Aleutians East Borough Assembly Meeting

Meeting: Thursday, January 16, 2014 – 3:00 p.m.

Roll Call & Establishment of a Quorum

Adoption of Agenda

Agenda

Assembly Meeting

(packet available on website www.aleutianseast.org)

Date: Thursday, January 16, 2014

Time/Location: Meeting: 3:00 p.m. - By teleconference in each community location below:

King Cove AEB office
Sand Point – AEB office
Nelson Lagoon Corp. office
Anchorage – 3380 C Street
False Pass city office
Akutan city office
Cold Bay city office - library

ASSEMBLY MEETING AGENDA

All communities will be provided with conference calling information for the designated location in your community. Public comments on agenda items will take place immediately after the adoption of the agenda. Additional public comments can be made at the end of the meeting.

1. Roll Call & Establishment of Quorum.
2. Adoption of the Agenda.
3. Community Roll Call and Public Comment on Agenda Items.
4. Minutes
   - December 12, 2013 Minutes

5. Financial Reports
   - Financial Reports, December, 2013.
   - Investment Reports, December, 2013

6. Resolutions:
   - Resolution 14-13, Approving the Fee & Penalty Schedule for the AEB Land Use Permits.
   - Resolution 14-14, The Assembly approving a $500,000 contribution to the Cold Bay Clinic Construction Project.

7. Public Hearings:
   - Public Hearing Ordinance 14-03, Amending AEB Code Title 1, General Provisions.
   - Public Hearing Ordinance 14-04, Amending AEB Code Title 2, Administration.
   - Public Hearing Ordinance 14-05, Amending AEB Code Title 40, Planning, Platting and Land Use.
   - Public Hearing Ordinance 14-06, Amending AEB Code Title 45, Powers and Functions.

8. Old Business

9. New Business
   - Planning Commission Resignation and Appointment.

9. Reports and Updates

10. Assembly Comments

11. Public Comments

13. Next Meeting Date and Time

14. Adjournment

Community Roll Call & Public Comment on Agenda Items

Minutes

Aleutians East Borough Minutes
December 12, 2013

CALL TO ORDER
Mayor Mack called the December 12, 2013 Assembly meeting to order at 4:30 p.m. by teleconference in each community.

ROLL CALL

Mayor Stanley Mack	Present
Paul Gronholdt	Present
Carol Foster	Present
Marvin Mack	Present
Alvin D. Osterback	Present
Ken McHugh	Present
Joe Bereskin, Sr.	Present
Brenda Wilson	Present

Advisory Members:

Nikki Hoblet, False Pass	Present
Harold Kremer III, Cold Bay	Present
Justine Gundersen, Nelson Lagoon	Absent-Excused

A quorum was present.

Staff Present:
- Rick Gifford, Administrator
- Ernie Weiss, Resource Director
- Roxann Newman, Finance Director
- Anne Bailey, Community Development Coordinator
- Tina Anderson, Clerk
- Laura Tanis, Communications
- Joe Levesque, AEB Attorney

Adoption of Agenda:
MOTION
Paul moved to approve the agenda with the changes below and second by Brenda:

Remove Resolution 14-13 from the agenda to be placed on agenda next month.
Remove Ordinances 14-04 and 14-05 from Consent Agenda to be placed in New Business.

ROLL CALL

Unapproved

Joe-yes, Paul-yes, Marvin-yes, Carol-yes, Ken-yes, Alvin-yes, Brenda-yes. Advisory: Nikki-yes, Harold-yes. MOTION PASSED.

Community Roll Call and Public Comments on Agenda Items:

The communities of Sand Point, King Cove, Cold Bay, False Pass were present. There were no Public Comments.

November 6, 2013 Minutes:

MOTION

Brenda moved to approve the November 6, 2013 Minutes and second by Ken. Hearing no objection, MOTION PASSED.

November Financial Report:

MOTION

Brenda moved to approve the November Financial Repost and second by Paul.
Finance Director said departments are running between 30-40% of the budgeted amount.

ROLL CALL

Paul-yes, Carol-yes, Joe-yes, Alvin-yes, Marvin-yes, Ken-yes, Brenda-yes.

Investment Reports:
Report in packet.

Consent Agenda:

- Resolution 14-11, Adopting an alternative allocation method for the FY14 Shared Fisheries Business Tax Program for FMA 2.
- Resolution 14-12, Adopting an alternative allocation method for the FY14 Shared Fisheries Business Tax Program for FMA 3.
- Introduction Ordinance 14-03, Amending AEB Code Title 1, General Provisions.
- Introduction Ordinance 14-06, Amending AEB Code Title 45, Powers and Functions.

MOTION
Joe moved to approve the Consent Agenda and second by Brenda.

ROLL CALL
Ken-yes, Brenda-yes, Alvin-yes, Carol-yes, Marvin-yes, Joe-yes, Paul-yes. Advisory: Nikki-yes, Harold-yes. MOTION PASSED.

NEW BUSINESS

Approval of Maritime Helicopters Inc. Contract:

MOTION

Brenda moved to approve contract with Maritime Helicopters Inc. and second by Ken.

Unapproved

The Administrator said at the Assembly meeting last month a draft contract was before the Assembly and resolution approved with 2 additional one year terms. The contract was negotiated without any major changes. Attorney recommended that it be ratified before the Assembly.

Alvin said in a prior discussion the hovercraft was going to be removed and stored in King Cove but now it will stay in Akutan. The Administrator said it was determined that there is enough room in hangar for the hovercraft and helicopter to be out of the weather.
The Administrator said the last day for Hoverlink will be February 22, seven days are needed for winterizing the hovercraft. The helicopter will arrive February 5th so about a ten day overlap of services. Paul asked if any other contract changes, the Administrator said no, just details on operation.

ROLL CALL
Ken-yes, Brenda-yes, Alvin-yes, Joe-abstain, Marvin-yes, Paul-yes, Carol-yes. Advisory: Nikki-yes, Harold-yes. MOTION PASSED.

Introduction Ordinance 14-04, Amending AEB Code Title 2, Administration:
MOTION
Paul moved to introduce Ordinance14-04 and set for Public Hearing with one change to Chapter 2.16.030(A),Election and Term of Mayor, to reduce the amount of time required to serving as Mayor from *no less than three consecutive years* to *no less than one consecutive year*. Second by Brenda.

ROLL CALL
Paul-yes, Joe-yes, Carol-yes, Brenda-yes, Ken-yes, Marvin-yes, Alvin-yes. Advisory: Nikki-yes, Harold-yes. MOTION PASSED.

Introduction Ordinance 14-05, Amending AEB Code Title 40, Planning, Platting and Land Use:
MOTION
Paul moved to introduce Ordinance 14-05 in packet and set for Public Hearing with the following minor changes recommended:

1. **Chapter 40.20.010 (A)(1) Commercial Recreation Operator Land Use Permit Required.**
   Revise Chapter 40.20.010 (A)(1) to require Commercial Recreation Operator Land Use Permits to be required as of January 1, 2015.

2. **Chapter 40.20.020 (A)(1) Sand, Gravel and Rock Land Use Permit Required.**

   Revise Chapter 40.20.020 (A)(1) to require Sand, Gravel and Rock Land Use Permits to be required as of January 1, 2015.

3. **Chapter 40.20.030 (A)(1) Research Land Use Permit Required.**

Unapproved

Revise Chapter 40.20.030 (A)(1) to require Research Land Use Permits to be required as of January 1, 2015.

4. **Chapter 40.20.040 (A)(1) Mineral & Coal Exploration & Small Mining Operations Land Use Permit Required.**

   Revise Chapter 40.20.040 (A)(1) to require Mineral & Coal Exploration & Small Mining Operations Land Use Permits to be required as of January 1, 2015.

5. **Chapter 40.20.050 (A)(1) Offshore & Direct Marketing Seafood Processing Land Use Permit Required.**

   Revise Chapter 40.20.050 (A)(1) to require Offshore & Direct Marketing Seafood Processing Land Use Permits to be required as of January 1, 2015.

6. **Chapter 40.20.060 (A)(1) Onshore Seafood Processing Land Use Permit Required.**

   Revise Chapter 40.20.060 (A)(1) to require Onshore Seafood Processing Land Use Permits to be required as of January 1, 2015.

   [Note that Large Mines and Oil and Gas Land Use Permits have been required since 2006; therefore, the any changes in the permit application requirements will be effective immediately upon Assembly approval in January 2014, since these operators have had several years of notice that a permit is required].

7. **Chapter 40.20.070 (E) Large Mining Operations Land Use Permit Required.**

   Revise Chapter 40.20.070 (E) to increase the minimum Large Mining Operations Permit Fee Fund balance for large mining operations from $10,000 to $12,500.

There was a discussion regarding the Nelson Lagoon boundaries. It was suggested that the proposed action item to update Nelson Lagoon boundaries be introduced at the next Assembly meeting.

ROLL CALL
Brenda-yes, Joe-yes, Paul-yes, Carol-yes, Marvin-yes, Ken-yes, Alvin-yes. Advisory: Nikki-yes, Harold-yes. MOTION PASSED.

REPORTS AND UPDATES
In packet

ASSEMBLY COMMENTS

Unapproved

Paul said the Resource Director is attending NPFMC at this time. Resource Director instrumental in organizing a reception for the chairman.

Public Comments
none

Executive Session:

Appeal of KRI, Inc., regarding its Claim for Equitable Adjustment which is before the Armed Services Board of Contract Appeals. The purpose of the Executive Session is to discuss litigation tactics and strategies in the above referenced case which arises out of the False Pass Harbor Project.

MOTION
Brenda moved to go into Executive Session and second by Ken. The Assembly went into Executive Session at 4:10 p.m.

The Assembly came out of Executive Session at 4:45 p.m. No action taken.

NEXT MEETING
By teleconference Thursday, January 9, date subject to change.

ADJOURNMENT
Ken moved to adjourn and seconded by Alvin. Hearing no more the meeting adjourned at 4:48 p.m.

_____ _____

Mayor Date Clerk Date

Unapproved

Financial Report

ALEUTIANS EAST BOROUGH
*Revenue Guideline©

Current Period: DECEMBER 13-14

		13-14 YTD Budget	13-14 YTD Amt	DECEMBER MTD Amt	13-14 YTD Balance	% of Budget
Fund 01 GENERAL FUND						
Active	R 01-201 INTEREST REVENUE	$35,000.00	$5,235.22	$262.66	$29,764.78	14.96%
Active	R 01-203 OTHER REVENUE	$7,000.00	$2,105.81	$250.00	$4,894.19	30.08%
Active	R 01-204 OPERATING TRANSFER F	$0.00	$0.00	$0.00	$0.00	0.00%
Active	R 01-206 AEBSD Fund Balance Refun	$0.00	$248,667.03	$0.00	-$248,667.03	0.00%
Active	R 01-218 AEB RAW FISH TAX	$3,200,779.00	$1,794,619.26	$328,123.67	$1,406,159.74	56.07%
Active	R 01-229 Southwest Cities LLC	$0.00	$0.00	$0.00	$0.00	0.00%
Active	R 01-233 STATE PERS ON-BEHALF	$0.00	$0.00	$0.00	$0.00	0.00%
Active	R 01-265 STATE RAW FISH TAX	$2,033,097.00	$1,869,127.03	$0.00	$163,969.97	91.93%
Active	R 01-266 STATE EXTRATERRITORIA	$243,084.00	$0.00	$0.00	$243,084.00	0.00%
Active	R 01-267 STATE FISH LANDING TAX	$53,571.00	$48,863.92	$0.00	$4,707.08	91.21%
Active	R 01-268 State"Loss" Of Raw Fish Tax	$0.00	$0.00	$0.00	$0.00	0.00%
Active	R 01-270 STATE REVENUE OTHER	$575,711.00	$406,626.00	$0.00	$169,085.00	70.63%
Active	R 01-276 AEB SCHOOL	$0.00	$0.00	$0.00	$0.00	0.00%
Active	R 01-277 STATE BOND REBATE	$1,045,464.00	$380,210.00	$250,732.00	$665,254.00	36.37%
Active	R 01-291 PLO-95 PAYMNT IN LIEU O	$559,000.00	$0.00	$0.00	$559,000.00	0.00%
Active	R 01-292 USFWS LANDS	$36,256.00	$15,222.00	$0.00	$21,034.00	41.98%
	Total Fund 01 GENERAL FUND	$7,788,962.00	$4,770,676.27	$579,368.33	$3,018,285.73	61.25%

ALEUTIANS EAST BOROUGH
*Expenditure Guideline©

Current Period: DECEMBER 13-14

		13-14 YTD Budget	13-14 YTD Amt	DECEMBER MTD Amt	13-14 YTD Balance	% of Budget
Fund 01 GENERAL FUND						
DEPT 100 MAYORS OFFICE						
Active	E 01-100-000-300 SALARIES	$72,897.00	$36,448.80	$6,074.80	$36,448.20	50.00%
Active	E 01-100-000-350 FRINGE BENEFITS	$27,810.00	$14,727.24	$2,454.54	$13,082.76	52.96%
Active	E 01-100-000-400 TRAVEL AND PER	$36,000.00	$18,215.45	$6,080.23	$17,784.55	50.60%
Active	E 01-100-000-425 TELEPHONE	$2,400.00	$683.69	$109.42	$1,716.31	28.49%
Active	E 01-100-000-475 SUPPLIES	$1,000.00	$149.01	$99.01	$850.99	14.90%
Active	E 01-100-000-554 AK LOBBIST	$45,000.00	$22,367.53	$3,500.00	$22,632.47	49.71%
Active	E 01-100-000-555 FEDERAL LOBBIS	$75,600.00	$31,500.00	$6,300.00	$44,100.00	50.00%
SUBDEPT 000		$260,707.00	$124,091.72	$24,618.00	$130,315.28	47.60%
	Total DEPT 100 MAYORS OFFICE	$260,707.00	$124,091.72	$24,618.00	$130,315.28	47.60%
DEPT 105 ASSEMBLY						
Active	E 01-105-000-300 SALARIES	$25,000.00	$12,100.00	$2,700.00	$12,900.00	48.40%
Active	E 01-105-000-350 FRINGE BENEFITS	$56,000.00	$32,670.80	$5,527.50	$23,329.20	58.34%
Active	E 01-105-000-400 TRAVEL AND PER	$40,000.00	$29,578.50	$11,522.00	$10,421.50	73.95%
Active	E 01-105-000-425 TELEPHONE	$4,500.00	$1,361.53	$0.00	$3,138.47	30.26%
Active	E 01-105-000-475 SUPPLIES	$500.00	$2,914.98	$275.00	-$2,414.98	638.00%
SUBDEPT 000		$126,000.00	$78,625.81	$20,024.50	$47,099.19	62.40%
	Total DEPT 105 ASSEMBLY	$126,000.00	$78,625.81	$20,024.50	$47,099.19	62.40%
DEPT 150 PLANNING/CLERKS DEPARMENT						
Active	E 01-150-000-300 SALARIES	$85,543.00	$41,353.27	$7,232.38	$44,189.73	48.34%
Active	E 01-150-000-350 FRINGE BENEFITS	$33,524.00	$21,319.03	$2,786.82	$12,204.97	63.59%
Active	E 01-150-000-400 TRAVEL AND PER	$12,500.00	$6,418.00	$1,494.00	$6,082.00	51.34%
Active	E 01-150-000-425 TELEPHONE	$7,500.00	$3,070.20	$764.61	$4,429.80	44.87%
Active	E 01-150-000-450 POSTAGE/SPEED	$1,500.00	$144.40	$31.98	$1,355.60	9.63%
Active	E 01-150-000-475 SUPPLIES	$9,000.00	$3,462.22	$38.71	$5,537.78	38.47%
Active	E 01-150-000-526 UTILITIES	$20,000.00	$7,101.79	$1,375.17	$12,898.21	44.67%
Active	E 01-150-000-530 DUES AND FEES	$5,000.00	$2,891.55	$0.00	$2,108.45	57.83%
Active	E 01-150-000-650 ELECTION	$8,000.00	$3,823.72	$0.00	$4,176.28	47.80%
Active	E 01-150-000-670 Planning Commisio	$4,300.00	$9,737.89	$2,100.00	-$5,437.89	226.46%
SUBDEPT 000		$186,867.00	$99,322.07	$15,823.67	$85,418.06	53.15%
	Total DEPT 150 PLANNING/CLERKS DEPARMENT	$186,867.00	$99,322.07	$15,823.67	$85,418.06	53.15%
DEPT 200 ADMINISTRATION						
Active	E 01-200-000-300 SALARIES	$172,168.00	$88,771.92	$14,795.32	$83,396.08	51.56%
Active	E 01-200-000-350 FRINGE BENEFITS	$64,234.00	$42,826.95	$7,068.19	$21,407.05	66.67%
Active	E 01-200-000-380 CONTRACT LABO	$18,000.00	$9,000.00	$3,000.00	$9,000.00	50.00%
Active	E 01-200-000-382 ANCHORAGE OFFI	$0.00	$9,047.19	$10,090.73	-$9,047.19	0.00%
Active	E 01-200-000-400 TRAVEL AND PER	$25,500.00	$9,642.26	$2,225.21	$15,857.74	37.81%
Active	E 01-200-000-425 TELEPHONE	$6,000.00	$3,590.40	$164.72	$2,409.60	59.84%
Active	E 01-200-000-450 POSTAGE/SPEED	$2,500.00	$0.00	$0.00	$2,500.00	0.00%
Active	E 01-200-000-475 SUPPLIES	$18,120.00	$6,653.85	$2,900.55	$11,466.15	36.84%
Active	E 01-200-000-500 EQUIPMENT	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 01-200-000-525 RENTAL/LEASE	$14,500.00	$6,568.34	$0.00	$7,931.66	45.30%
Active	E 01-200-000-530 DUES AND FEES	$2,500.00	$295.00	$0.00	$2,205.00	11.80%
SUBDEPT 000		$323,522.00	$176,395.91	$40,244.72	$147,105.15	54.52%
	Total DEPT 200 ADMINISTRATION	$323,522.00	$176,395.91	$40,244.72	$147,105.15	54.52%
DEPT 250 FINANCE DEPARTMENT						
Active	E 01-250-000-300 SALARIES	$122,867.00	$61,219.50	$11,281.30	$61,647.50	49.83%
Active	E 01-250-000-350 FRINGE BENEFITS	$51,161.00	$26,265.25	$4,376.20	$24,895.75	51.34%
Active	E 01-250-000-400 TRAVEL AND PER	$4,000.00	$4,795.10	$1,277.00	-$795.10	119.88%
Active	E 01-250-000-425 TELEPHONE	$5,000.00	$2,345.00	$429.98	$2,655.00	54.15%

ALEUTIANS EAST BOROUGH
*Expenditure Guideline©

Current Period: DECEMBER 13-14

		13-14 YTD Budget	13-14 YTD Amt	DECEMBER MTD Amt	13-14 YTD Balance	% of Budget
Active	E 01-250-000-450 POSTAGE/SPEED	$2,500.00	$1,415.98	$901.04	$1,084.02	56.64%
Active	E 01-250-000-475 SUPPLIES	$5,000.00	$5,130.19	($1,843.67)	-$130.19	103.77%
Active	E 01-250-000-526 UTILITIES	$5,000.00	$1,493.95	$198.45	$3,506.05	29.88%
Active	E 01-250-000-550 AUDIT	$45,000.00	$29,334.40	$0.00	$15,665.60	65.19%
SUBDEPT 000		$240,528.00	$131,999.37	$16,620.30	$108,108.04	54.88%
Total DEPT 250 FINANCE DEPARTMENT		$240,528.00	$131,999.37	$16,620.30	$108,108.04	54.88%
DEPT 650 RESOURCE DEPARTMENT						
Active	E 01-650-000-300 SALARIES	$83,970.00	$41,985.24	$6,997.54	$41,984.76	50.00%
Active	E 01-650-000-350 FRINGE BENEFITS	$30,040.00	$16,025.52	$2,670.92	$14,014.48	53.35%
Active	E 01-650-000-380 CONTRACT LABO	$75,000.00	$37,500.00	$6,250.00	$37,500.00	50.00%
Active	E 01-650-000-400 TRAVEL AND PER	$35,000.00	$10,081.52	$3,181.02	$24,918.48	28.80%
Active	E 01-650-000-401 SEMD SAMPLING	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 01-650-000-402 NPFMC Meetings	$15,000.00	$4,294.00	$1,000.00	$10,706.00	28.63%
Active	E 01-650-000-403 BOF Meetings	$30,000.00	$4,187.82	$1,437.82	$25,812.18	13.96%
Active	E 01-650-000-404 Unimak Bight Crab	$50,000.00	$0.00	$0.00	$50,000.00	0.00%
Active	E 01-650-000-425 TELEPHONE	$3,000.00	$604.80	$0.00	$2,395.20	20.16%
Active	E 01-650-000-475 SUPPLIES	$7,000.00	$6,807.76	$300.00	$192.24	97.25%
Active	E 01-650-000-525 RENTAL/LEASE	$8,903.00	$3,698.92	$0.00	$5,204.08	41.55%
SUBDEPT 000		$337,913.00	$125,185.58	$21,837.30	$212,727.42	37.05%
Total DEPT 650 RESOURCE DEPARTMENT		$337,913.00	$125,185.58	$21,837.30	$212,727.42	37.05%
DEPT 651 PUBLIC INFORMATION						
Active	E 01-651-011-300 SALARIES	$89,778.00	$44,888.88	$7,481.48	$44,889.12	50.00%
Active	E 01-651-011-350 FRINGE BENEFITS	$32,736.00	$16,123.83	$2,775.88	$16,612.17	49.25%
Active	E 01-651-011-400 TRAVEL AND PER	$15,000.00	$2,837.22	$680.50	$12,162.78	18.91%
Active	E 01-651-011-425 TELEPHONE	$2,400.00	$918.72	$134.75	$1,481.28	43.89%
Active	E 01-651-011-450 POSTAGE/SPEED	$250.00	$0.00	$0.00	$250.00	0.00%
Active	E 01-651-011-475 SUPPLIES	$4,500.00	$1,785.86	$1,004.00	$2,714.14	39.69%
Active	E 01-651-011-525 RENTAL/LEASE	$10,016.00	$4,161.30	$0.00	$5,854.70	41.55%
Active	E 01-651-011-532 ADVERTISING	$15,000.00	$9,254.83	$3,869.47	$5,745.17	61.70%
SUBDEPT 011 PUBLIC INFORMATION		$169,680.00	$79,970.64	$15,946.08	$89,574.61	47.13%
Total DEPT 651 PUBLIC INFORMATION		$169,680.00	$79,970.64	$15,946.08	$89,574.61	47.13%
DEPT 700 PUBLIC WORKS DEPARTMENT						
Active	E 01-700-000-300 SALARIES	$77,138.00	$39,168.48	$6,428.08	$37,969.52	50.78%
Active	E 01-700-000-350 FRINGE BENEFITS	$29,602.00	$15,572.44	$2,537.38	$14,029.56	52.61%
Active	E 01-700-000-400 TRAVEL AND PER	$11,000.00	$4,385.00	$0.00	$6,615.00	39.86%
Active	E 01-700-000-425 TELEPHONE	$1,500.00	$696.51	$84.34	$803.49	49.03%
Active	E 01-700-000-475 SUPPLIES	$6,000.00	$2,871.68	$1,092.33	$3,128.32	47.86%
Active	E 01-700-000-500 EQUIPMENT	$1,500.00	$0.00	$0.00	$1,500.00	0.00%
Active	E 01-700-000-526 UTILITIES	$2,000.00	$204.32	$52.97	$1,795.68	10.22%
SUBDEPT 000		$128,740.00	$62,898.43	$10,195.10	$65,802.57	48.86%
Total DEPT 700 PUBLIC WORKS DEPARTMENT		$128,740.00	$62,898.43	$10,195.10	$65,802.57	48.86%
DEPT 844 KCAP						
Active	E 01-844-000-300 SALARIES	$2,500.00	$0.00	$0.00	$2,500.00	0.00%
Active	E 01-844-000-350 FRINGE BENEFITS	$2,000.00	$0.00	$0.00	$2,000.00	0.00%
Active	E 01-844-000-400 TRAVEL AND PER	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 01-844-000-425 TELEPHONE	$1,120.00	$968.45	$0.00	$151.55	86.47%
Active	E 01-844-000-475 SUPPLIES	$600.00	$966.75	$191.43	-$366.75	161.13%
Active	E 01-844-000-525 RENTAL/LEASE	$8,903.00	$2,955.51	$0.00	$5,947.49	33.20%
SUBDEPT 000		$15,123.00	$4,890.71	$191.43	$10,232.29	32.34%
Total DEPT 844 KCAP		$15,123.00	$4,890.71	$191.43	$10,232.29	32.34%
DEPT 850 EDUCATION						

ALEUTIANS EAST BOROUGH
*Expenditure Guideline©

Current Period: DECEMBER 13-14

		13-14 YTD Budget	13-14 YTD Amt	DECEMBER MTD Amt	13-14 YTD Balance	% of Budget
Active	E 01-850-000-700 LOCAL SCHOOL C	$1,150,000.00	$575,000.00	$287,500.00	$575,000.00	50.00%
Active	E 01-850-000-701 SCHOOL SCHOLA	$20,000.00	$0.00	$0.00	$20,000.00	0.00%
Active	E 01-850-000-703 School Contribution	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 01-850-000-756 STUDENT TRAVEL	$5,000.00	$0.00	$0.00	$5,000.00	0.00%
SUBDEPT 000		$1,175,000.00	$575,000.00	$287,500.00	$600,000.00	48.94%
	Total DEPT 850 EDUCATION	$1,175,000.00	$575,000.00	$287,500.00	$600,000.00	48.94%
DEPT 860 SPECIAL ASSISTANT-NLG,FP,CDB						
Active	E 01-860-000-300 SALARIES	$73,970.00	$36,985.20	$6,164.20	$36,984.80	50.00%
Active	E 01-860-000-350 FRINGE BENEFITS	$27,256.00	$15,029.96	$2,475.50	$12,226.04	55.14%
Active	E 01-860-000-400 TRAVEL AND PER	$10,000.00	$659.50	$0.00	$9,340.50	6.60%
Active	E 01-860-000-425 TELEPHONE	$4,000.00	$327.35	$40.00	$3,672.65	8.18%
Active	E 01-860-000-450 POSTAGE/SPEED	$250.00	$0.00	$0.00	$250.00	0.00%
Active	E 01-860-000-475 SUPPLIES	$4,500.00	$488.76	$278.00	$4,011.24	10.86%
Active	E 01-860-000-525 RENTAL/LEASE	$8,903.00	$3,698.92	$0.00	$5,204.08	41.55%
SUBDEPT 000		$128,879.00	$57,189.69	$8,957.70	$71,689.31	44.37%
	Total DEPT 860 SPECIAL ASSISTANT-NLG,FP,CDB	$128,879.00	$57,189.69	$8,957.70	$71,689.31	44.37%
DEPT 900 OTHER						
Active	E 01-900-000-500 EQUIPMENT	$13,200.00	$4,094.04	$2,525.60	$9,105.96	31.02%
Active	E 01-900-000-515 AEB VEHICLES	$20,000.00	$0.00	$0.00	$20,000.00	0.00%
Active	E 01-900-000-525 RENTAL/LEASE	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 01-900-000-526 UTILITIES	$25,000.00	$9,187.25	$2,172.66	$15,812.75	36.75%
Active	E 01-900-000-527 Aleutia Crab	$58,522.00	$0.00	$0.00	$58,522.00	0.00%
Active	E 01-900-000-551 LEGAL	$175,000.00	$42,770.83	($11,402.01)	$132,229.17	24.44%
Active	E 01-900-000-552 INSURANCE	$150,000.00	$131,261.38	$0.00	$18,738.62	87.51%
Active	E 01-900-000-600 REPAIRS	$10,000.00	$5,404.58	$2,580.56	$4,595.42	54.05%
Active	E 01-900-000-727 BANK FEES	$2,000.00	$466.50	$166.50	$1,533.50	23.33%
Active	E 01-900-000-752 CONTRIBUTION T	$150,000.00	$75,000.00	$37,500.00	$75,000.00	50.00%
Active	E 01-900-000-753 MISC EXPENSE	$96,000.00	$125,523.41	$73,757.39	-$29,523.41	130.75%
Active	E 01-900-000-757 DONATIONS	$23,500.00	$7,000.00	$0.00	$16,500.00	29.79%
Active	E 01-900-000-760 REVENUE SHARIN	$32,000.00	$0.00	$0.00	$32,000.00	0.00%
Active	E 01-900-000-943 WEB SERVICE	$25,000.00	$9,464.00	$1,840.00	$15,536.00	37.86%
SUBDEPT 000		$780,222.00	$410,171.99	$109,140.70	$370,050.01	52.57%
	Total DEPT 900 OTHER	$780,222.00	$410,171.99	$109,140.70	$370,050.01	52.57%
	Total Fund 01 GENERAL FUND	$3,873,181.00	$1,927,331.92	$572,689.50	$1,936,531.93	49.76%

ALEUTIANS EAST BOROUGH
*Revenue Guideline©

Current Period: DECEMBER 13-14

		13-14 YTD Budget	13-14 YTD Amt	DECEMBER MTD Amt	13-14 YTD Balance	% of Budget
Fund 20 GRANT PROGRAMS						
Active	R 20-201 INTEREST REVENUE	$0.00	$0.00	$0.00	$0.00	0.00%
Active	R 20-203 OTHER REVENUE	$0.00	$0.00	$0.00	$0.00	0.00%
Active	R 20-207 AEB Grant Revenue	$296,000.00	$0.00	$0.00	$296,000.00	0.00%
Active	R 20-254 KCAP Road Completion	$707,444.26	$0.00	$0.00	$707,444.26	0.00%
Active	R 20-287 KCAP/09-DC-359	$1,958,992.03	$0.00	$0.00	$1,958,992.03	0.00%
Active	R 20-422 DENALI COMMISSION/FAL	$103,658.05	$0.00	$0.00	$103,658.05	0.00%
Active	R 20-424 EDA/Akutan Harbor Floats	$1,000,000.00	$0.00	$0.00	$1,000,000.00	0.00%
Active	R 20-499 Cold Bay Airport-Apron&Taxi	$2,000,000.00	$0.00	$0.00	$2,000,000.00	0.00%
Active	R 20-504 Nelson Lagoon Erosion10CI	$238,710.36	$0.00	$0.00	$238,710.36	0.00%
Active	R 20-516 Library Grant Program	$1,500.00	$0.00	$0.00	$1,500.00	0.00%
Active	R 20-518 CIAP-Create A Resource La	$226,544.52	$3,282.00	$0.00	$223,262.52	1.45%
Active	R 20-813 Akutan Airport/CIP Trident	$900,000.00	$0.00	$0.00	$900,000.00	0.00%
	Total Fund 20 GRANT PROGRAMS	$7,432,849.22	$3,282.00	$0.00	$7,429,567.22	0.04%

ALEUTIANS EAST BOROUGH
*Expenditure Guideline©

Current Period: DECEMBER 13-14

	13-14 YTD Budget	13-14 YTD Amt	DECEMBER MTD Amt	13-14 YTD Balance	% of Budget
Fund 20 GRANT PROGRAMS					
DEPT 422 DENALI COMMISSION/FALSE PASS					
Active E 20-422-000-850 CAPITAL CONSTR	$103,658.05	$0.00	$0.00	$103,658.05	0.00%
SUBDEPT 000	$103,658.05	$0.00	$0.00	$103,658.05	0.00%
Total DEPT 422 DENALI COMMISSION/FALSE PASS	$103,658.05	$0.00	$0.00	$103,658.05	0.00%
DEPT 424 EDA/Akutan Harbor Floats					
Active E 20-424-000-850 CAPITAL CONSTR	$1,000,000.00	$0.00	$0.00	$1,000,000.00	0.00%
SUBDEPT 000	$1,000,000.00	$0.00	$0.00	$1,000,000.00	0.00%
Total DEPT 424 EDA/Akutan Harbor Floats	$1,000,000.00	$0.00	$0.00	$1,000,000.00	0.00%
DEPT 499 Cold Bay Airport-Apron&Taxiway					
Active E 20-499-049-850 CAPITAL CONSTR	$2,000,000.00	$0.00	$0.00	$2,000,000.00	0.00%
SUBDEPT 049 DCCED-13-DC-501	$2,000,000.00	$0.00	$0.00	$2,000,000.00	0.00%
Total DEPT 499 Cold Bay Airport-Apron&Taxiway	$2,000,000.00	$0.00	$0.00	$2,000,000.00	0.00%
DEPT 502 Cold Bay Dock/Grant					
Active E 20-502-000-600 REPAIRS	$71,000.00	$0.00	$0.00	$71,000.00	0.00%
SUBDEPT 000	$71,000.00	$0.00	$0.00	$71,000.00	0.00%
Total DEPT 502 Cold Bay Dock/Grant	$71,000.00	$0.00	$0.00	$71,000.00	0.00%
DEPT 504 Nelson Lagoon Erosion					
Active E 20-504-000-850 CAPITAL CONSTR	$238,710.36	$111,954.09	$111,954.09	$126,756.27	46.90%
SUBDEPT 000	$238,710.36	$111,954.09	$111,954.09	$126,756.27	46.90%
Total DEPT 504 Nelson Lagoon Erosion	$238,710.36	$111,954.09	$111,954.09	$126,756.27	46.90%
DEPT 513 COLD BAY APRON PROJECT					
Active E 20-513-000-850 CAPITAL CONSTR	$225,000.00	$0.00	$0.00	$225,000.00	0.00%
SUBDEPT 000	$225,000.00	$0.00	$0.00	$225,000.00	0.00%
Total DEPT 513 COLD BAY APRON PROJECT	$225,000.00	$0.00	$0.00	$225,000.00	0.00%
DEPT 516 Library Grant Program					
Active E 20-516-000-475 SUPPLIES	$1,106.17	$0.00	$0.00	$1,106.17	0.00%
SUBDEPT 000	$1,106.17	$0.00	$0.00	$1,106.17	0.00%
Total DEPT 516 Library Grant Program	$1,106.17	$0.00	$0.00	$1,106.17	0.00%
DEPT 518 CIAP-Create A Resource LandUse					
Active E 20-518-000-850 CAPITAL CONSTR	$226,544.52	$41,539.74	$38,087.14	$185,004.78	18.34%
SUBDEPT 000	$226,544.52	$41,539.74	$38,087.14	$185,004.78	18.34%
Total DEPT 518 CIAP-Create A Resource LandUse	$226,544.52	$41,539.74	$38,087.14	$185,004.78	18.34%
DEPT 802 CAPITAL - COLD BAY					
Active E 20-802-000-850 CAPITAL CONSTR	$60,000.00	$0.00	$0.00	$60,000.00	0.00%
SUBDEPT 000	$60,000.00	$0.00	$0.00	$60,000.00	0.00%
Total DEPT 802 CAPITAL - COLD BAY	$60,000.00	$0.00	$0.00	$60,000.00	0.00%
DEPT 803 CAPITAL - FALSE PASS					
Active E 20-803-000-850 CAPITAL CONSTR	$14,070.13	$0.00	$0.00	$14,070.13	0.00%
SUBDEPT 000	$14,070.13	$0.00	$0.00	$14,070.13	0.00%
Total DEPT 803 CAPITAL - FALSE PASS	$14,070.13	$0.00	$0.00	$14,070.13	0.00%
DEPT 813 Akutan Airport/CIP Trident					
Active E 20-813-000-850 CAPITAL CONSTR	$345,032.15	$301.74	$0.00	$344,730.41	0.09%
SUBDEPT 000	$345,032.15	$301.74	$0.00	$344,730.41	0.09%
Total DEPT 813 Akutan Airport/CIP Trident	$345,032.15	$301.74	$0.00	$344,730.41	0.09%
DEPT 867 KCC Alternative Road					
Active E 20-867-000-300 SALARIES	$0.00	$3,675.00	$2,625.00	-$3,675.00	0.00%
Active E 20-867-000-350 FRINGE BENEFITS	$0.00	$1,901.67	$1,165.08	-$1,901.67	0.00%

ALEUTIANS EAST BOROUGH
*Expenditure Guideline©

Current Period: DECEMBER 13-14

		13-14 YTD Budget	13-14 YTD Amt	DECEMBER MTD Amt	13-14 YTD Balance	% of Budget
Active	E 20-867-000-380 CONTRACT LABO	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 20-867-000-381 ENGINEERING	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 20-867-000-400 TRAVEL AND PER	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 20-867-000-475 SUPPLIES	$0.00	$0.00	$0.00	$0.00	0.00%
SUBDEPT 000		$0.00	$5,576.67	$3,790.08	-$5,576.67	0.00%
Active	E 20-867-168-300 SALARIES	$17,800.00	$0.00	$0.00	$17,800.00	0.00%
Active	E 20-867-168-350 FRINGE BENEFITS	$8,985.46	$0.00	$0.00	$8,985.46	0.00%
Active	E 20-867-168-381 ENGINEERING	$943,500.00	$0.00	$0.00	$943,500.00	0.00%
Active	E 20-867-168-400 TRAVEL AND PER	$5,926.49	$0.00	$0.00	$5,926.49	0.00%
Active	E 20-867-168-850 CAPITAL CONSTR	$982,780.08	$0.00	$0.00	$982,780.08	0.00%
SUBDEPT 168 KCAP/09-DC-359		$1,958,992.03	$0.00	$0.00	$1,958,992.03	0.00%
Active	E 20-867-169-300 SALARIES	$0.00	$3,825.00	$600.00	-$3,825.00	0.00%
Active	E 20-867-169-350 FRINGE BENEFITS	$0.00	$7,901.00	$347.67	-$7,901.00	0.00%
Active	E 20-867-169-400 TRAVEL AND PER	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 20-867-169-753 MISC EXPENSE	$3,340.82	$0.00	$0.00	$3,340.82	0.00%
Active	E 20-867-169-850 CAPITAL CONSTR	$741,058.88	$0.00	$0.00	$741,058.88	0.00%
SUBDEPT 169 KCAP Road Completion		$744,399.70	$11,726.00	$947.67	$732,673.70	1.58%
Total DEPT 867 KCC Alternative Road		$2,703,391.73	$17,302.67	$4,737.75	$2,686,089.06	0.64%
DEPT 900 OTHER						
Active	E 20-900-000-753 MISC EXPENSE	$0.00	$11,098.61	$11,098.61	-$11,098.61	0.00%
Active	E 20-900-000-850 CAPITAL CONSTR	$0.00	$0.00	$0.00	$0.00	0.00%
SUBDEPT 000		$0.00	$11,098.61	$11,098.61	-$11,098.61	0.00%
Total DEPT 900 OTHER		$0.00	$11,098.61	$11,098.61	-$11,098.61	0.00%
Total Fund 20 GRANT PROGRAMS		$6,988,513.11	$182,196.85	$165,877.59	$6,806,316.26	2.61%

ALEUTIANS EAST BOROUGH
*Revenue Guideline©

Current Period: DECEMBER 13-14

		13-14 YTD Budget	13-14 YTD Amt	DECEMBER MTD Amt	13-14 YTD Balance	% of Budget
Fund 22 OPERATIONS						
Active	R 22-203 OTHER REVENUE	$0.00	$771.50	$0.00	-$771.50	0.00%
Active	R 22-204 OPERATING TRANSFER F	$0.00	$0.00	$0.00	$0.00	0.00%
Active	R 22-221 COLD BAY TERMINAL LEA	$139,620.00	$69,810.66	$11,635.11	$69,809.34	50.00%
Active	R 22-222 COLD BAY TERMINAL OTH	$0.00	$0.00	$0.00	$0.00	0.00%
Active	R 22-245 HOVERCRAFT/MEDEVACS	$5,000.00	$0.00	$0.00	$5,000.00	0.00%
Active	R 22-246 HOVERCRAFT /TICKETS	$250,000.00	$121,580.00	$19,100.00	$128,420.00	48.63%
Active	R 22-247 HOVERCRAFT/ VEHICLES	$10,000.00	$5,048.00	$0.00	$4,952.00	50.48%
Active	R 22-248 HOVERCRAFT/ FREIGHT	$220,000.00	$191,450.40	$6,407.00	$28,549.60	87.02%
	Total Fund 22 OPERATIONS	$624,620.00	$388,660.56	$37,142.11	$235,959.44	62.22%

ALEUTIANS EAST BOROUGH
*Expenditure Guideline©

Current Period: DECEMBER 13-14

		13-14 YTD Budget	13-14 YTD Amt	DECEMBER MTD Amt	13-14 YTD Balance	% of Budget
Fund 22 OPERATIONS						
DEPT 802 CAPITAL - COLD BAY						
Active	E 22-802-200-300 SALARIES	$25,500.00	$12,680.64	$2,113.44	$12,819.36	49.73%
Active	E 22-802-200-350 FRINGE BENEFITS	$3,617.00	$1,329.00	$221.50	$2,288.00	36.74%
Active	E 22-802-200-380 CONTRACT LABO	$35,000.00	$3,543.23	$0.00	$31,456.77	10.12%
Active	E 22-802-200-400 TRAVEL AND PER	$3,000.00	$0.00	$0.00	$3,000.00	0.00%
Active	E 22-802-200-425 TELEPHONE	$4,500.00	$3,441.82	$789.44	$1,058.18	90.35%
Active	E 22-802-200-475 SUPPLIES	$15,000.00	$2,829.07	$1,872.66	$12,170.93	18.86%
Active	E 22-802-200-525 RENTAL/LEASE	$5,335.00	$0.00	$0.00	$5,335.00	0.00%
Active	E 22-802-200-526 UTILITIES	$24,000.00	$15,519.61	$4,564.56	$8,480.39	64.67%
Active	E 22-802-200-551 LEGAL	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 22-802-200-576 GAS	$1,500.00	$0.00	$0.00	$1,500.00	0.00%
Active	E 22-802-200-577 FUEL	$15,000.00	$8,916.07	$0.00	$6,083.93	59.44%
Active	E 22-802-200-770 Depreciation Expen	$0.00	$0.00	$0.00	$0.00	0.00%
SUBDEPT 200 COLD BAY TERMINAL		$132,452.00	$48,259.44	$9,561.60	$83,568.75	36.44%
Total DEPT 802 CAPITAL - COLD BAY		$132,452.00	$48,259.44	$9,561.60	$83,568.75	36.44%
DEPT 843 Hovercraft Operation						
Active	E 22-843-100-300 SALARIES	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 22-843-100-350 FRINGE BENEFITS	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 22-843-100-380 CONTRACT LABO	$2,317,000.00	$878,283.55	$142,372.79	$1,438,716.45	37.91%
Active	E 22-843-100-400 TRAVEL AND PER	$0.00	$59,280.00	$11,700.00	-$59,280.00	0.00%
Active	E 22-843-100-425 TELEPHONE	$2,500.00	$727.65	$120.00	$1,772.35	29.11%
Active	E 22-843-100-475 SUPPLIES	$100,000.00	$494,710.89	$718.91	-$394,710.89	494.71%
Active	E 22-843-100-500 EQUIPMENT	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 22-843-100-526 UTILITIES	$5,000.00	$0.00	$0.00	$5,000.00	0.00%
Active	E 22-843-100-552 INSURANCE	$215,000.00	$0.00	$0.00	$215,000.00	0.00%
Active	E 22-843-100-576 GAS	$10,000.00	$1,866.15	$0.00	$8,133.85	18.66%
Active	E 22-843-100-577 FUEL	$445,000.00	$246,394.64	$47,378.16	$198,605.36	55.37%
Active	E 22-843-100-770 Depreciation Expen	$0.00	$0.00	$0.00	$0.00	0.00%
SUBDEPT 100 HOVERCRAFT OPERATION		$3,094,500.00	$1,681,262.88	$202,289.86	$1,413,237.12	54.33%
Total DEPT 843 Hovercraft Operation		$3,094,500.00	$1,681,262.88	$202,289.86	$1,413,237.12	54.33%
Total Fund 22 OPERATIONS		$3,226,952.00	$1,729,522.32	$211,851.46	$1,496,805.87	53.60%

