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MEMORANDUM

DIVISION OF FOREST, LAND & WATER MANAGEMENT

TO: Andrew W. Pekovich
District Lands Officer

DATE October 26, 1978

FILE NO 1430, 2300

TELEPHONE NO


FROM: Vic Lorn 
Land Disposal Officer

SUBJECT Land Disposals - Ketchikan

On October 10, 1978, a meeting was held in Ketchikan, at the request of the Alaska Department of Environmental Conservation, to discuss site characteristics and limitations on three subdivisions proposed by the Division of Forest, Land and Water Management. These subdivisions are at Mud Bay, Saxman and Mountain Point and have had preliminary survey and soils work done under engineering service contracts.

The meeting was well attended by our engineering consultants, representatives from the Ketchikan Gateway Borough, and Alaska Department of Environmental Conservation. A complete list is attached. Ron Thiel, project engineer; Ed Yarmak, soils; George Marks, surveyor; and I represented the Division of Forest, Land & Water Management.

Ron Thiel gave a general overview of the three projects and their present status. Bruce Hoffman and Ron Flinn spoke on DEC standards and procedures. The DEC must approve any subdivision of five or more lots. Their primary concern, in this instance, is with waste water disposal.

 The discussions by Mr. Frank Nyman, of Trych Nyman and Hayes, on the Mud Bay project and Mr. Dave Benson, of Charles Pool and Associates, on Saxman and Mountain Point indicated soils on all three areas have very limited capability to handle on site disposal of waste water. The project areas are characterized by organic soils overlaying bedrock. The information available at this time indicates that in order to produce a quality subdivision and meet DEC standards it will be necessary to provide for central sewer collection and disposal. This requirement plus the cost of providing adequate road access will require a very sizeable capital investment prior to offering these subdivisions to the public.

We stated that our intent on any subdivision offering was to provide a quality product that met all Borough and DEC standards. Ron Thiel advised that we would continue evaluation thru our consultants and present a budget request, with back up data, for the necessary capital investment funding to enable development of all three projects.

The Borough advised that they would be taking an additional look at the projects and would keep us advised of their concerns and recommendations.

On the whole, the meeting was on a positive note and served to let the Borough and DEC know where we are with these proposals and what follow up will be necessary.

cc: Ron Thiel
Bruce Hoffman
Mtn Pt File

Kathy Carrow
Saxman File
Mud Bay File

Claud Hoffman
Dick LaFebvre

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

SOUTHEAST REGIONAL OFFICE

JAY S. HAMMOND, GOVERNOR

POUCH 0 - BUREAU 15311

January 23, 1980

Kathy Carssow
 Planning Director
 Ketchikan Gateway Borough
 344 Front Street -
 Ketchikan, Alaska 99901

Dear Ms. Carssow:

Re: Mud Bight Subdivision

After our September 27th discussion in your office, we followed up your suggestion that a central collector sewer could be the solution to an otherwise sticky problem. Both D.N.R. and our municipal grants people agree that this is feasible, and your proposed lot layout is well designed for this type of service.

Soil conditions in the proposed subdivision are so bad that on-lot sewage disposal would simply not work and there's no way that we could legally approve on-lot sewage disposal. The alternative of central collection sewer receiving treated sewage from individual or clusters of dwellings served by their own small treatment plants has several advantages--

- lower initial sewer costs with pay-as-you-develop treatment costs, eliminating an over-sized and costly central community treatment plant receiving less than "design flow" for who knows how long
- infiltration of ground water into sewers causes no pumping expense or treatment difficulties associated with dilute sewage
- treatment costs are borne directly by the individual treater(s)

The only hitch is that an entity capable of receiving municipal grant funds and responsible for operation must administer the construction and maintenance of that central collector sewer.

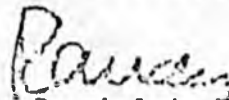
The Department presently has grant funding available to incorporated municipalities to fund 50% of the non-federal cost of water and sewerage system construction. Communities accepting funding must agree to assume responsibility for on-going operation and maintenance of the facilities constructed. Projects funded under this program include water treatment and distribution, and sewage collection. Sufficient funds presently exist to fund projects on an as requested basis.

The Department also administers grant funds allocated by EPA to the State for construction of sewage treatment facilities. These funds can cover 75% of eligible project costs (85% if the project employs innovative or alternative technology). State funds can also be used to supply half the non-federal share for such projects. Thus 87.5% of the project costs are funded by State/Federal Grants, as is the case with the facilities currently being constructed by the City of Ketchikan.

Further grant information and application procedures can be obtained by calling Bob Martin of the Department's Facility Construction and Operations office at 465-2611.

In order to relieve the apparent demand for building sites in Ketchikan, this alternative seems to be the best solution for this particular development proposal. I hope that we will be able to assist you in the development of services to the potential home owners in the area.

Sincerely,



Randolph Bayliss
Regional Environmental Supervisor

cc: Henry Lee Hall
Ron Shonenbach
Bob Martin
C. Deming Cowles

DIVISION OF FOREST, LAND AND WATER MANAGEMENT

July 5, 1979

Re: 2300 Land Disposal

Ms. Judi Slajer
Borough Manager
Ketchikan Gateway Borough
344 Front Street
Ketchikan, Alaska 99901

Dear Ms. Slajer:

This is to advise you that the Division of Forest, Land, and Water Management is planning to make a State land disposal within the Ketchikan Gateway Borough during fiscal year 1980.

Last year, as you know, we did preliminary work on three possible subdivisions within the Borough. These were at Mud Bay, Saxman and Mountain Point. At this time we plan to follow through with a plat for Mud Bay. Since Mountain Point and Saxman are still pending T. A. we do not plan to offer them during fiscal year 1980.

Lot sizes for Mud Bay will be in the 3-5 acre range. We anticipate filing the plat with a notation to the effect that the subdivision is not approved by DEC for on site sewage disposal unless a closed system is used.

The Mud Bay project would be approximately 265 acres in lot 2, USS 3769. Please advise the Southeast District if you have any comments regarding this project.

Sincerely,

Henry Lee Hall, Manager
Southeastern Land District

by: *Andy Pekovich*
Andy Pekovich
District Lands Officer

cc: Kathy Carsow





KETCHIKAN GATEWAY BOROUGH

344 FRONT STREET
KETCHIKAN, ALASKA 99901

*Engineers' report attached,
please note last page.*

October 22, 1979

Claud M. Hoffman, Director
Division of Technical Services
Alaska Department of Natural Resources
703 W. Northern Lights Blvd.
Anchorage, Alaska 99503

Dear Mr. Hoffman:

I regret that Ketchikan Gateway Borough will not be represented at the upcoming meeting of the Disposal Review Committee scheduled for this Thursday, October 26. Today we received copies of the three alternative conceptual plans developed by Charles Pool and Associates, Inc. for the state subdivision at Mud Bay. I wish to commend Pool and Associates on the quality of the conceptual design presentation and to express my appreciation to their staff for keeping us informed on their progress.

The Planning Department endorses the conceptual subdivision design labeled Alternative 2 showing clustered lots which vary in size from one-half acre to 30,000 square feet. Alternative 2 incorporates three important subdivision and land disposal objectives. First, this design concept minimizes the cost of road, sewer, and water service to be borne by the land recipient. This is achieved by: (1) maximizing the number of property owners to be served per facility extension; (2) minimizing the land area to be covered by improvements; and (3) taking advantage of the natural terrain in locating roads and gravity flow sewage collectors. Second, the cluster design allows for a rural, sparsely populated settlement pattern by concentrating development on lands most suited for residential use while leaving unsuitable steep, wet, and muskeg soils as well as streamways as open space. And lastly, Alternative 2 allows for a controlled level of resubdivision to occur in the future in an orderly and cost effective manner.

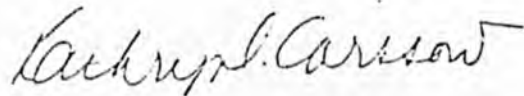
In contrast, Alternatives 1 and 3 compound development costs for the land recipient and encourage extensive, haphazard resubdivision. Use of either of these two designs is likely to result in the need for numerous short, deadend roads, sewer, and water extensions to accommodate resubdivided lots. These not only will be costly to construct but also to operate and maintain.

Although we realize that Alternative 2 requires further refinement, the concepts underlying this preliminary design are sound. Prior to work beginning on the final subdivision design, we would like to confer with either your staff or Pool and Associates on specific concerns we have relating to lot layout and road access along with recommendations the Planning and Zoning Commission may have.

Due to time constraints, the Commission did not have an opportunity to review this material. We will include consideration of the three subdivision design alternatives on the agenda for the Commission's next meeting scheduled for October 30. I would appreciate your advising me of any further developments occurring between now and then.

Thank you for affording us this opportunity to comment on the conceptual design alternatives for the Mud Bay subdivision. Please feel free to include me in a conference call this Thursday if you or members of the committee wish further explanation of the department's comments. We look forward to a continued cooperative working relationship with your staff and Pool and Associates in finalizing plans for the Mud Bay subdivision.

Respectfully,



Kathryn L. Carssow
Planning Director

cc: Planning & Zoning Commission
Charles Pool & Associates, Inc.

KLC:lw

CHARLES POOL & ASSOCIATES, INC.
CONSULTING ENGINEERS & SURVEYORS
1225 Tongass Avenue
Ketchikan, Alaska 99901

October 22, 1979



(907) 225-6526

Mr. Claude Hoffman
Acting Director
Division of Technical Services
Department of Natural Resources
State of Alaska
703 West Northern Lights Blvd.
Anchorage, Alaska 99503

RE: Mud Bay GSC 189

Dear Mr. Hoffman:

Enclosed are six (6) copies of each of the three (3) Master Plan Alternatives. These alternatives are purely conceptual, and are intended only to give a general overview of the relationship between the various elements of the proposed subdivision.


The road system, as depicted on these alternatives, is based on field investigation by our road location engineer. This was necessary due to apparent discrepancies between the property boundaries and contour lines, and the lack of drainage information on the aerial survey plat compiled by Tryck, Nyman and Hayes.

Alternative I assumes a low density large lot approach, with the 38 created lots being between 2 1/2 and 5 acres. This approach places the maximum acreage in private ownership, and has the least extensive road system requiring only about 2 1/2 miles. However, it makes little provision for green belts, and is subject to multiple resubdivisions. Due to the topography and drainage patterns, it was necessary to form some odd shaped lots.

Alternative 2 is a high density approach creating 134 lots. The lots in this alternative range between 1/2 and 2/3 of an acre, and require a 3-mile road system to connect them. The intent in this approach is to cluster the development thereby maximizing the green belts and general public use areas. This configuration is more conducive to the future development of centralized sewer and water systems.

Mr. Claude Hoffman
Oct. 22, 1979
Page 2

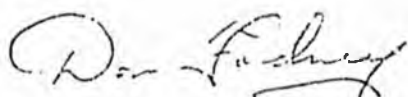
Alternative 3 is a blend of 1 and 2 establishing 81 lots in the 1 to 3 acre range, and requiring a 3.1 mile long road system. Although some of these lots encompass areas which are not ideally suited for development, an attempt was made to place the majority of these areas into green belts.

 During our field investigation, no major slide areas were noted. We did, however, find most of the soils to be poorly drained and the water table to be high throughout the majority of the area. About two-thirds of the developable area drains into the Mud Bight Basin, and the remaining one-third drains into the Refuge Cove and South Sunset Drive area. D.E.C. has stated that this area is unsuitable for on-site disposal of sewage and waste water. The development of this area will, therefore, require the formulation of a Local Improvement District (L.I.D.). The only economically feasible way of accomplishing this task is to increase the density thereby bringing the cost of these improvements within reach. Alternative 2 is designed to facilitate this end, as it clusters the development, and the road system is laid out to maximize the use of gravity sewers where possible. We feel strong consideration should be given to this alternative.

If you have any questions or need additional information, please contact our office.

Very truly yours,

CHARLES POOL & ASSOCIATES, INC.


By: Donald P. Fordney

DPF:fr
Enc.
cc Ketchikan Gateway Borough



Alaska State Legislature

ADMINISTRATIVE REGULATION REVIEW COMMITTEE

SENATE

Don Bennett, Chairman
M. "Ed" Dankworth
George Hohman

HOUSE OF REPRESENTATIVES

Oral E. Freeman, Vice-Chairman
M.F. "Mike" Beirne
Charlie Parr

Pouch V
State Capitol
Juneau, Alaska 99811

TO: ALL MEMBERS OF ARRC *[Signature]* DATE: February 12, 1980
FROM: Don Bennett, Chairman *[Signature]* SUBJECT: Agenda for ARRC meeting

These subjects will be discussed at the Administrative Regulation Review Committee meeting scheduled for tomorrow, February 13, 11:30 in the Beltz Room:

- 1) new proposed mining regulations
- 2) new proposed fire regulations
- 3) handtrolling regulations
- 4) timber sales

See Attachments

January 31, 1980

Mr. Donald J. May
4545 Wood River Drive
Fairbanks, Alaska 99701

Dear Mr. May:

Thank you for your letter and attached information of January 16, regarding the newly proposed mining regulations.

After reviewing your testimony which you presented at the Natural Resources Public hearing, I can certainly understand your concerns. As a person who has been involved in mining in the past, I share your dismay over the restrictions that these regulations would impose on the mining industry. Rest assured, that I will look into the regulations which you cited and see if something can be done to modify them.

Mr. May, I thank you for bringing this matter to my attention, and will do whatever I can to assist you. Please contact me if I can be of further assistance to you.

Sincerely,

Don Bennett

Polar Construction and Mining

4545 WOOD RIVER DRIVE
FAIRBANKS, ALASKA 99701

1/16/80
HON. STATE SENATOR DON BENNETT:
JUNEAU, ALASKA

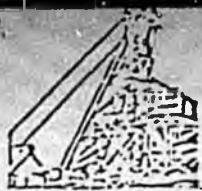
DEAR SIR:

PLEASE TAKE A MINUTE,
CONSIDER THIS TESTIMONY GIVEN
TO MR. TED SMITH AT THE PUBUC
HEARING IN FAIRBANKS LAST NIGHT.

MIGHT YOUR TIME SERVING
US IN JUNEAU BE PROSPEROUS
AND PROGRESSIVE THIS YEAR.

THANK YOU VERY MUCH.
RESPECTIVELY YOURS.

Donald May



ALASKA MINERS ASSOCIATION, INC.

