

**Shane Campbell**

Location:

Submitted At: 11:16pm 12-03-19

Comments on 2019-30. Many years ago the borough passed the PEU ( grandfather ) which I believe exempted Peu from any new borough regulations . Now it looks like you are trying to violate your own laws by this new propose law. It's the states right and duty to regulate the current reclamation law u are referring to, not the boroughs. It's also MSHA and osha right and duty to regulate back up alarms , not yours. . Not only are you trying to regulate something that's already regulated more than enough u don't have the authority to regulate. Now u want to impose penalties for a law that's not yours to enforce. Different governments have different duties and u are overstepping yours on multiple counts. Most of the people I have talked to about this agree with me to the point of agreeing to donate fighting this in the court system as far as necessary, Is passing illegal ( in many of ours opinions) laws so important that you are prepared to use taxpayer dollars to fight this in court ? Some of the people I have talked to asked me to have you look up consent of the governed . (What the constitution was founded on ) we do NOT consent to these proposed laws . U should use your time more wisely than trying to duplicate the states and federal laws already in place. U don't plow the states roads on borough money u let them plow their own. Same concept applies here. U don't have the authority to do this and we are prepared to fight this if passed . Try do do something besides over regulate small business for things they have not been found guilty of that I know of . Lots of accusations have been raised against gravel pits , but by state law we are innocent till proven guilty, and I know of no instances where any accusations have ever been proven ( for example water rules have to be made up by a certified engineer isn't that ( prejudiced) saying a few years of schooling beats years of actually doing the work and seeing what works and doesn't work first hand in the field? Some of us have been doing this longer than some of the current engineers have been alive hmm). So stop making laws like we are guilty from unproven accusations or complaints or whining of a few. Thanks

Shane Campbell

Anchor Point

**Emmitt Trimble**

Location:

Submitted At: 10:09pm 12-03-19

My family and I have been trying to secure a permit to extract gravel from a 27 acre site in a 50 acre property since April of 2018. Our application went before the Planning Commission with professional staff recommendation to approve the completed application, that met all conditions. After lengthy emotional testimony from appx 30 of the 200 surrounding neighbors notified, the permit was denied without any substantive discussion or substantial evidence to support the erroneous Findings of Fact proffered. We hired legal counsel and appealed that decision. The hearing officer, though biased in her remarks, remanded the application back to the same body that had denied it previously, where after many more months and dollars, the same application was approved by a large majority of the Planning Commission. This decision was appealed by the zealous opponents and the appeal was denied. A request for reconsideration has been submitted. After 20 months and 10's of thousands of dollars cost for us we still are in the cumbersome process, though the permit has been recorded.

I have no estimate of the costs to the Taxpayers for Borough legal and staff efforts to appease a small minority, but I do intend to request a formal audit from the Borough of those costs. Frivolous regulations and allowed abuse of process is not a good husbanding of Borough resources.

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In our case, as an example, the implementation of the increased buffer from Riparian Wetlands and 100 year flood plane from 100 feet to 200 feet, and the increase from 2 to 4 feet separation from the water table, with no evidence ever of any negative impact to an aquifer from simply digging in it, would deny access to appx \$890,000 of gravel within our 27 acre site.

The regulation of the sound emanating from, and the view of, a privately owned property makes no more sense than prohibiting Rap music and purple houses in an unzoned and unincorporated rural area of the Borough. The economic impact of the unnecessary implementation of additional regulations will have a demonstrable cost to taxpayers and negative political capital to those who support and approve them.

Emmitt Trimble

**Mary Trimble**

Location:

Submitted At: 9:45pm 12-03-19

2019-30 OPPOSITION

I have strong opposition to this proposed ordinance that will be financially detrimental to the gravel industry and all other related concerns (including the borough) which use the essential resource - the trickle down effect. The current ordinance is sufficient and through the permitting process reasonable requirements are put on the applicant. I see the job of the assembly to recognize that more restrictions on a valuable commodity can have high cost impacts. The task group and the planning commission did not take in to account the huge loss of revenue and resource in the proposal on the table to night. The assembly made a good call in 2006 to favor the gravel industry. Keep the current code and vote this unrealistic revised version down.

Thank you,  
Mary Trimble  
Anchor Point  
Beachcomber LLC

**Joseph Ross**

Location:

Submitted At: 8:56pm 12-02-19

I counted 21 gravel pits north of Kenai. They range in size from 2 acres up to 154 acres. If all these new regulations pass, there will be no more small pits opening up. Perhaps that is part of the plan. The largest pits out north are owned by Coalaska which is QAP. Try calling them for a few loads of gravel. They won't be interested. They are only here for the large road projects. 13 of the pits I checked on are PEU. 8 are Conditional Use permits. 16 of these pits are 40 acres or less. You won't see pits that size being developed with the new regulations. Too much (more than 50%) of the total surface area will be lost to buffers. Of the 5 that are over 40 acres, there are the 2 Coalaska pits of 154 and 106 acres. There is a pit of 44 acres on Miller Loop listed as Twin Rivers. Van Sky has a parcel at 132 acres also on Miller Loop. Johnson has 3 parcels that are joined together at 47, 27, and 19 acres. All of the existing pits I surveyed are either right on a highway, or perhaps a block or so off the main road. In the future, new pits will by necessity need to be located on very large parcels due to the loss of surface area to buffers. A 25 acre pit would only have about 15 acres left to use. A 16 acre pit will only have approximately 8 usable acres. A 9 acre pit such as I have would be reduced to 3 acres that could be mined. After sloping banks

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there would be nothing left to mine. These small pits will be gone, and yet they are where most of the gravel comes from for residential work and even for many Borough projects. I think the buffers should be based on a percentage on the size of the parcel.

Where will we find these large parcels to develop into gravel pits? They won't be next to the highway like the small pits of today are. To find an unsubdivided large parcel we will have to look off the existing developed road system. When the large parcel is developed, you will now have all that truck traffic traveling through subdivisions to reach the highway. The public is going to love that. Good move. Wait till you hear the complaints on that. Small pits seldom if EVER have a rock crusher. They may be brought in for a project and then leave again. In the 25 years I have operated my pit, I have had a crusher on location only TWICE. These small pits are dead quiet in the winter, and even in summer the neighbors usually don't even realize there is activity going on. Today's equipment is much quieter than the older stuff that was powered by 'screaming Jimmies.' Hours of operation are o.k. by me.

Leave safety issues like back up alarms to OSHA and MSHA. Back up alarms are there to save the lives of the people working around the equipment. The Borough needs to stay away from that issue. I think you should consider removing the regulations that are aimed at PEU pits. One is the requirement to have a reclamation plan on record with the borough and the state. These small PEU pits are not required by the state to file a reclamation plan. You will merely be adding unnecessary paper work to the owner that does absolutely no good. We don't disturb a large enough footprint to be required by the state to have a reclamation plan. Why should the Borough then be requiring that we file a plan with the State, who says we don't need one. Silly idea. If the Borough is so troubled by aesthetics, perhaps their efforts would be better spent addressing the junkyards that proliferate completely unregulated.

I hope to attend Tuesday's meeting and express these concerns in person.

Joseph Ross  
Alaska Roadrunner  
Mile 28 Spur Hwy  
9 acres