GPS COORDINATES: Start: 59.412354, -136.029592 End: 59.42065, -136.19023



Site 9 GPS START: 59.41416, -136.08884 GPS END: 59.414363, -136.085552:
Photo Taken August 26, 2021. Base, 471.1111 CY of native material, 636 FT long x 20 FT wide x 1 FT deep, high volume and high velocity surface water flooding washed out base



Site 9 GPS START: 59.41416, -136.08884 GPS END: 59.414363, -136.085552.
Borrow Fill, 942.2222 CY of borrow fill, 636 FT long x 20 FT wide x 2 FT deep, high volume and high velocity surface water flooding scoured and washed out fill



Perspective view south of damaged road and temporary road out in Porcupine Trail Road, adjacent to Site 9



Site 9B GPS START: 59.41416, -136.08884 GPS END: 59.414363, -136.085552: Riprap armor rock embankment, 2,449.7778 CY of 24-48 inch minus, 636 FT long x 13 FT wide x 8 FT deep, high volume and high velocity flooding washed out riprap embankment.

SITE INSPECTION PHOTO PAGE		DISASTER: DR4585-AK		APPLICANT (FIPS#): Haines Borough 100-99100-00
INSPECTION DATE: Aug 26, 2021	WORK ORDER #: 71855	CATEGORY: C	COUNTY: Haines Borough	APPLICANT ADDRESS: 103 Third Ave S. Haines, Alaska 99827
SITE INSPECTOR(S): Glenn Lewis/ Ivy Alexander		DAMAGE # / DAMAGE NAME: DI553459- Porcupine Access Road		GPS COORDINATES: Start: 59.412354, -136.029592 End: 59.42065, -136.19023



Riprap armor rock embankment, 2,449.7778 CY, 24–48-inch, 636 FT long x 13 FT wide x 8 FT deep, high volume and high velocity flooding washed out riprap embankment. Photo from applicant taken June 2021.



Riprap armor rock embankment, 2,449.7778 CY, 24-48 inch, 636 FT long x 13 FT wide x 8 FT deep, high volume and high velocity flooding washed out riprap embankment. Photo taken August 26, 2021



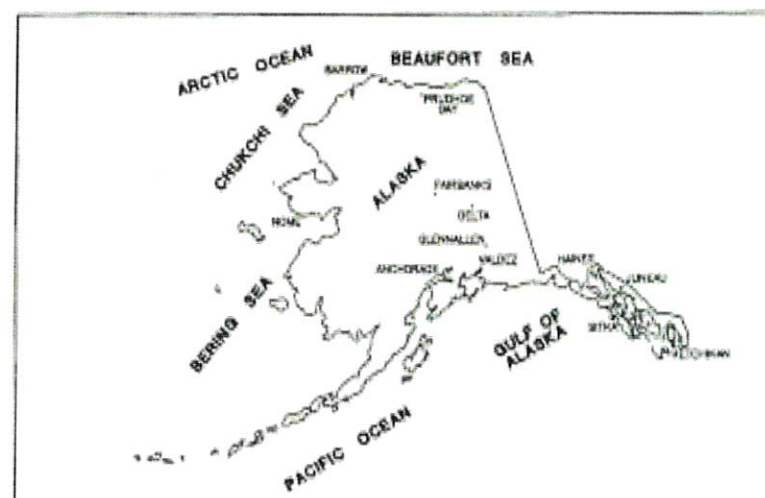
Perspective view west, Site 9 of road wash out. Photo taken August 26, 2021.



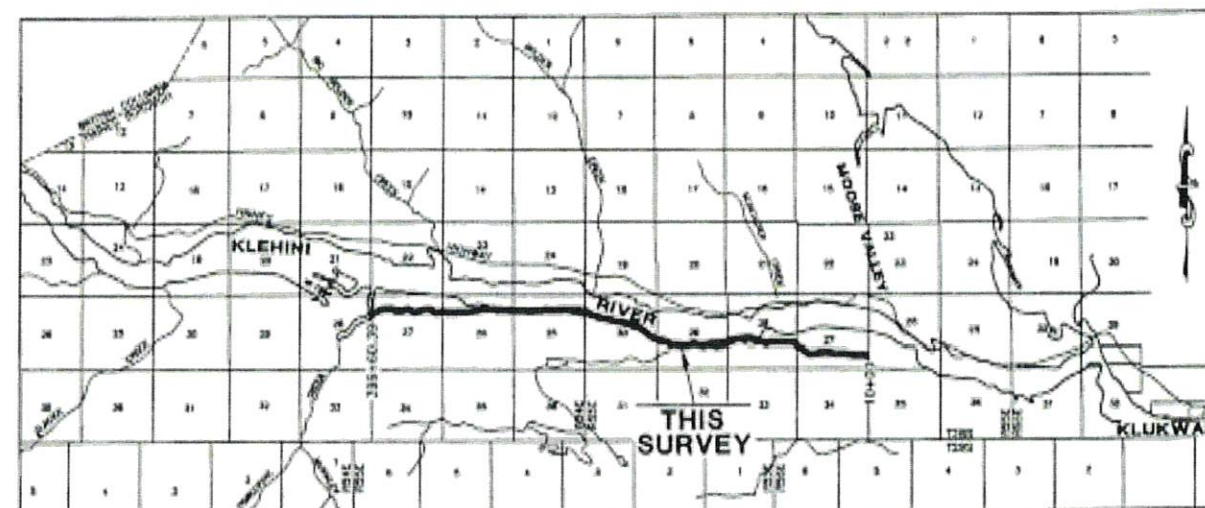
Perspective view west of Porcupine Trail Road, Site 9 taken June 2021.

Attachment C

Porcupine Trail Road - Phase I Plans



STATE OF ALASKA
N.T.S.



VICINITY MAP

SOURCE: U.S.G.S. QUADS "SKAGWAY (B-3 & B-4), 1954, ALASKA" SCALE: 1" = 2 MILES

A CENTERLINE OF
PROCUPINE ROAD
WITHIN HAINES BOROUGH, ALASKA
HAINES RECORDING DISTRICT – HAINES, ALASKA

LEGEND

- G.L.O./B.L.M. 2-1/2" BRASS MONUMENT RECOVERED THIS SURVEY
- PRIMARY MONUMENT RECOVERED THIS SURVEY



Haines Borough
PO Box 1209
Haines, Alaska 99827

Tel: (907)766-6400



REVISION

REV	DATE	DESCRIPTION	DWN	CKD
A	MAY 22	ISSUED FOR BIDS	EGC	EGC

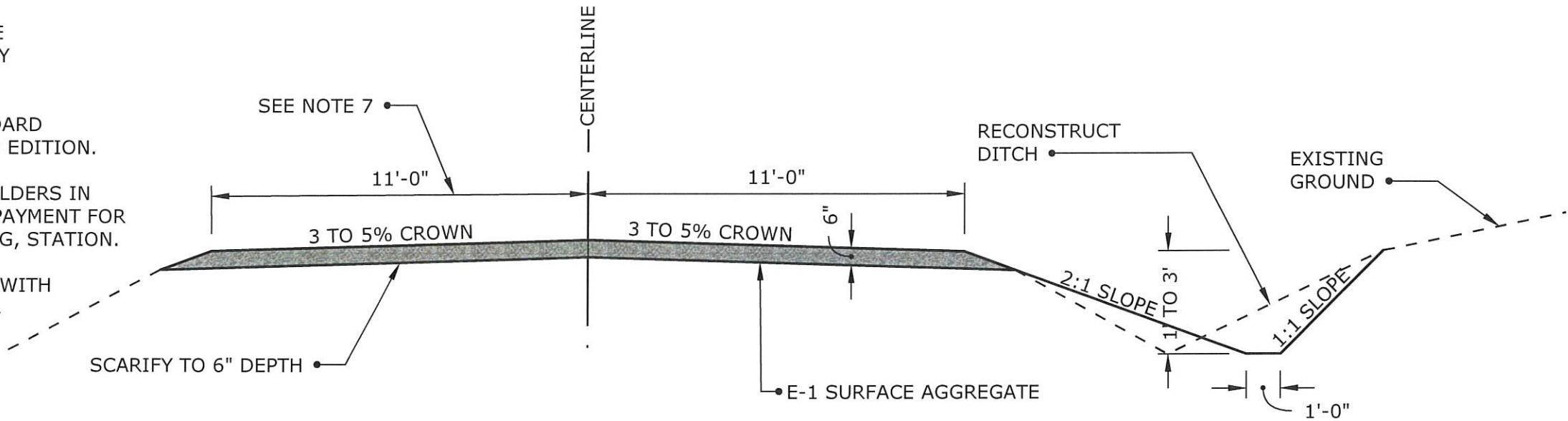
HAINES BOROUGH
PORCUPINE TRAIL ROAD, PHASE 1
PROJECT 00013(435787),
SITES 1 & 2

PROJECT
LOCATION

C01

NOTES:

1. THIS WORK INCLUDES UP TO 5 MILES OF SURFACE RECONDITIONING AND UP TO 6.5 MILES OF DITCH RECONDITIONING. AREAS OF PORCUPINE ROAD TO BE RECONDITIONED WILL BE MARKED ON THE GROUND BY THE OWNER WITH SURVEY LATHE AND RIBBON.
2. WORK SHALL COMPLY WITH ALASKA DOT&PF STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, 2020 EDITION.
3. RECONDITION EXISTING ROAD SURFACE AND SHOULDERS IN ACCORDANCE WITH SECTION 303 RECONDITIONING. PAYMENT FOR THIS WORK SHALL BE 303.0002.0001 RECONDITIONING, STATION.
4. RECONDITION EXISTING DITCHES IN ACCORDANCE WITH SECTION 303 RECONDITIONING. PLACE DITCH SPOILS, NOT TO EXCEED 2' IN HEIGHT BACK OF DITCH. DITCH CLEARING AND GRUBBING IS INCIDENTAL TO THIS WORK. PAYMENT FOR THIS WORK SHALL BE 303.0002.0002 RECONDITIONING, STATION.
5. AGGREGATE SURFACE COURSE SHALL CONFORM WITH SECTION 301 - AGGREGATE BASE AND SURFACE COURSE. PAYMENT SHALL BE 301.0003.0001, TON.
6. AGGREGATE SHALL CONFORM TO SECTION 703-2.03 AGGREGATES. GRADATION SHALL BE TABLE 703-2, SURFACE COURSE, E-1.



PORCUPINE TRAIL ROAD
TYPICAL ROAD SECTION
SCALE: 1/4" = 1' - 0"

7. EXISTING ROAD WIDTH VARIES. TOP OF SURFACEING SHALL BE 22' WIDE.
8. COMPACT E-1 SURFACE COURSE UNTIL IT DOES NOT YIELD MORE THAN 1/2" IN THE WHEEL PATH OF A LOADED 10-YARD DUMPTRUCK.
9. APPLY FIRST AND SECOND APPLICATION OF CALCIUM CHLORIDE IN ACCORDANCE WITH SECTION 624. PAYMENT SHALL BE 624.0001.0001, CALCIUM CHLORIDE, TON.



