

City and Borough of Wrangell Borough Assembly Meeting AGENDA

April 9, 2013 - 7:00 p.m.

Location: Assembly Chambers, City Hall

- 1. CALL TO ORDER
 - a. PLEDGE OF ALLEGIANCE led by Assembly Member Ernie Christian
 - b. INVOCATION
 - c. CEREMONIAL MATTERS Community Presentations, Proclamations, Certificates of Service, Guest Introductions
 - i. Community Presentation by the Wrangell Friends of the Library, Kay Jabusch
- 2. ROLL CALL
- 3. AMENDMENTS TO THE AGENDA
- 4. CONFLICT OF INTEREST
- 5. CONSENT AGENDA:
 - a. Items (*) 6a, 7a & 7b
- 6. APPROVAL OF MINUTES
 - *a. Minutes of the Regular Assembly meeting held March 26, 2013
- 7. COMMUNICATIONS
 - *a Travel Summary for the period of January through March, 2013
 - *b Minutes of the Regular TBPA Commission meeting held January 30, 2013
- 8. BOROUGH MANAGER'S REPORT
- 9. BOROUGH CLERK'S FILE
- 10. MAYOR/ASSEMBLY REPORTS AND APPOINTMENTS
 - a. Reports by Assembly Members
 - Formation of a Special Committee to be Appointed by Mayor Jack Special Energy Committee
- 11. PERSONS TO BE HEARD
- 12. UNFINISHED BUSINESS

a. PROPOSED ORDINANCE: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE CHAPTER 13.12, PARKS, SPECIFICALLY SECTION 13.12.030 (A) and (B), CHANGING OVERNIGHT CAMPING AND OVERNIGHT PARKING REGULATIONS AND ESTABLISHING AN EFFECTIVE DATE (second reading)

13. NEW BUSINESS

- a. Approval of Thomas Bay Power Authority FY 2014 Non-Net Billable Budget
- 14. ATTORNEY'S FILE
- 15. EXECUTIVE SESSION
- 16. ADJOURNMENT

Agenda Item 1 - 6

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM April 9, 2013

ITEM NO. 1 CALL TO ORDER:

INFORMATION: The Mayor, by code, is required to call the meeting to order at 7:00 p.m. in the Borough Assembly Chambers. Special meetings or continued meetings may be called for at differing times but at the same location. Notice of such will be required by the Borough Clerk. The Mayor will call the meeting to order according to such special or continued meeting notice. At all meetings of the assembly, four assembly members or three members and the mayor shall constitute a quorum for the transaction of business, but a smaller number less than a quorum may adjourn a meeting to a later date.

RECOMMENDED ACTION:

The Mayor, as presiding officer, is to call the meeting of the Borough Assembly to order, with the following actions to follow:

- a. Pledge of Allegiance to be given by Assembly Member Ernie Christian.
- b. Invocation to be given
- c. Ceremonial Matters:
 - i. Community Presentation by the Wrangell Friends of the Library, Kay Jabusch

ITEM NO. 2 ROLL CALL – BOROUGH CLERK:

INFORMATION: The Borough Clerk shall conduct a roll call of each elected and duly qualified Assembly Member. Such call shall result in an entry of those present or absent from the meeting. The roll call is primarily utilized in determining if sufficient member(s) are present to conduct a meeting. The Borough Clerk may randomly change the conduct of the roll to be fair to the members of the governing body unless the council determined an adopted procedure for roll call which is different than currently in use.

RECOMMENDED ACTION:

Borough Clerk to conduct a roll call by voice vote. Each member to signify by saying here, present (or equal) to give evidence of attendance.

ITEM NO. 3 AMENDMENTS TO THE AGENDA:

INFORMATION: The assembly may amend the agenda at the beginning of its meeting. The outline of the agenda shall be as from time to time prescribed and amended by resolution of the assembly. (WMC 3.04.100)

RECOMMENDED ACTION:

The Mayor should request of the members if there are any amendments to the posted agenda. THE MAYOR MAY RULE ON ANY REQUEST OR THE ASSEMBLY MEMBERS MAY VOTE ON EACH AMENDMENT.

ITEM NO. 4 CONFLICT OF INTEREST:

INFORMATION: The purpose of this agenda item is to set reasonable standards of conduct for elected and appointed public officials and for city employees, so that the public may be assured that its trust in such persons is well placed and that the officials and employees themselves are aware of the high standards of conduct demanded of persons in like office and position.

An elected city official may not participate in any official action in which he/she or a member of his/her household has a substantial financial interest.

ITEM NO. 5 CONSENT AGENDA:

INFORMATION: Items listed on the Consent Agenda or marked with an asterisk (*) are considered part of the Consent Agenda and will be passed in one motion unless the item has been removed by an Assembly Member or the Mayor and placed on the regular agenda.

RECOMMENDED ACTION:

Move to approve those Agenda items listed under the Consent Agenda and those marked with an asterisk (*) Items:

6a, 7a & 7b

ITEM NO. 6 APPROVAL OF MINUTES:

INFORMATION:

6a Minutes of the Regular Assembly meeting held March 26, 2013

Item 6a

Minutes of Regular Assembly Meeting Held on March 26, 2013

Mayor David L. Jack called the regular Assembly Meeting to order at 7:00 p.m., March 26, 2013, in the Borough Assembly Chambers. Assembly Members Stough, McCloskey, Wiederspohn, Privett and Stokes were present. Assembly Member Christian was absent. Borough Manager Timothy Rooney and Borough Clerk Kim Flores were also in attendance.

Pledge of Allegiance was led by Assembly Member Wilma Stokes.

Invocation given by Father Peter, visiting Priest with St. Rose of Lima Catholic Church.

CEREMONIAL MATTERS – Community Presentations, Proclamations, Certificates of Service, Guest Introductions

Proclamation for Health Fair Week was presented to Cathy Gross.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

CONFLICT OF INTEREST

There were no conflicts of interest declared.

CONSENT AGENDA

Moved by Privett, seconded by Stough, to approve Consent Agenda Items marked with an (*) asterisk; 6a, 7a, 7b, 7c, 7d & *13j. Motion approved unanimously by polled vote.

APPROVAL OF MINUTES

*6a Minutes of the Regular Assembly meeting held March 12, 2013

COMMUNICATIONS

- *a Minutes of the Regular School Board meeting held January 21, 2013; Minutes of the Special School Board meeting held January 28, 2013
- *b Wrangell Chamber of Commerce request to set 2013 tax free days for Saturday, June 15th and Saturday, October 12th, 2013
- *c Acknowledge receipt of the City and Borough of Wrangell's Year End 06/30/2012 Basic Financial Statements, Supplementary Information, and Single Audit Reports
- *d Renewal of Alcoholic Beverage Application received by the State of Alaska, ABC Board for the BPO Elks Lodge #1595 Club
- *13i Final Plat approval of the Martin/Campbell Replat

BOROUGH MANAGER'S REPORT

Borough Manager Rooney's report was provided.

In addition to the Manager's Report, Manager Rooney reported that he had been notified by the Department of Commerce Community and Economic Development that Wrangell had received a community block grant application approval for the Sewer Pump Replacement project; amount was not to exceed \$470,884; the City must come up with the match funding of \$180,000.

Manager Rooney thanked Carol Rushmore, Carl Johnson and Amber Al-Haddad for their efforts in making this happen.

BOROUGH CLERK'S FILE

Borough Clerk Flores's report was provided.

MAYOR/ASSEMBLY REPORTS AND APPOINTMENTS

10a Reports by Assembly Members

Assembly Member Privett commented on the information that was provided in the Manager's Report regarding proposed Tongass 77 Legislation; believes that this was an attempt to lock up more of the Tongass; significant amount of property in our Borough; suggested paying close attention to this issue; a lot of effort has been done to preserve the Salmon streams; if this moved forward, it might preclude the Borough from doing something in the future; need to be cautious; there might be an anterior motive.

10b Discussion relating to the Mental Health Timber Sale

The following statement was provided by Mayor Jack and read into the record:

Mental Health Land Timber Sale

I requested this item to be placed on the agenda to provide the public with factual information instead of the misinformation and speculation that is taking place now. There have been statements made that imply that borough staff is for some unknown reasoning trying to keep this quiet. I believe one comment that was made was "sweeping it under the rug." It is my contention that borough staff has gone above and beyond any requirement they may have had in regard to this matter. And to clarify the issue I offer the following:

In August of 2012, Mental Health Trust advertised in the paper and on the radio soliciting public input regarding a potential timber sale in the area of the institute and further south. Several of the residents living in the area commented on the proposed sale. The borough also commented, recommending that Mental Health Land Trust listen to the concerns and requests of the property owners, minimize the impact to residents and leave at least a 100 foot buffer between the sale and residential property. This was also brought up at a Planning and Zoning Committee meeting even though it wasn't an agenda item from the public attendance, it did not seem that a lack of notification was an issue.

There were also complaints about a perceived lack of notice by the City. As previously stated, Mental Health advertised by the newspaper and the radio. Any notification by the City would have just

been a duplication of effort. As to individually notifying property owners which might possibly be affected, The City has no requirement and it is impractical to notify individual property owners of State or Federal actions which might affect them. There are several items of legislation in the State Legislature at this time that may have an effect on all of us. For City staff to notify every individual of the possible consequences of those items would require them to spend all their time doing notifications of State and Federal actions rather than doing the jobs they were hired to do. I'm sure that most people would not want to see their taxes raised to pay for people to make such notifications.

There were also concerns about possible contamination which somehow got on the trees from the asbestos clean-up at the old institute. During the asbestos removal, air monitoring stations were established on the perimeter which showed no contamination from airborne asbestos. This concern seems to be a what if and not based on any factual information.

In final analysis, I can well understand some of the concerns of the nearby property owners after seeing the area in vicinity of 8 mile.

Lastly, this proposed timber sale is being done by a state agency and not the City and Borough of Wrangell. And like many of the affected residents, The City and Borough is an adjacent property owner. As we all know, everything rolls downhill and not uphill. Neither this assembly nor City staff can dictate to the state what they can do with their property. We like you, can make requests to the State and if we care to, contact our state representatives who have the authority and obligation to set rules and regulations governing state agencies.

It is possible that some of the complaints have arisen out of a desire to curtail logging all together. There were some people who desire that and some who would cut down every tree. Most of us I believe fall somewhere in the middle. It is the City staff and this assembly's function to serve all of the people and not just one certain faction or individual.

PERSONS TO BE HEARD

Daryl Gross, 5.25 Mile Zimovia Hwy. next to the Wrangell Institute property, said that he would be directly impacted by the proposed logging road; stated that he was blind and that he would be directly impacted by the noise that the logging trucks would create; further stated that his wife also had a disability.

Mr. Gross stated that he and his wife would be forced to move; renters had stated that they would probably move as well; renters have four small children and the logging trucks were a danger to them.

Mr. Gross further said that he and his wife picked the blueberries surrounding his property to subsidize their income; If the road were to be routed in the proposed area next to his house, the blueberry bushes would be destroyed; he stated that this devastation would greatly impact their subsistence income; he further stated that he had a duck pond that geese used; also, deer live in the area surrounding his property.

Mr. Gross stated that he was greatly opposed to the road being routed through the residential area where his property and his neighbors' property were located; suggested

looking at other options of routing the logging road such as the Institute Property or the Mill Property.

Mr. Gross further stated that he was not looking to fight; stated that he was looking for the City's help; asked the City to look at the affect that the road would have on the property owners; stated that he believed that his rights were being taken away; suggested that the City sit down with all of the affected neighbors and work with them to find an alternative solution; stated that he never received a letter from Mental Health; no consequences to Mental Health building the road and logging; the mess left out the road by Mental Health was devastating; the trees were not protected and fell down, creating a lot of property damage.

Mr. Gross asked where the representation was; constitutional rights were being taken away; if this didn't stop now, this would happen to all of Alaska; suggested having all Alaska communities have town's meetings and to let the people decide what property would be sold or not sold to the State. He stated that if the logging continued, tourism would be greatly impacted.

Terry Coblentz, 5.3 Mile Zimovia Hwy., said that he realized that this was a State issue and was probably out of the City's hands; did not want to see Rainbow Falls look like 8 Mile Beach or the Bluffs; stated that if it were possible, he was in favor of the Forest Service to do a land exchange; stated that he had read through all of the letters to Mental Health; he would be in favor of stopping Mental Health from destroying Rainbow Falls.

Jim Abbott, 5.5 Mile Shoemaker Loop Rd., stated that he had spoken to someone named Paul who had been involved in Mental Health logging here in Wrangell for four to five years. Mr. Abbott said that he explained to the Mental Health representative that the area that was proposed to be logged was located next to Rainbow Falls; said that Rainbow Falls had hiking trails and also attracted tourists to Wrangell; stated that the 100 foot tree buffer would not make a difference.

Mr. Abbott asked the Mental Health representative if he was aware of the prevailing winds in the Rainbow Falls and the proposed logging area. Mr. Abbott stated that even with a 100 foot buffer zone, the trees become weak and would be blown down.

Mr. Abbott stated that the logging that had been done at 8 mile had left great devastation and had been dangerous to the loggers; residents could not get in to pick up the fallen trees to heat their homes because it was too dangerous.

Mr. Abbott further stated that when he spoke to the Mental Health representative, the representative had said that Mental Health would be in favor of a trade with the Forest Service. He also stated that he felt that it would take the Borough Assembly going to the Forest Service to ask them to work out a trade with Mental Health.

Mr. Abbott also said that if the logging road and the logging were to happen, it would drop the property value resulting in less taxes owed by the property owners; stated that this would greatly impact the City's tax intake.

Mr. Abbott stated that he was not against logging but he was not in favor of logging in a residential area.

Maureen Maxand, 5.5 Mile Zimovia Hwy., said that he lived directly across the street from the proposed logging roadway. She stated that she was fearful that the proposed logging site would turn into what the 8 Mile site looks like; said that the 8 Mile site was only supposed to have been for falling the dead trees and that it had turned into four million, four feet of logged area.

Ms. Maxand stated that only fifteen percent of Mental Heath's money actually goes to the people; also that eighty five percent of that money went back into their coffers for purchasing more land; stated that Mental Health was non-profit, but that they were for profit; further stated that Mental Health had over three million dollars in the bank.

Ms. Maxand further stated that only fifty percent of the logging money actually goes to Mental Health patients.

Ms. Maxand also said that in 2005, Petersburg had started a Homeowners Association in order to protest against landslide areas behind homes where logging was proposed to take place; said that this past January, a proposal was brought forward from the State to prevent logging behind residential areas where landslides were probable. She further said that the proposed logging side behind the residential area was not steep however, the destruction and the devastation to the surrounding land was not worth the cost to the community of Wrangell.

Ms. Maxand stated that she was on call 26 weeks out of the year and the noise that the logging trucks would create would be torturous. She further stated that she believed that this was poor planning on everyone's part.

Mark Armstrong, 5.3 Mile Zimovia Hwy., stated that he realized that the proposed logging road and site was State property; cannot say what Mental Health does to or on their property.

Mr. Armstrong said that he spoke with members of the Planning & Zoning Committee and they had told him that they were not aware of the proposed logging road site; he believed that there was a breakdown of what exactly was proposed; general knowledge of the logging proposal; specifics were not made clear.

Mr. Armstrong further said that he did not believe it was necessary to place a logging road right between two homes when there were other logging road options.

Mr. Armstrong stated that the Assembly and the community should look at what property Mental Health owns in Wrangell; further stated that if they own property, they would log it. He questioned why Mental Health owned property in residential areas; also, why Mental Health owned property in tourism areas where income for the community would be affected.

Mr. Armstrong urged the Assembly to look at could possibly be done about Mental Health owning land in residential and tourism areas.

Mr. Armstrong expressed that re-routing the proposed logging road would be help tremendously. He reiterated that there were other road options to run the logging trucks on. He asked the Assembly to be the voice of the proposed logging residential area and urge Mental Health to look at the possibility of a land sale with the Forest Service or at least to re-route the proposed logging road so that it did not go through a residential area. He also said that as a community, we needed to stand up and tell Mental Health that we did not want logging in residential areas or in tourist attraction areas.

Dee Gross, 5.14 Mile Zimovia Hwy., stated that the map from Mental Health Trust that showed the proposed logging area did not show any homes; stated that the logging could last up to three years.

Ms. Gross quoted that the contract with Alcan stated that "during the term of this agreement, additional parcels of timber may be added to this agreement by mutual agreement between the Land Trust and the purchasers without further public notice".

Ms. Gross stated that originally, the proposed logging site was fifty six acres; now, after speaking to Paul Slenkamp, the area had increased to seventy one acres.

Ms. Gross further stated that the Forest Service had traded a total of twenty thousand acres total; Wrangell has one thousand five hundred acres that could be logged; Ketchikan has seven thousand seven hundred acres that could be logged. She said that Mental Health owned the Rainbow Falls tourist attraction from the bottom to three quarters up; the Forest Service owned the Rainbow Falls observatory.

Mike Symons, 7 Mile Zimovia Hwy., said that he believed that it was the responsibility of the City's elected officials to be the voice, even when the community was not paying attention.

Mr. Symons stated that he was not anti-logging. He further stated that he looked at the devastation that had been left by Mental Health at 8 Mile; opposed to logging in the town of Wrangell and in the community.

Mr. Symons said that where he lived, there was a small "postage stamp" of trees left across the street from his house; he had purchased this small parcel of land from someone who had originally purchased the land with the intention of moving to Wrangell and building a house; the original owner sold Mr. Symons the property because the devastation around the property was too great and she did not want to live there.

Mr. Symons further said that Rainbow Falls was a tourist attraction; if the logging takes place, it would devastate the area and no one would want to come to Wrangell to see it.

Mayor Jack thanked everyone for their comments. He also said that this was a State issue and he encouraged the community to contact the Elected State Representatives.

Assembly Member Privett asked Carol Rushmore, Economic Development Director to speak towards this issue.

Carol Rushmore, Economic Development Director, 6 Mile Zimovia Hwy., stated that it was her understanding that Mental Health was not proposing to log any further north than the power lines toward Rainbow Falls.

UNFINISHED BUSINESS

12a Approval to form a Special Energy Committee

Moved by Stough, seconded by Privett, to approve the formation of a Special Energy Committee consisting of two Assembly Members, one member of the general public, the Wrangell SEAPA Board Member, a Wrangell TBPA Representative, and two Borough Staff Members. The Committee will be tasked with reviewing and bringing forth recommendations to the Borough Assembly, all aspects of the required independent review of the sale of individual projects as outlined in the MOU created in 2008 by the City of Ketchikan; the City of Petersburg; and the City & Borough of Wrangell.

Assembly Member McCloskey requested more information on why the Special Committee was being formed and what the committee would be tasked with.

Mayor Jack said that he would provide this information to her.

Motion approved unanimously by polled vote.

Mayor Jack directed Borough Clerk Flores to advertise for letters of interest for the general public member to serve on the Special Energy Committee.

Mayor Jack stated that he would make the appointments to the Special Energy Committee with the consensus of the Assembly at the next Regular Assembly meeting to be held April 9, 2013.

NEW BUSINESS

13a PROPOSED ORDINANCE: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE CHAPTER

13.12, PARKS, SPECIFICALLY SECTION 13.12.030 (A) and (B), CHANGING OVERNIGHT CAMPING AND OVERNIGHT PARKING REGULATIONS AND ESTABLISHING AN EFFECTIVE DATE (first reading)

Moved by McCloskey, seconded by Stough, to approve first reading and move to a second with a public hearing to be held April 9, 2013.

Mayor Jack explained that this ordinance was to extend the camping hours from 24 to 48 hours. He said that there had been a lot of interest from the public to extend the hours.

Motion approved unanimously by polled vote.

13b PROPOSED RESOLUTION No. 03-13-1271: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, SUPPORTING SENATE BILL 60 AND HOUSE BILL 145 OF THE 28TH ALASKA LEGISLATURE

Moved by Privett, seconded by Stough, to adopt Resolution.

Manager Rooney stated that this resolution was a result of the comments made by members of the community regarding this issue.

Borough Clerk Flores read the resolution aloud at the request of Assembly Member Stough.

Assembly Member Stough expressed that the sea otters were a big concern to the Wrangell Fisherman. He further expressed that he supported the resolution and felt that if nothing was done about this issue, it would be a larger concern in the future.

Motion approved unanimously by polled vote.

Assembly Member McCloskey left the meeting at 7:55 p.m.