ALEUTIANS EAST BOROUGH
*Revenue Guideline©

Current Period: DECEMBER 13-14

		13-14 YTD Budget	13-14 YTD Amt	DECEMBER MTD Amt	13-14 YTD Balance	% of Budget
Fund 24 BOND CONSTRUCTION						
Active	R 24-201 INTEREST REVENUE	$0.00	$18,235.53	$4,717.13	-$18,235.53	0.00%
Active	R 24-203 OTHER REVENUE	$0.00	$0.00	$0.00	$0.00	0.00%
Active	R 24-204 OPERATING TRANSFER F	$0.00	$0.00	$0.00	$0.00	0.00%
Active	R 24-227 COE-HARBOR PROJECTS	$2,052,245.00	$0.00	$0.00	$2,052,245.00	0.00%
Active	R 24-259 BOND PROCEEDS	$1,070,821.50	$0.00	$0.00	$1,070,821.50	0.00%
Active	R 24-270 STATE REVENUE OTHER	$0.00	$0.00	$0.00	$0.00	0.00%
Active	R 24-277 STATE BOND REBATE	$0.00	$0.00	$0.00	$0.00	0.00%
Total Fund 24 BOND CONSTRUCTION		$3,123,066.50	$18,235.53	$4,717.13	$3,104,830.97	0.58%

ALEUTIANS EAST BOROUGH
*Expenditure Guideline©

Current Period: DECEMBER 13-14

	13-14 YTD Budget	13-14 YTD Amt	DECEMBER MTD Amt	13-14 YTD Balance	% of Budget
Fund 24 BOND CONSTRUCTION					
DEPT 809 Akutan Airport/Grant					
Active E 24-809-000-850 CAPITAL CONSTR	$786,249.79	$32,665.58	$0.00	$753,584.21	4.15%
SUBDEPT 000	$786,249.79	$32,665.58	$0.00	$753,584.21	4.15%
Total DEPT 809 Akutan Airport/Grant	$786,249.79	$32,665.58	$0.00	$753,584.21	4.15%
DEPT 830 KING COVE HARBOR					
Active E 24-830-000-850 CAPITAL CONSTR	$89,676.00	$0.00	$0.00	$89,676.00	0.00%
SUBDEPT 000	$89,676.00	$0.00	$0.00	$89,676.00	0.00%
Total DEPT 830 KING COVE HARBOR	$89,676.00	$0.00	$0.00	$89,676.00	0.00%
DEPT 831 SAND POINT HARBOR					
Active E 24-831-132-850 CAPITAL CONSTR	$0.00	$0.00	$0.00	$0.00	0.00%
SUBDEPT 132 Sand Point Harbor	$0.00	$0.00	$0.00	$0.00	0.00%
Active E 24-831-133-850 CAPITAL CONSTR	$2,000,000.00	$2,000,000.00	$0.00	$0.00	100.00%
SUBDEPT 133 Robert E Galovin Boat Harbor	$2,000,000.00	$2,000,000.00	$0.00	$0.00	100.00%
Total DEPT 831 SAND POINT HARBOR	$2,000,000.00	$2,000,000.00	$0.00	$0.00	100.00%
DEPT 833 FALSE PASS HARBOR					
Active E 24-833-000-850 CAPITAL CONSTR	$397,966.43	$6,100.00	$6,100.00	$391,866.43	1.53%
SUBDEPT 000	$397,966.43	$6,100.00	$6,100.00	$391,866.43	1.53%
Total DEPT 833 FALSE PASS HARBOR	$397,966.43	$6,100.00	$6,100.00	$391,866.43	1.53%
DEPT 839 AKUTAN HARBOR					
Active E 24-839-000-850 CAPITAL CONSTR	$1,045,858.23	$0.00	$0.00	$1,045,858.23	0.00%
SUBDEPT 000	$1,045,858.23	$0.00	$0.00	$1,045,858.23	0.00%
Total DEPT 839 AKUTAN HARBOR	$1,045,858.23	$0.00	$0.00	$1,045,858.23	0.00%
DEPT 862 NELSON LAGOON DOCK					
Active E 24-862-000-850 CAPITAL CONSTR	$17,809.36	$0.00	$0.00	$17,809.36	0.00%
SUBDEPT 000	$17,809.36	$0.00	$0.00	$17,809.36	0.00%
Total DEPT 862 NELSON LAGOON DOCK	$17,809.36	$0.00	$0.00	$17,809.36	0.00%
DEPT 867 KCC Alternative Road					
Active E 24-867-169-850 CAPITAL CONSTR	$0.00	$0.00	$0.00	$0.00	0.00%
SUBDEPT 169 KCAP Road Completion	$0.00	$0.00	$0.00	$0.00	0.00%
Total DEPT 867 KCC Alternative Road	$0.00	$0.00	$0.00	$0.00	0.00%
DEPT 900 OTHER					
Active E 24-900-000-380 CONTRACT LABO	$0.00	$15,771.16	$6,414.76	-$15,771.16	0.00%
Active E 24-900-000-725 BOND INTEREST	$0.00	$0.00	$0.00	$0.00	0.00%
Active E 24-900-000-745 Bond Sale Expense	$0.00	$0.00	$0.00	$0.00	0.00%
Active E 24-900-000-850 CAPITAL CONSTR	$0.00	$0.00	$0.00	$0.00	0.00%
SUBDEPT 000	$0.00	$15,771.16	$6,414.76	-$15,771.16	0.00%
Total DEPT 900 OTHER	$0.00	$15,771.16	$6,414.76	-$15,771.16	0.00%
Total Fund 24 BOND CONSTRUCTION	$4,337,559.81	$2,054,536.74	$12,514.76	$2,283,023.07	47.37%

ALEUTIANS EAST BOROUGH
*Revenue Guideline©

Current Period: DECEMBER 13-14

		13-14 YTD Budget	13-14 YTD Amt	DECEMBER MTD Amt	13-14 YTD Balance	% of Budget
Fund 30 BOND FUND						
Active	R 30-201 INTEREST REVENUE	$0.00	$0.00	$0.00	$0.00	0.00%
Active	R 30-203 OTHER REVENUE	$1,597,432.52	$0.00	$0.00	$1,597,432.52	0.00%
Active	R 30-204 OPERATING TRANSFER F	$0.00	$0.00	$0.00	$0.00	0.00%
Active	R 30-259 BOND PROCEEDS	$0.00	$0.00	$0.00	$0.00	0.00%
	Total Fund 30 BOND FUND	$1,597,432.52	$0.00	$0.00	$1,597,432.52	0.00%

ALEUTIANS EAST BOROUGH
*Expenditure Guideline©

Current Period: DECEMBER 13-14

		13-14 YTD Budget	13-14 YTD Amt	DECEMBER MTD Amt	13-14 YTD Balance	% of Budget
Fund 30 BOND FUND						
DEPT 900 OTHER						
Active	E 30-900-000-725 BOND INTEREST	$934,432.52	$697,050.35	$0.00	$237,382.17	74.60%
Active	E 30-900-000-726 BOND PRINCIPAL	$663,000.00	$900,000.00	$0.00	-$237,000.00	135.75%
Active	E 30-900-000-745 Bond Sale Expense	$0.00	$0.00	$0.00	$0.00	0.00%
SUBDEPT 000		$1,597,432.52	$1,597,050.35	$0.00	$382.17	99.98%
	Total DEPT 900 OTHER	$1,597,432.52	$1,597,050.35	$0.00	$382.17	99.98%
	Total Fund 30 BOND FUND	$1,597,432.52	$1,597,050.35	$0.00	$382.17	99.98%

ALEUTIANS EAST BOROUGH
*Revenue Guideline©

Current Period: DECEMBER 13-14

		13-14 YTD Budget	13-14 YTD Amt	DECEMBER MTD Amt	13-14 YTD Balance	% of Budget
Fund 40 PERMANENT FUND						
Active	R 40-201 INTEREST REVENUE	$0.00	$2,546,953.48	$1,300,306.48	-$2,546,953.48	0.00%
Active	R 40-203 OTHER REVENUE	$350,000.00	$0.00	$0.00	$350,000.00	0.00%
Active	R 40-204 OPERATING TRANSFER F	$0.00	$0.00	$0.00	$0.00	0.00%
Active	R 40-230 LAND SALES	$0.00	$0.00	$0.00	$0.00	0.00%
	Total Fund 40 PERMANENT FUND	$350,000.00	$2,546,953.48	$1,300,306.48	-$2,196,953.48	727.70%

ALEUTIANS EAST BOROUGH
*Expenditure Guideline©

Current Period: DECEMBER 13-14

		13-14 YTD Budget	13-14 YTD Amt	DECEMBER MTD Amt	13-14 YTD Balance	% of Budget
Fund 40 PERMANENT FUND						
DEPT 900 OTHER						
Active	E 40-900-000-380 CONTRACT LABO	$35,000.00	$15,771.18	$6,414.77	$19,228.82	45.06%
Active	E 40-900-000-751 OPERATING TRAN	$0.00	$0.00	$0.00	$0.00	0.00%
SUBDEPT 000		$35,000.00	$15,771.18	$6,414.77	$19,228.82	45.06%
	Total DEPT 900 OTHER	$35,000.00	$15,771.18	$6,414.77	$19,228.82	45.06%
	Total Fund 40 PERMANENT FUND	$35,000.00	$15,771.18	$6,414.77	$19,228.82	45.06%

ALEUTIANS EAST BOROUGH
*Revenue Guideline©

Current Period: DECEMBER 13-14

		13-14 YTD Budget	13-14 YTD Amt	DECEMBER MTD Amt	13-14 YTD Balance	% of Budget
Fund 41 MAINTENANCE RESERVE FUND						
Active	R 41-201 INTEREST REVENUE	$0.00	$0.00	$0.00	$0.00	0.00%
Active	R 41-203 OTHER REVENUE	$100,000.00	$0.00	$0.00	$100,000.00	0.00%
Active	R 41-204 OPERATING TRANSFER F	$0.00	$0.00	$0.00	$0.00	0.00%
Active	R 41-276 AEB SCHOOL	$0.00	$0.00	$0.00	$0.00	0.00%
Total Fund 41 MAINTENANCE RESERVE FUND		$100,000.00	$0.00	$0.00	$100,000.00	0.00%

ALEUTIANS EAST BOROUGH
*Expenditure Guideline©

Current Period: DECEMBER 13-14

		13-14 YTD Budget	13-14 YTD Amt	DECEMBER MTD Amt	13-14 YTD Balance	% of Budget
Fund 41 MAINTENANCE RESERVE FUND						
DEPT 800 CAPITAL - SCHOOL						
Active	E 41-800-857-300 SALARIES	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 41-800-857-350 FRINGE BENEFITS	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 41-800-857-380 CONTRACT LABO	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 41-800-857-400 TRAVEL AND PER	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 41-800-857-475 SUPPLIES	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 41-800-857-850 CAPITAL CONSTR	$0.00	$0.00	$0.00	$0.00	0.00%
SUBDEPT 857 FALSE PASS SCHOOL		$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 41-800-865-300 SALARIES	$0.00	$4,080.00	$0.00	-$4,080.00	0.00%
Active	E 41-800-865-350 FRINGE BENEFITS	$0.00	$427.59	$0.00	-$427.59	0.00%
Active	E 41-800-865-400 TRAVEL AND PER	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 41-800-865-475 SUPPLIES	$0.00	$0.00	$0.00	$0.00	0.00%
SUBDEPT 865 Akutan School		$0.00	$4,507.59	$0.00	-$4,507.59	0.00%
Active	E 41-800-866-300 SALARIES	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 41-800-866-350 FRINGE BENEFITS	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 41-800-866-380 CONTRACT LABO	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 41-800-866-400 TRAVEL AND PER	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 41-800-866-425 TELEPHONE	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 41-800-866-475 SUPPLIES	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 41-800-866-850 CAPITAL CONSTR	$0.00	$0.00	$0.00	$0.00	0.00%
SUBDEPT 866 NELSON LAGOON SCHOOL		$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 41-800-867-300 SALARIES	$0.00	$15,135.00	$0.00	-$15,135.00	0.00%
Active	E 41-800-867-350 FRINGE BENEFITS	$0.00	$1,586.16	$0.00	-$1,586.16	0.00%
Active	E 41-800-867-400 TRAVEL AND PER	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 41-800-867-475 SUPPLIES	$0.00	$3,665.77	$113.24	-$3,665.77	0.00%
Active	E 41-800-867-850 CAPITAL CONSTR	$0.00	$157,011.00	$6,253.00	-$157,011.00	0.00%
SUBDEPT 867 Sand Point School		$0.00	$177,397.93	$6,366.24	-$177,397.93	0.00%
Active	E 41-800-868-300 SALARIES	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 41-800-868-350 FRINGE BENEFITS	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 41-800-868-380 CONTRACT LABO	$0.00	$1,225.33	$911.93	-$1,225.33	0.00%
Active	E 41-800-868-400 TRAVEL AND PER	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 41-800-868-475 SUPPLIES	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 41-800-868-551 LEGAL	$0.00	$14,238.70	$0.00	-$14,238.70	0.00%
Active	E 41-800-868-577 FUEL	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 41-800-868-852 ASPHALT PAVING	$0.00	$0.00	$0.00	$0.00	0.00%
SUBDEPT 868 King Cove School		$0.00	$15,464.03	$911.93	-$15,464.03	0.00%
Active	E 41-800-869-300 SALARIES	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 41-800-869-350 FRINGE BENEFITS	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 41-800-869-380 CONTRACT LABO	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 41-800-869-400 TRAVEL AND PER	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 41-800-869-475 SUPPLIES	$0.00	$0.00	$0.00	$0.00	0.00%
Active	E 41-800-869-942 PROPERTY LEASE	$0.00	$0.00	$0.00	$0.00	0.00%
SUBDEPT 869 COLD BAY SCHOOL		$0.00	$0.00	$0.00	$0.00	0.00%
Total DEPT 800 CAPITAL - SCHOOL		$0.00	$197,369.55	$7,278.17	-$197,369.55	0.00%
DEPT 900 OTHER						
Active	E 41-900-000-753 MISC EXPENSE	$100,000.00	$0.00	$0.00	$100,000.00	0.00%
Active	E 41-900-000-880 LAND	$0.00	$0.00	$0.00	$0.00	0.00%
SUBDEPT 000		$100,000.00	$0.00	$0.00	$100,000.00	0.00%
Total DEPT 900 OTHER		$100,000.00	$0.00	$0.00	$100,000.00	0.00%
Total Fund 41 MAINTENANCE RESERVE FUND		$100,000.00	$197,369.55	$7,278.17	-$97,369.55	197.37%

INVESTMENT REPORT

Not available at this time.

Resolutions

AGENDA STATEMENT

January 8, 2014

To: Mayor Mack and Assembly Members
From: Anne Bailey

Re: Resolution 14-13 of the Aleutians East Borough Assembly Approving the Fee and Penalty Schedule for the Land Use Permitting System

The Aleutians East Borough (AEB) is creating a Resource Development Land Use Permitting System to Protect Coastal Resources in the AEB Resource Development District Project (Land Use Permitting System), funded with qualified Outer Continental Shelf oil and gas revenues from the Coastal Impact Assistance Program (CIAP), administered by the Fish and Wildlife Service and the U.S. Department of the Interior. The purpose of this project is to create and implement a permitting system to regulate resource development activities in the AEB coastal zone and maximize resource development opportunities while protecting coastal resources through an organized, efficient permit program consistent with the goals and objectives of the AEB Code.

The AEB Planning Commission held Planning Commission Workshops on October 10 and 15, 2013 where they discussed the Proposed Code Revisions to AEB Code Titles 1, 2, 40 and 45; the Fee & Penalty Schedule for AEB Land Use Permits, Permit Applications and Standard Operating Procedures for the different resource development permit types. At the November 14, 2013 Planning Commission Meeting the Commission passed Resolution 14-01 recommending the Assembly review and approve Titles 1, 2, 40 and 45 of the Borough Code and the Fee & Penalty Schedules for the different land use permitting types.

The Assembly held a workshop on December 12, 2013 and discussed the Land Use Permitting System in great detail. The Assembly recommended the following changes to the Fee & Penalty Schedule:

- **Revise Large Mining Operations Land Use Permit & Penalty Schedule**

  Revise Large Mining Operations Land Use Permit Fee & Penalty Schedule to increase the minimum Large Mining Operations Permit Fee Fund balance for large mining operations from $10,000 to $12,500.

- **Revise the Offshore & Direct Marketing Seafood Processing Land Use Permit Fee & Penalty Schedule**

Revise Chapter 40.20.070 (E) to include a penalty for Violations that Occurred due to Intentional Acts or Omissions or Gross Negligence, that reads the following:

$100,000 (maximum) **Violations that Occurred due to Intentional Acts or Omissions or Gross Negligence**

Violations that occurred due to intentional acts or omissions or gross negligence, reported to and confirmed by the Borough, or found by the Borough and confirmed by the Borough, will result in a Notice of Violation being issued by the Borough to the Permittee. The Borough's Notice of Violation will explain the violation and request a penalty payment. The penalty will be set by the Borough based on the circumstances of the violation of up to $1,000 per day for a maximum of $100,000.

The penalty payment must be paid within 30 days, explain the steps the Permittee must take, and establish a timeframe for remedying the violation. Permittee is financially responsible for remedying the violation, and must complete the remedy on a schedule approved by AEB. The Borough's letter will also explain that failure to pay the penalty by day 30 will result in an additional daily penalty of $500 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

The original Resolution was scheduled to go before the Assembly at the December 12, 2013 meeting but the Assembly decided to pull it from the agenda. The changes proposed at the workshop have been incorporated into Resolution 14-13 and will be presented at the January 2014 Assembly Meeting.

RESOLUTION 14-13

A RESOLUTION OF THE ALEUTIANS EAST BOROUGH ASSEMBLY APPROVING THE FEE AND PENALTY SCHEDULE FOR THE LAND USE PERMITTING SYSTEM

WHEREAS, the Aleutian East Borough (AEB) is creating a Resource Development Land Use Permitting System to Protect Coastal Resources in the AEB Resource Development District Project (Land Use Permitting System), funded with qualified Outer Continental Shelf oil and gas revenues from the Coastal Impact Assistance Program (CIAP), administered by the Fish and Wildlife Service and the U.S. Department of the Interior; and

WHEREAS, the purpose of this project is to create and implement a permitting system to regulate resource development activities in the AEB coastal zone and maximize resource development opportunities while protecting coastal resources through an organized, efficient permit program consistent with the goals and objectives of the AEB Code; and

WHEREAS, the AEB Planning Commission held a Planning Commission Meeting on November 14, 2013 and approved Resolution 14-01 recommending the Aleutians East Borough Assembly consider and approve the proposed Aleutians East Borough Municipal Code Revisions to Titles 1, 2, 40 and 45 and the Fee and Penalty Schedule for the Land Use Permitting System; and

WHEREAS, the Aleutians East Borough Assembly at its December 12, 2013 Assembly Workshop suggested changes to the Fee & Penalty Schedule for the AEB Land Use Permits; and

WHEREAS, the Aleutians East Borough Assembly at its December 12, 2013 Assembly Meeting removed Resolution 14-13 from the agenda to incorporate the suggested changes into the proposed Fee & Penalty Schedule (Attached as Exhibit 1).

NOW THEREFORE BE IT RESOLVED that the Aleutians East Borough Assembly approves the Fee & Penalty Schedule for the AEB Land Use Permits.

PASSED AND APPROVED by the Aleutians East Borough Planning Commission on this 16th day of January 2014.

_____

Stanley Mack, Mayor

ATTEST:

_____

Tina Anderson, Clerk

EXHIBIT 1

Land Use Permitting
Application Fees and Permit Penalties Schedule Summary

Permit Application Fees

Application Fee	Commercial Recreation	Sand, Gravel & Rock	Research	Mineral & Coal Exploration & Small Mines	Offshore & Direct Marketing Seafood Processing	Onshore Seafood Processing
New Permit	$50 1 year	$100 5 years	$500 5 years $0 (non-profit)	$1,000 5 years	$200 1 year	$1,000 5 years
Renewal	$50	$100	$500	$1,000	$200	$1,000
Amendment	$25 each	$50 each	$250 each $0 (non-profit)	$500 each	$50 each	$50 each

Application Fee	Large Mining Operations	Oil & Gas
Fee Fund	$25,000	$50,000
Minimum Balance	$12,500	$25,000

Permit Penalties

Penalty	Commercial Recreation	Sand, Gravel & Rock	Research	Mineral & Coal Exploration & Small Mines	Offshore & Direct Marketing Seafood Processing	Onshore Seafood Processing
Failure to Submit (2013-2014)	$0	$0	$0	$0	$0	$0
Failure to Submit (after 1-1-15)	$250	$1,000	$1,000	$1,000	$1,000	$1,000
Failure to Submit Within 31 Days of Notification	$50/day	$50/day	$50/day	$50/day	$50/day	$50/day
Self-Reported Violation within 7 days and Operator agrees to remedy	$100	$100	$100	$100	$100	$100
Notice of Violation issued by AEB	$500	$500	$500	$500	$500	$500
Failure to Pay Penalty Within 31 Days of Notification	$50/day	$50/day	$50/day	$50/day	$50/day	$50/day
Failure to Remedy Violation as Agreed	$100/day	$100/day	$100/day	$100/day	$100/day	$100/day
Intentional Violations or Omissions or Gross Negligence					$1,000/day Up to $100,000 Or $100,000 (maximum)	$1,000/day Up to $100,000 Or $100,000 (maximum)

Penalty	Large Mining Operations	Oil & Gas
Failure to Submit (2013-2014)	$0	$0
Failure to Submit (after 1-1-15)	$1,000/day Up to $10,000	$1,000/day Up to $20,000
Failure to Submit Within 31 Days of Notification	$250/day	$500/day
Self-Reported Violation within 7 days and Operator agrees to remedy	$500	$1,000
Notice of Violation issued by AEB	$1,000/day Up to $10,000	$1,000/day Up to $20,000
Failure to Pay Penalty Within 31 Days of Notification	$250/day	$500/day
Failure to Remedy Violation as Agreed	$500/day	$1,000/day
Intentional Violations or Omissions or Gross Negligence	$1,000/day Up to $100,000 (maximum)	$1,000/day Up to $100,000 (maximum)

ALEUTIANS EAST BOROUGH

COMMERICIAL RECREATION OPERATOR LAND USE PERMIT

Authority Aleutians East Borough Municipal Code Title 40

PERMIT FEE & PENALTY SCHEDULE

(Pursuant to AEBMC 40.01.060)
AEB Assembly Resolution 14-13
January 2014

Commercial Recreation Operator Land Use Permit Application Fees

$50/yr **New Permit Application**
Once approved, the permit is valid for a one year period (January 1st through December 31st)

$25/each **Amendment to Existing Approved Permit Application**
Once approved, the amendment is valid for original permit term.

Commercial Recreation Operator Penalties

$0 **Failure to Submit a Land Use Permit Application, Initial Notification (Year 2014)**
No penalty will be assessed for failure to submit a land use permit application during the year 2014. This time is allowed for the Borough to educate the Commercial Recreation Operators of the new requirement and to provide the Operators with the opportunity to come into compliance within 30 days.

During the calendar year 2014 the Borough will be conducting outreach and education about the new Commercial Recreation Operator Land Use Permit requirement and process. During this time, the Borough will issue letters to Commercial Recreation Operators that have failed to submit a permit application. The letter will state that a permit is required, provide a copy of the permit application, and notify the Operator that failure to submit a permit within 30 days from the date the Borough letter was issued will result in a daily penalty of $50 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until a permit application is received.

$250 **Failure to Submit a Land Use Permit Application, Initial Notification (Starting January 1, 2015)**
Failure to submit a land use permit application prior to conducting land use activities on or after January 1, 2015 will be assessed a $250 penalty. The Borough will issue a letter notifying the Commercial Recreation Operator that it has failed to submit a land use permit application, assessing the $250 penalty, and providing the Commercial Recreation Operator with a land use permit application form. In addition to the $250 penalty, the $50 application fee must also be paid.

The Borough will issue a letter to Commercial Recreation Operators that have failed to submit a land use permit application. The letter will state that a land use permit is required, provide a copy of the permit application, and notify the Operator that failure to apply for a permit within 30 days from date the Borough letter was issued will result in a daily penalty of $50 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until a land use permit application is received.

$50/day **Failure to Submit a Permit Application, 31 days after Initial Notification (Starting 2013)**
If the Borough has issued a letter to Commercial Recreation Operator notifying the Operator that it has failed to submit a land use permit, and that Operator does not submit a land use permit application within 30 days from date the Borough letter was issued, a daily penalty of $50/day will be assessed. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until a land use permit application is received.

$100 Self-Reported Violation Reported within Seven (7) Calendar Days and Operator Agrees to Remedy Violation.

The Borough encourages Permittees to immediately report any violation, of a permit term or condition to the Borough. The self-reported violation may be initially reported by a telephone call to the AEB Administrator, followed by a written letter that must be received by the Borough within seven (7) calendar days. The Permittee's letter must summarize the violation and explain steps the Permittee plans to take to remedy the violation and mitigate future problems. Permittee is financially responsible for remedying the violation, and must complete the remedy on a schedule approved by AEB.

If the Permittee provides a self-reported violation of a permit term or condition, within seven (7) calendar days of the violation, and the Permittee agrees to remedy the violation, the Borough will assess the Permittee a penalty of $100. The Borough will issue the Permittee a letter acknowledging receipt of the self-reported violation, request payment of the $100 penalty within 30 days, and verify agreement with the Operator's plan to remedy the violation or establish different requirements for violation remedy than proposed by the Operator. The Borough's letter will also explain that failure to pay the $100 penalty by day 30, will result in an additional daily penalty of $50 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

$500 Notice of Violation Issued by Borough

Violations reported to and confirmed by the Borough, or found by the Borough will result in a Notice of Violation being issued by the Borough to the Permittee. The Borough's Notice of Violation will explain the violation, request payment of the $500 penalty within 30 days, explain the steps the Permittee must take, and establish a timeframe for remedying the violation. Permittee is financially responsible for remedying the violation, and must complete the remedy on a schedule approved by AEB. The Borough's letter will also explain that failure to pay the $500 penalty by day 30, will result in an additional daily penalty of $50 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

$50/day Failure to Pay Notice of Violation Penalty, 31 days after Initial Notification

If the Borough has issued a letter notifying the Permittee of the requirement to pay a penalty, and the Permittee does not submit payment within 30 days from date the Borough letter was issued, a daily penalty of $50 per day will be assessed. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

$100/day Failure to Remedy Violation, As Agreed with Borough

Failure to remedy a violation as agreed with the Borough will result in a $100/day penalty. Upon determination that a Permittee has failed to remedy a violation, the Borough will issue a letter stating that the Permittee must immediately remedy the violation and that a $100/day penalty will be assessed from the day that the remedy was originally required, as agreed to by the Permittee and the Borough.

ALEUTIANS EAST BOROUGH

SAND, GRAVEL, ROCK MINING
LAND USE PERMIT

Authority Aleutians East Borough Municipal Code Title 40

PERMIT FEE & PENALTY SCHEDULE

(Pursuant to AEBMC 40.01.060)
AEB Assembly Resolution 14-13
January 2014

Sand, Gravel and Rock Mining Land Use Permit Application Fees

$100 **New Permit & Renewal Application**
Once approved, the permit is valid for a period required to complete the mining, up to a maximum of five (5) years. After (5) years, the permit must be renewed.

$50/each **Amendment to Existing Approved Permit Application**
Once approved, the amendment is valid for original permit term.

Penalties for Sand, Gravel and Rock Mining Operations

$0 **Failure to Submit a Land Use Permit Application, Initial Notification (Year 2014)**
No penalty will be assessed for failure to submit a land use permit application during the year 2014. This time is allowed for the Borough to educate miners of the new requirement and to provide the miners with the opportunity to come into compliance within 30 days.

During the calendar year 2014 the Borough will be conducting outreach and education about the new Sand, Gravel and Rock Mining Permit requirement and process. During this time, the Borough will issue letters to miners that have failed to submit a permit application. The letter will state that a permit is required, provide a copy of the permit application, and notify the Operator that failure to submit a permit within 30 days from the date the Borough letter was issued will result in a daily penalty of $50 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until a permit application is received.

This interim compliance assistance process does not apply to payment of Severance Tax required by AEBMC, Chapter 60.40 for sand, gravel, and rock mining. The Severance Tax requirement has been in place since 2005, and Chapter 60.40 includes a process and penalties for noncompliance.

$1,000 **Failure to Submit a Land Use Permit Application, Initial Notification (Starting January 1, 2015)**
Failure to submit a permit application prior to conducting land use activities on or after January 1, 2015 will be assessed a $1,000 penalty. The Borough will issue a letter notifying the miner that it has failed to submit a permit application, assessing the $1,000 penalty, and providing the miner with a permit application form. In addition to the $1,000 penalty, the $100 application fee must also be paid.

The Borough will issue a letter to the miners who have failed to submit a land use permit application. The letter will state that a permit is required, provide a copy of the permit application, and notify the Operator that failure to apply for a permit within 30 days from date the Borough letter was issued will result in a daily penalty of $50 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until a permit application is received.

$100 **Self-Reported Violation Reported within Seven (7) Calendar Days and Operator Agrees to Remedy Violation.**

The Borough encourages Permittees to immediately report any violation of a permit term or condition to the Borough. The self-reported violation may be initially reported by a telephone call to the AEB Administrator, followed by a written letter that must be received by the Borough within seven (7) calendar days. The Permittee's letter must summarize the violation and explain steps the Permittee plans to take to remedy the violation and mitigate future problems. The Permittee is financially responsible for remedying the violation, and must complete the remedy on a schedule approved by AEB.

If the Permittee provides a self-reported violation of a permit term or condition, within seven (7) calendar days of the violation, and the Permittee agrees to remedy the violation, the Borough will assess the Permittee a penalty of only $100. The Borough will issue the Permittee a letter acknowledging receipt of the self-reported violation, request payment of the $100 penalty within 30 days, and verify agreement with the Operator's plan to remedy the violation or establish different requirements for violation remedy than proposed by the Operator. The Borough's letter will also explain that failure to pay the $100 penalty by day 30 will result in an additional daily penalty of $50 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

$500 **Notice of Violation Issued by Borough**

Violations reported to and confirmed by the Borough, or found by the Borough will result in a Notice of Violation being issued by the Borough to the Permittee. The Borough's Notice of Violation will explain the violation, request payment of the $500 penalty within 30 days, explain the steps the Permittee must take, and establish a timeframe for remedying the violation. Permittee is financially responsible for remedying the violation, and must complete the remedy on a schedule approved by AEB. The Borough's letter will also explain that failure to pay the $500 penalty by day 30 will result in an additional daily penalty of $50 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

$50/day **Failure to Pay Notice of Violation Penalty, 31 days after Initial Notification**

If the Borough has issued a letter notifying the Permittee of the requirement to pay a penalty, and the Permittee does not submit payment within 30 days from date the Borough letter was issued, a daily penalty of $50 per day will be assessed. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

$100/day **Failure to Remedy Violation, As Agreed with Borough**

Failure to remedy a violation as agreed with the Borough will result in a $100/day penalty. Upon determination that a Permittee has failed to remedy a violation, the Borough will issue a letter stating that the Permittee must immediately remedy the violation and that a $100/day penalty will be assessed from the day that the remedy was originally required, as agreed to by the Permittee and the Borough.

ALEUTIANS EAST BOROUGH

RESEARCH
LAND USE PERMIT

Authority Aleutians East Borough Municipal Code Title 40

PERMIT FEE & PENALTY SCHEDULE

Approved by AEB Assembly
(Pursuant to AEBMC 40.01.060)
AEB Assembly Resolution 14-13
January 2014

Research Land Use Permit Application Fees

$500 **New Permit & Renewal Application**
Research Conducted in Support of Resource Development
Once approved, the permit is valid for period required to complete the research, up to a maximum of five (5) years. After (5) years, the permit must be renewed.

$250/each **Amendment to Existing Approved Permit Application**
Research Conducted in Support of Resource Development
Once approved, the amendment is valid for original permit term.

No Fee **New Permit & Renewal Application**
Research Conducted for Other Purposes
Once approved, the permit is valid for period required to complete the research, up to a maximum of five (5) years. After (5) years, the permit must be renewed.

No Fee **Amendment to Existing Approved Permit Application**
Research Conducted for Other Purposes
Once approved, the amendment is valid for original permit term.

Penalties for Researchers

$0 **Failure to Submit a Land Use Permit Application, Initial Notification (Year 2014)**
No penalty will be assessed for failure to submit a land use permit application during the year 2014. This time is allowed for the Borough to educate Researchers of the new requirement and to provide the Researchers with the opportunity to come into compliance within 30 days.

During the calendar year 2014 the Borough will be conducting outreach and education about the new Researcher Land Use Permit requirement and process. During this time, the Borough will issue letters to Researchers that have failed to submit a permit application. The letter will state that a permit is required, provide a copy of the permit application, and notify the Operator that failure to submit a permit within 30 days from the date the Borough letter was issued will result in a daily penalty of $50 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until a permit application is received.

$1,000 **Failure to Submit a Land Use Permit Application, Initial Notification (Starting January 1, 2015)**
Research Conducted in Support of Resource Development
Failure to submit a land use permit application prior to conducting land use activities on or after January 1, 2015 will be assessed a $1,000 penalty. The Borough will issue a letter notifying the Researchers that it has failed to submit a land use permit application, assessing the $1,000 penalty, and

providing the Researcher with a land use permit application form. In addition to the $1,000 penalty, the $500 application fee must also be paid.

The Borough will issue a letter to Researchers that have failed to submit a land use permit application. The letter will state that a land use permit is required, provide a copy of the permit application, and notify the Operator that failure to apply for a permit within 30 days from date the Borough letter was issued will result in a daily penalty of $50 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until a permit application is received.

$100 **Failure to Submit a Land Use Permit Application, Initial Notification (Starting January 1, 2015)**
Research Conducted for Other Purposes
Failure to submit a land use permit application prior to conducting land use activities on or after January 1, 2015 will be assessed a $100 penalty. The Borough will issue a letter notifying the Researchers that it has failed to submit a land use permit application, assessing the $100 penalty, and providing the Researcher with a permit application form. In addition to the $100 penalty, the $50 application fee must also be paid.

The Borough will issue a letter to Researchers that have failed to submit a land use permit application. The letter will state that a land use permit is required, provide a copy of the permit application, and notify the Researcher that failure to apply for a permit within 30 days from date the Borough letter was issued will result in a daily penalty of $50 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until a permit application is received.

$50/day **Failure to Submit a Land Use Permit Application, 31 days after Initial Notification (Starting 2013)**
If the Borough has issued a letter to Researchers making notification that they have failed to submit a land use permit, and that Researchers does not submit a permit application within 30 days from date the Borough letter was issued, a daily penalty of $50/day will be assessed. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until a land use permit application is received.

$100 **Self-Reported Violation Reported within Seven (7) Calendar Days and Operator Agrees to Remedy Violation.**
The Borough encourages Permittees to immediately report any violation, of a permit term or condition to the Borough. The self-reported violation may be initially reported by a telephone call to the AEB Administrator, followed by a written letter that must be received by the Borough within seven (7) calendar days. The Permittee's letter must summarize the violation and explain steps the Permittee plans to take to remedy the violation and mitigate future problems. Permittee is financially responsible for remedying the violation, and must complete the remedy on a schedule approved by AEB.

If the Permittee provides a self-reported violation of a permit term or condition, within seven (7) calendar days of the violation, and the Permittee agrees to remedy the violation, the Borough will assess the Permittee a penalty of $100. The Borough will issue the Permittee a letter acknowledging receipt of the self-reported violation, request payment of the $100 penalty within 30 days, and verify agreement with the Operator's plan to remedy the violation or establish different requirements for violation remedy than proposed by the Operator. The Borough's letter will also explain that failure to pay the $100 penalty by day 30, will result in an additional daily penalty of $50 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

$500 **Notice of Violation Issued by Borough**
Violations reported to and confirmed by the Borough, or found by the Borough will result in a Notice of Violation being issued by the Borough to the Permittee. The Borough's Notice of Violation will explain the violation, request payment of the $500 penalty within 30 days, explain the steps the Permittee must take, and establish a timeframe for remedying the violation. Permittee is financially responsible for remedying the violation, and must complete the remedy on a schedule approved by AEB. The Borough's letter will also explain that failure to pay the $500 penalty by day 30, will result

in an additional daily penalty of $50 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

$50/day **Failure to Pay Notice of Violation Penalty, 31 days after Initial Notification**
If the Borough has issued a letter notifying the Permittee of the requirement to pay a penalty, and the Permittee does not submit payment within 30 days from date the Borough letter was issued, a daily penalty of $50 per day will be assessed. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

$100/day **Failure to Remedy Violation, As Agreed with Borough**
Failure to remedy a violation as agreed with the Borough will result in a $100/day penalty. Upon determination that a Permittee has failed to remedy a violation, the Borough will issue a letter stating that the Permittee must immediately remedy the violation and that a $100/day penalty will be assessed from the day that the remedy was originally required, as agreed to by the Permittee and the Borough.

ALEUTIANS EAST BOROUGH

MINERAL & COAL EXPLORATION & SMALL MINING OPERATIONS LAND USE PERMIT

Authority Aleutians East Borough Municipal Code Title 40

PERMIT FEE & PENALTY SCHEDULE

(Pursuant to AEBMC 40.01.060)
AEB Assembly Resolution 14-13
January 2014

Mineral & Coal Exploration & Small Mining Operations Land Use Permit Application Fees

$1,000 **New Permit & Renewal Application**
Once approved, the permit is valid for a period required to complete the operation, up to a maximum of five (5) years. After (5) years, the permit must be renewed.

$500/each **Amendment to Existing Approved Permit Application**
Once approved, the amendment is valid for original permit term.

Penalties for Mineral & Coal Exploration & Small Mining Operations Activities

$0 **Failure to Submit a Land Use Permit Application, Initial Notification (Year 2014)**
No penalty will be assessed for failure to submit a land use permit application during the year 2014. This time is allowed for the Borough to educate miners of the new requirement and to provide the miners with the opportunity to come into compliance within 30 days.

During the calendar year 2014, the Borough will be conducting outreach and education about the permit requirement and process. During this time, the Borough will issue letters to Operators that have failed to submit a permit application. The letter will state that a permit is required, provide a copy of the permit application, and notify the Operator that failure to submit a permit within 30 days from the date the Borough letter was issued will result in a daily penalty of $50 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until a permit application is received.

This interim compliance assistance process does not apply to payment of Severance Tax required by AEBMC, Chapter 60.40 for minerals and coal. The Severance Tax requirement has been in place since 2011, and Chapter 60.40 includes a process and penalties for noncompliance.

$1,000 **Failure to Submit a Land Use Permit Application, Initial Notification (Starting January 1, 2015)**
Failure to submit a permit application prior to conducting land use activities on or after January 1, 2015 will be assessed a $1,000 penalty. The Borough will issue a letter notifying the Operator that it has failed to submit a permit application, assessing the $1,000 penalty, and providing the Operator with a permit application form. In addition to the $1,000 penalty, the $1,000 application fee must also be paid.

The Borough will issue a letter to the Operators who have failed to submit a land use permit application. The letter will state that a permit is required, provide a copy of the permit application, and notify the Operator that failure to apply for a permit within 30 days from date the Borough letter was issued will result in a daily penalty of $50 per day assessed on day 31. The daily penalty will be

assessed starting on day 31 and will continue to be assessed each day until a permit application is received.

$100 **Self-Reported Violation Reported within Seven (7) Calendar Days and Operator Agrees to Remedy Violation.**

The Borough encourages Permittees to immediately report any violation of a permit term or condition to the Borough. The self-reported violation may be initially reported by a telephone call to the AEB Administrator, followed by a written letter that must be received by the Borough within seven (7) calendar days. The Permittee's letter must summarize the violation and explain steps the Permittee plans to take to remedy the violation and mitigate future problems. The Permittee is financially responsible for remedying the violation, and must complete the remedy on a schedule approved by AEB.

If the Permittee provides a self-reported violation of a permit term or condition, within seven (7) calendar days of the violation, and the Permittee agrees to remedy the violation, the Borough will assess the Permittee a penalty of only $100. The Borough will issue the Permittee a letter acknowledging receipt of the self-reported violation, request payment of the $100 penalty within 30 days, and verify agreement with the Operator's plan to remedy the violation or establish different requirements for violation remedy than proposed by the Operator. The Borough's letter will also explain that failure to pay the $100 penalty by day 30 will result in an additional daily penalty of $50 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

$500 **Notice of Violation Issued by Borough**

Violations reported to, and confirmed by the Borough, or found by the Borough, will result in a Notice of Violation being issued by the Borough to the Permittee. The Borough's Notice of Violation will explain the violation, request payment of the $500 penalty within 30 days, explain the steps the Permittee must take, and establish a timeframe for remedying the violation. Permittee is financially responsible for remedying the violation, and must complete the remedy on a schedule approved by AEB. The Borough's letter will also explain that failure to pay the $500 penalty by day 30 will result in an additional daily penalty of $50 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

$50/day **Failure to Pay Notice of Violation Penalty, 31 days after Initial Notification**

If the Borough has issued a letter notifying the Permittee of the requirement to pay a penalty, and the Permittee does not submit payment within 30 days from date the Borough letter was issued, a daily penalty of $50 per day will be assessed. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

$100/day **Failure to Remedy Violation, As Agreed with Borough**

Failure to remedy a violation as agreed with the Borough will result in a $100/day penalty. Upon determination that a Permittee has failed to remedy a violation, the Borough will issue a letter stating that the Permittee must immediately remedy the violation and that a $100/day penalty will be assessed from the day that the remedy was originally required, as agreed to by the Permittee and the Borough.

ALEUTIANS EAST BOROUGH

OFFSHORE & DIRECT MARKETING SEAFOOD PROCESSING LAND USE PERMIT

Authority: Aleutians East Borough Municipal Code Title 40

PERMIT FEE & PENALTY SCHEDULE

(Pursuant to AEBMC 40.01.060)
AEB Assembly Resolution 14-13
January 2014

Offshore & Direct Marketing Seafood Processing Land Use Application Fees

$200 **New Permit & Renewal Application**
Once approved, the permit is valid for a one year period (January 1st through December 31st). The permit must be renewed annually to continue operation.

$50/each **Amendment to Existing Approved Permit Application**
Once approved, the amendment is valid for original permit term.

Offshore & Direct Marketing Seafood Processing Penalties

$0 **Failure to Submit a Land Use Permit Application, Initial Notification (Year 2014)**
No penalty will be assessed for failure to submit a land use permit application during the year. This time is allowed for the Borough to educate Operators of the new requirement and to provide the Operators with the opportunity to come into compliance within 30 days.

During the calendar year 2014, the Borough will be conducting outreach and education about the permit requirement and process. During this time, the Borough will issue letters to Operators that have failed to submit a permit application. The letter will state that a permit is required, provide a copy of the permit application, and notify the operator that failure to submit a permit within 30 days from the date the Borough letter was issued will result in a daily penalty of $50 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until a permit application is received.

This interim compliance assistance process does not apply to payment of the Fish Tax required by AEBMC, Chapter 60.20. Chapter 60.40 includes a process and penalties for noncompliance.