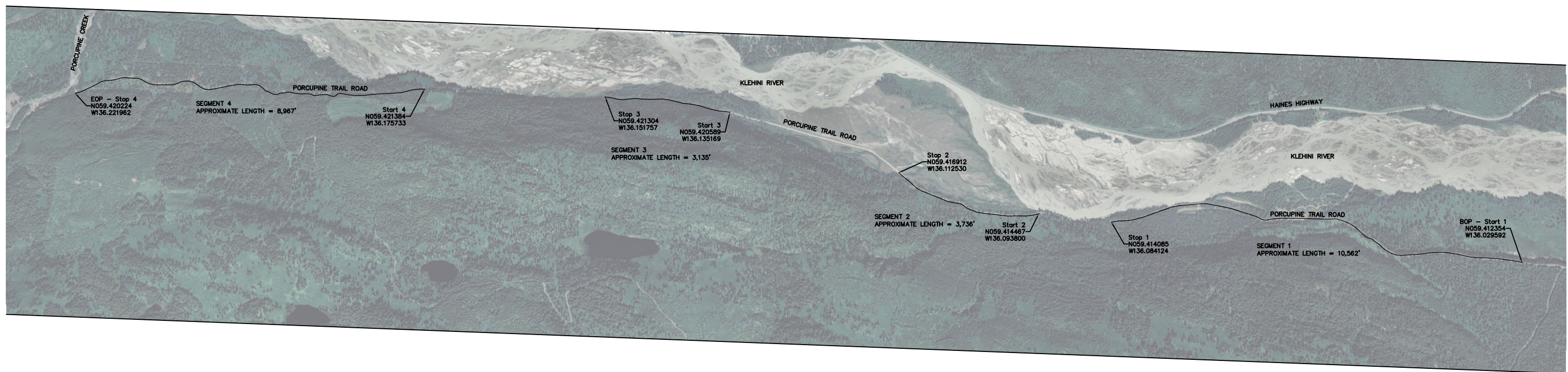
Haines Borough
PO Box 1209
Haines, Alaska 99827

Tel: (907)766-6400



REVISION				
REV	DATE	DESCRIPTION	DWN	CKD
A	MAY 22	ISSUED FOR BIDS	EGC	EGC

HAINES BOROUGH PORCUPINE TRAIL ROAD, PHASE 1 PROJECT 00013(435787), SITES 1 & 2	
TYPICAL SECTION	C02





11A5

Haines Borough Assembly Agenda Bill

Agenda Bill No.: 24-1360

Assembly Meeting Date: 02/27/24

Business Item Description:

Subject: Supporting the Current Membership
Configuration of the Alaska Marine Highway Board

Originator:
Mayor

Originating Department:
Mayor

Date Submitted:
2/22/24

Attachments:

1. Resolution 24-02-1100
2. Executive Order #131

Full Title/Motion:

Motion: Adopt Resolution 24-02-1100

Administrative Recommendation:

Fiscal Impact:

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

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:

Consistent: ☒ Yes ☐ No

Summary Statement:

Governor Dunleavy issued executive order 131 to reorganize the membership of the Alaska Marine Highway Operations Board. The board consists of 9 members, which is the deputy commissioner of transportation and public facilities assigned to the Alaska marine highway system and the following 8 public members, each of whom are a resident of the state.

Referral:

Referred to:

Referral Date:

Recommendation:

Meeting Date:

Assembly Action:

Meeting Date(s): 2/27/24

Public Hearing Date(s):

Postponed to Date:

**A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY SUPPORTING THE
CURRENT MEMBERSHIP CONFIGURATION OF THE ALASKA MARINE
HIGHWAY OPERATIONS BOARD**

WHEREAS, the Alaska Marine Highway System strived to serve a wide range of Alaskans and visitors with reliable marine transportation service throughout coastal Alaska; and

WHEREAS, the users of the Alaska Marine Highway System represent divergent interests, including educational, recreational, commercial, and industrial transportation needs statewide; and

WHEREAS, the Alaska Marine Highway Operations Board (operations board) is vital for representing to the State of Alaska the wide range of ferry system users and their concerns; and

WHEREAS, the operations board must necessarily represent a balance of representatives and perspectives, just as the ferry system itself must balance a variety of public demands; and

WHEREAS, the current composition of the operations board, including appointment of 4 of 9 board seats by the Senate president and House speaker, ensures that the state hears a diversity of opinion on best practices and procedures; and

WHEREAS, an advisory board representing only a monolithic point of view would by its nature preclude the range of opinion necessary for making fully informed decisions; and

WHEREAS, monolithic decision-making has led to historic missteps in ferry system management; and

WHEREAS, Alaska Governor Michael Dunleavy has issued Executive Order #131, making the governor the sole decider of board membership; and

WHEREAS, Governor Dunleavy's action would tend to limit the full range of perspectives necessary for robust and broad consideration of issues facing the ferry system, thereby impairing decision-making;

NOW, THEREFORE, BE IT RESOLVED by the Haines Borough Assembly supports the current membership configuration of the Alaska Marine Highway Operations Board, including four members appointed by members of the Alaska Legislature.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this 27th day of February, 2024.

Thomas C. Morphet, Mayor

Attest: _____
Aleka Fullerton, MMC, Borough Clerk

Received in the Senate: 1/15/24; Introduced: 1/16/24
Referred: Transportation

Received in the House: 1/15/24; Introduced: 1/16/24
Referred: Transportation

EXECUTIVE ORDER NO. 131

Under the authority of art. III, sec. 23, of the Alaska Constitution, and in accordance with AS 24.08.210, I order the following:

*** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

FINDINGS. As governor, I find that it is in the best interests of efficient administration to reorganize the membership of the Alaska Marine Highway Operations Board.

*** Sec. 2.** AS 19.65.120(a) is amended to read:

(a) The board is composed of the deputy commissioner of transportation and public facilities assigned to the Alaska marine highway system and the following eight public members, each of whom must be a resident of the state:

(1) one representative, who may be retired, of a recognized union that represents employees of the Alaska marine highway system, appointed by the governor;

(2) one representative of an Alaska Native organization or tribe who is from a community served by the Alaska marine highway system, appointed by the governor;

(3) six public members

[(A)] who collectively have experience in enterprise, architecture, business operations, financial management, risk management, logistics, supply chain management, engineering, project management and controls, marine operations, strategy, regulatory compliance, ship maintenance, construction, and repair, quality management, continuous improvement, sales, marketing, communications, customer interface, or experience management¹ [;

(B) TWO OF WHOM ARE] appointed by the governor [, TWO OF WHOM ARE APPOINTED BY THE SPEAKER OF THE HOUSE

1 OF REPRESENTATIVES AND WHO SERVE AT THE PLEASURE OF
 2 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND TWO OF
 3 WHOM ARE APPOINTED BY THE PRESIDENT OF THE SENATE AND
 4 WHO SERVE AT THE PLEASURE OF THE PRESIDENT OF THE
 5 SENATE].

6 * **Sec. 3.** AS 19.65.120(c) is amended to read:

7 (c) The members of the board, except for the deputy commissioner of
 8 transportation and public facilities, shall serve staggered six-year terms. If a vacancy
 9 arises on the board, the governor [, THE PRESIDENT OF THE SENATE, OR THE
 10 SPEAKER OF THE HOUSE OF REPRESENTATIVES, AS APPLICABLE,] shall,
 11 within 30 days after the vacancy arises, appoint a person to serve the balance of the
 12 unexpired term. A person appointed to fill the balance of an unexpired term shall serve
 13 on the board from the date of appointment until the expiration of the term.

14 * **Sec. 4.** The uncoded law of the State of Alaska is amended by adding a new section to
 15 read:

16 TRANSITION. The terms of the current members of the Alaska Marine Highway
 17 Operations Board terminate on the effective date of this Order. The governor may appoint to
 18 the Alaska Marine Highway Operations Board a person who served on the board as it existed
 19 before the effective date of this Order and who meets the qualifications of AS 19.65.120(a), as
 20 amended by sec. 2 of this order. The terms of persons initially appointed to the Alaska Marine
 21 Highway Operations Board under AS 19.65.120(a), as amended by sec. 2 of this Order, must
 22 be set as provided in AS 19.65.120(c) so as to establish the staggering of terms.

23 * **Sec. 5.** This Order takes effect July 1, 2024.

DATED: _____

 Mike Dunleavy
 Governor



11A6

Haines Borough Assembly Agenda Bill

Agenda Bill No.: 24-1365

Assembly Meeting Date: 02/27/24

Business Item Description:

Subject: Support for SB 171

Originator:
Manager

Originating Department:
Administration

Date Submitted:
01/30/24

Attachments:

1. Ordinance 24-02-1101
2. Senate Bill 171

Full Title/Motion:

Motion: Adopt Resolution 24-02-1101

Administrative Recommendation:

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:

Consistent: ☒ Yes ☐ No

Summary Statement:

The Assembly previously supported House Bill 201 - this is the same act represented by Senate Bill 171. The bill continues to align residency requirement for sport fishing, hunting and trapping privileges with those of permanent fund dividend eligibility.

Referral:

Referred to:

Referral Date:

Recommendation:

Meeting Date:

Assembly Action:

Meeting Date(s): 02/27/24

Public Hearing Date(s): 02/27/24

Postponed to Date:

**A Resolution of the Haines Borough Assembly Supporting the
Passage of Senate Bill House Bill 171: An Act Changing the Residency
Requirements for Sport Fishing, Hunting, and Trapping Privileges.**

WHEREAS, Alaska residents rely on the resources of the State consistent with the Constitutional promise that “fish, wildlife, and waters are reserved to the people for common use”; and

WHEREAS, the residents of the Haines Borough rely heavily on the fish, wildlife and the waters of the area for subsistence, personal and commercial uses; and

WHEREAS, the existing definition of residency for the purpose of obtaining a hunting, trapping or sport fishing license is broad and difficult to enforce due to the low threshold for residency; and

WHEREAS, Alaskans who invest in their communities by maintaining residency most of the year should reap the benefit of access to fish and game resources; and

WHEREAS, Senate Bill 171 aligns the residency requirements for sport fishing, hunting and trapping with the permanent fund dividend eligibility requirements and will help protect the opportunities for harvest for residents, while still allowing access for those who cannot or do not meet the residency requirements,

NOW, THEREFORE, BE IT RESOLVED BY THE HAINES BOROUGH ASSEMBLY supports the passage of Senate Bill 171 by the Alaska State Legislature.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this 27th day of February, 2024.