13c PROPOSED RESOLUTION No. 03-13-1272: A RESOLUTION OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, ENDORSING AND URGING STATE FUNDING FOR THE SWAN LAKE RESERVOIR EXPANSION PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE

Moved by Privett, seconded by Wiederspohn, to adopt resolution. Motion approved unanimously by polled vote.

13d Authorization to purchase a Ford F550 truck from Cal Worthington Ford for the Public Works Department

Moved by Stough, seconded by Stokes, to authorize the Borough Manager to purchase a Ford F550 truck from Cal Worthington Ford for the price of \$39,246.00 to be paid with the budgeted capital project funds.

Manager Rooney explained that the purchase for this vehicle was included in this year's budget; also that the City was utilizing the State Bid List to purchase the vehicle.

Motion approved unanimously by polled vote.

13e Discussion and possible action relating to the purchase of tideland property by Steve and Helen Keller

Manager Rooney stated that the Assembly had been provided a memo that explained the background of this item. He further stated that the Keller's had purchased tidelands from the City that was adjacent to their home; the City and Borough of Wrangell utilized the Mean High Water line as the basis of the property line; the MHW line was established and provided by the State of Alaska from a survey when the tidelands were deeded to the City; the Keller's purchased the tidelands and built a dwelling on it; after the dwelling was constructed, there was some problems with the rock wall; the Keller's requested to purchase additional tidelands from the City so that they could slope and strengthen the rock wall; the City requested permission from the State to do this; permission was granted.

Manager Rooney further stated that the Kilpatrick's who were the neighboring residents to the Keller's came to the City and requested to purchase additional tideland property; the Kilpatrick's determined that the deed needed to be resurveyed in order to determine the true Mean High Water line; the Kilpatrick's had the tidelands surveyed; it was determined that the MHW line in the original survey from the State was not accurate; result was that he did not have to purchase as much property.

Manager Rooney said that based on the information the Kilpatrick's discovered the Keller's believe that they purchased tidelands that originally belonged to them and were seeking a refund of that amount.

Manager Rooney stated that the City utilized the survey that had been provided by the State; based on the fill that had been placed on the new Keller tidelands, it was now impossible to determine the MHW line. The Keller's came up with a figure that they believed the City owed them; this was an estimate since the MHW line cannot be determined; the Keller's believe that they had purchased six thousand twenty seven square feet too much.

Manager Rooney also stated that Keller's still owed three thousand nine hundred fifty dollars for the tidelands that were approved for them to purchase back in October. His resolution to the issue was to not accept funds from that purchase and call it even. He said that the Keller's said that the offer was too light and rejected the offer.

Manager Rooney said that he had visited with Borough Attorney Bob Blasco and that Mr. Blasco had determined that the offer that had been made to the Keller's was generous. Mr. Blasco further said that the Borough Assembly did not have to take any action if they did not wish to.

Steve Keller, 1.5 Mile Zimovia Hwy., displayed a plat map of the original property that was purchased from the City. Mr. Keller read from the documentation that he had distributed to the Assembly. He said that the findings when the access easement was moved said that the tidelands line seaward of the Mean High Water line of Zimovia Straight property area were conveyed to the City of Wrangell by tidelands patents no. 391 and no. 401 and were describe by Alaska Tideland Survey 1531.

Mr. Keller further read that the adjacent uplands to the East and North were a part of Lot 2, Tract A, US 342 and were conveyed to private ownership by patent and issued in 1958.

Mr. Keller stated that when ATS 1531 was done, the State did not replat the property to show the revised MHW line. Mr. Keller said that when he applied for the Core Permit to fill, he was required to submit a drawing of the proposed work to be done and show the MHW line. He said that the corners of the property that they had purchased had been surveyed at 13.1 feet; he said that they had estimated the MHW line to be at 14.8 feet. Mr. Keller said that on the ATS 1531 that they had received, the plotted MHW line was not marked.

Mr. Keller said that he had estimated that they had originally overpaid over nine thousand dollars for the tideland property. He said that he believed that the City should reimburse him for the proposed overpayment; he would then pay for the approved sale of the tidelands from back in October.

Helen Keller, 1.5 Mile Zimovia Hwy., stated that when the State conveyed the tidelands over to the City, the survey should have been done to replat down to the MHW line; the upland owner was supposed to own down to the MHW line; the City did not replat as required by the State; they did not know this until the Kilpatrick's brought it to their attention; the City had nine thousand dollars of their money that they should not have taken; the City should have known that the they (Keller's) owned down to the MHW line; it wasn't up to them (Keller's) to know that a survey needed to be done; it wasn't right for the City to charge them for property that the City did not own; felt that the City, by offering not charge them for the October purchased tidelands and call it even, realized that they were in the wrong.

Assembly Member Wiederspohn asked if Steven and Helen Keller had originally purchased the property in question from the City.

Ms. Keller answered that her mom and dad had originally purchased the property along with them; the original plat was Keller/Bakke Tideland Subdivision.

Assembly Member Wiederspohn commented that it was her understanding that when the property was originally purchased, that there wasn't going to be a house built on it; that there was only going to be a gear shed on the property.

Mr. Keller answered that the gear shed was the structure on the property when the property was leased from the State by the Mr. Bakke.

Manager Rooney commented that he was not with the City when the original property was sold to the Keller's; felt that it was important to defend the City; did not appreciate the accusation that the City knowingly sold something that did not belong to them; the City had a survey from the State and that was used to proceed with the sale; the sale occurred before 2003; document that was being sighted by the Keller's was a document from 2003; did not believe that ignorance meant that the City was at fault.

Mr. Keller agreed that it was an oversight.

Ms. Keller stated that when the State made the requirement, the City was supposed to replat the property so that the upland property owner would own down to the MHW line; the City did not do that and therefore the City faulted by not doing it.

Assembly Member Privett asked Carol Rushmore to add her thoughts to this issue.

Carol Rushmore, Economic Development Director stated that when the City acquired the tidelands from the State, the State had provided the survey instructions to which we were supposed to follow; the City had a contract with Greg Scheff and Associates who followed those survey instructions; the State had to approve everything throughout the entire sale of the tidelands; the MHW line that was used on the State's survey was the recorded MHW line.

Assembly Member Stough said that the established MHW line was the legally recorded line; not a fault of the City or the Keller's.

Moved by Privett, seconded by Stokes to follow the instructions of the Borough Manager to give the Keller's the tidelands that they purchased in October, 2012 and call it a wash.

Manager Rooney clarified that this would allow the City to give the tidelands that had been approved by the Borough Assembly to the Keller's and call it a wash.

Assembly Member Privett said that was correct.

Motion approved unanimously by polled vote.

13f Approval of a "combined" CA/CI Contract to PND Engineers for the MSC Concrete Paving Phase II and the Pier Structural Upgrades

Moved by Privett, seconded by Stough, to authorize the Borough Manager to issue a contract amendment to PND Engineers, based on Time and Expense, and in a combined amount not to exceed four hundred ninety-two thousand, two hundred eighty-six dollars (\$492,286), for Contract Administration and Construction Inspection services, portions of which are to be paid from two separate State of Alaska, DCCED grants for the Marine Service Center, Concrete Paving, Phase II project and the Marine Service Center, Pier Structural Upgrades project.

Manager Rooney explained that this was for the Marine Service Center, Concrete Paving, Phase II and also for the structural upgrades to the pier where the new Travel Lift would be placed.

Motion approved unanimously by polled vote.

13g Approval of a contract amendment to PND Engineers for the Engineer Design Services for the Heritage Harbor Boat Ramp Expansion

Moved by Stough, seconded by Stokes, to authorize the Borough Manager to issue a contract amendment to PND Engineers, based on Time and Expense, not to exceed thirty five thousand, nine hundred thirty-five dollars (\$35,935), for Engineer Design services, to be paid from the State of Alaska, DCCED grants for the Heritage Harbor Uplands, Phase III, Boat Ramp Expansion project.

Manager Rooney stated that this was grant money that need to be spent by the end of June; Port Commission was looking into using this money for the Mariner's Memorial; City had made a request to the State to see if the funds could be used for that purpose; if the state approves the request, the funds would be used to complete the Mariner's Memorial; if the State did not allow for the shift in fund use, the funds would go towards the boat ramp expansion project.

Motion approved unanimously by polled vote.

13h Approval of a construction contract to the low bidder of the Waterfront Armor Rock project to BW Enterprises

Moved by Stough, seconded by Stokes, to authorize the Borough Manager to enter into a contract with BW Enterprises for the construction of the Waterfront Armor Rock project, in a contract amount of forty one thousand, fifty dollars \$41,050.00, to be paid from the Ports & Harbor Reserve funds.

Assembly Member Privett stated that he thought that the City had a Core Permit to go from one corner of the rock wall to the other corner of the rock wall.

Manager Rooney answered that we did have an active Core Permit that allowed the City to perform the repair the existing rock wall that was eroding into the water.

Motion approved unanimously by polled vote.

13i Approval to advertise the former Wrangell Institute Property for development proposals

Moved by Privett, seconded by Wiederspohn, to direct staff to advertise the former Wrangell Institute Property for development proposals.

Manager Rooney stated that the Economic Development Committee had been looking at developing this property for some time.

Assembly Member Privett said that there had been concern as to what could be developed on the property; felt that the Institute Property that the City owned would be a logical place as a residential area; having water and sewer in that area would be a benefit to having the area be residential subdivision.

Motion approved unanimously by polled vote.

*13j Final Plat approval of the Martin/Campbell Replat

APPROVED UNDER CONSENT AGENDA

ATTORNEY'S FILE

Summary provided to the Borough Assembly in their Assembly packet.

EXECUTIVE SESSION

There was no Executive Session.

ADJOURNMENT: 8:33 p.m.

ATTEST:	David L. Jack, Mayor			
Kim Flores, Borough Clerk				

Agenda Item 7

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM April 9, 2013

COMMUNICATIONS:

INFORMATION: The Assembly may receive items for Communications, reasons only which do not require action. This is an avenue to keep the Assembly informed, for the public to enter items on the record, if necessary. The Assembly also receives agenda communications directly by their constituents, Borough Manager, other agencies' Officers and Department Directors.

A MAIL BOX IS ALSO AVAILABLE IN THE BOROUGH CLERK'S OFFICE FOR EACH MEMBER OF THE ASSEMBLY AND <u>SHOULD BE CHECKED ON A ROUTINE SCHEDULE</u>.

All items appearing under Communications on the Agenda have been approved under the Consent Agenda unless removed.

- *a Travel Summary for the period of January through March, 2013
- *b Minutes of the Regular TBPA Commission meeting held January 30, 2013

CITY OF WRANGELL TRAVEL SUMMARY FOR MONTH OF JANUARY-MARCH 2013



			PURPOSE		TRAVEL
DATE	EMPLOYEE/OTHER	DEPT.	OF TRAVEL	DESTINATION	COST
1/6/-9/2013	Tim Berberich	Parks & Recreation	CPO-COURSE	ANCHORAGE	1382.24
3/17-22/2013	Ron Paul	Electric Dept.	Safety & Health Conference	ANCHORAGE	1743.81
				AGEI	NDA
				7	a
				4.9	
					3126.0





— TYEE LAKE HYDROELECTRIC PROJECT — P. O. BOX 1318 WRANGELL, ALASKA 99929 (907) 874-3834 FAX (907) 874-2581

THOMAS BAY POWER AUTHORITY REGULAR COMMISSION MEETING

Minutes of January 30, 2013 FY2013

PETERSBURG MUNICIPAL POWER & LIGHT OFFICE 11 SOUTH NORDIC DRIVE – PETERSBURG, AK 99833

Summary of Items Discussed at this meeting:
Minutes of December 4, 2012, Financials for November and December 2012, NNB Discussion budget discussion, Organizational and Commission Policies, ARECA Insurance Investment, GM Hire process, TBPA GM Evaluation, Appointment of TBPA Officers, TBPA Member at Large appointment, Executive Session IBEW Negotiations.

Thomas Bay Power Authority's Regular Commission Meeting was called to order by President John Jensen on Wednesday, January 30th, 2013 at 10:05 am.

Present were Commissioners President John Jensen, Vice President Robert Larson, Secretary/Treasurer Dave Galla, Member at Large Brian Ashton, Joe Nelson and Clay Hammer.

Also present were TBPA General Manager Paul Southland and TBPA Secretary Rhonda Christian.

Excused Absence: Warren Edgley, Wrangell Commissioner

A QUORUM was established.

Visitors Acknowledged: Michael Nash of Wrangell and Shelly Pope, Reporter Petersburg Pilot

Persons to be heard: None

Amendment to the Agenda: Yes

Item 16: Executive Session AS 44.62.310 (c), (1). IBEW Negotiations.

Conflict of Interest: None

Amendment to the Agenda of January 30th, 2013:

Commissioner Joe Nelson MADE A MOTION to amend the agenda to include executive session to discuss IBEW Negotiations. Commissioner Clay Hammer SECONDED the MOTION.

Discussion was called for:

President Jensen noted that it had been brought to his attention that there needs to be an amendment to the agenda to include and executive session to discuss matters that would fall under executive session status.

It was the consensus of the commission that an executive session be added to the agenda item 16 and move adjournment to 17.

TBPA meeting minutes of December 4th, 2012:

Commissioner Dave Galla MADE A MOTION to approve the meeting minutes of December 4th, 2012 as presented. Commissioner Clay Hammer SECONDED the MOTION.

Discussion was called for:

Hearing None

Question was called for roll call vote:

Yes -Commissioner Robert Larson

Yes - Commissioner Brian Ashton

Yes - Commissioner Joe Nelson

Yes - Commissioner David Galla

Yes - Commissioner Clay Hammer

Yes - Commissioner President, John Jensen

MOTION CARRIED unanimously 6/0.

Discussion and possible action NNB:

Commissioner Brian Ashton MADE A MOTION to direct the TBPA General Manager to investigate the ARECA funds and gather more information and begin the request of monies, and that we also engage in a dialogue with our two partner cities to discuss the overage in the budget and see if they will assist with that and let them know what steps we are taking in dealing with these overages. Commissioner Dave Galla SECONDED the MOTION.

Discussion was called for:

TBPA General Manager Paul Southland notified the Commission that the NNB will be over budget by about \$5,000.00 and we have cut in every way that we are in control of. The General Manager also has provided 3 different suggestions. One is that we have an ARECA investment and it has been indicated to me that we may request a portion of that in writing and their board may or may not release those funds. Number two we can request additional funding from the cities. Three we can make an adjustment to our one salaried position that is covered by the NNB which is the Office Manager's position and I would be looking for direction in moving forward.

ARECA was the first item discussed, the General Manager provided clarification of just what this old TBPA investment was. Our involvement with ARECA started back in 1985. What you are looking at are funds that belong to the Cities in Thomas Bay ownership with ARECA. It was asked what is that money doing for us now? The answer that it is invested with ARECA, this investment has compounded since 1985. The first that we know that we have been notified was back in September and in initial discussions with them for disbursement we would have to have board action requesting the funds and as it understood at this time their board have to approve the disbursements. It is unlikely if we ask for the 250,000 in a lump sum they more than likely may not be able to accommodate us but some lesser amount may be possible. Along with looking into this and TBPA's history with ARECA TBPA was also provided confirmation from Wrangell's City Manager and Financial Director that these are TBPA funds, so it is a long term investment that is finally paying off. It was asked if these funds have ever been used in the past. The answer was to our knowledge it has never been accessed by Thomas Bay. It was noted we received a dividend in the amount of \$5,821.00 that has been deposited to our account. Commissioner Nelson suggested that we pursue this to a complete understanding of what this is all about and a letter to ARECA requesting the refund the entire amount and if they cannot do it all in one year what their timetable is to refund the entire amount maybe over the next three years for it seems to me if we have no further relationship with them that money is our and we should get it. The consensus of the Commission was in agreement with Commissioner Nelson's suggestion. It was restated that the first step to obtain the funds is a letter to them authorized by the Commission. It was suggested that once we know what is going on that we also inform the cities and ask for funds of any overages to be covered for our overages are justifiable. The consensus of the Commission direction is to have the General Manager write a letter to begin our option in obtaining the monies. The General

Manager agreed but it still appears that we are going to exceed our NNB budget without making some adjustments I'm looking for commission direction on this. Commissioner Robert Larson asked if there are other options we can take in making an adjustment other than the working conditions of the Office Manager. General Manager Paul Southland answered we taking control over of what we have control over that is all of our discretionary expenses I have held at zero other than Commission travel. We are going to be very, very close there are indications that the City of Wrangell may adjust the budget up slightly if it be the Commissions direction we can go before councils and request that or there are other options that have been provided that I have listed, while we wait for a response from ARECA if that is what the Commission desires. Commissioner Robert Larson replied I'm personally not in favor of changing working conditions that is a different kind of discussion Commissioner Brian Ashton also agreed. Commissioner President John Jensen noted ok then that's leaves us asking for more money from the cities we are looking at a very small amount of about \$3,000.00 which is \$1,500.00 per city it is a very marginal amount of money. General Manager Paul Southland explained that our initial intent was that we would cover that overhead by of brushing outside of our contract area and that hasn't worked out. President John Jensen asked what are the wishes of the Board? It was the census of the Commission to see what the cities would be willing to kick in and explain to them just what it is we are trying to do in obtaining funds also and the paths we have been going down such as the brushing, ARECA, cutting expenses as much as we can so that they are aware that we are not doing nothing about the situation. Commissioner Joe Nelson commented that the city of Petersburg is in negotiation right now with IBEW and they are looking in cutting back so asking Petersburg to cover more IBEW funds is not going to be well met so I just wanted that out there. Commissioner Robert Larson shared that we have expenses that need to be covered for this fiscal year and for this instance I just don't see a way around it however it is my contention that we need to have SEAPA pay an appropriate amount of operation expenses the contract and agreement needs to be renegotiated to cover the costs in doing business and a lot of the costs now are being covered by the cities, so the situation that we have now I do not think is a long term and we need to move forward in fixing it.

Question was called for roll call vote:

Yes - Commissioner Brian Ashton

Yes - Commissioner Joe Nelson

Yes - Commissioner David Galla

Yes - Commissioner Clay Hammer

Yes - Commissioner Robert Larson

Yes - Commissioner President, John Jensen

MOTION CARRIED unanimously 6/0.

~Break at 11:05 - Back on record at 11:15~

Item 12-A and B TBPA Organizational and Commission Policies:

Commissioner Brian Ashton MADE A MOTION to adopt the TBPA Organizational Policies and the TBPA Commission Policies with the minor changes noted. Commissioner Joe Nelson SECONDED the MOTION.

Discussion was called for:

President John Jensen asked to make sure the Commission had time to review both of the policies on the table. General Manager Paul Southland noted to the Commission at the last meeting it was our recommendation that these be adopted and also noted there are no significant changes other than name changes such ad FDPPA to SEAPA no policies changes at all they had never been adopted by Thomas Bay but they had been developed. When first coming on to this position the Commission ask that we clean up some of this type of housekeeping stuff. President John Jensen asked what are the wishes of the Commission. There was discussion regarding the wording of approved or adopted and what was the appropriate wording needed. It was confirmed approved and adopted.

Question was called for roll call vote:

Yes - Commissioner Joe Nelson

Yes - Commissioner David Galla

Yes - Commissioner Clay Hammer

Yes - Commissioner Robert Larson

Yes - Commissioner Brian Ashton

Yes - Commissioner President, John Jensen

MOTION CARRIED unanimously 6/0.

Item 13-B TBPA Member at Large:

Commissioner Joe Nelson MADE A MOTION to appoint Brian Ashton as the TBPA Member at Large. Commissioner Clay Hammer SECONDED the MOTION.

Discussion was called for:

President Jensen thanked both candidates that submitted their interest to serve the Thomas Bay Power Authority Commission as the Member at Large Mr. Michael Nash of Wrangell and Mr. Brian Ashton of Wrangell. Both were given an opportunity to address the Commission of their interest in serving on the Commission.

Question was called for roll call vote:

Yes - Commissioner David Galla

Yes - Commissioner Clay Hammer

Yes - Commissioner Robert Larson

Yes - Commissioner Joe Nelson

Yes - Commissioner President, John Jensen

MOTION CARRIED unanimously 5/0.

** It is the consensus of the Commission that next year the election of officers take place right after a quorum has been established.

Item 13-C-D-E TBPA President, Vice President and Secretary/Treasurer:

Commissioner Joe Nelson MADE A MOTION to obtain the officers as they are. Commissioner Clay Hammer SECONDED the MOTION.