$1,000 **Failure to Submit a Land Use Permit Application, Initial Notification (Starting January 1, 2015)**
Failure to submit a permit application prior to conducting land use activities on or after January 1, 2015 will be assessed a $1,000 penalty. The Borough will issue a letter notifying the Operator that it has failed to submit a permit application, assessing the $1,000 penalty, and providing the Operator with a permit application form. In addition to the $1,000 penalty, the $1,000 application fee must also be paid.

The Borough will issue a letter to the Operators who have failed to submit a land use permit application. The letter will state that a permit is required, provide a copy of the permit application, and notify the Operator that failure to apply for a permit within 30 days from date the Borough letter was issued will result in a daily penalty of $50 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until a permit application is

received.

$100 **Self-Reported Violation Reported within Seven (7) Calendar Days and Operator Agrees to Remedy Violation.**

The Borough encourages Permittees to immediately report any violation of a permit term or condition to the Borough. The self-reported violation may be initially reported by a telephone call to the AEB Administrator, followed by a written letter that must be received by the Borough within seven (7) calendar days. The Permittee's letter must summarize the violation and explain steps the Permittee plans to take to remedy the violation and mitigate future problems. The Permittee is financially responsible for remedying the violation, and must complete the remedy on a schedule approved by AEB.

If the Permittee provides a self-reported violation of a permit term or condition, within seven (7) calendar days of the violation, and the Permittee agrees to remedy the violation, the Borough will assess the Permittee a penalty of only $100. The Borough will issue the Permittee a letter acknowledging receipt of the self-reported violation, request payment of the $500 penalty within 30 days, and verify agreement with the Operator's plan to remedy the violation or establish different requirements for violation remedy than proposed by the Operator. The Borough's letter will also explain that failure to pay the $100 penalty by day 30 will result in an additional daily penalty of $50 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

$500 **Notice of Violation Issued by Borough**

Violations reported to, and confirmed by the Borough, or found by the Borough, will result in a Notice of Violation being issued by the Borough to the Permittee. The Borough's Notice of Violation will explain the violation, request payment of the $500 penalty within 30 days, explain the steps the Permittee must take, and establish a timeframe for remedying the violation. Permittee is financially responsible for remedying the violation, and must complete the remedy on a schedule approved by AEB. The Borough's letter will also explain that failure to pay the $500 penalty by day 30 will result in an additional daily penalty of $50 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

$100,000 (maximum) **Violations that Occurred due to Intentional Acts or Omissions or Gross Negligence**

Violations that occurred due to intentional acts or omissions or gross negligence, reported to and confirmed by the Borough, or found by the Borough and confirmed by the Borough, will result in a Notice of Violation being issued by the Borough to the Permittee. The Borough's Notice of Violation will explain the violation and request a penalty payment. The penalty will be set by the Borough based on the circumstances of the violation of up to $1,000 per day for a maximum of $100,000.

The penalty payment must be paid within 30 days, explain the steps the Permittee must take, and establish a timeframe for remedying the violation. Permittee is financially responsible for remedying the violation, and must complete the remedy on a schedule approved by AEB. The Borough's letter will also explain that failure to pay the penalty by day 30 will result in an additional daily penalty of $500 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

$50/day **Failure to Pay Notice of Violation Penalty, 31 days after Initial Notification**

If the Borough has issued a letter notifying the Permittee of the requirement to pay a penalty, and the Permittee does not submit payment within 30 days from the date the Borough letter was issued, a daily penalty of $250 per day will be assessed. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

$100/day **Failure to Remedy Violation, As Agreed with Borough**

Failure to remedy a violation as agreed with the Borough will result in a $100/day penalty. Upon determination that a Permittee has failed to remedy a violation, the Borough will issue a letter stating that the Permittee must immediately remedy the violation and that a $100/day penalty will be assessed from the day that the remedy was originally required, as agreed to by the Permittee and the Borough.

ALEUTIANS EAST BOROUGH

ONSHORE SEAFOOD PROCESSING
LAND USE PERMIT

Authority: Aleutians East Borough Municipal Code Title 40

PERMIT FEE & PENALTY SCHEDULE

(Pursuant to AEBMC 40.01.060)
AEB Assembly Resolution 14-13
January 2014

Onshore Seafood Processing Land Use Application Fees

$1,000 **New Permit & Renewal Application**
Once approved, the permit is valid for a period up to a maximum of five (5) years.
After (5) years, the permit must be renewed.

$50/each **Amendment to Existing Approved Permit Application**
Once approved, the amendment is valid for original permit term.

Onshore Seafood Processing Penalties

$0 **Failure to Submit a Land Use Permit Application, Initial Notification (Year 2014)**
No penalty will be assessed for failure to submit a land use permit application during year 2014. This time is allowed for the Borough to educate Operators of the new requirement and to provide the Operators with the opportunity to come into compliance within 30 days.

During the calendar year 2014, the Borough will be conducting outreach and education about the permit requirement and process. During this time, the Borough will issue letters to Operators that have failed to submit a permit application. The letter will state that a permit is required, provide a copy of the permit application, and notify the operator that failure to submit a permit within 30 days from the date the Borough letter was issued will result in a daily penalty of $50 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until a permit application is received.

This interim compliance assistance process does not apply to payment of the Fish Tax required by AEBMC, Chapter 60.20. Chapter 60.40 includes a process and penalties for noncompliance.

$1,000 **Failure to Submit a Land Use Permit Application, Initial Notification (Starting January 1, 2015)**
Failure to submit a permit application prior to conducting land use activities on or after January 1, 2015 will be assessed a $1,000 penalty. The Borough will issue a letter notifying the Operator that it has failed to submit a permit application, assessing the $1,000 penalty, and providing the Operator with a permit application form. In addition to the $1,000 penalty, the $1,000 application fee must also be paid.

The Borough will issue a letter to the Operators who have failed to submit a land use permit application. The letter will state that a permit is required, provide a copy of the permit application, and notify the Operator that failure to apply for a permit within 30 days from date the Borough letter was issued will result in a daily penalty of $50 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until a permit application is received.

$100 **Self-Reported Violation Reported within Seven (7) Calendar Days and Operator Agrees to Remedy Violation. (excluding violations that occurred due to intentional acts or omissions or gross negligence).**

The Borough encourages Permittees to immediately report any violation of a permit term or condition to the Borough. The self-reported violation may be initially reported by a telephone call to the AEB Administrator, followed by a written letter that must be received by the Borough within seven (7) calendar days. The Permittee's letter must summarize the violation and explain steps the Permittee plans to take to remedy the violation and mitigate future problems. The Permittee is financially responsible for remedying the violation, and must complete the remedy on a schedule approved by AEB.

If the Permittee provides a self-reported violation of a permit term or condition, within seven (7) calendar days of the violation, and the Permittee agrees to remedy the violation, the Borough will assess the Permittee a penalty of only $100. The Borough will issue the Permittee a letter acknowledging receipt of the self-reported violation, request payment of the $500 penalty within 30 days, and verify agreement with the Operator's plan to remedy the violation or establish different requirements for violation remedy than proposed by the Operator. The Borough's letter will also explain that failure to pay the $100 penalty by day 30 will result in an additional daily penalty of $50 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

$500 **Notice of Violation Issued by Borough (excluding violations that occurred due to intentional acts or omissions or gross negligence).**

Violations reported to, and confirmed by the Borough, or found by the Borough, will result in a Notice of Violation being issued by the Borough to the Permittee. The Borough's Notice of Violation will explain the violation, request payment of the $500 penalty within 30 days, explain the steps the Permittee must take, and establish a timeframe for remedying the violation. Permittee is financially responsible for remedying the violation, and must complete the remedy on a schedule approved by AEB. The Borough's letter will also explain that failure to pay the $500 penalty by day 30 will result in an additional daily penalty of $50 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

$100,000 (maximum) **Violations that Occurred due to Intentional Acts or Omissions or Gross Negligence**

Violations that occurred due to intentional acts or omissions or gross negligence, reported to and confirmed by the Borough, or found by the Borough and confirmed by the Borough, will result in a Notice of Violation being issued by the Borough to the Permittee. The Borough's Notice of Violation will explain the violation and request a penalty payment. The penalty will be set by the Borough based on the circumstances of the violation of up to $1,000 per day for a maximum of $100,000.

The penalty payment must be paid within 30 days, explain the steps the Permittee must take, and establish a timeframe for remedying the violation. Permittee is financially responsible for remedying the violation, and must complete the remedy on a schedule approved by AEB. The Borough's letter will also explain that failure to pay the penalty by day 30 will result in an additional daily penalty of $500 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

$50/day **Failure to Pay Notice of Violation Penalty, 31 days after Initial Notification**

If the Borough has issued a letter notifying the Permittee of the requirement to pay a penalty, and the Permittee does not submit payment within 30 days from the date the Borough letter was issued, a daily penalty of $250 per day will be assessed. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

$100/day **Failure to Remedy Violation, As Agreed with Borough**

Failure to remedy a violation as agreed with the Borough will result in a $100/day penalty. Upon determination that a Permittee has failed to remedy a violation, the Borough will issue a letter stating that the Permittee must immediately remedy the violation and that a $100/day penalty will be assessed from the day that the remedy was originally required, as agreed to by the Permittee and the Borough.

ALEUTIANS EAST BOROUGH

LARGE MINING OPERATIONS
LAND USE PERMIT

Authority Aleutians East Borough Municipal Code Title 40

PERMIT FEE & PENALTY SCHEDULE

(Pursuant to AEBMC 40.01.060)
AEB Assembly Resolution 14-13
January 2014

Large Mining Operations Land Use Permit Fees

$25,000 **Large Mining Operations Permit Fee Fund**
Aleutians East Borough Municipal Code (AEBMC) Chapter 40.20.050
Initial deposit shall be made at submittal of initial application.
The balance shall be returned to the Permittee at the completion of the project and the site has been reclaimed to the AEB's satisfaction or if the application is withdrawn from consideration.

$12,500 **Large Mining Operations Permit Fee Fund Minimum Balance**
AEBMC Chapter 40.20.050.

Penalties for Large Mining Operations

$0 **Failure to Submit a Land Use Permit Application, Initial Notification (Year 2014)**
No penalty will be assessed for failure to submit a land use permit application during the year 2014. This time is allowed for the Borough to educate miners of the new requirement and to provide the miners with the opportunity to come into compliance within 30 days.

During the calendar year 2014, the Borough will be conducting outreach and education about the new Large Mining Operations Permit requirement and process. During this time, the Borough will issue letters to miners that have failed to submit a permit application. The letter will state that a permit is required, provide a copy of the permit application, and notify the Operator that failure to submit a permit within 30 days from the date the Borough letter was issued will result in a daily penalty of $250 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until a permit application is received.

This interim compliance assistance process does not apply to payment of Severance Tax required by AEBMC, Chapter 60.40 for mineral and coal mining. The Severance Tax requirement has been in place since 2011, and Chapter 60.40 includes a process and penalties for noncompliance.

$10,000 (maximum) **Failure to Submit a Land Use Permit Application, Initial Notification (Starting January 1, 2015)**
Failure to submit a permit application prior to conducting land use activities on or after January 1, 2015 will be assessed a penalty of $1,000 per day for each day the application was not submitted up to a maximum penalty of $10,000. The Borough will issue a letter notifying the miner that it has failed to submit a permit application, assessing the penalty, and providing the miner with a permit application form. In addition to this penalty, the $25,000 Large Mining Operations Permit Fee Fund must also be paid.

The Borough will issue a letter to the miners who have failed to submit a land use permit application. The letter will state that a permit is required, provide a copy of the permit application, and notify the Operator that failure to apply for a permit within 30 days from the date the Borough letter was issued will result in a daily penalty of $250 per day assessed on day 31. The daily penalty will be assessed

starting on day 31 and will continue to be assessed each day until a permit application is received.

$500 **Self-Reported Violation Reported within Seven (7) Calendar Days and Operator Agrees to Remedy Violation. (excluding violations that occurred due to intentional acts or omissions or gross negligence).**

The Borough encourages Permittees to immediately report any violation of a permit term or condition to the Borough. The self-reported violation may be initially reported by a telephone call to the AEB Administrator, followed by a written letter that must be received by the Borough within seven (7) calendar days. The Permittee's letter must summarize the violation and explain steps the Permittee plans to take to remedy the violation and mitigate future problems. The Permittee is financially responsible for remedying the violation, and must complete the remedy on a schedule approved by AEB.

If the Permittee provides a self-reported violation of a permit term or condition, within seven (7) calendar days of the violation, and the Permittee agrees to remedy the violation, the Borough will assess the Permittee a penalty of only $500. The Borough will issue the Permittee a letter acknowledging receipt of the self-reported violation, request payment of the $500 penalty within 30 days, and verify agreement with the Operator's plan to remedy the violation or establish different requirements for violation remedy than proposed by the Operator. The Borough's letter will also explain that failure to pay the $500 penalty by day 30 will result in an additional daily penalty of $250 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

$10,000 (maximum) **Notice of Violation Issued by Borough (excluding violations that occurred due to intentional acts or omissions or gross negligence).**

Violations reported to and confirmed by the Borough, or found by the Borough will result in a Notice of Violation being issued by the Borough to the Permittee. The Borough's Notice of Violation will explain the violation, request a penalty payment of $1,000 per day for each day the violation occurred up to a maximum penalty of $10,000.

The penalty payment must be paid within 30 days, explain the steps the Permittee must take, and establish a timeframe for remedying the violation. Permittee is financially responsible for remedying the violation, and must complete the remedy on a schedule approved by AEB. The Borough's letter will also explain that failure to pay the penalty by day 30 will result in an additional daily penalty of $250 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

$100,000 (maximum) **Violations that Occurred due to Intentional Acts or Omissions or Gross Negligence**

Violations that occurred due to intentional acts or omissions or gross negligence, reported to and confirmed by the Borough, or found by the Borough and confirmed by the Borough, will result in a Notice of Violation being issued by the Borough to the Permittee. The Borough's Notice of Violation will explain the violation and request a penalty payment. The penalty will be set by the Borough based on the circumstances of the violation of up to $1,000 per day for a maximum of $100,000.

The penalty payment must be paid within 30 days, explain the steps the Permittee must take, and establish a timeframe for remedying the violation. Permittee is financially responsible for remedying the violation, and must complete the remedy on a schedule approved by AEB. The Borough's letter will also explain that failure to pay the penalty by day 30 will result in an additional daily penalty of $500 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

$250/day **Failure to Pay Notice of Violation Penalty, 31 days after Initial Notification**

If the Borough has issued a letter notifying the Permittee of the requirement to pay a penalty, and the Permittee does not submit payment within 30 days from the date the Borough letter was issued, a daily penalty of $250 per day will be assessed. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

$500/day **Failure to Remedy Violation, As Agreed with Borough**

Failure to remedy a violation as agreed with the Borough will result in a $500/day penalty. Upon determination that a Permittee has failed to remedy a violation, the Borough will issue a letter stating that the Permittee must immediately remedy the violation and that a $500/day penalty will be assessed from the day that the remedy was originally required, as agreed to by the Permittee and the Borough.

ALEUTIANS EAST BOROUGH

OIL and GAS
LAND USE PERMIT

Authority Aleutians East Borough Municipal Code Title 40

PERMIT FEE & PENALTY SCHEDULE

(Pursuant to AEBMC 40.01.060)
AEB Assembly Resolution 14-13
January 2014

Oil and Gas Land Use Permit Fees

$50,000 **Oil and Gas Permit Fee Fund**
Aleutians East Borough Municipal Code (AEBMC) Chapter 40.20.060
Initial deposit shall be made at submittal of initial application.
The balance shall be returned to the Permittee at the completion of the project and the site has been reclaimed to the AEB's satisfaction or if the application is withdrawn from consideration.

$25,000 **Oil and Gas Permit Fee Fund Minimum Balance**
AEBMC Chapter 40.20.060.

Penalties for Oil and Gas Operations

$0 **Failure to Submit a Land Use Permit Application, Initial Notification (Year 2014)**
No penalty will be assessed for failure to submit a land use permit application during the year 2014. This time is allowed for the Borough to educate Operators of the new requirement and to provide the Operators with the opportunity to come into compliance within 30 days.

During the calendar year 2014, the Borough will be conducting outreach and education about the new Oil and Gas Land Use Permit requirement and process. During this time, the Borough will issue letters to Operators that have failed to submit a permit application. The letter will state that a land use permit is required, provide a copy of the permit application, and notify the Operator that failure to submit a permit within 30 days from the date the Borough letter was issued will result in a daily penalty of $500 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until a permit application is received.

$20,000 (maximum) **Failure to Submit a Land Use Permit Application, Initial Notification (Starting January 1, 2015)**
Failure to submit a permit application prior to conducting land use activities on or after January 1, 2015 will be assessed a penalty of $1,000 per day for each day the application was not submitted up to a maximum penalty of $20,000. The Borough will issue a letter notifying the Operator that it has failed to submit a permit application, assessing the penalty, and providing the Operator with a permit application form. In addition to this penalty, the $50,000 Oil and Gas Permit Fee Fund must also be paid.

The Borough will issue a letter to the Operators who have failed to submit a land use permit application. The letter will state that a permit is required, provide a copy of the permit application, and notify the Operator that failure to apply for a permit within 30 days from the date the Borough letter was issued will result in a daily penalty of $500 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until a permit application is received.

$1,000 **Self-Reported Violation Reported within Seven (7) Calendar Days and Operator Agrees to Remedy Violation (excluding violations that occurred due to intentional acts or omissions or gross negligence).**

The Borough encourages Permittees to immediately report any violation of a permit term or condition to the Borough. The self-reported violation may be initially reported by a telephone call to the AEB Administrator, followed by a written letter that must be received by the Borough within seven (7) calendar days. The Permittee's letter must summarize the violation and explain steps the Permittee plans to take to remedy the violation and mitigate future problems. The Permittee is financially responsible for remedying the violation, and must complete the remedy on a schedule approved by AEB.

If the Permittee provides a self-reported violation of a permit term or condition, within seven (7) calendar days of the violation, and the Permittee agrees to remedy the violation, the Borough will assess the Permittee a penalty of only $1,000. The Borough will issue the Permittee a letter acknowledging receipt of the self-reported violation, request payment of the $1,000 penalty within 30 days, and verify agreement with the Operator's plan to remedy the violation or establish different requirements for violation remedy than proposed by the Operator. The Borough's letter will also explain that failure to pay the $1,000 penalty by day 30 will result in an additional daily penalty of $500 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

$20,000 (maximum) **Notice of Violation Issued by Borough (excluding violations that occurred due to intentional acts or omissions or gross negligence).**

Violations reported to and confirmed by the Borough, or found by the Borough, and confirmed by the Borough will result in a Notice of Violation being issued by the Borough to the Permittee. The Borough's Notice of Violation will explain the violation, request a penalty payment of $1,000 per day for each day the violation occurred up to a maximum penalty of $20,000.

The penalty payment must be paid within 30 days, explain the steps the Permittee must take, and establish a timeframe for remedying the violation. Permittee is financially responsible for remedying the violation, and must complete the remedy on a schedule approved by AEB. The Borough's letter will also explain that failure to pay the penalty by day 30 will result in an additional daily penalty of $500 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

$100,000 (maximum) **Violations that Occurred due to Intentional Acts or Omissions or Gross Negligence**

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The penalty payment must be paid within 30 days, explain the steps the Permittee must take, and establish a timeframe for remedying the violation. Permittee is financially responsible for remedying the violation, and must complete the remedy on a schedule approved by AEB. The Borough's letter will also explain that failure to pay the penalty by day 30 will result in an additional daily penalty of $500 per day assessed on day 31. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

$500/day **Failure to Pay Notice of Violation Penalty, 31 days after Initial Notification**

If the Borough has issued a letter notifying the Permittee of the requirement to pay a penalty, and that Permittee does not submit payment within 30 days from the date the Borough letter was issued, a daily penalty of $500 per day will be assessed. The daily penalty will be assessed starting on day 31 and will continue to be assessed each day until payment is received.

$1,000/day **Failure to Remedy Violation, As Agreed with Borough**

Failure to remedy a violation as agreed with the Borough will result in a $1,000/day penalty. Upon determination that a Permittee has failed to remedy a violation, the Borough will issue a letter stating that the Permittee must immediately remedy the violation and that a $1,000/day penalty will be assessed from the day that the remedy was originally required, as agreed to by the Permittee and the Borough.

Agenda Statement

Date of Meeting: January 16, 2014

To: Mayor Mack and Assembly Member

From: Anne Bailey, Community Development Coordinator

RE: Resolution 14-14, Contributing $500,000 to the Cold Bay Clinic Construction Project

The City of Cold Bay has expressed interest in constructing a new clinic in Cold Bay for many years. The existing clinic was built in 1983 and has exceeded its useful life. The facility was constructed of Styrofoam and cement wainscot and has sound attenuation issues. The roof undulates in high winds since portions of it are not secure causing staff to vacate the premises and it creates concern amongst the patents about the safety of the building. The clinic also sits in the FAA"s Restricted Visibility Zone prohibiting many necessary repairs and upgrades to the clinic.

Cold Bay also serves as the regional medical evacuation center for the Aleutians and Bering Sea. Due to the size of the runway, Cold Bay is accessible in most conditions and is used as a medical transfer location when patients need to be transported from remote locations to a full service hospital. Therefore, it is extremely important to have a new facility that can better facilitate this necessary service and will also enhance the care and quality of life of patients throughout the region by improving overall service delivery, quality, and positive healthcare outcomes.

In 2012, the City of Cold Bay received $186,000 from the Denali Commission for the site specific Cold Bay Clinic Design. The design, specifications and cost estimate for construction were completed by the Alaska Native Tribal Health Consortium and Larsen Consulting Group in October 2013. The cost estimate for construction of the 3,744 square foot facility was $3,757,549. An additional million dollars will be needed for architect/engineering services, project management costs and equipment/furnishing purchases totaling approximately $5,000,000 for the entire project.

The City of Cold Bay, Eastern Aleutian Tribes and Borough staff has been researching and applying for funding opportunities, including federal, state, foundations and business but has not received any funding to date. The Borough submitted a HRSA grant in 2011, applied for Rasmuson Foundation funds and submitted CAPSIS requests to the State requesting funds for construction. The Borough has also met with the United States Department of Agriculture, the Aleutian Housing Authority and other entities regarding the project and will be sending letters to

the Aleut Corporation, Peter Pan Seafoods, Frosty Fuels and APICDA. None of these entities have committed funds to the project. Many of them do not want to be the "first funder" for this and may consider funding a portion of the project if funding is in place. The Borough has the ability to contribute $500,000 from the General Fund to the Cold Bay Construction project, which will show the State and others the Borough's commitment to this project. If the Assembly decides to contribute these funds to the project it will be added as a line item to the Borough budget at a later date.

RESOLUTION 14-14

A RESOLUTION OF THE ALEUTIANS EAST BOROUGH ASSEMBLY CONTRIBUTING $500,000 TO THE COLD BAY CLINIC CONSTRUCTION PROJECT

WHEREAS, the City of Cold Bay has expressed interest in constructing a new clinic in Cold Bay for many years; and

WHEREAS, the existing clinic in Cold Bay was built in 1983, has roof undulation issues, sits in the Federal Aviation Administration's Restricted Visibility Zone and has exceeded its useful life; and

WHEREAS, Cold Bay serves as the regional medical evacuation center for the Aleutians and Bering Sea and a new clinic will better facilitate this necessary service and will also enhance the care and quality of life of patients throughout the region by improving the overall service delivery, quality, and positive healthcare outcomes; and

WHEREAS, the City of Cold Bay received $186,000 from the Denali Commission for the site specific Cold Bay Clinic Design; and

WHEREAS, the Cold Bay Clinic design, specifications and cost estimate for construction were completed in October 2013; and

WHEREAS, the cost estimate for mobilization/demobilization, site preparation, facility construction, architect/engineering services, project management costs and equipment/furnishing purchases for the 3,744 square foot health clinic is approximately $5,000,000; and

WHEREAS, the City of Cold Bay, Eastern Aleutian Tribes and Borough staff have been researching funding opportunities (i.e. federal, state, foundations, and businesses) but have not received any funding to date; and

WHEREAS, the Borough Assembly has listed the Cold Bay Clinic Construction Project as their top Capital Improvement Project for the past two years and have put CAPSIS requests into the State of Alaska requesting funding assistance; and

WHEREAS, this project requires a "first funder" to show the commitment for the project; and

WHEREAS, the Borough has the ability to contribute $500,000 from the General Fund to the Cold Bay Construction Project.

NOW THEREFORE BE IT RESOLVED that the Aleutians East Borough Assembly contributes $500,000 to the Cold Bay Clinic Construction Project; and

BE IT FURTHER RESOLVED that the Aleutians East Borough Assembly will include the $500,000 contribution for Clinic Construction in the next budget amendment or during the annual budget approval process.

PASSED AND APPROVED by the Aleutians East Borough Planning Commission on this 16th day of January 2014.

_____

Stanley Mack, Mayor

ATTEST:

_____

Tina Anderson, Clerk

Public Hearings

AGENDA STATEMENT

January 3, 2014

To: Mayor Mack and Assembly Members

From: Anne Bailey

Re: Ordinance 14-04 Amending Title 2, Administration and Ordinance 14-05 Amending Title 40, Planning, Platting and Land Use

The Aleutians East Borough (AEB) is creating a Resource Development Land Use Permitting System to Protect Coastal Resources in the AEB Resource Development District Project (Land Use Permitting System), funded with qualified Outer Continental Shelf oil and gas revenues from the Coastal Impact Assistance Program (CIAP), administered by the Fish and Wildlife Service and the U.S. Department of the Interior. The purpose of this project is to create and implement a permitting system to regulate resource development activities in the AEB coastal zone and maximize resource development opportunities while protecting coastal resources through an organized, efficient permit program consistent with the goals and objectives of the AEB Code.

On December 12, 2013 the Assembly held a Workshop to discuss Code Changes to Titles 1, 2, 40 and 45, the Land Use Permit Applications, and the Fee & Penalty Schedule for AEB Land Use Permits. Following the workshop the Assembly held an Assembly Meeting where Ordinances 14-04 and 14-05 were amended to include the following changes:

Changes to Ordinance 14-04 Amending Title 2, Administration:

1. **Chapter 2.16.030 (A) Election and Term of Mayor**

   Revise Chapter 2.16.030 (A) Election and Term of Mayor to reduce the amount of time required as a Borough resident prior to serving as Mayor from three years to one year.

Changes to Ordinance 14-05 Amending Title 40, Planning, Platting and Land Use:

2. **Chapter 40.20.010 (A)(1) Commercial Recreation Operator Land Use Permit Required.**

   Revise Chapter 40.20.010(A)(1) to require Commercial Recreation Operator Land Use Permits to be required as of January 1, 2015.

3. **Chapter 40.20.020 (A)(1) Sand, Gravel and Rock Land Use Permit Required.**

Revise Chapter 40.20.020 (A)(1) to require Sand, Gravel and Rock Land Use Permits to be required as of January 1, 2015.

4. **Chapter 40.20.030 (A)(1) Research Land Use Permit Required.**

   Revise Chapter 40.20.030 (A)(1) to require Research Land Use Permits to be required as of January 1, 2015.

5. **Chapter 40.20.040 (A)(1) Mineral & Coal Exploration & Small Mining Operations Land Use Permit Required.**

   Revise Chapter 40.20.040 (A)(1) to require Mineral & Coal Exploration & Small Mining Operations Land Use Permits to be required as of January 1, 2015.

6. **Chapter 40.20.050 (A)(1) Offshore & Direct Marketing Seafood Processing Land Use Permit Required.**

   Revise Chapter 40.20.050 (A)(1) to require Offshore & Direct Marketing Seafood Processing Land Use Permits to be required as of January 1, 2015.

7. **Chapter 40.20.060 (A)(1) Onshore Seafood Processing Land Use Permit Required.**

   Revise Chapter 40.20.060 (A)(1) to require Onshore Seafood Processing Land Use Permits to be required as of January 1, 2015.

8. **Chapter 40.20.070 (E) Large Mining Operations Land Use Permit Required.**

   Revise Chapter 50.20.070 (E) to increase the minimum Large Mining Operations Permit Fee Fund balance for large mining operations from $10,000 to $12,500.

At the January 16, 2014 Assembly, Ordinances 14-04 and 14-05 will go before the Assembly as a public hearing item.

ORDINANCE 14-03

AN ORDINANCE AMENDING TITLE 1, GENERAL PROVISIONS

WHEREAS, the legislative power of the Aleutians East Borough is vested with the Assembly pursuant to Alaska State Statute 29.20.050; and

WHEREAS The Aleutians East Borough Planning Commission recommends that the Assembly adopt the proposed changes to the Aleutians East Borough Code Title 1, General Provisions.

NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE ALEUTIANS EAST BOROUGH:

Section 1. **Classification.** This ordinance is of a general and permanent nature and shall become part of the Aleutians East Borough Code.

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

Section 3. **Effectiveness.** This ordinance shall become effective upon adoption.

Section 4: **Adoption by Section.** Aleutians East Borough Code, Title 1 General Provisions is hereby repealed and Aleutians East Borough Code, Title 1 General Provisions as annexed hereto as part of this ordinance is hereby adopted as Title 1 of the Code of Ordinances of the Aleutians East Borough.

INTRODUCED:_____

ADOPTED: _____

_____
Stanley Mack, Mayor
Date: _____

ATTEST:

_____
Tina Anderson, Clerk
Date: _____

TITLE 1

GENERAL PROVISIONS

CHAPTERS

1.04 CODE ADOPTION

1.08 BOROUGH DATA

1.12 INTERPRETATION AND USE OF ORDINANCE CODE

1.20 ORDINANCE -- RESOLUTION -- TECHNICAL CODES

1.24 PENALTIES

1.28 FINANCIAL DISCLOSURE

TITLE 1

GENERAL PROVISIONS

Chapter 1.04 -- Borough Code

Section:

1.04 Code Adoption.

1.04 Code Adoption.

There is hereby adopted the "Code of the Aleutians East Borough of Alaska, and shall be sufficient to designate any ordinance adding to, correcting, amending, or amendment of the Code. Ordinances shall be cited by giving the title, chapter and section numbers preceded by the Code."

(Ord. 88-1, Sec. 1.04, part, 1987)

TITLE 1

GENERAL PROVISIONS

Chapter 1.08 -- Borough Data

Sections:

1.08.010 Aleutians East Borough, Mayor - Assembly Form.
1.08.020 Borough Limits.
1.08.030 Borough Seal.

1.08.010 Aleutians East Borough, Mayor - Assembly Form.

A. The Aleutians East Borough shall continue as a municipal corporation under the name: "Aleutians East Borough."

B. The government of the Borough shall be that commonly known and designated as the Mayor - Assembly form.

(Ord. 14-03 (Amended Ord. 88-1), Sec. 1.08.010, part, 1987)

1.08.020 Borough Limits.

The boundaries of the Borough are those set out in the Certificate of Incorporation dated October 23, 1987.

(Ord. 14-03 (Amended Ord. 88-1), Sec. 1.08.020, part, 1987)

1.08.030 Borough Seal.

The Borough shall have a seal of two concentric circles bearing in the outer circle "Aleutians East Borough, Alaska," "October 23, 1987, and shall depict in the inner circle the word "Seal".

(Ord. 14-03 (Amended Ord. 88-1), Sec. 1.08.030, part, 1987)

TITLE 1

GENERAL PROVISIONS

Chapter 1.12 -- Interpretation And Use Of Ordinance Code

Sections:

1.12.010	Definitions.
1.12.020	Grammatical Interpretation.
1.12.030	Ordinances included in the Aleutians East Municipal Code.
1.12.040	Amendments to Code - Effect of New Ordinances Amendatory Language.
1.12.050	Supplements or Revisions to the Aleutians East Borough Municipal Code.

1.12.010 Definitions:

Whenever the following words and terms are used in the Aleutians East Borough Municipal Code, they shall have the meaning herein ascribed to them unless the context clearly indicates otherwise.

A. "Administrator" means the Aleutians East Borough Administrator;

B~~A~~. "Attorney" means the B~~b~~orough A~~a~~ttorney;

C~~B~~. "Assembly" means the assembly of the Aleutians East Borough;

D~~C~~. "Borough" means the Aleutians East Borough;

E~~D~~. "Building Official" means the borough building official;

F~~E~~. "Clerk" means the Borough Clerk;

G~~F~~. "Clerk-treasurer," whenever the reference is to duties not ~~-~~involving money, means the Borough Clerk;

H~~G~~. "Code" means the Aleutians East Borough Municipal Code;

I~~H~~. "Computation of time" means the time within which an act is to be done. Throughout the Code, wherever a period of time is specified, that period of time ~~It~~ shall be computed by excluding the first day and including the last day; and if the last day is Saturday, Sunday or a ~~legal~~ Borough holiday, that day shall be excluded, except when the term "calendar days" is used where

the period of time shall be strictly computed by excluding the first day and including the last day without excluding weekends or holidays;

J~~I~~. "Finance Director" means the Borough Finance Director;

K~~J~~. "Judge" or "Magistrate" means the judge of any court of law;

L~~K~~. "Law" denotes applicable federal law, the Constitution and Statutes of the State Alaska, the Ordinances of the Borough and, when appropriate, any and all rules and regulations which may be promulgated thereunder;

M~~L~~. "May" is permissive;

N. "Mayor" means the Borough Mayor;

O~~N~~. "Month" means calendar month;

P~~O~~. "Municipality" means the Aleutians East Borough

Q~~P~~. "Municipal Officer or Employee" means an officer or employee of the Borough, whether paid or unpaid, including members of the Assembly, and members of any board or commission;

R~~Q~~. "Must" and "Shall" - each is mandatory;

S~~R~~. "Oath" shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed;"

T~~S~~. "Or" is disjunctive and "and" is conjunctive;

U~~T~~. "Ordinance" means a law of the Borough, provided that a temporary or special law, administrative action, order or directive, may be in the form of a resolution;

V~~U~~. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant of the entirety, or agent in charge for any of the foregoing, of the whole or a part of such building or land;

W~~V~~. "Peace Officer" means any officer of the state police, members of the police force of any incorporated borough or borough, United States Marshals and their deputies, and other officers whose duty it is to enforce and preserve the public peace;

XW. "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them;

YX. "Personal property" includes money, goods, chattels, things in action and evidences of debt;

ZY. "Presiding Oofficer: The Mayor is the Presiding Officer at meetings of the Assemblymeans the chairperson of the assembly;

AAZ. "Property" includes real and personal property;

BB. "Published" or "public noticed" means posting in two public places within each community of the Borough as well as on the Borough's public notice page of its website.

CCAA. "Real property" includes lands, tenements and hereditaments;

DDBB. "Registered mail" includes certified mail. When the use of registered mail is authorized or required by this Code, certified mail may be used unless expressly prohibited;

EECC. "Sidewalk" means that portion of a street between the curb line and adjacent property line intended for the use of pedestrians;

FFDD. "Signature" or "subscription" includes mark when the person cannot write, with his name written near the mark by a witness who writes his own name near the person's name, but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto;

GGEE. "State" means the state of Alaska;

HHFF. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, parking areas, or other public ways which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of the state of Alaska;

IIGG. "Tenant" and "occupant," applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others;

JJHH. "Title of Office." Use of the title of any officer, employee, department, board or commission of the borough and borough;

KK~~II~~."Treasurer" whenever the reference to the duties involving money, means the borough finance director;

LL~~JJ~~. "Written" includes printed, or typewritten~~, mimeographed or multigraphed~~; and,

MM~~KK~~. "Year" means a calendar year.

(Ord. 14-03 (Amended Ord. 88-1), Sec. 1.12.010, part, 1987)

1.12.020 Grammatical Interpretation

The following grammatical rules shall apply in the Aleutians East Borough Municipal Code and the Ordinances of the Borough:

A. Gender. Any gender includes the other genders;

B. Singular and Plural. The singular number includes the plural and the plural includes the singular;

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable;

D. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language; and,

E. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

(Ord. 14-03 (Amended Ord. 88-1), Sec. 1.12.020, part, 1987)

1.12.030 Ordinances Included in the Aleutians East Borough Municipal Code:

The Assembly, with the advice and assistance of the Borough Attorney, shall cause each ordinance and resolution having the force and effect of law to be printed as promptly as possible following its adoption in the following manner:

A. Ordinances enacted by the Borough Assembly that are ~~of the borough and borough general and~~ permanent in nature shall be inserted in the Aleutians

East Borough Municipal Code when properly prepared and authenticated by the Borough Clerk.

B. Emergency, bond, temporary and appropriation ordinances and resolutions shall not be included in the Aleutians East Borough Municipal Code, but shall be retained by the Borough Clerk in the form enacted.

C. All titles to ordinances, all enacting and repealing clauses, all declarations of emergency, and all purpose, validity and construction clauses shall be omitted from the Code unless from their nature it may be necessary to retain some of them to preserve the full meaning and intent of the ordinance.

(Ord. 14-03 (Amended Ord. 88-1), Sec. 1.12.030, part, 1987)

1.12.040 Amendments to Code - Effects of New Ordinances Amendatory Language.

A. All ordinances passed subsequent to this Code which amends, repeal or in any affect this Code, may be provided with numbers in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby.

B. Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section _____ of the Borough Municipal Code is hereby amended to read as follows: "_____." The new section shall then be set out in full as desired.

C. In the event a new section not heretofore existing in the code, is to be added by an ordinance, the following language shall be used: "That the Aleutians East Borough Municipal Code is hereby amended to add a section, to be numbered _____, which said section reads as follows:" The new section shall then be set out in full as desired.

D. All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be.

(Ord. 14-03 (Amended Ord. 88-1), Sec. 1.12.040, part, 1987)

1.12.050 Supplements or Revisions to the Aleutians East Borough Municipal Code.

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The Aleutians East Borough Municipal Code shall be supplemented at regular intervals, or if the assembly deems that supplementation of the Code is unnecessary, the Code shall be revised and printed every five years.

(Ord. 14-03 (Amended Ord. 88-11), Sec. 1.12.050, part, 1987)

TITLE 1

GENERAL PROVISIONS

Chapter 1.20 -- Ordinance--Resolutions--Technical Codes

Sections:

1.20.010	Acts of the Assembly.
1.20.020	Acts Required to be by Ordinance.
1.20.030	Ordinance Procedure.
1.20.040	Ordinance Form and Content.
1.20.050	Emergency Ordinances.
1.20.060	Signature.
1.20.070	Ordinances Confined to Single Subject.
1.20.080	Repeal Shall Not Revive Any Ordinances.
1.20.090	Act by Agents.
1.20.100	Codes of Regulations.
1.20.110	Formal Acts by Resolution.
1.20.120	Resolutions - Reading - Hearing - Final Passage Posting.
1.20.130	Rules and Regulations.

1.20.010 Acts of the Assembly.

The Assembly shall act only by ordinance, resolution or order. Laws of a general, uniform and permanent nature shall be reduced to ordinance; laws of a temporary or special character shall be reduced to resolution. When the Assembly expresses anything by way of command, the form of expression shall be "ordered"; when it expresses opinions, principles, facts or propositions, the form shall be "resolved."

(Ord. 14-03 (Amended Ord. 88-1), Sec. 1.20.010, part 1987)

1.20.020 Acts Required to be by Ordinance.

In addition to other actions which AS Title 29 requires to be by ordinance, the Assembly shall use ordinances to:

A. Establish, alter or abolish Borough departments;

B. Fix the compensation of members of the Assembly;

C. Provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;

D. Provide for levying of taxes;

E. Make appropriations and supplemental appropriations or transfer appropriations;

F. Grant, renew, or extend a franchise;

G. Regulate the rate charged by a borough public utility; and

H. Adopt, modify or repeal the Comprehensive Plan, zoning and subdivision ordinances, building and housing codes, and the official map.

(Ord. 14-03 (Amended Ord. 88-1), Sec. 1.20.020, part, 1987)

1.20.030 Ordinance Procedure.

A. An ordinance may be introduced if it is in writing and substantially in the form required in Chapters 12 and 20 of this Title.

B. The following procedure governs the enactment of all ordinances except emergency ordinances:

1. An ordinance may be introduced by a member or committee of the governing body, or by the Mayor.

2. An ordinance shall be set by the governing body for a public hearing by the affirmative vote of a majority of the votes authorized on the question.

3. At least five days before the public hearing a summary of the ordinance shall be published ~~together~~ in accordance with the publication requirements of Sec. 1.12.010 with a notice of the time and place for the hearing.

4. Copies of the ordinances shall be available to all persons present at the hearing, or the ordinance shall be read in full.

5. During the hearing the governing body shall hear all interested persons wishing to be heard.

6. After the public hearing the governing body shall consider the ordinance, and may adopt it with or without amendment. If an amendment to the ordinance is so substantial as to change the basic character of the ordinance, the ordinance, as amended, shall be treated as newly introduced and shall be scheduled for a public

hearing to occur after publication of the summary and notice required in subsection B (3) of this section.

7. The governing body shall print and make available copies of an ordinance that is adopted.

C. An ordinance takes effect immediately upon adoption or at a later date specified in the ordinance.

~~D. For the purpose of this section, "published" means appearing at least once in a newspaper of general circulation distributed in the borough as well as being posted on the Borough's website. , or, if there is no newspaper of general circulation distributed in the Borough municipality such that notice requirements can be met within the time required, notice shall be posted in three public places within the borough as well as on the Borough's website, for at least five days. If publication is by posting, publication does not occur until after the notice has been posted for five days. Thereafter, the five day publication required in subsection B(3) begins to run.~~

(Ord. 14-03 (Amended Ord. 88-1), Sec. 1.20.030, part, 1987)

1.20.040 Ordinance Form and Content.

All ordinances enacted by the Assembly shall be in substantially the following form:

A. The proposed ordinance shall have a heading and number.

B. Title: A short summary of the ordinance's provisions shall be included in a title at the head of the ordinance. The title shall make reference to any penalties imposed by the ordinance.

C. Enacting clause: The enacting clause shall read: "BE IT ENACTED BY THE ASSEMBLY OF THE ALEUTIANS EAST BOROUGH:"

D. Substantive part of the ordinance: The provisions of the ordinance will follow the enacting clause.

E. Signatures: Appropriate places shall be provided for the signatures of the Mayor and Borough Clerk.

F. Attestation: The enactment and passage date of the ordinance shall be attested by the Borough Clerk.

G. Code section numbers: Ordinances which amend, add to or repeal sections of the Aleutians East Borough Municipal Code shall refer to the Code sections by number.

(Ord. 14-03 (Amended Ord. 88-1), Sec. 1.20.040, part, 1987)

1.20.050 Emergency Ordinance.

A. To meet a public emergency the Assembly may adopt ordinances effective on adoption. Every emergency ordinance must contain a finding by the Assembly that an emergency exists and a statement of the facts upon which the finding is based. The ordinance may be adopted, amended and adopted, or rejected at the meeting to which it is introduced. The affirmative vote of all members present, or the affirmative vote of three-fourths of the total membership, whichever is less, is required for adoption. The Assembly must print and make available copies of adopted emergency ordinances.

B. An emergency ordinance may not be used to levy taxes to grant, renew or extend a franchise, or to regulate the rate charged by a public utility for its service.

C. Emergency ordinances are effective for sixty days.

(Ord. 14-03 (Amended Ord. 88-1), Sec. 1.20.050, part, 1987)

1.20.060 Signature.

Each ordinance shall be signed by the Mayor at its adoption and attested by the Borough Clerk.

(Ord. 14-03 (Amended Ord. 88-1), Sec. 1.20.060, part, 1987)

1.20.070 Ordinances Confined to Single Subjects.

Every ordinance shall be confined to one subject unless it is an appropriation ordinance or one codifying, revising, or rearranging existing ordinances. Ordinances for appropriations shall be confined to appropriation. The subject of each ordinance shall be expressed in the title.