FAIRBANKS BRANCH

January 15, 1980

PRESIDENT

Dr. Richard Swainbank

Box 81315

Fairbanks, Alaska 99701

VICE PRESIDENT

Donald J. May

4545 Woodriver Dr.

Fairbanks, Alaska 99701

State of Alaska
Department of Natural Resources

Public Hearing

Fairbanks, Alaska

c/o Mr. Ted Smith, Director

SECRETARY

Fred Heflinger

409 Clara St

Fairbanks, Alaska 99701

Dear Mr. Smith:

As Vice Chairman of the Alaska Miners'

Association, I have been asked to be a spokesman

pertaining to the new proposed regulations

which confront us tonight.

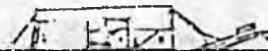
TREASURER

Donald R. Stein

105 Dunbar Av.

Fairbanks, Alaska

First: It's strange indeed that you choose to push regulations upon us with such short notice, in the middle of the winter, with less than a month's notice to defend our life's work and investments which can and could be wiped out with such broad and sweeping powers, that you now as our civil servants possess. Are you fearful to appear directly to the Miners' Association to reason why such changes are necessary? Not one of us on the executive board was informed of such changes pertaining to the mining industry which confront us tonight. These hearings were listed and broadcast this past week locally, for this one night here in Fairbanks under "Forest Resources and Practices" when actually by accident we found out that they were covering proposed mining and mineral resource recovery and development regulations. They deal directly with land use permits which are so restrictive that they even monitor the placement of mechanical equipment, as well as the use of explosives which are under your jurisdiction and authority. Are we



not free to choose what we should and need to use as we see fit without stopping the operation and coming to town?

In many cases this would involve traveling many hundreds of miles to obtain a restrictive permit. This is neither prudent nor progressive, but rather it could be labeled authoritarianism, socialism, or the opposite of free enterprise.

Without getting too involved in all these proposed draft regulations, I would like to consider page 2, Section 11 AAC 65.030. I ask you in all honesty, how can a miner not "cause disturbance or harm to the land or related natural resources"? Who is to say? What one director says can be ignored by a successor, or made more harsh by another. Mining must disturb the land to be effective. This is only common sense. Now if we had the time, we could go further and elaborate on "occupying a cabin, moving or operating equipment, bonding, reporting requirements," or Section 11 AAC 65,210 regarding "Duration," which is so broad and elusive that a director could interpret it to mean a miner or mining company has only 10 years to work a claim. In actuality, most large mining companies require at least 10 years from discovery to full production. Who is going to fool with such a requirement that limits permit life? Industry just goes elsewhere, and so do the jobs that might be generated. Without the development of our resources, this town

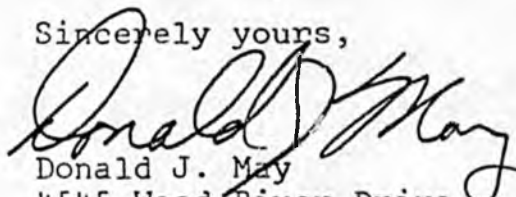
would pass through severe economic reverses. I hope you are aware of the number of foreclosures that are and will continue in the near future in Fairbanks. During the past 12 months there are 5 to 6 thousand fewer people living in the Fairbanks North Star Borough, and that doesn't sound like "sensible, sustained growth" to me as the campaign slogans stated, and it's been over 2 years since the pipeline was completed.

Please allow me to pass on my own forecast for this area, based on 30 years' residency (if that adds any authority to what I say). Fairbanks and Interior Alaska will continue to decline over the next few years, due to the lack of a stable economic base. The bureaucrats will increase from a fat state treasury until the day comes that they have eaten themselves out of these fat jobs. In other words, Prudhoe Bay is forecasted to decline to a third of what it is producing today, and so will state oil revenues by 1985.

If we look to the future with a desire to help this area with a stable economic base, we must rejuvenate mining, the deep hard rock mining holds great potential throughout the interior. These proposed draft regulations will only stall or further hinder this basic industry. The Alaska Miners' Association goes on record as completely being in disagreement and in opposition to these oppressive rules which are only the desire of a small percentage of the populace, and if enacted will curtail the small miner businessman now, and stall the large potential mines later.

I hope you gentlemen who have the present, yet temporary position of mandating regulations realize that when the pendulum swings back to a more informed and knowledgeable electorate than appears to be the case here tonight because of some unknown haste, I dare say this electorate will register complete contempt at the polls for such stifling treatment as the proposed regulations.

Sincerely yours,


Donald J. May
4545 Wood River Drive
Fairbanks, Alaska 99701

xc: Honorable Governor Jay Hammond
Honorable Lt. Governor Terry Miller
State Senators and State Representatives
Fairbanks Daily News-Miner
All Alaska Weekly

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF FOREST, LAND AND WATER MANAGEMENT

323 E. 4TH AVENUE
ANCHORAGE, ALASKA 99501

December 12, 1979

Dear Alaskan:

Attached are draft regulations on which the Department of Natural Resources will hold public hearings in January in Ketchikan, Juneau, Anchorage, and Fairbanks. (See the enclosed "Notice of Proposed Changes in the Regulations of the Department of Natural Resources" for hearing details.) The department is interested in your suggestions concerning these proposed regulations. You are invited to present a statement, oral or written, at one of the hearings, or to send it directly to the Division of Forest, Land and Water Management. If your statement is mailed, it should reach us no later than January 25, 1980 in order to be considered.

The first set of regulations deals with a new, general-purpose permit for the use of state land. The Division of Forest, Land and Water Management has, over the years, developed many specialized permits: tideland permits, special land use permits, miscellaneous land use permits, right-of-way permits, trapping cabin permits, personal use permits, etc. And recently two more special-purpose permits were suggested. First, a new law was passed that authorizes livestock grazing "under a permit system," rather than requiring a lease as has been the case in the past. Second, the Department of Fish and Game requested that this department issue five-year permits to the owners of duck shacks built within state game refuges. But instead of creating additional specialized permits to add to an already lengthy list, it was decided to repeal all the other land use permits and replace them with a single, general-utility permit that could be issued with conditions and stipulations tailored to the particular situation.

The new permit system promises to be more efficient both to administer and to obtain. The number of necessary forms will be reduced to a minimum. Furthermore, it will be possible to authorize most projects under a single permit, rather than requiring several different kinds. Thus a trapper who needs two trapping cabins as well as summer pasture for his packhorse, or a seismic surveying team that will be working on both tidelands and uplands and also needs a place to store heavy equipment, will be spared the chore of getting two or three extra permits before they can use state land.

The second chapter of draft regulations covers the sale of state-owned timber and materials (sand, gravel, stone, peat, etc.) and is planned to replace the existing 11 AAC 76, most of which had not been amended since 1962. The new chapter reflects current sale practices and the statutory changes that have taken place in the last 17 years.

One of its most innovative features is 11 AAC 71.020, which implements the authority in AS 38.05.115(a) to make small negotiated sales of timber or materials "without advertisement." The division plans to choose areas from which small sales of gravel or timber (firewood or cabin logs, for example) could be made, notify local governments and the general public of the total amount to be made available for sale from the area over a six- or twelve-month period, and then proceed to sell the logs or gravel "over the counter" without giving additional

notice of each individual sale. This advance notice procedure should serve two purposes. First, local governments entitled to notice of the disposal under Alaska land law will be better able to gauge its cumulative impact, rather than having to assess it on a piecemeal basis as a series of minor sales. Second, a person wanting to buy firewood or enough gravel for a driveway will not have to wait while separate notice of his proposed purchase is given (by law, such notice involves multiple newspaper and radio advertisements over a 45-day period, and often costs far more than the individual timber or material sale is worth).

A section that should be of particular interest is 11 AAC 71.210, concerning "primary manufacture" (initial processing) of logs in Alaska before they are exported. In the past primary manufacture was required in most state timber sale contracts in an attempt to increase Alaska employment. Sometimes, however, the requirement resulted in the opposite effect: it made the sale uneconomic, no bids were received, and jobs that would have been created in logging and shipping the timber were lost. Thus current policy calls for a decision to be made on a case-by-case basis whether to require primary manufacture in a particular sale. The regulation lists the criteria that must be considered when this important decision is made.

Relatively few changes are proposed for Article 4 of 11 AAC 71 because this article, which deals with licenses to salvage abandoned or unbranded logs stranded on state tidelands, was adopted quite recently. These licenses will now be granted either on a first-come, first-served basis or by lottery. The limit on the amount of timber to be included in each license area is being repealed to conform to a recent amendment in the law governing negotiated sales. The law was changed because the purpose behind salvage sales is to clear Alaska's beaches of abandoned logs that become a critical hazard to navigation after every storm. Thus the salvage effort should remove as many logs as possible, regardless of whether the amount recovered exceeds the limit applicable to other negotiated timber sales.

The last chapter of draft regulations is 11 AAC 95, Forest Resources and Practices. Unlike the other two chapters, this one applies not only to state-owned land but to forests owned by cities, boroughs, and private citizens. The first article implements the Forest Resources and Practices Act (AS 41.17), which went into effect Jan. 1, 1979. The law was designed to control logging-caused water pollution, fire and flood hazards, and the spread of forest diseases and insect pests. In addition, it encourages prompt reforestation of harvested areas. The draft regulations establish basic standards to carry out the intent of the legislation, although they leave the logger free to decide how to meet those standards. He can use methods set out in "best management practices" manuals developed jointly by this department and the Department of Environmental Conservation, but may also design new methods that could be more effective in his particular sale area.

Much of the second article is simply re-numbered without amendment from 11 AAC 92, burning permit regulations that have been in effect since 1972. But the remainder of that article is new. It requires that machinery operated on forest land (for logging, agricultural clearing, road-building, etc.) be equipped to reduce fire hazard and that work crews have firefighting tools readily available. Such requirements have not been necessary in the past, when forest operations generally involved logging in southeast Alaska, where fire danger is low. But with the increase in agricultural land clearing, especially in areas of the state where summer weather is hot, dry, and windy, equipment-caused fires have suddenly become a problem. (For example, the Delta fire in the summer of 1979, which cost \$4 million and burned 38,000 acres, was caused by sparks from land-clearing machinery.)

The third article deals with the procedure for registering a log brand. Under state law, any log rafted or towed in Alaska waters must be branded, so that its ownership can be established if the raft breaks up.

Your oral or written testimony on these draft regulations will be most useful to the department if it refers to particular sections by number (for instance, 11 AAC 71.305(a), rather than a page number), and if it suggests specific wording changes or other modifications you feel would result in improvement.

Sincerely,

A handwritten signature in cursive script, appearing to read "Theodore G. Smith".

THEODORE G. SMITH
Director

STATE OF ALASKA

LAY S. HAMMOND, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF FOREST, LAND AND WATER MANAGEMENT

323 E. 4TH AVENUE
ANCHORAGE, ALASKA 99501

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES

Notice is hereby given that the Department of Natural Resources, under authority vested by AS 38.05.020, AS 41.17.020, and AS 41.17.080, proposes to adopt, amend, and repeal regulations in Title 11 of the Alaska Administrative Code to implement AS 16.20.038, AS 38.05.115, AS 38.05.330, AS 38.95.080, AS 41.15, AS 41.17, and AS 45.15.315, as follows:

A new chapter, 11 AAC 65, Land Use Permits, is adopted to set the application procedure and terms of a general non-preference-right permit to use the surface of state-owned land for transportation, temporary buildings, storage, trapping cabins, existing shelters in state game refuges, grazing livestock, and similar uses. This permit replaces several other limited-purpose permits the department has used in the past, and the regulations on those limited-purpose permits are repealed: 11 AAC 58.200-.210, 11 AAC 62.720-.790, 11 AAC 62.820-.830, 11 AAC 76.540, 11 AAC 86.600, 11 AAC 94, and 11 AAC 96.

11 AAC 76, Timber and Material Sales, is repealed, and a new chapter, 11 AAC 71, is adopted to replace it. It covers the procedures and contract stipulations for the negotiated or competitive sale of state-owned materials (gravel, stone, etc.) and timber, including abandoned or unbranded logs found in state waters or tidelands. It specifies bid deposits, contract provisions, appraisal and reappraisal, performance bonding, and operating requirements, and sets out criteria for the decision whether to require primary processing of logs in Alaska before they are exported.

A new chapter, 11 AAC 95, Forest Resources and Practices, is adopted. It applies to all forested land, including land owned by municipalities and private citizens. Article 1, Forest Practices, implements AS 41.17. It sets standards loggers must meet to protect water quality, reduce fire and flood danger, control insect infestations and tree diseases, and help ensure reforestation. Except on state land, operators must notify the department before beginning logging, and all operations are subject to inspection.

Article 2, Forest Fire Protection, incorporates regulations on burning permits and fire season closures currently in effect as 11 AAC 92. It also requires that all operators in or near forest land equip their machinery to lessen fire danger, post a watchman, and have fire-fighting tools available for their crews.

Article 3, Log Brands, sets the procedure for registering a log brand, which is required before rafting or towing logs in state waters.

Article 4 covers definitions for the chapter.

Notice is also given that any person interested may present oral or written statements or arguments relevant to the action proposed at hearings to be held at Room 207, State Office Building, Ketchikan, at 7:30 p.m., January 7, 1980; the Juneau-Douglas High School Cafeteria,



Official Business

Alaska State Legislature

Senate

Committee on Finance

Pouch V
State Capitol
Juneau, Alaska 99811

February 6, 1980

The Honorable Robert LeResche
Commissioner
Department of Natural Resources
Pouch M
Juneau, Alaska 99811

Dear Commissioner LeResche:

Enclosed is a copy of a letter from Senator Don Bennett, Chairman of the Regulation Review Committee, regarding proposed fire season regulations. I agree with the position Senator Bennett has taken in his letter. It would appear that the Department is being over zealous in drafting these regulations.

I understand that public hearings on this issue may have been minimal and I believe from reading my mail that the public has much to say on this subject.

I would urge you to postpone adoption of these regulations until you have reviewed adequate input from the public and until the Regulation Review Committee has an opportunity to take a position on them.

Sincerely,

John C. Sackett
Chairman
Senate Finance Committee

cc: ✓ Senator Don Bennett

G

Following is a summary of the new fire season regulations. The equipment listed is required on the operation site for use in fire fighting during the fire season.