Discussion was called for:

Commissioner Joe nelson asked who the acting officers at this time. Mrs. Christian answered that John Jensen is President, Robert Larson is Vice president and Dave Galla is Secretary/. Treasurer. Mrs. Christian asked that each refrain when voting. It was the consensus of the commission they would proceed in voting all in.

Question was called for roll call vote:

Yes - Commissioner Clay Hammer

Yes - Commissioner Robert Larson

Yes - Commission Brian Ashton

Yes - Commissioner Joe Nelson

Yes - Commissioner David Galla

Yes - Commissioner President, John Jensen

MOTION CARRIED unanimously 6/0.

Directors Comments:

It was discussed with the upcoming IBEW negotiations that an executive session would be requested but directors comments will be heard first and then a decision on the next meeting date will be discussed first.

The direction of the Commission is to tentatively set the next TBPA Commission meeting to take place on March 5th, 2013 in Wrangell.

Executive Session:

At 12:22pm Commissioner Dave Galla MADE A MOTION I move, pursuant AS 44.62.310 (c), (1), that we recess into executive session to discuss matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity, specifically regarding the IBEW Negotiations. Commissioner Brian Ashton SECONDED the MOTION.

It was the consensus of the Commission to move into Executive Session.

Meeting was reconvened at 12:52 pm with no formal action to be taken from executive session.

^{**}Commission Brian Ashton refrained due to conflict of interest

Commissioner Robert Larson MADE A MOTION to adjourn the meeting at 12:55 pm. Commissioner Dave Galla SECONDED the MOTION. It was the consensus of the Commission to adjourn.

John Jensen, TBPA President

te

Robert Larson Vice President

Thomas Bay Power Authority - P.O. Box 1318 - Wrangell, Alaska 99929 - ph: (907) 874-3834 FX: (907) 874-2581

TO: THE HONORABLE MAYOR AND ASSEMBLY

CITY AND BOROUGH OF WRANGELL

FROM: TIMOTHY D. ROONEY

BOROUGH MANAGER

RE: BOROUGH MANAGER'S REPORT

DATE: April 5, 2013

DID YOU KNOW...

Sales Tax represents the largest source of revenue (36%) in the FY 2013 General Fund/Sales Tax Budget for the City and Borough of Wrangell.

MANAGERIAL:

CAPITAL BUDGET – Public testimony was accepted on Monday by the Senate Finance Committee regarding the State's Capital Budget. While testimony and requests from most boroughs and municipalities included individual requests, there was one unified message communicated by those providing testimony – including the City and Borough of Wrangell - the need for Supplemental Revenue Sharing to continue to be funded statewide at the \$25 million level it was funded at in 2012.

Last year, Wrangell received approximately \$250,000 via Supplemental Revenue Sharing from the State of Alaska. These funds are intended for communities to be used to offset increasing energy costs, senior citizen property tax exemptions that at one time were reimbursed separately by the State of Alaska but no longer occur, and during "healthy" revenue years for municipalities as a means of providing match funding or as a sole funding source for smaller municipal projects. In Wrangell, it is estimated that the property tax exemptions provided to senior citizens amounts to nearly \$250,000.

Following Monday's testimony, the Senate Finance Committee released its version of the State's Capital Budget on Wednesday morning. Unfortunately, the Supplemental Revenue Sharing was not addressed and continues to be unfunded at the time of this report. While the Senate Finance Committee's version of the Capital Budget may be complete, it is possible that the House Finance Committee will address the Supplemental Revenue Sharing through their approval process. In 2012, Supplemental Revenue Sharing was not added to the budget until the final 2 hours of the legislative session.

Borough Manager's Report April 5, 2013 Page 2 of 6

Staff has contacted the offices of Governor Parnell, Representative Peggy Wilson, and Senator Stedman to voice concern over the absence of the Supplemental Revenue Sharing in the Capital Budget and reiterating the importance of this funding mechanism for Wrangell. I will continue to be diligent in requesting this funding until the final budget is released and approved. The last day of the Alaska legislative session is Sunday, April 14, 2013.

WASHINGTON UPDATE - A quarterly report from Mr. Gilman and Mr. O'Kelly has been attached for your information and review. Items covered in the April 4, 2013 report include information regarding FY 2013 Federal Budget/Sequestration, Shoemaker Harbor, Secure Rural Schools/PILT Reauthorization, Sealaska Withdrawal Legislation, Fisheries, Essential Air Service, Energy Issues and several other miscellaneous items likely to have an impact on Alaska communities. If you have any questions regarding this report, please do not hesitate to contact me.

WRANGELL COOPERATIVE ASSOCIATION – The Wrangell Cooperative Association has submitted a letter to the Borough Assembly requesting that the Wrangell Institute Property be donated to WCA. The letter, as well as my response to it, is attached for your information and review. The letter also requests that this item be placed on the April 23, 2013 meeting agenda for discussion and I have asked Ms. Flores to accommodate that request.

BOROUGH LAND ENTITLEMENT – Staff was notified on Tuesday by Ms. Sandra Swanger-Jensen, Municipal Entitlement Manager for the Department of Natural Resources (DNR) that several land parcels identified by the City and Borough of Wrangell have been rejected. A copy of the public notice that explains the actions and/or reasoning is attached for your information and review.

Ms. Rushmore and I will be reviewing the comments, suggesting alternative and responding to DNR on or before May 1, 2013 – the deadline for the City and Borough of Wrangell to provide a response. Upon receipt of those comments, DNR will review the responses and the Final Finding and Decision (FFD) will be issued. Please note that the FFD can also be appealed.

TECHNOLOGY COMMITTEE – The Technology Committee conducted its first meeting on Wednesday, April 3, 2013. At the meeting, community policies and procedures relating to the use of technology by municipal elected officials were distributed and a list of questions and concerns were reviewed and developed. The next meeting of the Technology Committee will be conducted on Wednesday, April 10, 2013 at 4:00 PM.

ALASKA MARINE HIGHWAY 50TH ANNIVERSARY DOCUMENTARY – Southeast Conference, in conjunction with the AMHS, Travel Alaska, and the Port of Bellingham, have sponsored a unique series of one-hour documentaries that celebrate the Alaska Marine Highway System. KTOO has produced the first program which provides a unique overview of the Alaska Marine Highway. The premier of the documentary occurred during the Southeast Conference

Borough Manager's Report April 5, 2013 Page 3 of 6

Mid-Session Summit and will be airing on 360° North on Wednesday, April 24, 2013 at 9:00 PM and Sunday, April 28, 2013 at 9:00 PM.

A brief 2-minute video clip of the documentary has been added to the City and Borough of Wrangell's website at www.wrangell.com. Before the end of the year, the series of documentaries will air across the United States and Canada.

TIMESHEET – My timesheet for the month of March has been attached for your information and review.

PUBLIC WORKS:

FREE DUMP DAYS – Staff has been notified that Wrangell Pride has been scheduled to begin at 8:30 AM on Saturday, April 13, 2013. With that date in mind, staff has scheduled the following "Free Dump Days":

- The week of Tuesday, 4/16/13 through Saturday, 4/20/13 for free dumping of brush and other burnable items at the Transfer Station.
- The week of Tuesday, 4/23/13 through Saturday, 4/27/13 for free dumping of cars, appliances, and other metals at the Transfer Station.

HOUSEHOLD HAZARDOUS WASTE – The dates of the Household Hazardous Waste collection at the Transfer Station have been changed to Saturday and Sunday, June 8-9, 2013.

STREETS – Once the threat of freezing passes, the Street Division of Public Works will begin the process of utilizing the street sweeper to remove the sand from the streets in Wrangell. I have asked Mr. Johnson to provide announcement on KSTK 48 hours in advance of this work occurring so that business owners may sweep sidewalks to the street.

PARKS AND RECREATION:

DIRECTOR – Ms. Amber Al-Haddad has been selected to replace Mr. Kim Covalt as the City and Borough of Wrangell's Parks and Recreation Director. Ms. Al-Haddad has worked for the City and Borough of Wrangell for the last two years in a non-permanent position as the Borough's Project Manager and brings a significant skill set to this position. Her grant writing abilities, facility and project oversight, strong and sound decision making process, and unwillingness to accept the status quo will be an asset to both the Parks and Recreation Department and the City and Borough of Wrangell.

Ms. Al-Haddad has already begun the process of working alongside Mr. Covalt this week in order to become oriented toward her new responsibilities. Mr. Covalt officially retires on April 30, 2013.

Borough Manager's Report April 5, 2013 Page 4 of 6

RESTROOMS – City Park and Shoemaker Park restrooms were opened for the season as of Friday, March 29, 2013. Volunteer Park and the Downtown Restroom were opened for the season on Monday, April 1, 2013.

CAPITAL PROJECTS:

300-TON MARINE VESSEL HOIST - The City and Borough of Wrangell has received the Agreement submittals associated with Ascom's contract for the procurement of the 300-ton marine vessel hoist. A detailed purchase order will accompany the return of the Agreement and the Notice to Proceed.

CASSIAR STREET - ROAD AND UTILITY IMPROVEMENTS - Staff received R&M Engineering-Ketchikan's 95% plan review set of design drawings for the Cassiar Street Roadway and Utility Improvements project and is currently in the process of review. A public meeting was conducted on April 4, 2013 to allow for review of the final design. There were a fair number of Cassiar Street residents who turned out for the meeting and who seemed pleased with the direction in which the project is slated to proceed. Once staff has completed the review of the design and returned comments, R&M Engineering will make the necessary revisions for the final design, prior to moving the project to the construction bidding phase.

COMMUNITY CENTER RENOVATIONS - Staff continues to pursue closeout with Johnson Construction and Supply, Inc. for the Community Center Roof Replacement project.

Johnson Construction is nearing completion of the drywall and painting project in the Community Center's Classroom. Once completed, additional work will include the carpet tile installation and installation of new electrical devices and light fixtures. Work in the Multi-Purpose Classroom is expected to be completed by April 30, 2013.

COMMUNITY GARDEN GRANTS - COMMUNITY GREENHOUSE - Staff received notice from the USDA Anchorage division that the funds for the Community Greenhouse project have been redirected for the project, assuming the project can be completed by September 30, 2013. Staff is working with USDA personnel to develop a construction method, possibly design-build, in order to expedite the project's processes.

HERITAGE HARBOR - A contract in the amount of \$14,900 was executed between the Borough and Ketchikan Ready Mix for the installation of signs for Heritage Harbor. The work is expected to be completed by May 2013.

The State of Alaska, DCCED, has granted the Borough a grant extension on the Heritage Harbor Uplands Phase III project. Under such grant provisions, the Borough will not pursue the design work with PND Engineers for the second boat ramp design and will instead redirect the balance of grant funds to the Mariner's Memorial, which is located at Heritage Harbor.

Borough Manager's Report April 5, 2013 Page 5 of 6

MARINE SERVICE CENTER, PIER STRUCTURAL UPGRADES - The Marine Service Center, Pier Structural Upgrades project is currently in the construction bidding phase with a bid opening date established for April 18, 2013.

MARINE SERVICE CENTER, CONCRETE PAVING PHASE II - A Notice to Proceed was issued to Southeast Road Builders for the construction of the Marine Service Center, Concrete Paving, Phase II. The Contractor has been finalizing product submittals and is scheduled to mobilize into Wrangell to commence work on the project by the second week of April 2013.

TRAIL GRANT - Last Fall, the City and Borough of Wrangell was awarded a National Park Service Rivers and Trail Conservation Technical Assistance grant to help with the planning process to link the Volunteer Park Trail with the Mt. Dewey Trail and over to Evergreen Avenue. This trail link was one of the top priorities that was listed during the development of the Sustainable Outdoor Recreation Plan in 2011.

Two NPS representatives will be in Wrangell the week of April 15, 2013 to work with staff and other partners to identify the best trail route, work through potential land use issues and any conflicting user groups, and identify next tasks as well as management and maintenance issues. The USFS, through Mr. Bob Lippert, is also a partner in this project and will be assisting with the technical development of the trail.

WATERFRONT ARMOR ROCK - Four bids were received for the Waterfront Armor Rock project on March 21, 2013. The low bidder was BW Enterprises, with whom the Borough has entered into a contract for this work. The work is currently in progress and expected to be completed by the end of April 2013.

CONVENTION AND VISITORS BUREAU:

STIKINE RIVER BIRDING FESTIVAL - Stikine River Birding Festival planning and scheduling is complete for April 25-28, 2013. Ms. Corree Delabrue (USFS Interpreter, Chair of CVB), Ms. Terri Henson and Mr. Joe Delabrue (USFS Biologist) have worked long and hard to organize the event. The festival this year is primarily funded from a USFS RAC grant.

Ms. Kathy Hocker, a nature sketch artist from Juneau, is the guest artist this year and Mr. Vasily Baranyuk is the guest speaker. He has been researching and photographing wildlife and the snow geese breeding grounds on the "other" Wrangell Island, Russia for over 30 years. A new event this year is a Bird Calling contest, along with some of our popular return events such as the Saturday morning bird walk with Ms. Bonnie Demerjian, live bird presentation by the Alaska Raptor Center, and children events including an archaeology activity, games, and building a bird feeder. The complete schedule of events has been attached for your information and review.

Borough Manager's Report April 5, 2013 Page 6 of 6

ELECTRIC:

SPUR ROAD LINE EXTENSION - The Spur Road line extension is on schedule and should be completed by the target date of April 10, 2013. All of the poles have been installed, the anchors are secured, and the line crew is in the process of stringing the wire. There were some unique challenges presented through the pole setting process as several poles had to be put in solid bedrock but installation of the poles was completed at least two days ahead of the original estimate. Once the project is completed, arrangements can be made to provide secondary service to Ketchikan Ready Mix so they can begin the coming construction season with electric power.

FCC LICENSING – The FCC radio licensing process is now complete and staff has a copy of the license on file. This represents the first step in bringing the department into compliance with FCC regulations and the recent narrowband requirements. With the completion of this step, staff can now begin the process of bringing radios into compliance. Most can simply be reprogrammed to meet the narrowband requirement but many will have to be replaced as they are older and lack that programming capability.

PAT'S CREEK POWER LINE – The Electric Department's application has been received by Mental Health Land Trust for the license to remove the dangerous trees from the Pat's Creek power line right-of-way. MHLT has assured the department that the paperwork will be processed in time for the work to be completed this summer. This has been an area of concern for some time and it will represent a major milestone to have this issue resolved.

WIND DATA COLLECTION - Staff has been working with representatives of AEA (Alaska Energy Authority) to identify a number of potential sites within the City and Borough of Wrangell for wind data collection. Equipment would be installed at that location to log data and identify wind trends. This information would be used to measure the potential for wind generation in the area.

POWER PLANT - The oil transfer plumbing is now complete to all generator units. The plumbing allows for a centralized oil distribution network that allows oil to be pumped from a central holding tank to all the generators. Prior to this installation, 5 gallon buckets had to be carried to each unit and manually topping off during use. The plumbing system will also eliminate spills during that process and the opportunity for contamination.

ATTACHMENTS:

- 1. Report from Mr. Gilman and Mr. O'Kelly
- 2. Letter of Request by Wrangell Cooperative Association
- 3. Response Letter to Wrangell Cooperative Association
- 4. Information Regarding the Borough Land Entitlement Selections
- 5. Timesheet for March 2013
- 6. Stikine River Birding Festival Information

To: The Honorable Dave Jack

The Wrangell Borough Assembly Tim Rooney, Borough Manager

From: Brad Gilman & Sebastian O'Kelly

Re: Washington Update

Date: April 4, 2013

- 1. FY 2014 Community Priorities: We have submitted the following community requests in order of priority to the Alaska Senators (Rep. Young did not ask for submissions this year). They included support for the Wrangell Hospital Construction Project; SRS/PILT Reauthorization; and Shoemaker Harbor breakwater extension,
- 2. FY 2013 Federal Budget/Sequestration: The Congress enacted a Continuing Resolution to keep the Federal government operating for the remaining months of this fiscal year but it did not overturn the mandated sequestration cuts. Federal employees may face furloughs up to one day a week and some Federal operations will be reduced. Implementation will start in April and while the details are not fully known at this point, here is a preliminary assessment of impacts that might affect Wrangell—
 - PILT: 5 percent. This is a cut to the amount the Borough is projected to receive in its June payment.
 - Essential Air Service: Cuts of 5% to the contracting air carriers.
 - SRS: The Forest Service has indicated that it will seek a refund from communities of Title I SRS funds but we believe that such an effort rests on questionable legal grounds. SRS Title I payments, while paid in calendar year 2013, came from fiscal year 2012 funds. RAC meetings/deliberations are likely to be affected as they occur in the current fiscal year. Reauthorization is still needed for the program to continue next year.
 - USFS: 5 percent. Furloughs likely in USFS regional offices as well as reduced operating hours, less trail and campground maintenance. The timber roads program would face the same cut.
 - Army Corps: 5 percent.
 - TSA: 5 percent. Furloughs or reduced hours likely.
 - Federal aid in highways: Highway formula programs are exempt. This includes formula funds for AMHS service.

- EDA & RDA: 5 percent. Likely implemented by a combination of furloughs of Federal employees and slowed or reduced grant/loan award amounts.
- 3. Shoemaker Harbor: We have submitted a project authorization request with the Delegation for the Corps to examine the feasibility of extending the breakwater at Shoemaker Harbor. Debate on WRDA reauthorization has begun with hearings and a mark up of a bill in the Senate Environment And Public Works Committee. That bill, due to the earmark moratorium, does not include project authorizations. We have also re-initiated advocacy for bill language which funds the rural navigation projects separately from the larger navigation and flood control projects for the Lower 48. The proposal would waive the National Economic Determination for rural Alaska projects. Early indications are positive from the Alaska Delegation, and the Southeast Conference has endorsed the proposal.
- 4. Secure Rural Schools/PILT Reauthorization: The House and Senate have taken early steps in the reauthorization of these programs. The recently-passed House and Senate Budget Resolutions include non-binding language recommending extension of both programs. The Senate Energy & Natural Resources Committee, of which Senator Murkowski is the Ranking Member, held an initial hearing in March. Members of the Committee on both sides of the aisle spoke in favor of reauthorization. Major issues included a multi-year reauthorization versus another one year emergency extension; determining an appropriate offset to pay for the programs; and expansion of natural resource and timber management and development on Federal lands. Senator Baucus (D-MT), Chairman of Senate Finance Committee, pledged to find an appropriate offset in the upcoming debate on tax reform. In its testimony, the head of the Forest Service indicated as part of the sequester that the Service will seek a partial "refund" from communities of their FY 2012 SRS Title I payments. This issue is not yet settled and we recommend holding off on any Forest Service request at this point.
- 5. Sealaska Withdrawal Legislation: Bills have been reintroduced in the House and Senate to permit Sealaska to withdraw ANSCA entitled lands. The Senate bill has been revised to focus on withdrawals in timber areas with both old and second growth timber. It includes stream buffers and other protections as well permitting public access for recreation, fishing and hunting. Maps of the withdrawal areas can be found here -- http://www.murkowski.senate.gov/public/?p=SealaskaLandBill. The House bill is the same bill that passed the House in the last Congress. The major difference with the Senate version is that it does not include any conservation management areas.
- **6. Fisheries**: There has been early activity this year on fisheries matters in the new Congress, as follows--
 - Genetically-Modified (GM) Salmon: The Alaska Delegation continues to press
 forward to halt or control the introduction of Aqua Bounty's GM Salmon in U.S.
 markets. Senators Begich and Murkowski have introduced two bills one would
 make GM salmon sale illegal in the U.S. unless NOAA has determined that there
 would no harmful impact on the environment, and the second would require the

FDA to clearly label GM salmon on consumer packaging. Rep. Young has introduced the counterpart labeling bill in the House.