(Ord. 14-03 (Amended Ord. 88-1), Sec. 1.20.070, part, 1987)

1.20.080 Repeal Shall Not Revive Any Ordinance.

The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

(Ord. 14-03 (Amended Ord. 88-1), Sec. 1.20.080, part, 1987)

1.20.090 Acts by Agents.

When an act is required by ordinance and the act may be done as well by an agent as by the principal, such requirement shall be construed as to require and include all such acts performed by an authorized agent.

(Ord. 14-03 (Amended Ord. 88-1), Sec. 1.20.090, part, 1987)

1.20.100 Codes of Regulations.

The Assembly may in a single ordinance adopt or amend by reference provisions of a standard published code of regulations. The regular ordinance procedure applies except that neither the ordinance nor its amendments need be distributed to the public or read in full at the hearings. ~~For a period of fifteen days before adoption at least five hearings.~~ For a period of fifteen days before adoption at least five copies of the Code must be made available for public inspection at a time and place set out in the hearing notice. Only the adopting ordinance need be printed after adoption. The Assembly shall provide for the adopted Code to be sold to the public.

(Ord. 14-03 (Amended Ord. 88-1), Sec. 1.20.100, Part, 1987)

1.20.110 Formal Acts by Resolution.

A. Formal acts by the Assembly not required by law to be enacted by ordinance and not being acts of a general and permanent nature may be adopted by resolution. A resolution shall have:

1. The heading "Aleutians East Borough, Alaska";

2. The space for a number to be assigned -- "Resolution, No.";

3. A short and concise title descriptive of its subject and purpose;

4. Short premises or whereas clauses descriptive of the reasons for the resolution, of necessary;

5. The resolving clause "Be it Resolved";

6. Provision for signature after the date, and designated lines for the signatures of the mayor; and,

7. An attestation to be signed by the Clerk.

B. All resolutions adopted by the Assembly whether at the instance of the Assembly, shall conform to the requirements set forth in (A.) above.

C. Resolutions shall not be included in the AEB Municipal Code .

(Ord. 14-03 (Amended Ord. 88-1), Sec. 1.20.110, part, 1987)

1.20.120. Resolution--Adoption--Effective Date--Posting.

A. Every resolution shall be introduced in writing and may be adopted by the Assembly upon introduction and with or without amendments.

B. Unless specifically stated within the resolution or otherwise required by law, a resolution becomes effective-immediately upon adoption.

C. Upon adoption of a resolution, a copy of the resolution shall be posted on the public bulletin board at the Borough headquarters within the Borough, as well as the Borough's website for at least fourteen days. Failure to post the resolution as required under this subsection does not affect the validity or enforceability of the resolution.

(Ord. 14-03 ~~Ord. 92-6~~ (Amended Ord. ~~88-1~~92-6), Sec. 1.20.120, part, 1987)

1.20.130 Rules and Regulations.

Any rule or regulation made by any administrative officer or board or commission shall be published ~~either by one publication in a newspaper of general circulation in the Borough, by posting a copy thereof for ten days following its approval by the Borough Assembly on the Borough bulletin board in the borough offices and also on the Borough's website~~in accordance with the publication requirements of Sec. 1.12.010.

(Ord. 14-03 (Amended Ord. 88-1), Sec. 1.20.130, part, 1987)

TITLE 1

GENERAL PROVISIONS

Chapter 1.24 -- Penalties

Sections:

1.24.010 General ~~Policy~~Penalty.
1.24.020 Administrative Enforcement Action.
1.24.030 Administrative Inspections.
1.24.0~~4~~20 Penalty Surcharge Authorization and Collection.

1.24.010 General Penalty~~Policy~~.

A. Every act prohibited by the ordinance of this Borough is unlawful. Unless another penalty is expressly provided by an ordinance, every person convicted of a violation of any of the ordinances of this Borough, or any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine not to exceed one thousand dollars ($1,000) per violation ~~or by imprisonment for not more than ninety days, or by both such fine and imprisonment~~. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

(Ord. 14-03 (Amended Ord. 88-1), Sec. 1.24.010, part, 1987)

B. Notwithstanding the availability of any other remedy, the Borough or an aggrieved person may institute a civil action against a person who violates a borough ordinance or any order issued under the AEBMC. In addition to injunctive and compensatory relief, a civil penalty not to exceed $1,000 may be imposed for each violation. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of a violation or a threatened violation, the Superior Court shall grant the injunction as provided in AS 29.25.070(b) or any successor law.

1.24.020 Administrative Enforcement Action.

For provisions authorizing the Assembly to prescribe penalties for violation of codified ordinances not to exceed a fine of $1,000 per violation, see AS 29.25.070.

A. The Administrator may order:

1. The discontinuation of unlawful uses of land or structures;

2. The removal or abatement of unlawful structures, or any unlawful additions or alternations thereto;

3. The discontinuation of construction or other preparatory activity leading to an unlawful structure or an unlawful use of a land or structure;

4. Compliance with a permit condition or compliance with AEBMC requirements;

5. Cleanup and remediation; and

6. When necessary to ensure compliance with this title, the suspension or revocation of permits, or other borough land use entitlements.

B. Upon complaint by a citizen, or upon his own initiative, the Administrator may, after investigation, initiate State of Federal criminal proceedings against any person for the violation of this title.

1.24.030 Administrative Inspections.

The Administrator or his designee may conduct both announced and unannounced inspections necessary to enforce the AEBMC and land use permit terms and conditions.

1.24.0~~42~~0 Penalty Surcharge Authorization and Collection.

The surcharge required to be imposed pursuant to AS 12.55.039 is authorized and shall be imposed as a surcharge on penalties imposed for the violation of an ordinance, Code provision, or regulation of the Aleutians East Borough brought under a citation or criminal complaint that would require a proceeding in the Alaska Court System if the defendant were to enter a plea of not guilty. The court may impose and collect the surcharge on all penalties imposed by the court where fines ~~and bail forfeitures~~ are paid to the court. For all criminal proceedings in which the fine ~~or bail forfeiture~~ is collected by the Borough, the surcharge imposed shall be collected by the Borough with the payment of the fine ~~or forfeited bail~~ and regularly paid over to the appropriate agency of the state less any collection and administration fee or reimbursement authorized by the state to be retained by the Borough.
(Ord. 14-03 (Amended Ord. 99-01), new section 1.24.020)

TITLE 1

GENERAL PROVISIONS

Chapter 1.28 – Financial Disclosure

Sections:

1.28 Financial Disclosure

1.28 Financial Disclosure

A. Financial disclosure is required by all Aleutians East Borough Assembly members, Aleutians East Borough School Board members, Planning Commission members and the Aleutians East Borough Mayor.

B. Each elected or appointed official shall complete and file with the clerk a report of financial disclosure and business interest, the Aleutians East Borough Financial Disclosure form, no later than April 15 of each year.

(Ord. 14-03 (Amended Ord. 12-03), New Sec. 1.28)

ORDINANCE 14-04

AN ORDINANCE AMENDING TITLE 2, ADMINISTRATION

WHEREAS, the legislative power of the Aleutians East Borough is vested with the Assembly pursuant to Alaska State Statute 29.20.050; and

WHEREAS The Aleutians East Borough Planning Commission recommends that the Assembly adopt the proposed changes to the Aleutians East Borough Code Title 2, Administration.

NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE ALEUTIANS EAST BOROUGH:

Section 1. **Classification.** This ordinance is of a general and permanent nature and shall become part of the Aleutians East Borough Code.

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

Section 3. **Effectiveness.** This ordinance shall become effective upon adoption.

Section 4: **Adoption by Section.** Aleutians East Borough Code, Title 2 Administration is hereby repealed and Aleutians East Borough Code, Title 2 Administration as annexed hereto as part of this ordinance is hereby adopted as Title 2 Administration of the Code of Ordinances of the Aleutians East Borough.

INTRODUCED:_____

ADOPTED: _____

_____
Stanley Mack, Mayor
Date: _____

ATTEST:

_____
Tina Anderson, Clerk
Date: _____

TITLE 2

ADMINISTRATION

CHAPTERS:

2.02 BOROUGH SCHOOL BOARD

2.04 BOROUGH ASSEMBLY

2.08 ASSEMBLY MEETINGS

2.12 ASSEMBLY PROCEDURES

2.16 MAYOR

2.20 BOROUGH OFFICES AND OFFICERS

2.28 BOROUGH CLERK ~~– TREASURER~~

2.29 FINANCE DEPARTMENT

2.40 PUBLIC WORKS DEPARTMENT

~~2.50 HEALTH DEPARTMENT~~

~~2.51 ALEUTIANS EAST BOROUGH HEALTH BOARD~~

2.60 NATURAL RESOURCES DEPARTMENT

TITLE 2

ADMINISTRATION

Chapter 2.02 -- Borough School Board

Section:

2.02.010 School Board Composition and Apportionment.
2.02.020 School Board Elections.
2.02.030 Financial Disclosure

2.02.010 School Board Composition and Apportionment.

The School Board shall consist of seven members, elected to seats identified as seats A-G, who are elected at large by the qualified voters of the Borough.

(~~Ord. 07-09~~Ord 14-04 (Amended ~~02-08~~07-09), Sec. 2.02.010, part, 1987)

2.02.020 School Board Elections.

The Borough Code Title 4 governing elections is applicable to all School Board elections.

(Ord. 14-04 (Amended Ord. 07-09), ~~New~~ Sec. 2.02.020)

2.02.030 Financial Disclosure

A. Aleutians East Borough School Board members shall submit a financial and business disclosure form in accordance with and as required by ~~Borough Code~~Chapter 1.28.

B. Participation in all borough governmental activities without the required disclosure by School board members is prohibited.

(Ord. 14-04 (Amended Ord. 12-03), ~~New~~ Sec. 2.02.030)

TITLE 2

ADMINISTRATION

Chapter 2.04 -- Borough Assembly

Sections:

2.04.010	Borough Assembly--Composition and Apportionment
2.04.020	Qualifications of Assembly and School Board Members.
2.04.030	Election of Assembly and School Board Members--Terms.
2.04.040	Compensation of Assembly Members.
2.04.048	Declaration of Vacancy.
2.04.050	Filling a Vacancy.
2.04.060	Advisory Members.
2.04.070	Financial Disclosure

2.04.010 Borough Assembly -- Composition and Apportionment.

The Assembly shall consist of seven members, elected to seats, identified as Seat A-G, elected at large by the qualified voters of the Borough.

(Ord. ~~07-08~~14-04 (Amended Ord. ~~02-09~~07-08), Sec. 2.04.010, part, 1987)

2.04.020 Qualifications of Assembly and School Board Members.

The Assembly and school board members shall be qualified electors of the Borough, and shall have been a resident within the Borough for a minimum of one (1) year prior to holding office. An Assembly or school board member who ceases to be eligible to be a Borough voter immediately forfeits his office.

(Ord. ~~07-08~~14-04 (Amended Ord. ~~88-1~~07-08), Sec. 2.04.020, part, 1987)

2.04.030 Election of Assembly Members -- Terms.

A. An election is held annually on the first Tuesday of October, to choose Assembly and school board members for three year terms and until their successors are elected and have qualified. In the event that a new form of representation is adopted, upon certification of the results, the Assembly and school board members elected at such election shall determine by lot the length of the terms of office so that the terms of two (2) members shall be for one (1) year, the terms of two (2) members shall be for two (2) years,

and the term of three (3) members shall be for three (3) years, resulting in staggered terms of office for all members subsequently elected.

B. The regular term of office begins on the first Monday following the certification of the election.

C. The Assembly may provide by ordinance for different terms not to exceed three (3) years, except that the current term of incumbent Assembly members may not be altered.

Ord. ~~07-08~~14-04 (Amended Ord. ~~88-1~~07-08), Sec. 2.04.030, part, 1987)

2.04.040 Compensation of Assembly Members.

Each member of the Assembly shall receive a meeting fee of ~~two~~ three hundred dollars for each meeting day of the Assembly attended, including Board of Equalization and Board of Adjustment meetings attended. The meeting fee shall be paid monthly and shall be subject to all taxes and withholdings, including deductions for the Public Employee's Retirement System (PERS), if applicable.

(Ord. ~~02-12~~14-04 (Amended Ord. ~~88-1~~02-12), Sec. 2.04.040, part, 1987)

2.04.048 Declaration of Vacancy.

A. An Assembly seat becomes vacant for any reason set out in AS 29.20.170 upon a declaration of vacancy by the Assembly by resolution.

B. Prior to the adoption of a resolution declaring a vacancy, the Assembly shall hold a hearing on the question of whether to declare the seat vacant and shall give two weeks' notice of the date, time, place and purpose of the hearing to the Assembly member holding the seat. If the reason for the proposed declaration of vacancy is the mental inability of the Assembly member to perform the duties of office, notice shall be given to the Assembly member and, if possible, to a person responsible either for the care or for the affairs of the Assembly member. The Assembly member may be represented at the hearing by an attorney and may present such evidence and sworn oral and written testimony as is relevant.

C. If the declaration of vacancy is because the Assembly member no longer physically resides in the Borough, there is a rebuttable presumption the Assembly member no longer physically resides in the Borough if it is shown that the Assembly member has established a place of residence outside the Borough and has resided outside the Borough for 90 or more consecutive or nonconsecutive days during the immediately preceding 6 month period without first having obtained a determination by the Assembly that unusual circumstances exist that justify both the temporary establishment of such a residence and the physical presence of the person outside the Borough. In

determining whether an Assembly member has established a residence outside the Borough the Assembly may consider such things as:

1. Where the Assembly member or a member of the Assembly member's household owns residential property that the Assembly member occupies.

2. Where and for what term the Assembly member leases or rents and resides at nontransient residential property.

3. Whether and where an Assembly member who lives aboard a vessel rents transient or permanent moorage.

4. The location and amount of time the Assembly member resides at residential property owned or rented by or made available for the Assembly member, including the location and time residing on a vessel.

5. The address to which the Assembly member's mail, other than advertising, is sent directly by the sender.

6. The physical location of motor vehicles and other goods owned by the Assembly member or that are owned by members of his or her household and regularly used by the Assembly member.

7. The places the Assembly member participates in activities of social clubs or other groups.

8. The places children of the household of the Assembly member attend school.

9. Other relevant factors.

D. Resignation tendered by an Assembly member is unconditional and irrevocable. Upon submittal, the resignation shall be transmitted to the Assembly for consideration and action and cannot be withdrawn any time prior to consideration and action by the Assembly.
(Ord. 14-04 (Amended Ord. 00-05), ~~new~~ subsection 2.04.048(D)

The Assembly may find that an Assembly member no longer physically resides in the Borough whether or not the conditions for the rebuttable presumption are shown.
(Ord 14-04 (Amended Ord. 90-4), Sec. 2.04.048, part, 1987)

2.04.050 Filling a Vacancy.

If a vacancy occurs in the Assembly, the Assembly by vote of a majority of is remaining members shall designate a person to fill the vacancy within thirty days. (Ord. 14-04 (Amended Ord. 88-1), Sec. 2.04.050, part, 1987)

2.04.060 Advisory Members.

A. There shall be advisory members appointed on the Assembly with the rights and responsibilities a set out in this section.

B. There shall be one for each of the communities in the Borough, which are without an Assembly member residing in its respective community.

C. The term of an advisory member is one year and begins on January 1st of each year. A person appointed holds office until a successor has been appointed and seated.

D. Advisory members may attend all Assembly meetings, work sessions, committee of the whole meeting and subcommittee meetings; except, an advisory member may not attend executive sessions except upon adoption by the Assembly or committee of the motion to permit the advisory members to attend the executive session.

E. Advisory members may participate in the discussion of any matter that comes before the Assembly or committee but may not make motions, vote or otherwise participate except to discuss matters before the body.

F. Only a person appointed under this section may participate in Assembly meetings as an advisory member. An advisory member may not serve as a proxy or substitute for a regular member of the Assembly unless appointed or elected to fill an Assembly vacancy. Upon such election or appointment to a vacancy, the advisory seat held by that person becomes vacant.

G. If an advisory member clearly expresses a position for or against a proposition, the minutes of the meeting shall reflect the position expressed.

H. Advisory members will receive per diem, reimbursement and payments in lieu as may be provided for Assembly members.

I. The presence or absence of an advisor member at an Assembly meeting, the existence of a vacancy in an advisory member seat, and an act or admission of an advisory member shall have no effect on any action of the Borough. An advisory member has no authority to act on behalf of the Borough and the meeting of advisory members does not constitute a

meeting of the Assembly or any other body of the Borough for any purpose.

J. Advisory members shall be governed by the same rules as elected members concerning meeting attendance as provided for in Chapter 2.20 and other applicable ordinances.

(Ord. ~~08-04~~14-04 (Amended Ord. ~~88-5~~08-04), Sec. 2.04.060, part, 1987)

2.04.070 Financial Disclosure.

A. Aleutians East Borough Assembly members shall submit a financial and business disclosure form in accordance with and as required by ~~Borough Code~~Chapter 1.28.

B. Participation in all borough governmental activities without the required disclosure by Assembly members is prohibited.

(Ord. 14-04 (Amended Ord. 12-03), New Sec. 2.04.070)

TITLE 2

ADMINISTRATION

Chapter 2.08 - Assembly Meetings

Sections:

2.08.010 Regular Assembly Meetings.
2.08.020 Special Meetings.
2.08.030 Meetings - Location Change.
2.08.040 Rescheduling of Meetings – Authority of Mayor ~~Meetings - Emergency Special Meetings - Waivers~~.
2.08.050 Executive Sessions.
2.08.060 Absences.

2.08.010 Regular Assembly Meetings.

A. All regular meetings of the Assembly shall be held on the second Thursday of each month at 3:00 p.m.

B. The regular place of Assembly meetings shall be at the Borough office at Sand Point, Alaska. In order to give the public a greater opportunity to attend and participate in meetings of the Borough Assembly, the Assembly may hold regular and special meetings in public locations throughout the Borough other than at the regular meeting place. When the Assembly determines to hold a meeting at a date, time or place other than the regular place, the Borough Clerk shall give notice of such meeting. The notice shall in accordance with the publication requirements of Sec. 1.12.010~~either be published in a newspaper or general circulation within the Borough at least three days prior to the scheduled meeting or shall be posted in at least one public place in each city and major community within the Borough and posted on the Borough's website~~, at least three days prior to the scheduled meeting.

C. All meetings of the Assembly, including work sessions and committee meetings, shall be public meetings. The public shall have reasonable opportunity to be heard at regular and special meetings of the Assembly.

D. Audio/Video Conferencing: Attendance and participation of members of the Assembly at Assembly meetings may be by teleconference or video conference in public locations established within the Borough or in the Borough's Anchorage office. The public shall be given notice

of teleconference or video conference locations and all materials that are to be considered at the meeting shall be made available at the locations if practicable.

E. Telephonic participation by Assembly members is not authorized during Assembly meetings when an Assembly member is physically absent from the Aleutians East Borough or unable to attend at the Borough's Anchorage office or is physically incapacitated except when a quorum is necessary to conduct business or an emergency meetings is necessary.

(Ord. ~~08-02~~14-04 (Amended Ord. ~~89-3~~08-02), Sec. 2.08.010, part, 1987)

2.08.020 Special meetings.

A. If a majority of the members of the Assembly are given at least 24 hours oral or written notice and reasonable efforts are made to notify all members, a special meeting of the Assembly may be held at the call of the Mayor or at least three members of the Assembly. Notice of the special meeting must be given orally or in writing to each Assembly member or written notice may be left at the member's usual place of business or residence. A special meeting may be conducted with less than 24 hours' notice if all members of the Assembly are present or if absent members have waived in writing the required notice. Waiver of notice may be made before or after the special meeting is held. A waiver of notice must be made part of the journal for the meeting. The location of special meetings shall be the same as for regular meetings unless the Assembly, at a regular or special meeting, determines that a special meeting will be held at a different place.

B. The notice of special meeting must specify the time, place and subject matter of the meeting. If two members at the meeting object, an item of business that was not on or related to an item mentioned in the notice may not be acted on by the Assembly, however, such items may be discussed and scheduled for Assembly action at a future meeting.

(Ord. 14-04 (Amended Ord. 89-3), Sec. 2.08.020, part, 1987)

2.08.030 Meetings - Location Change.

Notwithstanding the provisions of Sec. 2.08.010 or 2.08.020, if after having been lawfully Assembly in a location properly designated, the Assembly determines that a condition exists which renders such location unsuitable; it may recess the meeting and reconvene at a different location suitable to the needs of the Assembly. Prior to the recess the Assembly shall make known to those assembled for the meeting the location at which the meeting will be reconvened.

In addition, a notice of the change of location must be posted at the place originally scheduled for the meeting.

(Ord. 14-04 (Amended Ord. 89-3), Sec. 2.08.030, part, 1987)

2.08.040 Rescheduling of Meetings - Authority of Mayor.

If, prior to a regular or special meeting, the Mayor makes a written determination that:

A. A quorum will not be present at the meeting;

B. There will not be available information, documents or other materials or a person essential for the conduct of the meeting;

C. A substantial number of members of the public who have attempted to get to the place of the meeting will be prevented from attending because of weather or transportation problems beyond their control; or,

D. Other substantial and compelling reasons justify the postponement of the meeting;

The Mayor may postpone the meeting to a later time. Upon a postponement of a meeting under this section, the Mayor shall have posted in a conspicuous place at the main entrance of the building and on the door of the room in which the meeting was to have been held a notice of the postponement and the date and time to which the meeting in postponed. Similar notice shall be provided orally or in writing to each Assembly member. The Mayor shall also have a similar notice posted in a public place in each city and major community in the Borough, provided, failure to the notice required in this sentence posted in each city and major community does not affect the validity of postponed meeting. All matters acted upon by the Assembly at a postponed meeting shall be as valid as if such action had taken place at the originally scheduled meeting, but the date of such action shall be the date the action was actually taken.

(Ord. 14-04 (Amended Ord. 89-3), Sec. 2.08.040, part, 1987)

2.08.050 Executive Session.

A. The following subjects may be discussed in an executive session:

1. Matters that immediate knowledge of which would clearly have an adverse effect on the finances of the Borough or school district; or,

2. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion.

B. The following shall be discussed in executive session when the best interests of the Borough requires:

1. Discussions of potential, threatened or pending suits, claims or governmental proceedings in which the Borough has an interest.

2. Discussions with legal counsel to the Borough.

3. Discussions of negotiations or other matters in which the public discussion of the possible strategy and positions of the Borough would be detrimental to the effectiveness of the Borough in such matters.

C. The adoption of a motion to go into executive session for a purpose under subsection B constitutes a determination by the Assembly that the best interests of the Borough require such discussion in executive session.

D. If subjects excepted by law or this section are to be discussed at a meeting, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss excepted subjects shall be determined by a majority vote of the Assembly. No subjects may be considered at an executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. No action may be taken at an executive session.

(Ord. 14-04 (Amended Ord. 89-3), Sec. 2.08.050, part, 1987)

2.08.060 Absences.

No member may absent himself from any meeting of the Assembly except for good and sufficient reason.

(Ord. 14-04 (Amended Ord. 89-3), Sec. 2.08.060, part, 1987)

TITLE 2

ADMINISTRATION

Chapter 2.12 -- Assembly Procedures

Sections:

2.12.010	Presiding Officer.
2.12.020	Meetings - Order of Business.
2.12.030	Agenda.
2.12.040	Minutes.
2.12.050	~~Council~~ Assembly Rules.
2.12.060	Veto.
2.12.070	Duties of the Clerk at Assembly Meetings.

2.12.010 Presiding Officer.

A. The Mayor shall be the Presiding Officer at meetings of the Assembly. He shall preserve order and decorum among the Assembly members, and is responsible for conduct of all meetings in compliance with the rules of the Assembly. He may at any time make such rules as he deems proper to preserve order among the spectators in the Borough Assembly chamber during sessions of the Assembly.

The Presiding Officer may speak to points of order in preference to other members, and shall decide all points of order, subject to appeal to the Assembly by motion duly seconded as herein provided. He may at any time call any member to the chair during any meeting, such substitution to discontinue when he elects to resume the chair and in no event beyond adjournment of the meeting at which such substitution is made.

B. In the temporary absence or disability of the Presiding Officer, any member of the Borough Assembly may call the Assembly to order at any duly called meeting to elect a president pro tempore from among its number and the president pro tempore shall exercise all the powers of chairman during such temporary absence or disability of the Presiding Officer and may also vote.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.12.010, part, 1987)

2.12.020 Meetings - Order of Business.

At every regular meeting of the Borough Assembly the order of business shall be as follows:

A. Call to Order;
B. Invocation;
C. Roll Call;
D. Minutes of Previous Meeting;
E. Communications and Appearance Requests;
F. Consent Agenda;
G. Hearings, Ordinances and Resolutions;
H. Old Business;
I. New Business;
J. Administrator/Manager Reports;
K. Audience Participation;
L. Assembly Comments; and,
M. Adjournment.

(Ord. ~~92-6~~14-04 (Amended Ord. ~~88-1~~92-06), Sec. 2.12.020, part, 1987)

2.12.030 Agenda.

A. Regular and Special Assembly Meetings. All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Assembly shall, at least seventy-two hours prior to each Assembly meeting, be delivered to the Borough clerk, whereupon the Mayor shall arrange a list of such matters according to the order of business. ~~and~~ At least forty-eight hours in advance of the Assembly meeting, the Borough clerk shall furnish each member of the Assembly and the Mayor ~~with~~ a copy of the same in packet form. Distribution shall be by electronic mail to each Assembly member's email address of record as well as by posting on the Borough's website. If distribution by electronic means is not available, distribution shall be by delivery in person or mail to the Assembly member. ~~at least forty-eight hours in advance of the assembly~~Assembly ~~meeting, excluding Saturdays, Sundays and holidays~~.

B. Work Sessions. Any matter to be considered by the Assembly in work sessions shall be listed in agenda form by the clerk and be given to the Assembly at least three days prior to said work session. Any written material for said work session shall be furnished by the Borough Clerk to the Mayor, Assemblymen and Borough administrator three days in advance of the scheduled day for said work session. Reasonable public notice for work sessions of the Assembly shall be required.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.12.030, part, 1987)

C. Consent Agenda. Matters requiring Assembly approval that are determined by the Mayor to be routine or noncontroversial may be placed under the Consent Agenda for approval by the Assembly upon a single motion. An ordinance may not be placed under the Consent Agenda except for the purpose of introduction and setting of a public hearing date. An ordinance placed under the Consent Agenda shall include a notation indicating the proposed public hearing date. The presiding officer, at his own discretion or upon the request of any member of the Assembly, shall remove a Consent Agenda item and place it under the appropriate agenda item for action at the time such other agenda item comes up. Except for minor clarifications, Assembly members may not discuss, debate, or amend any matter while it is on the Consent Agenda. Discussion, debate and amendment on a Consent Agenda item may be had by requesting the item be removed and placed for action under the appropriate agenda item. All items remaining on the Consent Agenda are adopted by approval of a single motion to adopt the Consent Agenda.

(Ord. 14-04 (Amended Ord. 92-6), Sec. 2.12.030, part, 1987)

2.12.040 Minutes.

A. Minutes of all regular and special meetings shall be taken. Minutes shall be in the form of a summary of discussion including a verbatim report of motions made and actions taken plus a report of each vote cast by Assembly members when a roll call vote is made. Summary notes shall be provided for each work session.

All minutes of regular and special meetings, and summary notes of work sessions, shall be kept in the journal of the proceedings of the Assembly. Paper copies of a~~A~~ll minutes of the Assembly shall be distributed by the Borough Clerk to the public desiring same after payment of a reasonable charge. One copy of the minutes shall be given free of charge to any person appearing in person and requesting same with extra copies in person or by mail available at twenty-five cents per copy per page, and subscriptions available by mail at the rate of ten dollars per year. All minutes shall also be posted on the Borough's website and available to the public free of charge.

B. Unless a reading of the minutes of an Assembly meeting, regular or special, is requested by a member of the Assembly, such minutes may be approved without a reading if the Borough Clerk has previously furnished each member with a synopsis thereof.

C. The Borough Clerk may be directed by the Mayor, with the consent of the Assembly, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Assembly.

(Ord. 14-04 (Amended ~~Ord. 88-1 (amended~~ by Ord. 90-5), Sec. 2.12.040, part, 1987)

2.12.050 Assembly Rules.

A. In all matters of parliamentary procedure not covered in these rules, Robert's Rules of Order shall be applicable and govern.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.12.050, part, 1987)

2.12.060 Veto.

The Mayor may veto any ordinance, resolution, motion, or other action of the Assembly and may, by veto, strike or reduce items in appropriation ordinances. He shall submit to the Assembly at its next regular meeting a written statement advising of his veto and giving his reasons. A veto is overridden by the vote of two-thirds of the authorized membership of the Assembly within 21 days following exercise of the veto or at the next regular meeting whichever is later. The veto does not extend to appropriation items in school budget ordinances; actions of the governing body sitting as the board of equalization or the board of adjustment; or, adoption or repeal of a manager plan of government.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.12.060, part, 1987)

2.12.070 Duties of the Clerk at Assembly Meetings.

The Borough Clerk shall give notice of Borough Assembly meetings, shall attend all meetings of the Assembly and keep the journal of its proceedings, shall authenticate by his signature and record in full in a book or file kept for that purpose all ordinances and resolutions duly indexed and open to public inspection. In case of the temporary absence of the Borough Clerk, the Borough Assembly may appoint a clerk pro tempore, with all the powers, duties and obligations of the Borough Clerk, who shall be duly qualified.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.12.080, part, 1987)

TITLE 2

ADMINISTRATION

Chapter 2.16 - Mayor

Section:

2.16.010 Mayor as Executive.
2.16.020 Mayor's Additional Duties.
2.16.030 Election and Term of Mayor.
2.16.040 Filling a Vacancy.
2.16.050 Mayor Pro Tempore.
2.16.060 Successor to Office of Mayor and Mayor Pro Tempore.
2.16.070 Salary of Mayor.
2.16.080 Financial Disclosure

2.16.010 Mayor as Executive.

A. The Mayor is the chief executive officer of the Borough. He shall act as ceremonial head of the Borough, and sign documents on the Borough's behalf upon Assembly authorization.

B. The Mayor shall:

1. Appoint Borough employees and administrative officers, except as provided otherwise in Sec. 2.20.050 and AS 14.14.065; he may hire necessary administrative assistants and may authorize an appointive administrative officer to appoint, suspend, or remove subordinates in his department;

2. Suspend or remove by written order Borough employees and administrative officers, except as provided otherwise in Sec. 2.20.050 and AS 14.14.065;

3. Supervise enforcement of Borough law;

4. Prepare the annual budget and capital improvement program for the Assembly;

5. Execute the budget and capital program as adopted;

6. Make monthly financial reports to the Assembly on Borough finances and operations;

7. Report to the Assembly at the end of each fiscal year on the finances and administrative activities of the Borough;

8. Prepare and make available for public distribution an annual report on Borough affairs;

9. Serve as Borough personnel officer unless the Assembly authorizes him to appoint a personnel officer; and,

10. Execute other powers and duties specified in AS Title 29 or lawfully prescribed by the Assembly.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.16.010, part, 1987)

2.16.020 Mayor's Additional Duties.

The Mayor shall in addition to the powers and duties conferred on his office by Sec. 2.16.010:

A. Direct and supervise the business of the Borough to assure that all ordinances and resolutions are executed; and,

B. Act as ex-officio chairman of the board of adjustment for matters of building and zoning regulations of the Borough.

(Ordinance 14-04 (Amended Ord. 88-1), Sec. 2.16.020, part, 1987)

2.16.030 Election and Term of Mayor.

A. A voter of the Borough is eligible to hold the office of Mayor. A voter must be a resident of the Borough no less than ~~three consecutive years~~ one year prior to serving as Mayor.

B. The Mayor is elected at large for a term of three years and until a successor is elected and has qualified.

C. The Mayor's regular term begins on the first Monday following his election, which is held on the first Tuesday of October.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.16.030, part, 1987)

2.16.040 Filling a Vacancy.

A vacancy in the office of Mayor occurring within six months of a regular election shall be filled by the Assembly. The person designated shall serve until the next

regular election and until a successor is elected and has qualified. If an Assemblyman is chosen, he shall resign his Assembly seat. If a vacancy occurs more than six months before a regular election; the Assembly shall call a special election to the unexpired term.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.16.040, part, 1987)

2.16.050 Mayor Pro Tempore.

Should the office of the Mayor become vacant, or if the existing Mayor is disabled or unable to act, the Assembly may appoint a Mayor pro tempore, to serve until the Mayor resumes his official duties, or until a new Mayor is qualified.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.16.050, part, 1987)

2.16.060 Successor to Office of Mayor and Mayor Pro Tempore.

Should the office of Mayor and Mayor pro tempore become vacant or should both the Mayor and Mayor pro tempore be absent or unable to perform the duties of the office of Mayor, the order of interim succession shall be determined as follows:

A. The Assembly member with the longest total period of tenure in office shall assume the office of Mayor pro tempore.

B. Should more than one Assemblyman have the same total period of tenure in office, that Assemblyman who received the largest plurality at the last election at which such Assembly members were elected shall assume the office of Mayor pro tempore.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.16.060, part, 1987)

2.16.070 Salary of Mayor.

A. The office of the Mayor of the Borough may be filled on a part-time basis. The salary of the Mayor serving on a part-time basis shall be $50,000.00 per annum increased annually on July 1 of each year by an amount equal to the increase of the Consumer Price Index (Urban) for the Anchorage area from the preceding July 1. The base date of computing increases is July 1, 1993. The salary of the Mayor, shall not be diminished during the Mayor's term but may be increased beyond the cost of living index increase provided in this subsection by an amount approved by the Assembly in the budget for the next fiscal year. Any increase beyond the annual consumer price index adjustment shall become effective on July 1 of the budget year for which approved unless otherwise provided by the Assembly.

(Ord. ~~01-01~~14-04 (Amended Ord. ~~94-2~~01-01), Subsection 6.04.042 A, part, 1987)

B. The Borough Assembly may, at any time during the term of office of a Mayor, raise the salary of the Mayor to an amount the Assembly determines to be commensurate with the duties and responsibilities of the office of Mayor.

C. The office of the Mayor shall be appropriately staffed, subject to Assembly approval, in order to meet the requirement of full service to the public.

(Ord. ~~94-2~~14-04, (Amended Ord. ~~88-1~~94-02) Sec. 2.16.070, part, 1987)

2.16.080 Financial Disclosure.

A. Aleutians East Borough Mayor shall submit a financial and business disclosure form in accordance with and as required by ~~Borough Code~~Chapter 1.28.

B. Participation in all borough governmental activities without the required disclosure by the Mayor is prohibited.

(Ord. 14-04 (Amended Ord. 12-03), New Sec. 2.16.080)

TITLE 2

ADMINISTRATION

Chapter 2.20 - Borough Offices and Officers

Sections:

2.20.010	Meetings Public.
2.20.020	Private Meetings.
2.20.030	Public Notice of Meetings.
2.20.040	Publication.
2.20.050	Emergency Meeting.
2.20.060	Oath of Office.
2.20.070	Salaries of Elected Officers Not to be Varied.
2.20.080	Appointment of Officers.
2.20.090	Prohibitions.
2.20.100	Conflicts of Interest.
2.20.110	Vacancies.

2.20.010 Meetings Public.

Meetings of all municipal bodies shall be public as provided in AS ~~-~~44.62.310. The ~~assembly~~Assembly, all Boards and Commissions and ~~assembly~~ Mayor ~~-~~shall provide reasonable opportunity for the public to be heard at regular and special meetings.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.20.010, part, 1987)

2.20.020 Private Meetings.

A. All meetings of the Assembly, Planning Commission, subcommittees of the Assembly, boards, administrative agencies and commissions created by this Code or by the Assembly, shall be open to the public; provided, however, that the following excepted subjects may be discussed in a private meeting by any of the above:

1. Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the Borough;

2. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion; or,

3. Matters which by law, municipal charter, or ordinance are required to be confidential.

B. The following shall be discussed in a private meeting when the best interests of the Borough so require:

1. Topics that meet the standard of Sec. 2.08.050 of this Code;

2. Negotiations with labor organizations representing Borough employees; or,

3. Discussions of pending or threatened lawsuits in which the Borough has an interest.

C. If excepted subjects are to be discussed at a meeting, the meeting must first be convened as a public meeting, and the question of holding a private meeting to discuss matters that come within the exceptions contained in subsections (A) and (B) of this section shall be determined by a vote of the body. No subjects may be considered at the private meeting except those mentioned in the motion calling for the private meeting unless auxiliary to the main questions. No action may be taken at the private meeting.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.20.020, part, 1987)

2.20.030 Public Notice of Meeting.

Reasonable public notice shall be given of all meetings of an administrative body, board, commission, committee, subcommittee, authority, agency or other organization including subordinate units of the above groups of the Borough including but not limited to Assembly, Planning Commission, school board, platting board, commissions or organizations advisory or otherwise of the Borough.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.20.030, part, 1987)

2.20.040 Publication.

For the purpose of giving notice of meetings, reasonable public notice is given if a statement containing the date, time and place of the meeting is published in accordance with the publication requirements of Sec. 1.12.010 not less than twenty-four hours before the time of the meeting. ~~in accordance with 1.20.030(c).~~

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.20.040, part, 1987)

2.20.050 Emergency Meeting.

An emergency meeting of the Assembly may be held after such public notice as is reasonable under the circumstances without regard to the publication

requirements in Sec. 2.20.040, upon the affirmative vote of all members present, or the affirmative vote of three-quarters of those elected that a public emergency affecting life, health, welfare or property exists and that reasonable public notice of the meeting has been given. Any action taken at an emergency meeting is valid only for sixty days.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.20.050, part, 1987)

2.20.060 Oath of Office.

A. All officers elected or appointed before entering upon the duties of office shall affirm in writing the following oath and affirmation:

"I . . . . . do solemnly swear that I will support the Constitution of the United States and State of Alaska and the laws and ordinances of the Aleutians East Borough, State of Alaska, and that I will honestly, faithfully and impartially perform the duties of the office of. . . . So help me God.

B. The Oath is filed with the Borough Clerk.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.20.060, part, 1987)

2.20.070 Salaries of Elected Officials Not to be Varied.

The Assembly may fix by ordinance the salaries of elected officials before they are elected. Salaries may not be changed during a term of office. An elected officer may not receive any other compensation for service to the Borough. Per diem payments or reimbursements for expenses are not compensation under this section.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.20.070, part, 1987)

2.20.080 Appointment of Officers.

The Borough Clerk, Borough Attorney and Administrator are appointed by the Mayor. Officers serve at the pleasure of the appointing authority. Appointments by the Mayor are subject to confirmation by the Assembly.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.20.080, part, 1987)

2.20.090 Prohibitions.

No person may be appointed to or removed from Borough office or be favored or discriminated against with respect to a Borough position because of race color,

sex, creed, national origin or, unless otherwise contrary to law, because of political opinions or affiliations.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.20.090, part, 1987)

2.20.100 Conflicts of Interest.

A member of the governing body shall declare a substantial financial interest that the member has in an official action and ask to be excused from a vote on the matter. The Presiding Officer shall rule on the request for abstention (excused). The decision of the Presiding Officer on the request may be overridden by the majority vote of the Assembly. An employee or official of the Borough, other than an Assembly member may not participate in an official action in which he has a substantial financial interest. AS 29.20.010

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.20.100, part, 1987)

2.20.110 Vacancies.

An elected Borough office is vacated under the following conditions and upon the declaration of vacancy by the Assembly. The Assembly shall declare an elective office vacant when the person elected:

A. Fails to qualify or take office within thirty days after his election or appointment;

B. Is physically absent from the Borough for a ninety-day period, unless excused by the Assembly;

C. Resigns and his resignation is accepted;

D. Is physically or mentally unable to perform the duties of his office;

E. Is removed from office;

F. Misses three regular meetings annually unless excused; or

G. Is convicted of a felony or of an offense involving a violation of his oath of office.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.20.110, part, 1987)

TITLE 2

ADMINISTRATION

Chapter 2.28 -- Borough Clerk

Sections:

2.28.010 Appointment--Term.
2.28.020 Borough Clerk.
2.28.030 Additional Duties of Clerk.
2.28.040 Acting Clerk.
~~2.28.050 Treasurer.~~
~~2.28.060 Additional Duties of the Treasurer.~~
~~2.28.070 Finance Department.~~
~~2.28.080 Administration.~~

2.28.010 Appointment.

The Borough clerk shall be appointed by the Mayor. He shall hold office at the pleasure of the Assembly.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.28.010, part, 1987)

2.28.020 Borough Clerk ~~-- Treasurer.~~

A. The Borough Clerk shall:

1. Give notice of the time and place of meetings of the Assembly and all Boards and Commissions ~~meetings~~ to the Assembly and to the public;

2. Attend meetings of the Assembly and of all Boards and Commissions ~~meetings~~ and keep the journal;

3. Arrange publication of notices, ordinances, and resolutions for the Assembly, and all Boards and Commissions;

4. Maintain and make available for public inspection an indexed file including the municipal ordinances, resolutions, rules, regulations, and codes;

5. Attest deeds and other documents; and,

6. Perform other duties specified in this title or prescribed by the Mayor or by the Assembly and any Board or Commission of the Borough.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.28.020, part, 1987)

2.28.030 Additional Duties of the Clerk.

A. The Borough Clerk shall record and certify all actions of the Assembly and Planning Commission.

B. The Borough Clerk shall have the power to administer all oaths required by law.

C. The Borough Clerk shall be custodian of the Borough seal and the official records of the Borough.

D. The Borough Clerk shall give to the proper officials ample notice of the expiration or termination of any term of office and, when necessary, the conditions or requirements of all bonds, franchises, contracts or agreements.

E. The Borough Clerk shall be the registrar of the Borough and shall be responsible for the calling and supervision of all Borough elections unless otherwise provided by law.

Ord. 14-04 (Amended Ord. 88-1), Sec. 2.28.030, part, 1987)

2.28.040 Acting Clerk.

In case of the temporary absence of the Borough Clerk, the Assembly may appoint an acting Borough Clerk, with all the powers and obligations of the Borough Clerk. The acting Borough Clerk shall be duly qualified.

The acting Borough Clerk shall in all cases sign all documents in the name of the Borough Clerk, subscribing his personal signature as acting Borough Clerk.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.28.040, part, 1987)

~~**2.28.050 Treasurer.**~~

~~A. There shall be a borough treasurer who shall be appointed by the Mayor.~~

~~B. The treasurer is the custodian of all municipal funds. He shall keep an itemized account of money received and disbursed. He shall pay money on vouchers drawn against appropriations.~~

~~C. The treasurer shall give bond to the municipality in a sum which the assembly directs.~~

~~(Ord. 88-1, Sec. 2.28.050, part, 1987)~~

~~2.28.060 Additional Duties of the Treasurer.~~

~~The treasurer shall:~~

~~A. Be responsible for all matter pertaining to the maintenance of all fund accounts of the borough, and the maintenance and care of all property used for finance;~~

~~B. Certify all appropriation encumbrances as to availability of appropriation balances and funds;~~

~~C. Prepare and submit to the Mayor such financial reports and other data as may be required;~~

~~D. Prescribe and control such procedures as are necessary to protect borough funds and property;~~

~~E. Perform such other duties as the Mayor may require.~~

~~(Ord. 88-1, Sec. 2.28.060, part, 1987)~~

TITLE 2

ADMINISTRATION

Chapter 2.29 – Finance Department

Sections:

2.29.010 Finance Department.
2.29.020 Finance Department Director

2.29.010 ~~2.28.070~~ Finance Department.