- * A tank truck with a power water pump or trailer with a water tank
- * Engines equipped with spark arresters on or within 1/8 mi. of forested land
 - (1) exempt are full turbocharged internal combustion engines in good cond.
 - (2) gasoline and diesel engines operating on public roads
- * For stationary engines:
 - (a) self propelled tanker or portable trailer
 - (b) pond, stream, tank or sump with water storage water pump, hose, water supply
- * For each individual on the operation site, tool boxes, axes, shovels and pulaskis
- * Internal combustion engines equipped with 1 chemical fire extinguisher
- * Each truck driven thru forested land except state highway, equ:p. with shovel, ax, chemical fire extinguisher.
- * On cable logging operation:
 - (1) clear flammable debris with 10-ft. radius of site
 - (2) provide and maintain serviceable 5-gallon pump
 - (3) have shovel
- * Watchman required - 1 to handle fire equip. and on duty 3 hours after operation shutdown, have communication and transportation facilities.
- * Portable power saws must be equipped with spark arresting device
- * For saws have fire extinguisher and shovel

The Commissioner may in writing modify requirements if it so warrants.

Equipment must pass set standards.

The regulations are still in draft and there will be a hearing in Juneau, Feb. 6th.

January 28, 1980

The Honorable Robert LeResche
Commissioner
Department of Natural Resources
Pouch M
Juneau, Alaska 99811

Dear Commissioner LeResche:

This is in regards to recent numerous complaints and apprehensions which I have received from many of my constituents regarding the new fire season regulations now being promulgated by the Department.

Much of the input I have received from the Interior Region of the State concerns the enactment of these regulations without adequate public hearing for those individuals who will directly be affected by these new restrictions. An additional concern lies with the feeling that the Administration is not adequately considering the Alaskan lifestyle by the adoption of these regulations.

My own feeling is that the new fire season regulations are perhaps an overzealous "knee-jerk" reaction to last summer's Delta fire situation. Hopefully your Department and the Governor are not inadvertently rejecting the long-standing traditions and practices of the Alaskan lifestyle by placing these somewhat overbearing restrictions on many Alaskan residents. Further, it would seem that the old regulations are adequate to control fire hazards related to factors outside natural causes. For speaking from my area of the State, in that many summer fires in the Interior are sparked by lightning, I can see no regulation of any kind that can prevent fires of this nature from occurring.

Please know that I feel there is a need for some regulation to control fire hazards, but to burden Alaskan residents with additional restrictions within their daily lives seems contrary to the lifestyle we have attempted to promote.

In closing, I would appreciate receiving your comments and justifications regarding the new fire season regulations. Thank you for your assistance.

Sincerely,

Senator Don Bennett

cc: The Honorable Jay S. Hammond
Ted Smith, Director
Division of Forest, Land & Water
Management

CHAPTER 95. FOREST RESOURCES AND PRACTICES.

Article

1. Forest Practices (11 AAC 95.010-11 AAC 95.160)
2. Forest Fire Protection (11 AAC 95.400-11 AAC 95.530)
3. Log Brands (11 AAC 95.700-11 AAC 95.790)
4. Definitions (11 AAC 95.900)

ARTICLE 1. FOREST PRACTICES.

Section

10. Purpose
20. Applicability
30. Notification
40. Inspections
50. Best management practices
60. Waivers
70. Designation of regions
80. Road construction and maintenance
90. Harvesting
100. Cleanup and stabilization
110. Wildlife considerations
120. Aesthetics
130. Log transfer and storage facilities
140. Slash
150. Reforestation
160. Insect and disease prevention and control

11 AAC 95.010. PURPOSE. The purpose of this chapter is to establish minimum standards for forest practices that will provide the maximum practical protection to maintain forest productivity, water quality, and fish and wildlife habitat. (Eff. / /80, Register)

Authority: AS 41.17.020
AS 41.17.080

11 AAC 95.020. APPLICABILITY. (a) Non-commercial operations and commercial operations 10 acres in size or less, on municipal and private forest land, are not subject to the notification procedure of AS 41.17.090 or to sec. 30 of this chapter.

(b) Commercial operations greater than 10 acres in size on municipal and private forest land are subject to AS 41.17.090 and to all the requirements of this chapter.

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(c) All non-commercial and commercial operations on state forest land are subject to all the requirements of this chapter except sec. 30 and AS 41.17.090. (Eff. / /80, Register)

Authority: AS 41.17.020
AS 41.17.050
AS 41.17.080

11 AAC 95.030. NOTIFICATION. (a) At least 30 days before commencing an operation on forest land, the operator shall give notice to the state forester, on forms 10-1033 and 10-1034 supplied by the state, of his intent to operate.

(b) Notifications may be mailed or delivered in person to any of the district or area offices of the division. They will be accepted only for those portions of the operation which the applicant states will be completed by December 31 of the year following the year in which the notification is made. If the operation continues, notification must be renewed to reflect changes and/or additions to the operation. (Eff. / /80, Register)

Authority: AS 41.17.020
AS 41.17.080
AS 41.17.090
AS 41.17.120

11 AAC 95.040. INSPECTIONS. (a) State personnel shall notify the operator or his representative of a pending inspection, and shall encourage and give him the opportunity to accompany the state personnel during the inspection.

(b) A written forest operation inspection report will be prepared by the forest practices forester after each inspection and will be distributed to the operator, landowner and timber owner.

(c) If the inspection reveals that damage has occurred or is occurring, such damage is prima facie evidence of a violation of this chapter or of AS 41.17. (Eff. / /80, Register).

Authority: AS 41.17.020
AS 41.17.020
AS 41.17.120

11 AAC 95.050. BEST MANAGEMENT PRACTICES. (a) To meet the standards of secs. 80-100 and 130 of this chapter, an operator may use either the practices set out in the manual of best management practices, or alternatives of his own choosing. Approval of the forest practices forester is recommended but is not required before using alternative practices.

(b) Conformance with the practices set out in the manual of best management practices, or with alternatives that have been approved by the forest practices forester in writing is a positive defense against prosecution under AS 46.03.790. Approval of the forest practices forester must be based, after consultation with the Department of Environmental Conservation and the Department of Fish and Game, on a finding that the alternative practice is at least as likely to meet the standards as the practice set out in the manual.

(c) The manual of best management practices is available at any of the district or area offices of the division. (Eff. / /80, Register)

Authority: AS 41.17.020
AS 41.17.080

11 AAC 95.060. WAIVERS. (a) The state forester may grant a written waiver of the requirements of this chapter subsequent to a finding that in a specific circumstance or situation:

(1) no substantial benefit in the protection of water quality, aquatic or terrestrial habitat, or other purposes of AS 41.17 will be achieved; or

(2) strict compliance would not be feasible or prudent.

(b) The state forester will act within 30 days in processing a request for a waiver.

(c) Nothing in this section may be construed to give the state forester authority to supersede or grant variances from the provision of laws or regulations administered by other state agencies, unless such authority has been delegated to him by the agency.

(d) The state forester shall consult with the Department of Environmental Conservation, the Department of Fish and Game, and the operator regarding areas of their concern before approving requests for waivers. He may attach such special requirements, conditions, and stipulations as he deems necessary to protect water quality and aquatic and terrestrial habitat, or to carry out the purposes of this chapter. (Eff. / /80, Register)

Authority: AS 41.17.020
AS 41.17.080

11 AAC 95.070. DESIGNATION OF REGIONS. For the purposes of this chapter, the state is divided into regions as follows:

(1) Region I (Coastal Sitka spruce/hemlock region). Forest land from the southern boundary to Cook Inlet and Kodiak Island con-

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taining the following tree species: Sitka spruce, western hemlock, mountain hemlock, Alaska cedar, red alder, black cottonwood, western redcedar, and lodgepole pine.

(2) Region II (Interior spruce/hardwood region). Forest land extending from the Kenai Peninsula to the south slopes of the Erocks Range and westward nearly to the Bering Sea containing the following tree species: white spruce, paper birch, balsam poplar, quaking aspen, black spruce, tamarack, and black cottonwood. The portion of Region II lying north of the Alaska Range is designated IIa; the portion lying south of the Alaska Range is designated IIb. (Eff. / /80, Register)

Authority: AS 41.17.020
AS 41.17.080

11 AAC 95.080. ROAD CONSTRUCTION AND MAINTENANCE. (a) For all operations on state land, a detailed transportation plan must be developed, recognizing the long-range transportation needs of the area with regard to forest management and associated uses, before commencing road building operations. This plan must be revised and updated at five-year intervals unless circumstances indicate more frequent revisions.

(b) To the extent feasible for operations on all land, roads must be located to:

- (1) minimize the risk of material entering surface waters;
- (2) minimize the number of stream crossings;
- (3) minimize alteration of natural features including topography and drainage;
- (4) avoid unstable areas; and
- (5) maintain the filtering effect of natural vegetative cover between road and water.

(c) No change may be made in natural stream courses or channels except with the written approval of the Department of Fish and Game under AS 16.05.870 or, for waters not identified under AS 16.05.870 by the state forester.

(d) Road design standards and specifications must be adapted to the terrain and soil materials in order to minimize surface disturbance and to minimize impact on water quality to the extent feasible and prudent.

(e) Water crossing structures must provide for free passage and movement of fish, as required by the Department of Fish and Game, and minimum impact on water quality; structures for permanent roads must also accommodate anticipated streamflow and passage of upstream debris.

(f) Water crossing structures must be installed in a manner to minimize disturbance of streambed or streambank, erosion, or other adverse impacts on water quality; and at a time of year that minimizes interference with spawning or migration of anadromous fish, as required by the Department of Fish and Game.

(g) Construction equipment and machinery may not be operated in or through surface water except as approved by the Department of Fish and Game under AS 16.05.870 or by the state forester for waters not under AS 16.05.870.

(h) All areas of exposed soil must be stabilized to the extent feasible at the normal angle of repose or less, to minimize soil erosion and subsequent siltation of surface waters.

(i) Vegetative debris must be removed from surface waters within 48 hours of its deposition to avoid toxic leaching or obstruction of streamflow.

(j) Rock, overburden, and other materials associated with road construction must be placed to minimize the possibility of their entry into surface waters.

(k) No solid waste or petroleum product may be allowed to enter surface waters.

(l) All drainage features and structures such as ditches, cross drains, crowning, outsloting, culverts and bridges must be maintained to prevent blockage and erosion during periods that the road is in use, or removed and stabilized once the road has been abandoned or its use otherwise terminated.

(m) No quarry or borrow site may be located in active stream beds or within the twenty-five year floodplain except as may be approved by the Department of Fish and Game under AS 16.05.870, by the Department of Natural Resources under AS 38.05.330, or by the state forester for land and water not subject to AS 16.05.870 or AS 38.05.330.

(n) Upon abandonment of the quarry or borrow site as a source of material, the banks, headwall, and other exposed surfaces of the site must be stabilized to the extent necessary to prevent soil erosion or mass soil movement and must be self-drained. (Eff. / /80,
Register)

Authority: AS 41.17.020
AS 41.17.080

11 AAC 95.090. HARVESTING. (a) For all operations on state land, a detailed harvesting plan must be developed, recognizing the other forest resources and the extent to which these other resources will be impacted by the harvesting activities.

(b) On all land, felling, bucking, and yarding must be conducted so as to:

(1) avoid the deposition of vegetative material in surface waters to the extent feasible and prudent;

(2) maintain the integrity of the streambank and its vegetative cover; and

(3) minimize soil erosion from the cutover area.

(c) Landings, skid trails and fire trails must be located, constructed, and maintained so as to minimize siltation of surface waters. (Eff. 7/1/80, Register)

Authority: AS 41.17.020
AS 41.17.060

11 AAC 95.100. CLEANUP AND STABILIZATION. (a) Waste materials resulting from road construction and harvesting activities such as, but not limited to, crankcase oil, fuel, grease, filters, hydraulic fluid, and their containers, must be disposed of in accordance with the provisions of 18 AAC 60:

(b) Machine parts, wire rope, and similar scrap wastes must be disposed of in a stable location where there is no realistic potential for their entering surface waters.

(c) Drainage systems must be provided and maintained to control the dispersal of runoff water from exposed soils on landings, skid trails, fire trails and other unstable or erodible areas to minimize soil erosion and subsequent siltation of surface waters.

(d) Unstable or erodible exposed soils must be stabilized by seeding, mulching, or other suitable means to prevent siltation of surface waters. (Eff. 7/1/80, Register)

Authority: AS 41.17.020
AS 41.17.080

11 AAC 95.110. FISH AND WILDLIFE CONSIDERATIONS. On state and municipal land:

(1) harvesting plans must identify and operations must protect species and their habitats identified as being threatened or endangered; and

(2) a buffer 330 feet in radius must be retained around each active bald eagle nesting tree. (Eff. 7/1/80, Register)

Authority: AS 41.17.020
AS 41.17.0

11 AAC 95.120. AESTHETICS. Where major scenic attractions, highways, recreation areas, or other high use areas are located on state or municipal forest land, special consideration must be given to scenic values by the layout and design of cutting units to minimize visual impact and by prompt cleanup and regeneration after harvesting. (Eff. / /80, Register)

Authority: AS 41.17.020
AS 41.17.080

11 AAC 95.130. LOG TRANSFER AND STORAGE FACILITIES. (a) Sites for in-water dumping and storage of logs must be selected so as to reduce to acceptable limits the area adversely affected.

(b) Sites within 300 feet of the mouths of anadromous waters or in areas known to be important for fish spawning or rearing must be avoided where practical alternatives exist. (Eff / /80, Register)

Authority: AS 41.17.020
AS 41.17.080

11 AAC 95.140. SLASH. (a) In those areas where slash treatment is necessary to prevent or reduce the spread of fire, accumulations of slash must be reduced by scattering, piling or windrowing, mechanized chipping, compacting, burying, or controlled burning.

(b) When slash is to be disposed of by burning, vegetative buffers must be protected from fire, and the burning must be accomplished under conditions of weather that will minimize air quality degradation.

(c) Unstable slash accumulations around landings must be disposed of or dispersed to prevent their entry into streams and other waterbodies.

(d) Within Region II accumulations of slash must be treated by burning, burying, or some other method to destroy developing insects and prevent bark beetle buildup in white spruce. (Eff. / /80, Register)

Authority: AS 41.17.020
AS 41.17.080

11 AAC 95.150. REFORESTATION. (a) On state and municipal land, trees that are to be left for future harvest must be adequately protected from damage resulting from harvest operations to assure their survival and growth.