- Maritime Lien Reform: Senators Murkowski and Begich, along with Representative Young in the House, have reintroduced legislation that prohibits maritime liens from being imposed on commercial fishing permits.
- Aquaculture In Federal Waters: Rep. Young has reintroduced legislation that
 would prohibit aquaculture operations in U.S. waters until such time as Congress
 passes legislation that sets up procedures and permit requirements for its
 approval.
- J-1 Visas For Seafood Processing Workers: Senator Begich has introduced a bill to create a separate category ("H2O Visas") for processing workers in an effort to resolve the difficulties in recent years with the State Department approval of J-1 visas.
- Capital Construction Fund: A bipartisan group of Senators from coastal states, including the two Alaska Senators, have reintroduced a bill that would allow commercial fishermen to withdraw their CCF funds without incurring a significant tax penalty for the purposes of retirement or expand their businesses. Alaska permit holders have over \$27 million sitting in the CCF.
- Illegal International Fishing And Fraudulent Foreign Seafood Labeling: The Alaska Senators have also introduced legislation that would tighten U.S. sanctions and enforcement against illegal fishing by foreign vessels, including barring them from entering U.S. ports. Separately, Senator Begich has introduced a bill that would tighten enforcement and traceability of fraudulent seafood labeling, most of which is coming from importers.
- Magnuson-Stevens Act Reauthorization: The House and Senate held kick-off hearings on reauthorizing the MSA. Issues discussed included: the cost to communities of ending overfishing; the need for improved science and more timely stock assessments; and the impacts of global climate change on fisheries. These were the first of what will be several hearings on reauthorization.
- 7. Essential Air Service: The Washington Post recently ran a weekend editorial calling for terminating the EAS Program. There will be sequester cuts to the program. As a result of the sequester, the FAA has announced it will close a large number of air traffic control towers at small, rural airports across the country.
- **8. Energy Issues**: There is much discussion in this Congress about passing a comprehensive energy bill. The following are recent developments--

- **Hydropower**: Senator Murkowski has introduced legislation to promote the development of small hydropower projects and to streamline the FERC licensing process for such projects. Senator Begich is a cosponsor.
- LNG: Senator Murkowski met with the Prime Minister of Japan in February to encourage greater export of Alaskan LNG to Japan. After the tsunami/earthquake and meltdown of the Fukushima nuclear reactor, the Government of Japan has made natural gas a centerpiece of future electrical power generation. Separately, legislation has been introduced that would expedite Department of Energy approval of LNG exports to Japan and NATO allies. Senator Begich is a cosponsor.
- ANWR: Rep. Young has reintroduced legislation to open up ANWR to oil and gas exploration.
- Energy 20/20: Senator Murkowski has issued a comprehensive report recommending a balanced energy strategy that focuses on both production and conservation. The full report can be found here -- http://www.energy.senate.gov/public/index.cfm/files/serve?File_id=099962a5-b523-4551-b979-c5bac6d45698.
- OCS Revenue Sharing: Senator Murkowski has introduced bipartisan legislation that would allocate 27.5 percent of OCS lease revenues to affected States (this amount would be increased to 37.5 percent if a State establishes a clean energy fund), with 25 percent of that amount going to local governments that are closest to the lease areas or serve as significant staging areas and the rest going to the State. Should the bill become law, it would generate substantial funding to the State and eligible communities as oil and gas development in the Beaufort and Chukchi Seas proceeds. Senator Begich is a cosponsor and earlier introduced his own bill.

9. Miscellaneous

- Congressional Oceans Caucus: Rep. Young has been named co-chair of the Congressional Oceans Caucus. The bi-partisan group has over 75 Members.
- Prince of Wales Mining Access Roads: The Delegation has sponsored legislation to direct the Forest Service to construct an access road to the Niblock and Bokan Mountain mining claim areas on Prince of Wales Island.
- Deepwater Ports Legislation: Senator Begich has introduced a bill that authorizes the Army Corps to enter into partnerships with private sector entities, including Alaska Native Corporations, for the purpose of constructing deepwater ports. The bill also sets up a fund within the Treasury to permit the Corps to undertake loan financing to fund such projects.

- Roadless Area Rule: Senators Begich and Murkowski have reintroduced legislation that would roll back the Roadless Area Rule as it applies to national forest land in Alaska.
- Tax-Exempt Status For Municipal Bonds: NACO has begun a major lobbying push to protect the tax-exempt status for municipal bonds during the upcoming debate on tax reform. Loss of that exemption, while bringing in significant funds to the Federal treasury, would raise interest rates on municipal bonds and increase the cost of bond financing for localities across the country. Senator Begich is circulating a letter to send to the President urging him to protect this tax-exempt status during negotiations.
- Bypass Mail/Postal Service Reform: Postal Reform legislation did not pass in the last Congress and will be brought back up again in this session. In the interim, the Postal Service has announced a decision to end Saturday mail (but not package) delivery nationwide later this year. The FY 2013 CR includes language that overturns that decision.
- Arctic Policy Bills: Senator Begich has introduced three bills to strengthen Alaska's involvement in future Federal scientific, trade, military, and other policy decisions concerning the Arctic region.

WRANGELL COOPERATIVE ASSOCIATION



P.O. Box 2021 • Wrangell, Alaska 99929 Telephone: (907) 874-4304 Fax: (907 874-4305 Email: wcatribe@gmail.com Website: www.shakesisland.com



March 25, 2013

City of Wrangell Attention: Tim Rooney P.O. Box 531 Wrangell, Alaska 99929 RECEWED 13

Tim:

Attached is a letter to the Assembly. If you have any questions, concerns, or wish to have some discussion on the matter prior to the Assembly meeting, please feel free to contact me, either through the WCA office at 874-4304, or at my cell phone 305-1058.

The WCA Council has requested that this matter not be put before the Assembly until your April 23, 2013 meeting. That is the only time that the majority of the WCA Council will be in town and available to attend an Assembly meeting.

Once again, if there are any questions, please feel free to contact me at any time.

Sincerely,

Timothy J. Gillen, Sr.

President

Wrangell Cooperative Association

P.O. Box 2021

Wrangell, Alaska 99929

TJG/cls

Enclosure

WRANGELL COOPERATIVE ASSOCIATION

P.O. Box 2021 • Wrangell, Alaska 99929
Telephone: (907) 874-4304
Fax: (907 874-4305
Email: weatribe@gmail.com
Website: www.shakesisland.com

To: The City and Borough of Wrangell

The City and Borough of Wrangell and Wrangell Cooperative Association have had a very good working relationship over the years, even to the envy of other Tribes of Southeast. It is a relationship we whole heartedly embrace and anticipate will last well into the future.

Over the last few years Wrangell Cooperative Association has invested a considerable amount in the infrastructure of the City in the form of improvements to city streets and lighting systems. This has resulted in a cost savings to the City, not only in the form of actual construction costs, but in savings in maintenance of the streets and the cost of operating street lights. Our long range Roads Program also has plans that will continue to support, upgrade and improve the City's infrastructure well into the future, which will benefit this entire community.

Also, over the past year or so, we have taken great steps and investment in our own culture in the form of rebuilding Shakes Island Tribal House, and beginning construction of a new Carving and Arts Center. We are also in the process of working on an agreement with Tlingit and Haida Regional Housing Authority to take over management of part of the SNO Building. We are investing in Wrangell and working vigorously at moving forward in a way that will not only benefit our Native members, but the entire population of our community.

Wrangell Cooperative Association is in the process of generating our long range goals and objectives. One of the most important aspects of these plans is land, which we do not have. We believe that given the above mentioned contributions to this community, that it is not unreasonable, and we are therefore respectfully requesting that the City and Borough of Wrangell give great consideration to donating the old BIA Institute property to Wrangell Cooperative Association, in whole or in part. We understand that the City and Borough has invested a good deal in this site, but feel that with this land, Wrangell Cooperative Association can move forward with our planning and use it to provide community and business growth that will benefit not only our Tribal Members, but our entire community.

Sincerely,

Timothy J. Gillen, Sr.

President, Wrangell Cooperative Association



CITY AND BOROUGH OF WRANGELL

INCORPORATED MAY 30, 2008

P.O. BOX 531 (907)-874-2381 Wrangell, AK 99929 FAX (907)-874-3952

April 5, 2013

Mr. Timothy Gillen, Sr., President Wrangell Cooperative Association P.O. Box 2021 Wrangell, AK 99929

Re: Letter to Assembly

Dear Mr. Gillen,

Thank you for your letter to the Borough Assembly. I have forwarded the letter to the Borough Assembly and as you requested, have scheduled the item for discussion and possible action by the Borough Assembly at their April 23, 2013 meeting.

Two important items to note regarding the Institute Property:

- The Economic Development Committee has been working on the development of a Prospectus for the
 property for over a year. The Borough Assembly, at their March 26, 2013 meeting, approved staff to
 advertise for "Requests for Development Proposals" from interested parties. With that action occurring
 prior to your request, I am not sure what the Borough Assembly can do without a formal development
 proposal being submitted by WCA.
- The Institute Property was recently appraised at \$1,625,000 on March 16, 2013. With that in mind, the Charter of the City and Borough of Wrangell requires that "The sale or lease of any borough property, real or personal, or the sale or other disposal of any interest therein, the value of which property, lease, or interest is more than \$1,000,000 shall be made only by authority of an ordinance enacted or ratified at any election by an affirmative vote of a majority of the qualified voters of the borough who vote upon the question of approval or enacting the ordinance (the ordinance being submitted to the voters by the assembly or by initiative of the voters)." In short, if the Borough Assembly were to grant the property to WCA, it would require a vote of the people because it is valued at more than \$1,000,000.

I am happy to meet with you to review the above information should you desire.

Finally, I am certainly appreciative of WCA's efforts to make the City and Borough of Wrangell a better place to live, work, and play. Certainly, it can be determined that several of the collaborative efforts undertaken by both WCA and the City and Borough of Wrangell have assisted both groups and have improved the quality of life of our residents. I look forward to continuing those efforts.

Sincerely,

Timothy D. Rooney Borough Manager

Cc: Mayor Dave Jack

Wrangell Borough Assembly



Department of Natural Resources

DIVISION OF MINING, LAND & WATER Resource Assessment & Development Section

> 550 West 7th Avenue, Suite 1050 Anchorage, Alaska 99501-3579 Main: 907.269.8534 TDD: 907.269.8411 Fax: 907.269.8915

April 1, 2013

Mr. Timothy Rooney, Manager City and Borough of Wrangell P. O. Box 531 Wrangell, AK 99929 APR 03 2013
RECEIVED

Re: Proposed City and Borough of Wrangell Municipal Land Entitlement conveyance and

portions to be rejected.

Dear Mr. Rooney,

The purpose of this letter is to provide notice to the City and Borough of Wrangell of a proposed conveyance of state owned land to the City and Borough of Wrangell and portions to be rejected.

Enclosed is a copy of the public notice that explains the proposed actions. Please distribute this letter to those within your organization that may have an interest and submit your comments, if any, on or before May 1, 2013.

If you should have any questions concerning these actions, you may contact me at (907) 269-8526, or email at Sandra.swanger-jensen@alaska.gov.

Sincerely,

andla

Sandra Swanger-Jensen

Municipal Entitlement Manager

Cc: CBW, Carol Rushmore, Economic Development Director

CBW, Honorable David L. Jack, Mayor

Enclosure: 1

STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND AND WATER PUBLIC NOTICE UNDER AS 38.05.945 CONVEYANCE OF LAND UNDER AS 29.65

CITY AND BOROUGH OF WRANGELL ALASKA DIVISION OF LANDS ADL 108133

The Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), proposes to convey 7,143.76 acres of state land to the City and Borough of Wrangell under its municipal entitlement under AS 29.65 and reject 2,089.17 to be retained by the state, and 74.42 acres that is not state land. The lands being considered are located in the Copper River Meridian in Southeast Alaska on portions of the Wrangell Island, Cleveland Peninsula, Zarembo Island, Etolin Island and the mainland within the corporate boundary of the City and Borough of Wrangell. Lands approved for conveyance will contribute to fulfill, in part, the City and Borough of Wrangell 9,006 acres of general grant land entitlement pursuant to AS 29.65.010.

The public is invited to comment on these actions as described in the Preliminary Decision (PD). The PD is available online at the DNR, Municipal Entitlement website at: http://dnr.alaska.gov/mlw/muni/. The public notice is available on the Alaska Online Public Notice System: http://dnr.alaska.gov/commis/pic/pubnotfrm.htm.

You may request a copy of the PD or the public notice from DNR, DMLW, Municipal Entitlement Unit, Attention: Sandra Swanger-Jensen, 550 W. 7th Avenue, Suite 1050, Anchorage, AK 99501-3579; by phone (907) 269-8526, by fax (907) 269-8915 or by electronic mail: sandra.swanger-jensen@alaska.gov.

Comments may be provided in written form to DNR, DMLW, Municipal Entitlement, Attention: Sandra Swanger-Jensen at the same above address, fax or electronic mail and must be received on or before MAY 1, 2013 in order to ensure consideration.

Following the comment deadline, those written responses received will be considered and this decision may be modified to incorporate public comments in a Final Finding and Decision (FFD). Only persons who comment in writing during the public comment period will be eligible to file an administrative appeal of the FFD. A copy of the FFD will be sent to any person who comments on the PD. The FFD will include the appeal instructions. Please direct all inquiries or questions to Sandra Swanger-Jensen at the above address, phone, fax or by electronic mail.

The DNR is prepared to accommodate individuals with disabilities by providing auxiliary aids or services when requested. Individuals with audio impairments who wish to respond to this decision by telephone may call the DNR, Public Information Center in Anchorage between the hours of operation: 10:00 a.m. to 5:00 p.m., Monday through Friday at TTY: (907) 269-8411.

STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND AND WATER

MUNICIPAL ENTITLEMENT PRELIMINARY DECISION CONVEYANCE OF LAND UNDER AS 29.65.10

CITY AND BOROUGH OF WRANGELL MUNICIPAL LAND ENTITLEMENT SELECTIONS ALASKA DIVISION OF LANDS ADL 108133

I. PROPOSED ACTION

The Department of Natural Resources (DNR) proposes to convey 7,143.76 acres of state owned vacant, unappropriated, unreserved (VUU)¹ general grant land to the City and Borough of Wrangell (CBW or borough) to fulfill, in part, the borough's general grant land entitlement of 9,006 acres under AS 29.65.010.

This Preliminary Decision (PD or decision) covers 9,307.35 acres of borough land selections in nine geographical areas identified as: Sunny Bay (MAP 1), Olive Cove (MAP 2), Thoms Place & Thoms Place South (MAP 3), Wrangell Island West (MAP 4), Earl West Cove (MAP 5), Wrangell Island East (MAP 6), Crittenden Creek (MAP 7), Bradfield Canal; Bradfield North Shore, and Bradfield South Shore (MAP 8), and St John Harbor (MAP 9). Each of these areas is part of the Central/Southern Southeast Area Plan² (CSSEAP), and located within Region 4: Wrangell, and Region 5: Ketchikan – Cleveland Peninsula. These attached maps created by DNR depict the general location of the borough's land selections.

DNR proposes to reject a portion of the CBW land selections of 2,163.59. This acreage consist of 9.31 acres, as depicted on MAP 2 - Olive Cove, that includes a lot in ASLS 81-233, Olive Cove Subdivision, and USS 1966, both of which are not state land. Additionally, 40.00 acres, as depicted on MAP 3 - Thoms Place is U. S. Forest Service land; 2.96 acres depicted on MAP 5 - Earl West Cove is U. S. Forest Service land for the Earl West Cove Recreation Site at the end of Forest Service Road No. 6265, and 22.15 acres depicted on MAP 9 - St John Harbor, is a Low Point Lighthouse Reserve USS 1719, also are not state owned land.

In addition, DNR proposes to reject 22.65 acres of a borough land selection, as depicted on MAP 3 - Thoms Place South, for the state's interest outweighs that of the borough to obtain it. It is to be retained by the state in accordance with the recommendations of the CSSEAP to function

¹ Vacant, unappropriated, unreserved (VUU) land is general grant land patent or tentative approved to the state from the United States, excluding minerals as required by 6(i) of the Alaska Statehood Act and is conveyable under the Municipal Entitlement Act.

² Central/Southern Southeast Area Plan (2000) establishes the management intent, land-use designations, and management guidelines that apply to all state lands in applicable planning area. This plan forms the basis for the land use classifications that are to determine if state land is appropriate for conveyance to a municipality under the means of AS 29.65.

as a greenbelt; act as a buffer between adjacent uses, especially to the existing subdivision and Thoms Place State Marine Park.

Furthermore, this decision has determined that those portions of the borough land selections as depicted in Thoms Place (MAP 3) of 199.59 acres, Wrangell Island East (MAP 6) of 461.30 acres, and St John Harbor (MAP 9) of 240.63 acres are proposed to be rejected and to remain in state ownership given that the state's interest outweighs those interests of the borough to obtain it. This land is to be retained by the state to support the DNR land disposal program in Southeast Alaska. DNR is required by the Legislature to make state owned land available for private use. There is very little land remaining in Southeast Alaska for this purpose and therefore these sites are important for the maintenance of this program.

Additionally, the borough land selections in Bradfield Canal, Bradfield North Shore, and Bradfield South Shore (MAP 8), consisting of 1,165 acres are proposed to be rejected and remain in state ownership as well, for the state's interest outweighs the interest of the borough to obtain it. The land encompassed by these selections is of great importance to the state and occupy sites intended to be developed by the state for highways and public facilities. The state's Southeast Transportation Plan identifies projects for eventual development, and planned road projects providing access to Juneau and Skagway that include rights-of-way within the areas of the borough land selections. These projects are also indentified in reciprocal easement documents between the U. S. Forest Service and the state; portions of these easements occur within the municipal selections.

This decision also determines whether or not the CBW municipal entitlement land selections meet the requirements in accordance with AS 29.65.070(c). This statute requires that each land selection must be compact in form with its length not exceeding approximately four times its width. The acreage approved for conveyance will be credited towards partial fulfillment of the borough's municipal land entitlement. Management authority will be transferred once the Final Finding and Decision (FFD) become effective.

The public is invited to comment on this Preliminary Decision. The deadline for comments to be received is May 1, 2013. Refer to page 38 of this decision under the heading 'PUBLIC NOTICE, DECISION AND APPEAL PROCEDURES' for details on how, when and where to submit your comments.

II. AUTHORITY

The proposed actions for this Preliminary Decision is authorized pursuant to the Alaska State Statues (AS) together with the Alaska Administration Code (AAC) particularly to AS 29.65, AS 38.05.035(e), AS 38.05.125, AS 38.05.127, AS 19.10.010 and 11 AAC 55.

III. ADMINISTRATION RECORD

The administrative record for this PD is known as case file ADL 108133, which includes, in addition to other relevant information: the Central/Southern Southeast Area Plan, the Alaska

Department of Fish and Game Alaska Anadromous Waters Catalog, the Atlas to the Catalog and the Alaska Department of Environmental Conservation Contaminated Sites Map for the State of Alaska, the Alaska Southeast Transportation Plan, and the reciprocal easement documents.

IV. SCOPE OF DECISION

The scope of this DNR review is limited to the determination of whether it is found appropriate to convey the aforementioned borough land selections or a portion of these selections to the borough. It additionally includes the determination of third party interests, stipulations necessary to effectuate this decision, and whether the requirements of AS 29.65.070(c) apply and are met and it is appropriate to allow the CBW to exercise immediate management authority for conditional sales and leases.

V. DESCRIPTION

A. Location and Geographical Features

Geographical Area(s): Central/Southern Southeast Area Plan (CSSEAP);

Region 4: Wrangell - (Chp. 3, p. 170 & 171)

<u>North/Central Wrangell Island:</u> areas near coast are characterized by moderately sloping coastal plains. Uplands contain a mixed hemlock/spruce forest except for some even-age regeneration areas in the Pat's creek drainage.

<u>Wrangell Island South Area</u>: consist of interior areas by Thoms Lake and Thoms Creek drainage, with terrain tending to be gentle sloped near the creek but more steeply sloped away from the area; includes dry uplands covered with mixed spruce hemlock forest.

<u>Bradfield Canal Area</u>: consist of floodplain of Bradfield River, which is extensive, consisting of the numerous braided channels formed by the river. The floodplains are occupying extensive wetland areas consisting of emerging forested and shrub wetlands types.

<u>Mill and Crittenden Creek Area:</u> consists of gentle rolling coastal plains with areas of steep slope within the interior of both parcels as well as areas of fairly level floodplains adjacent to Crittenden Creek.

Region 5: Cleveland Peninsula – (Chp. 3, p. 235)

Cleveland Peninsula: consist of lands adjacent to coast is either flat or gently rolling hills, occupied by wetlands, saturated spruce bogs and sphagnum bogs. Uplands consist of mixed hemlock/spruce forest.