Thomas C. Morphet, Mayor

Attest:

Aleka Fullerton, MMC, Borough Clerk

SENATE BILL NO. 171

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY SENATOR BJORKMAN

Introduced: 1/16/24

Referred: Prefiled

A BILL

FOR AN ACT ENTITLED

1 **"An Act changing the residency requirements for sport fishing, hunting, and trapping**
2 **privileges; and providing for an effective date."**

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

4 * **Section 1.** AS 16.05.400 is amended by adding a new subsection to read:

5 (d) A person who is issued a permanent identification card under this section
6 may sport fish, hunt, or trap only if the person continues to meet the residency
7 requirements of AS 16.05.415.

8 * **Sec. 2.** AS 16.05.415(a) is amended to read:

9 (a) In AS 16.05.330 - 16.05.430, a person, except as provided in (c) - (f) of
10 this section, is a resident if the person

11 (1) is physically present in the state with the intent to remain in the
12 state indefinitely and to make a home in the state;

13 (2) has maintained the person's domicile in the state for the 12
14 consecutive months immediately preceding the application for a license;

(3) **has been physically present in the state at all times during the 12 consecutive months under (2) of this subsection or, if absent, was absent only as allowed in AS 43.23.008;**

(4) is not claiming residency in another state, territory, or country; and

(5) [(4)] is not obtaining benefits under a claim of residency in another state, territory, or country.

* Sec. 3. AS 16.05.415(e) is amended to read:

(e) A person who is an alien is a resident for the purposes of AS 16.05.330 - 16.05.430 if the person

(1) is physically present in the state with the intent to remain in the state indefinitely and to make a home in the state;

(2) has maintained the person's domicile in the state for the 12 consecutive months immediately preceding the application for a license;

(3) **has been physically present in the state at all times during the 12 consecutive months under (2) of this subsection or, if absent, was absent only as allowed in AS 43.23.008;**

(4) is not claiming residency in another state, territory, or country; and

(5) [(4)] is not obtaining benefits under a claim of residency in another state, territory, or country.

* Sec. 4. AS 16.05.415 is amended by adding a new subsection to read:

(j) The commissioner shall adopt regulations under AS 44.62 (Administrative Procedure Act) for determining the eligibility of an individual for licensure as a resident under this section. The commissioner may require an individual to provide proof of eligibility, and the commissioner may use other information available from other state departments or agencies to determine the eligibility of an individual. The commissioner shall consider all relevant circumstances in determining the eligibility of an individual.

* Sec. 5. The uncoded law of the State of Alaska is amended by adding a new section to read:

TRANSITION: REGULATIONS. The Department of Fish and Game may adopt regulations necessary to implement the changes made by this Act. The regulations take effect

1 under AS 44.62 (Administrative Procedure Act), but not before the effective date of the
2 relevant provision of this Act implemented by the regulation.

3 * **Sec. 6.** Section 5 of this Act takes effect immediately under AS 01.10.070(c).

4 * **Sec. 7.** Except as provided in sec. 6 of this Act, this Act takes effect January 1, 2025.



11B1

Haines Borough Assembly Agenda Bill

Agenda Bill No.: 24-1362

Assembly Meeting Date: 02/27/24

Business Item Description:

Subject: Repealing and Replacing HBC 3.72.110
Adding HBC 3.72.115 and amending HBC 3.72.100

Originator:
Property Tax Assessment Ad Hoc Committee

Originating Department:

Date Submitted:
2/22/24

Attachments:

1. Ordinance 24-02-666
2. Request for Assembly Action from Property Tax Assessment Ad Hoc Advisory Board

Full Title/Motion:

Motion: Introduce Ordinance 24-02-666 and set it for its first public hearing 3-12-24 and second public hearing 3-26-24

Administrative Recommendation:

Fiscal Impact:

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

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:

Consistent: ☒ Yes ☐ No

Summary Statement:

The Property Tax Assessment Ad Hoc Board recommended these changes to Borough code regarding the board of equalization. There was a Committee of the Whole meeting that was held on February 20, 2024, which discussed the recommendations in more detail.

Referral:

Referred to:

Referral Date:

Recommendation:

Meeting Date:

Assembly Action:

Meeting Date(s): 2/27/24

Public Hearing Date(s): 3/12/24 and 3/26/24

Postponed to Date:

An Ordinance of the Haines Borough Assembly Repealing and Replacing Haines Borough Code Section 3.72.110 Board of Equalization; Adding Section 3.72.115 Hearing Panels of the Board of Equalization; and Amending 3.72.100 Appeals.

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. Repeal and Replacement of Section 3.72.110. The existing section 3.72.110 shall be repealed and replaced with a new section 3.72.110 as follows:

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

3.72.110 Board of Equalization Membership & Duties.

- A. *Board of Equalization Established*. There shall be a board of equalization consisting of no fewer than five nor more than nine members that shall hear appeals from determinations of the assessor.
- B. The board of equalization may alter an assessment of a tract only pursuant to an appeal filed as to that particular tract.
- C. *Appointment and Term*. Members shall be appointed by the assembly and, except as provided in this subsection, shall serve a term of three years, which shall terminate on November 30th of the year the member's term expires. By December 1, 2024, the assembly shall appoint three members who shall serve one-year terms, three members who shall serve two-year terms, and three members who shall serve three-year terms. By December 1 of each subsequent year, the assembly shall appoint three members who shall succeed the members whose term expires that year. Should a member cease to hold office prior to the expiration of the appointed term, the assembly shall, by December 1, appoint a member to ~~shall~~ serve the balance of that term.
- D. *Qualifications*. A member shall be a qualified voter of the Haines Borough and a resident for at least one year immediately preceding the date of appointment. A member who no longer resides in Haines Borough shall forfeit the office. Assembly members shall not be qualified to serve on the board of equalization. The assembly shall consider personal and professional experience in property development, property management, construction, insurance, banking, real estate, and other relevant fields when appointing members to the board.

- E. *Presiding Officer.* In December of each year, the board of equalization shall elect a member who shall serve as presiding officer. The presiding officer's term shall continue until a successor presiding officer is elected and qualified. The presiding officer's term shall immediately terminate if the officer ceases to be a member of the board of equalization. The presiding officer shall coordinate with the assessor and borough clerk to set and publish agenda for meetings and hearings of the board and hearing panels. The presiding officer shall designate members to serve on hearing panels as panelists and alternates. The presiding officer shall perform other duties reasonably necessary to administer the business of the board and other such duties as may be assigned by the assembly.
- F. *Rules and Regulations.* The board may recommend borough policy establishing reasonable rules and regulations governing proceedings before the board and hearing panels. This policy shall be reviewed by the board annually after the conclusion of all appeals with recommended changes submitted to the assembly for approval by December 1 of the assessment year.
- G. *Quorum and Acts of the Board.* A majority of the full board shall be a quorum for the transaction of business of the board of equalization. In the absence of a quorum, any number less than a quorum may recess a meeting to a later time or date. In the presence of a quorum, no action shall be taken except upon an affirmative vote of a majority of the quorum present at a properly noticed meeting.

Section 5. Addition of Section 3.72.115. Section 3.72.115 shall be added as follows:

3.72.115 Hearing Panels of the Board of Equalization.

- A. Notwithstanding HBC 3.72.110(F), a duly constituted hearing panel shall be empowered to hear appeals from determinations of the assessor on behalf of the board of equalization. A hearing panel's decisions on an appeal shall be considered decisions of the board of equalization for the purpose of this chapter. After the appeal has been completed, the panel shall certify its actions to the assessor within seven days. An appellant or the assessor may appeal a determination of the panel to the superior court as provided by rules of court applicable to appeals from the decisions of administrative agencies. Appeals are heard on the record established at the hearing before the panel.
- B. A hearing panel shall be composed of not less than **four** members. For each hearing panel, the presiding officer shall designate at least three members as panelists and **one** member as an alternate.
- C. Three panelists shall constitute a quorum for the transacting of business of the hearing panel. In the absence of a quorum, any number of panelists less than a quorum may recess a hearing to a later time or date. In the presence of a quorum, no action shall be taken except upon an affirmative vote of a majority of the panelists present at a properly noticed hearing.
- D. Panelists shall participate in hearings and shall be entitled to vote on business before the panel. Alternates shall not participate in hearings nor vote on business before the panel. A panelist may

be replaced by an alternate by the presiding officer due to illness or other request from a panelist. Upon such occurrence, the alternate shall be considered a panelist for the remainder of the appeal. Appellants may request replacement by an alternate pursuant to section (G) below. Once the alternate becomes a panelist, the original panelist may become an alternate for that panel.

- E. Hearing panels shall commence hearing appeals on the second Monday in May of each year unless a different date is established by resolution of the assembly. The hearing panel shall adjourn over and continue its session as business requires.
- F. The panelists shall choose a hearing chair for each panel.
- G. An appellant may request that a panelist be excused from the panel hearing the appellant's appeal by providing a written request for excusal of the member, without stating any reason for the requested excusal, to the presiding officer not less than 48 hours prior to the time set for the hearing. The presiding officer shall grant the request if an alternate is available to serve as a panelist.

Section 6. Amendment of Section 3.72.100. Section 3.72.100 shall be amended as follows:

3.72.100 Appeal.

...

E. Notwithstanding other provisions in this section, a determination of the assessor as to whether property is taxable under law may be appealed directly to the superior court within 30 days after final decision, following the procedures set out in AS 44.62.560 through 44.62.570.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 26th DAY OF MARCH, 2024.

ATTEST:

Thomas C. Morphet, Mayor

Alekkha Fullerton, MMC, Borough Clerk

Date Introduced: 02/27/24
Date of First Public Hearing: 03/12/24
Date of Second Public Hearing: 03/26/24



Haines Borough
**BOROUGH ASSEMBLY
ACTION REQUEST**

DATE: December 14, 2023

TO: Borough Assembly

FROM: Property Tax Assessment Advisory Board

ACTION:

Motion: Humphrey moved to "recommend proposed amendment to HBC 3.72.110 to the Assembly for approval" and the motion carried unanimously.

RATIONALE:

The Property Tax Assessment Advisory Board was charged with reviewing existing code, policy and procedures of the property tax assessment process and to recommend changes to improve the process for both citizens and the borough administration. One of the most troublesome issues during 2023 was that assembly members served as the board of equalization which denied appellants the ability to seek relief from due process concerns and code violation because BOE (assembly) members are prohibited from having ex parte communication with appellants. The attached amendment provides for a citizen board of equalization and relieves elected officials of this duty.

BOARD REQUEST:

The advisory board requests that the assembly amend borough code 3.72.110 to update board of equalization membership and duties as detailed in the attached document.