(b) On all land, management strategies must be designed to assure adequate natural or artificial reforestation of acceptable species on all harvested land that is economically suited for the growing and harvesting of commercial timber within:

- (1) five years in Region I;
- (2) ten years in Region IIa; and
- (3) seven years in Region IIb.

(c) On all land where artificial reforestation has been selected as the management option and suitable seedlings or seeds from appropriate seed source zones are unavailable, or if weather conditions or other circumstances beyond the landowner's control require delay in planting or seeding, a reasonable extension of time will be allowed.

(d) On all land, planted seedlings must survive two winters on the site before they can be considered adequate for reforestation.
(Eff. 1/1/60, Register)

Authority: AS 41.17.020
AS 41.17.050

11 AAC 95.160. INSECT AND DISEASE PREVENTION AND CONTROL. (a) When the commissioner finds forest land or timber that is infested by forest insect pests, infected by forest tree diseases, or threatened by insect pests or forest tree diseases, he will determine whether measures of control are necessary and available and to which areas the control measures should be applied. Thereafter, the commissioner may designate a disease or insect control area with definite boundaries. The area may include threatened forest land or timber as well as forest land or timber already affected.

(b) The commissioner will immediately notify in writing all owners of forest land or timber within the designated control areas. The notice may be served by delivery of a copy of the notice to the owner, or by mail addressed to his last known place of address. In addition, the commissioner will publish a legal description of the designated control area at least once a week for two consecutive weeks in one or more newspapers of general circulation in or near the designated control area.

(c) The commissioner will assist the owners of forest land or timber within the designated control area with the control and salvage measures necessary, to the extent that there is available funding for undertaking such measures.

(d) When the commissioner determines that forest insect pest or forest tree disease control work within the designated control area is no longer necessary or feasible, the commissioner may terminate the designation.

(e) Every owner of forest land or timber shall conduct operations so as to minimize forest insect pest and forest tree disease depredations to the extent feasible and prudent.

(f) Silvicultural systems employed on state and municipal land must be designed to prevent and/or control insect infestations and disease infection.

(g) Mortality caused by insects and diseases on state and municipal land must be salvaged as rapidly as is practicable, dependent upon access and marketability, to prevent undue loss of the resource.
Eff. / /80, Register)

Authority: AS 41.17.020
AS 41.17.080

*ARTICLE 2. FOREST FIRE PROTECTION.

- 72 (400. Permit
410. Content of permit
420. Refusal, suspension or revocation of permit
430. Place of burning
440. Emergency closure
450. Public notice
460. Environmental control
470. Additional equipment for logging operations
480. Spark arresters
490. Water supply and equipment for stationary engines
500. Fire tools and fire extinguishers
510. Watchman service
520. Portable power saws
72 (530. Other governmental laws

11 AAC 95.400. PERMIT. (a) A burning permit is required during the fire season for the burning of any material in the areas designated by the commissioner. A burning permit is not required when the burning is contained within an approved device or for cooking, warming or signaling fires.

(b) A burning permit may be obtained by applying to a person authorized by the commissioner to issue the permit. The applicant shall provide the authorized person with information as to the type, location, and person in charge of the burning; the area and material to be burned; and the number of persons controlling the burn.

(c) A person issued a burning permit may not burn any material covered by the permit unless he has the permit in his possession. The permit shall be displayed to any authorized person upon request.

* Secs. 400-460 and 530 of this article are renumbered from 11 AAC 92, which went into effect July 2, 1972. They are not proposed to be amended.

(d) Prior to issuing a permit, the authorized person may require that he inspect the area and material to be burned. (Eff. 7/2/72, Register 42)

Authority: AS 41.15.020
AS 41.15.020

11 AAC 95.410. CONTENT OF PERMIT. (a) Each permit shall be on a form provided by the Department of Natural Resources and shall contain:

- (1) name and address of permittee;
- (2) name of the authorized person issuing the permit;
- (3) the forest protection area where the burning will be conducted;
- (4) the date of issuance and expiration of the permit;
- (5) a detailed description of the area where the burning will be conducted, designated by borough, subdivision, section, township, range, meridian, and local landmarks; and
- (6) the amount of acres or area to be burned.

(b) Each permit may provide:

- (1) a specific time and date for the burn;
- (2) the minimum number of persons and equipment employed to control or extinguish the burn; and
- (3) limitation as to the size of the burn and the number of burns. (Eff. 7/2/72, Register 42)

Authority: AS 41.15.020
AS 41.15.050

11 AAC 95.420. REFUSAL, SUSPENSION, OR REVOCATION OF PERMIT.

(a) A burning permit may be refused if the authorized person is not permitted to inspect the area and material to be burned. A permit may be refused, suspended or revoked to protect life and property.

(b) A permit is suspended by an emergency closure to burning in the permit area. If the emergency closure remains in effect past the expiration date of a permit, the permit is revoked and a new permit

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11 AAC 95.430

11 AAC 95.470

shall be obtained before conducting further burning. (Eff. 7/2/72, Register 42)

Authority: AS 41.15.020
AS 41.15.050
AS 41.15.060
AS 41.15.090

11 AAC 95.430. PLACE OF BURNING. A permitted burn shall be confined to an area surrounded by mineral soil, gravel or rock or shall be surrounded by a natural or constructed firebreak. (Eff. 2/7/72, Register 42)

Authority: AS 41.15.020
AS 41.15.050
AS 41.15.060
AS 41.15.090

11 AAC 95.440. EMERGENCY CLOSURE. The commissioner may, during the fire season, close an area to setting of fires, burning, smoking, entry or other use of land, when, in his judgment, the activities would unduly increase the fire danger. (Eff. 7/2/72, Register 42)

Authority: AS 41.15.020
AS 41.15.020

11 AAC 95.450. PUBLIC NOTICE. An emergency closure is effective upon the publication in a newspaper of general circulation in the area closed of a public notice issued by the commissioner specifying the area closed and the effective date of closure. (Eff. 7/2/72, Register 42)

Authority: AS 41.15.020
AS 41.15.050
AS 41.15.060

11 AAC 95.460. ENVIRONMENTAL CONTROL. Any burning authorized by a permit obtained under this chapter shall be conducted in a manner as required by 18 AAC 50, Air Quality Control Regulations, and 18 AAC 60, Solid Waste Regulations. (Eff. 7/2/72, Register 42)

Authority: AS 41.15.020
AS 41.15.050
AS 41.15.060

11 AAC 95.470. ADDITIONAL EQUIPMENT FOR OPERATIONS. (a) On forested land during the fire season, a tank truck or portable trailer with water tank capacity of not less than 300 gallons is required on the operation area. It must be in good mechanical condition and readily available for use in fighting fire.

(b) The tank truck must be properly equipped with a power water pump of sufficient size and capacity to provide a discharge of not less than 20 gallons per minute when pumping through 50 feet of hose equipped with a nozzle one-quarter inch in diameter at pump level.

(c) The pump must be equipped with not less than 500 feet of hose of three-quarter inch inside diameter or larger and a nozzle not less than one-quarter inch in diameter; not less than 250 feet of the hose, and the nozzle, must be maintained as a connected, operating unit ready for immediate use at any time.

(d) The commissioner may, in writing, modify any requirement of this section if he finds that the conditions of the operation so warrant. (Eff. 1/1/80, Register ...)

Authority: AS 41.15.020

11 AAC 95.480. SPARK ARRESTERS. (a) On or within one-eighth of a mile of forested land during the fire season, engines must be equipped with a spark arrester that meets the standards set forth in the publication of the United States Department of Agriculture, Forest Service, entitled "Standard S100-1a for Spark Arresters for Internal Combustion Engines," issued March, 1976, except that non-turbocharged railroad locomotives must be equipped with a spark arrester that meets the standards set forth in the publication of the Association of American Railroads Manual of Standards and Recommended Practices, "Standard for Spark Arresters for Non-turbo Charged Diesel Engines Used in Railroad Locomotives," issued March, 1971.

(b) The following are exempt from the requirements of this section:

(1) full turbocharged internal combustion engines maintained in good condition;

(2) gasoline and diesel engines in vehicles operating on public roads.

(c) The commissioner may, in writing, modify or waive any requirement of this section if he finds that conditions so warrant. (Eff. 1/1/80, Register ...)

Authority: AS 41.15.020

11 AAC 95.490. WATER SUPPLY AND EQUIPMENT FOR STATIONARY ENGINES.

(a) On forested land during the fire season, the minimum standards for water supply and equipment for stationary engines are:

(1) water supply:

(A) a self-propelled tanker or portable trailer in operable condition of not less than 300 gallons; or

(B) a pond, stream, tank, or sump with storage of not less than 500 gallons.

(2) Water pump: size and capacity must be such that the pump will provide a discharge of not less than 20 gallons per minute when pumping through 50 feet of hose equipped with a one-quarter inch inside diameter nozzle at pump level.

(3) Hose and nozzle: at least 500 feet of serviceable hose of not less than three-quarter inch inside diameter, and a nozzle with an inside diameter of one-quarter inch.

(b) Water supply, pump, and not less than 250 feet of the hose, and the nozzle, as required by this section, must be maintained as a connected, operating unit ready for immediate use at any time.

(c) The commissioner may, in writing, modify or waive any requirement of this section if he finds that conditions so warrant. (Eff. / /80, Register)

Authority: AS 41.15.020

11 AAC 95.500. FIRE TOOLS AND FIRE EXTINGUISHERS. (a) This section applies on forested land during the fire season.

(b) Every person conducting an operation shall provide at the operation site, or at a location designated by the commissioner, the number of tools and tool boxes required by the following table:

TOOL TABLE

No. of Persons in Operation	1-4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Tool Box	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Axes	1	1	1	1	1	1	2	2	2	2	2	2	2	2	3	3	
Shovels	2	2	2	3	3	3	3	4	4	5	5	6	7	7	7	7	
Pulaskis	1	2	3	3	4	5	5	5	6	6	7	7	7	8	8	9	10

An operation with more than 20 men must use multiples of any of the above columns to arrive at a tool distribution equal to or in excess of the number of men in the operation. The number of tools of each type required by the above table may be varied by notice in writing from the commissioner, when, in his opinion, the nature of the fire hazard requires such adjustment; provided, however, that in no event may the total number of tools required exceed the total number of tools required by the table.

(c) The commissioner may, as an alternative to the requirements of (b) of this section, authorize in writing other tools of a use and purpose equivalent to those designated and required by the tool table to equip the personnel for firefighting at an operation site.

(d) The tool boxes designated in (b) of this section must be kept in good repair and clearly identified as containing firefighting tools. The tools required by (b) and (c) of this section must be serviceable and kept in good repair. Such tools must be kept in the tool box or boxes to be used for firefighting purposes only, and will be sealed by the state.

(e) Each internal combustion engine must be equipped with one chemical fire extinguisher rated by Underwriters' Laboratories as not less than 4-B.C.

(f) Each truck driven on or through forested land except on state highways must be equipped with one round-pointed No. 0 shovel or larger, one pulaski or axe with twenty-six inch handle or larger, and one chemical fire extinguisher rated by Underwriters' Laboratories as not less than 4-B.C.

(g) The fire extinguisher required by (e) and (f) of this section must be placed on each engine or truck, or both, so as to be visible to the operator and ready for instant use. The extinguisher must be equipped with a reliable and easily read pressure gauge.

(h) The operator of a cable logging operation at each block on the yarding road shall comply with the following:

(1) clear all flammable debris from the area within a 10-foot radius of the block. The area must be kept clear of such debris so long as the block is in use;

(2) provide and maintain a serviceable five-gallon pump can filled with water; and

(3) provide and maintain a round-pointed No. 0 shovel or larger.

(i) The commissioner may, in writing, modify or waive any requirements of this section if he finds that conditions so warrant.
(Eff. 1/1/80, Register)

Authority: AS 41.15.020

11 AAC 95.510. WATCHMAN SERVICE. (a) During the fire season every operator conducting an operation on forested land must provide a watchman service of not less than one person physically capable of and experienced in operating the firefighting equipment required for the operation area.

(b) The watchman shall:

(1) be constantly on duty for three hours after the power-driven equipment used by the operator has been shut down for the day;

(2) visually observe all conditions of the operation area on which industrial activity has been in progress; and

(3) have adequate facilities for transportation and communications in order to be able to summon assistance if needed.

(c) After a measurable amount of rain on the operation area, the commissioner may suspend, in writing, the requirement of this section until such time as conditions warrant reinstatement.

(d) The commissioner may, in writing, modify or waive any requirement of this section if he finds that conditions so warrant.
(Eff. / /80, Register)

Authority: AS 41.15.020

11 AAC 95.520. PORTABLE POWER SAWS. (a) During the fire season portable saws powered by internal combustion engines and used by any person on forested land must be constructed and equipped for the prevention of fire as follows.

(1) All saws must be equipped with a spark-arresting device constructed to retain or destroy 90 percent or more of the carbon particles having a major diameter greater than 0.023 inches (0.584 mm). A spark-arresting device equipped with a woven screen with a maximum opening size of 0.023 inches (0.584 mm), constructed of heat- and corrosion-resistant wire at least 0.013 inches (0.330 mm) in diameter, will be considered in compliance with the requirement, provided the total screen opening area is not less than 125 percent of the engine exhaust port area. The unit must be constructed to permit easy removal of the screen for field inspection, replacement, and cleaning.

(2) Portable power saws will be deemed to be in compliance with (1) of this subsection if they are certified by the United States Department of Agriculture, Forest Service, San Dimas Equipment Development Center, to meet the performance specified in the Automotive Engineers publication, "Multiposition Small Engine Exhaust System Fire Ignition Suppression SAE Recommended Practice J335(b)." (See Exhibit "A".)

(b) Any person using a portable saw powered by an internal combustion engine on forested land shall have the following immediately available for the prevention and suppression of fire:

(1) a fire extinguisher of at least eight-ounce capacity as approved by the commissioner; and

(2) a size 0 or larger shovel.

(c) If a power saw is fueled on forested land, the power saw must be moved at least 20 feet from the place of fueling before starting.

(d) The commissioner may, in writing, modify or waive the requirements of this section if he finds that, under conditions of low fire danger, less restrictive requirements are warranted. (Eff. / /80, Register)

Authority: AS 41.15.020

11 AAC 95.550. OTHER GOVERNMENTAL LAWS. A permit issued under sections 400-530 of this chapter is subject to local laws, rules, and regulations which are more restrictive. (Eff. 7/2/72, Reg. 42)

Authority: AS 41.15.050
AS 41.15.060

ARTICLE 3. LOG BRANDS.