Borough/Municipality:

City and Borough of Wrangell

Meridian:

Copper River (CRM)

Regional Native Corp.:

Wrangell Cooperative Association

Village Corp.:

Metlakat

USGS Map Coverage:

USGA Topo Maps (1:63,360)

MAP#	Municipal Entitlement Selection Name	USGS
1	Sunny Bay	Craig D-1/Ketchikan D-6
2	Olive Cove	Petersburg A-1 & A-2
3	Thoms Place & Thoms Place South	Petersburg A-1
4	Wrangell Island West	Petersburg B-1 & B-2
5	Earl West Cove	Petersburg B-1
6	Wrangell Island East	Petersburg B-1
7	Mill Creek South & Crittenden Creek	Petersburg B-1
8	Bradfield Canal, Bradfield North Shore, Bradfield South Shore	Bradfield Canal A-5
9	St. John Harbor	Petersburg B-3

B. Legal Description - Land Status - Third Party Interests

TABLE 1 below indentifies the CBW land selections by map number, parcel area name, Meridian: Copper River (CRM), Township (T), Range (R), Sections (S), and includes title status, date, state case file and any third party interest affecting those lands owned by the state. The state holds fee title to the land and mineral estates through either Patent or Tentative Approval (TA) received from the Bureau of Land Management (BLM). The state will only convey the land estate on those approved lands to the borough, and will retain the mineral estate in state ownership.

TABLE 1 <u>LEGAL DESCRIPTION – LAND STATUS – THIRD PARTY INTEREST</u>

MAP 1 <u>SUNNY BAY</u>

T. 68 S., R. 87 E., Sections 15, 16, 17, 18, 19, 20, 21, 22, 28, 29 & 30, CRM T. 68 S., R. 86 E., Sections 24 & 25, CRM

TITLE	DATES	STATE CASE FILE
University QCD to State of Alaska 2010-001381-0	4/23/2010	OSL 1424: BLM Plat dated 9/11/2002 T68S, R86E, and BLM Plat dated 9/18/2002 Tract A T. 68 S., R. 87 E. CRM
State QCD No. 1660 to University 2008-002271-0	6/4/2008	Tract A, T. 68 S., R. 86 E., CRM Tract A, T. 68 S., R. 87 E., CRM
BLM Patent: 50-2007-0202 - Tract A	10/9/1996	NFCG 233
Third Party Interest: NONE		

MAP 2 OLIVE COVE

T. 65 S., R. 85 E., Section 31, CRM T. 66 S., R. 85 E., Section 6, CRM

TITLE	DATE	STATE CASE FILE
BLM Patent: 50-89-0538	8/21/1989	NFCG 117
Third Party Interest: NONE		

MAP 3 THOMS PLACE

T. 65 S., R. 85 E., Sections 25, 26, 27, 35 & 36, CRM

T. 65 S., R. 86 E., Section 31, CRM

TITLE	DATES	TITLE ACQUISITION	
TA: AA-71641	5/29/2003	NFCG 285	
BLM Patent: 50-89-0538	8/21/1989	NFCG 119	
Third Party Interest: YES			
 Reserved to the United States. 	a sixty-six (66) feet wide. I	Forest Development Road No.	
6299, located within Section 3		- canno - c , oro-F	

MAP 3 THOMS PLACE SOUTH T. 66 S., R. 86 E., Section 8, CRM

TITLE	DATE	STATE CASE FILE
BLM Patent: 50-89-0538	8/21/1989	NFCG 119
Third Party Interest: NONE		

MAP 4 <u>WRANGELL ISLAND WEST</u>

T. 64 S., R. 84 E., Sections 8, 17 & 20, CRM

TITLE	DATE	STATE CASE FILE
BLM Patent: 50-92-0118	11/10/1965	NFCG 116
Third Party Interest: YES		

Surface activity:

- A 100-feet wide right-of-way, Zimovia Highway, ASLS 96-12, located within Section 20.
- ADL 103775: Public Easement, Forest Service Road No. 6267, 66-feet wide, located within Section 20.
- ADL 106535: Right-of-way easement turnaround (.230 acres) for the Department of Transportation & Public Facilities, located within Section 20.
- ADL 106725: Private Non-Exclusive Easement 60-feet wide by 2,425-feet long (3.340 acres), located within Section 20.
- ADL 107672: Public easement 20-feet wide (1.102 acres) to the City and Borough of Wrangell along side an existing roadway (ADL106725) for the Wrangell Municipal

Light & Power (WML&P) for a power line transvering between Zimovia Highway in Tracts B & C and Lot 2, located within Section 20, T. 64 S., R. 84 E., CRM, providing service to Block 1 of ASLS 83-7, Wrangell Island West Subdivision.

- LAS 22686: Material Sale, Mc'Cormick Creek Quarry.
- LAS 23091: Material Sale, Mc'Cormick Creek Quarry.
- LAS 23092: Material Sale, Mc'Cormick Creek Quarry.
- LAS 23093: Material Sale, Mc'Cormick Creek Quarry.
- LAS 23094: Material Sale, Mc'Cormick Creek Quarry.
- LAS 23231: Material Sale, Mc'Cormick Creek Quarry.
- LAS 19128: Permit for Land Use 5 acres, Log Storage Zimovia Hwy within Section 20.

MAP 5 EARL WEST COVE

T. 64 S., R. 85 E., Sections 2, 3, 4, 9 & 10, CRM

TITLE	DATE	STATE CASE FILE
BLM Patent: 50-2004-0026	10/27/2003	NFCG 287
Third Darty Interest, VDC		······································

Third Party Interest: YES

- An ADOT&PF right-of-way easement for Forest Service Road No. 6265, 300-feet wide,
 Vista Thoms Lake Road, located within Section 9, T. 64 S., R. 85 E., CRM.
- U. S. Patent excepting and reserving the Forest Development Road No. 6265, sixty-six (66) feet in width, located within Sections 3 & 9.
- USFA Commercial Use and LTF/Boat Ramp, located within Section 3.
- Earl West Marine Recreation Site (2.96 acres), located within Section 3.
- U. S. Patent excepting and reserving an electrical transmission line three-hundred (300) feet in width for Federal Energy Regulatory Commission (FERC) Power Project 3015 located within Sections 9 & 10. Permit issued to Alaska Energy Authority under the provisions of the Federal Land Policy and Management Act of October 21, 1976. Permit issued January 1, 1984, for a period of 50 years.

MAP 6 WRANGELL ISLAND EAST

T. 62 S., R. 84 E., Sections 27, 28, 34 & 35, CRM T. 63 S., R. 84 E., Sections 1, 2, 11, 12, 23 & 24, CRM

27 00 01, 27 0 1 Di, Ottomo 1, 2, 12, 12, 20 CC 27, Cicil			
TITLE	DATE	STATE CASE FILE	
BLM Patent: 50-1992-0118	12/24/1991	NFCG 116	
Third Party Interest: YES			

- ADL 106459: Timber Sale, located within Sections 23 & 24.
- ADL 104281: Public easement, Forestry, located within Section 24.
- ADL 104833: Public easement, FERC transmission line, located within Sections 23 & 24.

MAP 7 MILLCREEK SOUTH T. 62 S., R. 85 E., Section 31, CRM

TITLE	DATE	STATE CASE FILE
BLM Patent: 50-1996-0240	2/23/1996	NFCG 116
Third Party Interest: YES		
 ADL 106947: ILMA issued, loc 	cated within Section 31.	

MAP 7 CRITTENDEN CREEK

T. 62 S., R. 84 E., Section 9, 15, 16 & 22, CRM

1. 02 0.5 A. 04 25, Section 9, 13, 10 to 22, CRIVI			
TITLE	DATE	STATE CASE FILE	
BLM Patent: 50-92-0118	12/24/1991	NFCG 116	
Third Party Interest: NONE			

MAP 8 BRADFIELD CANAL

T. 65 S., R. 90 E., Sections 14, 20, 21, 22 & 23, CRM

2. 00 00, 200 0 000 11, 20, 21, 22 00 25, CAUL			
TITLE	DATE	STATE CASE FILE	
BLM Patent: 50-2002-0015	10/31/2001	NFCG 288 & 289	
Third Party Interest: YES			

Surface activity:

- U. S. Patent excepting and reserving an electrical transmission line three hundred (300) feet wide for Federal Energy Regulatory Commission (FERC) Power Project No. 3015, located within Sections 21, 20, 29 & 31.
- Alaska Energy Authority: Federal Land Policy and Management Act of October 21, 1976. Permit issued January 1, 1984, for 50 years.
- ADL 104833: Public Utility Easement three hundred (300) feet wide, Southeast Alaska Power Agency.
- USS 11305: Lake Tyee Power House (1.14 acres).
- ADL 106442 Public Utility Easement 300-feet wide, Southeast Alaska Power Agency located within Section 21.
- ADL 104833 Public Utility Easement Southeast Alaska Power Agency three hundred (300) feet wide, located within Section 21.
- ADL 106841 Public and Charitable Comp Lease affecting Section 21.
- ADL 108167 Trapping Cabin Permit affecting Section 14.

MAP 8 <u>BRADFIELD NORTH SHORE</u> T. 65 S., R. 90 E., Section 19, CRM

TITLE	DATE	STATE CASE FILE
BLM Patent: 50-92002-0015	10/31/2001	NFCG 288
Third Party Interest: NONE		

MAP 8 <u>BRADFIELD SOUTH SHORE</u> T. 65 S., R. 90 E., Sections 29, 30 & 31, CRM

TITLE	DATE	STATE CASE FILE
BLM Patent: 50-2002-0015	10/31/2001	NFCG - 288
Third Party Interest: YES		
Surface activity:		

- ADL 106442: Public Utility Easement, Southeast Alaska Power Agency three hundred (300) feet wide.
- ADL 104833: Public Utility Easement, Southeast Alaska Power Agency three hundred (300) feet wide.

MAP 9 <u>ST. JOHN HARBOR</u> T. 62 S., R. 80 E., Sections 32 & 33, CRM T. 63 S., R. 80 E., Section 5, CRM

TITLE	DATE	STATE CASE FILE
BLM Patent: 50-2004-0365	8/19/2004	NFCG 227
Third Party Interest: YES		
Low Point Lighthouse Reserved	USS 1719, located within	Section 33, T. 62 S., R. 80 E.

VI. PRELIMINARY DECISION

A. Background

The former City of Wrangell (city) was authorized to receive 551 acres of municipal land entitlement. This entitlement acreage was conveyed in 1996 for 262.06 acres and 288.728 acres in 1998 under AS 29.65.020 in fulfilling their municipal land entitlement. Later, the city was dissolved and reconstituted as the City and Borough of Wrangell (CBW), a unified home-rule municipality authorized through a certification of incorporation by the State of Alaska Department of Commerce, Community and Economic Development, effective May 30, 2008, recorded as Serial No. 2008-002154-0. This also entailed the expansion of the CBW new corporate boundary in 2008 to encompass a much larger area, than that of the former city.

Thereafter, in 2010, with the new CBW expanded boundary, the legislature passed CSHB 273 establishing a new general grant land entitlement of 9,006 acres and revised AS 29.65.010 by adding their new entitlement to the list. It is this revision (9,006 acres) that is the subject of this adjudication of the CBW land selections.

B. Planning

1. Planning

All of the land selections are situated within the planning boundary of the state's CSSEAP and are affected by the classifications derived from this area plan. These selections are located mostly in Region 4: Wrangell, and one land selection in Region 5: Ketchikan/Cleveland Peninsula. The boroughs' land selections are widely separated geographically in eight different management units. TABLE 2 below identifies the land use classification for each selection. The management intent and plan designation for each management unit are described in the CSSEAP. These plan designations convert to land use classifications, which establish what land the state may convey under the Municipal Entitlement Act. The management intent and management guidance of the plan also affect the DNR decision as to which land to convey and the type of stipulations that apply to a disposal of state land.

2. Classification

The land selections proposed for conveyance in this decision are classified as Resource Management, Public Recreation or Settlement, and all three are conveyable classifications as municipal entitlement general grant land under AS 29.65. TABLE 2 shows the land use classifications derived from the CSSEAP for each land selection.

TABLE 2
CENTRAL/SOUTHERN SOUTHEAST AREA PLAN
MANAGEMENT UNIT AND CLASSIFICATION

MAP# PARCEL NAME	TOWNSHIP, RANGE, CRM	MANAGEMENT UNIT	LAND USE CLASSIFICATION
1 Sunny Bay	T. 68 S., R. 86 E. T. 68 S., R. 87 E.	C-01	Resource Management
2 Olive Cove	T. 65 S., R. 85 E. T. 66 S., R. 85 E.	W-15	Resource management Public Recreation
3 Thoms Place	T. 65 S., R. 85 E. T. 65 S., R. 86 E.	W-18	Resource Management Settlement
3 Thoms Place South	T. 66 S., R. 86 E.	W-28	Public Recreation
4 Wrangell Island West	T. 64 S., R. 84 E.	W-10 W-27	Resource Management
5 East West Cove	T. 64 S., R. 85 E.	W-12	Resource Management

6 Wrangell Island East	T. 62 S., R. 84 E. T. 63 S., R. 84 E.	W-08 W-10	Resource Management
7 Mill Creek South Crittenden Creek	T. 62 S., R. 85 E. T. 62 S., R. 84 E.	W-07 W-01	Public Recreation Resource Management
8 Bradfield Canal Bradfield South Shore Bradfield North Shore	T. 65 S., R. 90 E.	W-20 & 21 W-20 W-19	Resource Management
9 St. Johns Harbor	T. 62 S., R. 80 E. T. 63 S., R. 80 E.	W-02	Resource Management Settlement

3. Mineral Orders

The mineral estate is reserved to the state pursuant to AS 38.05.125. There are no known mineral orders affecting the borough's land selections at this time.

C. Traditional Use Finding

In an unorganized borough, disposal of state land with traditional uses is to be reviewed under AS 38.05.830. The CBW is a unified home-rule municipality and was eligible for new municipal entitlement in accordance with the 2010 revised AS 29.65.010; therefore, a determination for traditional uses is not required. All of the borough's municipal entitlement land selections, in this decision, are located within their approved expanded corporate boundary.

D. Access

Public access will be reserved in accordance with AS 19.10.010, AS 19.30.400, AS 38.05.125, AS 38.05.127, and 11 AAC 51. The majority of the CBW municipal entitlement land selections are located in Region 4: Wrangell and access is by water. The one land selection in Region 5, located on the Cleveland Peninsula is also accessed by water. Both of these regions can be accessed by either boat or floatplane.

1. Section Line Easements

A section line easement (SLE) is to be provided in accordance with AS 19.10.010 and 11 AAC 51.025, which require a 100-foot wide public easement centered on the section line or 50-feet on each side of a surveyed or unsurveyed section line. This easement will be reserved along each section line on lands approved for conveyance.

2. Trails, Rights-of-way, RS 2477 and Easements

A review of state records concluded that there are rights-of-way, easements, reservations and exceptions in the U.S. Patent affecting some of the CBW land selections as disclosed above in

TABLE 1. A borough land selection proposed for conveyance will have imposed a stipulations, by this decision, as a 'subject to' on the following map:

Subject to:

MAP 4: A three-hundred (300) feet wide right-of-way easement to overlay the platted Zimovia Hwy, ASLS 96-12, located within Section 20, T. 64 S., R. 84 E., CRM.

3. Navigable and Public Water

AS 38.05.127 and 11 AAC 51.045 require the imposition of a continuous 'along' easement that extends 50-feet wide upland of and adjoining the ordinary high water mark (OHWM) on navigable and public waters and the mean high water mark (MHWM) on marine meandering shorelines. The 'to' easement will be imposed through the section line easement in accordance with AS 19.10.010 and 11 AAC 51.

Navigable and public waters have been determined based on the criteria in 11 AAC 51.035 and as further defined as follows:

- Navigable water: Is a water body at least 50 acres in size or a
 waterway at least 50 feet in width from the OHWM to the OHWM.
 The state will retain the bed of navigable water in state ownership,
 including all gravel bars and islands.
- Public water: Is a water body at least 10 acres but less than 50 acres in size or a waterway at least 10 feet but less than 50 feet in width from the OHWM to the OHWM. The state will convey the bed of public water to the municipality.

The location of the OHWM and the MHWM will be determined at the time of survey, which will identify the specific areas to be retained by the state. Prior to transferring ownership, a survey is required on the unsurveyed approved lands by an Alaska Professional Licensed Surveyor hired by the CBW. At the time of survey, the field work performed by the surveyor may determine that a body of water or waterway appears to be different than as identified in this decision. If this is correct, the surveyor will be required to submit their findings to the state's surveyor for review and by the municipal entitlement unit. If the field work is determined to be accurate by these entities the survey findings will supersede the recommendations in this decision for those waterbodies affected by this determination.

For those lands approved for conveyance to the CBW, ownership of those uplands from the OHWM of navigable and public waters, and MHWM of marine meandering shorelines does not grant an exclusive right to the use of the water and a right of title to the land below the OHWM or MHWM, pursuant to AS 38.05.126.

4. To & Along Easements

A continuous fifty (50) feet wide public access easement upland and 'along' the OHWM and the MHWM will be reserved for all body of waters determined to be navigable or public waters in accordance with AS 38.05.127 and 11 AAC 51.045. TABLES 3 & 4 indicate those waterbodies that are affected by this requirement (see column 'Public Access').

A fifty (50) feet wide easement 'to' navigable and public waters will be reserved approximately once each mile on each side of a section line. For the purpose of this decision, it is typical that the section line easements required under AS 19.10.010 will function to fulfill this requirement.

These stipulations will be imposed as a 'subject to' in this decision on those lands approved for conveyance to the CBW.

5. Protection of Riparian Areas to Anadromous and Public Waters

The CSSEAP includes guidelines for the maintenance of riparian habitat adjacent to anadromous and high-value resident fish waters. Lands conveyed out of state ownership are to include stipulations to ensure the protection of riparian areas. The plan establishes the width of riparian buffers and provides flexibility in the method used to protect these areas. The preferred method used in this decision is through an easement that precludes certain uses and sets limits on devegetation within a specific area. TABLES 3 & 4 indentify whether an 'along' or a riparian easement (or both) will be imposed, and the width of the easement for affected waterbodies.

The stipulation described below affects those streams identified as anadromous in TABLE 3, and also for those streams that are anadromous or are considered to have significant riparian value in TABLE 4. This stipulation will be imposed as a "subject to" in this decision.

Subject to:

Reservation for an easement of 100-feet wide to be located upland and adjoining the ordinary high water mark of (See Tables 3 & 4 for waterbody name), the purpose of which is to protect the riparian area of the aforementioned waterbody. Only water dependent uses of the type described in [former] 6 AAC 80.900(17) are allowed within the first 70 feet from ordinary high water mark. No more than 25% of this area may be de-vegetated and no more than 50% may be de-vegetated in areas in excess of 70 feet. All such uses are subject to the requirements of the 'along' easement imposed under AS 38.05.127

NAVIGABLE WATERS

Waterbodies determined to be navigable waters are identified in TABLE 3. These waterbodies may or may not be anadromous. No navigable waters or the beds (underlying land) of a

navigable waterbody are conveyed in a decision for municipal entitlement. Exposed sand or gravel bars that are in and are not above the OHWM are part of the waterbody bed. Only those lands determined to be uplands that are above the OHWM are intended to be conveyed, with the exception of a 500-feet wide riparian buffer on Earl West Creek, which will be retained in state ownership, as identified in the CSSEAP.

TABLE 3

Map # Parcel Name	Township, Range, Section, CRM	Water Body Name greater ➤ than or less << than in width <10-feet Not ➤ 50-feet	Anadromous Waters Yes or No	Riparian area width upland from each side of the OHWM ³	Public Access Easement (to & along)
2 Olive Cove	T.66 S., R.85 E., Sec. 6	Olive Creek ➤ 50-feet	No	-	50-feet
5 Earl West Cove	T.64 S., R.85 E., Sec. 10	Earl West Creek ➤ 50-feet	Yes	500-feet (retained by state)	50-feet

PUBLIC WATERS

Waterbodies determined to be public waters under 11 AAC 51.035 are identified in TABLE 4. These waterbodies may or may not be anadromous, but coincide with the anadromous streams catalog. The beds of public waters are to be conveyed with the adjoining approved lands, with the exception of a 300-feet wide riparian buffer on McCromack Creek, which will be retained in state ownership, as indentified in the CSSEAP. The attached maps depict the general location of the anadromous streams.

TABLE 4

Map # Parcel Name	Township, Range, & Section, CRM	Water Body Name Acreage that is greater > than or less < than and @ least 50-feet wide	Anadromous Waters Yes or No	Riparian Area Width upland from each side of the OHWM	Public Access Easement Width (to & along)	Pubic Access Ensement Shorelines Width (along meandering marine waters)
1 Sunny	T.68 S., R.87 E. Sec. 19, 20, 29	June Creek	Yes	100-feet	50-feet	_
Bay	T.68 S., R.87 E. Sec. 19, 30	unnamed lake ▶10 acres < 50 acres	No		50-feet	

³ The riparlan areas upland and adjacent to the OHWM on McCormack Creek and Earl West Creek are to be retained by the state; the remaining riparian areas identified in TABLE 4 are to be protected through the imposition of a riparian easement as noted.