There shall be a Finance Department, the head of which shall be the Borough Treasurer. The Finance Director may create divisions in the Finance Department, which approval of the Mayor, the officers of which shall be appointed by the Mayor and under the direction of the Borough Treasurer. The number of employees shall be determined by, and each such employee shall be appointed by the Mayor except as he may delegate such power to the treasurer.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.28.070, part, 1987)

2.29.020 Finance Department Director.

A. There shall be a Borough Finance Department Director who shall be appointed by the Mayor.

B. The Finance Department Director is the custodian of all municipal funds. He shall keep an itemized account of money received and disbursed. He shall pay money on vouchers drawn against appropriations.

C. The Finance Department Director shall:

1. Give bond to the municipality in a sum which the Assembly directs;

2. Be responsible for all matter pertaining to the maintenance of all fund accounts of the Borough, and the maintenance and care of all property used for finance;

3. Certify all appropriation encumbrances as to availability of appropriation balances and funds;

4. Prepare and submit to the Mayor such financial reports and other data as may be required;

5. Prescribe and control such procedures as are necessary to protect Borough funds and property; and,

6. Perform such other duties as the Mayor may require.

(Ord. 14-04, Section 2.29.020)

TITLE 2

ADMINISTRATION

Chapter 2.40 -- Public Works Department

Sections:

2.40.010 Department Established.
2.40.020 Functions.

2.40.010 Department Established.

There is established the Borough Public Works Department. The head of the public works department is the ~~Public Works~~Maintenance Director who is appointed by, and serves at the pleasure of, the Mayor. The ~~Public Works~~Maintenance Director shall supervise and be responsible for the work and functions of the Borough Public Works Department. Employees of the department shall be hired by the Mayor and supervised by the Director. The department shall be managed and supervised subject to the directions of the Mayor.

(Ord. 14-04 (Amended Ord. 97-5), Sec. 2.40.010)

2.40.020 Functions.

The Department shall be responsible for:

A. The maintenance, repair and upkeep of buildings, harbor, marine and other public facilities for which the Borough is responsible;

B. The maintenance of equipment assigned to the department;

C. The inspection of all Borough owned schools, docks and other marine facilities and other public facilities owned by the Borough or for which it has contractually assumed maintenance and repair responsibilities;

D. Regularly reporting to the Mayor the condition of all Borough owned buildings and other public facilities;

E. Annually preparing a report on the status and condition of all schools and related facilities for the Assembly and School Board;

F. Preparing a 6 year capital projects plan to accomplish the Borough needs for major and minor repair, rehabilitation and replacement of Borough owned buildings and other public facilities including school facilities;

G. Providing such review of the design, plans, maps and specifications for public works projects as may be requested by the Mayor or Administrator;

H. Coordinating with the Borough's engineer and contractors on public works projects as may be needed;

I. Performing or supervising minor construction projects; and,

J. Other functions assigned by the Mayor.

(Ord. 14-04 (Amended Ord. 97-5), Sec. 2.40.020)

~~TITLE 2~~

~~ADMINISTRATION~~

~~Chapter 2.50 - Health Department~~

~~Section:~~

~~2.50.010 Health Department Established, Functions.~~

~~2.50.010 Health Department Established, Functions.~~

~~There is established the Borough Health Department. The head of the Health Department shall be appointed by the Mayor. Pursuant to powers assumed by the Aleutians East Borough, the department is responsible for providing mental and physical health. The department shall provide to the Aleutians East Borough Health Board information requested by the Board which is not required by law, regulation or ordinance to be kept confidential.~~

~~(Ord. 91-9, Sec. 2.50.010)~~

~~TITLE 2~~

~~ADMINISTRATION~~

~~Chapter 2.51 – Aleutians East Borough Health Board~~

~~Sections:~~

~~2.51.010 Board Established, Purpose.~~
~~2.51.020 Members Qualifications.~~
~~2.51.030 Term.~~
~~2.51.040 Appointments.~~
~~2.51.050 Organization.~~
~~2.51.060 Procedures.~~
~~2.51.070 Meetings.~~
~~2.51.080 Expenses, Reimbursement.~~

~~2.51.010 Board Established, Purpose.~~

~~(a) There is established the Aleutians East Borough Health Board consisting of six regular members and up to six additional members.~~

~~(b) The Board shall monitor and evaluate the delivery of health services within the Borough, including services not delivered by the Borough, and shall make such recommendations as it finds appropriate to the Health Department, Mayor and the Assembly. The Health Director will work as staff to the Board. The Board shall review the budget proposed by the Health Department. It shall review and make recommendations of proposed Health Department policies.~~

~~(Ord. 91-9, Sec. 2.51.010)~~

~~2.51.020 Members, Qualifications.~~

~~(a) Members of the Board shall be classified as regular members or alternate members. The classification of a member shall be determined and stated by the Mayor when appointing a member to the Board.~~

~~(b) There shall be one regular member from each of the six communities within the Borough.~~

~~(c) For the reason of population, the level of the delivery of publicly provided health services or for other reasons determined to be appropriate by the Mayor, the Mayor may appoint from any one or more of the six communities~~

~~in the Borough as additional regular member to represent the community. Additional regular members serve a term of three years. The first year of the term of a person appointed as an additional regular member runs until December 31 of the year of the appointment.~~

~~(d) The Mayor may appoint an alternate member from each of the six communities. The alternate member will serve a term ending on the same date as the regular member appointed by the community. An alternate member may attend Board meetings and exercise all rights of a regular Board member when the seat of the regular Board member is vacant or when the regular member of the community is unable to attend a Board meeting.~~

~~(e) Board members must be bona fide residents of the Borough and of the community from which they are appointed at the time of appointment and during their tenure on the Board.~~

~~(Ord. 91-9, Sec. 2.51.020)~~

~~2.51.030 Term.~~

~~The term of regular members of the Board shall be three years with the term of two seats ending each year. Terms shall begin on January 1. Terms ending in a particular year shall end on December 31; provided, regular members and alternates continue to serve after the end of their term until a replacement has been appointed and takes their seat.~~

~~(Ord. 91-9, Sec. 2.51.030)~~

~~2.51.040 Appointments.~~

~~Appointments to the Board shall be made by the Mayor and confirmed by the Assembly. The Mayor shall consider recommendations made by the City Council of a community or by a recognized community group.~~

~~(Ord. 91-9, Sec. 2.51.040)~~

~~2.51.050 Organization.~~

~~At the first meeting after January 1 at which one or more new members or reappointed members attend, the Board shall organize and elect from its membership a chair, a vice chair and a secretary.~~

~~(Ord. 91-9, Sec. 2.51.050)~~

~~2.51.060 Procedures.~~

~~The Board procedures shall be governed by the most current version of Roberts Rules of Order with such additions or changes as the Board or the Assembly adopts. A quorum shall be the number of members exceeding one-half the total membership of the Board. The total membership of the Board is the six regular members plus a number equal to the number of regular additional member seats as are filled at the time the determination is made.~~

~~(Ord. 91-9, Sec. 2.51.060)~~

~~2.51.070 Meetings.~~

~~The Board shall meet at least once each quarter and may meet by teleconference. All regular and special Board meetings and meetings of any subcommittee of the Board shall comply with the Alaska Open Meetings statute, AS 44.62.310. The Board shall maintain minutes of its meetings and shall provide the Mayor and Assembly a copy of both draft and approved minutes.~~

~~(Ord. 91-9, Sec. 2.51.070)~~

~~2.51.080 Expenses Reimbursement.~~

~~Board members shall receive reimbursement for expenses and per diem at the same rate as provided for Assembly members unless the Assembly by resolution establishes a different rate for the Board; provided, no expenses may be reimbursed unless there is an appropriation or other Assembly authorization for such expense. No expense or per diem may be paid to any Board member unless the expense is first approved by the Mayor or is incurred in accordance with procedures established by the Mayor. Expenses of the Board for such things as teleconferencing, copying and distribution of materials to Board members shall be an expense of the Health Department but may be incurred only to the extent that funds within the Department have been appropriated or allocated to such purposes.~~

~~(Ord. 91-9, Sec. 2.51.080)~~

TITLE 2

ADMINISTRATIVE

CHAPTER 2.60 -- NATURAL RESOURCES DEPARTMENT

Sections:

2.60.010 Natural Resources Department - Established
2.60.020 Natural Resources Department - Functions

2.60.010 Natural Resources Department - Established.

There is established the Borough Natural Resources Department. The head of the department shall be appointed by and serve at the pleasure of the Mayor and shall be known as the director of the department. Employees of the department shall be hired and terminated by or with the approval of the Mayor and shall work under the direction and supervision of the director.

(Ord. 14-04 (Amended Ord. 92-13), Sec. 2.60.010)

2.60.020 Natural Resources Department - Functions.

The department is responsible for:

A. the identification of land and interests in land that are appropriate for selection by the Borough under any entitlement.

B. The acquisition, management, and disposal of land and interests in land,

C. The study, investigation, and monitoring of fish, wildlife and other natural resources within the Borough.

D. The promotion of development, use, and renewal of natural resources within the Borough.

E. The provision of assistance and guidance, to other responsible parties, on the protection, development, management, and renewal of natural resources within or affecting the Borough, and

F. Maximizing benefits to the Borough and its residents from the presence, development, use and renewal of natural resources within and affecting the Borough.

(Ord. 14-04 (Amended Ord. 92-13), Sec. 2.60.020)

ORDINANCE 14-05

AN ORDINANCE AMENDING TITLE 40, PLANNING, PLATTING AND LAND USE

WHEREAS, the legislative power of the Aleutians East Borough is vested with the Assembly pursuant to Alaska State Statute 29.20.050; and

WHEREAS, Title 40 Code revisions will provide additional specificity on permit form types, standard operating procedures for reviewing and approving applications, authority to establish standard stipulations to protect coastal resources, an inspection/audit compliance program and a fee/penalty schedule; and

WHEREAS, The Aleutians East Borough Planning Commission recommends that the Assembly adopt the proposed changes to the Aleutians East Borough Code Title 40, Planning, Platting and Land Use.

NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE ALEUTIANS EAST BOROUGH:

Section 1. **Classification.** This ordinance is of a general and permanent nature and shall become part of the Aleutians East Borough Code.

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

Section 3. **Effectiveness.** This ordinance shall become effective upon adoption.

Section 4: **Adoption by Section.** Aleutians East Borough Code, Title 40 Planning, Platting and Land Use is hereby repealed and Aleutians East Borough Code, Title 40 Planning, Platting and Land Use as annexed hereto as part

of this ordinance is hereby adopted as Title 40 Planning, Platting and Land Use of the Code of Ordinances of the Aleutians East Borough.

INTRODUCED:_____

ADOPTED: _____

_____
Stanley Mack, Mayor
Date: _____

ATTEST:

_____
Tina Anderson, Clerk
Date: _____

TITLE 40

ALEUTIANS EAST BOROUGH
PLANNING, PLATTING AND LAND USE

CHAPTER

40.01 GENERAL PROVISIONS

40.02 APPEALS TO THE PLANNING COMMISSION

40.03 APPEALS TO THE BOARD OF ADJUSTMENT

40.04 APPEALS TO SUPERIOR COURT

40.05 PLANNING COMMISSION

40.06 PLANNING DEPARTMENT

40.10 COMPREHENSIVE PLAN

40.15 ZONING DISTRICTS

40.20 RESOURCE DEVELOPMENT PERMITS

TITLE 40

PLANNING, PLATTING AND LAND USE

Chapter 40.01
General Provisions

Sections:

40.01.010 Purpose.
40.01.020 Geographic Scope.
40.01.030 Borough Administration.
40.01.040 Permit Approval Required.
40.01.050 ~~040~~ Compliance.
40.01.060 ~~050~~ Fees and Penalties.
40.01.070 Elevation.
40.01.080 Applicant's Opportunity to Appeal.
40.01.090 ~~060~~ Definitions.

40.01.010 Purpose.

This title creates land management principles and procedures for administering development within the Borough. The purpose of this title is to:

A. Achieve the goals and objectives and implement the policies of the Borough's Comprehensive Plan;

B. Establish the Borough's Land Use Regulations;

C. Establish a Planning Commission and a Planning Department;

D. Administer the Comprehensive Plan and Coastal Zone Management Plan;

E. Establish Zoning Districts;

F. Promote and protect the public health, safety, morals, and general welfare, as well as the historical, economic, social, and cultural interest of the Borough's residents;

G. Protect fish resources and ensure continuation of a productive commercial fishery;

H. Protect subsistence resources;

I. Ensure the future growth and development is in accord with the values of its residents;

J. Secure the beneficial effects of development for present and future residents;

K. Identify, avoid, and mitigate the negative effects of development;

L. Ensure future development is of the proper type, design, and location and is served by a proper range of public services and facilities;

M. Protect human health and the environment by prohibiting adverse impacts of industrial pollution;

N. Ensure public involvement in permitting, planning, and zoning decisions;

O. Encourage local business development;

P. Maintain all Borough maps and resource data within a ~~Geographic Information System~~an electronic system;

Q. Implement the requirements of the Borough Charter and AS 29.40 as they pertain to Planning, Platting, and Land Use Regulations; and

R. Encourage public and private development to:

1. Provide the maximum long term local benefits that reach the maximum number of Borough residents;
2. Develop the undeveloped resources of the Borough or otherwise diversify the economic base of the Borough;
3. Be a stable economic force that maximizes local employment;
4. Minimize the adverse impact of the development on the environment, natural resources, neighboring properties and communities, and on public infrastructure;
5. Bear its share of burden on local governments of providing public facilities and services and should contribute to improving the quality of life in the Borough; and,
6. Be sensitive and responsive to the subsistence and other life styles that exist in the communities that the development will affect.

Ord. 14-05 (Amended

40.01.020 Geographic Scope.

This title applies to all private, state, federal, Borough, and municipally owned lands, tidelands, submerged lands and waters within the Borough's boundaries. This title does not apply to federally restricted town site lots or allotments unless allowed by federal law. This title does not apply to any lands within the municipal boundaries of Akutan, Cold Bay, King Cove, False Pass and Sand Point; planning, platting and land use is administered by these municipalities under ~~Chapter~~ Sec. 45.05.030, which governs Planning, Platting and Land Use Regulations within the Borough.

40.01.030 Borough Administration.

A. All planning, platting and land use permit approvals require Assembly approval unless otherwise specifically delegated to the Planning Commission or Administrator in this Code~~.~~

~~Only minor amendments, to previously approved Resource Development projects, may be approved by the Planning Director under 40.20.010 (d).~~

B. The Planning Commission reviews all planning, platting and land use permit applications that require Assembly approval ~~and major amendments to previous approved projects. Planning Commission~~ and prepares a recommendation for Assembly action. The Planning Commission also decides planning, platting and land use permit applications that are elevated by the Administrator to the Planning Commission.

C. The Administrator and Planning Director serve as staff to the Mayor, Assembly, and Planning Commissions to carry out the requirements of this title. The Administrator is authorized to approve certain planning, platting and land use permit approvals as delegated in this Code. The Administrator may delegate its authority to approve a permit to a designee in his absence.

40.01.040 Permit Approval Required.

A. All Resource Development within the Resource Development District requires an approved land use permit approval prior to construction or operation, to ensure compliance with the Code.

B. The Assembly, Planning Commission, or Administrator may place conditions upon issuance of any permit that is necessary or desirable to ensure that a rule, policy, standard or intent will be implemented in a manner consistent with this Code.

40.01.050 ~~040~~ Compliance.

A. Permittees must comply with all terms, conditions, and permit stipulations included in an approved permit.

B. Permittee must comply with all local, state, and federal laws, regulations, rules and orders, and requirements and stipulations.

C. Any use that does not comply with the applicable provisions of a permit, approval, or other authorization issued under this Code is a violation of this Code.

D. Permits are revocable immediately upon violation of any of its terms, conditions, and stipulations or upon failure to comply with any applicable laws, statutes, or regulations.

E. Any person may bring to the attention of the Administrator suspected violation of this Code. The complaint must be submitted to the Borough in writing using the Borough Land Use Complaint Form.

F. The Administrator is authorized to investigate any credible complaints in order to ensure compliance with this Code. The Administrator, or his authorized representative, has the the right to enter and inspect or investigate land uses approved under a Borough permit or approval for compliance with that approval or violations of this Code.

G. After a violation has been discovered, investigated, and verified, the Administrator will notify by written finding the person responsible for the violation (Notice of Violation) and the property owner by personal notice, certified mail and/or notice posted on the site of the violation. A copy of the Notice of Violation will concurrently be provided to the Assembly and Planning Commission members.

H. The Notice of Violation will specify the violation(s) and may ~~The Administrator may~~ revoke, suspend, or modify any permit or approval that is in conflict with this ~~title~~ Code or any applicable state or federal requirement and may specify the range of fines or penalties to be imposed and shall direct the person to cease the violation, or appeal the finding within 10 days after receipt, mailing or posting of the notice.

I. The Administrator will provide an update on all Notices of Violation at each scheduled Planning Commission and Assembly meeting.

J. The Administrator may elevate a compliance decision to the Planning Commission to decide. The Planning Commission may elevate a compliance decision to the Assembly to decide.~~.~~

K. The Administrator may approve continued operation under a Compliance Plan until the compliance violation is remedied or require the use to cease,~~.~~ or may elevate this decision to the Planning Commission or Assembly to decide.

L. Application fees may be collected by the Administrator pursuant to Chapter 40.01.050.

M. Penalties for non-compliance may be assessed by the Administrator pursuant to Chapter 1.24, which pertains to penalties.

40.01.060 ~~40.01.050~~ Fees and Penalties.

The Planning Commission will ~~establish~~ propose a schedule of fees and penalties for compliance with this title, for Assembly approval. The Assembly will establish procedures for the Administrator to follow when pursuing civil and criminal penalties.

40.01.070 Elevation.

A. The Administrator may elevate a decision to the Planning Commission based on a written finding that the permit application may:

1. Have potential, significant or negative impacts on or conflict with Borough interests, resources or activities in a manner or to a degree that warrants consideration by the Commission;

2. Conflict with adopted Borough policies in a manner or to a degree that warrants consideration by the Commission and cannot be easily decided by the Borough Planning Director; or,

3. Raised a particular issue or set of issues that warrants consideration by the Commission.

B. Decisions elevated to the Planning Commission will be placed on the next scheduled meeting of the Planning Commission. The permit applicant must participate in the Planning Commission meeting at a location designated by AEB, and present its application. The Planning Commission decision will be made at the meeting. The permit will either be approved or denied.

40.01.080 Applicant's Opportunity to Appeal.

A. An applicant may appeal the decision of the Administrator made under this Chapter to the Planning Commission pursuant to procedures of Chapter 40.02.

B. An applicant may appeal the decision of the Planning Commission made under Chapter to the Board of Adjustment pursuant to the procedures of Chapter 40.03.

C. The Board of Adjustment's decision is final and may be appealed to the Alaska Superior Court in accordance with Alaska State Law.

40.01.090 ~~060~~ Definitions.

The definitions listed below are in addition to those listed in Chapter 1.12.010, which provides general definitions for the Code:

A. "Aggrieved Party" means a resident, landowner, municipality, tribes, or Native Corporation in the Aleutians East Borough, or the Applicant.

B. "Applicant" means the person who makes an application for use under the provisions of this title, and successors in title or interest;

C. "Casual Recreational Use" means a recreational use of Borough land that is nonexclusive and involves only minimal disturbance to the land by an individual or group of people that are not involved in the commercial provision of commercial recreation services. Nonexclusive examples of a casual recreational use may include: fishing, hunting, camping, hiking, skiing, climbing, canoeing, kayaking, rafting, paddle sports, water sports, scuba, adventure activities, sports, boating, all-terrain vehicle trips on existing trails or under conditions that will not cause damage to the land or vegetation, snow machine trips, dog-mushing, sight-seeing, bird watching, wildlife viewing, and subsistence activities.

~~A.~~D. "Coal Mining" means mining, extraction, harvesting removing or producing for sale, profit or commercial use any coal and all associated processing, refining, and transportation and distribution infrastructure required to commercially develop these resources.

E. "Commercial" means use involving the storing, wholesaling, retailing, or rental of any article, service, or substance for cash, trade, or any form of compensation, and supporting activities, but excludes such uses when they are conducted in a dwelling unit or accessory building and are clearly subordinate to the use of the dwelling for residential purposes provided that the primary use and appearance of the lot and accessory building remains residential and generally conforming to the appearance of the surrounding area. For the purposes of this title, Resource Development activities are administered as a separate and distinct commercial activity and are not included in this definition;

~~B.~~F. "Commercial Recreation" means the commercial provision of services in support of any of the following: fishing, hunting, camping, hiking, skiing, climbing, canoeing, kayaking, rafting, paddle sports, water sports, scuba, adventure activities, sports, boating, all-terrain vehicle trips, snow machine trips, sight-seeing, bird watching, wildlife viewing, hotels and lodges, and tours. This definition includes professional guides and outfitters. This definition does not include: (a) Casual Recreational Use, (b) any commercial recreation activities conducted by Native Corporations or tribes that are Aleutian East Borough landowners, or (c) local residents that only provide transportation to a fishing, hunting, or recreational location but do not provide hunting, fishing, or ecotourism guide services.

~~C.~~G. "Compliance Plan" means a written plan developed by the Administrator to bring development into compliance with this title;

H. "Comprehensive Plan" means a document officially adopted by the Assembly including text, charts, graphics, or maps, or any combination, designed to portray general long-range proposals for the arrangement of land uses and development of an economic base and human resources and which is intended to guide government policy towards achieving orderly and coordinated development of the entire community;

I. "Direct Marketing Seafood Processor" means a for-profit or non-profit cooperative, partnership or individual fisherman who processes or exports only their own catch or has their own catch custom processed for sale.

J. "Eco-Tourism" means the commercial provision of camping, hiking, skiing, climbing, canoeing, kayaking, rafting, paddle sports, water sports, scuba, adventure activities, sports, boating, all-terrain vehicle trips, snow machine trips, sight-seeing, bird watching, wildlife viewing, and tours.

K. "Fishing Guide" means the commercial provision of fishing guide services.

L. "Hotel and Lodge Operator" means the commercial provision of hotel and lodge accommodations.

~~D.~~M. "Hunting Guide" means the commercial provision of hunting guide services.

N. "Industrial" means an intensive land use and economic activity involved with manufacturing and production. For the purposes of this title, Resource Development activities area administered as a separate and distinct industrial activity and are not included in this definition;

O. "Large Mining Operations" means Coal Mining or Mineral Mining operations of five (5) acres or more at any one time.

P. "Mineral Mining" means mining, extraction, harvesting removing or producing for sale, profit or commercial use any copper, gold, silver, zinc, lead, molybdenum, or other metallic mineral product, compound or combination of mineral products and all associated processing, refining, and transportation and distribution infrastructure required to commercially develop these resources;

Q. "Mineral and Coal Exploration" means exploration for minerals and coal, including two dimensional or three dimensional seismic surveys run in search of minerals and coal, but and does not include Mineral Mining or Coal Mining operations.

R. "Offshore Seafood Processor" means a for-profit company that buys, processes, and/or exports a fishery resource using facilities located offshore. This definition includes floating processors that are anchored or docked at the shoreline. This definition excludes Onshore Seafood Processors and Direct Marketing Seafood Processors.

S. "Oil and Gas" includes the exploration for (including seismic surveys and drilling) development of and production of petroleum or natural gas, including all associated processing, refining, and transportation and distribution infrastructure required to commercially develop these resources;

T. "Onshore Seafood Processor" means a for-profit company that buys, processes, and/or exports a fishery resource using facilities located onshore. This definition excludes Offshore Seafood Processors and Direct Marketing Seafood Processors.

U. "Professional Researcher" means a person, company or organization that conducts on its own behalf, or is funded to conduct research on another's behalf, including, but not limited to a: organization or company operating for profit; non-governmental organization; local government; state government; federal government; or university. Research conducted by local elementary, junior-high or high-school students in support of school educational activities and cultural surveys conducted by Native Corporations and tribes is excluded from this definition.

V. "Recreational Mining" means recreational gold panning; hard-rock mineral prospecting or mining using light portable field equipment, such as a hand-operated pick, shovel, pan, earth auger, or a backpack power drill or auger; or suction dredging using a suction dredge with a nozzle intake of six inches or less, powered by an engine of 18 horsepower or less, and pumping no more than 30,000 gallons of water per day.

W. "Research" means research conducted by Professional Researchers that require field work anywhere within AEB boundaries, and may include one or more of the following types of research:

1. wildlife, habitat or other biological research;
2. air quality, meteorological, water quality, hydrological studies, or soil research;
3. archeological or paleontological research for artifacts relating to human and prehistoric animal life;
4. geological surveys that result in minimal disturbance of the ground surface, excluding: two dimensional or three dimensional seismic surveys run in search of oil, gas, or other minerals; drilling of holes; or excavation;
5. socioeconomic research;
6. land surveying or mapping;
7. engineering assessments; and/or,
8. any research or studies required to support Resource Development.

This definition does not include earthquake monitoring equipment located in the Borough.

X. "Research Conducted in Support of Resource Development" means Research conducted by a Resource Development Operator, or a Professional Researcher hired by the Resource Development Operator, to conduct research to support a

Resource Development Project.

Y. "Research Conducted for Other Purposes" means Research conducted by a Professional Researcher for any other purpose than to support a Resource Development Project.

E.Z. "Residential" means a use involving the occupation of a building or structure for living, cooking, sleeping, and accessory uses;

AA. "Resource Development" means:

1. Hydrocarbon Exploration and Development; exploration and development of petroleum, natural gas;
2. Coal Mining;
3. Mineral Mining;
4. Mineral or Coal Exploration
5. Sand, Gravel, and Rock Mining;
6. Research; and
1.7. Commercial Recreation., coal, metal ore, sand, gravel, other natural resources, and minerals, and all associated processing, refining, and transportation and distribution infrastructure required to commercially develop these resources and bring them to market, for example core drilling, seismic work, and trenching;

BB. "Sand, Gravel, and Rock Mining" means gravel mining, quarrying, or producing for sale, profit or commercial use and sand, gravel, or rock, including all associated processing and transportation and distribution infrastructure required to commercially develop these resources.

CC. "Scientific Advisory Council" means a council that may be is appointed by the Mayor to evaluate the Study andResearch, Project Monitoring Plans, and Remediation Plans, as needed and requested by the Mayor, to determine if they are acceptable; this council will work closely with the Borough's Natural Resource Department described in Chapter 2.60 of this Code.

DD. "Small Mining Operations" means Coal Mining or Mineral Mining operations that are limited to less than five (5) acres at any one time. This definition does not include Recreational Mining.

F.EE. "Technically Feasible" means technical solutions using commercially available technology that are safe and appropriate to achieve the intended purpose.

TITLE 40

PLANNING, PLATTING AND LAND USE

Chapter 40.02
Appeals to the Planning Commission

Sections:

40.02.010 Persons Who May Appeal.
40.02.020 Commencement of Appeal – Stay.
40.02.030 Appeal Hearing – Notice, Preparation of Record
40.02.040 Appeal Hearing.
40.02.050 Decision.

40.02.010 Persons Who May Appeal.

An Applicant or any Aggrieved Party that submitted timely comments to the Administrator during the public comment period may appeal a decision of the Administrator made under Chapter 40.01 to the Planning Commission.

40.02.020 Commencement of Appeal – Stay.

A. A decision of the Administrator is final unless appealed to the Planning Commission within 14 calendar days of receipt of the Administrator's decision received by certified mail.

B. A written notice of appeal must be filed with the Borough Clerk, specifically stating the reason for the appeal, the relief sought, and payment of a $500 appeal fee. In the event the Appellant prevails, the appeal fee will be returned.

C. The decision of the Administrator is stayed upon receipt of an appeal.

40.02.030 Appeal Hearing – Notice, Preparation of Record.

A. Upon timely submittal of an appeal, the Borough Clerk shall schedule the appeal hearing, mail notice of the appeal, prepare the appeal record and notify the Planning Commission of the appeal.

B. Within 15 calendar days of receipt of an appeal, notice of the appeal shall be given by certified mail, at a minimum, to the Permit Applicant, Appellant, adjoining property owners, Planning Commission Members, and all persons that submitted written comments on the decision under appeal. The appeal notice shall include the Appellant's notice of appeal, describe the decision appealed from, state the date of the appeal hearing and time within which written argument supporting or opposing the appeal may be submitted, and contain the substance of subsection F

of this section regarding the availability of the appeal record.

C. The Permit Applicant, Appellant, adjoining property owners, and all persons that submitted written comments on the decision under appeal may submit to Borough Clerk written argument supporting or opposing the appeal within 15 calendar days of receipt of the notice of appeal. Written argument submitted shall become part of the appeal record.

D. The appeal record shall be completed within 30 calendar days from the date that the notice of appeal was mailed by certified mail. The appeal record shall include the Administrator's written decision, the appeal, any written comments received supporting or opposing the appeal, and supporting documentation.

E. Following completion of the record, the Borough Clerk shall, by certified mail, serve a copy of the appeal record on the Permit Applicant and the Appellant. The Borough Clerk shall deliver a copy of the appeal record to the Borough staff assigned responsibility for the appeal and the Planning Commission.

F. A copy of the appeal record shall be available for public inspection at the Administrator's office and the Borough Clerk's office. Any person may obtain a copy of the record upon payment of the copying and postage charges.

40.02.040 Appeal Hearing.

A. The Planning Commission shall hold a public hearing on the appeal at its first regular meeting which must be at least seven (7) calendar days after the appeal record has been completed and provided to the Planning Commission Members.

B. Appeal hearings will be recorded.

C. At the hearing before the Planning Commission, only persons who have received written notice of the appeal or submitted written comments on the appeal may present oral argument. Oral argument shall be subject to the following order and time limitations, unless the Planning Commission, for good cause shown, permits a change in the order or an enlargement of time.

1. Administrator: 10 minutes to present the decision and to set forth the evidence and reasons relied upon for the decision.

2. Permit Applicant, Appellant: 10 minutes each.

3. Private persons supporting or opposing the appeal: 10 minutes each.

4. Permit Applicant, Appellant, and Administrator: 10 minutes each for rebuttal.

D. Failure to observe the above procedures in a hearing shall not affect the validity of the decision so long as the Appellant has had a reasonable opportunity to be heard.

E. The Planning Commission shall decide the appeal upon the appeal record and the written and oral argument presented on the appeal.

40.02.050 Decision.

A. The Planning Commission shall either affirm or reverse the decision of the Administrator in whole or in part.

B. Every decision of the Planning Commission to affirm or reverse an action of the Administrator shall be based upon findings and conclusions adopted by the Planning Commission. Such findings must be reasonably specific so as to provide the Applicant, Appellant, any other Aggrieved Party, the community and, where appropriate, reviewing authorities, a clear and precise understanding of the reason for the decision.

C. The Planning Commission's decision affirming or reversing the decision of the Administrator shall be sent by certified mail to the Permit Applicant, Appellant, adjoining property owners, and all persons that submitted written comments on the decision under appeal within five working days after the appeal decision and approval of findings of fact. A copy of the decision will also be provided to each Assembly Member.

TITLE 40

PLANNING, PLATTING AND LAND USE

Chapter 40.03
Appeals to the Board of Adjustment

Sections:

40.03.010 Organization
40.03.020 Powers of the Board.
40.03.030 Persons Who May Appeal
40.03.040 Commencement of Appeal - Stay
40.03.050 Appeal Hearing – Notice, Preparation of Record
40.03.060 Appeal Hearing.
40.03.070 Decision
40.03.080 Judicial Review

40.03.010 Organization.

The Assembly is the Board of Adjustment for the Aleutians East Borough.

40.03.020 Powers of the Board.

The Board of Adjustment shall hear and decide appeals from the decisions of the Planning Commission.

40.03.030 Persons Who May Appeal.

A written decision of the Planning Commission granting or denying approval under the requirements of this Title may be appealed by the Applicant or any person who submitted timely written comments on the permit application, met the requirements of Chapter 40.02, or gave oral testimony at the public hearing before the Planning Commission.

40.03.040 Commencement of Appeal - Stay.

A. A decision of the Planning Commission is final unless appealed to the Board of Adjustment within 14 calendar days of receipt of the Planning Commission's decision received by certified mail.

B. A written notice of appeal must be filed with the Borough Clerk, specifically stating the reason for the appeal, the relief sought, and payment of a $500 appeal fee. In the event the Appellant prevails, the appeal fee will be returned.

C. The decision of the Planning Commission is stayed upon receipt of an appeal.

40.03.050 Appeal Hearing – Notice, Preparation of Record.

A. Upon timely commencement of an appeal, the Borough Clerk shall schedule the appeal hearing, mail notice of the appeal, prepare the appeal record, and notify the Administrator, Planning Commission and Board of Adjustment of the appeal.

B. Within 15 calendar days of receipt of an appeal, notice of the appeal shall be given by certified mail, at a minimum, to the: Permit Applicant, Appellant, adjoining property owners, any person who submitted timely written comments on the permit application, met the requirements of Chapter 40.02, or gave oral testimony at the public hearing before the Planning Commission, the Administrator, Planning Commission Members, and Board of Adjustment. The appeal notice shall include the Appellant's notice of appeal, describe the decision appealed from, state the date of the appeal hearing and time within which written argument supporting or opposing the appeal may be submitted, and contain the substance of subsection F of this section regarding the availability of the appeal record.

C. The Permit Applicant, Appellant, adjoining property owners, and all persons that submitted written comments on the decision under appeal may submit to Borough Clerk written argument supporting or opposing the appeal within 15 calendar days of receipt of the notice of appeal. Written argument submitted shall become part of the appeal record.

D. The appeal record shall be completed within 30 calendar days from the date that the notice of appeal was mailed by certified mail. The appeal record shall include the Planning Commission's written decision, the appeal, any written comments received supporting or opposing the appeal, minutes of the proceedings before the Planning Commission, and any written documents considered by the Planning Commission, and supporting documentation.

E. Following completion of the record, the Borough Clerk shall, by certified mail, serve a copy of the appeal record on the Permit Applicant and the Appellant. The Borough Clerk shall deliver a copy of the appeal record to the Borough staff assigned responsibility for the appeal, the Planning Commission and the Board of Adjustment.

F. A copy of the appeal record shall be available for public inspection at the Borough Clerk's office or Borough Administrator's office. Any person may obtain a copy of the record upon payment of the copying and postage charges

40.03.060 Appeal hearing.

A. The Board of Adjustment shall hold an appeal hearing on the appeal at its first regular meeting which must be at least seven (7) calendar days after the appeal record has been completed and provided to the Board of Adjustment.

B. Appeal hearings will be recorded.

C. At the hearing before the Board of Adjustment only persons who have received written notice of the appeal, submitted written argument on the appeal, or testified before the Planning Commission, or submitted written comments to the Planning Commission may present oral argument. Oral argument shall be subject to the following order and time limitations, unless the Board of Adjustment for good cause shown, permits a change in the order or an enlargement of time.

1. Planning Commission Chairman: 10 minutes to present the decision below and to set forth the evidence and reasons relied upon for the decision.

2. Permit Applicant, Appellant: 10 minutes each.

3. Private person supporting or opposing the appeal: 10 minutes each.

4. Permit Applicant, Appellant and Planning Commission Chairman, for rebuttal, 10 minutes each.

D. Failure to observe the above procedures in a hearing shall not affect the validity of the decision so long as the appellant has had a reasonable opportunity to be heard.

E. The Board of Adjustment shall decide the appeal upon the appeal record, the written and oral argument, and the testimony and evidence presented on the appeal. The Board of Adjustment may exercise its independent judgment on the legal and factual issues raised by the Appellant.

40.03.070 Decision.

A. The Board of Adjustment shall either affirm or reverse the decision of the Planning Commission in whole or in part. The Board of Adjustment may make its own findings on factual issues, based upon the evidence in the record.

B. Every decision of the Board of Adjustment to affirm or reverse an action of the Planning Commission shall be based upon findings and conclusions adopted by the Board of Adjustment. Such findings must be reasonably specific so as to provide the Applicants, Appellant, any other Aggrieved Party, the community and,

where appropriate, reviewing authorities, a clear and precise understanding of the reason for the decision.

C. The Board of Adjustment's decision affirming or reversing the decision of the Administrator shall be sent by certified mail to the Permit Applicant, Appellant, adjoining property owners, and all persons that submitted written comments on the decision under appeal within five working days after the appeal decision and approval of findings of fact. A copy of the decision will also be provided to the Administrator, and each Planning Commission Member.

40.03.080 Judicial review.

An Aggrieved Party may appeal the final decision of the Board of Adjustment under this chapter to the Superior Court within 30 days of the date of the decision. An appeal to the Superior Court shall be heard solely on the record before the Board of Adjustment or its Hearing Examiner and the Planning Commission. The appeal procedure shall be governed by the rules set forth in Part Six of the Rules of Appellate Procedure of the State of Alaska. The findings of the Board of Adjustment shall not be reversed if, in light of the whole record, they are supported by substantial evidence.

TITLE 40

PLANNING, PLATTING AND LAND USE

Chapter 40.04
Appeals to Superior Court

Sections:

40.04.010 Persons Who May Appeal
40.04.020 Judicial Review

40.04.010 Persons Who May Appeal.

A written decision of the Assembly or a final decision of the Board of Adjustment may be appealed by the Applicant or any person who submitted timely written comments or gave oral testimony pursuant to the requirements of Chapter 40, may appeal that decision to the Superior Court within 30 days of the date of the decision.

04.04.020 Judicial review.

An appeal to the Superior Court shall be heard solely on the Assembly's record of decision or the record before the Board of Adjustment. The appeal procedure shall be governed by the rules set forth in Part Six of the Rules of Appellate Procedure of the State of Alaska. The findings of the Assembly or Board of Adjustment shall not be reversed if, in light of the whole record, they are supported by substantial evidence.

TITLE 40

PLANNING, PLATTING AND LAND USE

Chapter 40.05
Planning Commission

Sections:

40.05.010 Planning Commission.
40.05.020 Appointment.
40.05.030 Term of Membership.
40.05.040 Vacancy.
40.05.050 Filling Vacancy.
40.05.060 Organization.
40.05.070 Rules of Procedure.
40.05.080 Meetings.
40.05.090 Reimbursement and Compensation.
40.05.100 Powers and Duties.
40.05.110 Financial Disclosure

40.05.010 Planning Commission.

A Borough Planning Commission is adopted pursuant to authority set forth in Alaska Statute 29.40.020 and consists of seven Borough residents appointed by the Mayor and confirmed by the Assembly.

40.05.020 Appointment.

A. The Mayor shall appoint the Planning Commission members as follows: two from the City of Sand Point, a first class city; two from the City of King Cove, a first class city; and three from the Aleutians East Borough, outside the corporate limits of the cities of Sand Point and King Cove. Members appointed from the cities of Sand Point and King Cove must be appointed from a list of recommendations submitted by the Council of the respective City that the Planning Commission member is to represent. The list must contain at least two names for each vacancy. People recommended must be residents of the respective City the Commission member will represent. Each member of the Planning Commission has one vote.

~~A.~~B. The Mayor may appoint one youth representative as an advisory nonvoting member to be seated on the Planning Commission for a term of one year. Appointments to fill vacancies in the youth position shall be for the unexpired term.

No youth representative may serve more than one term as youth member on the Planning Commission. The youth representative position shall be open to all Borough residents between the ages of 16 and 25 years of age.

40.05.030 –Term of Membership.

A. The term of a member shall begin on January 1, and shall continue for the duration of three years and until a successor is appointed and takes office.

B. Members first appointed shall draw lots for one, two and three-year terms.

~~A.~~C. Appointments to fill vacancies are for the unexpired term.

(Ord. 88-4, Sec. 40.05.030)

40.05.040 Vacancy.

The office of a member of the Planning Commission becomes vacant upon:

A. The death or resignation of a member;

B. The failure of a member to attend three consecutive regular meetings without first being excused by the Planning Commission;

C. Failure of the member to attend two-thirds of the regular and special meetings of the Planning Commission during any twelve month period without first being excused by the Planning Commission;

D. Upon a two-thirds vote of the Assembly to remove the member from office;

E. If a member moves its permanent residence from the Borough;

F. If a members resignation is submitted to and accepted by the Mayor;

~~D.~~G. If a member is convicted of a felony or an offense involving a violation of his oath of office, or

H. The occurrence of any other event that by ordinance or other law causes the office to become vacant.

40.05.050 –Filling Vacancy.

If a vacancy occurs on the Planning Commission, the vacant position shall be filled by Mayor appointment for the unexpired term of the Commission member being replaced.

40.05.060 Organization.

At the first meeting of each calendar year, following the day the Assembly confirms the annual appointments to the Planning Commission, the Planning Commission shall elect one member to chair meetings of the Planning Commission. The chair shall appoint a recording secretary.

Annually, Tthe Planning Commission shall establish and publish in accordance with the publication requirements of Sec. 1.12.010 in a newspaper of general circulation in the Borough regular meeting dates for the Planning Commission. The Planning Commission will meet at least quarterly each year. Schedule revisions shall must be published 30 days in advance of the meetings.

40.05.070 Rules of Procedure.

A. Robert's Rules of Order, Newly Revised, shall govern the procedures of the Planning Commission to the extent it does not conflict with other provisions of this Code. The Planning Commission may, by resolution, modify Robert's Rules of Order.

A.B. At its first meeting of each year, the Planning Commission shall elect a chairperson to conduct the affairs of the Planning Commission and a vice-chairperson in his absence.

C. A quorum of the Planning Commission for the conduct of any meeting or public hearing shall be a majority of the commission. No actions shall be taken by the commission except by concurrence of at least four members.

B.D. All formal actions of the Planning Commission shall be made by resolution or permit approval or denial.

C.E. Any and all final decisions of the Planning Commission may be overruled or reversed by the Assembly, but only upon a vote of five Assembly members in favor of such overruling or reversal.

40.05.080 Meetings.

A. Regular Mmeetings of the Planning Commission shall be held as set out in the schedule of regular meetings pursuant to Sec. 40.05.060.

B. All reports, communications, ordinances, resolutions, permit applications or other matters to be submitted to the Planning Commission shall, at least seventy-two

hours prior to each Planning Commission meeting, be delivered to the Borough Clerk, whereupon the Planning Commission Chairperson shall arrange a list of such matters according to the order of business. At least forty-eight hours in advance of the Planning Commission meeting, the Borough Clerk shall furnish each member of the Planning Commission a copy of the same in packet form. Distribution shall be by electronic mail to each Planning Commission member's email address of record as well as by posting on the Borough's website. If distribution by electronic means is not available, distribution shall be by delivery in person or mail to the Planning Commission member.

C. Special meetings of the Planning Commission may be called by the chairman or by three members. Reasonable notice of the meeting shall be given to all members and the public. The notice must state the subject or subjects of the meeting. No action may be taken on any matter that was not within the scope or subject of the meeting as set out in the notice.

D. At every regular meeting of the Borough Assembly the order of business shall be as follows:

1. Call to Order;
2. Invocation;
3. Roll Call;
4. Minutes of Previous Meeting;
5. Consent Agenda;
6. Hearings, Ordinances, Resolutions, and Permit Applications;
7. Old Business;
8. New Business;
9. Administrator/Manager Reports;
10. Audience Participation;
11. Planning Commission Comments; and,
12. Adjournment.

E. Minutes of all regular and special meetings shall be taken. Minutes shall be in the form of a summary of discussion including a verbatim report of motions made and actions taken plus a report of each vote cast by Planning Commission members when a roll call vote is made. Summary notes shall be provided for each work session.

F. All minutes of regular and special meetings, and Planning Commission. Paper copies of all minutes of the Planning Commission shall be distributed by the Borough Clerk to the public desiring same after payment of a reasonable charge. One copy of the minutes shall be given free of charge to any person appearing in person and requesting same with extra copies in person or by mail available at twenty-five cents per copy per page, and subscriptions available by mail at the rate

of ten dollars per year. All minutes shall also be posted on the Borough's website and available to the public free of charge.