SUBMITTED BY Paul Rogers

Paul Rogers, Chair
Property Tax Assessment Advisory Board



11B2

Haines Borough Assembly Agenda Bill

Agenda Bill No.: 24-1363

Assembly Meeting Date: 02/27/24

Business Item Description:

Subject: Amending HBC Section 3.72.020 Full and True Value

Originator:
Property Tax Assessment Ad Hoc Committee

Originating Department:

Date Submitted:
2/22/24

Attachments:

1. Ordinance 24-02-667
2. Jesse Kiehl Draft Senate Bill
3. Request for Assembly Action from Property Tax Assessment Ad Hoc Advisory Board

Full Title/Motion:

Motion: Introduce Ordinance 24-02-667 and set it for its first public hearing 3-12-24 and second public hearing 3-26-24

Administrative Recommendation:

Fiscal Impact:

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

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:

Consistent: ☒ Yes ☐ No

Summary Statement:

At the Committee of the Whole meeting on February 20, 2024, Senator Kiehl's draft Senate Bill were discussed as it relates to the recommendations of the Property Tax Assessment Ad Hoc Advisory Board's recommendations.

Referral:

Referred to:

Referral Date:

Recommendation:

Meeting Date:

Assembly Action:

Meeting Date(s): 2/27/24

Public Hearing Date(s): 3/12/24 and 3/26/24

Postponed to Date:

**An Ordinance of the Haines Borough Assembly Amending Haines
Borough Code Section 3.72.020 Full and True Value.**

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 Section 3.72.020. Section 3.72.020 shall be amended as follows:

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

3.72.020 Full and true value.

The assessor shall assess property at its full and true value as of January 1st of the assessment year. The full and true value is the estimated price that the property would bring in an open market and under the then prevailing market conditions in a sale between a willing seller and a willing buyer both conversant with the property and with prevailing general price levels. **If the appellant provides a long form fee appraisal to support the appellant's valuation and the board of equalization does not find in favor of the appellant, the board shall make specific findings on the record to support its decision.**

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 26th DAY OF MARCH, 2024.

ATTEST:

Thomas C. Morphet, Mayor

Alekkha Fullerton, MMC, Borough Clerk

Date Introduced: 02/27/24
Date of First Public Hearing: 03/12/24
Date of Second Public Hearing: 03/26/24

SENATE BILL NO. 242

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY SENATOR KIEHL

Introduced: 2/19/24

Referred: Community and Regional Affairs

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to assessment of property, boards of equalization, and certification of
2 assessors; and providing for an effective date."

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

4 * **Section 1.** AS 29.45.110(a) is amended to read:

5 (a) The assessor shall assess property at its full and true value as of January 1
6 of the assessment year, except as provided in this section, AS 29.45.060, and
7 29.45.230. The assessor shall determine the full and true value as provided in
8 standards adopted by the department under (e) of this section or another set of
9 standards provided by ordinance [IS THE ESTIMATED PRICE THAT THE
10 PROPERTY WOULD BRING IN AN OPEN MARKET AND UNDER THE THEN
11 PREVAILING MARKET CONDITIONS IN A SALE BETWEEN A WILLING
12 SELLER AND A WILLING BUYER BOTH CONVERSANT WITH THE
13 PROPERTY AND WITH PREVAILING GENERAL PRICE LEVELS].

14 * **Sec. 2.** AS 29.45.110 is amended by adding a new subsection to read:

(e) The department shall adopt standards for assessing the full and true value of property under (a) of this section that are not inconsistent with standards adopted by the International Association of Assessing Officers and update the standards when necessary.

* **Sec. 3.** AS 29.45 is amended by adding a new section to read:

Sec. 29.45.115. Assessor certification. A municipality may not employ an assessor, including a private contractor, unless the assessor has a level 3 certification from the Alaska Association of Assessing Officers or works under the supervision of an individual with a level 3 certification from the Alaska Association of Assessing Officers.

* **Sec. 4.** AS 29.45.200(a) is amended to read:

(a) The governing body **shall appoint one or more boards** [SITS AS A BOARD] of equalization for the purpose of hearing an appeal from a determination of the assessor [, OR IT MAY DELEGATE THIS AUTHORITY TO ONE OR MORE BOARDS APPOINTED BY IT]. An appointed board **shall** [MAY] be composed of not less than three persons, who shall be members of the governing body, municipal residents, or a combination of members of the governing body and residents. The governing body shall by ordinance establish the qualifications for membership. **The governing body may by ordinance appoint itself to sit as a board of equalization.**

* **Sec. 5.** AS 29.45.210(b) is amended to read:

(b) The appellant bears the burden of proof. The only grounds for adjustment of assessment are proof of unequal, excessive, improper, or under valuation based on facts that are stated in a valid written appeal or proven at the appeal hearing. **The** [IF A VALUATION IS FOUND TO BE TOO LOW, THE] board of equalization may **not** raise the assessment **in the current year unless requested to do so by the appellant.** **If the appellant provides a long form fee appraisal to support the appellant's valuation and the board of equalization does not find in favor of the appellant, the board shall make specific findings on the record to support its decision.**

* **Sec. 6.** The uncoded law of the State of Alaska is amended by adding a new section to read:

TRANSITION: REGULATIONS. The Department of Commerce, Community, and

1 Economic Development may adopt regulations necessary to implement the changes made by
2 this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
3 before the effective date of the law implemented by the regulation.

4 * **Sec. 7.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).

5 * **Sec. 8.** Except as provided in sec. 7 of this Act, this Act takes effect January 1, 2025.



Haines Borough
**BOROUGH ASSEMBLY
ACTION REQUEST**

DATE: December 29, 2023

TO: Borough Assembly

FROM: Property Tax Assessment Advisory Board

ACTION:

Motion: Gilbert moved to "approve the proposed amendment to HBC 3.72.020 as written and recommend it to the Assembly for approval" and the motion carried 4-1 with Hansen opposed.

RATIONALE:

The Property Tax Assessment Advisory Board was charged with reviewing existing code, policy and procedures of the property tax assessment process and to recommend changes to improve the process for both citizens and the borough administration. The definition of "full and True Value" has been the subject of much discussion and interpretation. The proposed amendment to borough code narrows the definition because **"In an appeal, a complete defense does take on some elements of a single-property appraisal. Computer-assisted mass appraisal for all its strengths tends to retreat into the background during a protest. A protest, by nature of its focus on an individual property, often requires the skill of individual property appraisal."**

This quote is from page 229 of Assessment Administration published by the Internationale Association of Assessing Officers.

BOARD REQUEST:

The Property Tax Assessment Advisory Board requests that the assembly amend the definition of Full and True Value to bring our definition into alignment with the International Association of Assessing Officers.

SUBMITTED BY Paul Rogers

Paul Rogers, Chair
Property Tax Assessment Advisory Board

Amendment Proposed to Assembly

3.72.020 Full and true value.

The assessor shall assess property at its full and true value as of January 1st of the assessment year. The full and true value is the estimated price that the property would bring in an open market and under the then prevailing market conditions in a sale between a willing seller and a willing buyer both conversant with the property and with prevailing general price levels, **anything to the contrary notwithstanding. An appeal pursuant to this section must be treated as a single-property appraisal. A property market sale or single-property appraisal shall be the preferred method of valuation.**



11B3

Haines Borough Assembly Agenda Bill

Agenda Bill No.: 24-1364

Assembly Meeting Date: 02/27/24

Business Item Description:

Subject: Adding HBC Section 3.72.105 Exchange of Information

Originator:
Property Tax Assessment Ad Hoc Committee

Originating Department:

Date Submitted:
2/22/24

Attachments:

1. Ordinance 24-02-668
2. Request for Assembly Action from Property Tax Assessment Ad Hoc Advisory Board

Full Title/Motion:

Motion: Introduce Ordinance 24-02-668 and set it for its first public hearing 3-12-24 and second public hearing 3-26-24

Administrative Recommendation:

Fiscal Impact:

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

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:

Consistent: ☒ Yes ☐ No

Summary Statement:

At the Committee of the Whole meeting on February 20, 2024, the Exchange of Information recommendations from the Property Tax Assessment Ad Hoc Advisory Board were discussed and item (D) was added to clarify that the Appellant and Assessor may continue to share information and negotiate until the appeal hearing.

Referral:

Referred to:

Referral Date:

Recommendation:

Meeting Date:

Assembly Action:

Meeting Date(s): 2/27/24

Public Hearing Date(s): 3/12/24 and 3/26/24

Postponed to Date:

**An Ordinance of the Haines Borough Assembly Amending Haines
Borough Code Section 3.72.105 Exchange of Information**

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. Addition of Section 3.72.105. Section 3.72.105 shall be added as follows:

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

3.72.105 Exchange of Information.

- A. **Information to be presented to the board of equalization by the assessor's office shall be made available to the appellant at least 10 working days prior to the appeal hearing date scheduled for the appeal.**
- B. **The appellant shall be notified by email or first-class mail when the information is available and how to obtain it. A link to the information on the borough web site is permissible.**
- C. **The appellant must provide their information by first-class mail, email or by personally delivering it to the Haines Borough office at least five working days before the appeal hearing date scheduled for the appeal.**
- D. **Notwithstanding the above, the appellant and the assessor may continue to exchange information and negotiate directly until the appeal is heard.**

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 26th DAY OF MARCH, 2024.

ATTEST:

Thomas C. Morphet, Mayor

Aleka Fullerton, MMC, Borough Clerk

Date Introduced: 02/27/24
Date of First Public Hearing: 03/12/24
Date of Second Public Hearing: 03/26/24



Haines Borough
**BOROUGH ASSEMBLY
ACTION REQUEST**

DATE: December 14, 2023

TO: Borough Assembly

FROM: Property Tax Assessment Advisory Board

ACTION:

Motion: Gilbert moved to "recommend HBC 3.72.XXX Exchange of Information to the Assembly for approval" and the motion carried unanimously.

RATIONALE:

The Property Tax Assessment Advisory Board was charged with reviewing existing code, policy and procedures of the property tax assessment process and to recommend changes and improvements to the process for both citizens and the borough administration. This proposed addition to code guarantees due process by requiring the exchange of information between the assessor's office and the appellant in a timely manner prior to the hearing date set for the appeal.

BOARD REQUEST:

The advisory board requests that the assembly pass a new section of borough code detailing requirements for the exchange of information between an appellant and the assessor's office as detailed in the attached draft document. This change will insure due process for appellants and insure appellants have ample time to consider their course of action.

SUBMITTED BY Paul Rogers
Paul Rogers, Chair
Property Tax Assessment Advisory Board

Proposed New Ordinance to Assembly

3.72.### Exchange of Information

- A. Information to be presented to the board of equalization (BOE) by the assessor's office shall be made available to the appellant at least 10 working days prior to the BOE hearing date scheduled for the appeal.
- B. The appellant shall be notified by email or first-class mail when the information is available and how to obtain it. A link to the information on the borough web site is permissible.
- C. The appellant must provide their information by first-class mail, email or by personally delivering it to the Haines Borough office five working days before the appeal hearing date scheduled.