Map # Parcel Name	Township, Range, & Section, CRM	Water Body Name Acreage that is greater > than or less < than and @ least 50-fect wide	Anadromous Waters Yes or No	Riparian Area Width upland from each side of the OHWM	Public Access Easement Width (to & along)	Pubic Access Easement Shorelines Width (along meandering marine waters)
	T.68 S., R.87 E. Sec. 20	unnamed stream ≪ 50-feet	Yes	100-feet	50-feet	-
:	T.68 S., R.87 E. Sec. 21	Mouth of Sunny Bay Creek only	Yes	100-feet	50-feet	-
1	T.68 S., R.87 E. Sec. 21, 22	Sunny Bay Creek	No	**	50-feet	•
Sunny Bay	T.68 S., R.87 E. Sec. 21	Unnamed body of water <10 acres	•	•	-	_
	T.68 S., R.87 E. Sec. 15, 16	unnamed stream < 50' unnamed lake > 10 acres < 50 acres	No	•	50-feet	-
	T.68 S., R.86 E. Sec. 25	Watson Point Creek	Yes	100-feet	50-feet	-
	T.68 S., R.87 E. Sec. 16, 21, 20, 19	Sunny Bay/ Seward Passage Marine Shoreline	-	,	•	50-feet
	T.68 S, R.86 E. Sec. 24	Ernst Sound Marine Shoreline	•	•	-	50-feet
2 Olive	T.66 S., R.85 E. Sec. 6	unnamed stream (width determined at time of survey)	Yes	100-feet	50 feet	_
Cove	T.66 S., R.85 E. Sec. 6 T.66 S., R.84 E. Sec. 31	Olive Cove Marine Shoreline		<u>-</u>	-	50-feet
	T.65 S., R.85 E. Sec. 25, 26, 36	Cinnamon Creek (width determined at time of survey)	Yes	100-feet	50 feet	-
3	T.65 S., R.85 E. Sec. 36	Bearing Creek (width determined at time of survey)	Yes	100-feet	50 feet	•
Thoms Place	T.65 S., R.85 E. Sec. 36	Mouth of unnamed Stream only (width determined at time of survey)	Yes	100-feet	50 feet	_
	T.65 S., R.85 E. Sec. 36	unnamed lake < 10 acres	No	•	50-feet	•

Map # Parcel Name	Township, Range, & Section, CRM	Water Body Name Acreage that is greater > than or less < than and @ least 50-feet wide	Anadromous Waters Yes or No	Riparian Area Width upland from each side of the OHWM	Public Access Easement Width (to & along)	Pubic Access Easement Shorelines Width (along meandering marine waters)
	T.65 S., R.85 E. Sec. 27, 35, 36	Zimovia Strait Marine Shoreline	•		~	50-feet
	T.66 S., R.86 E. Sec. 8	Zimovia Strait Marine Shoreline		•	•	50-feet
4 Wrangell Island	T.64 S, R.84 E. Sec. 20	McCormack Creek (width determined at time of survey)	Yes, including 25' within tidelands	300 feet (retained by state)	50-feet	-
West	T.64 S., R.84 E. Sec. 20	Zimovia Strait Marine Shoreline	-	•	-	50-feet
5	T.64 S., R.85 E. Sec. 4, 9	unnamed stream (width determined at time of survey)	Yes	100 feet	50-feet	-
Earl West	T.64 S., R.85 E. Sec. 10	Earl West Cove	Yes	100 feet	50-feet	-
Cove	T.64 S., R.85 E. Sec. 2, 3, 4, 9 & 10	Earl West Cove Venus Cove		-	-	50-feet
6 Wrangell	T.62 S., R.84 E. Sec. 35	unnamed stream (width determined at time of survey)	No	•	50-feet	-
Island East	T.62 S., R.84 E. T.63 S., R.84 E. Sec. 35	Eastern Passage Marine Shoreline	-	<u>-</u>	•	50-feet
7	T.62 S., R.84 E. Sec. 9	unnamed stream (width determined at time of survey)	No	-	50-feet	-
Crittenden Creek	T.62 S., R.84 E. Sec. 9, 15, 16 & 22	Eastern Passage Marine Shoreline	.	-	-	50-feet
	T.62 S., R.85 E. Sec. 31	Eastern Passage Marine Shoreline			-	50-feet
9 St. John	T.62 S., R.80 E. Sec. 32, 33	unnamed lakes	No	•	50-feet	-
St. John Harbor	T.62 S., R.80 E. Sec. 32 & 33	Sumner Strait Marine Shoreline		-	-	50-feet

E. Reservation of Mineral Estate

A conveyance of VUU general grant land to a municipality under AS 29.65 conveys no interest in the mineral estate. All mineral related permits, licenses, claims and leases affecting the land for conveyance, if any, will remain under the authority of the state.

In accordance with Section 6(i) of the Alaska Statehood Act and AS 38.05.125, the state, in this decision, reserves unto itself the mineral estate, including oil and gas, and the rights expressed in the reservation clause of the statute, that being the right to reasonable access to the surface for purposes of exploring for, developing and producing the reserved mineral resources. Exploration and development, if any, which could occur, would be consistent with AS 38.05.130 and other applicable statutes and regulations.

F. Hazardous Substances and Contaminations

It is the responsibility of the state to protect the overall public interest if there is a reasonable expectation that hazardous contamination may exist on land being proposed for disposal. Based on review of the Alaska Department of Environmental Conservation's list of Contaminated Sites and comments received, no hazardous material or contamination from hazardous material is known at this time to affect these selections. The environmental risk associated with this proposed conveyance is found to be minimal, if non-existent at this time of the decision.

The CBW is expected to inspect these selections and familiarize itself with regards to the condition and quality of the land. The State of Alaska makes no representation and no warranty, expressed or implied, concerning the existence or absence of any hazardous substances, hazardous wastes, contaminates, or pollutants on the land proposed for conveyance. The state assumes no liability for removal of hazardous substances, hazardous wastes, contaminates, or neither pollutants, nor any liability for the remediation of the site should such substances ever becomes identified. The CBW, by selecting these lands and requesting their conveyance through this PD, recognizes the surrounding areas of identified contaminated sites and will take the land 'as is'.

G. Survey

A survey determination may be requested by the CBW at any time subsequent to the FFD. An approved survey will be required prior to issuance of a conveyance document. If no approved survey exists, then one must be performed by an Alaska Registered Land Surveyor under direction of the DNR Survey Section. The CBW will be responsible for the expense of any survey. There is no requirement under AS 29.65.070 to appraise the land prior to conveyance.

H. Conditional Leases and Sales

The borough will receive management authority and equitable title to all land approved for conveyance by this PD once the FFD is effective. This will allow the CBW to approve conditional leases and make conditional sales pursuant to AS 29.65.070(b), but not to dispose of land approved for conveyance until the land has been surveyed and ownership transferred to the borough.

I. Unauthorized Use

DNR has not physically inspected all areas of the municipalities land selections adjudicated herein for the presence of unauthorized use, but it has reviewed department records and is unaware of any existing unauthorized use. The borough is expected to, and has been given the opportunity to inspect its land selections to familiarize itself with the condition and quality of the land.

J. Disposition of Leases, Permits and Applications

Administration of active leases, permits, and easements in the surface estate issued by on land to be conveyed will be transferred to the borough when the FFD becomes effective, unless such authorizations are specifically excluded from the conveyance. Applications that have not been adjudicated and issued will be closed.

K. Archaeological Resources

The Alaska State Historical Preservation Office (SHPO) maintains the Alaska Heritage Resources Survey (AHRS) which is an inventory of all reported historic, prehistoric and archaeological sites in the state. There is a prehistoric site that has been noted in the Crittenden Creek area (MAP 7) of the CSSAP (P. 3-197) located at Babbler Point of prehistoric petroglyphs. The borough officials indicated that they are aware of the presence of the cultural sites and the need, once these lands are conveyed, to take those actions required by law to protect the sites in accordance with AS 41.35.070(d).

L. Form and Width Requirement

Each municipal entitlement land selection is required, to be compact in form with its length not exceeding approximately four times its width pursuant to AS 29.65.070(c). Review of the borough's land selections proposed for conveyance in this decision indicates that the selections to be consistent with this statute.

M. Agency Review

The intent of an agency review is to request comments from agencies that may be affected by a municipal entitlement land conveyance decision. Agencies are given the opportunity to evaluate and comment on the municipality's land selection to determine if the state should retain all or a portion of the selected lands, and if so, provide supporting reasons for the requested action. Additionally, agencies are requested to identify any stipulations that may be appropriate if the land is to be conveyed out of state ownership.

N. State Agency Comments and DNR responses

1. Comments from the Alaska Department of Forestry (DOF) the Coastal Regional Office - Ketchikan

DOF stated they have concerns with three parcels: Earl West Cove, Wrangell Island East, St. John's and all other parcels are fine per Regional Forester.

The understanding for the <u>Earl West Cove</u> selection was that the CBW would follow the boundaries of the State Forest parcel. DOF mentions that it looks like they are taking the NW ¼ of Section 8, which is the NW tip of the State Forest boundary and there is an existing haul road going through that piece along with an existing rock pit. DOF wants to retain the existing boundaries of the State Forest and not allow the CBW to select that portion. With <u>Wrangell Island East</u>, the Regional Forester is fine with the southern parcel of this selection, as it does not encroach on the Southeast State Forest. They are also ok with the northern piece of this parcel, except that they have an on going timber sale in part of that selection. Viking Lumber purchased that sale and they're dropping timber and building a road for that sale now. They stated that if CBW selects this parcel; we need to be guarantee that this timber sale won't be affected.

DOF states they are ok with the <u>St. Johns Harbor</u> selection, as depicted on MAP 9, but it is the same as Wrangell Island East of having an ongoing timber sale purchased by Alcan Timber. CBW selection involves part of the timber sale area and we need a guarantee here that the CBW selection won't affect this ongoing timber sale.

DNR Response to DOF:

<u>Earl West Cove</u> selection, map used in agency review was drawn incorrectly. Section 8 is not part of the CBW selection, therefore is not part of this PD.

<u>Wrangell Island East</u> selection: that portion in Sections 23 and 24 are going to remain in state ownership. DNR, DMLW, Land Sales, has stated that there is very little land available in Southeast to offer land for private ownership as and this part of the selection will be rejected and will remain in state ownership.

<u>St John Harbor</u> selection: The timber sale(s) will be included as a 'subject to' if they are valid and existing rights.

2. Comments from the Alaska Department of Environmental Conservation (DEC)

- Map 1 No contaminated sites in or near this area.
- Map 2 USFS Anita Bay Sire about 5 miles away from this area.
- Map 3 Three contaminated sites, all about 7-9 miles away from this area:
 - USFS Anita Bay
 - Etolin Island AP&T Tepeater

• Wrangell Air Service

Map 4 – Wrangell Air Service Site about 5-6 miles away from this point.

Map 5 - Wrangell Air Service Site about 4-5 miles away from this point.

Map 6-14 contaminated sites, all about 3-5 miles from this area:

- Wrangell City Shop
- Wrangell Power plant
- Delta Western Wrangell
- AHFC Properties Etolin Heights
- Wrangell Fisheries, Inc.
- Wrangell Public Safety Building
- AT&T Alascom Wrangell Relay
- Fennimore Service Center
- Wrangell Airport AST Spill
- Ketchikan Air Service, Wrangell
- Wrangell Oil Bunk Fuel Facility
- Wrangell Junkyard
- Wrangell Sawmill
- Wrangell Institute
- Map 7 same contaminated sites near Map 6 are about 4-5 miles away from this area in Map 7 (but are across Eastern Passage from area in Map 7).
- Map 8 No contaminated sites in or near this area
- Map 9 APC Saint John Harbor LTF Site is about 1 mile away from this area. FAA Level Island Sites (HazID 1457 & 24542 are about 5-6 miles away from this area.

DNR Response to DEC:

DNR acknowledges these noted contaminated sites around the CBW land selections. The CBW is expected to inspect their selections and familiarize itself with the regards to the conditions and quality of the land (Refer to heading in this PD under "Hazardous Substances and Contamination").

3. Comments from DNR Public Access Assertion & Defense Unit (PAAD)

In accordance with the 2006 Glacier Bay decision all lands influenced by the tide unless specifically requested will remain with the state. At the date of statehood there were multiple interconnected channels within the Bradfield River area that is scheduled to be transferred. The construction of the Tyee Lake Hydroelectric project, post statehood, road and bridge over the East Fork of the Bradfield River would have acted as an avulsive event. It may be necessary to have the Survey Unit review the historical photography to determine the clear channel line from the East Fork Bradfield River to tidewater on the south of the mid Channel Islands adjacent to the hydroelectric project.

DNR Response to PAAD:

<u>Bradfield selections (MAP 8):</u> DNR has determined that the interest of the state outweighs the interest of the borough for selections in the Bradfield Canal area and will retain this land in state ownership. Discussions with ADOT/PF and the comments provided by that agency indicate that it would be inappropriate to convey land in these selections because of the presence of planned state roads and facilities.

4. Comments from the Alaska Department of Fish and Game (ADF&G)

The Alaska Department of Fish and Game (ADF&G) reviewed the municipal entitlement land selection preferences submitted to the DNR by the CBW pursuant to AS 29.65.010. All selections are on state lands managed by guidelines in the Central/Southern Southeast Area Plan. ADF&G has the following comments and recommendations:

<u>Sunny Cove</u>: This selection is located on the Cleveland Peninsula in T68S, R87E, CRM, is adjacent to Sunny Bay in the Seward Passage, and is surrounded by Tongass National Forest lands. There are four streams within this parcel that have been cataloged as important fish habitat for coho and pink salmon:

- Watkins Point Creek AWC #107-20-10170
- June Creek AWC #107-20-101260
- An unnamed stream AWC #107-20-10130
- Sunny Bay Creek AWC 107-20-101260

Olive Cove: This selection is located on the eastern side of Etolin Island in T 65 & 66S, R85E, CRM. There are two streams within this parcel that have been cataloged as important fish habitat for chum, coho, and pink salmon as well as cutthroat trout, Dolly Vardon, and steelhead trout:

- Olive Creek AWC #107-30-10700
- Unnamed stream AWC 107-30-10690

Deer and black bears are found within the parcel. Black bears tend to congregate at these streams when the salmon are running. Deer and bear hunters and some trappers have traditionally used Olive Cove as an anchorage. Olive Cove is also an important migratory stopover for shorebirds and waterfowl. Dungeness crab is also within the cove.

<u>Thoms Place Thoms Place South</u>: This selection includes two parcels. The first parcel, Thoms Place, contains 1,352 acres and is located in T. 65 S., R. 85 E, CRM. It is designed for settlement and general use by the CSSEAP. There are three streams within this parcel that have been cataloged as important fish habitat for coho salmon and cutthroat trout:

- Cinnamon Creek AWC # 107-30-1 026 1
- Bearing Creek AWC # 107-30- 10262
- an unnamed creek AWC # 107-30- 1027 1

Deer, bear, moose, and wolves may also be found on the parcel.

The second parcel, <u>Thoms Place South</u>, is 17 acres and is located in T. 66 S., R. 86 E., CRM. According to the CSSEAP, this parcel is designated Undeveloped Recreation (Unit W-28), and is to be retained in state ownership to act as a greenbelt and buffer between development and the Thoms Place State Marine Park.

<u>Wrangell Island West</u>: This selection is located in T. 64 S., R. 84 E., CRM and is adjacent to existing settlement and land disposal areas. McConnack Creek is within the southern portion of the selection and is cataloged as important fish habitat for chum, coho, and pink salmon. Two public easements, ADL 106725 & 103775 exist within the selection.

McConnack Creek – AWC #108-10-1011

<u>Earl West Cove</u>: This selection is located in T. 64 S., R. 85 E., CRM. There are three streams within this parcel that have been cataloged as important fish habitat for coho and pink salmon, Dolly Varden, and steelhead trout:

- Salamander Creek AWC # 107-40-10820
- an unnamed stream AWC # 107-40- 10790
- Earl West Creek AWC # 107-40-10780

Bear concentrations can be found along these streams during spawning season. The shoreline of this parcel is important winter habitat for deer. Beaches provide easy travel during deep snow and provide food from kelp. Fishing and hunting occur throughout the year on this parcel.

<u>Wrangell Island East</u>: This selection is divided into two parcels located in T. 62 & 63 S., R. 84 E., CRM. There are two unnamed streams that have been cataloged as important fish habitat for coho salmon:

- Unnamed stream AWC # 108-40- 10270
- Unnamed stream AWC # 107-4010880

Mill Creek South / Crittenden Creek: This selection is divided into two parcels. The first parcel, Mill Creek South, is located in T. 62 S., R. 85 E., CRM and consists of 148 acres that have been designated General Use by the CSSEAP. Black bear and deer utilize the shoreline within this parcel. The second parcel, Crittenden Creek, consists of 365 acres along the coast and is located in T. 62 S., R. 84 E., CRM.

Bradfield Canal/Bradfield South Shore/ Bradfield North Shore: This selection is divided into two parcels; both are located in T. 65 S., R. 90 E. This selection has high fish and wildlife habitat resource values. Within the Bradfield Canal and South Shore parcel there are approximately nine water bodies cataloged as important fish habitat for chum, Chinook, Sockeye, coho, and pink salmon, as well as Dolly Varden, cutthroat trout, steelhead trout:

- Hidden Creek AWC # 107-40-10538
- Hydro Creek AWC # 107-40- 10537
- Warehouse Creek AWC # 107-40-105372006
- Tailrace Creek AWC # 107-40- 10537-2008
- Schwartz Creek AWC # 107-40-10537-2020
- two unnamed streams AWC # 107-40-10537-2008-3005, and AWC # 107-40-10537-20 I0
- East Fork Bradfield River AWC # 107-40-105302002
- North Fork Bradfield River AWC # 107-40-10530-2003

The East and North Fork Bradfield rivers are important sport fish destinations for this area. The Bradfield Canal area represents an important habitat area for brown bears in Game Management Unit I B. Radio telemetry studies conducted by ADF&G from 2004-2007 indicate that Bradfield Canal is home to an estimated fifty brown bears, and that the grass flats at the mouth of the Bradfield River and the river corridor itself, represent important habitat that is heavily utilized by brown bears during the spring and summer months. There is a strong likelihood that residential development and associated human activity and disturbances, particularly near the mouth of the Bradfield River, would be detrimental to the local brown bear population. If the selection area is developed with residences and/or remote cabins, bears and humans would be in close proximity to one another which would likely result in negative human bear interactions and therefore be a detriment to the bear population. Because of this bear population, the Bradfield Canal area is also important to the local big game guiding industry. The transfer of land to private ownership could result in undesirable access restriction for both the guides and the general public. Trappers also use the area to trap marten along the shore. Deer and moose may also be found.

<u>St. Johns</u>: This selection is located on Zarembo Island in T. 62 & 63 S., R. 80 E., CRM. Portions of the selection, particularly along the shoreline, are high-value deer wintering habitat. Bald eagle nests may also be found along the above shore.

ADF&G Recommendations:

ADF&G recommends the beds of all anadromous streams remain in state ownership. ADF&G also recommends the state retain a minimum 100 feet riparian buffer on each side of all anadromous streams, as identified in the CSSEAP. This riparian area will protect fish habitat and water quality; provide for wildlife movement corridors, especially bears; and allow continued access to and along public waters for fishing.

In addition, ADF&G recommends increased riparian buffers for McCormack Creek and Earl West Creeks as described in the CSSEAP as follows:

- Retain in state ownership a 300 ft buffer along each side of McConnack Creek (Wrangell Island West)
- Retain in state ownership a 500 ft buffer of natural vegetation on each side of Earl West Creek (Earl West Cove)

ADF&G recommends a 100-foot coastal easement on all applicable selections to provide public

access to and along coastal waters and maintain wildlife movement corridors. Several selections encompass high-value winter habitat for deer that is found along the shore.

Public easements along section lines, trails, and water bodies (AS 38.05.127) should be reserved prior to conveyance. Current Borough codes do not provide the same protect ion as state statutes reserved by the DNR.