G. Unless a reading of the minutes of a Planning Commission meeting, regular or special, is requested by a member of the Planning Commission, such minutes may be approved without a reading if the Borough Clerk has previously furnished each member with a synopsis thereof.

H. The Borough Clerk shall give notice of Planning Commission meetings, shall attend all meetings of the Planning Commission and keep the journal of its proceedings, shall authenticate by his signature and record in full in a book or file kept for that purpose all ordinances and resolutions duly indexed and open to public inspection. In case of the temporary absence of the Borough Clerk, the Borough Assembly may appoint a clerk pro tempore, with all the powers, duties and obligations of the Borough Clerk, who shall be duly qualified.

40.05.090 Reimbursement and Compensation.

Each member of the Planning Commission shall receive a meeting fee of three hundred dollars for each Planning Commission meeting day attended, including appeal hearings. The meeting fee shall be paid monthly and shall be subject to all applicable taxes and withholdings.
~~Planning Commission members shall be reimbursed, or paid a per diem, for such reasonable and necessary expenses the member incurs in the discharge of the member's duties. The Assembly may, by resolution, establish per diem rates, rules relating to reimbursement and other payments, and may authorize additional reimbursable item payments in lieu of, as well as payment of, compensation for an honorarium.~~

40.05.100 Powers and Duties.

The Planning Commission shall:

A. Prepare and submit to the Assembly a proposed Comprehensive Plan in accordance with AS 29.40.030 for systematic and organized development of the Borough;

B. Recommend amendments to the Comprehensive Plan to the Assembly for approval;

C. Review, recommend, and administer measures necessary to implement the Comprehensive Plan, including measures provided under AS 29.40.040 and Chapter 40.15 (Land Use Regulations) of this Title;

D. Act as the Aleutians East Borough Platting Board;

E. Have the authority to prepare and submit to the Assembly for its approval a Master Plan for the physical development of the Borough, including the general location, character and extent of streets, bridges, parks, waterways, and other public ways, grounds and spaces, together with the general location of the public buildings and other public property, public utilities, and the extent and location of any public housing projects. The Planning Commission shall recommend modifications to the Master Plan from time to time, as it deems in the Borough's interest;

F. Prepare and recommend to the Assembly a comprehensive zoning ordinance and map, or propose amendments or revisions thereof, with such provisions as the commission shall deem necessary or desirable for the promotion of health, safety, morals, and general welfare of the inhabitants of the Borough;

G. Act as the platting board and exercise other functions with respect to land subdivisions, planning, and zoning as may be prescribed elsewhere in this Code or any other ordinance of the Borough, not inconsistent with the provisions of the Borough charter;

H. Review all applications, and major amendments to previous approved projects, and prepare recommendations for Assembly action;

I. Cause minutes of each meeting to be recorded and forwarded to the Borough Assembly through the Borough Assembly; and

J. Perform other duties as may be prescribed by ordinance or requested by the Assembly.

(Ordinance 04-02, Chapter 40.05)

40.05.110 Financial Disclosure.

A. Planning Commission members shall submit a financial and business disclosure form in accordance with and as required by ~~Borough Code~~Chapter 1.28.

B. Participation in all borough governmental activities without the required disclosure is prohibited.

(Ord. 12-03, New Sec. 40.05.110)

TITLE 40

PLANNING, PLATTING and LAND USE

Chapter 40.06
Planning Department

Sections:

40.06.010 Planning Department.
40.06.020 Planning Director.
40.06.030 Planning Department Functions.

40.06.010 Planning Department.

The Planning Department Director is appointed by the Mayor, confirmed by the Assembly, and reports to the Administrator. If a Planning Department Director is not appointed, the Administrator or his designee completes these duties. The Planning Department carries out the Borough functions described in:

A. Chapter 40.06 Planning Department
B. Chapter 40.10 Comprehensive Plan
C. Chapter 40.15 Zoning Districts
D. Chapter 40.20 Resource Development

40.06.020 Planning Director.

The Planning Director is responsible for providing balanced and orderly Resource Development within the Borough. Local, state, and federal law and regulations will govern the actions of the Planning Director.

40.06.030 Planning Department Functions.

The Planning Department functions include:

A. Maximizing Resource Development benefits for Borough residents, while ensuring protection of human health and safety, the environment, commercial fishery resources, subsistence resources, cultural and historic sites, and other economic opportunities within AEB;

B. Ensuring all Resource Development within the Borough complies with the Borough's Comprehensive Plan and all other local, state, and federal laws;

C. Preparing written recommendations ~~to the Planning Commission for each Resource Development application; to either~~ on whether to approve ~~the project~~, deny ~~it~~, or approve permit applications ~~it~~ with conditions;

D. Review and comment on state and federal permits and approvals required for Resource Development projects within the Borough to ensure compliance with local requirements and address local concerns;

E. Inspecting and auditing Resource Development projects for compliance with local requirements, and notifying state ~~, and federal~~or federal ~~requirements~~ authorities of potential non-compliance with state or federal requirements;

F. Preparing written recommendations on whether to conduct enforcement actions; and

G. Maintaining complete and accurate maps and documentation on each Resource Development project within a ~~Geographic Information System~~electronic mapping system and/or hard copy.

TITLE 40

PLANNING, PLATTING and LAND USE

Chapter 40.10
Comprehensive Plan

Sections:

40.10.010 Description and Purpose.
40.10.020 Planning Commission Review and Recommendations.
40.10.030 Assembly Action.
40.10.040 Adoption and Contents.

40.10.010 Description and Purpose.

The Comprehensive Plan is a guide for the systematic and organized physical, social and economic development, both public and private, of the Borough and serves as a long-range policy guide for the development of the Borough as a whole. It may include separate elements that deal with discrete topics such as transportation, education, subsistence, economic development, tourism, public infrastructure, comprehensive development plans for specific communities or areas, delivery of public services, Borough lands management, and other subjects that may affect the orderly and beneficial development of the Borough.

It is the purpose of the Comprehensive Plan to:

A. Encourage maximum, sound and reasonable development and use of renewable and nonrenewable resources within the Borough;

B. Minimize the adverse impact of such development and use on the residents and environment of the Borough;

C. Promote a healthy and stable ecosystem;

D. Minimize the occurrence of incompatible land uses; and,

E. Promote the health, welfare, and safety of the residents of the Borough.

The Comprehensive Plan shall be implemented through the adoption and application of land use regulations, conditional use and other permitting, zoning, platting, site development and other land use and related regulations.

40.10.020 Planning Commission Review and Recommendations.

The Planning Commission shall regularly review the Comprehensive Plan and recommend additions, deletions, and revisions to the Assembly.

40.10.030 Assembly Action.

The Assembly may expand, contract, or amend the Comprehensive Plan by ordinance.

40.10.040 Adoption and Contents.

The Borough Comprehensive Plan is adopted and consists of the following plans, statements, programs, reports, policies, recommendations, goals, standards, maps and documents:

~~A. Aleutians East Borough Coastal Management Program, titled, "Coastal Area Boundary Policies Implementation Resource Inventory and Analysis," prepared by Jon Isaacs and Associates *Resource Analysis Fineline Graphics.* Effective Date, November, 1992; reprinted April, 1993.~~

A.~~B.~~ Aleutians East Borough Transportation Improvement Program, prepared by HDR Alaska, Inc., dated September 2001.

~~C~~B. Overall Economic Development Plan 1999, City of False Pass, prepared by The Stadum Group for the City of False Pass, dated July, 1999.

~~D~~C. Strategic Economic and Community Development Plan 2001, Nelson Lagoon, prepared for Nelson Lagoon by The Stadum Group, dated November 2001.

~~E~~D. Overall Economic Development Plan 1999, City of Cold Bay, prepared for the City of Cold Bay by The Stadum Group, dated July 1999.

~~F~~E. Aleutians East Borough Resolution Number 04-10 entitled A Resolution of the Aleutians East Borough Adopting General Borough Policies to Guide Public and Private Development and Other Significant Activities within the Borough.

~~G~~F. Coastal Resources Inventory and Environmental Sensitivity Maps, prepared by Research Planning, Inc Columbia, South Carolina, dated September 2001.

G. Aleutians East Borough, Alaska, Overall Economic Development Plan, dated March 1, 1994.

~~H. Borough Land Use Standards Document, dated February 2007.~~

(Ordinance 04-02, Chapter 40.10)

TITLE 40

PLANNING, PLATTING and LAND USE

Chapter 40.15
Zoning Districts

Sections:

40.15.010 Enacting Clause.
40.15.020 Scope.
40.15.030 Compliance Required.
40.15.040 Official Zoning Districts, Boundaries, and Map.
~~40.15.050 Amendments.~~

40.15.010 Enacting Clause.

The zoning standards contained herein, together with all amendments, shall officially constitute the zoning regulations of the Aleutians East Borough.

40.15.020 Scope.

A. Minimum Requirements

In interpreting and applying the provisions of this Ordinance such provisions shall be the minimum requirements for the promotion of the public health, safety, and general welfare.

Whenever the requirements of this title are at variance with the requirements of any other lawfully adopted ordinance of the Borough, those imposing the higher standards shall apply.

B. Replacement of Other Ordinances

The provisions of this Ordinance shall not be deemed or construed to repeal, amend, modify, alter, or change any other Ordinance or any part thereof not specifically repealed, amended, modified, altered, or changed herein, except in such particulars or matters where this Ordinance is more restrictive than such other Ordinances or parts thereof; and if this

Ordinance is found to be more restrictive, and each other Ordinance is found to be less restrictive, each such other Ordinance shall remain in full force and effect and shall prevail.

C. Compliance With Other Ordinances and Laws

Nothing in this Ordinance shall be construed to authorize the use of lands, buildings, and/or structures in violation of this Ordinance or any other applicable statutes, ordinances, or laws.

D. Reference to Any Portion of this Ordinance

Whenever reference is made to any portion of this Ordinance, or any other law or ordinances, the reference shall apply to all amendments and additions now or hereafter made.

E. Severability

If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part of provisions thereof other than the part so decided to be invalid or unconstitutional.

40.15.030 Compliance Required.

All land, and buildings, structures, or appurtenances located thereon within the Borough, and subject to this Ordinance, which are hereafter occupied, used, erected, altered, or converted shall be used, placed, and erected in conformance with the Land Use Standards prescribed for the Zoning District in which such land, or buildings, structures, and appurtenances are located, except as hereinafter provided.

To insure that public uses and structures conform to the general community pattern and to regulations governing private uses and development, agencies of the federal government, the state, and the Borough shall submit plans and receive approvals in conformance with the requirements outlined in this title.

Whenever private use is made of any public land or public structures, such use shall fully conform to the regulations set forth in this title.

40.15.040 Establishment of Official Zoning Districts, Boundaries, and Map.

A. Zoning District Established

The unincorporated areas within the corporate limits of the Borough are hereby divided into zoning districts. The districts established herein shall be known as:

Abbreviated Designation	Zoning District Name
R	Residential
C	Commercial
I	Industrial
M	Municipality
RD	Resource Development

1. **Residential**: The Borough contains one Residential Zoning District, which encompasses the Village of Nelson Lagoon and extends 10 miles from the Village boundary in each compass direction, with the exception of the Village of Nelson Lagoon airport and associated fuel and equipment storage facilities.

2. **Commercial**: The Borough contains one Commercial Zoning District, which encompasses the Village of Nelson Lagoon airport and associated fuel and equipment storage facilities.

3. **Industrial:** The Borough does not include any Industrial Zoning Districts at this time.

~~3.~~4. **Municipality:** Municipality zones include all areas exempted from the Geographic Scope (Sec. 40.01.020) where planning, platting and land use is administered by a municipality within the Borough.

~~4.~~5. **Resource Development:** A Resource Development Zoning District has been established~~,~~ which includes all Borough Land ~~between the 160°00'00" and 162°00'00" degrees longitude, excluding the City of Sand Point and its boundaries, and the City of King Cove and its boundaries, and the Nelson Lagoon Residential and Commercial districts.~~except lands zoned Residential, Commercial, Industrial or as a Municipality.

B. Zoning District Map

The boundaries of the zoning districts set out herein are delineated and shown on the Zoning District Map of the Borough; said map being a part of this ordinance as fully as if the same were set forth herein in detail.

Two original, official, and identical copies of the Zoning Districts Map are hereby adopted, bearing the signature of the Mayor and the attestation of the Borough Clerk, and shall be filed and maintained as follows:

1. One copy shall be filed with the Borough Clerk and retained as the original record and shall not be changed in any manner;

2. One copy shall be filed with the Planning Commission and shall be maintained up to date by posting thereon all changes and subsequent amendments; and

3. Reproductions of the official Zoning Districts Map, as amended, may be made from time-to-time for informational purposes.

C. Zoning District Boundaries

The district boundary lines shown on the Zoning Districts Map are usually along streets, alleys, property lines or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the official Zoning Districts Maps, the following rules shall apply:

1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such center line.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following city limits shall be construed as following city limits.

4. Boundaries indicated as following the centerline of creeks, drainage courses, or rivers shall be construed as following such centerline.

5. Boundaries indicated as parallel to, or extensions of, features indicated above shall so be construed. Distances not specifically indicated on the original Zoning Districts Map shall be determined by the scale of the map.

D. Zoning District Amendments

Zoning Districts Amendments require Assembly approval.
(Ordinance 05-05, Chapter 40.15)

TITLE 40

PLANNING, PLATTING AND LAND USE

Chapter 40.20
Resource Development Permits

Sections:

40.20.010 Commercial Recreation Land Use Permit Required.
40.20.020 Sand, Gravel and Rock Mining Land Use Permit Required.
40.20.030 Research Land Use Permit Required.
40.20.040 Mineral & Coal Exploration & Small Mining Operations Land Use Permit.
40.20.050 Offshore & Direct Marketing Seafood Processing Land Use Permit.
40.20.060 Onshore Seafood Processing Land Use Permit
40.20.070 Large Mining Operations Land Use Permit Required.
40.20.080 Oil and Gas Land Use Permit Required.
~~40.20.010 Approval Required~~
~~40.20.020 Purpose~~
~~40.20.030 Duration~~
~~40.20.040 Application Contents~~
~~40.20.050 Approval Criteria~~
~~40.20.060 Compliance and Enforcement~~
~~40.20.070 Resource Development Fund~~

~~40.20.010 Approval Required~~

~~All Resource Development within the Resource Development District requires Assembly approval prior to construction or operation.~~

40.20.010 Commercial Recreation Operator Land Use Permit Required.

A. Land Use Permit Required

1. Effective January 1, 2015, Commercial Recreation Operators conducting business within the Resource Development District must apply for and receive an approved Commercial Recreation Operator Land Use Permit from the Borough prior to conducting Commercial Recreation activities within the Borough each year, using the application form required by the Borough.

2. A separate permit application must be submitted by each Commercial Recreation Operator.

3. The land use permit shall be valid for a period of one year commencing on January 1st and expiring December 31st, provided applicant is in compliance

with permit terms and conditions.

4. The land use permit must be renewed at least 30 days prior to expiration if continued operations are planned.

5. Once the land use permit is issued, the permit may be amended. An amended permit is only valid for the remaining term on the originally issued permit.

6. The land use permit is not transferable and cannot be assigned or subleased, in whole or in part, to another party.

7. Commercial Recreation Operators are only authorized to conduct activities described in the permit application and authorized in the approval. Any change to the operation will require a permit amendment application to be submitted and approved prior to conducting those activities.

8. Casual Recreational Use does not require a permit.

B. Land Owner Authorization Required

1. Commercial Recreation Operator's activities on private, local, state, or federal land may not commence without land owner approval, including travel across lands and use of lands.

2. The Borough reserves the right to request a copy and verify any and all land owner authorizations related to a Commercial Recreation Operator Land Use Permit.

3. Land owner approval to access lands described in the land use permit must be maintained during the permit term or the permit is null and void.

C. Permanent Facilities, Structures and Access Routes

1. Commercial Recreation Operator Land Use Permits do not grant the Commercial Recreation Operator the right to construct any road, dock, port, runway or erect, construct or place any building, structure, or other fixture on lands within the AEB boundaries.

2. The Commercial Recreation Operator must obtain legal access and the authorization from the landowner prior to these activities.

3. A separate lease or contract is required to construct permanent facilities, structure and access routes on AEB lands.

D. Land Use Permit Approval Process

1. Commercial Recreation Operator Land Use Permits are approved by the Borough Administrator or his designee.

2. Within 10 calendar days of application receipt, excluding Saturday, Sunday and Borough holidays, the Borough will: approve the permit; send a letter to the Applicant explaining why the application is incomplete or requires modification; elevate the permit application for a decision by the Planning Commission pursuant to Sec. 40.01.070; or, deny the permit application.

~~1.~~3. Incomplete applications will be retained at the Borough for a period of 60 calendar days. If after 60 calendar days the applicant has not provided sufficient information to approve the permit, the permit application will be denied.

4. Final permit decisions will be mailed to the Permit Applicant or Permit Operator, adjoining property owners, and all persons that submitted written comments on the decision, by certified mail. A copy of the final permit decision will be provided to each Planning Commission member.

5. Permit decisions may be appealed pursuant to Sec. 40.01.080.

E. Fees and Penalties

Commercial Recreation Operators doing business within Borough boundaries are subject to the fee and penalty schedule approved by the Borough Assembly, pursuant to Chapter 1.24 and Sec. 40.01.060.

F. Inspection and Recordkeeping

1. Authorized representatives of the Borough have the right to enter and inspect land uses approved under a Borough permit to ensure uses are being or have been conducted in accordance with the terms and conditions of the permit.

2. Commercial Recreation Operators must keep and preserve all records of business activities conducted with the Borough boundaries for a period of at least five (5) years.

3. Commercial Recreation Operators must permit the Borough, or its authorized representatives, to examine, inspect, and copy the business records.

4. If an enforcement action commences, business records must be kept and preserved until enforcement action proceedings are complete.

G. Reporting Obligation

On or before February 1st of each year, after this permit expires, the Permittee shall submit a report to the Borough, confirming that all permit stipulations and requirements have been met and that the area used is clean and restored as nearly as possible to pre-existing conditions.

40.20.020 Sand, Gravel and Rock Land Use Permit Required.

A. Land Use Permit Required

1. Effective January 1, 2015, Sand, Gravel, and Rock Miners conducting business within the Resource Development District must apply for and receive an approved Sand, Gravel, and Rock Mining Land Use Permit from the Borough prior to conducting Sand, Gravel, and Rock Mining activities within the Borough, using the application form required by the Borough.

2. A separate land use permit application must be submitted for each separate Sand, Gravel, and Rock mining location.

3. The land use permit shall be valid for the mining operation period requested in the application, up to a maximum period of five (5) years.

4. Once approved by the Borough, the land use permit is valid for the approved permit term, provided applicant is in compliance with permit terms and conditions.

5. The land use permit must be renewed at least 60 days prior to expiration if continued operations are planned.

6. An amended land use permit is only valid for the remaining term on the originally issued permit.

7. The land use permit is not transferable and cannot be assigned or subleased, in whole or in part, to another party.

8. Sand, Gravel, and Rock Miners are only authorized to conduct activities described in the permit application and authorized in the approval. Any change to the operation will require a permit amendment application to be submitted and approved prior to conducting those activities.

B. Land Owner Authorization Required

1. Sand, Gravel and Rock Mining on private, local, state, or federal land may not commence without land owner approval, including travel across lands and use of lands.

2. The Borough reserves the right to request a copy and verify any and all land owner authorizations related to a Sand, Gravel, and Rock Mining Land Use Permit.

3. Land owner approval to access lands described in the permit must be maintained during the permit term or the permit is null and void.

C. Permanent Facilities, Structures and Access Routes

1. Sand, Gravel and Rock Mining Land Use Permits do not grant the Sand, Gravel, and Rock Miner the right to construct any road, dock, port, runway or erect, construct or place any building, structure, or other fixture on lands within the AEB boundaries.

2. The Sand, Gravel and Rock Miner must obtain legal access and the authorization from the landowner prior to these activities.

3. A separate lease or contract is required to construct permanent facilities, structure and access routes on AEB lands.

D. Land Use Permit Approval Process

1. Sand, Gravel and Rock Mining Permits are approved by the Borough Administrator or his designee.

2. Within 30 calendar days of application receipt, excluding Saturday, Sunday and Borough holidays, the Borough will: approve the permit; send a letter to the Applicant explaining why the application is incomplete or requires modification; elevate the permit application for a decision by the Planning Commission pursuant to Sec. 40.01.070; or deny the permit application.

~~1.~~3. Incomplete applications will be retained at the Borough for a period of 60 calendar days. If after 60 calendar days the applicant has not provided sufficient information to approve the permit, the permit application will be denied.

4. Final permit decisions will be mailed to the Permit Applicant or Permit Operator, adjoining property owners, and all persons that submitted written

comments on the decision, by certified mail. A copy of the final permit decision will be provided to each Planning Commission member.

5. Permit decisions may be appealed pursuant to Chapter 40.01.080.

E. Fees and Penalties

Sand, Gravel and Rock Miners doing business within Borough boundaries are subject to the fee and penalty schedule approved by the Borough Assembly, pursuant to Chapter 1.24 and Sec. 40.01.060.

F. Inspection and Recordkeeping

1. Authorized representatives of the Borough have the right to enter and inspect land uses approved under a Borough permit to ensure uses are being or have been conducted in accordance with the terms and conditions of the permit.

2. Sand, Gravel and Rock Miners must keep and preserve all records of business activities conducted with the Borough boundaries for a period of at least five (5) years after the site has been remediated to the Borough's satisfaction and the permit has been discontinued.

3. Sand, Gravel and Rock Miners must permit the Borough, or its authorized representatives, to examine, inspect, and copy the business records.

4. If an enforcement action commences, business records must be kept and preserved until enforcement action proceedings are complete.

G. Severance Tax

Sand, Gravel and Rock Miners are subject to Borough Severance Tax pursuant to Chapter 60.40.

H. Reporting Obligation

Within 180 days of permit expiration, the Sand, Gravel, and Rock Miner must submit a report to the Borough confirming that all permit stipulations and requirements have been met and that the area used is clean and restored as required in the approved Reclamation Plan.

40.20.030 Research Land Use Permit Required.

A. Land Use Permit Required

1. Effective January 1, 2015, Professional Researchers conducting Research within the Resource Development District must apply for and receive an approved Research Land Use Permit from the Borough prior to conducting Research within the Borough, using the application form required by the Borough.

2. A separate land use permit application must be submitted for each separate Research project.

3. The land use permit shall be valid for the Research period requested in the application, up to a maximum period of five (5) years.

4. Once approved by the Borough, the land use permit is valid for the approved permit term, provided applicant is in compliance with permit terms and conditions.

5. The land use permit must be renewed at least 30 days prior to expiration if continued operations are planned.

6. An amended land use permit is only valid for the remaining term on the originally issued permit.

7. The land use permit is not transferable and cannot be assigned or subleased, in whole or in part, to another party.

8. Researchers are only authorized to conduct activities described in the land use permit application and authorized in the approval. Any change to the Research will require a permit amendment application to be submitted and approved prior to conducting those activities.

9. Research conducted by local elementary, junior-high or high-school students in support of school educational activities does not require a permit.

B. Land Owner Authorization Required

1. Research activities on private, local, state, or federal land may not commence without land owner approval, including travel across lands and use of lands.

2. The Borough reserves the right to request a copy and verify all land owner authorizations related to a Research Land Use permit.

3. Land owner approval to access lands described in this permit must be maintained during the permit term or the permit is null and void.

C. Permanent Facilities, Structures and Access Routes

1. Research Land Use Permits do not grant the Professional Researcher the right to construct any road, dock, port, runway or erect, construct or place any building, structure, or other fixture on lands within the AEB boundaries.

2. The Professional Researcher must obtain legal access and the authorization from the landowner prior to these activities.

3. A separate lease or contract is required to construct permanent facilities, structure and access routes on AEB lands.

D. Land Use Permit Approval Process

1. Research Land Use Permits are approved by the Borough Administrator or his designee.

2. Within 10 calendar days of application receipt, excluding Saturday, Sunday and Borough holidays, the Borough will: approve the land use permit; send a letter to the Applicant explaining why the application is incomplete or requires modification; elevate the permit application for a decision by the Planning Commission pursuant to Sec. 40.01.070; or, deny the permit application.

3. Incomplete applications will be retained at the Borough for a period of 60 calendar days. If after 60 calendar days the applicant has not provided sufficient information to approve the permit, the permit application will be denied.

4. Final permit decisions will be mailed to the Permit Applicant or Permit Operator, adjoining property owners, and all persons that submitted written comments on the decision, by certified mail. A copy of the final permit decision will be provided to each Planning Commission member.

5. Permit decisions may be appealed pursuant to Sec. 40.01.080.

E. Fees and Penalties

Professional Researchers doing business within Borough boundaries are subject to the fee and penalty schedule approved by the Borough Assembly, pursuant to Chapter 1.24 and Sec. 40.01.060.

F. Inspection and Recordkeeping

1. Authorized representatives of the Borough have the right to enter and inspect land uses approved under a Borough permit to ensure uses are being or have been conducted in accordance with the terms and conditions of the land use permit.

2. Professional Researchers must keep and preserve all records of business activities conducted with the Borough boundaries for a period of at least five (5) years.

3. Professional Researchers must permit the Borough, or its authorized representatives, to examine, inspect, and copy the business records.

4. If an enforcement action commences, business records must be kept and preserved until enforcement action proceedings are complete.

G. Reporting Obligation

1. On or before February 1st of each year, the Professional Researcher must submit an interim report to the Borough, providing an update on the status of the research, summarize any significant findings, and provide a schedule update on the time required to complete the research.

2. Within 180 days of completing its research, the Professional Researcher must submit a copy of its final research report to the Borough.

40.20.040 Mineral & Coal Exploration & Small Mining Operations Land Use Permit Required.

A. Land Use Permit Required

1. Effective January 1, 2015, Mineral & Coal Exploration & Small Mining Operations (less than 5 acres at any one time) anywhere within the Resource Development District must apply for and receive an approved Mineral & Coal Exploration & Small Mining Operations Land Use Permit from the Borough prior to conducting Mineral & Coal Exploration or Small Mining Operations within the Borough, using the application form required by the Borough.

2. A separate land use permit application must be submitted for each separate project.

3. The land use permit shall be valid for the period requested in the application, up to a maximum period of five (5) years.

4. Once approved by the Borough, the land use permit is valid for the approved permit term, provided applicant is in compliance with permit terms and conditions.

5. The land use permit must be renewed at least 60 days prior to expiration if continued operations are planned.

6. An amended land use permit is only valid for the remaining term on the originally issued permit.

7. The land use permit is not transferable and cannot be assigned or subleased, in whole or in part, to another party.

8. Exploration and small mining Operators are only authorized to conduct activities described in the land use permit application and authorized in the approval. Any change to the operation will require a permit amendment application to be submitted and approved prior to conducting those activities.

9. Recreational Mining does not require a permit.

B. Land Owner Authorization Required

1. Mineral and/or coal exploration and Small Mining Operations on private, local, state, or federal land may not commence without land owner approval, including travel across lands and use of lands.

2. The Borough reserves the right to request a copy and verify any and all land owner authorizations related to a Mineral & Coal Exploration & Small Mining Operations Land Use Permit.

3. Land owner approval to access lands described in the land use permit must be maintained during the permit term or the permit is null and void.

C. Permanent Facilities, Structures and Access Routes

1. Mineral & Coal Exploration & Small Mining Operations Land Use Permits do not grant the Operator the right to construct any road, dock, port, runway or erect, construct or place any building, structure, or other fixture on lands within the AEB boundaries.

2. The Operator must obtain legal access and the authorization from the landowner prior to these activities.

3. A separate lease or contract is required to construct permanent facilities, structure and access routes on AEB lands.

D. Land Use Permit Approval Process

1. Mineral & Coal Exploration & Small Mining Operations Land Use Permits are approved by the Borough Administrator or his designee.

2. Within 30 calendar days of application receipt, excluding Saturday, Sunday, and Borough holidays, the Borough will: approve the permit; send a letter to the Applicant explaining why the application is incomplete or requires modification; elevate the permit application for a decision by the Planning Commission pursuant to Sec. 40.01.070; or deny the permit application.

3. Incomplete applications will be retained at the Borough for a period of 60 calendar days. If after 60 calendar days the applicant has not provided sufficient information to approve the permit, the permit application will be denied.

4. Final permit decisions will be mailed to the Permit Applicant or Permit Operator, adjoining property owners, and all persons that submitted written comments on the decision, by certified mail. A copy of the final permit decision will be provided to each Planning Commission member.

5. Permit decisions may be appealed pursuant to Sec. 40.01.080.

E. Fees and Penalties

Mineral & Coal Exploration & Small Mining Operators doing business within Borough boundaries are subject to the fee and penalty schedule approved by the Borough Assembly, pursuant to Chapter 1.24 and Sec. 40.01.060.

F. Inspection and Recordkeeping

1. Authorized representatives of the Borough have the right to enter and inspect land uses approved under a Borough permit to ensure uses are being or have been conducted in accordance with the terms and conditions of the permit.

2. Mineral & Coal Exploration & Small Mining Operators must keep and preserve all records of business activities conducted with the Borough boundaries for a period of at least five (5) years after the site has been remediated to the Borough's satisfaction and the permit has been discontinued.

3. Mineral & Coal Exploration & Small Mining Operators must permit the Borough, or its authorized representatives, to examine, inspect, and copy the

business records.

4. If an enforcement action commences, business records must be kept and preserved until enforcement action proceedings are complete.

G. Severance Tax

Mineral & Coal Exploration & Small Mining Operators are subject to Borough Severance Tax pursuant to Chapter 60.40.

H. Reporting Obligation

Within 180 days of permit expiration, the Mineral & Coal Exploration & Small Mining Operators must submit a report to the Borough confirming that all permit stipulations and requirements have been met and that the area used is clean and restored as required in the approved Reclamation Plan.

40.20.050 Offshore & Direct Marketing Seafood Processing Land Use Permit Required.

A. Land Use Permit Required

1. Effective January 1, 2015, Offshore Seafood Processors and Direct Marketing Seafood Processors anywhere within the Resource Development District must apply for and receive an approved Offshore & Direct Marketing Seafood Processing Land Use Permit from the Borough prior to conducting operations within the Borough, using the application form required by the Borough.

2. A separate land use permit application must be submitted for each separate Offshore Seafood Processor and each Direct Marketing Seafood Processor.

3. The land use permit shall be valid for a period of one year commencing on January 1st and expiring December 31st, provided applicant is in compliance with permit terms and conditions.

4. The land use permit must be renewed at least 30 days prior to expiration if continued operations are planned.

5. Once the land use permit is issued, the permit may be amended. An amended permit is only valid for the remaining term on the originally issued permit.

6. The land use permit is not transferable and cannot be assigned or subleased, in whole or in part, to another party.

7. Offshore Seafood Processors and each Direct Marketing Seafood Processors are only authorized to conduct activities described in the permit application and authorized in the approval. Any change to the operation will require a permit amendment application to be submitted and approved prior to conducting those activities.

B. Permanent Facilities, Structures and Access Routes

1. Offshore & Direct Marketing Seafood Processing Land Use Permits do not grant the Operator the right to construct any road, dock, port, runway or erect, construct or place any building, structure, or other fixture on lands within the AEB boundaries.

2. The Operator must obtain legal access and the authorization from the landowner prior to these activities.

3. A separate lease or contract is required to construct permanent facilities, structure and access routes on AEB lands.

C. Land Use Permit Approval Process

1. Offshore & Direct Marketing Seafood Processing Land Use Permits are approved by the Borough Administrator or his designee.

2. Within 30 calendar days of application receipt, excluding Saturday, Sunday, and Borough holidays, the Borough will: approve the permit; send a letter to the Applicant explaining why the application is incomplete or requires modification; elevate the permit application for a decision by the Planning Commission pursuant to Sec. 40.01.070; or deny the permit application.

3. Incomplete applications will be retained at the Borough for a period of 60 calendar days. If after 60 calendar days the applicant has not provided sufficient information to approve the permit, the permit application will be denied.

4. Final permit decisions will be mailed to the Permit Applicant or Permit Operator, adjoining property owners, and all persons that submitted written comments on the decision, by certified mail. A copy of the final permit decision will be provided to each Planning Commission member.

5. Permit decisions may be appealed pursuant to Sec. 40.01.080.

D. Fees and Penalties

Offshore Seafood Processors and each Direct Marketing Seafood Processors doing business within Borough boundaries are subject to the fee and penalty schedule approved by the Borough Assembly, pursuant to Chapter 1.24 and Sec. 40.01.060.

E. Inspection and Recordkeeping

1. Authorized representatives of the Borough have the right to enter and inspect land uses approved under a Borough permit to ensure uses are being or have been conducted in accordance with the terms and conditions of the permit.

2. Offshore Seafood Processors and each Direct Marketing Seafood Processors must keep and preserve all records of business activities conducted with the Borough boundaries for a period of at least five (5) years after the site has been remediated to the Borough's satisfaction and the permit has been discontinued.

3. Offshore Seafood Processors and each Direct Marketing Seafood Processors must permit the Borough, or its authorized representatives, to examine, inspect, and copy the business records.

4. If an enforcement action commences, business records must be kept and preserved until enforcement action proceedings are complete.

F. Severance Tax

Offshore Seafood Processors and each Direct Marketing Seafood Processors are subject to Borough Tax pursuant to Chapter 60.20.

G. Reporting Obligation

On or before February 1st of each year, after this permit expires, the Permittee shall submit a report to the Borough, confirming that that it is complying with all approved plans, permit stipulations and requirements.

40.20.060 Onshore Seafood Processing Land Use Permit Required.

A. Land Use Permit Required

1. Effective January 1, 2015, Onshore Seafood Processors operating within the Resource Development District must apply for and receive an approved Onshore Seafood Processing Land Use Permit from the Borough prior to conducting operations within the Borough, using the application form required by the Borough.

2. A separate land use permit application must be submitted for each separate Onshore Seafood Processing Operation.

3. The land use permit shall be valid for the mining operation period requested in the application, up to a maximum period of five (5) years.

4. Once approved by the Borough, the land use permit is valid for the approved permit term, provided applicant is in compliance with permit terms and conditions.

5. The land use permit must be renewed at least 180 days prior to expiration if continued operations are planned.

6. An amended land use permit is only valid for the remaining term on the originally issued permit.

7. The land use permit is not transferable and cannot be assigned or subleased, in whole or in part, to another party.

8. Onshore Seafood Processors are only authorized to conduct activities described in the land use permit application and authorized in the approval. Any change to the operation will require a land use permit amendment application to be submitted and approved prior to conducting those activities.

B. Land Owner Authorization Required

1. Onshore Seafood Processing operations on private, local, state, or federal land may not commence without land owner approval, including travel across lands and use of lands.

2. The Borough reserves the right to request a copy and verify any and all land owner authorizations related to an Onshore Seafood Processing Land Use Permit.

3. Land owner approval to access lands described in the permit must be maintained during the permit term or the permit is null and void.

C. Permanent Facilities, Structures and Access Routes

1. Onshore Seafood Processing Land Use Permits do not grant the Operator the right to construct any road, dock, port, runway or erect, construct or place any building, structure, or other fixture on lands within the AEB boundaries.

2. The Operator must obtain legal access and the authorization from the landowner prior to these activities.

3. A separate lease or contract is required to construct permanent facilities, structure and access routes on AEB lands.

D. Land Use Permit Application and Approval Process

1. Pre-application Meeting

The Onshore Seafood Processor must meet with the Borough for a pre-application meeting at least 180 days prior to submitting the land use permit application for approval. At the pre-application meeting the Applicant shall present the project scope and timeline to the Borough and explain how this project will comply with the requirements of this title and state and federal laws and regulations

2. Application Meeting

The Onshore Seafood Processor must meet with the Borough at least 180 days prior to construction or operation to submit an application for Borough approval.

3. Land Use Permit Application Contents

The Applicant must fill out all the information required by the Onshore Seafood Processing Land Use Permit Application Form and follow all instructions. The application shall contain, at a minimum the following:

a. Plan of Operations;
b. Local Economic Development Plan;
c. Design Plans
d. Historical and Cultural Resources Protection Plan;
e. Water, Waste Water, and Solid Waste Management Plan;
f. Emergency & Medical Plan;
g. Hazardous Materials and Hazards Assessment Plan;
h. A copy of all required State and Federal permits
i. Reclamation Plan;
j. Copy of State of Alaska Business Licenses; and,
k. Fees & Payments.

4. Approval Process

a. The Borough Administrator or his designee will have 90 days to review the land use permit application excluding Saturday, Sunday and Borough holidays, including a 30 calendar day public notice period requesting written comments. Public notice will be made in accordance with the publication requirements of Sec. 1.12.010.The Borough Administrator or his designee may extend review time periods for

complex projects. The public notice period will not commence until the Borough Administrator or his designee has determined that the application is complete and ready for Borough consideration.

b. Within 30 calendar days of application receipt, excluding Saturday, Sunday and Borough holidays, the Borough will issue the permit for public review or send a letter to the Applicant explaining why the application is incomplete or requires modification.

c. Incomplete applications will be retained at the Borough for a period of 60 calendar days. If after 60 calendar days the Applicant has not provided sufficient information to approve the permit, the permit application will be returned to the Applicant. By the end of the 90 day review period, the Borough Administrator or his designee will submit a written recommendation to the Planning Commission. The Planning Commission will have 60 days, excluding Saturday, Sunday and Borough holidays to develop a written recommendation to the Assembly and will hold one meeting with the opportunity for oral or written public comment.

e. The Assembly will grant the approval with or without conditions, or deny the application with explanation within 30 days excluding Saturday, Sunday and Borough holidays of receiving the Planning Commission's written recommendation and will hold one meeting with the opportunity for oral or written public comment before making its decision. The Assembly may extend review period for complex projects.

f. Final permit decisions will be mailed to the Permit Applicant or Permit Operator, adjoining property owners, and all persons that submitted written comments on the decision, by certified mail. A copy of the final permit decision will be provided to each Planning Commission and Assembly member.

g. Approved permits are valid for the period specified in the permit; a period not to exceed five years. A renewal application must be submitted at least 180 days before your permit expires. Permittees that have operated in compliance for the prior permit term (with no violations), may be eligible for an expedited renewal process if the renewal application does not increase impact over the original permit approval. Renewal applications that meet these criteria will be processed in 30 days by the.

h. A permit amendment may be submitted at any time during the period that the existing permit is valid. The permit applicant must explain the reason for the permit amendment. Minor amendments are approved by the Administrator within 30 days. Major amendments require Assembly approval and can take 3-6 months. A minor amendment includes administrative, scope or timing changes that do not increase impact over

the original permit approval. Major amendments increase impact over the original permit approval.

5. Approval Criteria

The Planning Commission will establish procedures for the Planning Director to follow when reviewing land use permit applications for approval. At a minimum, the Planning Director must verify the application is complete and meets the requirements of this title prior to recommending it for Planning Commission consideration. The Planning Commission will make a recommendation for Assembly approval.

Due deference will be given to residents affected by the proposed development when setting the terms and conditions of approval.

Based on Planning Director and Planning Commission recommendation for Approval, the following criteria must be met for the Assembly to approve Resource Developments:

a. Plan of Operations

The plan of operations shall be submitted in written form by the Owner/Operator and must include, at a minimum the following information:

1. Information on proposed Applicant (Operator) and any partners in the planned seafood processing operation;
2. Proposed seafood processing operations, location and timing;
3. Size and purpose of the operation;
4. Landownership and legal agreements that allow seafood processing plant on the property and any past seafood processing operations at this site;
5. A list and description of the required equipment, facilities, infrastructure and personnel;
6. Amount and type of fuel and chemicals that will be used and stored at the seafood processing plant and spill prevention measures that will be used;
7. Amounts and type of seafood to be processed and how the seafood will be processed;
8. Environmentally or culturally sensitive areas at or near the seafood processing plant;
9. Water and fish habitat protection measures that will be used;

10. Water requirements (i.e., intended use of appropriated waters, sources and methods of obtaining water, rate of acquisition, design of wastewater treatment systems, and instream requirements);
11. Anticipated restrictions on other surface uses of the area, including public access;
12. Noise, smell, and visual mitigation measures that will be implemented to lessen impacts on surrounding neighbors and properties;
13. Safety and security that will be used at the site; and,
14. A summary of all required local, state and federal permits and the status of those permits. If the permits have been obtained provide the permit number and date of expiration. If permits are in the process of being issued provide information on the date you applied for the permit and the expected date of issue.

The project scope and schedule must be compatible with existing and proposed adjacent uses, commercial fisheries, subsistence activities, and projected community needs.

The seafood processing operation must adhere to the goals and objectives of the Aleutians East Borough Comprehensive Plan.

Maps of proposed project must be submitted electronically for incorporation into the Borough's Geographic Information System.

b. Local Economic Development Plan

A Local Economic Development Plan shall include a local hire manpower plan, local business contracting plan, training program, and mentoring program for both construction and operation phases of the project.

The Local Economic Development Plan shall, at a minimum, include the following:

1. A plan to train local residents to become qualified for jobs at the project prior to start-up and during the period the seafood processing plant is actively operating. Training shall be provided in the lease area, or the Operator shall provide transportation and funding for local residents to obtain training in an alternate location. Paid apprenticeship positions shall provide hands-on training as part of this program;

2. A plan for recruiting and hiring local residents, including a mechanism for announcing jobs and recruiting locally qualified applicants in the lease area;
3. A plan for using local contractors and local businesses, including mandatory notification to qualified local contractors and businesses announcing contract opportunities; and,
4. A quarterly and annual reporting process documenting the success of the Economic Opportunity Plan in providing local hire and contracting opportunities to AEB residents.

c. Transportation Plan

Transportation Plan shall describe existing and new transportation infrastructure needed, anticipated haul routes, and points of ingress and egress to the seafood processing plant (including a map of these routes).

Transportation infrastructure (e.g., roads, bridges, runways, marine facilities, etc.) built by the Applicant on Borough, state, or federal lands must be available for all AEB resident use and access, unless waived by the Assembly.

Wherever possible, existing transportation infrastructure should be expanded to meet the Applicant's needs to minimize duplication and environmental impact.

The Applicant is responsible for construction, maintenance, and operating costs for the transportation infrastructure required to support their activities.