Section

- 700. Log Brand
- 710. Barred logs
- 720. Brand design
- 730. Acceptance or rejection of application
- 740. Cancellation of registration
- 750. Fees for registration or transfer of registration
- 760. Reservation of brands
- 770. Registration upon transfer
- 780. Use of unregistered brand
- 790. Notice or Demand

11 AAC 95.700. LOG BRAND. In this chapter and in AS 50.210-325, the term "brand" means:

(1) a mark or other designation that has been registered with the department; or

(2) an impression stamped on timber property with a branding hammer. (Eff. / /80, Register)

Authority: AS 38.05.020
AS 45.50.315
AS 45.50.325

11 AAC 95.710. BARGED LOGS. Timber property transported by a self-dumping barge will be presumed, upon being loaded on the barge, to be intended to be put in a waterway of the state within the meaning of AS 45.50.230(a). (Eff. / /80, Register)

Authority: AS 38.05.020
AS 45.50.230(a)
AS 45.50.315

11 AAC 95.720. BRAND DESIGN. (a) A diagram or design on paper, within the meaning of AS 45.50.210(b), will be considered acceptable if it is a sketch or drawing with exact dimensions shown, or a paint or ink impression of the brand. The department may request the owner of a brand to furnish a paint or ink impression on paper of the brand at any time in order to confirm that owner's branding hammer conforms to the design of the brand as registered.

(b) The actual size of the brand must be at least two inches in diameter or dimensions. (Eff. / /80, Register)

Authority: AS 38.05.020
AS 45.50.210
AS 45.50.315

11 AAC 95.730. ACCEPTANCE OR REJECTION OF APPLICATION. No application will be accepted unless accompanied by the registration fee and, if requested by the department, an impression of the brand and additional descriptive information. (Eff. / /80, Register)

Authority: AS 45.50.210(b)
AS 45.50.220
AS 45.260
AS 45.50.315

11 AAC 95.740. CANCELLATION OF REGISTRATION. (a) A brand registration may be cancelled by the department, following notice and an opportunity to be heard,

(1) if the owner fails to furnish an impression of the brand or information about the brand or use of the brand when requested by the department;

(2) upon conviction under AS 45.50.320; or

(3) if the applicant or owner fails to reply to a certified or registered letter from the department requesting information concerning the log brand within a specified period of time. The time period may be no less than 15 days from the date the letter is postmarked.

(b) A brand registration may be cancelled by request of its owner. The cancellation will be effective upon receipt by the department of a written notice from the owner requesting the cancellation. (Eff. / /80, Register)

Authority: AS 38.05.020
AS 45.50.210
AS 45.50.315
AS 45.50.320

11 AAC 95.750. FEES FOR REGISTRATION OR TRANSFER OF REGISTRATION.

(a) The fee for registration or transfer of a registration is set out in a fee schedule posted in the district offices of the division.

(b) The fee may be forfeited if an application is rejected.

(c) The fee is forfeited if a brand registration is cancelled before to the expiration of the period of registration. (Eff. / /80, Register)

Authority: AS 38.05.020
AS 45.50.210
AS 45.50.220
AS 45.50.260
AS 45.50.260
AS 45.50.315

11 AAC 95.760. RESERVATION OF BRANDS. When an acceptable application has been received for registration or renewal of registration, the brand will be reserved to the applicant. (Eff. / /80, Register)

Authority: AS 38.05.020
AS 45.50.315

11 AAC 95.770. REGISTRATION UPON TRANSFER. No registered brand may be transferred to or used by or on behalf of a third party except after prior written notice to the department, accompanied by a true copy of the instrument of transfer as required by AS 45.50.260, together with the registration fee. Upon receipt and filing for record of a copy of the transfer instrument and the fee, the department will transfer the brand and issue a certificate to the new owner. (Eff. / /80, Register)

Authority: AS 38.05.020
AS 45.50.260
AS 45.50.260
AS 45.50.315

11 AAC 95.780. USE OF UNREGISTERED BRAND. Logs branded with an unregistered brand, or with a registered brand used by a person not authorized to use it, will be considered for all purposes to be unbranded. (Eff. / /80, Register)

Authority: AS 38.05.020
AS 38.50.315
AS 38.50.320

11 AAC 95.790. NOTICE OR DEMAND. Any notice or demand under this chapter or under AS 43.50.225 - AS 43.50.325 must be in writing and must be sent by certified or registered mail to the other party at the address of record. Either party may designate in writing a new or other address to which the notice or demand is to be mailed. A written notice or demand is considered delivered when deposited in a U.S. general or branch post office. (Eff. / /80, Register)

Authority: AS 38.05.020
AS 38.50.315
AS 38.50.320

ARTICLE 4. DEFINITIONS

Section

900. Definitions

11 AAC 95.900. DEFINITIONS. In this chapter, unless the context otherwise requires,

(1) "anadromous fish" means those fish spending a portion of their lives in both fresh and salt water;

(2) "anadromous waters" means all rivers, lakes, and streams, or parts of them, that are used for the spawning, rearing, or migration of anadromous fish;

(3) "approved device" includes conventional and portable stoves, fireplaces, and incinerators with adequate safeguards to prevent escapement of fire;

(4) "aquatic and terrestrial habitat" means habitat utilized by fish or wildlife to sustain life;

(5) "borrow site" means an excavation site outside the limits of construction to provide materials necessary to that construction, such as fill material;

(6) "burning" includes setting of fires, and excludes smoking;

(7) "commissioner" means the commissioner of natural resources or his authorized designee;

(8) "cooking, warming, or signaling fire" means a small fire contained within a natural or artificial barrier to prevent its escape, used for cooking, signaling, or warming, and attended at all times;

(9) "crossdrain" means a cross ditch used to move water from one side of a road to the other to prevent accumulation of runoff without the need of a culvert or bridge;

(10) "crowning" means to shape the running surface of a road higher in the center in order to direct runoff to roadside ditches rather than channel it down the centerline;

(11) "display" or "displayed" means readily discernible or situated or placed in a manner on timber property;

(12) "department" means the Department of Natural Resources;

(13) "feasible and prudent" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technical, and safety factors;

(14) "forest land" in secs. 10-160 of this chapter is as defined by AS 41.17.950(a);

(15) "forested land" in secs. 400-530 of this chapter is as defined by AS 41.15.170(3);

(16) "material" includes any organic or inorganic flammable substance such as trees, brush, weeds, grass, wood, lumber, trash, papers, clothes, tires, and chemicals;

(17) "mineral soil" means a soil containing insufficient organic material to sustain fire;

(18) "normal angle of repose" means the angle at which cut slopes will stand naturally, and varies by type of material;

(19) "operation" in secs. 10-160 of this chapter is as defined by AS 41.17.950(a); in secs. 400-530 of this chapter, "operation" means any industrial activity or any development or improvement of forest land, or within one-eighth of a mile from forest land, including but not limited to the clearing of land or rights-of-way, logging or sawmilling, thinning and pruning;

(20) "outsloping" means to shape the running surface of a road in a manner to carry runoff to the downslope side of the road, and is used for roads without roadside ditches;

(21) "permanent road" means a road constructed to be of use through several cutting entries;

(22) "permit" means burning permit;

(23) "salvage" means the recovery of timber property that is no longer in possession or control of its owner or rightful transporter;

(24) "stabilize" means to make resistant to shifting or erosion by mechanical or other means;

(25) "state forester" means the state forester or his authorized representative;

(26) "surface waters" means streams, creeks, rivers, and ponds and lakes greater than 10 acres in size;

(27) "temporary road" means a road constructed for use for generally not more than two consecutive operating seasons;

(28) "upstream debris" means slash or debris located 50 feet or less upstream from a culvert or bridge that may reasonably be expected to plug the inlet or damage the structure; and

(29) "vegetative buffer" means a strip of varying width containing undisturbed grass, brush or trees, or other natural vegetation acting as a filter for runoff. (Eff. 7/2/72, Register 42; am / /80, Register)

Authority: AS 41.15.050
AS 41.15.060
AS 41.15.090
AS 41.17.020
AS 41.17.080

CHAPTER 92. FOREST PROTECTION. Repealed. (/ /80, Register)

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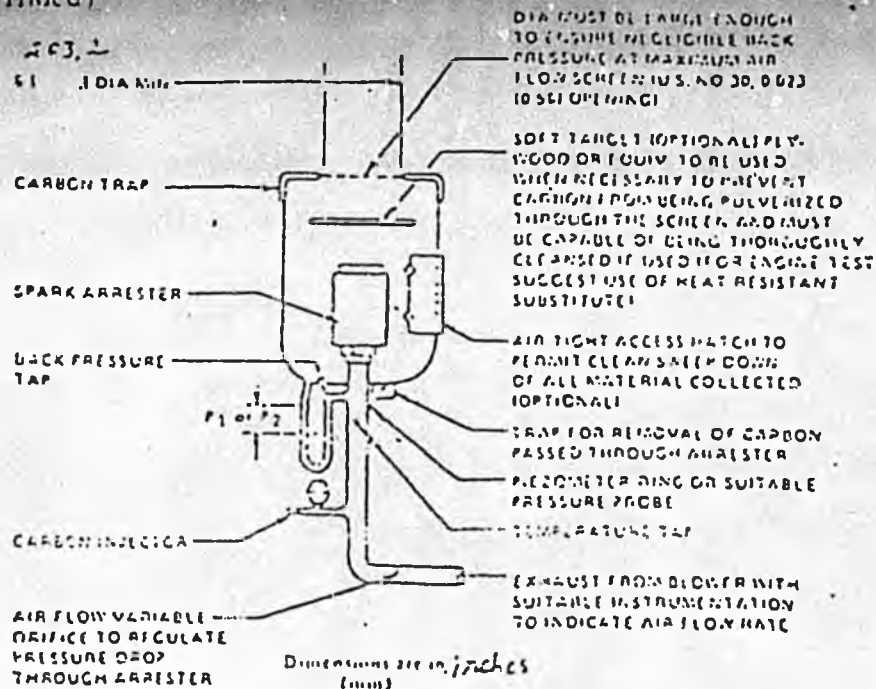


Fig. 1. Test apparatus for measuring spark arrester efficiency.

3.5 Back Pressure and Flow.

3.5.1 Provision shall be made for measuring flow rate through the arrester and differential pressure from intake to discharge of the arrester.

3.5.2 Unless 3.5.3. applies, the spark arrester shall be tested for two conditions: (1) at a constant flow rate at which the initial back pressure (prior to test carbon injection) from intake to discharge is 2 in Hg (6.8 kPa), (2) at a constant flow rate at which the initial back pressure (prior to test carbon injection) from intake to discharge is 1 in Hg (3.4 kPa).

3.5.3 With arresters using a small mesh screen, clogging of the screen may occur before the entire 5 g sample of carbon is injected into the arrester. In these instances, use the following test procedure:

Condition 1 - Initially establish an airflow to cause a pressure differential drop of 2 in Hg (6.8 kPa). Then allow the back pressure differential to build up to 2-1/2 in Hg (8.5 kPa). Once the 2-1/2 in Hg (8.5 kPa) is reached, maintain this pressure for the balance of the test.

Condition 2 - Initially establish an airflow to cause a pressure differential drop of 1 in Hg (3.4 kPa). Then allow the back pressure differential to build up to 1-1/2 in Hg (5.1 kPa). Once the 1-1/2 in Hg (5.1 kPa) is reached, maintain this pressure for the balance of the test.

3.5.4 Establishment of Maximum Flow Capacity. To establish maximum flow capacity, measure the flow rate which occurs when a new arrester is subjected to a pressure differential from intake to discharge of 2 in Hg (6.8 kPa). No test carbon shall be injected for this part of the test. The assigned flow rate shall be one-half the flow rate obtained for the conditions described above.

EXHIBIT A (continued)

3.5.5 The flowmeter shall be an accepted design, such as a calibrated orifice. The indicated flow shall be within 5% of actual at the specified flow rate at 2 in hg (6.8 kPa).

3.6 Injecting Mechanism. The test carbon shall be injected by a feeder mechanism that shall not crush or grind the material nor shall it unduly affect the normal flow of air through the apparatus. It shall be located approximately as shown in Fig. 1. Test carbon shall be injected into the air stream at uniform rate over a period of 15 ± 5 min.

3.7 Carbon Particle Collection. All carbon inside the testing apparatus which has escaped through the spark arrester during each run is to be carefully brushed into the trap and then hand sieved lightly on a U.S. Standard No. 30 (0.023 in (0.584 mm) opening) screen. Weigh the carbon particles retained for determining the arrester's particle retention efficiency.

3.7.1 Determination of Arresting Efficiency. Use the following formula for determining arresting efficiency for either SAE fine or SAE coarse carbon:

$$\% \text{ efficiency} = \frac{\text{Grams of carbon retained}}{\text{Grams used} - \text{on No. 30 U.S. screen (see 3.7)}} \times 100$$

3.7.2 For combined average effectiveness of SAE fine and SAE coarse particles:

$$\% \text{ efficiency} = \frac{\% \text{ efficiency of SAE fine} + \% \text{ efficiency of SAE coarse}}{2}$$

3.8 Test Position of Spark Arrester. The spark arrester shall be tested in the position where it is judged to be the least efficient. This may be determined by preliminary checks of arresting efficiency in various operating positions.

4. Exposed Surfaces Temperature Test

4.1 Exposed Surfaces Test Defined. Exhaust system temperatures will be measured at the points where the engine exhaust system can contact plane surfaces established by the extremities of the power unit or power head. In the case of a chain saw, the plane surfaces will be established by the extremities of the saw with bar removed and a line passing through the lowest points in the spaces between the bumper spikes (dogs). See Fig. 2. To determine points of measurement, place the power unit in a sufficient number of positions on a flat surface to determine where the exhaust system components can contact the surface.

4.2 Apparatus. Use a calibrated loading device as shown in Fig. 3 with temperature sensitive coatings for exhaust system surfaces (such as Detectotemp or Tempilog paints, or Tempilstik or Thermochron crayons, or equivalent) or unshielded thermocouples welded or embedded on the exhaust system.