ADF&G recommends the state not convey the Thoms Place South parcel to the City and Borough of Wrangell. As stated in the CSSEAP, these lands are intended to be retained in state ownership to protect surrounding resources.

ADF&G recommends the State not convey the Bradfield Canal Bradfield South Shore parcel to the City and Borough of Wrangell. Conveyance of these lands out of state ownership may cause a significant loss to the local brown bear population and will impact how the public accesses these lands for hunting and fishing. Guiding businesses will also be impacted and may result in a loss of guiding opportunities.

DNR Response to ADFG:

DNR concurs with ADF&G recommendations for the protection of riparian areas and the maintenance of public access and has imposed appropriate protection widths. TABLE 3 & 4 indentify both navigable and public water. Appropriate easements, both 'along' and riparian, are identified and are consistent with the recommendations of the CSSEAP and with recent riparian standards developed by DMLW. We do not concur that it is appropriate to impose a coastal protection area. The requirement in the CSSEAP for this type of protection applies to lands retained by the state. This land is not, however, being retained, although as 'along' easement is being imposed. We also concur with ADF&G's recommendations pertaining to retaining state land.

The riparian buffer areas for McCormack Creek of 300-feet wide on each side and 500-feet on each side of Earl West Creek of these waterways is to be retained by the state as required by the CSSEAP.

5. Comments from Department of Transportation & Public Facilities (ADOT&PF)

The Southeast Regional Office of the Alaska Department of Transportation and Public Facilities (ADOT&PF) submitted the following comments:

ADOT&PF has identified existing and future transportation routes across selection areas shown on map sheets 4,5,7, and 8 attached to your request for comments.

ADOT&PF has existing rights across federal lands to plan for, and construct highway and utility corridors established by Section 4407 of Public Law 109-59, also known as "reciprocal easements" or "4407 easements". Four of the routes for which these easements were obtained also pass through State lands proposed for

selection. The routes are shown on the following documents, and I have attached maps showing the routes.

- Wrangell to Fools Inlet recorded as 2006-000482-0 Wrangell Recording District. Crosses selection areas shown on your map sheets 4 and 5.
- Tyee-Wrangell-Blake Channel-Eastern Passage recorded as 2006-000483-0, Wrangell Recording District. This affects selection areas shown on your map sheets 5, 7 and 8.
- Revilla Island Cleveland Peninsula, Eagle River to Bradfield, recorded as 2009-000546-0, Ketchikan Recording District. Crosses selection areas shown on your map sheet 8.
- Bradfield Corridor, recorded as 2006-000481-0, Wrangell Recording District. Crosses selected lands on your map sheet 8.

DNR's is issuing several long term leases for LTF sites to the USFS in exchange for the highway and utility corridors. This represents a significant investment by the State to secure the ability to construct and maintain highways or utilities along those routes. Any disposal of State lands should protect the ability of the State to construct roads or utilities along these routes without incurring costs associated with acquiring right-of-way. The right-of-way width guaranteed across the federal lands is 300'. We ask that a 300' wide right-of-way corridor also be reserved or made available across State lands prior to conveyance to the City and Borough of Wrangell.

Supplement to the comments received above from ADOT&PF:

This is a supplement to our comments dated April 19, 2012, regarding the Wrangell Borough land selection. ADOT&PF Southeast Region requests that the lands selected by the Wrangell Borough along the Bradfield Canal, North Shore and South Shore (MAP 8) be retained by the State for the future location of highway and utility corridors.

The selected lands as shown on Map 8 follow a relatively narrow band along the proposed highway and utility corridors which would connect Southeast Alaska with the Cassiar Highway in British Columbia. The proposed routes are identified as "Essential State Transportation and Utility Corridors" in the Southeast Alaska Transportation Plan: http://dot.alaska.gov/sereg/projects/satp/2004plan.shtml

The Mid-Region Access Plan Feasibility Study prepared by the Federal Highway Administration in cooperation with Alaska DOT&PF studied in some detail the feasibility of constructing a highway through these areas. There have also been discussions regarding power transmission lines along this route.

The US Congress granted reciprocal easements across the Tongass National Forest with Section 4407 of Public Law 109-59, which includes the Bradfield Canal routes passing through the selected lands. The State of Alaska DNR and DOT&PF negotiated a Memorandum of Agreement with the USFS establishing the process for locating and creating the highway and utility corridors. The USFS granted the State planning easements providing significant latitude

in locating the final alignment as the project is developed. This planning easement included a condition requiring them to issue a highway and utility easement 300' wide upon completion of construction of the highway or utility. Although PL 109-59 did not have a direct effect on State lands it was recognized during the negotiations of the MOA that there will need to be right-of-way corridors created across state lands once a final location is established for the highway or utility. As consideration for the highway and utility easements received, the State DNR agreed to issue several easements to the USFS for log transfer facilities on State tidelands. In recognition of the investment already made by the State in preserving its ability to construct a highway or utility along the mid-region access route, the State should not take any action that would limit its alternatives in locating the highway or utility.

It is not feasible to locate a corridor for the highway or utility at this time or likely not in the near future. The final location cannot be established until extensive studies are performed to map the topography as well as identify wetlands, critical habitat, cultural resources, geological features, and other factors. This process often takes several years once a project is initiated. At this point in time we do not have an estimated time frame for beginning project development on either of these routes.

Since the selections on MAP 8 are relatively narrow in width the possible locations for a highway or utility could conceivably impact nearly any portion of the land in this selected area. For all of these reasons ADOT&PF Southeast Region requests that the selected areas on Map 8 be retained in State ownership.

DNR Response to DOT:

<u>Bradfield Canal, Bradfield North Shore and Bradfield South Shore</u> (MAP 8): DNR recognizes that the CBW land selection conflict with planned transportation routes and acknowledges the states' needs to preserve this area for future projects. The state's need to preserve areas of future right-of-way for roads outweighs the interest in obtaining these lands and these areas will be retained by the state.

6. Comments from Department of Oil and Gas (DOG)

There are no active oil and gas leases or exploration license in these areas, however, there were 2 off shore prospecting leases at one point but they are closed. Because there are no active leases, there would be no surface activity associated with a mineral lease. Of course, we will be retaining the mineral estate in our conveyance to the municipality.

DNR Response to DOG:

DNR acknowledges that the mineral estate is reserved in accordance with Section 6(i) of the Alaska Statehood Act and AS 38.05.125; a reservation of reasonably necessary access to the mineral estate in accordance with AS 38.05.130.

7. Comments from Land Sale Contract and Sales Section, DMLW

The LSCAS requests to retain for state land sales the following portions of the Wrangell municipal selections:

- 1. Wrangell Selection Map 3; C/SSEAP Unit W-14 Thoms Place That portion of state land in E1/2W1/2; W1/2; Section 27, T65S R85E, CRM
- 2. Wrangell Selections Map 6; C/SSEAP Unit W-10 Pat Creek State land in Sections 23 and 24, T63S R84E, CRM
- 3. Wrangell Selections Map 9; C/SSEAP Unit W-02 St John's Harbor That portion of state land in Section 32, T62S R80E, and Section 5, T63S R80E, CRM

There is little state land in Southeast Alaska. In order for the state to continue to offer land for private ownership as required by the State Constitution, there must be land of a high enough quality to develop, subdivide and sell.

The above three area will satisfy this requirement in the Wrangell area of Southeast Alaska. Additional reasons are given below for each area.

Thoms Creek parcel: LSCAS is only requesting the western portion of state land in this area. This parcel and the adjacent state land that is not affected by the municipal selection would give enough quality land for the effective development of a state subdivision. There have been previous state land sales in the area. By retaining the western end, LSCAS avoids further development in the area of Thoms Place State Marine Park adjacent to the SE end of the borough selection, but will allow for potentially coordinated residential development with the City and Borough of Wrangell.

Pat Creek parcel: LSCAS has considered the entire area plan unit W-10 for future land sales. The borough selection is at the NE end, which includes the end of Pat Creek Road. This is adjacent to past state land sales and has both water and road access. By retaining this parcel in state ownership, LSCAS can a) plan development in coordination with past land sales, b) coordinate new development along the entire length of Pat Creek Road as recommended in the state area plan, and c) coordinate development at the end of Pat Creek Road with water access from Eastern Passage.

St John Harbor: LSCAS is looking at this parcel for current development under project file ADL 107444. While there are no past state land sales in the area, the state area plan lists this parcel as appropriate for remote settlement and DMLW has prepared conceptual plans for residential development previously.

Finally, to place this request in perspective, there is little to no land for residential development within the entirety of the CSSEAP planning area and only limited supply of land on Prince of Wales Island and in the Ketchikan and Petersburg areas. These three parcels are probably the best land for potential state land sales in the City and Borough of Wrangell.

DNR Response to LSCAS:

DNR recognizes the importance of retaining sufficient state land in order to be able to offer land to the public for private ownership, in response to requests from the public and the requirements by the legislature to provide a certain amount of state land annually for private use. For these reasons, the state's interest in retaining the specific areas noted on Maps 3, 6 & 9 in this LSCAS comments is determined to outweigh that of the borough to obtaining these areas, and this decision reflects the determination. The areas noted above are proposed to be retained by the state.

8. Comments from the Office of History and Archaeology)

The Alaska Heritage Resources Survey (AHRS) indicates that there are cultural resources (historic, prehistoric, and archaeological sites, locations, remains, or, objects) within the municipal entitlement. The cultural sites located within the boundary of the parcel maps are as follows:

Map #1: Sunny Bay: CRG 555 (Sunny Bay Stone Fish Trap) — was determined eligible for the National Register of Historic Places on 2/21/2008 under criterion D. The site is significant for its representation of technology that enabled mass fish harvest, cultural advancements, and complex societal development. The site is located in the NE ¼ of Section 19, T68S, R97E, Copper River Meridian, USGS Map Craig D-1.

Map #2: Olive Cove: PET – 053 (Olive Cove Village) – consists of a garden site, cabin remains, associated artifacts, and cultural depressions surrounding the area. The site is located in the SW 4 of Section 31, T65S, R85E, Copper River Meridian, USGS Map Petersburg A-1.

Map #3: Thoms Place, Thoms Place South: No recorded cultural resources.

Map #4: Wrangell Island West: No recorded cultural resources.

Map #5, Earl West Cove: PET – 057 (Venus Cive Site) – this site consists of a standing cabin, smokehouse, midden, and two dilapidated structure. The area is most likely the former residence of Earl S. West. The site is located in the SW ¼ of Section 3, T64S, R85E, Copper River Meridian, USGS Map Petersburg B-1; PET – 090 (Eastern Passage Garden) – cultural depressions reveal evidence of a historic garden and building foundation. The site is located in the NW1/4 of Section 4, T64S, R85E, Copper River Meridian, USGS Map Petersburg B-1.

Map #6: Wrangell Island East: No recorded cultural resources.

Map #7: Mill Creek South, Crittenden Creek: PET - 013 (Babbler Point Petroglyphs) - there is a cluster of Petroglyphs located on a 4 boulders within 20' of each other, beyond mean high tide line. The sire is located in the NE $\frac{1}{4}$ of Section 22, T62S, R84E, Copper River Meridian, USGS Map Petersburg B-1. Also, as requested, PET - 245 (Eastern Passage Petroglyph 2) is not located within the municipal selection.

Map #8: Bradfield Canal, Bradfield South Shore, Bradfield North Shore: No recorded cultural resources.

Map #9: St John Harbor: No recorded cultural resources.

Only a very small portion of the state has been surveyed for cultural resources and therefore, the possibility remains that previously unidentified cultural resources may be located within the selected areas. The entitlement of these parcels will have no direct effects to cultural resources. However, future projects that may be proposed by the City and Borough of Wrangell on the land selected could affect recorded and unidentified cultural resources. Our office recommends for impacts to these resources if there are improvements on the land in the future. As such, our office will have the opportunity to review potential impacts to cultural resources, pursuant to the State Historic Preservation Act and the National Historic Preservation Act, if there is state or federal involvement for future projects on the selected parcels.

DNR Response to AHRS:

Those lands approved for conveyance will be subject to a notification stipulation contacting the SHPO to protect the public interest in archaeological resources. The CBW proposed approved lands will be subject to the following:

Subject to:

Notification to the Alaska State historic Preservation Office in accordance with AS 41.35.070(d) is required upon discovery of historic, prehistoric, or archaeological sites, locations, remains or objects.

VII. <u>DISCUSSION AND ALTERNATIVES</u>

A. Discussion

This preliminary decision for the CBW municipal entitlement land selections covers approximately 9,310.35 acres. This decision approves for conveyance 7,143.76 acres of state land and transfers management authority to the borough once the FFD becomes effective. It also rejects 2,196.31 acres municipal selections; these lands are to be retained in state ownership.

In the agency review process there were some objections to approving certain lands for conveyance to the CBW; these were requested to be retained by the state. The principal issues identified were the imposition of stipulations to protect riparian areas adjacent to anadromous and high value resident fish waters, the need to reject certain selections in order to offer state land to the public and to preserve state land in Bradfield Canal selections for future roads and facilities of state significance. This decision concurs with the concerns raised by state agencies and has crafted the decision to reflect these concerns. In these instances, the state's interest in retaining these lands outweighs those of the borough in obtaining them.

However, more generally, this decision determines that the majority of the municipal selections are appropriate for conveyance to the borough. These lands fall within a conveyable classification and the state's interest in retaining these land selections does not outweigh the interest of the CBW in obtaining them. The standard for conveyance of state land to the CBW pursuant to AS 29.65 has been met and the conveyance of certain lands is appropriate.

Management authority will be transferred once the Final Finding and Decision becomes effective.

This decision further determines that, for those lands to be conveyed to the borough, that certain conditions and restrictions are appropriate and are necessary to ensure the protection of import resources and public access. This decision therefore imposes restrictions reservations and stipulations that are to be part of the conveyance document, to ensure adherence to pertinent state statues, state administrative code and the state's area plan.

B. Alternatives

The following alternatives exist:

- 1. Take no action to approval, reject or postpone the CBW land selections. This alternative would, in effect, preclude the borough's ownership of lands considered to be important to their land base. This action would be inconsistent with the purpose of the Municipal Entitlement Act and inconsistent with the basis for the disapproval of a municipal entitlement selection. Such selections can only be rejected when a state's interests outweigh the interest of the borough, and there is no basis for such a determination.
- 2. Reject the borough's selections in their entirety. This alternative would have the same effect as Alternative #1 and would, similarly, be inconsistent with the statutory basis for rejection of a municipal selection.
- 3. Approve in part with management authority transferred; conditionally approve in part with management authority postponed; reject in part, and retain state ownership. This alternative is effective in meeting the intent of the Municipal Entitlement Act to convey appropriately classified state general grant land to the City and Borough of Wrangell.

VIII. RECOMMENDATION

A. Recommended alternative

This decision determines that Alternative 3 is the preferred action and best fits the intent of the Municipal Entitlement Act. The City and Borough of Wrangell land selections in part, are approved for conveyance, subject to the conditions, restrictions and reservations listed below.

B. Recommended conditions, restrictions and reservations

The state land proposed for conveyance to the City and Borough of Wrangell are to be subject to the following conditions, restrictions and reservations, and these conditions attach upon transfer of equitable title and issuance of conveyance documents.

Conditions

- 1. The state will retain in state ownership the bed of navigable waters from the ordinary high water mark to the ordinary high water mark, including all gravel bars and islands, pursuant to 11 AAC 51.035.
- 2. The location of the ordinary high water mark of navigable waters will be determined at the time of survey to determine the specific area to be retained by the state in accordance to AS 38.05.127 and 11 AAC 51.
- 3. The location of the mean high water mark will be determined at the time of survey in accordance to AS 38.05.127 and 11 AAC 51.
- 4. Management authority for public access easements is transferred to the City and Borough of Wrangell once the Final Finding and Decision becomes effective. No such easements may be vacated, abandoned or otherwise extinguished or rendered incapable of reasonable use by the public without approval of the State of Alaska, unless an alternative means for reasonable public access is provided and approved by the state.
- 5. Management authority will transfer to the City and Borough of Wrangell on those lands approved for conveyance once the Final Finding and Decision becomes effective.
- 6. Administration of state leases and permits pertinent to the surface estate will be transferred to the City and Borough of Wrangell once the Final Finding and Decision becomes effective. Administration of issued state leases and permits, in the mineral estate will remain with the state.
- 7. CBW may execute conditional leases and make conditional sales prior to issuance of a state patent in accordance to AS 29.65.070(b) on lands approved for conveyance, once the Final Finding and Decision becomes effective.
- 8. The CBW is required to work with ADOT&PF to develop an agreement or stipulation for the provision of a 300 foot right-of-way affecting Sections 2 & 3 of the CBW approved lands as shown on MAP 5 Earl West Cove within five years of the approval of project road design.
- 9. The net chargeable acreage approved for conveyance shall be credited towards partial fulfillment of the City and Borough of Wrangell municipal land entitlement pursuant to AS 29.65.010.

Restrictions and Reservations

Conveyance document will include the following as a subject to:

1. Valid existing rights, including reservations, easements, and exceptions in the U.S. Patent, or other state or federal conveyance, and in acts authorizing the issue thereof;

- easements, rights-of-way, covenants, conditions, reservations, notes on the plat, and restrictions of record, if any.
- 2. Reservation of a 50-foot wide easement on each side of all surveyed and unsurveyed section lines in accordance with AS 19.10.010 and 11 AAC 51.025.
- 3. Reservation of a continuous public access easement, 50-feet wide, upland of and adjoining the mean high water mark of Ernst Sound, Seward Passage, Olive Cove, Zimovia Strait, Earl West Cove, Venus Cove, Eastern Passage, and Sumner Strait pursuant to AS 38.05.127 and 11 AAC 51 (See TABLES 3 & 4).
- 4. Reservation of a continuous public access easement, 50-feet wide, upland of and adjoining the ordinary high water mark of all navigable and public waters pursuant to AS 38.05.127 and 11 AAC 51 (See TABLES 3 & 4).
- 5. Reservation of the mineral estate pursuant to Section 6(i) of the Alaska Statehood Act and AS 38.05.125; and reservation of reasonably necessary access to the mineral estate in accordance with AS 38.05.130.
- 6. A right-of-way three hundred (300) feet wide overlaying Zimovia Highway, ASLS 96-12 located within T. 64 S., R. 84 E., Section 20, CRM (MAP 4).
- 7. State retained area for a riparian buffer of 300-feet in width on each side upland and adjacent to the OHWM on McCormack Creek (MAP 4).
- 8. State retained area for a riparian buffer of 500-feet in width on each side upland and adjacent to the OHWM on Earl West Creek (MAP 5).
- 9. Reservation of a riparian buffer easement of 100-feet wide to be located upland and adjoining the ordinary high water mark of (See TABLE 4 for waterbody name), the purpose of which is to protect the riparian area of the aforementioned waterbody. Only water dependent uses of the type described in [former] 6 AAC 80.900(17) are allowed within the first 70-feet from ordinary high water mark. No more than 25% of this area may be de-vegetated and no more than 50% may be de-vegetated in areas in excess of 70-feet. All such uses are subject to the requirements of the 'along' easement imposed under AS 38.05.127.
- 10. Notification to the Alaska State Historic Preservation Office in accordance with AS 41.35.070(d) is required upon discovery of historic, prehistoric, or archaeological sites, locations, remains or objects.

C. RECOMMENDED ACTION ON MUNICIPAL SELECTIONS

This decision recommends conveyance of state owned vacant, unappropriated, unreserved general grant land to the CBW and rejects a portion of the their land selections all located in the Copper River Meridian, of Southeast Alaska. TABLES A & B lists only estimated acreages, therefore the actual acreage amount to be conveyed will be determined at the time of survey.

LANDS PROPOSED FOR CONVEYANCE

TABLE 'A' lists those lands approved for conveyance by this decision. Those lands approved for conveyance, acreages will be determined at time of survey and the final acreage amount is a net chargeable acreage that will be credited towards partial fulfillment of the CBW municipal land entitlement. The state will retain the beds including all the islands and gravel bars within

any navigable waters and anadromous streams. The estimated acreages for conveyance does not account for any exclusions from navigable waters.