At cessation of operations, the transportation infrastructure must be donated to AEB for public use, or the transportation infrastructure must be completely removed and the area must be remediated to AEB's satisfaction.

d. Historical and Cultural Resources Protection Plan

A Historical and Cultural Resources Protection Plan must be submitted to demonstrate that traditional, historical and cultural sites may not be disturbed or adversely impacted during the construction or operation of the seafood processing plant.

e. Good Neighbor Plan

The Good Neighbor Plan shall, at a minimum, include the following:

1. A plan to ensure surrounding residential properties and residents are not adversely impacted by excessive noise, fumes, odors, pollution, contamination, glare, smoke, light, vibration, dust, litter, interference with media reception;
2. Charitable and/or in-kind contributions to support local education, art, and charities, provide employment training programs to maximize local hire.
3. A plan for providing services that includes contracting locally for fuel, power, waste, water, transportation, medical services, emergency and other services. If local service capacity is insufficient to meet the Operator's needs, the Operator shall expand capacity, unless it is infeasible. In cases where it is infeasible to expand existing services, the Operator may provide their own. The Operator's activities shall not adversely impact community access to existing services, and should improve and provide opportunities for more cost-effective services;
4. A plan for communicating with the affected community members, to obtain their input and address their concerns on a regular basis; and,
5. An annual reporting process to document the success of the Good Neighbor Policy.

f. Pollution Prevention Plan. The Pollution Prevention Plan must include best management practices for protecting drinking water, air, and local food sources from pollution, including a recycling program. The Pollution Prevention Plan must include:

1. A zero water pollution discharge standard unless the Applicant proves to the Borough that it is not technically feasible;
2. Best available air emission control technology for criteria air pollutants (including oxides of nitrogen and sulfur, carbon monoxide, particulate matter, volatile organic compounds), and hazardous air pollutants;
3. The lowest air pollution impact fuel sources. Solar, wind and other alternative power sources must be considered when technically feasible. Where alternative energy options are not technically feasible, natural gas fired combustion systems shall be used whenever possible. Ultra-low sulfur diesel fuels shall be used;
4. Vapory recovery systems on all equipment and facilities to reduce volatile organic compounds (VOCs) and Hazardous Air Pollutants (HAP) by at least 98%. Direct venting of VOCs and HAPs to the atmosphere is prohibited;
5. An inspection maintenance and repair program to ensure that all pollution prevention systems are inspected, maintained, and

repaired, including a Quality Assurance/Quality Control (QA/QC) Program for all pollution prevention systems;

6. Secondary containment systems for all fuel, hazardous materials and chemicals that will hold at least 110% of the tank capacity;
7. Cathodic protection, leak detection systems and overfill alarms for all tanks;
8. Double hull vessels for all supply and fuel vessels operating in the presence of ice; and,
9. Sufficient spill response equipment and trained personnel to contain and clean up any fuel and chemical spills that may occur.

g. Hazardous Materials and Hazards Assessment Plan

The plan must include an evaluation of all hazardous materials used at the seafood processing plan and any potential hazards including, but not limited to, geophysical hazards, fire, flood, landslides, erosion, earthquake, coastal storms, and ice. The plan must include proposed mitigation measures to eliminate or reduce the risk of the hazard.

h. Reclamation Plan

The Reclamation Plan must be provided in sufficient detail to determine surety requirements, provide a timetable for each step in the reclamation process, and describe the reclamation actions to be completed at cessation of operations. The plan must include a description of the measures to ensure that all debris and toxic materials are disposed of in a sound manner, a description of the steps to be taken to comply with applicable water quality laws and statutes, and restore, stabilize and re-vegetate all disturbed areas. The Reclamation Plan must be developed using best management practices and shall comply with AEB's Coastal Zone Enforceable Policies.

i. Emergency & Medical Plan

The Emergency & Medical Plan must provide for adequate medical, rescue, fire, spill response and other emergency services. The plan should preferably include proposals to fund expansion of existing Borough emergency services to support increased demands created by the new mining project.

j. Fees & Payments

E. Fees and Penalties

Onshore Seafood Processors doing business within Borough boundaries are subject to the fee and penalty schedule approved by the Borough Assembly, pursuant to Chapter 1.24 and Sec. 40.01.060.

F. Inspection and Recordkeeping

1. Authorized representatives of the Borough have the right to enter and inspect land uses approved under a Borough land use permit to ensure uses are being or have been conducted in accordance with the terms and conditions of the permit.

2. Onshore Seafood Processors must keep and preserve all records of business activities conducted with the Borough boundaries for a period of at least five (5) years after the site has been remediated to the Borough's satisfaction and the permit has been discontinued.

3. Onshore Seafood Processors must permit the Borough, or its authorized representatives, to examine, inspect, and copy the business records.

4. If an enforcement action commences, business records must be kept and preserved until enforcement action proceedings are complete.

G. Tax

Onshore Seafood Processors are subject to Borough Tax pursuant to Chapter 60.20.

H. Reporting Obligation

Compliance with Borough approval is required. Onshore Seafood Processors must submit annual reports demonstrating compliance with the approved plans listed in Sec. 40.20.060 by February 15th of each calendar year.

Within 180 days of permit expiration, the Onshore Seafood Processor must submit a report to the Borough confirming that all permit stipulations and requirements have been met and that the area used is clean and restored as required in the approved Reclamation Plan.

40.20.070 Large Mining Operations Land Use Permit Required.

A. Land Use Permit Required

1. Mineral and Coal Miners conducting Large Mining Operations (5 acres or more at any one time) within the Resource Development District must apply for and receive an approved Large Mineral & Coal Mining Operations Land Use Permit from the Borough prior to conducting Large Mining Operations within the Borough, using the application form required by the Borough. Mineral and Coal Exploration must obtain a permit pursuant to the requirements of Sec. 40.20.040.

2. A separate land use permit application must be submitted for each separate Large Mining Operation.

3. The land use permit shall be valid for the mining operation period requested in the application, up to a maximum period of five (5) years.

4. Once approved by the Borough, the land use permit is valid for the approved permit term, provided applicant is in compliance with permit terms and conditions.

5. The land use permit must be renewed at least 180 days prior to expiration if continued operations are planned.

6. An amended land use permit is only valid for the remaining term on the originally issued permit.

7. The land use permit is not transferable and cannot be assigned or subleased, in whole or in part, to another party.

8. Large Mining Operations are only authorized to conduct activities described in the land use permit application and authorized in the approval. Any change to the operation will require a land use permit amendment application to be submitted and approved prior to conducting those activities.

B. Land Owner Authorization Required

1. Large Mining Operations on private, local, state, or federal land may not commence without land owner approval, including travel across lands and use of lands.

2. The Borough reserves the right to request a copy and verify any and all land owner authorizations related to a Large Mining Operation Land Use Permit.

3. Land owner approval to access lands described in the permit must be maintained during the permit term or the permit is null and void.

C. Permanent Facilities, Structures and Access Routes

1. Large Mining Operation Land Use Permits do not grant the Mineral and/or Coal Miner the right to construct any road, dock, port, runway or erect, construct or place any building, structure, or other fixture on lands within the AEB boundaries.

2. The Mineral and/or Coal Miner must obtain legal access and the authorization from the landowner prior to these activities.

3. A separate lease or contract is required to construct permanent facilities, structure and access routes on AEB lands.

D. Land Use Permit Application and Approval Process

1. Pre-application Meeting~~:~~

The Mineral and/or Coal Miner ~~Owner/Operator~~ must meet with the Borough for a pre-application meeting at least 180 days prior to submitting the land use permit application for approval. At the pre-application meeting the Applicant ~~must~~ shall present the project scope and timeline to the Borough and explain how this project will comply with the requirements of this title and state and federal laws and regulations. At the pre-application meeting, the Applicant will be required to submit an initial payment of $~~50~~25,000 to be placed in a ~~Resource Development Review~~ Large Mining Operations Permit Fee Fund for this project. The Applicant must maintain a minimum balance of $10,000 in this fund at all times. The Borough will use these funds to pay for the cost of reviewing and approving the proposed ~~Resource Development project~~application and administering the permit during operations. ~~and will administer these funds in accordance with Chapter 40.20.070.~~ Payment of the application fee does not guarantee approval of the project.

2. Application Meeting~~:~~

The Mineral and/or Coal Miner ~~Owner/Operator~~ must meet with the Borough at least 180 days prior to construction or operation to submit an application for Borough approval. ~~**40.20.040 Application Contents.**~~

~~To obtain Approval the Owner and Operator must submit the following to the Planning Director:~~

3. Land Use Permit Application Contents

The Applicant must fill out all the information required by the Large Mining Operations Land Use Permit Application Form and follow all instructions. The application shall contain, at a minimum the following:

a. Project Scope and Schedule;
b. Conflict Avoidance Plan (Fisheries & Subsistence Use);
c. Study & Project Monitoring Plan;
d. Local Economic Development Plan;
e. Field Office Plan;
f. Infrastructure Support Plan;
g. Transportation Plan;
h. Historical and Cultural Resources Protection Plan;
i. Good Neighbor Plan;
j. Pollution Prevention Plan;
k. Hazard Assessment Plan;
l. Surety Bond;
m. Reclamation Plan;
n. Emergency Plan;
~~n.~~ Copy of State of Alaska Business Licenses; and,
o. Fees & Payments.

4~~c~~. Approval Process~~:~~

a. The ~~Planning Director~~Borough Administrator or his designee will have 90 days to review the land use permit application excluding Saturday, Sunday and Borough holidays, including a 30 calendar day public notice period requesting written comments. Public notice will be made in accordance with the publication requirements of Sec. 1.12.010.The Borough Administrator or his designee ~~Planning Director~~ may extend review time periods for complex projects. The public notice period will not commence until the Borough Administrator or his designee ~~Planning Director~~ has determined that the application is complete and ready for Borough consideration.

b. Within 30 calendar days of application receipt, excluding Saturday, Sunday and Borough holidays, the Borough will issue the permit for public review or send a letter to the Applicant explaining why the application is incomplete or requires modification.

c. Incomplete applications will be retained at the Borough for a period of 60 calendar days. If after 60 calendar days the Applicant has not provided

sufficient information to approve the permit, the permit application will be returned to the Applicant.

d. By the end of the 90 day review period, the Borough Administrator or his designee ~~Planning Director~~ will submit a written recommendation to the Planning Commission. The Planning Commission will have 60 days, excluding Saturday, Sunday and Borough holidays to develop a written recommendation to the Assembly and will hold one meeting with the opportunity for oral or written public comment.

e. The Assembly will grant the approval with or without conditions, or deny the application with explanation within 30 days excluding Saturday, Sunday and Borough holidays of receiving the Planning Commission's written recommendation and will hold one meeting with the opportunity for oral or written public comment before making its decision. The Assembly may extend review period for complex projects.

f. Final permit decisions will be mailed to the Permit Applicant or Permit Operator, adjoining property owners, and all persons that submitted written comments on the decision, by certified mail. A copy of the final permit decision will be provided to each Planning Commission and Assembly member.

g. Approved permits are valid for the period specified in the permit; a period not to exceed five years. A renewal application must be submitted at least 180 days before your permit expires. Permittees that have operated in compliance for the prior permit term (with no violations), may be eligible for an expedited renewal process if the renewal application does not increase impact over the original permit approval. Renewal applications that meet these criteria will be processed in 30 days by the.

h. A permit amendment may be submitted at any time during the period that the existing permit is valid. The permit applicant must explain the reason for the permit amendment. Minor amendments are approved by the Administrator within 30 days. Major amendments require Assembly approval and can take 3-6 months. A minor amendment includes administrative, scope or timing changes that do not increase impact over the original permit approval. Major amendments increase impact over the original permit approval.

i. Approval Criteria

~~**40.20.050 Approval Criteria**~~

The Planning Commission will establish procedures for the Planning Director to follow when reviewing land use permit applications for approval. At a minimum, the Planning Director must verify the application is complete and meets the requirements of this title prior to recommending it for Planning Commission consideration. The Planning Commission will make a recommendation for Assembly approval.

Due deference will be given to residents affected by the proposed development when setting the terms and conditions of approval.

Based on Planning Director and Planning Commission recommendation for Approval, the following criteria must be met for the Assembly to approve Resource Developments:

j. Project Scope and Schedule

The project scope and schedule ~~must~~ shall be submitted in written form by the Owner/Operator and must include, at a minimum the following information:

1. Information on proposed Applicant (Operator) and any partners in the planned mine;
2. Proposed mining operations, location and timing;
3. Size and purpose of the operation;
4. Landownership and legal agreements that allow mining on the property and any past mining operations at this site;
5. A list and description of the required equipment, facilities, infrastructure and personnel;
6. Mining methods including overburden removal and storage and the amounts of material to be handled, processed or removed, and whether blasting, drilling, crushing, or screening will be performed.
7. Area and depth of the mining operation, including a map showing the topography, vegetation, distance to waterbodies, wetlands, residential areas, and other private structures or operations;
8. Amount and type of fuel and chemicals that will be used and stored at the mine site and oil spill prevention measures that will be used;

9. Amounts of material to be handled, processed, or removed; how the material will be processed; and how the tailings will be disposed of;
10. The actions to be taken to minimize detrimental effects to fish and wildlife;
11. Environmentally or culturally sensitive areas at or near the mine site (e.g. fish spawning habitat, subsistence use area, nearby residential properties or schools);
12. Water and fish habitat protection measures that will be used;
13. Water requirements (i.e., intended use of appropriated waters, sources and methods of obtaining water, rate of acquisition, design of wastewater treatment systems, and instream requirements);
14. Type and quantity of any elements or chemicals to be used in mining or mineral recovery and storage plans;
15. Location and size of camp facilities and overland transportation;
16. Anticipated restrictions on other surface uses of the lease area, including public access;
17. Noise, visual and dust suppression mitigation measures that will be implemented to lessen impacts on surrounding neighbors and properties;
18. Plans to comply with AEB's Coastal Zone Enforceable Policies if mining is planned in the coastal lands and waters of the Borough;
19. Safety and security that will be used at the site; and,
20. A summary of all required local, state and federal permits and the status of those permits. If the permits have been obtained please provide the permit number and date of expiration. If permits are in the process of being issued please provide information on the date you applied for the permit and the expected date of issue.

The project scope and schedule must be compatible with existing and proposed adjacent uses, commercial fisheries, subsistence activities, and projected community needs.

The ~~project~~ mining operation must adhere to the goals and objectives of the Aleutians East Borough Comprehensive Plan**.** ~~Facilities~~ The mining operation must be consolidated as practical; site selection must include sufficient acreage to allow for reasonable expansion of ~~facilities~~ the mine and should minimize site clearing, dredging, and disturbance of productive habitats. ~~,~~The mine operation and should be located in an area of least biological productivity, diversity, and vulnerability, and where effluents and spills can be contained.

Maps of proposed project must be submitted electronically for incorporation into the Borough's Geographic Information System.

k. Conflict Avoidance Plan (Fisheries & Subsistence Use)

1. Mining shall not adversely affect fish habitat, populations or productivity. Commercial fishing, subsistence use, and sport harvest have priority.

2. The Conflict Avoidance Plan must demonstrate that Commercial Fishing, Subsistence Use, and Sport Harvest Conflicts will be avoided. Alternative site locations, transportation routes, and other mitigation measures may be proposed to avoid conflict.

3. Commercial fishing, subsistence use, and sport harvest priority use means that mining shall be restricted in order to prevent conflicts with local commercial, subsistence, and sport harvest activities and achieve the following goals.

   a. Commercial, subsistence, and sport harvest activities must not be displaced or precluded from access to fishing or hunting areas, unless they are adequately compensated for the displacement;

   b. Fishermen must not be precluded from participating in designated fishing seasons, unless they are adequately compensated for the lost season(s);

   c. Fishermen must be compensated in a timely manner for damage to fishing equipment, vessels, gear or decreased harvest value or loss of fishing quota caused by the mine;

   d. Established patterns of navigation and shipping for commercial fishermen must not be interrupted;

   e. Port infrastructure must be expanded to accommodate increased vessel traffic for the mine. This will ensure that fishermen have adequate harbor slips, long-term boat storage and maintenance facilities, and are not unnecessarily delayed for supply and refueling. The cost of port expansion and any increase in port operating costs is the sole burden of the mine.

l. Study & Project Monitoring Plan

A Study and Project Monitoring Plan ~~must~~ shall be comprehensive and collect sufficient baseline and periodic monitoring data to ~~must~~ ensure protection of human health and the environment is being achieved. The plan must be reviewed and approved by the Borough Scientific Advisory

Council or an expert designated by the Borough. The Study and Project Monitoring Plan shall, at a minimum, include a:

1. Commercial, Subsistence and Sports Fisheries Baseline Data Assessment to assess potential impacts of the proposed mine, including an assessment of all commercial, subsistence and sports fisheries species, as well as the marine flora, fauna, habitat and prey species on which they rely for survival. The assessment shall be of sufficient quality to:

   a. Document the fisheries' distribution, abundance, productivity, movement and migration patterns, and quality as a food source; include data that documents natural variation in fish stock such that incremental impact from mining operations can be distinguished from natural variation;

   b. Document past, present and future commercial, subsistence and sports fisheries use areas;

   c. Be of sufficient quality, quantity, and age to allow scientists to collect additional data in the future (for comparison) and draw scientifically valid conclusions, as to whether or not the fisheries resources are being impacted the mine;

   d. Include a complete economic assessment of the economic value of the fisheries including the economic value of wild Alaska seafood harvested in pristine waters; and,

   e. Provide a well documented, scientifically supported, and statistically significant analysis sufficient to compensate fisherman for decreased harvest value, decreases in fisheries stock, and/or displacement or loss of work due to a catastrophic event such as mine pollution contamination.

2. Commercial, Subsistence and Sports Fisheries Monitoring and Mitigation Plan to monitor impacts of the proposed mine. Adverse impacts identified via the monitoring program shall be mitigated;

3. Baseline water quality assessment and/or additional baseline data collection plan;

4. Cumulative water pollution impact assessment;

5. Assessment of the technical feasibility for zero water pollution discharge;

6. Water quality monitoring system(s) that will be used to continuously monitor effluents to ensure compliance with pollutant limitations if zero water pollution discharge is not technically feasible;

7. Baseline air quality and meteorological data assessment and/or additional baseline data collection plan;

8. Cumulative air pollution impact assessment;

9. Assessment of the technical feasibility for air pollution discharge control and reduction;

10. Air quality monitoring system(s) that will be used to continuously monitor emissions to ensure compliance with pollutant limitations;

11. A Baseline Health and Socioeconomic Assessment to: document the current public health status of communities that will potentially be affected by the mine; document ways the mine can improve the quality of life for local residents; identify ways the mining Operator can work with the local communities to design, install and operate facilities that improve the quality of life for local residents; identify community or village-level health indicators to detect changes in public health and in social and economic conditions that influence health in the region; identify health disparities and vulnerable populations; identify the likely social, economic, environmental, and behavioral influences on health; and identify appropriate social, economic, environmental and health indicators for use in monitoring the effects (in terms of health risk and health outcomes);

12. Impact Analysis and Mitigation Plan summarizing the potential public health and socioeconomic impacts of mine and a means proposed to mitigate these impacts completed under the direction of a medical doctor with recognized expertise in Alaska Native public health and a socio-economist with recognized expertise in Aleutian Region;

13. Public Health Monitoring Program and Mitigation Plan to be implemented under the direction of a medical doctor with recognized expertise in Alaska Native public health that addresses the public health indicators identified in the Baseline Health and Socioeconomic Assessment. Adverse impacts identified via the monitoring program shall be mitigated;

14. Socioeconomic Monitoring Program and Mitigation Plan to be implemented under the direction of a socio-economist with recognized expertise in issues affecting the Aleutian Region. Adverse social and economic impacts identified via the monitoring program shall be mitigated; and,

~~1.~~15. A Noise Mitigation Plan that minimizes adverse health effects from aircraft and other noises associated with the mine operations. The plan shall include a baseline assessment of ambient noise level in the affected community must be completed for a mine requiring more than two flights per day to, through or from a community that estimates indoor and outdoor ambient noise levels and assess the anticipated contribution of the proposed activity to overall noise levels in the community using an FAA-approved noise model. Activities for ambient noise levels above safe thresholds, or noise levels that cause unacceptable disruptions to community activities

and sleep, shall not be permitted. Mitigation including flight path routing, airport siting and sound proofing equipment must be proposed and implemented.

m. Local Economic Development Plan

A Local Economic Development Plan ~~must~~ shall include a local hire manpower plan, local business contracting plan, training program, and mentoring program for both construction and operation phases of the ~~resource extraction~~mining project.

The Local Economic Development Plan shall, at a minimum, include the following:

1. A plan to train local residents to become qualified for jobs at the mine prior to mine start-up and during the period the mine is actively operating. Training shall be provided in the lease area, or the Operator shall provide transportation and funding for local residents to obtain training in an alternate location. Paid apprenticeship positions shall provide hands-on training as part of this program;
2. A plan for recruiting and hiring local residents, including a mechanism for announcing jobs and recruiting locally qualified applicants in the lease area;
3. A plan for using local contractors and local businesses, including mandatory notification to qualified local contractors and businesses announcing contract opportunities; and,
4. A quarterly and annual reporting process documenting the success of the Economic Opportunity Plan in providing local hire and contracting opportunities to AEB residents.

n. Field Office Plan

~~Resource Development~~ Large Mining Operations ~~activities~~ are required to maintain a field office at the construction and operating site. The field office must be manned 24 hours per day to ensure proper oversight of the project activities. The field office staff must include, at a minimum, a Native and Community Liaison, a Fisheries Protection Biologist, and an Environmental Compliance Officer to provide project oversight, monitoring, address local concerns, and ensure compliance, unless waived by the Assembly.

o. Infrastructure Support Plan

~~Resource Development~~The Applicant~~s~~ must meet with Village, Municipal

Government, and Tribal Leaders of all communities within 25 miles of their operations to determine whether it will be beneficial to expand community infrastructure to include resource extraction needs, or whether it would be more appropriate to institute enclave development requirements.

A joint tribal, local community and ~~industry~~ Applicant agreement on this issue must be reached, approved by all parties, and submitted to the ~~AEB~~Borough.

In the event there is agreement to expand existing community infrastructure to meet the needs of industrial development (e.g. medical clinic, school, community center, tank farm, recreation facilities, etc.), ~~industry~~ the Applicant is responsible for construction, maintenance, and operation costs of expanding these facilities to support their activities.

p. Transportation Plan

Transportation Plan shall describe existing and new transportation infrastructure needed, anticipated haul routes, and points of ingress and egress to the mine site (including a map of these routes).

Transportation infrastructure (e.g., roads, bridges, runways, marine facilities, etc.) built by ~~industry~~ the Applicant on Borough, state, or federal lands must be available for all AEB resident use and access, unless waived by the Assembly.

Wherever possible, existing transportation infrastructure should be expanded to meet ~~industry~~ the Applicant's needs to minimize duplication and environmental impact.

The Applicant ~~Industry~~ is responsible for construction, maintenance, and operating costs for the transportation infrastructure required to support their activities. ~~Whenever possible, onshore exploration activities should be supported by air service, an existing road system or port facility, or by vehicles which do not cause significant damage to the ground surface or vegetation.~~

At cessation of operations, the transportation infrastructure must be donated to AEB for public use, or the transportation infrastructure must be completely removed and the area must be remediated to AEB's satisfaction.

q. Historical and Cultural Resources Protection Plan

A Historical and Cultural Resources Protection Plan must be submitted to demonstrate that traditional, historical and cultural sites may not be

disturbed or adversely impacted during the construction or operation of the ~~Resource Development project~~mine.

r. Good Neighbor Plan

The Good Neighbor Plan shall, at a minimum, include the following:

1. ~~The Good Neighbor Plan must include a~~ A plan to ensure surrounding residential properties and residents are not adversely impacted by excessive noise, fumes, odors, pollution, contamination, glare, smoke, light, vibration, dust, litter, ~~or~~ interference with media reception;~~.~~

2. ~~The plan should include~~ ~~C~~charitable and/or in-kind contributions to support local education, art, and charities, provide employment training programs to maximize local hire. This program should provide a fund for impact assistance if adverse impacts are realized by the community or individual residents;~~.~~

3. A plan for providing services that includes contracting locally for fuel, power, waste, water, transportation, medical services, emergency and other services. If local service capacity is insufficient to meet the Operator's needs, the Operator shall expand capacity, unless it is infeasible. In cases where it is infeasible to expand existing services, the Operator may provide their own. The Operator's activities shall not adversely impact community access to existing services, and should improve and provide opportunities for more cost-effective services;

4. A system to compensate subsistence hunters and fishermen for disruptions to subsistence activities or to compensate for additional costs associated with relocating subsistence activities;

5. A system to compensate subsistence hunters and fishermen for costs of providing alternative food sources in the event of a spill;

6. A plan for communicating with the affected community members, to obtain their input and address their concerns on a regular basis; and,

~~1.~~7. A quarterly and annual reporting process to document the success of the Good Neighbor Policy.

s. Pollution Prevention Plan

The Pollution Prevention Plan must include best management practices for protecting drinking water, air, and local food sources from pollution, including ~~and~~ a recycling program. The Pollution Prevention Plan must include:

1. A zero water pollution discharge standard unless the Applicant proves to the Borough that it is not technically feasible;

2. Best available air emission control technology for criteria air pollutants (including oxides of nitrogen and sulfur, carbon monoxide, particulate matter, volatile organic compounds), and hazardous air pollutants;
3. The lowest air pollution impact fuel sources. Solar, wind and other alternative power sources must be considered when technically feasible. Where alternative energy options are not technically feasible, natural gas fired combustion systems shall be used whenever possible. Ultra-low sulfur diesel fuels shall be used;
4. Vapor recovery systems on all equipment and facilities to reduce volatile organic compounds (VOCs) and Hazardous Air Pollutants (HAP) by at least 98%. Direct venting of VOCs and HAPs to the atmosphere is prohibited;
5. An inspection maintenance and repair program to ensure that all pollution prevention systems are inspected, maintained, and repaired, including a Quality Assurance/Quality Control (QA/QC) Program for all pollution prevention systems;
6. Secondary containment systems for all fuel, hazardous materials and chemicals that will hold at least 110% of the tank capacity;
7. Cathodic protection, leak detection systems and overfill alarms for all tanks;
8. Double hull vessels for all supply and fuel vessels operating in the presence of ice; and,
9. Sufficient spill response equipment and trained personnel to contain and clean up any fuel and chemical spills that may occur.

t. Hazard Assessment Plan

A Hazard Assessment Plan must include an evaluation of all potential hazards to the ~~Resource Development Project~~mine including, but not limited to, geophysical hazards, fire, flood, landslides, erosion, earthquake, coastal storms, and ice. The plan must include proposed mitigation measures to eliminate or reduce the risk of the hazard.

u. Surety Bond

A Surety Bond, or other financial instrument approved by the Assembly, must be appropriate for the magnitude, type, cost, nature, and duration of the development.

Surety must be provided in an amount sufficient to fund:

1. Environmental clean-up and restoration requirements;

2. Compensate residents for any adverse human health impacts
3. Compensate commercial fisherman and subsistence users for adverse impacts;
4. Dismantle, remove, and restore the Resource Development site to its original condition prior to development; and
5. The liability under the surety provisions shall continue until such time as released, or in its entirety, by the ~~Planning Director~~Administrator.

v. Reclamation Plan

The Reclamation Plan must be provided in sufficient detail to determine surety requirements, provide a timetable for each step in the reclamation process, and describe the reclamation actions to be completed at cessation of operations. The plan must include a description of the measures to ensure that all debris and toxic materials are disposed of in a sound manner, a description of the steps to be taken to comply with applicable water quality laws and statutes, and restore, stabilize and re-vegetate all disturbed areas. The Reclamation Plan must be developed using best management practices and shall comply with AEB's Coastal Zone Enforceable Policies if mining is planned in the coastal lands and waters of the Borough.

w. Emergency Plan

The Emergency Plan must provide for adequate medical, rescue, fire, spill response and other emergency services. The plan should preferably include proposals to fund expansion of existing Borough emergency services to support increased demands created by the new ~~Resource Development~~mining project.

x. Fees & Payments

Large Mining Operations Permit ~~Resource Development~~ Fee Fund ~~payments (Chapter 40.20.070) and all fees required by Chapters 40.01.060~~ must be paid.

~~40.20.030 Duration.~~

~~Approvals are valid while Owner/Operator is in compliance with this title, conditions of Borough approval, and all state and federal requirements. Approvals expire automatically within 12 months, if no construction or activity has commenced or if construction has been suspended for 12 consecutive months.~~

5d. Amendments:

Resource Development Approval Large Mining Land Use Permit Amendments will require Borough approval. The Borough Administrator or his designee Planning Director will determine the significance of the proposed amendment. Minor amendments may be approved by the Borough Administrator or his designee within 30 daysPlanning Director. A minor amendment is defined as an administrative, scope or timing change that does not increase impact over the original permit approval. A major amendment requires Assembly approval and a 30 day public comment period.

Significant amendments may warrant public and Planning Commission review, and Assembly approval, as determined by the Planning Director.

6. Appeals

Land use permit decisions may be appealed pursuant to Sec. 40.01.080.

E. Fees and Penalties

Mineral and Coal Miners doing business within Borough boundaries are subject to the fee and penalty schedule approved by the Borough Assembly, pursuant to Chapter 1.24 and Sec. 40.01.060.

Each Resource Development project Large Mining Operations are will be required to fund the cost for Borough review and approval of their application, and the cost of inspection and oversight of the project once it is in operation.

Large Mining Operations Permit FeeThe Resource Development Fund requirements are triggered at the pre-application meeting, or at the discretion of the Planning DirectorBorough Administrator, if Borough is incurring costs to participate in project meeting, discussions, and review prior to the pre-application meeting.

At the pre-application meeting, the Applicant will be required to submit an initial payment of $50,000 of $25,000 to be placed in a Resource Development Large Mining Operations Permit Fee Fund for this specific project. Each monthQuarterly, the Planning DirectorFinance Director- will provide the Applicant with an account describing how the funds were used by the Borough to review, approve, or monitor project compliance.

The Applicant must maintain a minimum balance of $12,500 of $25,000 in this fund at all times.

Failure to maintain and provide adequate funding within the Large Mining Operations Permit Fee FundResource Development Fund for the project will trigger compliance actions under Sec 40.01.0505040 and will automatically suspend all work on permit application review, processing, and approval.

Unused funds will be returned to the Aapplicant at the completion of the project and the site has been remediated to the Borough's satisfaction, or if an application is withdrawn from consideration.

F. Inspection and Recordkeeping

1. Authorized representatives of the Borough have the right to enter and inspect land uses approved under a Borough land use permit to ensure uses are being or have been conducted in accordance with the terms and conditions of the permit.

2. Mineral and Coal Miners must keep and preserve all records of business activities conducted with the Borough boundaries for a period of at least five (5) years after the site has been remediated to the Borough's satisfaction and the permit has been discontinued.

3. Mineral and Coal Miners must permit the Borough, or its authorized representatives, to examine, inspect, and copy the business records.

4. If an enforcement action commences, business records must be kept and preserved until enforcement action proceedings are complete.

G. Severance Tax

Mineral and Coal Miners are subject to Borough Severance Tax pursuant to Chapter 60.40.

H. Reporting Obligation

Compliance with Borough approval is required. Mineral and Coal Miners The Operator must submit quarterly reports demonstrating compliance with the approved plans listed in Chapter Sec. 40.20.0750 by January 15th, April 15th, July 15th and October 15th and of each calendar year. Compliance violations will be subject to enforcement under Chapter 40.01.040 and may be subject to penalties under Chapter 40.01.050

Within 180 days of permit expiration, the Mineral and/or Coal Miner must submit a report to the Borough confirming that all permit stipulations and requirements have been met and that the area used is clean and restored as required in the approved Reclamation Plan.

40.20.080 Oil and Gas Land Use Permit Required.

A. Land Use Permit Required

1. Oil and Gas projects anywhere within the Resource Development District must apply for and receive an approved Oil and Gas Land Use Permit from the Borough prior to conducting operations within the Borough, using the application form required by the Borough.

2. A separate land use permit application must be submitted for each separate Oil and Gas project.

3. The land use permit shall be valid for the Oil and Gas project period requested in the application, up to a maximum period of five (5) years.

4. Once approved by the Borough, the land use permit is valid for the approved permit term, provided applicant is in compliance with permit terms and conditions.

5. The land use permit must be renewed at least 180 days prior to expiration if continued operations are planned.

6. An amended land use permit is only valid for the remaining term on the originally issued permit.

7. The land use permit is not transferable and cannot be assigned or subleased, in whole or in part, to another party.

8. Oil and Gas Operators are only authorized to conduct activities described in the land use permit application and authorized in the approval. Any change to the operation will require a land use permit amendment application to be submitted and approved prior to conducting those activities.

B. Land Owner Authorization Required

1. Oil and Gas projects on private, local, state, or federal land may not commence without land owner approval, including travel across lands and use of lands.

2. The Borough reserves the right to request a copy and verify any and all land owner authorizations related to an Oil and Gas Land Use Permit.

3. Land owner approval to access lands described in the permit must be maintained during the permit term or the permit is null and void.

C. Permanent Facilities, Structures and Access Routes

1. Oil and Gas Land Use Permits do not grant the Oil and Gas Operator the right to construct any road, dock, port, runway or erect, construct or place any building, structure, or other fixture on lands within the AEB boundaries.

2. The Oil and Gas Operator must obtain legal access and the authorization from the landowner prior to these activities.

3. A separate lease or contract is required to construct permanent facilities, structure and access routes on AEB lands.

D. Land Use Permit Application and Approval Process

1. Pre-application Meeting

The Oil and Gas Operator ~~Owner/Operator~~ must meet with the Borough for a pre-application meeting at least 180 days prior to submitting the land use permit application for approval. At the pre-application meeting the Applicant shall present the project scope and timeline to the Borough and explain how this project will comply with the requirements of this title and state and federal laws and regulations. At the pre-application meeting, the Applicant will be required to submit an initial payment of $50,000 to be placed in a ~~Resource Development Review~~ Oil and Gas Permit Fee Fund for this project. The Applicant must maintain a minimum balance of $25,000 in this fund at all times. The Borough will use these funds to pay for the cost of reviewing and approving the proposed ~~Resource Development Project~~ application and administering the permit during operations~~and will administer these funds in accordance with Chapter 40.20.070~~. Payment of the application fee does not guarantee approval of the project.

2. Application Meeting

The Oil and Gas Operator ~~Owner/Operator~~ must meet with the Borough at least 180 days prior to construction or operation to submit an application for Borough approval.

3. Land Use Permit Application Contents

The Applicant must fill out all the information required by the Oil and Gas Land Use Permit Application Form and follow all instructions. The application shall contain, at a minimum the following:

a. Project Scope and Schedule;
b. Conflict Avoidance Plan (Fisheries & Subsistence Use);
c. Study & Project Monitoring Plan;
d. Local Economic Development Plan;

e. Field Office Plan;
f. Infrastructure Support Plan;
g. Transportation Plan;
h. Historical and Cultural Resources Protection Plan;
i. Good Neighbor Plan;
j. Pollution Prevention Plan;
k. Hazard Assessment Plan;
l. Surety Bond;
~~l.~~m. Reclamation Plan;
~~m.~~n. Emergency Plan;
~~n.~~o. Copy of State of Alaska Business Licenses; and,
~~o.~~p. Fees & Payments.

4~~3~~. Approval Process

a. The ~~Planning Director~~ Borough Administrator or his designee will have 90 days to review the land use permit application excluding Saturday, Sunday and Borough holidays, including a 30 calendar day public notice period requesting written comments. Public notice will be made in accordance with the publication requirements of Sec. 1.12.010.The Borough Administrator or his designee ~~Planning Director~~ may extend review time periods for complex projects. The public notice period will not commence until the Borough Administrator or his designee ~~Planning Director~~ has determined that the application is complete and ready for Borough consideration.

b. Within 30 calendar days of application receipt, excluding Saturday, Sunday and Borough holidays, the Borough will issue the permit for public review or send a letter to the Applicant explaining why the application is incomplete or requires modification.

c. Incomplete applications will be retained at the Borough for a period of 60 calendar days. If after 60 calendar days the Applicant has not provided sufficient information to approve the permit, the permit application will be returned to the Applicant.

d. By the end of the 90 day review period, the Borough Administrator or his designee ~~Planning Director~~ will submit a written recommendation to the Planning Commission. The Planning Commission will have 60 days, excluding Saturday, Sunday and Borough holidays to develop a written recommendation to the Assembly and will hold one meeting with the opportunity for oral or written public comment.

e. The Assembly will grant the approval with or without conditions, or deny the application with explanation within 30 days excluding Saturday, Sunday and Borough holidays of receiving the Planning Commission's

written recommendation and will hold one meeting with the opportunity for oral or written public comment before making its decision. The Assembly may extend review period for complex projects.

f. Final permit decisions will be mailed to the Permit Applicant or Permit Operator, adjoining property owners, and all persons that submitted written comments on the decision, by certified mail. A copy of the final permit decision will be provided to each Planning Commission and Assembly member.

g. Approved permits are valid for the period specified in the permit; a period not to exceed five years. A renewal application must be submitted at least 180 days before your permit expires. Permittees that have operated in compliance for the prior permit term (with no violations), may be eligible for an expedited renewal process if the renewal application does not increase impact over the original permit approval. Renewal applications that meet these criteria will be processed in 30 days by the.

h. A permit amendment may be submitted at any time during the period that the existing permit is valid. The permit applicant must explain the reason for the permit amendment. Minor amendments are approved by the Administrator within 30 days. Major amendments require Assembly approval and can take 3-6 months. A minor amendment includes administrative, scope or timing changes that do not increase impact over the original permit approval. Major amendments increase impact over the original permit approval.

5. Approval Criteria

The Planning Commission will establish procedures for the Planning Director to follow when reviewing land use permit applications for approval. At a minimum, the Planning Director must verify the application is complete and meets the requirements of this title prior to recommending it for Planning Commission consideration. The Planning Commission will make a recommendation for Assembly approval.

Due deference will be given to residents affected by the proposed development when setting the terms and conditions of approval.

Based on Planning Director and Planning Commission recommendation for Approval, the following criteria must be met for the Assembly to approve Oil and Gas Land Use Permits:

a. Project Scope and Schedule

The project scope and schedule ~~must~~ shall be submitted in written form by the Owner/Operator and must include, at a minimum the following information:

1. Information on proposed Applicant (Operator) and any partners in the planned Oil and Gas project;
2. Proposed Oil and Gas operations, location and timing;
3. Size and purpose of the operation;
4. Landownership and legal agreements that allow Oil and Gas operations on the property and any past mining operations at this site;
5. A list and description of the required equipment, facilities, infrastructure and personnel;
6. Area of Oil and Gas operations, including a map showing the topography, vegetation, distance to waterbodies, wetlands, residential areas, and other private structures or operations;
7. Amount and type of oil, fuel, and chemicals that will be used and stored at the mine site and oil spill prevention measures that will be used;
8. The actions to be taken to minimize detrimental effects to fish and wildlife;
9. Environmentally or culturally sensitive areas at or near the project (e.g. fish spawning habitat, subsistence use area, nearby residential properties or schools);
10. Water and fish habitat protection measures that will be used;
11. Water requirements (i.e., intended use of appropriated waters, sources and methods of obtaining water, rate of acquisition, design of wastewater treatment systems, and in stream requirements);
12. Location and size of camp facilities and overland transportation;
13. Anticipated restrictions on other surface uses of the lease area, including public access;
14. Noise, visual and dust suppression mitigation measures that will be implemented to lessen impacts on surrounding neighbors and properties;
15. Plans to comply with AEB's Coastal Zone Enforceable Policies if Oil and Gas is planned in the coastal lands and waters of the Borough;
16. Safety and security that will be used at the site; and,
17. A summary of all required local, state and federal permits and the status of those permits. If the permits have been obtained please

provide the permit number and date of expiration. If permits are in the process of being issued please provide information on the date you applied for the permit and the expected date of issue.

The project scope and schedule must be compatible with existing and proposed adjacent uses, commercial fisheries, subsistence activities, and projected community needs.

The ~~project~~ Oil and Gas project must adhere to the goals and objectives of the Aleutians East Borough Comprehensive Plan**.** ~~Facilities~~ The Oil and Gas project must be consolidated as practical; site selection must include sufficient acreage to allow for reasonable expansion of the project and should minimize site clearing, dredging, and disturbance of productive habitats. The project and should be located in an area of least biological productivity, diversity, and vulnerability, and where effluents and spills can be contained.

Maps of proposed project must be submitted electronically for incorporation into the Borough's Geographic Information System.

b. Conflict Avoidance Plan (Fisheries & Subsistence Use)

1. Oil and Gas operations shall not adversely affect fish habitat, populations or productivity. Commercial fishing, subsistence use, and sport harvest have priority.

~~1.~~2. The Conflict Avoidance Plan must demonstrate that Commercial Fishing, Subsistence Use, and Sport Harvest Conflicts will be avoided. Alternative site locations, transportation routes, and other mitigation measures may be proposed to avoid conflict.

3. Commercial fishing, subsistence use, and sport harvest priority use means that Oil and Gas operations shall be restricted in order to prevent conflicts with local commercial, subsistence, and sport harvest activities and achieve the following goals.

   a. Commercial, subsistence, and sport harvest activities must not be displaced or precluded from access to fishing or hunting areas, unless they are adequately compensated for the displacement;

   b. Fishermen must not be precluded from participating in designated fishing seasons, unless they are adequately compensated for the lost season(s);

   c. Fishermen must be compensated in a timely manner for damage to fishing equipment, vessels, gear or decreased harvest value or loss of fishing quota caused by the Oil and Gas project;

d. Fishermen must be compensated for any lost fishing opportunities caused by additional Endangered Species Act (ESA) restrictions put in place because of oil and gas activities;

e. Established patterns of navigation and shipping for commercial fishermen must not be interrupted;

f. Season restrictions on oil and gas activities may be required to avoid commercial fisheries and subsistence seasonal impacts;

g. Additional seismic activity, if needed, must not impact fish resources, and must be planned and implemented to maximize data sharing and reduce the number of surveys required;

h. Offshore oil and gas facilities may not be used for aquaculture; and

i. Port infrastructure must be expanded to accommodate increased vessel traffic for the Oil and Gas project. This will ensure that fishermen have adequate harbor slips, long-term boat storage and maintenance facilities, and are not unnecessarily delayed for supply and refueling. The cost of port expansion and any increase in port operating costs is the sole burden of the mine.

c. Study & Project Monitoring Plan

A Study and Project Monitoring Plan ~~must~~ shall be comprehensive and collect sufficient baseline and periodic monitoring data to ensure protection of human health and the environment is being achieved. The plan must be reviewed and approved by the Borough Scientific Advisory Council or an expert designated by the Borough. The Study and Project Monitoring Plan shall, at a minimum, include a:

1. Commercial, Subsistence and Sports Fisheries Baseline Data Assessment to assess potential impacts of the proposed Oil and Gas project, including an assessment of all commercial, subsistence and sports fisheries species, as well as the marine flora, fauna, habitat and prey species on which they rely for survival. The assessment shall be of sufficient quality to:

   a. Document the fisheries' distribution, abundance, productivity, movement and migration patterns, and quality as a food source; include data that documents natural variation in fish stock such that incremental impact from Oil and Gas project can be distinguished from natural variation;

   b. Document past, present and future commercial, subsistence and sports fisheries use areas;

   c. Be of sufficient quality, quantity, and age to allow scientists to collect additional data in the future (for comparison) and draw

scientifically valid conclusions, as to whether or not the fisheries resources are being impacted the mine;

d. Include a complete economic assessment of the economic value of the fisheries including the economic value of wild Alaska seafood harvested in pristine waters; and,

e. Provide a well documented, scientifically supported, and statistically significant analysis sufficient to compensate fisherman for decreased harvest value, decreases in fisheries stock, and/or displacement or loss of work due to a catastrophic event such as mine pollution contamination.