EXHIBIT A (continued)

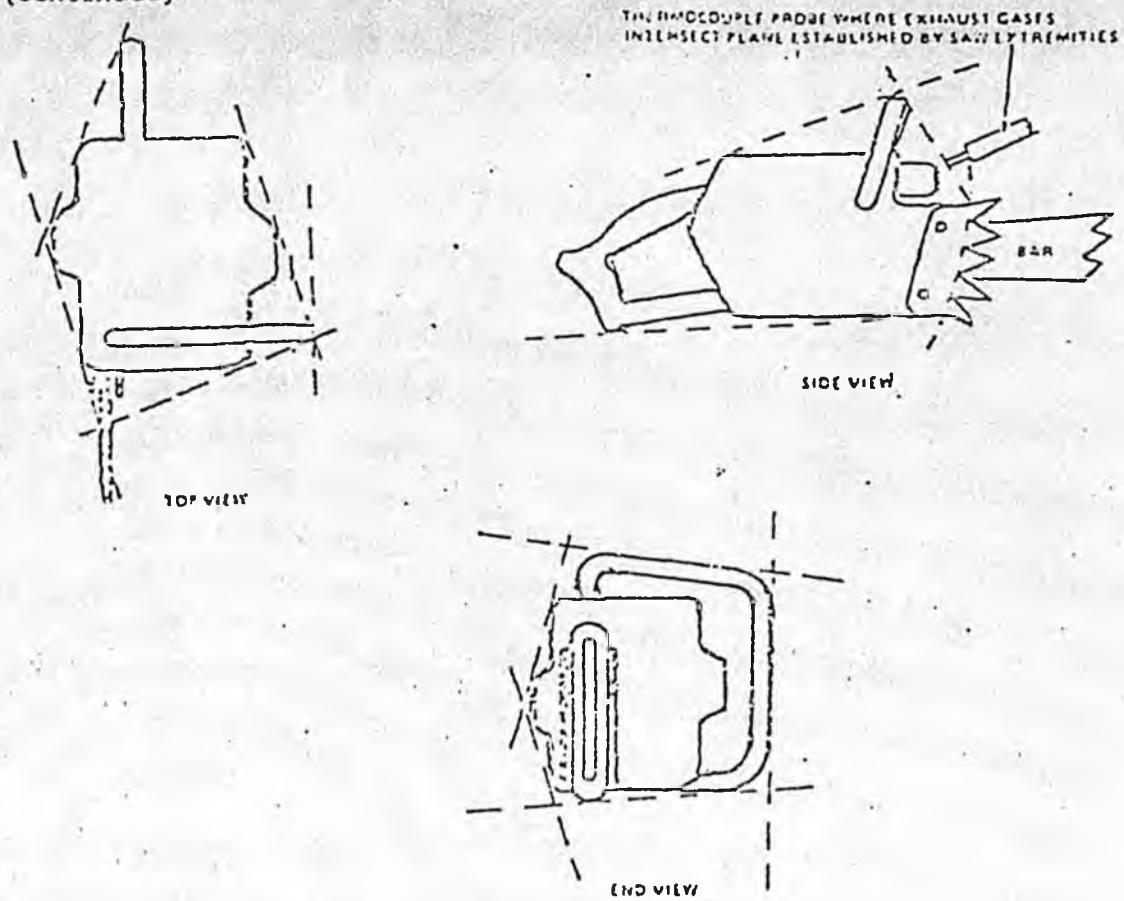


Fig. 2. Determination of locations for measuring exhaust system surface and exhaust gas discharge temperatures.

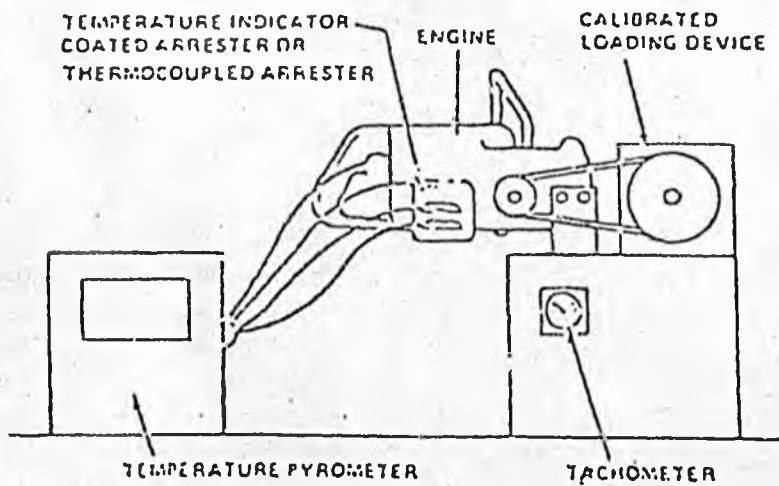


Fig. 3. Test apparatus for exhaust system surface temperature and exhaust gas discharge temperature measurement.

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EXHIBIT A (continued)

4.3 Test Method

4.3.1 Install the power unit on the loading device as shown in Fig. 3. The engine shall be in the "as new" condition.

4.3.2 Weld or embed thermocouples, or other temperature indicators in locations as determined by 4.1. Where a large contact area exists a touch pyrometer must be used to locate the hottest surfaces for exact positioning of the thermocouples.

4.3.3 Operate the engine at wide open throttle full load. The ambient temperature during test runs shall be 68 ± 5 F (20 ± 3 C). Adjust the load and set the carburetor, if adjustable, for maximum power output at rated speed. Test runs shall be made at rated speed and at two additional speeds 1000 rpm above and below rated speed. For a chain saw rated at 7000 rpm, adjust for maximum power at this speed and make additional runs at 6000 and 8000 rpm. Allow all runs to become heat stabilized before recording temperatures. The engine must be tuned to factory specifications prior to test. Use the manufacturer's recommended fuel mixtures.

5. Exhaust Gas Temperature Test

5.1 Exhaust Gas Test Defined. Exhaust gas temperature will be measured at the point where the hottest gases intersect a plane surface established by the exhaust pipes of the power unit. In the case of a chain saw, the plane surfaces will be established as outlined in 4.1 and Fig. 2.

5.2 Apparatus. Use a loading device as shown in Fig. 3 and a shielded thermocouple to measure exhaust gas temperature.

5.3 Test Method. Load the engine as described in 4.3.3. During each run move the shielded thermocouple along the plane surface or surfaces defined by 5.1. When the maximum temperature is reached, record the measurement.

Appendix

The following recommended exhaust system performance levels are based on the ignition characteristics of heavy vegetable fuels common to the Pacific Northwest region. Maximum allowable surface and exhaust gas temperatures were determined from time vs ignition temperature studies by the U. S. Forest Service.¹ Exhaust system design and durability criteria are based on field experience with chain saws.

Recommended Performance Levels

1. Carbon Particle Retention or Destruction. The spark arrester used with the engine exhaust system shall be designed to retain or destroy 90% or more of the carbon particles having a major diameter greater than 0.023 in (0.584 mm), as determined when tested in accordance with 3.
2. Exposed Surface Temperature. The exhaust system shall be designed so that the exposed surface temperature shall not exceed 550 F (288 C) as determined when tested in accordance with 4.
3. Exhaust Gas Temperature. The exhaust system shall be designed so that the exhaust gas temperature shall not exceed 475 F (246 C) as determined when tested in accordance with 5.
4. Debris Accumulation. The exhaust system shall be designed in such a manner that there are no pockets or corners where flammable material might accumulate. Pockets are permissible only if it can be substantiated by suitable test that material can be prevented from accumulating in the pockets.
5. Durability. The exhaust system must be constructed of durable material and so designed that it will, with normal use and maintenance, provide a reasonable service life. Parts designed for easy replacement as a part of routine maintenance shall have a service life of not less than 50 h. Cleaning of parts shall not be required more frequently than once for each 8 h. of operation.
6. Serviceability. The spark arrester shall be so designed that it may be readily inspected and cleaned.

1 D. S. Stocksted, Research Note INT 194, "Spontaneous and Piloted Ignition Of Pine Needles", USDA Forest Service, Northern Forest Fire Laboratory, 1975.

D. S. Stocksted, Prepublication Research Note, "Spontaneous and Piloted Ignition Of Cheatgrass", USDA Forest Service, Northern Forest Fire Laboratory, 1976.

G. C. Kaminski, "Ignition Time Vs. Temperature For Selected Forest Fuels", Project Record, USDA Forest Service, San Dimas Equipment Development Center, 1974.

From the Desk of
SENATOR DON BENNETT

Lucille Conners

486-3905

Hand trolling

30 yrs.

See

Oral

put her on list for
notification of hearing

From the Desk of
SENATOR DON BENNETT

Contact Freeman
with copy of this
letter + find out
if he would like
to hold hearing
re: hand trolling reqs.

should give Mr. Herd
30 days notice

Paul C. Herd
Point Baker Hand Trollers Assn.
Point Baker, Ak.
99927

December 16, 1979

Sen. Don Bennett
Chairman, Adm. Reg. Rev. Comm.
Pouch V
Juneau, Ak.
99811

Dear Sir:

I would like to request the right to appear before the committee on hand trolling regulations.

Please give as much advance notice as possible, as our mail is slow at best and travel arrangements must be made well in advance.

Sincerely,



Paul C. Herd

cc Rob Kocsis

*Call Oral
when meeting. T. M. Herd
30 days notice*

MILLER FALLS
ERASE

Shirley Reynolds
Bcx 961
Seward, Alaska 99664

December 11, 1979

Senator Don Bennett, Chairman
Administrative Regulation Review Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Bennett:

I was under the impression that we had a "primary manufacture" law to protect the saw mills in Alaska. Evidently I was wrong.

At one time there was a very ineffective AAC (copy attached) which addressed this, but even that has been repealed.

I realize the "State" receives a higher price on the timber sales when they allow the logs to be exported in the round, but I don't feel it is in the best interest of the "people of the State" to permit this.

Our local mill is in financial trouble due to the Icy Bay logs being exported in the round. They will soon have no logs to process at the Seward mill and therefore our unemployment rate will again go up. What's to prevent this from happening all over Alaska?

I have taken the liberty of re-writing the old AAC which was once in the books, as an example of what I feel we actually need. In the usual bureaucratic manner, the old one rambled on--- and on--and on, until it was weakened to the point that it said, "The Director may do as he pleases."

By simply deleting most of the paragraphs and writing "shall", rather than "may", it would be a law with meaning.

I feel immediate steps must be taken to rectify this abuse of Alaskan resources. Please take appropriate measures in the next session to enact a meaningful "primary manufacture" law. Thank you.

Sincerely,

Shirley Reynolds

cc: Senators
Freeman, Parr, Bierne, Dankworth & Holman

11 AAC 71.210. PRIMARY MANUFACTURE. (a) The director ^{shall} ~~may~~ require that primary manufacture of logs, bolts, or similar forest products take place within the state. ~~If a public hearing is held on the sale under AS 38.05.305 or other statutes, the hearing agenda will include whether to require primary manufacture within the state. The director will decide on a case-by-case basis whether to impose or waive the primary manufacture requirement, based on the following guidelines.~~

(1) Sales of 50 MBM or less will not be subject to a primary manufacturing requirement. These sales are intended to serve a local need and are not designed to support commercial operations.

~~(2) Primary manufacture will be required when necessary to assure a continuing supply of timber for an existing industry or for the establishment of a new industry.~~

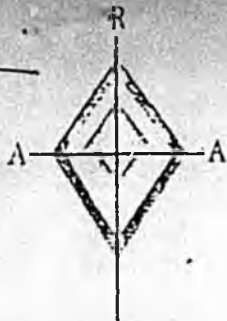
~~(3) In other cases, the director's decision must include a consideration of whether imposing or waiving the primary manufacture requirement would:~~

~~(A) permit a more complete utilization of wood fiber;~~

~~(B) prevent loss or deterioration, because of damage by fire, wind, or insects, of logs that are not marketable locally;~~

~~(C) provide forest products necessary to meet urgent and unusual needs of state residents;~~

~~(D) increase employment within the state; and~~



RESOURCE ASSOCIATES OF ALASKA, INC.

3230 AIRPORT WAY, FAIRBANKS, ALASKA 99701
TELEPHONE (907) 479-6231 / 6097
TELEX: 090 35402

Mr. Ted Smith, Director
Department of Natural Resources
State of Alaska
323 E. 4th Avenue
Anchorage, Alaska 99501

January 22, 1980

Dear Mr. Smith:

I have just obtained a copy of your Department's "Notice of Proposed Changes in the Regulations of the Department of Natural Resources." I have not had time to sit down and evaluate each change, nor have I had at my disposal the State Statutes or Administrative Code. However, since written comments have to be in your office by the 25th of January, I would like to state for the record that I am opposed to any such changes at this time.

You say that these changes promise to be more efficient both to administer and to obtain. That statement is pretty hard to swallow, as I have yet to see any changes by the state or federal government to regulations that made things simpler or easier to administer.

I also note in a quick overview of the proposed changes, that when a use permit is issued, the director may revoke it at any time he "deems" necessary for no reason at all. With authorities like that, no one will ever know where they stand with the state. In a recent article of Alaska Construction & Oil, Governor Hammond stated quote, "The challenge for Alaska is to create an economic climate that will attract resource development." Now, with powers such as these proposed changes are suggesting, no company in its right mind would want to spend millions of dollars in exploration never knowing when the use permit would be jerked away from them. If these proposed regulations are adopted I would suggest that revoking a use permit could only be done for cause, not because the director or his subordinate doesn't like the company or individual that has ruffled a few feathers in the Department; with regulations as suggested, this could very well happen. These proposed changes will not assist in what the Governor's wishes are for resource development, but instead create a much harder working environment for industry.

Mr. Smith, if you will think back a couple of years, you will remember the State had real problems with commercial lease land regulations. The Governor saw fit at that time to form a commission, (which both you and I served on, along with many others), to look into those leasing problems. It took that commission months of meetings, and many of those meetings with the public, before it made its recommendation on regulation changes to the Governor. In that particular case we were dealing with a few effected sectors of the public. The proposed changes you are now requesting, effect all of the people, businesses, and industries in and out of the state. I feel this warrants a similar

Commission to that which was formed for the state leasing problem. I'm sure it will not set things back too much with your department if such a commission was formed to make recommendations on your proposed changes. It may take many more meetings, and much more input by a wide sector of the public, but the land, and the Department of Natural Resources will still be around when such recommendations are made, in other words, I see no real rush on these changes, because of the importance of them.

I request you stop the proceedings on this issue. The way these proposed changes are now being handled, gives me the feeling that they're being rammed down our throats. Remember you promise to make these changes more efficient both to administer and to obtain. Well, let's all work together to get that done so that we all understand and agree to them.