**HAINES BOROUGH**

SCHEDULE* BUDGET MEETINGS AND PUBLIC HEARINGS FY25 BUDGET All meetings will be held in the Assembly Chambers and on ZOOM	
DATE/TIME	AGENDA
Tues, 4/9/24 5:30-6:30	Finance Committee Meeting: FY25 Budget Overview
Tues, 4/23/24 6:30 pm	Introduction of Budget Ordinance at regular meeting
Thurs, 4/25/24 5:30-7:30	Budget COW #1 – Areawide General Fund
Thurs, 5/2/24 5:30-7:30	Budget COW #2 – Townsite Service Area (Police, Public Works and Animal Control), Medical Service (EMS), & Fire Service Areas
Tues., 5/7/24 6:30pm	GAS Committee- Water & Sewer, Vehicle Impound, & Land Development
Tues, 5/14/24 5:30-6:30	Finance Committee Meeting: Capital Improvement Projects
Tues, 5/14/24 6:30 pm	FIRST Public Hearing of Budget Ordinance at regular meeting.
Tues, 5/21/24 6:30 pm	Commerce Committee: Boat Harbor, PC Dock, Lutak Dock, Tourism, Econ Dev, CPV, Permanent Fund, & Debt Service
Thurs, 5/23/24 6:30 pm	Budget COW #3– Additional COW if needed
Tues, 5/28/24 6:30 pm	SECOND Public Hearing of Budget Ordinance at regular meeting. Adopt Budget. (May set a third hearing if needed.)
Tues, 6/11/24 6:30 pm	THIRD Public Hearing of Budget Ordinance at regular meeting. Adopt Budget. (If needed.)

Per Haines Borough Charter 9.01(D), the budget must be adopted by June 15.

* Schedule and Agenda subject to change. Please check the website periodically for updates: www.hainesalaska.gov



11C2

Mayoral Appointments 2/27/24

Library Advisory Board

Appointment of Deborah Gravel and Rene Morrissey to the Library Advisory Board with seats terming 11/25. There is still one open seat on the board.

Fire Service Area Board #3 (Klehini)

Appointment of Sage Thomas to the Fire Service Area Board #3 (Klehini) with a seat terming in 11/25. There is still one open seat on the board.

From: [Tom Morphet](#)
To: [Alekka Fullerton](#)
Subject: FW: Library Board applicants
Date: Wednesday, February 21, 2024 5:46:07 PM

From: Rebecca Heaton <director@haineslibrary.org>
Sent: Wednesday, February 21, 2024 8:11 AM
To: Tom Morphet <tmorphet@haines.ak.us>; tommorphet1@gmail.com
Subject: Library Board applicants

CAUTION: This email originated from outside of the Haines Borough. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Mr. Mayor.

The Library Board respectfully requests that you appoint board applicants, Deborah Gravel and Rene Morrissey, into their ranks. They feel they will be valuable assets on the team.

Thanking you warmly,

Reba Heaton, Director
Haines Borough Public Library
907-766-6425
Office hours:
Mon – Thu 6am to 4pm

RECEIVED

FEB 09 2024

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

Name: Deborah Gravel
 Residence Address: 918 COMSTOCK ROAD
 Mailing Address: PO Box 286
 Business Phone: _____ Home Phone: 907-314-0828
 Fax: _____ Email: deborah.gravel@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.*

Deborah Gravel
 Signature of Applicant

Feb. 9, 2024
 Date

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

I retired from 20 years of employment at the
Ketchikan Public Library as a Library Assistant II
I have worked at the Haines Public Library - retired
2019 - volunteered, and served on the Friends of the Library
Board

* 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

Haines Borough Application for Board Appointment

RECEIVED

JAN 30 2024

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

HAINES BOROUGH
CLERK'S OFFICE

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

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

	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
x	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: Rene Morrissey

Residence Address: 1227 Small Tracts Rd.

Mailing Address: PO Box 1668 Haines, AK 99827

Business Phone: (719) 250-0574

Home Phone: (719) 250-0574

Fax: _____ Email: soulfrei@me.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.*

Rene Morrissey
Signature of Applicant

January 29, 24
Date

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

In my previous career I worked for a non profit and was on committees and boards, but I don't think that is what qualifies me - I believe my qualifications come from spending a significant part of my life in libraries. They have provided me (and all who enter) with the gift of discovering the world. How awesome, that in all those years, I have never had anyone at the library tell me that I couldn't check out a book! No one ever told me what I could or couldn't read! I was free to explore and learn. My library card was the Golden Ticket. What a gift! The Library Bill of Rights sums up perfectly what the embodiment of a library should be. I have always been on the receiving end and now I would like to be on the giving end.

* 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

RECEIVED

FEB 14 2024

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 type="checkbox"/>	Chilkat Center Advisory Board	<input type="checkbox"/>	Port and Harbor Advisory Committee
<input type="checkbox"/>	Code Review Commission	<input type="checkbox"/>	Public Safety Commission
<input type="checkbox"/>	Commercial Fishing Advisory Board (ad hoc)	<input type="checkbox"/>	Solid Waste Working Group (ad hoc)
<input type="checkbox"/>	Library Advisory Board	<input type="checkbox"/>	Tourism Advisory Board
<input type="checkbox"/>	Parks and Recreation Advisory Committee	<input type="checkbox"/>	Waterfront Aesthetics Committee (ad hoc)
<input type="checkbox"/>	Planning Commission	<input checked="" type="checkbox"/>	Fire Service Area Board #3 (Klehini)
<input type="checkbox"/>	Other (Ad hoc) Board/Committee:	<input type="checkbox"/>	Road Maintenance Service Areas: <i>Circle one</i> Four Winds Historic Dalton Trail Letnikof Estates Riverview Drive

Name: Sage Thomas

Residence Address: Mile 31.5 Haines Hwy.

Mailing Address: HC 60 Box 3161 Haines AK 99827

Business Phone: _____ Home Phone: 907-767-5449

Fax: _____ Email: thomas7@aptalaska.net

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.*

Sage Thomas
Signature of Applicant

1/30/2024
Date

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

I have been a member of the Klehini Valley Volunteer Fire Department for over 20 years. I have served as Chief, Assistant Chief, Fire Captain, Engine Lieutenant during this time. I have lived and worked here for over 20 years.

* 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.11-21

MEMORANDUM

To: Don Porter, R&M Consultants, Inc.
From: Paul Wallis, Moffatt & Nichol
Date: February 13, 2024
Subject: CP Cost Analysis
M&N Job No.: 232213
CC: Tim Grier (R&M); Daryl English, Shaun McFarlane, Charles Balzarini (M&N)

Don:

R&M has requested that we compare the cathodic protection costs for two designs for the Lutak Dock replacement.

Below please find the results of our analysis. Please contact me at your convenience to discuss, should you have any questions or concerns regarding this information.

Respectfully,



Paul Wallis, PE, SE



2/13/2024

INTRODUCTION

It has been requested that we compare the lifecycle costs for two designs for the Lutak Dock replacement. The first is a preliminary design by R&M Consultants, marked “Design and Development Concepts,” and dated February, 2022. The second is a design progress set by Turnagain Marine Construction (TMC), marked “95% Drawings,” and dated May 18, 2023.

BASIS OF ESTIMATE

The following distinctions between the two designs are noteworthy for the purposes of this exercise.

- The R&M design (hereafter referred to as the “rubble mound” approach) is a combination of partial bulkhead wharf and approach dock with dolphins.
- The Turnagain Marine Construction design (hereafter referred to as “combi wall bulkhead”) is a continuous wharf structure comprised of a pipe-pile wall assembly anchored against overturning with battered piles.
- The combi wall bulkhead design solution includes a taller (from mudline to MHHW) and considerably longer (in plan) bulkhead than the rubble mound design solution.
- The combi wall design bulkhead design solution does not include any ancillary structures (e.g. dolphins, pile-supported dock, etc.).

COMPARISON METHODOLOGIES

The following assumptions should be considered, with regard to the comparison of the aforementioned design solutions.

- For the purposes of this analysis, “lifecycle” costs will be predicated on initial cost of material and labor associated with passive (i.e. anodic) cathodic protection (CP).
 - o For the purposes of comparison, the CP systems for both design solutions will be assumed to have at least a 20-year life span. This was noted as a design assumption for the combi wall design solution; while the rubble mound design solution was silent on anticipated CP lifespan.
 - o For the purposes of comparison, the average rate of degradation of elements of construction exposed to seawater corrosion processes will be assumed to be the same for both design solutions. Neither design solution expresses the use of extraordinary protective measures (i.e. galvanized sheeting, high-performance epoxy coating, etc.); only passive CP using fixed anodes.

- The methods of comparison will include both unit rate cost comparison, as well as evaluation of total dollars' worth of CP for the given design solutions.
For the unit rate cost comparison:
 - o Direct comparison on a \$/square foot of steel directly exposed to seawater, from mudline to MHHW, for the rubble wall and the combi wall design solutions.
 - o For both the rubble wall and the combi wall design solutions, the estimated area of exposure noted above will be predicated on actual shapes used in each design solution. For example, for both a sheet pile wall and for a combi wall, the exposed area of steel per plan unit length of wall would necessarily be greater than for a smooth, flat profile.
 - o Using the total CP cost noted in the rubble wall design solution, a unit cost in \$/square foot of exposed steel will be calculated, and then that unit cost will be applied to the combi wall design solution exposed steel area, to ascertain an equivalent total CP cost.
 - The unit cost applied to the combi wall design solution will be increased in proportion to the (slightly) larger size of anode used for that design solution (i.e. 216 lb), as compared with that used for the rubble wall design solution (i.e. 200 lb).

For the evaluation of total dollars' worth of CP for the given design solutions:

- o The total CP cost indicated in the rubble wall design solution drawings will be compared with the estimated CP cost indicated in (a) the document titled "GMP Pricing and Verification FULL Package 2.14 - Cathodic Protection.pdf" as well as (b) the estimated CP cost indicated in the document titled "Lutak Dock Replacement - GMP ICE 2023-02-21.pdf"; both of which were provided by R&M Consultants as additional background information.
 - It is presumed that supporting document (a) was originally produced by TMC, on 1/19/2023 for the combi wall design solution.
 - Supporting document (b) was produced by HMS, Incorporated, on behalf of R&M Consultants, on 2/21/2023, also appears to pertain to the combi wall design solution, at approximately 65% design completion.

INITIAL FINDINGS

Unit Rate Comparison:

The overall CP first cost for materials and installation for the rubble mound design solution was found to be approximately \$204,000, based on the information contained in an estimate breakout in the drawings.

- The average CP cost per unit area of exposed steel for the entire rubble mound design solution (i.e. bulkhead wharf, as well as dolphins and approach dock) was found to be approximately \$7.10/square foot.

The overall CP first cost for the materials and installation for the combi wall system, based on the unit rated cost comparison approach (using the rubble mound unit cost, slightly increased as described previously), was found to be roughly \$318,406.