2. Commercial, Subsistence and Sports Fisheries Monitoring and Mitigation Plan to monitor impacts of the proposed Oil and Gas project. Adverse impacts identified via the monitoring program shall be mitigated;

3. Baseline water quality assessment and/or additional baseline data collection plan;

4. Cumulative water pollution impact assessment;

5. Assessment of the technical feasibility for zero water pollution discharge;

6. Water quality monitoring system(s) that will be used to continuously monitor effluents to ensure compliance with pollutant limitations if zero water pollution discharge is not technically feasible;

7. Baseline air quality and meteorological data assessment and/or additional baseline data collection plan;

8. Cumulative air pollution impact assessment;

9. Assessment of the technical feasibility for air pollution discharge control and reduction;

10. Air quality monitoring system(s) that will be used to continuously monitor emissions to ensure compliance with pollutant limitations;

11. A Baseline Health and Socioeconomic Assessment to: document the current public health status of communities that will potentially be affected by the mine; document ways the mine can improve the quality of life for local residents; identify ways the Oil and Gas Operator can work with the local communities to design, install and operate facilities that improve the quality of life for local residents; identify community or village-level health indicators to detect changes in public health and in social and economic conditions that influence health in the region; identify health disparities and vulnerable populations; identify the likely social, economic, environmental, and behavioral influences on health; and identify appropriate social, economic, environmental and health indicators

for use in monitoring the effects (in terms of health risk and health outcomes);

12. Impact Analysis and Mitigation Plan summarizing the potential public health and socioeconomic impacts of mine and a means proposed to mitigate these impacts completed under the direction of a medical doctor with recognized expertise in Alaska Native public health and a socio-economist with recognized expertise in Aleutian Region;

13. Public Health Monitoring Program and Mitigation Plan to be implemented under the direction of a medical doctor with recognized expertise in Alaska Native public health that addresses the public health indicators identified in the Baseline Health and Socioeconomic Assessment. Adverse impacts identified via the monitoring program shall be mitigated;

14. Socioeconomic Monitoring Program and Mitigation Plan to be implemented under the direction of a socio-economist with recognized expertise in issues affecting the Aleutian Region. Adverse social and economic impacts identified via the monitoring program shall be mitigated; and,

15. A Noise Mitigation Plan that minimizes adverse health effects from aircraft and other noises associated with the Oil and Gas project. The plan shall include a baseline assessment of ambient noise level in the affected community must be completed for a project requiring more than two flights per day to, through, or from a community that estimates indoor and outdoor ambient noise levels and assess the anticipated contribution of the proposed activity to overall noise levels in the community using an FAA-approved noise model. Activities for ambient noise levels above safe thresholds, or noise levels that cause unacceptable disruptions to community activities and sleep, shall not be permitted. Mitigation including flight path routing, airport siting and sound proofing equipment must be proposed and implemented.

d. Local Economic Development Plan

A Local Economic Development Plan ~~must~~ shall include a local hire manpower plan, local business contracting plan, training program, and mentoring program for both construction and operation phases of the Oil and Gas project.

The Local Economic Development Plan shall, at a minimum, include the following:

1. A plan to train local residents to become qualified for jobs at the Oil and Gas project prior to mine start-up and during the period the

project is actively operating. Training shall be provided in the project area, or the Operator shall provide transportation and funding for local residents to obtain training in an alternate location. Paid apprenticeship positions shall provide hands-on training as part of this program;

2. A plan for recruiting and hiring local residents, including a mechanism for announcing jobs and recruiting locally qualified applicants in the lease area;

3. A plan for using local contractors and local businesses, including mandatory notification to qualified local contractors and businesses announcing contract opportunities; and,

4. A quarterly and annual reporting process documenting the success of the Economic Opportunity Plan in providing local hire and contracting opportunities to AEB residents.

e. Field Office Plan

~~Resource Development activities~~ Oil and Gas projects are required to maintain a field office at the construction and operating site. The field office must be manned 24 hours per day to ensure proper oversight of the project. The field office staff must include, at a minimum, a Native and Community Liaison, a Fisheries Protection Biologist, and an Environmental Compliance Officer to provide project oversight, monitoring, address local concerns, and ensure compliance, unless waived by the Assembly.

f. Infrastructure Support Plan

The Applicant must meet with Village, Municipal Government, and Tribal Leaders of all communities within 25 miles of their operations to determine whether it will be beneficial to expand community infrastructure to include resource extraction needs, or whether it would be more appropriate to institute enclave development requirements.

A joint tribal, local community and Applicant agreement on this issue must be reached, approved by all parties, and submitted to the Borough.

In the event there is agreement to expand existing community infrastructure to meet the needs of industrial development (e.g. medical clinic, school, community center, tank farm, recreation facilities, etc.), the Applicant is responsible for construction, maintenance, and operation costs of expanding these facilities to support their activities.

g. Transportation Plan

Transportation Plan shall describe existing and new transportation infrastructure needed, anticipated routes and points of ingress and egress to the project site (including a map of these routes).

Transportation routes, utility corridors and infrastructure shall be carefully sited and constructed to allow for the free passage and movement of fish and wildlife, to avoid construction during critical migration periods for fish and wildlife. Pipelines shall be buried wherever possible. The siting of facilities, other than docks, roads, utility or pipeline corridors, or terminal facilities, is prohibited within one-half mile of the coast, barrier islands, reefs and lagoons, fish bearing waterbodies and 1,500 feet from all surface water drinking sources.

Transportation infrastructure (e.g., roads, bridges, runways, marine facilities, etc.) built by the Oil and Gas Operator on Borough, state, or federal lands must be available for all AEB resident use and access, unless waived by the Assembly.

Wherever possible, existing transportation infrastructure should be expanded to meet the Applicant's needs to minimize duplication and environmental impact.

The Applicant is responsible for construction, maintenance, and operating costs for the transportation infrastructure required to support their activities.

At cessation of operations, the transportation infrastructure must be donated to AEB for public use, or the transportation infrastructure must be completely removed and the area must be remediated to AEB's satisfaction.

h. Historical and Cultural Resources Protection Plan

A Historical and Cultural Resources Protection Plan must be submitted to demonstrate that traditional, historical and cultural sites may not be disturbed or adversely impacted during the construction or operation of the ~~Resource Development project~~ Oil and Gas project.

i. Good Neighbor Plan

The Good Neighbor Plan shall, at a minimum, include the following:

1. A plan to ensure surrounding residential properties and residents are not adversely impacted by excessive noise, fumes, odors,

pollution, contamination, glare, smoke, light, vibration, dust, litter, or interference with media reception;

~~1.~~2. Charitable and/or in-kind contributions to support local education, art, and charities, provide employment training programs to maximize local hire. This program should provide a fund for impact assistance if adverse impacts are realized by the community or individual residents;

3. A plan for providing services that includes contracting locally for fuel, power, waste, water, transportation, medical services, emergency and other services. If local service capacity is insufficient to meet the Operator's needs, the Operator shall expand capacity, unless it is infeasible. In cases where it is infeasible to expand existing services, the Operator may provide their own. The Operator's activities shall not adversely impact community access to existing services, and should improve and provide opportunities for more cost-effective services;

4. A system to compensate subsistence hunters and fishermen for disruptions to subsistence activities or to compensate for additional costs associated with relocating subsistence activities;

5. A system to compensate subsistence hunters and fishermen for costs of providing alternative food sources in the event of a spill;

6. A plan for communicating with the affected community members, to obtain their input and address their concerns on a regular basis; and,

7. A quarterly and annual reporting process to document the success of the Good Neighbor Policy.

j. Pollution Prevention Plan

The Pollution Prevention Plan must include best management practices for protecting drinking water, air, and local food sources from pollution, including a recycling program. The Pollution Prevention Plan must include:

1. A zero water pollution discharge standard unless the Applicant proves to the Borough that it is not technically feasible;

2. Best available air emission control technology for criteria air pollutants (including oxides of nitrogen and sulfur, carbon monoxide, particulate matter, volatile organic compounds), and hazardous air pollutants;

3. The lowest air pollution impact fuel sources. Solar, wind and other alternative power sources must be considered when technically feasible. Where alternative energy options are not technically

feasible, natural gas fired combustion systems shall be used whenever possible. Ultra-low sulfur diesel fuels shall be used;

4. Vapor recovery systems on all equipment and facilities to reduce volatile organic compounds (VOCs) and Hazardous Air Pollutants (HAP) by at least 98%. Direct venting of VOCs and HAPs to the atmosphere is prohibited;
5. An inspection maintenance and repair program to ensure that all pollution prevention systems are inspected, maintained, and repaired, including a Quality Assurance/Quality Control (QA/QC) Program for all pollution prevention systems;
6. An oil spill trajectory analysis representing the worst-case oil spill volume to determine the maximum impacted region from a spill and identification of spill prevention measures that will be implemented to reduce the risk or impact of a spill. Drilling, pipeline and tank discharge scenarios must be considered. Tanker discharge scenarios must be considered for offshore projects;
7. Secondary containment systems for all fuel, oil, hazardous materials and chemicals that will hold at least 110% of the tank capacity;
8. Cathodic protection, leak detection systems and overfill alarms for all tanks;
9. Tank and pump systems capable of evacuating pipeline contents;
10. Cathodic protection and redundant leak detection systems for all pipelines;
11. Blowout prevention systems installed prior to drilling into over-pressured or hydrocarbon bearing zones on all drilling rigs;
12. Double hull tankers with redundant navigation and safety systems for all oil or LNG transportation;
13. Double hull vessels for all supply and fuel vessels operating in the presence of ice;

k. Hazard Assessment Plan

A Hazard Assessment Plan must include an evaluation of all potential hazards to the Oil and Gas project including, but not limited to, geophysical hazards, fire, flood, landslides, erosion, earthquake, coastal storms, marine hazards, and ice. The plan must include proposed mitigation measures to eliminate or reduce the risk of the hazard.

l. Surety Bond

A Surety Bond, or other financial instrument approved by the Assembly, must be appropriate for the magnitude, type, cost, nature, and duration of the Oil and Gas project.

Surety must be provided in an amount sufficient to fund:

1. Environmental clean-up and restoration requirements;
2. Compensate residents for any adverse human health impacts;
3. Compensate commercial fisherman and subsistence users for adverse impacts;
4. Dismantle, remove, and restore the Resource Development site to its original condition prior to development; and
5. The liability under the surety provisions shall continue until such time as released, or in its entirety, by the Administrator.

m. Reclamation Plan

The Reclamation Plan must be provided in sufficient detail to determine surety requirements, provide a timetable for each step in the reclamation process, and describe the reclamation actions to be completed at cessation of operations. The plan must include a description of the measures to ensure that all debris and toxic materials are disposed of in a sound manner, a description of the steps to be taken to comply with applicable water quality laws and statutes, and restore, stabilize and re-vegetate all disturbed areas. The Reclamation Plan must be developed using best management practices and shall comply with AEB's Coastal Zone Enforceable Policies if Oil and Gas is planned in the coastal lands and waters of the Borough.

n. Emergency Plan

The Emergency Plan must provide for adequate medical, rescue, fire, spill response and other emergency services. The plan should preferably include proposals to fund expansion of existing Borough emergency services to support increased demands created by the new Oil and Gas project.

o. Fees & Payments

~~Resource Development~~ Oil and Gas Permit Fee Fund must be paid.

6. Amendments

Oil and Gas Land Use Permit amendments will require Borough approval. The ~~Planning Director~~ Borough Administrator or his designee will determine

the significance of the proposed amendment. Minor amendments may be approved by the Borough Administrator or his designee within 30 days. A minor amendment is defined as an administrative, scope or timing change that does not increase impact over the original permit approval. A major amendment requires Assembly approval and a 30 day public comment period.

7. Appeals

Land use permit decisions may be appealed pursuant to Sec. 40.01.080.

E. Fees and Penalties

Oil and Gas Operators doing business within Borough boundaries are subject to the fee and penalty schedule approved by the Borough Assembly, pursuant to Chapter 1.24 and Sec. 40.01.060.

Oil and Gas projects are required to fund the cost for Borough review and approval of their application, and the cost of inspection and oversight of the project once it is in operation.

Oil and Gas Permit Fee Fund requirements are triggered at the pre-application meeting, or at the discretion of the Borough Administrator, if Borough is incurring costs to participate in project meeting, discussions, and review prior to the pre-application meeting.

At the pre-application meeting, the Applicant will be required to submit an initial payment of $50,000 to be placed in a ~~Resource Development~~ Oil and Gas Permit Fee Fund for this specific project. Quarterly, the Finance Director will provide the Applicant with an account describing how the funds were used by the Borough to review, approve, or monitor project compliance.

The Applicant must maintain a minimum balance of $25,000 in this fund at all times.

Failure to maintain and provide adequate funding within the Oil and Gas Permit Fee Fund for the project will trigger compliance actions under Sec. 40.01.05~~4~~0 and will automatically suspend all work on permit application review, processing, and approval.

Unused funds will be returned to the Applicant at the completion of the project and the site has been remediated to the Borough's satisfaction, or if an application is withdrawn from consideration.

F. Inspection and Recordkeeping

1. Authorized representatives of the Borough have the right to enter and inspect land uses approved under a Borough land use permit to ensure uses are being or have been conducted in accordance with the terms and conditions of the permit.

2. Oil and Gas Operators must keep and preserve all records of business activities conducted with the Borough boundaries for a period of at least five (5) years after the site has been remediated to the Borough's satisfaction and the permit has been discontinued.

3. Oil and Gas Operators must permit the Borough, or its authorized representatives, to examine, inspect, and copy the business records.

4. If an enforcement action commences, business records must be kept and preserved until enforcement action proceedings are complete.

H. Reporting Obligation

Compliance with Borough approval is required. Oil and Gas Operators must submit quarterly reports demonstrating compliance with the approved plans listed in ~~Chapter~~ Sec. 40.20.085~~0~~0 by January 15th, April 15th, July 15th and October 15th and of each calendar year.

Within 180 days of permit expiration, the Oil and Gas Operator must submit a report to the Borough confirming that all permit stipulations and requirements have been met and that the area used is clean and restored as required in the approved Reclamation Plan.

(

ORDINANCE 14-06

AN ORDINANCE AMENDING TITLE 40, POWERS AND FUNCTIONS

WHEREAS, the legislative power of the Aleutians East Borough is vested with the Assembly pursuant to Alaska State Statute 29.20.050; and

WHEREAS The Aleutians East Borough Planning Commission recommends that the Assembly adopt the proposed changes to the Aleutians East Borough Code Title 45, Powers and Functions.

NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE ALEUTIANS EAST BOROUGH:

Section 1. **Classification.** This ordinance is of a general and permanent nature and shall become part of the Aleutians East Borough Code.

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

Section 3. **Effectiveness.** This ordinance shall become effective upon adoption.

Section 4: **Adoption by Section.** Aleutians East Borough Code, Title 45 Powers and Functions is hereby repealed and Aleutians East Borough Code, Title 45 Powers and Functions as annexed hereto as part of this ordinance is hereby adopted as Title 45 Powers and Functions of the Code of Ordinances of the Aleutians East Borough.

INTRODUCED:_____

ADOPTED: _____

_____
Stanley Mack, Mayor
Date: _____

ATTEST:

_____
Tina Anderson, Clerk
Date: _____

TITLE 45

POWERS AND FUNCTIONS

CHAPTERS:

45.05 AREAWIDE POWERS

45.10 NON-AREAWIDE POWERS

~~45.15 SERVICE AREA POWERS~~

TITLE 45

POWERS AND FUNCTIONS

Chapter 45.05 -- Areawide Powers

Sections:

45.05.010 Areawide Powers and Functions.
45.05.020 Assessment and Collection of Taxes.
45.05.030 Planning, Platting and Land Use Regulations.
~~45.05.040 Medical and Mental Health Services.~~
45.05.0450 Airport Powers.
45.05.0560 Docks, Ports and Harbors.
45.05.0670 Transportation Systems.

45.05.010 Areawide Powers and Functions.

The powers and functions set out in this chapter are areawide and shall be exercised both inside and outside cities with such exceptions as are set out in this chapter or are as specifically set out in other provisions of this Code.

(Ord. 14-06 (Amended Ord. 88-3), Sec. 45.05.010)

45.05.020 Assessment and Collection of Taxes.

A. The Borough shall assess and collect sales and use taxes that are levied within its boundaries as provided in AS 29.45 with the exception of city sales and use taxes as set out in subsection (b).

B. Pursuant to the authority granted under AS 29.45.700(a), the Assembly authorizes each city within the Borough to levy and collect at their own expense sales and use taxes on such sources as each city may at any time provide by ordinance.

(Ord. 14-06 (Amended Ord. 88-3), Sec. 45.05.020)

45.05.030 Planning, Platting and Land Use Regulation.

A. The Borough shall provide for planning, platting and land use regulation as provided in AS 29.40.010 with the exception of those areas of the Borough that are within cities as set out in subsection (b).

B. Pursuant to the authority granted in AS 29.40.010(b), the Assembly authorizes each city within the Borough, at its own expense, to exercise within the boundaries of the city all of the powers and duties of the Borough

under AS 29.40. ~~The delegation under this subsection is effective only if a city accepts and consents to the delegation by July 1, 1988.~~

(Ord. 14-06 (Amended Ord. 88-3), Sec. 45.05.030)

~~**45.05.040 Medical and Mental Health Services.**~~

~~A. The Borough shall exercise on an areawide basis the power to provide medical and mental health services, including treatment for substance abuse. The power includes the power to provide facilities within which to provide the services authorized under this section and to provide financial assistance for those medical services it may not provide directly as set out in subsection (b).~~

~~B. The power assumed under this section shall be broadly construed; provided, there is specifically excluded from such power the power to directly provide emergency medical services or to directly operate clinics for medical health practitioners.~~

~~C. The power under this section is assumed pursuant to Aleutians East Borough Resolution 90-7, adopted on February 22, 1990 and approved by separate majority votes both inside all cities and outside all cities at a special election held on March 21, 1990.~~

(Ord. 90-10, Sec. 45.05.040)

45.05.0~~45~~0 Airport Powers.

A. The Borough shall exercise on an areawide basis the power to construct, operate, maintain, expand and regulate public airports.

B. This power is assumed pursuant to the exercise of said power on a non-areawide basis pursuant to voter approval of a proposition at a special Borough election held on March 21, 1990 and acceptance by the Borough under Borough Ordinance 91-3 of the transfer of the power from the City of Akutan by Akutan Ordinance No. 90-04 adopted on June 29, 1990; from the city of Cold Bay, by Cold Bay Ordinance No. 90-03, adopted on June 26,1990; from the city of King Cove by King Cove Ordinance 90-5, adopted on May 17, 1990; and from the City of Sand Point by Sand Point Ordinance No. 90-9, adopted on May 8, 1990; said four cities being all the cities within the Aleutians East Borough on September 11, 1990. The airport power shall be exercised on an areawide basis commencing on September 11, 1990.

C. There is retained by each city and there is granted to each city formed within the Borough after September 11, 1990 such powers as are necessary to permit each city to enter into one or more agreements, leases

or other arrangements for the city to acquire, construct, operate and maintain airports acquired, owned, to be owned, or otherwise held by the Borough under its areawide airport power and to enter into joint exercise of powers agreements with the Borough.

(Ord. 14-06 (Amended Ord. 91-3), Sec. 45.05.050)

45.05.0~~5~~60 Docks, Ports and Harbors.

A. The Borough shall exercise on an areawide basis the power to construct, operate, maintain, and regulate public docks, ports and harbors upon which construction was started after September 11, 1990, along with such other powers as may be necessary or convenient thereto, including the power to acquire and own such facilities.

B. This power is assumed pursuant to the exercise of said power on a non-areawide basis pursuant to voter approval of a proposition at a special Borough election held on March 21, 1990 and acceptance by the Borough of the transfer of the power from the City of Akutan by Akutan Ordinance No. 90-04 adopted on June 29, 1990; from the City of Cold Bay, by Cold Bay Ordinance No. 90-03, adopted on June 26, 1990; from the City of King Cove by King Cove Ordinance 90-5, adopted on May 17, 1990; and Sand Point Ordinance No. 90-9, adopted on May 8, 1990; said four cities being all the cities within docks, ports and harbors power shall be exercised on an areawide basis commencing on September 11, 1990.

C. Only the following docks, ports and harbors were under construction or constructed prior to September 11, 1990.

1. In the City of Sand Point:

   a. Sand Point City Dock

   b. Sand Point Boat Harbor

   c. Sand Point Harbor Expansion Dock and Uplands as more specifically shown on Exhibit A to Sand Point Ordinance 90-9.

2. In the City of King Cove, King Cove Boat Harbor as more specifically shown on Exhibit A to King Cove Ordinance 90-5.

3. In the City of Akutan:

   a. The Akutan City Dock and Uplands Support Facilities

   b. The Akutan Seaplane Ramp and Turn-around, and

c. The barge situated at the Old Seawest Dock, all as more particularly shown on Exhibit A to Akutan Ordinance 90-04.

4. In the City of Cold Bay, there are no docks, ports or harbors constructed or operated by the City upon which construction was started prior to September 11, 1990.

D. There is retained by each city and there is granted to each city formed within the Borough after September 11, 1990 such powers as are necessary to permit each city to enter into one or more agreements, leases or other arrangements for the city to acquire, construct, operate and maintain docks, ports and harbors acquired, owned, to be owned, or otherwise held by the Borough under its areawide docks, ports, and harbors power and to enter into joint exercise of power agreements with the Borough.

(Ord. 14-06 (Amended Ord. 91-4), Sec. 45.05.060)

45.05.~~070~~060 Transportation Systems.

A. The Borough shall exercise on an areawide basis the power to provide transportation systems.

B. The power set out in this section is assumed pursuant to Alaska Statute 29.35.210(b)(1) and consists of the power to acquire, construct, maintain, regulate and operate roads, vessels, and vehicles, including passenger, marine, and vehicle terminals and all related equipment and facilities that are necessary or appropriate for the construction, maintenance, regulation and operation of roads, vessels and vehicles that comprise a transportation system that interconnects cities and communities within the Borough.

C. There is retained by each city, and there is granted to each city formed within the Borough after the effective date of Ordinance 99-02,such powers as are necessary to permit each city to enter into one or more agreements, leases or other arrangements for the city to acquire, construct, operate and maintain parts of the transportation systems held by the Borough under its areawide transportation systems power and to enter into joint exercise of power agreements with the Borough.

(Ord. 14-06 (Amended Ord.~~inance~~ 99-02), Sec.45.05.070)

TITLE 45

POWERS AND FUNCTIONS

Chapter 45.10 - Non-Areawide

Sections:

45.10.010 General.
45.10.020 Economic Development Power.
45.10.030 Airport Powers.
45.10.040 Docks, Ports and Harbors

45.10.010 General.

A. The Borough assumes and may exercise on a non-areawide basis the powers and functions set out in this chapter.

B. The Borough may enter into agreements with the United States, the State of Alaska, or with one or more cities for the cooperative or joint administration of all or any part of a power subject this chapter.

C. Upon the transfer of all or a portion of a power by a city by ordinance and approval of the transfer by the Assembly by ordinance, the Borough shall exercise the transferred power within the city. Upon the assumption of the power by the Borough on a non-areawide basis and the transfer of the power by all cities within the Borough, the power shall be exercised on an areawide basis.

(Ord. 14-06 (Amended Ord. 89-2), Sec. 45.10.010)

45.10.020 Economic Development Power.

A. The Borough shall exercise on a non-areawide basis the power to provide for economic development, as authorized under AS 29.35.210 (a).

B. The exercise of the power to provide for economic development includes, but is not limited to:

1. Providing financial and other forms of assistance to public and private groups for the conduct of activities intended to preserve or further the economic health or development of the Borough.

2. Construct, improve, operate and maintain facilities such as docks, wharves, harbors, transportation facilities, and industrial development sites that will encourage, or accommodate the needs of, the fishing industry within the Borough.

C. Such other similar or different activities as the Assembly determines to be intended for the preservation or expansion of the economy of the Borough.

(Ord. 14-06 (Amended Ord. 89-2), Sec. 45.10.020)

45.10.030 Airport Powers.

Pursuant to the approval by the voters of the Aleutians East Borough at a special election held on March 21, 1990, the Borough assumes and shall exercise on a non-areawide basis the power to acquire, own, construct, operate, maintain and regulate public airports along with such other powers as may be necessary and convenient thereto.

(Ord. 14-06 (Amended Ord. 91-3), Sec. 45.10.030)

45.10.040 Docks, Ports and Harbors

Pursuant to the approval by the voters of the Aleutians East Borough at a special election held on March 21, 1990, the Borough assumes and shall exercise on a non-areawide basis the power to acquire, own, construct, operate, maintain and regulate public docks, ports and harbors along with such other powers as may be necessary and convenient thereto.

(Ord. 14-06 (Amended Ord. 91-4), Sec. 45.10.040)

~~TITLE 45~~

~~POWERS AND FUNCTIONS~~

~~Chapter 45.15 - Service Area Powers~~

~~Section:~~

~~45.15.100 Akutan Health Clinics Service Area~~

~~45.15.100 Akutan Health Clinics Service Area.~~

~~This section adopted under Borough Ordinance 92-1, is repealed and the service area dissolved.~~

~~(Ord. 93-4 (Amended Ord. 92-1), Sec. 45.15.100)~~

OLD BUSINESS

none at this time

New Business

MEMO

To: Assembly and Mayor
From: Tina Anderson, Clerk
Date: December 16, 2014
Re: Planning Commission Resignation and Appointment

We received a Planning Commission resignation from Harlen Newman. Harlen is moving out of Aleutians East Borough. His contribution has been appreciated throughout the Land Use Permitting System project and he will be missed.

Robert Gould is interested in serving on the Planning Commission. He also serves on the City of King Cove Planning Commission and Mayor Henry Mack recommends that he be appointed.

I need action to accept the resignation and approve the new appointment.

SAND POINT OFFICE
P.O. BOX 349
SAND POINT, ALASKA 99661
(907) 383-2699
(907) 383-3496 FAX

ANCHORAGE OFFICE
3380 "C" STREET, SUITE 205
ANCHORAGE, ALASKA 99503
(907) 274-7555
(907) 276-7569 FAX

KING COVE OFFICE
P.O. BOX 49
KING COVE, ALASKA 99612
(907) 497-2588
(907) 497-2386 FAX

Dear President and Committee members,

I would like to say thank you for letting be a part of something that the whole region will benefit from. It has been an honor and privilege to serve our region. I have accepted the Supervisor position for TelAlaska in Seward, AK and I am in the process of relocating my family and I there. This area is my Home and will be missed greatly. This unfortunately is my Resignation for my seat on the committee. It has been fun!

Sincerely, Harlen E. Newman

1/2/14

REPORTS AND UPDATES

AKUTAN · COLD BAY · NELSON LAGOON
ALEUTIANS EAST
BOROUGH
FALSE PASS · KING COVE · SAND POINT

Memorandum

Date: January 10, 2014

To: The Honorable Mayor Mack and Borough Assembly

From: Rick Gifford, Administrator RG

Re: Administrator's Report

Akutan Hovercraft Operations Update-December, 2013

The hovercraft operated 17 days in December of 2013. There were 10 days of bad weather, 3 days that Grant Aviation did not fly due to mechanical issues and 1 day of no service requested (Christmas Day). The hovercraft hauled a total of 303 passengers, 11,237 pounds of cargo and mail, 2 vehicles, and 5,046 gallons of fuel were delivered to the City and DOT. Total net revenue for December was $38,567. The total net revenue from July 1, 2013 through December 31, 2013 was $189,545. Attached is a summary of operations for December, 2013 and since inception on September 1, 2012.

We are anticipating the last day of operations for the hovercraft will be February 15, 2014. HoverLink will then winterize and prepare the hovercraft for storage at the hangar in Akutan that will take approximately 7 days, thereby ending the services of HoverLink on February 22, 2014. Depending on the weather and other contingencies we will be flexible on the end date. We believe that there is room to store the hovercraft in the hangar and still allow the helicopter to overnight in the hangar. This will keep the hovercraft in good condition until we are able to dispose of the vessel.

We anticipate that Maritime Helicopters will be on site by approximately February 5 and will be prepared to take over the transfer of passengers and mail on February 15.

Izembek Land Exchange

We were very disappointed to hear that Interior Secretary Sally Jewell denied the land exchange on December 23, 2013. The land exchange between the federal government and the State of Alaska would have provided the emergency access road from King Cove to the airport in Cold Bay. The King Cove Group along with the State of Alaska are evaluating the Secretary's decision and evaluating various options they have to respond, including litigation and legislation that would overturn the decision and allow the land exchange to go forward.

Attachment.

December-2013	This Month		Since Inception	
Total Days	31		457	
Days Vessel Operational	31	100%	427	93%
Days Out of Service	0	0%	30	7%
Mission Days Completed	17		259	
Non-Mission Days	8		57	
Mission Days Missed	0		13	
Good Weather Days	21	68%	313	68%
Bad Weather Days	10	32%	144	32%
Service Reliability (includes weather)		**55%**		**57%**
Vessel Reliability (excludes weather)		**81%**		**83%**
Passengers (#)	303		3,715	
Medical Evacuation (#)	0		1	
Charters (#)	0		2	
Cargo/Mail (pounds)	11,237		200,656	
Vehicles (#)	2		34	
Fuel Delivered (gallons)	5,046		85,298	

- all flights cancelled on 12/3
- Grant no fly due to mechanical (12/19-20, 27)
- no service requested on 12/25

Total Days	number of days in the calendar month
Days Vessel Operational	days vessel is available for mission
Days Out of Service	days vessel is out of service
Mission Days Completed	days vessel served the route
Non-Mission Days	vessel ready, good weather, but no mission to serve
Mission Days Missed	days veseel did not serve the route when weather was good
Good Weather Days	days when wind/sea/current/surf conditions allowed vessel operation
Bad Weather Days	days when wind/sea/current/surf exceeded the safe operating envelope of the vessel
Service Reliability	Mission Days Completed plus Non-Mission Days divided by Total Days
Vessel Reliability	Mission Days Completed + Non-Mission Days divided by Good Weather Days
Passengers	total one-way passengers carried
Medical Evacuations	total medical evacuation trips
Charters	total charter trips
Cargo/Mail	total weight of cargo and mail carried
Vehicles	total number of vehicles carried

To: **Honorable Mayor Mack and AEB Assembly**

From: **Anne Bailey, Community Development Coordinator**

Subject: **Assembly Report**

Date: **January 10, 2014**

Cold Bay Clinic

The Clinic Design is complete. I received the 100% design documents on October 31, 2013.

The next step is to find construction funds for this project. During the first week of December, I have spoken to or discussed funding opportunities with the Rasmuson Foundation and USDA. Rick and I met with the Aleutians Housing Authority and I have extensively researched funding opportunities through the Health Resources and Services Administration.

False Pass Generator Replacement Project

The Request for Proposal for the False Pass Generator Project was due on December 30, 2013. The City of False Pass did not receive any proposals and is now exploring different options to complete this project.

Oil Spill Response Equipment

False Pass: I met with Alaska Chadux on December 17, 2013 to discuss purchasing oil spill response equipment for the False Pass Harbor. We entered into a contract for $28,900 on December 20, 2013 to purchase oil spill response equipment for the False Pass Boat Harbor. This is one of the Fish & Wildlife mitigation measure requirements for the Harbor project. A small portion of this contract is for the purchase of boom for the Akutan Harbor project. Alaska Chadux is still under a separate contract to complete the GRS for the Akutan Harbor and provide an equipment list and cost estimate.
Akutan: I am in the process of writing a contract agreement for the purchase of oil spill response equipment for the Akutan Harbor.

CIAP Land Use Permitting Project

On December 12, 2013, the Assembly met and discussed the Land Use Permitting Project in great detail. The Assembly recommended a few minor changes that have been incorporated in the ordinances and will be open for a public hearing at the January 2014 Assembly Meeting.

The Planning Commission had a Meeting on December 18, 2013 and approved the Permit Applications, Standard Operating Procedures and Standard Stipulations for the different resource development permit types.

I have been reviewing documents and working closely with Susan Harvey on other items for this project. At the January 16, 2014 Assembly Meeting, Ordinances for Titles 1, 2, 40 and 45 will be open for public hearing and a resolution for the fee & penalty schedule will be discovered. A Planning Commission Meeting is currently scheduled for March 5, 2014 at 3:00 p.m. where

other aspects of the project will be discussed.

For more information on the permitting project, visit the link below:
http://www.aleutianseast.org/index.asp?Type=B_BASIC&SEC={28AC3303-A7B1-4091-ABB4-19EFA6A779D7}

Helicopter Operations

- Helicopter Booking Website - The Borough has hired Apokrisis LLC to create a helicopter booking website. This should assist with the registration and money collection aspect of the helicopter operations. Rick and I met with the company on January 8th to discuss the logistics of the website. Many Action Items resulted from the meeting and I have spent time researching and gathering information to present to Apokrisis.
- I have been assisting with the logistics of the helicopter operation. Including booking housing for the helicopter crew, purchasing cell phones for operation use, working on job expectations for the City employee on Akun that will assist Maritime during the operations, and answering numerous questions by the Maritime crew.

Contract Information

A list of active contracts that I am involved in are listed below:

- Apokrisis LLC
  AEB – Helicopter Transport Booking Site $9,020
- Alaska Chadux
  -False Pass and Akutan Harbor Oil Response Plan – Part 1 $6,550
  -Oil Spill Response Plan – Part 2 Equipment Acquisition, Preparation and Staging $28,900
- URS
  Akutan Harbor Floats
- Harvey Consulting
  Land Use Permitting Project $102,180
- HDR, Alaska
  Nelson Lagoon Coastal Erosion Project $238,492

Other Items

- I met all grant reporting deadlines.
- I am still in the process of researching the Nelson Lagoon Boundaries and have started drafting a memo for the community of Nelson Lagoon explaining the land use permitting system in more detail.
- I have started drafting CAPSIS requests that are due the first week of February.
- Other day to day operations.

As always, if you have any questions, comments or concerns please contact me at (907) 274-7580 or abailey@aeboro.org.

To: The Honorable Mayor Mack, Aleutians East Borough Assembly
From: Ernie Weiss, Natural Resources Director
Subj: Report to the Assembly
Date: January 10, 2014

Winter Fisheries

There is no tanner crab season for Kodiak, Chignik or the South Alaska Peninsula this year, but the 2014 Pacific Cod fishery did begin January 1st for pot and jig gear in the federal/parallel season. Trawl fishing opens January 20th. To help fishermen prepare for the 2014 fisheries, we sponsored a teleconference call on December 19th with area fishermen, NOAA Enforcement in Kodiak, NMFS and ADFG staff. KSDP picked up the call and broadcast live on the air and internet. Laura did a great summary of the meeting in this recent edition of Fish News. New for 2014: a State-waters Pcod fishery in the Bering Sea to mirror the South Alaska Pen Pcod fishery, and the SAP Pcod fishery GHL is now 30% of WGOA ABC, up from 25%.

The SAP State-waters fishery opens March 7th or 7 days after the closure of the WGOA federal/parallel Pacific cod pot gear A-season, whichever is later.

North Pacific Fishery Management Council

The December NPFMC meeting is well summarized in the recent Council newsletter. The just published February Agenda lists several interesting agenda items scheduled for the upcoming NPFMC meeting in Seattle:

- Observer program – performance review and regulatory amendments discussion
- Electronic Monitoring update
- Discussion on Tendering in the GOA
- Pacific cod – pot sector participation in the GOA, CDQ fishery development
- Community Fishing Association – workshop February 10
- Steller Sea Lion EIS update

The April meeting in Anchorage is the next time the agenda will include Gulf of Alaska Trawl Bycatch Management (GOATBM).

Board of Fisheries

Looking back, 2013 was an important year for the Aleutians East in fishery management, especially at the Board of Fish. The Area M meeting in February-March and the Pacific cod meeting in October were both critical meetings for the AEB; the board deliberated over AEB fishermen proposals at both meetings and AEB advocacy helped protect our interests.
The next Area M meeting will be in conjunction with the Chignik meeting in early 2016.
The next Board of Fish meeting to consider proposals that directly impact AEB fishermen will be March 2014 Statewide Crab issues meeting in Anchorage:

- The King Cove Advisory Committee submitted Proposal 342 to change the opening date for the local Tanner crab fishery to January 3.
- ADFG submitted Proposal 340 to clarify weather-delay regulations for the tanner crab fishery

As of this writing, the Board is still deliberating Kodiak finfish issues in Kodiak. Board Kodiak actions so far include *failing* Proposal 99 to allow salmon setnet permit stacking, *taking no action* on Proposal 45 to require 100% observer coverage on groundfish trawl vessels in State-waters (Kodiak, Chignik, CI) and *tabling until March 2015* Proposal 44 to create state-waters Pollock management plans. We will post a summary of the Kodiak meeting at www.aebfish.org.

Wosnesenski Cattle

The Alaska Maritime National Refuge has started a process to possibly remove the cattle from Wosnesenski Island, one of the Pavlof Islands, and Chirikof Island just southwest of Kodiak. In preparation for an EA or EIS for each island, USFWS is accepting comments, ideas and alternatives until January 31. Here is the USFWS FAQ sheet for Assembly consideration. A public hearing/ open house will be held at the Sand Point Community Center, 7PM January 15.

Land Conveyance

The Alaska Department of Natural Resources made a final decision in 2006 to convey selected lands, including the Port Moller airstrip and old Air Force barge landing site, to the Borough pending title transfer from the federal government. We recently received notice that the State has received title and is expediting the conveyance to the Borough. Resolution 06-17 states the AEB's intent to maintain the Port Moller airstrip for public access, upon conveyance.

January Fishery meetings

These fishery related meetings start off 2014:

- The Alaska Board of Fisheries meets twice in January: 7–10th in Kodiak, and a two-week meeting beginning Jan 31st at the Egan Center for Upper Cook Inlet finfish issues.
- The NPFMC will hold a crab modeling workshop in Anchorage January 14-17th, and the Council meets in Seattle February 3rd.
- Corey Wilson attended an invitation-only national workshop on electronic monitoring in Seattle Jan. 8-9th, representing WGOA fishermen.
- The House Natural Resources Committee expects to meet in January to discuss the *Magnuson-Stevens Fishery Conservation and Management Act* Reauthorization.
- The Alaska Marine Science Symposium is held at the Hotel Captain Cook, Jan 20-24th.

2014 fishery meetings at a Glance

Jan 7-10	Board of Fish, Kodiak finfish	Kodiak/webcast
Jan 13-17	International Pacific Halibut Commission	Seattle/webcast
Jan 14-17	NPFMC Crab Modeling Workshop	Anchorage
Jan 20-24	Alaska Marine Science Symposium	Anchorage
Jan 31-Feb13	Board of Fish Upper Cook Inlet	Anchorage
Feb 3-10	North Pacific Fishery Management Council	Seattle
Mar 5-7	Southwest Alaska Municipal Conference	Anchorage
Mar 17-21	Board of Fish Statewide Crab issues	Anchorage
Apr 7-15	North Pacific Fishery Management Council	Anchorage
Apr 15-17	Federal Subsistence Board	Anchorage
May 13-16	Lowell Wakefield Symposium – Bycatch	Anchorage
Jun 2-10	North Pacific Fishery Management Council	Nome
Oct 6-14	North Pacific Fishery Management Council	Anchorage
Oct 15-16	Board of Fish Work Session	Juneau
Nov	Pacific Marine Expo	Seattle
Dec 3-8	Board of Fish PWS/Upper Copper	Cordova/webcast
Dec 8-16	North Pacific Fishery Management Council	Anchorage

This year I hope to spend several weeks during the summer months out in the Borough, working mainly from the King Cove office.

Please don't hesitate to contact me if you have any questions or concerns. Thanks!

To: Honorable Mayor Mack and Aleutians East Borough Assembly

From: Laura Tanis, AEB Communications Manager

Through: Rick Gifford, AEB Administrator

Subject: Communications Manager's Report to the Assembly

Date: January 10, 2014

As of the writing of this Report to the Assembly, I'm working on another *In the Loop* edition, which will go out on January 17th. In addition, since the last regular Assembly meeting, I drafted two press releases – one if Interior Secretary Sally Jewell had denied the land exchange/road access and another, if she approved it. Unfortunately, she denied it, so we're working on other strategies. I have also drafted and distributed two *Fish News* editions. I've completed numerous website and Facebook updates. The following lists some of the projects I've worked on:

Headlines from upcoming In the Loop edition include: (Jan. 17, 2014)

- Reclaiming Alaska
- Andy Varner Takes the Helm as Sand Point's New Administrator
- Bobby Jo Kramer Joins the City of Akutan Staff as Finance Manager
- Cold Bay Residents Hope to Lose Big in Biggest Loser Contest
- Results from King Cove Jingle Bell and House Lighting Contests
- Update on Affordable Health Care and How it Affects IHS

Headlines from recent Fish News editions:

- Highlights from the AEB Winter Fisheries Teleconference Meeting (*Fish News* - 12-22-13)
- Council Adopts 2014 TACs for Groundfish in BSAI and GOA (*Fish News* - 12-17.13)

AEB Facebook Page updates & Posts:

- Link to NPFMC February meeting agenda in Seattle – 1/10/14

- Story: "*Murkowski: King Cove Road Decision was Heartless"* – Your Alaska News Link – Channel 13 News/ABC – 1-10-14
- "*Coast Guard Airlifts Three Outside Cold Bay"* – KUCB – 1-10/14
- "*Hyperbole and Hypocrisy of the King Cove Road Dispute"* – opinion piece – Juneau Empire – 1-10/14
- Video: Sen. Murkowski speaks on the Senate floor about DOI's rejection of a road in King Cove – 1/9/14
- Press release from Sen. Murkowski's office: "*Sen. Murkowski Slams Sec Jewell for Turning Her Back on Alaskans – Vows to Continue Fighting for What's Right for the People of King Cove"* – 1/9/14
- Posted info about when Sen. Murkowski would make her speech on the Senate floor about Sec. Jewell's decision and where people could watch the speech live. 1/9/14.
- *"Murkowski Still Fuming over Jewell's 'Callous" Izembek Decision"* – Politico – 1/9/14
- "*Ak's P. cod Fishery Could See 2014 Rebound on Better Prices and Higher Quotas*" – Fish Radio/Seafood News.com – 1/8/14
- *"Seafood Marketers Counter Salmon Misinformation"* – Anchorage Daily News – 1/6/14.
- "*Denied Road Through Izembek National Wildlife Refuge Centers Around Birds"*- KTUU – Dec. 30, 2013
- Letter to Editor – Anchorage Daily News – (re: Jewell's denial of King Cove road) Dec. 30, 2013
- "*Compass: Secretary Makes Right Call on Izembek Road"* – by President of Wilderness Society – Anchorage Daily News – Dec. 30, 2013
- "*Secretary Jewell Signs Death Warrant for Whom It May Concern in King Cove"* – Paul Jenkins – opinion column – Anchorage Daily News – Dec. 30, 2013
- *"Our View: Secretary Makes Wrong Call on Izembek Road"* – Anchorage Daily News editorial – Dec. 30, 2013
- *"Jewell Rejects Alaska Land Swamp"* – Washington Post – Dec. 30, 2013
- *"Interior Decision on King Cove – Cold Bay Road Met with Anger, Vows to Fight On"* – Anchorage Daily News – Dec. 30, 2013
- DOT's "Plane Talk" newsletter mentions Cold Bay and Akutan Airports (Cold Bay: Delta's Emergency Landing. Akutan: Kiewit airport design)
- Fish News – Dec. 22, 2013
- Fish News – Dec. 17, 2013

Web Postings:

- Posted a subsection for Anne, titled: "Land Use Permits, Stipulations and Standard Operating Procedures" and links for each of the categories, including commercial recreation, research, sand, gravel and rock mining. 1-3-14
- Posted press AEB press release: "*King Cove Residents Outraged that Interior Secretary Jewell Denies Land Exchange/Road Access to Cold Bay Airport" – Dec. 23, 2013*
- Posted Fish News – Dec. 22, 2013
- Posted Fish News – Dec. 17, 2013

AEB in the News:

- "*Denied Road Through Izembek National Wildlife Refuge Centers Around Birds"*- KTUU – Dec. 30, 2013
- "*Compass: Secretary Makes Right Call on Izembek Road"* – by President of Wilderness Society – Anchorage Daily News – Dec. 30, 2013
- "*Secretary Jewell Signs Death Warrant for Whom It May Concern in King Cove"* – Paul Jenkins – opinion column – Anchorage Daily News – Dec. 30, 2013
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- *"Interior Decision on King Cove – Cold Bay Road Met with Anger, Vows to Fight On"* – Anchorage Daily News – Dec. 30, 2013

As always, I'm happy to help get the word out about an event or issue in your community. Please call any time. My direct phone number is (907) 274-7579, and my email is ltanis@aeboro.org.

Assembly Comments

Public Comments

Date & Location of Next Meeting

Adjournment