The way things are going on the D-2 issue in Congress, the public is very wary of any more changes that may effect their rights to public lands.

Sincerely,



Carl H. Marrs

CHM: ssh

cc: Governor Jay Hammond
Commissioner Robert Leresche



Alaska State Legislature

ADMINISTRATIVE REGULATION REVIEW COMMITTEE

SENATE

Don Bennett, Chairman
M. "Ed" Dankworth
George Hohman

HOUSE OF REPRESENTATIVES

Oral E. Freeman, Vice-Chairman
M.F. "Mike" Beirne
Charlie Parr

Pouch V
State Capitol
Juneau, Alaska 99811

PLEASE NOTE ENCLOSED MATERIAL REGARDING LOT SEWAGE
DISPOSAL FOR TOMORROW EVENING'S ARRC MEETING, 7:00,
SENATE FINANCE ROOM.

Carla

Feb 16

Sandy Copy this and send Copy to Senator Bennett

Sewage regs may haunt state land sale program

By SUSAN FISHER
News-Miner Bureau

JUNEAU—A tiff in Ketchikan set it off, but other areas may face similar showdowns over sewage disposal standards under the state's land sale program.

The News-Miner learned Friday that of 50 state land parcels offered for sale to the public, only 30 were approved for on-site sewage disposal and water use.

The remaining 20 probably will carry "conditional approval," including some restrictions on the platting regarding waste disposal and water use.

Conditional approval is spelled out on the land plat, and varies depending on the intended land use. What it can mean for those wanting to build homes on conditionally approved sites is difficulty in getting bank financing if they don't abide by Department of Environmental Conservation regulations.

A land sale in Ketchikan caught the state's attention after the Legislature did not approve supplemental funding for DEC.

Earlier this week Commissioner Ernie Mueller announced he will lay off 125 DEC workers March 1 if the Legislature does not appropriate the money.

Rep. Oral Freeman, D-Ketchikan, who has been battling DEC over the sewage regulations, sees the confrontation as another administrative attempt to thwart the intent of the land sale program.

Legislators last year passed House Bill 66, ordering the state to offer the public 100,000 acres of land each year.

Doug Lowery, DEC regional en-

vironmental supervisor in Fairbanks, said a number of the state lands offered for sale in the Interior are among the conditionally approved parcels, either because of permafrost or high water tables.

The land offered for sale in Ketchikan has a muskeg soil, with a clay layer and bedrock beneath it. DEC has refused to allow on-site waste disposal, based on a soil consultant's report.

Lowery said soil studies are made after the Department of Natural Resource's Division of Lands selects the parcels to be offered for sale. The consulting work is done by hired, private firms.

DEC Deputy Commissioner Deming Cowles said improper sewage disposal can not only contaminate water supplies, but lead to several diseases, such as hepatitis and dysentery.

Consultants found an already high human waste count in Ketchikan water, Cowles said.

The public health and the ability of soils to absorb waste are among factors DEC looks at in deciding if on-site sewage disposal will be permitted, Cowles indicated.

DEC also has said no to using compost toilets on the Ketchikan lots that will be offered for sale.

What the department is pushing for is installation of a closed sewage disposal system, such as a vault privy system or a collector system with small individual package plants.

But Freeman, who supports an approach more like the old homesteading program, doesn't buy the department's arguments.

With 130 inches of rainfall each year, Ketchikan residents for years have been collecting their water off roofs, Freemansays.

And the \$2 million or more road and sewage installation the state wants to impose on the land for sale would mean an individual assessment upward of \$13,000 on each half-acre lot, Freeman said.

But he is finding himself at odds with some Ketchikan municipal officials, who are willing to go along with the improvements.

Cowles says that if the Ketchikan borough declares the land a service district, it may become eligible for state sewer and road improvement money.

The state plans to subdivide the Ketchikan land into half-acre lots, Freeman, believing larger lot sizes might make a difference, got the Division of Lands to agree that it could be offered in three- and five-acre lots.

But lot size made no difference regarding the DEC regulations.

Cowles said the plat restrictions could make it difficult for individuals to get financing, but "banks don't like to finance lots with no improvements" anyway.

The Ketchikan matter is resolvable, Cowles said, and DNR, Division of Lands, and DEC officials have been conferring with legislators this past week.

"We're talking about coming up with a couple of different types of systems," Cowles said.

Resolution backs airport switch

Municipal government leaders from Anchorage and Fairbanks agreed Friday to press the state to work on greater local control of airports in the two cities.

The plan came in a resolution passed in the joint meeting of the Anchorage municipal assembly and the Fairbanks City Council and Borough Assembly in Anchorage.

The resolution asks for joint efforts of the local governments and the state Department of Transportation to "begin to develop local management options . . . for the acquisition, management and/or ownership of the international airports."

Anchorage leaders have announced they want to take over the Anchorage International Airport, but

for both airports to ensure a taxation burden will not be levied on the citizens of either community."

The resolution urged the transfers be made by July 1, 1981, and that transfer of airport management or ownership take place only upon the joint agreement of all local governments.

Another resolution adopted in the meeting supported a bill in the Legislature, SB 385, for building an electric power line between Fairbanks and Anchorage. The group also went on record in support of SB 294 and SB 295, which provide for construction of the Susitna River hydroelectric project by the Alaska Power Authority.

Two resolutions

February 7, 1980

QUESTION: How many acres and how many lots in proposed "Mud Bay" land disposal proposed in Ketchikan?

Ron Schonenbath, Div. of Land (465-2433)

117 Lots

265.7 acres to dispose of but 197.4 acres are right-of-ways and greenbelt areas. Actual acres 68.3

$$\begin{array}{r} 117 \overline{) 683} \\ \underline{555} \\ 98 \end{array}$$

$\frac{1}{2}$ acre per lot

$$3 \text{ acres per lot} \times 75 = 225 \text{ acres}$$

JAN 14 1980

JAY S. HAMMOND, Governor

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF FOREST, LAND AND WATER MANAGEMENT

POUCH M
JUNEAU, ALASKA 99811

January 11, 1980

The Honorable Carroll G. Fader
Borough Mayor
Ketchikan Gateway Borough
344 Front Street
Ketchikan, Alaska 99901

Dear Mayor Fader,

This acknowledges receipt of your letter of January 8 in regards to the proposed classification and disposals of 265.7 acres of land within U.S.S. 3769 six miles northwest of Ketchikan, emphasis on the proposed homesite parcels.

I will not undertake to respond to the main thrust of your letter at this time since further discussions are indicated.

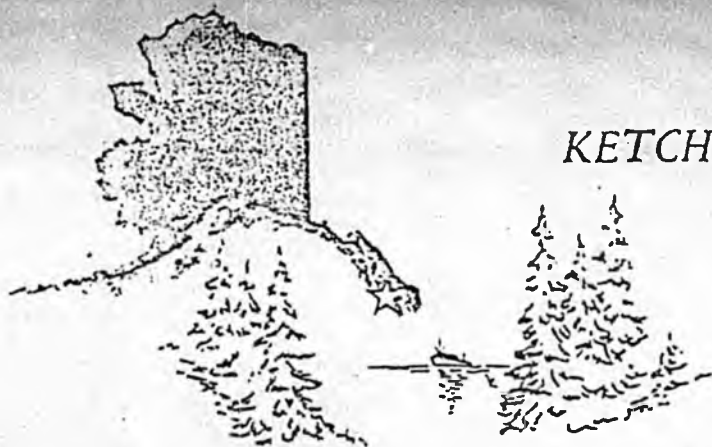
Thank you for the generous offer of assistance and that of the planning department. I am hopeful and confident a way can be found to satisfy both our statutory burden and Borough needs.

Sincerely yours,

THEODORE G. SMITH, Director

By:

Henry Lee Hall
District Manager
Southeastern Lands District



KETCHIKAN GATEWAY BOROUGH

344 FRONT STREET
KETCHIKAN, ALASKA 99901

ALASKA DIV. OF LANDS

January 8, 1980

JAN 10 1980

RECEIVED

Henry Lee Hall, Manager
Southeastern Lands District
Division of Forest, Land and Water Management
Alaska Department of Natural Resources
Pouch M
Juneau, Alaska 99811

Attention: Ron Shonenbach, Land Management Officer

Dear Mr. Hall:

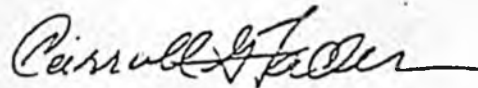
This acknowledges receipt of your letter of December 3, 1979 notifying Ketchikan Gateway Borough of the Division's intent to classify and dispose of 265.7 acres of land within USS 3769, 6 miles northwest of Ketchikan. I understand that the Division has filed a preliminary subdivision plat for Platting Board review, but has not petitioned the Borough for a rezone of the Mud Bay area. USS 3769 is currently zoned Future Development (FD) and must be rezoned to a residential category prior to development.

As discussed in previous correspondence and conversations between Borough and Division staff, we are concerned about the consequences of selling 134 parcels in the upper Mud Bay area without road and sewer improvements. The Mud Bay subdivision is not accessed by an existing road and, due to poor soil cover, is not approved by Alaska Department of Environmental Conservation for on-lot sewage disposal. Yet, as your letter states, 20 percent of the parcels are to be released under the homesite program. Hence, 27 candidates for parcels in the Mud Bay subdivision must construct dwellings in just over two years and occupy them for 35 months within the first five years to receive marketable title to their lots. Securing financing to construct a house without marketable title to the land is likely to be problematic for the homesite participant; organizing other land recipients, most of whom will not be bound by homesite deadlines, to construct and maintain costly roads and sewers may prove impossible. Due to these concerns, the Borough Assembly is recommending to the Planning and Zoning Commission (Platting Board) that the Mud Bay subdivision plat not be approved.



The plat review and rezone hearings will provide a forum for the community to discuss the proposed disposal in greater depth. Please do not hesitate to call on me or the planning department if we may assist you in preparing and submitting your rezone application.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carroll G. Fader".

Carroll G. Fader
Borough Mayor

KC:wr

cc: Planning and Zoning Commission
Russell W. Walker, Municipal Attorney



KETCHIKAN GATEWAY BOROUGH

344 FRONT STREET
KETCHIKAN, ALASKA 99901

February 6, 1980

The Honorable Oral Freeman
State of Alaska
Pouch V
Juneau, Alaska 99811

Dear Representative Freeman:

The large lot vs. small lot issue revolving around the Mud Bight disposal is becoming increasingly confused. I'll start from the beginning to explain why this department is recommending to the Borough Planning Commission that the subdivision layout design of 116 lots ranging in size from one-half acre to 30,000 square feet (attachment 1) be approved.

In fall of 1978 the state was pursuing development of three large subdivisions in the Ketchikan area - Mud Bight, South Saxman and Mountain Point. The consulting engineers, Charles Pool and Associates and Tryck, Nyman and Hayes, informed the Borough Land Committee and planning department staff that the soils comprising the Mud Bight and South Saxman subdivisions were not capable of absorbing sewage disposed on-site using conventional, affordable treatment systems. Because of the Land Committee's concern that this problem would hinder not only state land disposals but also future borough disposals, planning staff urged DEC to begin working with the engineers, DNR and the Land Committee to find a means of addressing sewage disposal in areas around Ketchikan that do not have on-site absorption capabilities.

Attachment 2 includes reports prepared for and summarizing the workshop that followed which the Land Committee, the Planning Commission, the two engineering firms, DEC, DNR and the planning department attended. The engineers presented their findings and, as the memo from the Division of Lands states, they concluded that "the soils in all three areas have very limited capability to handle on site disposal of waste water." At that time it appeared that a central sewage collection and disposal system would be required to meet DEC and EPA standards. After many discussions between DEC and Borough representatives, DEC has approved use of a central collection system connecting individual treatment plants (attachment 3).

Representative Freeman

February 6, 1980

Page 2

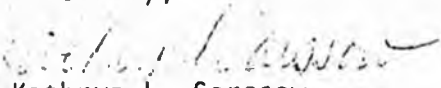
The Southeast District Lands Office notified the Borough Manager in August of 1979 (attachment 4) that, of the three proposed subdivisions, the Division was preparing Mud Bight for disposal in FY 80. As the letter states, even with lot sizes ranging from 3 to 5 acres, the plat would be filed with a notification "to the effect that the subdivision is not approved by DEC for on-site disposal unless a closed system is used."

When Pool and Associates presented three alternative subdivision layouts for Mud Bight the planning department was given a day to comment before the Division selected the layout. Staff, working with a member of the Planning Commission, sent a letter endorsing the clustered lot concept (attachment 5). The commission members have since reviewed and concurred with the department's recommendation. This design will minimize the short and long term costs of constructing and maintaining both roads and a common sewage collection system by: (1) maximizing the number of property owners to be served per road and sewer line, (2) minimizing the land area to be covered by improvements, and (3) taking advantage of the terrain to minimize costs of installing roads and a gravity flow sewage collector line. The cluster design allows for sparsely populated settlement by concentrating lots on lands suited for residential use while leaving steep, wet and muskeg soils as open space.

Based on the information we received, larger 3 to 5 acre lots would not result in DEC approval. However, a large lot subdivision would increase the costs to be borne by land owners for road and sewer line construction and maintenance. As you can see from the attached subdivision layout, if land area were a solution to the waste disposal problem, the large area of open land surrounding the half acre to 30,000 square foot lots would fulfill this requirement in the same manner as large lots - but larger lots will result in higher improvement costs.

I hope this and the attached materials explain to your satisfaction why the planning department is recommending that the Planning Commission endorse the present Mud Bight subdivision layout. If not, or if I can provide further information, please do not hesitate to call.

Sincerely,


Kathryn L. Carssow
Planning Director

KC:wr
Attachments

cc: Mayor and Borough Assembly
Planning Commission
Theodore G. Smith, Director, Division of Forest, Land and Water Management
Henry Lee Hall, Manager, Southeast Land District
Randolf Bayless, Regional Environmental Supervisor

**NYMAN
& HAYES**

ENGINEERS / PLANNERS / SURVEYORS

Job No. 7601

September 7, 1978

Mr. Claud M. Hoffman
Chief, Cadastral Engineer
Division of Lands
Department of Natural Resources
323 East 4th Avenue
Anchorage, Alaska 99501

FILE

Re: A.D.L. Subdivision, Mud Bay, Alaska

Dear Claud:

This letter is to inform you that we are holding back from doing any work on a preliminary layout for Mud Bay subdivision, per your verbal request on Thursday, August 31.