- The average CP cost per unit area of exposed steel for the combi wall bulkhead design solution was found to be roughly \$5.42/square foot.

Refer to spreadsheet data in Appendix 1.

Total Dollars' Worth Comparison:

Based on cost estimate supporting document (a), the total estimated cost of CP for the combi wall design solution appears to be approximately \$311,750.

Based on the cost estimate supporting document (b) by HMS, Inc., the total estimated cost for CP for the combi wall design solution appears to be approximately \$264,990.

- It is worth noting that this latter figure should probably be increased by 16.77% to a total of \$309,243, to account for "Labor Premium Time," based on HMS's approach to estimating sections 01 through 11.

Refer to supporting documents (a) and (b) in Appendix 2.

SUMMARY

Based on the Unit Rate Comparison, the following may be noted:

On a total installed first cost basis, the CP for the combi wall design solution is roughly \$318,406 - \$204,400 = \$114,006 greater than the total installed first cost for the rubble wall design solution.

- Note: on a \$/square foot of exposed steel basis, the rubble wall design solution is \$7.10 - \$5.42 = \$1.68/square foot greater than the \$/square foot cost for the combi wall design solution.

Based on the Total Dollars' Worth Comparison:

On a total installed first cost basis, the CP for the combi wall design solution as estimated by TMC is approximately \$311,750 - \$309,243 = \$2,507 greater than that estimated by HMS.

- These estimates for the combi wall design solution agree to within less than one percent. Comparing the Unit Rate value for the combi wall design solution to the TMC's higher Total Dollars' Worth value for the combi wall design solution, these estimates agree to within approximately two percent.

CONCLUSIONS

The estimated total cost of the constructed design solutions ranges as follows:

- Rubble wall design solution = \$25,157,000
- Combi wall design solution (TMC) = \$21,045,022
- Combi wall design solution (HMS) = \$29,056,402

Assuming the largest estimated difference in total installed cost of CP between the combi wall design solution and the rubble wall design solution (i.e. \$114,004), the value of the premium associated with the combi wall design solution ranges from 0.39% minimum to 0.54% maximum, depending on the estimated total cost of construction considered.

Likewise, the long-term costs for maintenance and replacement of the CP systems for the two docks is expected to be very similar; when considered from the standpoint of first cost of materials and installation for each.

ADDITIONAL CONSIDERATIONS

It is unknown to what extent the CP design was actually completed, at the time that each of the above design solutions was produced.

The presumption is that the design solution for the rubble wall design solution would have been much more preliminary (i.e. "Design and Development Concepts") than for the combi wall design solution (i.e. "95% Drawings").

This could explain the apparent difference in lb/square feet of CP; which was not a considered metric for this report.

APPENDIX 1

RUBBLE WALL DESIGN SOLUTION

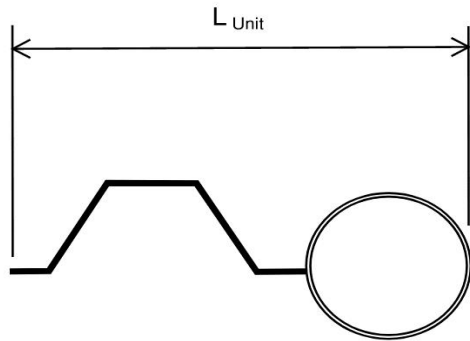
Dolphins	Qty ea	Dia in	Avg L Exposed ft	A Exposed ft ³	Anodes Total \$	CP Cost \$ / Sq Ft
Plumb Piles	12	36	52	5,881		
Batter Piles	12	30	62	5,843		
			Total	11,724	78,000	6.65

Approach Dock	Qty ea	Dia in	Avg L Exposed ft	A Exposed ft ³	Anodes Total \$	CP Cost \$ / Sq Ft
Plumb Piles	9	30	38	2,686		
			Total	2,686	54,000	20.10

Bulkhead	Area Surface sq ft / unit	Units ea	H Exposed LF	A Exposed ft ³	Anodes Total \$	CP Cost \$ / Sq Ft
NZ-19 Sheet	6.18	61.6	23	8,762		
King Pile, 30" dia	3.93	61.6	23	5,567		
			Total	14,329	72,000	5.02

1. $L_{Unit} = (2 \times 27.56 + 30)/12 = 7.09$ ft (straight line)
2. $L_{Bulkhead} = 25.17 + 338.94 + 72.92 = 437$ ft (straight line)
3. Bulkhead anodes = 200 lb

$$\begin{aligned} \text{Total CP Cost} &= \$204,000 \\ \text{Avg CP Cost 1} &= (\text{Total CP Cost}) / \text{Sum } (A_{Exposed}) = \$7.10 / \text{sq ft} \end{aligned}$$



COMBI WALL DESIGN SOLUTION

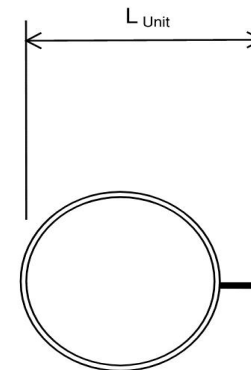
Dolphins	Qty ea	Dia in	Avg L Exposed ft	A Exposed ft ³	CP Cost \$ / Sq Ft	Anodes Total \$
Plumb Piles	n/a					
Batter Piles	n/a					
			Total	0	0.00	0

Approach Dock	Qty ea	Dia in	Avg L Exposed ft	A Exposed ft ³	CP Cost \$ / Sq Ft	Anodes Total \$
Plumb Piles	n/a					
			Total	0	0.00	0

Bulkhead	Area Surface sq ft / unit	Units ea	H Exposed LF	A Exposed ft ³	CP Cost ⁴ \$ / Sq Ft	Anodes Total \$
Sheet	n/a					
Combi Wall Pile 42" dia.	6.25	200.0	47	58,729		
			Total	58,729	5.42	318,406

1. $L_{Unit} = (42 + 9)/12 = 4.25$ ft (straight line)
2. $L_{Bulkhead} = 64 + 45.5 + 307 + 307 + 42.5 + 81.25 = 847$ ft (straight line)
3. Bulkhead anodes = 216 lb
4. Cost adjusted by 216 lb/200 lb = 1.08x

$$\begin{aligned} \text{Total CP Cost} &= \$318,406 \\ \text{Avg CP Cost} &= \$5.42 / \text{sq ft} \end{aligned}$$



APPENDIX 2

Crew: PILE6

PILE DRIVING CREW - 6 MAN

Prod:S 5

Eff: 100.00

Crew Hrs:50.00

Labor Pcs:6.00

Equipment Pcs:3.00

Resource	Description	Pcs/Wste	Quantity	Unit	Unit Cost	Tax/OT %	Actual UC	Total
8BCRNBARGE	Brightwater 40%75	1.00	50.00	HR	813.00	100.00	347.25	17,362.50
8PD46DELMAG	Delmag D-46	1.00	50.00	HR	45.00	100.00	45.00	2,250.00
8V44B	ICE 44B Vibro	1.00	50.00	HR	92.00	100.00	92.00	4,600.00
DB	DOCKBUILDER	3.00	150.00	MH	41.00	121.43	83.66	12,549.67
FOREMAN	FOREMAN	1.00	50.00	MH	52.00	121.43	99.33	4,966.29
OILER	OILER	1.00	50.00	MH	37.00	121.43	73.13	3,656.47
OP1	CRANE OPERATOR - 100-199 TON	1.00	50.00	MH	52.00	121.43	94.49	4,724.29

Biditem

110

Cathodic

Takeoff Qty: 1.000 LS

Bid Qty: 1.000 LS

	Base Labor	Burden	Total Labor	Equipment	Perm Matls	Const Matls	Sub	CONTINGENC	Total
U. Cost	0.00	0.00	0.00	0.00	193,500.00	0.00	118,250.00	0.00	311,750.00
Total	0.00	0.00	0.00	0.00	193,500.00	0.00	118,250.00	0.00	311,750.00

Activity: 110.01

F&I Anodes

Quantity: 430.00

Unit: EA

	Base Labor	Burden	Total Labor	Equipment	Perm Matls	Const Matls	Sub	CONTINGENC	Total
U. Cost	0.00	0.00	0.00	0.00	450.00	0.00	275.00	0.00	725.00
Total	0.00	0.00	0.00	0.00	193,500.00	0.00	118,250.00	0.00	311,750.00

Calendar: 710

7 day 10 hours

Hrs/Shift:10

WC: USLH

USL & H

Resource	Description	Pcs/Wste	Quantity	Unit	Unit Cost	Tax/OT %	Actual UC	Total
2ANODE	Anodes	1.00	430.00	EA	450.00	100.00	450.00	193,500.00
4DIVE	DIVER SUPPORT	1.00	430.00	DAY	275.00	100.00	275.00	118,250.00

Report Summary

	Base Labor	Burden	Total Labor	Equipment	Perm Matls	Const Matls	Sub	CONTINGENC	Total
Total	660,989	399,465	1,060,453	1,316,094	15,735,365	647,859	2,285,250	0	21,045,022

Job Notes

Estimate created on: 01/19/2023 by User#: 3 - Jason Davis
Source estimate used: L:\HEAVYBID\EST\22-022_LUTAK

Calendars Used In Estimate

710

7 day 10 hours

In equipment resources, Rent % and EOE % that are not 100% are represented as XXX%YYY, where XXX = Rent % and YYY = EOE %

65% GMP COMPARATIVE DESIGN SUBMITTAL
CONSTRUCTION COST ESTIMATE

LUTAK DOCK REPLACEMENT
HAINES, ALASKA

PREPARED FOR:

R&M Consultants, Inc.
9101 Vanguard Drive
Anchorage, Alaska 99507

February 21, 2023



HMS Project No.: 23015

NOTES REGARDING THE PREPARATION OF THIS ESTIMATE

DRAWINGS AND DOCUMENTS

Level of Documents: (23) 65% construction document drawings
Date: January 30, 2023
Provided By: R&M Consultants, Inc. and their subconsultants of Anchorage, Alaska

RATES

Pricing is based on current material, equipment and freight costs.

Labor Rates: A.S. Title 36 working 60 hours per week
Premium Time: 16.70%
Subcontractor's Mark-Up: 30.00%

BIDDING ASSUMPTIONS

Contract: Standard construction contract without restrictive bidding clauses
Bidding Situation: Sole source negotiated
Bid Date: N/A
Start of Construction: June 2023
Months to Complete: Within (5) months

EXCLUDED COSTS

1. A/E design fees
2. Administrative and management costs
3. Furniture, furnishings and equipment (except those specifically included)
4. Remediation of contaminated soils or abatement of any hazardous materials, if found during construction
5. Owner furnished equipment or materials

NOTES REGARDING THE PREPARATION OF THIS ESTIMATE (Continued)

GENERAL

When included in HMS Inc.'s scope of services, opinions or estimates of probable construction costs are prepared on the basis of HMS Inc.'s experience and qualifications and represent HMS Inc.'s judgment as a professional generally familiar with the industry. However, since HMS Inc. has no control over the cost of labor, materials, equipment or services furnished by others, over contractor's methods of determining prices, or over competitive bidding or market conditions, HMS Inc. cannot and does not guarantee that proposals, bids, or actual construction cost will not vary from HMS Inc.'s opinions or estimates of probable construction cost.

Due to the lingering effects of the COVID-19 pandemic on the global supply chain and labor market, as well as ongoing geopolitical impacts to energy prices, HMS Inc. has included an additional contingency titled '**Unique Market Risk**'. This amount provided for in the estimate will be adjusted as the situation continues to change and the effect on construction pricing becomes better understood.

This estimate assumes escalation based on the most recent 3-month rolling average of the U.S. Consumer Price Index. HMS Inc. will continue to monitor this, as well as other international, domestic and local events, and the resulting construction climate, and will adjust costs and contingencies as deemed appropriate.

GROSS FLOOR AREA

N/A

HMS Project No.: 23015

65% GMP COMPARATIVE DESIGN COST SUMMARY

	<i>Material</i>	<i>Labor</i>	<i>Total</i>
01 - SITE WORK			
Site Preparation	\$ 157,655	\$ 299,220	\$ 456,875
Site Mechanical	130,000	0	130,000
Site Electrical	66,313	38,580	104,893
02 - SUBSTRUCTURE	0	0	0
03 - SUPERSTRUCTURE	0	0	0
04 - EXTERIOR CLOSURE	0	0	0
05 - ROOF SYSTEMS	0	0	0
06 - INTERIOR CONSTRUCTION	0	0	0
07 - CONVEYING SYSTEMS	0	0	0
08 - MECHANICAL	0	0	0
09 - ELECTRICAL	4,485	2,549	7,034
10 - EQUIPMENT	0	0	0
11 - SPECIAL CONSTRUCTION	17,469,695	2,944,796	20,414,491
<i>SUBTOTAL:</i>	<i>\$ 17,828,148</i>	<i>\$ 3,285,145</i>	<i>\$ 21,113,293</i>
12 - GENERAL REQUIREMENTS			5,958,477
<i>SUBTOTAL:</i>			<i>\$ 27,071,770</i>
13 - CONTINGENCIES			1,984,632
<i>TOTAL ESTIMATED CONSTRUCTION COST:</i>			<i>\$ 29,056,402</i>

LUTAK DOCK REPLACEMENT
HAINES, ALASKA
65% GMP COMPARATIVE DESIGN SUBMITTAL CONSTRUCTION COST ESTIMATE

PAGE 5

DATE: 2/21/2023

HMS Project No.: 23015

01 - SITE WORK Site Preparation	QUANTITY	UNIT	MATERIAL		LABOR		TOTAL	TOTAL
			RATE	TOTAL	RATE	TOTAL	UNIT RATE	MATERIAL/LABOR
			\$	\$	\$	\$	\$	\$
Select fill material	3,500	CY	30.00	105,000	10.00	35,000	40.00	140,000
Base course driving surface, 4" assumed	733	CY	35.00	25,655	12.00	8,796	47.00	34,451
Finish grade	60,025	SF			0.20	12,005	0.20	12,005
Vibrocompaction probe	1	EA	27000.00	27,000	5100.00	5,100	32100.00	32,100
Dock interior probe (8-person crew, 8 per day)	230	EA			850.00	195,500	850.00	195,500
SUBTOTAL:				\$ 157,655		\$ 256,401		\$ 414,056
Labor Premium Time	16.70%					42,819		42,819
TOTAL ESTIMATED COST:				\$ 157,655		\$ 299,220		\$ 456,875

HMS Project No.: 23015

01 - SITE WORK Site Mechanical	QUANTITY	UNIT	MATERIAL		LABOR		TOTAL	TOTAL
			RATE	TOTAL	RATE	TOTAL	UNIT RATE	MATERIAL/LABOR
			\$	\$	\$	\$	\$	\$
Allowance for new freeze free water riser	1	LOT	50000.00	50,000			50000.00	50,000
Allowance for new fire hydrant	1	LOT	50000.00	50,000			50000.00	50,000
SUBTOTAL:				\$ 100,000				\$ 100,000
Labor Premium Time	16.70%							
SUBTOTAL:				\$ 100,000				\$ 100,000
Subcontractor's Overhead and Profit on Material and Labor	30.00%			30,000				30,000
TOTAL ESTIMATED COST:				\$ 130,000				\$ 130,000

LUTAK DOCK REPLACEMENT
HAINES, ALASKA
65% GMP COMPARATIVE DESIGN SUBMITTAL CONSTRUCTION COST ESTIMATE

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DATE: 2/21/2023

HMS Project No.: 23015

01 - SITE WORK Site Electrical	QUANTITY	UNIT	MATERIAL		LABOR		TOTAL	TOTAL
			RATE	TOTAL	RATE	TOTAL	UNIT RATE	MATERIAL/LABOR
			\$	\$	\$	\$	\$	\$
Allowance for high mast light pole with fixture and base	2	EA	16000.00	32,000	4500.00	9,000	20500.00	41,000
Exterior video camera in heated enclosure	2	EA	2800.00	5,600	780.00	1,560	3580.00	7,160
Exterior conventional outlet	2	EA	55.00	110	85.00	170	140.00	280
Trench and backfill	350	LF	7.00	2,450	11.00	3,850	18.00	6,300
Conduit and conductor	350	LF	18.00	6,300	17.00	5,950	35.00	12,250
Conduit and Cat 6 to video cameras	350	LF	13.00	4,550	14.00	4,900	27.00	9,450
SUBTOTAL:				\$ 51,010		\$ 25,430		\$ 76,440
Labor Premium Time	16.70%					4,247		4,247
SUBTOTAL:				\$ 51,010		\$ 29,677		\$ 80,687
Subcontractor's Overhead and Profit on Material and Labor	30.00%			15,303		8,903		24,206
TOTAL ESTIMATED COST:				\$ 66,313		\$ 38,580		\$ 104,893

LUTAK DOCK REPLACEMENT
HAINES, ALASKA
65% GMP COMPARATIVE DESIGN SUBMITTAL CONSTRUCTION COST ESTIMATE

DATE: 2/21/2023

HMS Project No.: 23015

09 - ELECTRICAL	QUANTITY	UNIT	MATERIAL		LABOR		TOTAL	TOTAL
			RATE	TOTAL	RATE	TOTAL	UNIT RATE	MATERIAL/LABOR
			\$	\$	\$	\$	\$	\$
Allowance for new electrical panel board	1	EA	2800.00	2,800	1400.00	1,400	4200.00	4,200
Disconnect switch	1	EA	650.00	650	280.00	280	930.00	930
SUBTOTAL:				\$ 3,450		\$ 1,680		\$ 5,130
Labor Premium Time	16.70%					281		281
SUBTOTAL:				\$ 3,450		\$ 1,961		\$ 5,411
Subcontractor's Overhead and Profit on Material and Labor	30.00%			1,035		588		1,623
TOTAL ESTIMATED COST:				\$ 4,485		\$ 2,549		\$ 7,034

LUTAK DOCK REPLACEMENT
HAINES, ALASKA
65% GMP COMPARATIVE DESIGN SUBMITTAL CONSTRUCTION COST ESTIMATE

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DATE: 2/21/2023

HMS Project No.: 23015

11 - SPECIAL CONSTRUCTION	QUANTITY	UNIT	MATERIAL		LABOR		TOTAL	TOTAL
			RATE	TOTAL	RATE	TOTAL	UNIT RATE	MATERIAL/LABOR
			\$	\$	\$	\$	\$	\$

DEMOLITION

Demolish fender assembly	8	EA			1250.00	10,000	1250.00	10,000
Demolish mooring dolphin	4	EA			3000.00	12,000	3000.00	12,000
Demolish guardrail	307	LF			6.50	1,996	6.50	1,996
Demolish concrete curb	600	LF			7.00	4,200	7.00	4,200
Demolish top of concrete pile cap at new pile cap location	506	CF	45.00	22,770	170.00	86,020	215.00	108,790

TIE BACK PILE

36"x1/2" tie back driven steel pile	188	TON	3000.00	564,000			3000.00	564,000
Spare pile (2 each)	21	TON	3000.00	63,000			3000.00	63,000
Drive to embedment (assume three piles per day)	18	EA			2600.00	46,800	2600.00	46,800
Reinforcement at concrete shaft at 120 lbs. per CY	14,880	LBS	1.15	17,112	1.00	14,880	2.15	31,992
Concrete at reinforced shaft and concrete filled pile	223	CY	400.00	89,200	90.00	20,070	490.00	109,270
36" diameter drill to anchor at bedrock	450	VLF	250.00	112,500	270.00	121,500	520.00	234,000
Cut pile to elevation	18	EA	55.00	990	450.00	8,100	505.00	9,090

LUTAK DOCK REPLACEMENT
HAINES, ALASKA
65% GMP COMPARATIVE DESIGN SUBMITTAL CONSTRUCTION COST ESTIMATE

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DATE: 2/21/2023

HMS Project No.: 23015

11 - SPECIAL CONSTRUCTION	QUANTITY	UNIT	MATERIAL		LABOR		TOTAL	TOTAL
			RATE	TOTAL	RATE	TOTAL	UNIT RATE	MATERIAL/LABOR
			\$	\$	\$	\$	\$	\$

TIE BACK PILE (Continued)

2" shear plate (576 SF)	47,046	LBS	1.70	79,978	0.95	44,694	2.65	124,672
20"x1 1/2" diameter shear stud	720	EA	26.00	18,720	9.00	6,480	35.00	25,200

PIPE-PIPE COMBI-WALL PILE

42"x1" pipe-pipe combi-wall pile	4,431	TON	3000.00	13,293,000			3000.00	13,293,000
Spare pile (6 each)	132	TON	3000.00	396,000			3000.00	396,000
Drive to embedment	219	EA			2200.00	481,800	2200.00	481,800
42" diameter drill to anchor at bedrock	2,190	VLF	320.00	700,800	350.00	766,500	670.00	1,467,300
Cut pile to elevation	219	EA	64.00	14,016	525.00	114,975	589.00	128,991

THICKEN SLAB AT TIE BACK PILE CAP

Concrete	173	CY	400.00	69,200	100.00	17,300	500.00	86,500
Reinforcement	17,300	LBS	1.05	18,165	0.75	12,975	1.80	31,140

CONCRETE APRON

Concrete	517	CY	400.00	206,800	90.00	46,530	490.00	253,330
Cure and finish	13,300	SF	0.30	3,990	1.70	22,610	2.00	26,600