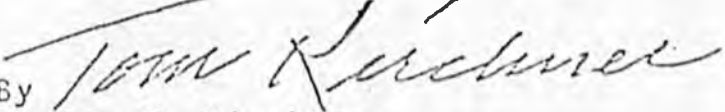
Currently we are finishing the paper work from the field data collected in Phase I: topo map; plots for penetration tests, test pits, and percolation tests. Upon completion of our office work we will bring a stop to all work other than correspondence.

Last Friday I had a meeting with Mark Bergar of the Department of Environmental Conservation. His opinion at that time was that we do not have adequate ground cover above bedrock for on-site sewage treatment. This will eliminate a subdivision designed for year-round living, although he did say that it could possibly be satisfactory for recreational use; summer homes using a Forest Service type outhouse. The Department of Environmental Conservation should be giving us a formal reply this week.

Enclosed is a map of our penetration test, test pits and percolation tests along with logs of the test pits and results of the perc tests. We are waiting for further instruction from your office.

Sincerely,

TRYCK, NYMAN & HAYES
Southeast Alaska Branch

By 
Tom M. Kirchner

TMK:lb

Enclosure

September 7, 1978

Job 7601.0

SITE REPORT
A.D.L. SUBDIVISION
MUD BAY, ALASKA
U.S.S. 3769

U.S. Survey 3769 has three general regions. The east one-third is comprised of a large hill covered with tall spruce, hemlock and cedar. The soil generally consists of one to two feet of organic and silty organic soils.

A second area that includes the north one-fourth and west one-third has a dense growth of tall spruce, hemlock and cedar. The ground is arrayed with many small gullies and streams. Through the center and west one-third of the U.S. Survey, there are several deep stream valleys, with one sinking to forty-five or fifty feet deep. Soils consist of one to two feet of organic and silty organic soil. Towards the center of the U.S. Survey there is considerable water that flows through the organic soil layers.

The center area of the U.S.S. is mostly comprised of muskeg with scattered shore pine. There are some small knolls throughout. Surface water drains either towards the collection of streams that drain into Mud Bay or toward the southeast. There are very few streams on the southeast side. Soil, for the most part, is comprised of organic and silty-organic soils that average two to five feet deep.

Bedrock for the site consists of shale with a layer of silty-sand and broken shale fragments over its surface.

MEMORANDUM


DIVISION OF FOREST, LAND & WATER MANAGEMENT

TO: Andrew W. Pekovich
District Lands Officer

DATE October 26, 1978

FILE NO 1430, 2300

TELEPHONE NO

FROM: Vic Lorn 
Land Disposal Officer

SUBJECT Land Disposals - Ketchikan

On October 10, 1978, a meeting was held in Ketchikan, at the request of the Alaska Department of Environmental Conservation, to discuss site characteristics and limitations on three subdivisions proposed by the Division of Forest, Land and Water Management. These subdivisions are at Mud Bay, Sarman and Mountain Point and have had preliminary survey and soils work done under engineering service contracts.

The meeting was well attended by our engineering consultants, representatives from the Ketchikan Gateway Borough, and Alaska Department of Environmental Conservation. A complete list is attached. Ron Thiel, project engineer; Ed Yarmak, soils; George Marks, surveyor, and I represented the Division of Forest, Land & Water Management.

Ron Thiel gave a general overview of the three projects and their present status. Bruce Hoffman and Ron Flinn spoke on DEC standards and procedures. The DEC must approve any subdivision of five or more lots. Their primary concern, in this instance, is with waste water disposal.

* The discussions by Mr. Frank Nyman, of Trych Nyman and Hayes, on the Mud Bay project and Mr. Dave Benson, of Charles Pool and Associates, on Sarman and Mountain Point indicated soils on all three areas have very limited capability to handle on site disposal of waste water. The project areas are characterized by organic soils overlaying bedrock. The information available at this time indicates that in order to produce a quality subdivision and meet DEC standards it will be necessary to provide for central sewer collection and disposal. This requirement plus the cost of providing adequate road access will require a very sizeable capital investment prior to offering these subdivisions to the public.

We stated that our intent on any subdivision offering was to provide a quality product that met all Borough and DEC standards. Ron Thiel advised that we would continue evaluation thru our consultants and present a budget request, with back up data, for the necessary capital investment funding to enable development of all three projects.

The Borough advised that they would be taking an additional look at the projects and would keep us advised of their concerns and recommendations.

On the whole, the meeting was on a positive note and served to let the Borough and DEC know where we are with these proposals and what follow up will be necessary.

cc: Ron Thiel
Bruce Hoffman
Mud Pt File

Kathy Carsow
Sarman File
Mud Bay File

Claud Hoffman
Dick LaFolore

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

SOUTHEAST REGIONAL OFFICE

JAY S. HAMMOND, GOVERNOR

POUCH 0 - JUNEAU 5511

January 23, 1980

Kathy Carssow
 Planning Director
 Ketchikan Gateway Borough
 344 Front Street
 Ketchikan, Alaska 99901

Dear Ms. Carssow:

Re: Mud Bight Subdivision

After our September 27th discussion in your office, we followed up your suggestion that a central collector sewer could be the solution to an otherwise sticky problem. Both D.N.R. and our municipal grants people agree that this is feasible, and your proposed lot layout is well designed for this type of service.

Soil conditions in the proposed subdivision are so bad that on-lot sewage disposal would simply not work and there's no way that we could legally approve on-lot sewage disposal. The alternative of central collection sewer receiving treated sewage from individual or clusters of dwellings served by their own small treatment plants has several advantages--

- lower initial sewer costs with pay-as-you-develop treatment costs, eliminating an over-sized and costly central community treatment plant receiving less than "design flow" for who knows how long
- infiltration of ground water into sewers causes no pumping expense or treatment difficulties associated with dilute sewage
- treatment costs are borne directly by the individual treater(s)

The only hitch is that an entity capable of receiving municipal grant funds and responsible for operation must administer the construction and maintenance of that central collector sewer.

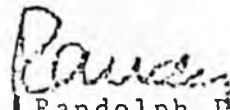
The Department presently has grant funding available to incorporated municipalities to fund 50% of the non-federal cost of water and sewerage system construction. Communities accepting funding must agree to assume responsibility for on-going operation and maintenance of the facilities constructed. Projects funded under this program include water treatment and distribution, and sewage collection. Sufficient funds presently exist to fund projects on an as requested basis.

The Department also administers grant funds allocated by EPA to the State for construction of sewage treatment facilities. These funds can cover 75% of eligible project costs (85% if the project employs innovative or alternative technology). State funds can also be used to supply half the non-federal share for such projects. Thus 87.5% of the project costs are funded by State/Federal Grants, as is the case with the facilities currently being constructed by the City of Ketchikan.

Further grant information and application procedures can be obtained by calling Bob Martin of the Department's Facility Construction and Operations office at 465-2611.

In order to relieve the apparent demand for building sites in Ketchikan, this alternative seems to be the best solution for this particular development proposal. I hope that we will be able to assist you in the development of services to the potential home owners in the area.

Sincerely,



Randolph Payliss
Regional Environmental Supervisor

cc: Henry Lee Hall
Ron Shonenbach
Bob Martin
C. Deming Cowles

DIVISION OF FOREST, LAND AND WATER MANAGEMENT

July 5, 1979

Re: 2300 Land Disposal

Ms. Judi Slajer
Borough Manager
Ketchikan Gateway Borough
344 Front Street
Ketchikan, Alaska 99901

Dear Ms. Slajer:

This is to advise you that the Division of Forest, Land, and Water Management is planning to make a State land disposal within the Ketchikan Gateway Borough during fiscal year 1980.

Last year, as you know, we did preliminary work on three possible subdivisions within the Borough. These were at Mud Bay, Saxman and Mountain Point. At this time we plan to follow through with a plat for Mud Bay. Since Mountain Point and Saxman are still pending T. A. we do not plan to offer them during fiscal year 1980.

Lot sizes for Mud Bay will be in the 3-5 acre range. We anticipate filing the plat with a notation to the effect that the subdivision is not approved by DEC for on site sewage disposal unless a closed system is used.

The Mud Bay project would be approximately 265 acres in lot 2, USS 3769. Please advise the Southeast District if you have any comments regarding this project.

Sincerely,

Henry Lee Hall, Manager
Southeastern Land District

by: *Andy Pekovich*
Andy Pekovich
District Lands Officer

cc: Kathy Carssow





KETCHIKAN GATEWAY BOROUGH

344 FRONT STREET
KETCHIKAN, ALASKA 99901*Engineers' report attached
please note last page.*

October 22, 1979

Claud M. Hoffman, Director
Division of Technical Services
Alaska Department of Natural Resources
703 W. Northern Lights Blvd.
Anchorage, Alaska 99503

Dear Mr. Hoffman:

I regret that Ketchikan Gateway Borough will not be represented at the upcoming meeting of the Disposal Review Committee scheduled for this Thursday, October 26. Today we received copies of the three alternative conceptual plans developed by Charles Pool and Associates, Inc. for the state subdivision at Mud Bay. I wish to commend Pool and Associates on the quality of the conceptual design presentation and to express my appreciation to their staff for keeping us informed on their progress.

The Planning Department endorses the conceptual subdivision design labeled Alternative 2 showing clustered lots which vary in size from one-half acre to 30,000 square feet. Alternative 2 incorporates three important subdivision and land disposal objectives. First, this design concept minimizes the cost of road, sewer, and water service to be borne by the land recipient. This is achieved by: (1) maximizing the number of property owners to be served per facility extension; (2) minimizing the land area to be covered by improvements; and (3) taking advantage of the natural terrain in locating roads and gravity flow sewage collectors. Second, the cluster design allows for a rural, sparsely populated settlement pattern by concentrating development on lands most suited for residential use while leaving unsuitable steep, wet, and muskeg soils as well as streamways as open space. And lastly, Alternative 2 allows for a controlled level of resubdivision to occur in the future in an orderly and cost effective manner.

In contrast, Alternatives 1 and 3 compound development costs for the land recipient and encourage extensive, haphazard resubdivision. Use of either of these two designs is likely to result in the need for numerous short, deadend roads, sewer, and water extensions to accommodate resubdivided lots. These not only will be costly to construct but also to operate and maintain.

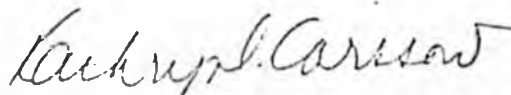
Claud M. Hoffman
October 23, 1979
Page two

Although we realize that Alternative 2 requires further refinement, the concepts underlying this preliminary design are sound. Prior to work beginning on the final subdivision design, we would like to confer with either your staff or Pool and Associates on specific concerns we have relating to lot layout and road access along with recommendations the Planning and Zoning Commission may have.

Due to time constraints, the Commission did not have an opportunity to review this material. We will include consideration of the three subdivision design alternatives on the agenda for the Commission's next meeting scheduled for October 30. I would appreciate your advising me of any further developments occurring between now and then.

Thank you for affording us this opportunity to comment on the conceptual design alternatives for the Mud Bay subdivision. Please feel free to include me in a conference call this Thursday if you or members of the committee wish further explanation of the department's comments. We look forward to a continued cooperative working relationship with your staff and Pool and Associates in finalizing plans for the Mud Bay subdivision.

Respectfully,



Kathryn L. Carssow
Planning Director

cc: Planning & Zoning Commission
Charles Pool & Associates, Inc.

KLC:lw

CHARLES POGG & ASSOCIATES, INC.
CONSULTING ENGINEERS & SURVEYORS
1225 Tongass Avenue
Ketchikan, Alaska 99901



October 22, 1979

(907) 225-6626

Mr. Claude Hoffman
Acting Director
Division of Technical Services
Department of Natural Resources
State of Alaska
703 West Northern Lights Blvd.
Anchorage, Alaska 99503

RE: Mud Bay GSC 189

Dear Mr. Hoffman:

Enclosed are six (6) copies of each of the three (3) Master Plan Alternatives. These alternatives are purely conceptual, and are intended only to give a general overview of the relationship between the various elements of the proposed subdivision.


The road system, as depicted on these alternatives, is based on field investigation by our road location engineer. This was necessary due to apparent discrepancies between the property boundaries and contour lines, and the lack of drainage information on the aerial survey plat compiled by Tryck, Nyman and Hayes.

Alternative 1 assumes a low density large lot approach, with the 38 created lots being between 2 1/2 and 5 acres. This approach places the maximum acreage in private ownership, and has the least extensive road system requiring only about 2 1/2 miles. However, it makes little provision for green belts, and is subject to multiple resubdivisions. Due to the topography and drainage patterns, it was necessary to form some odd shaped lots.

Alternative 2 is a high density approach creating 134 lots. The lots in this alternative range between 1/2 and 2/3 of an acre, and require a 3-mile road system to connect them. The intent in this approach is to cluster the development thereby maximizing the green belts and general public use areas. This configuration is more conducive to the future development of centralized sewer and water systems.

Mr. Claude Hoffman
Oct. 22, 1979
Page 2

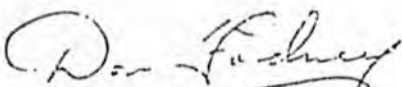
Alternative 3 is a blend of 1 and 2 establishing 81 lots in the 1 to 3 acre range, and requiring a 2.1 mile long road system. Although some of these lots encompass areas which are not ideally suited for development, an attempt was made to place the majority of these areas into green belts.

 During our field investigation, no major slide areas were noted. We did, however, find most of the soils to be poorly drained and the water table to be high throughout the majority of the area. About two-thirds of the developable area drains into the Mud Bight Basin, and the remaining one-third drains into the Refuge Cove and South Sunset Drive area. D.E.C. has stated that this area is unsuitable for on-site disposal of sewage and waste water. The development of this area will, therefore, require the formulation of a Local Improvement District (L.I.D.). The only economically feasible way of accomplishing this task is to increase the density thereby bringing the cost of these improvements within reach. Alternative 2 is designed to facilitate this end, as it clusters the development, and the road system is laid out to maximize the use of gravity sewers where possible. We feel strong consideration should be given to this alternative.

If you have any questions or need additional information, please contact our office.

Very truly yours,

CHARLES POOL & ASSOCIATES, INC.


By: Donald P. Fordney

DPF:fr

Enc.

cc Ketchikan Gateway Borough