LUTAK DOCK REPLACEMENT
HAINES, ALASKA
65% GMP COMPARATIVE DESIGN SUBMITTAL CONSTRUCTION COST ESTIMATE

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DATE: 2/21/2023

HMS Project No.: 23015

11 - SPECIAL CONSTRUCTION	QUANTITY	UNIT	MATERIAL		LABOR		TOTAL	TOTAL
			RATE	TOTAL	RATE	TOTAL	UNIT RATE	MATERIAL/LABOR
			\$	\$	\$	\$	\$	\$

CONCRETE APRON (Continued)

Form edge	1,631	SF	4.00	6,524	4.80	7,829	8.80	14,353
Reinforcement at 100 lbs. per CY	51,700	LBS	1.05	54,285	0.75	38,775	1.80	93,060

CONCRETE AT PIPE PILE

Concrete in pipe pile	328	CY	400.00	131,200	90.00	29,520	490.00	160,720
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CONCRETE AT CAP

Concrete at pile cap	826	CY	400.00	330,400	95.00	78,470	495.00	408,870
Edge and curb forms	8,850	SF	4.60	40,710	5.20	46,020	9.80	86,730
Soffit forms	5,310	SF	11.00	58,410	18.00	95,580	29.00	153,990
Concrete at curb	33	CY	400.00	13,200	105.00	3,465	505.00	16,665
Cap reinforcement at 120 lbs. per CY	142,440	LBS	1.05	149,562	0.85	121,074	1.90	270,636
Cure and finish at cap	5,310	SF	0.30	1,593	1.70	9,027	2.00	10,620

MISCELLANEOUS

150 ton mooring bollard, including reinforcing anchor bolts	14	EA	18000.00	252,000	1500.00	21,000	19500.00	273,000
Freight for bollard	14	EA	1000.00	14,000			1000.00	14,000

LUTAK DOCK REPLACEMENT
HAINES, ALASKA
65% GMP COMPARATIVE DESIGN SUBMITTAL CONSTRUCTION COST ESTIMATE

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DATE: 2/21/2023

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11 - SPECIAL CONSTRUCTION	QUANTITY	UNIT	MATERIAL		LABOR		TOTAL	TOTAL
			RATE	TOTAL	RATE	TOTAL	UNIT RATE	MATERIAL/LABOR
			\$	\$	\$	\$	\$	\$

MISCELLANEOUS (Continued)

Allowance to realign AML brace ramp	1	EA	7500.00	7,500	15000.00	15,000	22500.00	22,500
Rip rap (4,537 SF)	504	CY	120.00	60,480	75.00	37,800	195.00	98,280
Fender assembly, complete	14	EA	39000.00	546,000	3500.00	49,000	42500.00	595,000

CATHODIC PROTECTION

Anode	438	EA	305.00	133,590			305.00	133,590
Installation (diver)	438	EA			300.00	131,400	300.00	131,400

SUBTOTAL:				\$ 17,469,695		\$ 2,523,390		\$ 19,993,085
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Labor Premium Time	16.70%					421,406		421,406
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TOTAL ESTIMATED COST:				\$ 17,469,695		\$ 2,944,796		\$ 20,414,491
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LUTAK DOCK REPLACEMENT
HAINES, ALASKA
65% GMP COMPARATIVE DESIGN SUBMITTAL CONSTRUCTION COST ESTIMATE

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DATE: 2/21/2023

HMS Project No.: 23015

12 - GENERAL REQUIREMENTS	QUANTITY	UNIT	MATERIAL		LABOR		TOTAL	TOTAL
			RATE	TOTAL	RATE	TOTAL	UNIT RATE	MATERIAL/LABOR
			\$	\$	\$	\$	\$	\$

MOBILIZATION

Mobilization/demobilization and set-up	1	LOT	50000.00	50,000	75000.00	75,000	125000.00	125,000
Barge freight (material and equipment not included with unit rates)	500	TONS	325.00	162,500	150.00	75,000	475.00	237,500
Return equipment freight	400	TONS	325.00	130,000	200.00	80,000	525.00	210,000
Miscellaneous air freight	2,500	LBS	1.25	3,125	0.25	625	1.50	3,750

OPERATION COSTS

Project manager	6	MOS			13000.00	78,000	13000.00	78,000
Superintendent	5	MOS	200.00	1,000	13000.00	65,000	13200.00	66,000
Field engineering	100	HRS			150.00	15,000	150.00	15,000
Expediting	5	MOS	150.00	750	3550.00	17,750	3700.00	18,500
Scheduling and estimating	5	MOS	150.00	750	5500.00	27,500	5650.00	28,250
Site offices and equipment	5	MOS	2550.00	12,750	450.00	2,250	3000.00	15,000
Consumables	5	MOS	800.00	4,000			800.00	4,000
Clerical/time keeper	5	MOS	150.00	750	3000.00	15,000	3150.00	15,750
Construction equipment and tools	5	MOS	4000.00	20,000	500.00	2,500	4500.00	22,500

LUTAK DOCK REPLACEMENT
HAINES, ALASKA
65% GMP COMPARATIVE DESIGN SUBMITTAL CONSTRUCTION COST ESTIMATE

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DATE: 2/21/2023

HMS Project No.: 23015

12 - GENERAL REQUIREMENTS	QUANTITY	UNIT	MATERIAL		LABOR		TOTAL	TOTAL
			RATE	TOTAL	RATE	TOTAL	UNIT RATE	MATERIAL/LABOR
			\$	\$	\$	\$	\$	\$

OPERATION COSTS (Continued)

Temporary utilities	5	MOS	1500.00	7,500	50.00	250	1550.00	7,750
Communications, faxes, etc.	5	MOS	500.00	2,500			500.00	2,500
Daily loading/unloading	5	MOS	250.00	1,250	1500.00	7,500	1750.00	8,750
Dumpster	5	MOS	400.00	2,000			400.00	2,000
Porta can and maintenance	5	MOS	350.00	1,750	80.00	400	430.00	2,150
Temporary barriers, protection, signage, etc.	1	LOT	2500.00	2,500	1250.00	1,250	3750.00	3,750
As-builts, schedules, submittals, etc.	1	LOT	350.00	350	2550.00	2,550	2900.00	2,900
Regular clean-up	5	MOS	100.00	500	750.00	3,750	850.00	4,250
Regular debris disposal	5	MOS	200.00	1,000	500.00	2,500	700.00	3,500
Miscellaneous materials testing	1	LOT						By Owner
Alaska Dept. of Labor contract labor filing fee	1	LOT	5000.00	5,000			5000.00	5,000
Per diem	350	MD	250.00	87,500			250.00	87,500
Travel from Anchorage	12	RT	300.00	3,600			300.00	3,600

LUTAK DOCK REPLACEMENT
HAINES, ALASKA
65% GMP COMPARATIVE DESIGN SUBMITTAL CONSTRUCTION COST ESTIMATE

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DATE: 2/21/2023

HMS Project No.: 23015

12 - GENERAL REQUIREMENTS	QUANTITY	UNIT	MATERIAL		LABOR		TOTAL	TOTAL
			RATE	TOTAL	RATE	TOTAL	UNIT RATE	MATERIAL/LABOR
			\$	\$	\$	\$	\$	\$

EQUIPMENT

250 ton Manitowoc 999 crawler crane with 300'0" boom	5	MOS	52500.00	262,500			52500.00	262,500
Freight for crane	2	LOTS	85800.00	171,600			85800.00	171,600
Set up crane (3 days, 6 people)	1	LOT			15300.00	15,300	15300.00	15,300
Tear down crane (3 days, 6 people)	1	LOT			15300.00	15,300	15300.00	15,300
Pile leads and template allowance	5	MOS	10000.00	50,000			10000.00	50,000
Over water working platform	5	MOS	15000.00	75,000			15000.00	75,000
Excavator	5	MOS	11750.00	58,750			11750.00	58,750
Loader	5	MOS	17900.00	89,500			17900.00	89,500
Roller	5	MOS	7500.00	37,500			7500.00	37,500
Telehandler	5	MOS	7425.00	37,125			7425.00	37,125
Welder	5	MOS	3075.00	15,375			3075.00	15,375
Grader	5	MOS	9450.00	47,250			9450.00	47,250
Generator	5	MOS	2100.00	10,500			2100.00	10,500
Light plant	5	MOS	1250.00	6,250			1250.00	6,250

LUTAK DOCK REPLACEMENT
 HAINES, ALASKA
 65% GMP COMPARATIVE DESIGN SUBMITTAL CONSTRUCTION COST ESTIMATE

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DATE: 2/21/2023

HMS Project No.: 23015

12 - GENERAL REQUIREMENTS	QUANTITY	UNIT	MATERIAL		LABOR		TOTAL	TOTAL
			RATE	TOTAL	RATE	TOTAL	UNIT RATE	MATERIAL/LABOR
			\$	\$	\$	\$	\$	\$

EQUIPMENT (Continued)

Clamshell bucket	5	MOS	1550.00	7,750			1550.00	7,750
Man lift	5	MOS	4600.00	23,000			4600.00	23,000
Pickup truck (4)	5	MOS	3150.00	15,750			3150.00	15,750
Diesel hammer	5	MOS	9375.00	46,875			9375.00	46,875
Vibratory hammer	5	MOS	9875.00	49,375			9875.00	49,375
Mobilization/demobilization of equipment	30	EA	2700.00	81,000	1700.00	51,000	4400.00	132,000
Barge	5	MOS	14100.00	70,500			14100.00	70,500
Tugboat	5	MOS	12400.00	62,000			12400.00	62,000
Small work boat	5	MOS	900.00	4,500			900.00	4,500
Large work boat	5	MOS	13400.00	67,000			13400.00	67,000
Mobilization/demobilization of barge	1	EA	100000.00	100,000			100000.00	100,000
Mechanic with oiler truck for maintenance of equipment (full time)	5	MOS	30000.00	150,000			30000.00	150,000
Fuel for equipment (6,000 gallons per month)	5	MOS	30000.00	150,000			30000.00	150,000
SUBTOTAL:				\$ 2,190,175		\$ 553,425		\$ 2,743,600

LUTAK DOCK REPLACEMENT
HAINES, ALASKA

DATE: 2/21/2023

HMS Project No.: 23015

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HMS Project No.: 23015

13 - CONTINGENCIES	QUANTITY	UNIT	MATERIAL		LABOR		TOTAL	TOTAL
			RATE	TOTAL	RATE	TOTAL	UNIT RATE	MATERIAL/LABOR
			\$	\$	\$	\$	\$	\$

ESTIMATOR'S CONTINGENCY

The estimator's allowance for architectural and engineering requirements that may change at final design or by addendum and unknown site conditions, addenda, etc.	5.00%	\$ 1,353,589
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ESCALATION CONTINGENCY

The allowance for escalation from the date of estimate to the proposed start of construction of June 2023 at the rate of 6.67% per annum (4 months)	2.22%	\$ 631,043
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TOTAL ESTIMATED COST:	\$ 1,984,632
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