TABLE 'A'

Map # Parcel Name	CRM Township,	Section	Acres
	Range		<u> </u>
	T. 68 S., R. 87 E.	Sec. 15: that portion of Tract A	
		Sec. 16: that portion of Tract A	
		Sec. 17: that portion of Tract A	,
		Sec. 18: that portion of Tract A	
		Sec. 19: that portion of Tract A	
1		Sec. 20: that portion of Tract A	2,254.00
Sunny Bay		Sec. 21: that portion of Tract A	2,234,00
Outly Day		Sec. 22: that portion of Tract A	
		Sec. 28: that portion of Tract A	
		Sec. 29: that portion of Tract A	
		Sec. 30; that portion of Tract A	
	T. 68 S., R. 86 E.	Sec. 24: that portion of Tract A	
		Sec. 25: that portion of Tract A	
	T. 65 S., R. 85 E.	Sec. 31: Lot 2 (33,24 acres)	
		Lot 3 (33.34 acres)	33.24
		Lot 4, excluding Olive Cove Subdivision	33.34
		ASLS 810233 (7.25 acres)	
		Lot 5, excluding Olive Cove Subd. ASLS	7,25
		810233 and ASLS 820063 (24.16 acres)	
		Lot 6 (33.42 acres)	24.16
2		Lot 7 (33.52 acres)	33.42
Olive Cove		Lot 8 (47,22 acres)	33.52
		SE1/4NW1/4, excluding ASLS 810233	47,22
}		Olive Cove Subdivision (30.00 acres).	.,,,
		SW1/4NW1/4 (40.00 acres).	30.00
	T. 66 S., R. 85 E.	Sec. 6: Lot 1 (35.17 acres) excluding USS 1966	40.00
	,	Lot 2 (33.60 acres)	
		Lot 3 (33.68 acres)	
		Lot 4 (33.98 acres) excluding USS 1966	181.77
		Lot 5 (45.34 acres)	101117
	T. 65 S., R. 85 E.	Sec. 25: S½ SW¼ (80 acres),	120.00
	_, _, _, _, _, _, _, _,	SW'/SE'/ (40 acres)	120.00
3		Sec. 26: SE1/4 (160 acres).	
Thoms Place		N1/2SW1/4 (80 acres),	319,93
		SE1/4SW1/4 (40 acres), and	
į		Lot 1 (39.93 acres).	
		Sec. 27: Lot 4 (39.98 acres),	

p			
		Lot 5 (17.60 acres), and	97.58
		SE1/4NE1/4 (40 acres).	
		Sec. 35: Lot 6 (39.04 acres),	Ì
		Lot 7 (21.36 acres),	79.85
		Lot 8 (12.57 acres), and	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
		Lot 9 (6.88 acres)]
		Sec. 36: Lot 20 (34,38 acres),	Ì
3		Lot 2 (1.84 acres),	
Thoms Place		Lot 21 (26.40 acres),	382.76
		NE1/4NW1/4 (40 acres),	302.70
ļ		NE1/4 (160 acres),	
		Lot 3 (39.32 acres),	
1		Lot 17 (40.82 acres), and	
		NE1/4SE1/4 (40 acres)	
	T. 65 S., R. 86 E.		146 577
	1.05 5., K. 60 E.	Sec. 31: Lot 4 (33.24 acres),	146.57
		Lot 5 (33.33 acres), and	
		E1/2NW1/4 (80 acres).	
t.		Sec. 8: Lot 1, excluding Lots 16 & 17 of	
		Wrangell Island West Subdivision	204.77
		ASLS 83-7 (33.50 acres),	
	}	SW1/4NE1/4, excluding Lots 13, 14, 15	
		& 16 of Wrangell Island West	
		Subdivision ASLS 83-7 (35.00 acres),	
	T. 64 S., R. 84 E.	NE1/4NE1/4 (40.00 acres)	
		Lot 5, excluding ASLS 83-7 Wrangell	İ
ļ		Island West Subdivision (3.25 acres),	
		Lot 6, excluding ASLS 83-7 Wrangell	
		Island West Subdivision (15.00 acres),	
		W1/2SE1/4, excluding Lot 12 of	
4		Wrangell Island West Subdivision	
Wrangell		ASLS 83-7 (79.50 acres).	
Island West		Sec. 17: All land east of the Wrangell Island West	
		Subdivision ASLS 83-7, excluding three	221.00
		50' radius temporary turnarounds off of	221.00
		Hemlock Avenue, Spruce Avenue and	
		Timber; excluding the E½NE¼, E¼SE¼	
		(221.00 acres),	
		Sec. 20: Lot 1 (22.80 acres), excluding Lot 5,	· .
4	TP (4 0 70 04 77	Block 1 of Wrangell Island West	22.80
	T. 64 S., R. 84 E	Subdivision ASLS 83-7; Lot 1A and 2A,	
i		Block 2 of ASLS 83-7.	
		<u>Lot 2</u> (24.17 acres), excluding Lots 1, 2,	24.17
		3 & 4, Block 1 of Wrangell Island West	
:		Subdivision ASLA 83-7;	
		<u>Tract A</u> of ASLS 96-12 (68.21 acres),	68.21

4		<u>Tract B</u> of ASLS 96-12 (85.76 acres),	85.76
Wrangell		Tract C of ASLS 96-12, excluding	
Island West		Lot 1A, Block 2 of Wrangell Island West	
		Subdivision ASLS 83-7 (69.61 acres).	69.61
		Sec. 2: Lot 1 (29.54 acres),	108.84
[Lot 2 (39.30 acres), and	100.04
		NW4SW4 (40 acres).	
		Sec. 3: Lot 1 (23.47 acres),	225.24
		Lot 2 (8.13 acres),	205,21
		Lot 3 (5.64 acres),	
		Lot 4 (10.94 acres),	
		Lot 5 (39.26 acres),	
		Lot 6 (34.09 acres),	
		Lot 7 (3.68 acres), and	
		N1/2SE1/4 (80 acres).	
		Sec. 4: Lot 1 (3.50 acres),	145.60
5		Lot 2 (30.69 acres),	145.67
Earl West	T. 64 S., R. 85 E.	Lot 3 (4.35 acres),	
Cove		Lot 4 (8.37 acres),	
		Lot 5 (21.53 acres),	
		Lot 6 (37.23 acres), and	
		SW1/4SW1/4 (40 acres)	
		Sec. 9: Lot 1 (34.39 acres),	
		NW1/4NE1/4 (40 acres),	314.39
		S1/2NE1/4 (80 acres),	314.39
		NW1/4 (160 acres),	
		Sec. 10: Lot 1 (31.29 acres)	
	: 	Lot 2 (7.37 acres)	
		Lot 3 (2.57 acres),	121.18
		Lot 4 (39.95 acres), and	
		SE1/4NW1/4 (40 acres).	

Sec. 27: Lot 1 (12.08 acres) Lot 2 (42.15 acres) Lot 3 (45.12 acres) Lot 4 (16.75 acres), and SW1/4NW1/4 (40.00 acres). Sec. 28: Tract B (54.78 acres) Sec. 34: NW1/NE1/4 (40 aces), Lot 2 (35.71 acres).	156.10
Lot 3 (45.12 acres) Lot 4 (16.75 acres), and SW1/4NW1/4 (40.00 acres). Sec. 28: Tract B (54.78 acres) Sec. 34: NW¼NE¼ (40 aces),	
Lot 4 (16.75 acres), and SW1/4NW1/4 (40.00 acres). Sec. 28: Tract B (54.78 acres) Sec. 34: NW4/NE4/ (40 aces),	
SW1/4NW1/4 (40.00 acres). Sec. 28: Tract B (54.78 acres) Sec. 34: NW1/4NE1/4 (40 aces),	
SW1/4NW1/4 (40.00 acres). Sec. 28: Tract B (54.78 acres) Sec. 34: NW1/4NE1/4 (40 aces),	
T. 62 S., R. 84 E. Sec. 28: Tract B (54.78 acres) Sec. 34: NW4NE4 (40 aces),	1
T. 62 S., R. 84 E. Sec. 34: NW4NE4 (40 aces),	54.78
1 1.00 / 1.73 / 1.90T@Q1	155.71
SE½NE¼ (40 acres),	İ
NE1/4SE1/4 (40.00 acres).	
Sec. 35: Lot 1 (39.92 acres),	
	208.04
Lot 2 (24.51 acres),	
T-11	
Ect 5 (57.00 acres)	
Lot + (20.01 acres), and	1
SW¼ SE¼ (40 acres)	1
Sec. 1: Lot 1 (7.52 acres),	53.13
Lot 2 (13.54 acres)	23.13
Lot 3 (14.86 acres)	
Lot 4 (17.21 acres)	
Sec. 2: Lot 1 (20.95 pages)	
T. 63 S., R. 84 E. SEC. 2. Lot 1 (39.83 acres) SE¼NE¼ (40.00 acres)	
E1/2SE¼ (80.00 acres)	159.85
Sec. 11: E1/2NE¼NE¼ (20 acres)	30.00
NE'4SE'4NE'4 (10 acres)	
Sec. 12: Lot 1 (28.32 acres)	57.30
N1/2 of Lot 2 (28,98 acres) 7 Sec. 31: Lot 3 (37,57)	
1. 02 S., R. 85 E. 500. 51. 200. 57.	
Mill Creek Lot 4 (31.00)	148.57
South E1/2SE1/4 (80.00)	110.57
Sec. 9: Lot 1 (46.30 acres),	00.15
Lot 2 (23.85 acres)	90.15
W1/2SE1/4SE1/4 (20.00 acres)	
Sec. 15: Lot 1 (39.19 acres),	
7 Lot 2 (15.96 acres).	205.15
Crittenden T. 62 S., R. 84 E. W1/2SW1/4NW1/4 (20.00 acres),	
Creek SW1/4NW1/4(10.00 acres),	
W1/2SE1/4SW1/4 (20.00 acres),	
SE1/4SE1/4SW1/4 (10.00 acres),	
S1/2NE1/4SE1/4SW1/4 (10.00 acres),	
	1
SW1/4SW1/4NE1/4SW1/4 (5.00 acres)	
S1/2SE1/4 (40.00 acres),	
NE1/4SE1/4 (10.00 acres), SE1/4NE1/4SE1/4 (10.00 acres),	
	- 1

		E1/2NE1/4NE1/4SE1/4 (5.00 acres)	
		Sec. 16: Lot 1 (46.41 acres)	
7		Lot 2 (23.10 acres)	69.51
Crittenden		Sec. 22: Lot 1 (10.36 acres)	
Creek		Lot 2 (15.11 acres)	40.98
		Lot 3 (15.51 acres)	
		Sec. 32: Lot 1 (115,42 acres)	
9	m co (1 7) 00 71	Sec. 33: All uplands following along the Mean	115.42
St. Johns	T. 62 S., R. 80 E.	High Water Mark, as determined by survey,	142.85
Harbor		upland a 1,000 feet in width.	
~		TOTAL ACREAGE	7,143.76

LANDS PROPOSED TO BE REJECTED

TABLE 'B' lists those lands that were selected by the CBW that are rejected for conveyance in this decision. These include lands to be retained by the state as the interest of the state outweighs that of the CBW or where the state has no ownership rights in the land that was selected.

TABLE 'B'

Map # Parcel Name	MTR	Section	Acres
2 Olive Cove	T. 65 S., R. 85 E.	Sec. 31: Lot 1, Block 1, Olive Cove Subdivision of ASLS 810233 (3.435 acres)	3.44
Olive Cove	T. 66 S., R. 85 E.	Sec. 6: USS 1966/US Forestry Land (5.87 cres)	5.87
		Sec. 25: SE¼ SE¼ (40 acres) Sec. 27: S½NW¼ (80 acres)	40.00
3	T. 65 S., R. 85 E.	SW¼NE¼ (40 aces)	199.59
Thoms Place	1. 05 b., K. 05 L.	Lot 1 (9.92 acres)	
		Lot 2 (11.74 acres)	
		Lot 3 (17.93 acres)	
3 Thoms Place South	T. 66 S., R. 86 E.	Sec. 8: Lot 9 (22.65 acres)	22.65
5 Earl West Cove	T. 64 S., R. 85 E.	Sec. 3: USFS Commercial Use/ Earl West Marine /LTF/USFS Earl West Rec. Site	2.96
		Sec. 23: E%E%E% (80 acres) Sec. 24: Lot 1 (12.70 acres)	80.00
6 Wrangell	T. 63 S., R. 84 E.	Lot 2 (35.91 acres)	
Island East	1. 03 3., R. 04 E.	W1/2NW1/4 (80 acres) SW1/4 (160 acres)	381,30
ANALIST WHAT		Lot 3 (7.70 acres)	701,100
		Lot 4 (33.67 acres)	

		Lot 5 (11.32 acres)	
		SW1/4 SE1/4 (40 acres)	
0		Sec. 14: (156 acres)	
8	m 68.0 m as m	Sec. 23: (46 acres)	
Bradfield	T. 65 S., R. 90 E.	Sec. 22: (132 acres)	768.00
Canal		Sec. 21: (140 acres)	
		Sec. 20: (294 acres)	
8		The state of the s	· · · · · · · · · · · · · · · · · · ·
Bradfield	T. 65 S., R. 90 E.	Sec. 19: (63 acres)	167.00
North Shore			107.00
8		Sec. 29: (66 acres)	
Bradfield	T. 65 S., R. 90 E.	Sec. 30: (85 acres)	230.00
South Shore		Sec. 31: (79 acres)	230.00
9			
St John	T. 62 S., R. 80 E.	Sec. 33: Low Pt. Lighthouse Reserve/USS 1719	22.15
Harbor	T. 63 S., R. 80 E.	Sec. 5: Lot 1	240.63
		TOTAL ACRES	2,163.59

FINDINGS

The following are the findings for this Preliminary Decision:

- 1. That it is appropriate to convey 7,143.76 acres of state owned land to City and Borough of Wrangell (MAPS 1-7 & 9). This decision determines that the interest of the state to retain this land does not outweigh the interests of the borough to obtain it.
- 2. That it is appropriate to reject 1,165 acres of borough land selections in Bradfield Canal, Bradfield North Shore, and Bradfield South Shore on MAP 8 where the interest of the state outweighs the interests of the borough to obtain it to ensure the availability of state owned land for development of highways and public facilities.
- 3. That it is appropriate to reject 901.52 acres of borough land selections in Thoms Place MAP 3, Wrangell Island East MAP 6, and St John Harbor MAP 9 where for the interest of the state outweighs the interest of the borough to obtain it to ensure that some state land will be available for land disposals to meet the requirements imposed by the Legislature.
- 4. That it is appropriate to reject 22.65 acres of a borough land selection in Thoms Place South MAP 3 where the interest of the state outweighs the interest of the borough to obtain it in accordance with the management guideline in the CSSEAP to retain this area to function as a greenbelt and to act as a buffer between adjacent uses.
- 5. That is it is appropriate to reject 74.42 acres of the borough land selections as these are not state owned.

This Preliminary Decision, described above, represents the preferred alternative that has been reviewed and considered. I find that the recommended action may be in the best interest of the state and that it is hereby approved to proceed to public notice.

Sandra Swanger-Jensen, Manager

Municipal Entitlement Unit

3/29/2013

Date

PUBLIC NOTICE, DECISION AND APPEAL PROCEDURES

The public is invited to comment on this Preliminary Decision propose to transfer ownership of state land to the City and Borough of Wrangell. Comments may be provided in written form to the Division of Mining, Land and Water, Resource Assessment and Development Section, Municipal Entitlement Unit, Attention: Sandra Swanger-Jensen, at 550 West 7th Avenue, Suite 1050, Anchorage, Alaska 99501-3579; by fax (907) 269-8915 or by electronic email: sandra.swanger-jensen@alaska.gov and must be received on or before MAY 1, 2013 to order to ensure consideration.

The postmaster in the City of Wrangell will be requested to post the public notice per AS 38.05.945. The public notice is available on the Alaska Online Public Notice System at: http://dnr.alaska.gov/commis/pic/pubnotfrm.htm. The Preliminary Decision is available on the DMLW Municipal Entitlement website at: http://dnr.alaska.gov/mlw/muni/. Additionally, the public notice will be sent to the City and Borough of Wrangell, and tribal governments in the area.

Following the comment deadline, those written responses received will be considered and this Preliminary Decision (PD) may be modified to incorporate the public comments in a Final Finding and Decision (FFD). Only persons who comment in writing during the public comment period will be eligible to file an administrative appeal of the FFD. A copy of the FFD will be sent to any person who comments on the PD. The FFD will include the appeal instructions. Please direct all inquiries or questions to Sandra Swanger-Jensen at (907) 269-8526, or to the above address, fax or by electronic email.

The Department of Natural Resources is prepared to accommodate individuals with disabilities by providing auxiliary aids or services when requested. Individuals with audio impairments who wish to respond to this decision by telephone may call the Department of Natural Resources, Public Information Center in Anchorage between the hours of 10:00 a.m. and 5:00 p.m., Monday through Friday, at TTY# (907) 269-8411.

ATTACHMENTS AS PART OF THIS DECISION

Vicinity Map: Overview of land selections

MAP 1: Sunny Bay
MAP 2: Olive Cove

MAP 3: Thoms Place & Thoms Place South

MAP 4: Wrangell Island West

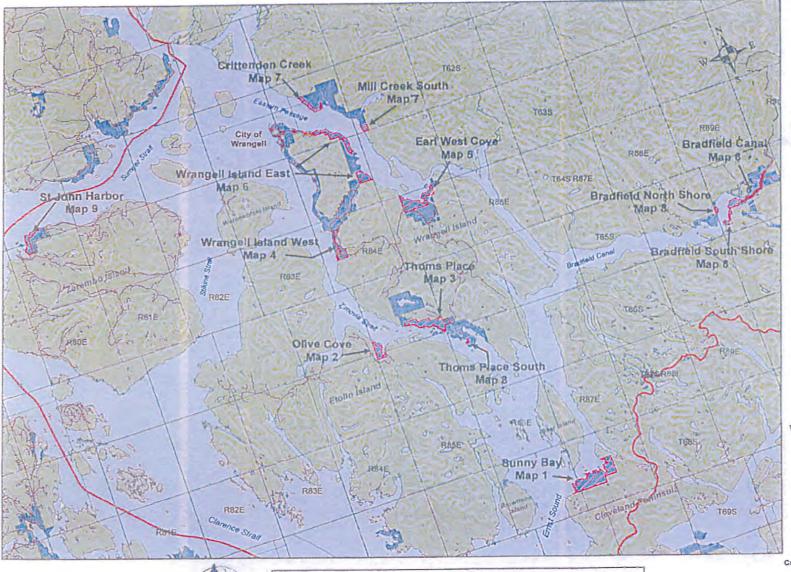
MAP 5: Earl West Cove

MAP 6: Wrangell Island East

MAP 7: Crittenden Creek & Mill Creek South

MAP 8: Bradfield Canal, Bradfield Canal North Shore, Bradfield Canal South Shore

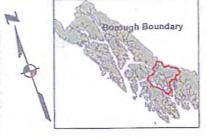
MAP 9: St. John Harbor



Vicinity Map

City & Borough of Wrangell Selections ADL 108133





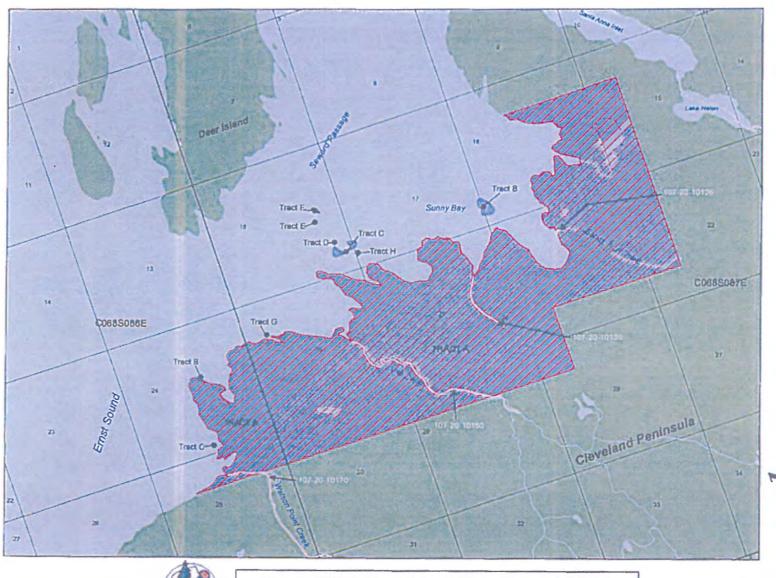
Created by: SOA-DNR-DMLW-Municipal Entitlements (M.E.)

Preliminary Decision

March 4, 2013

This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations.

Source documents remain the official record.



City & Borough of Wrangell Selections

ADL 108133

Sunny Bay





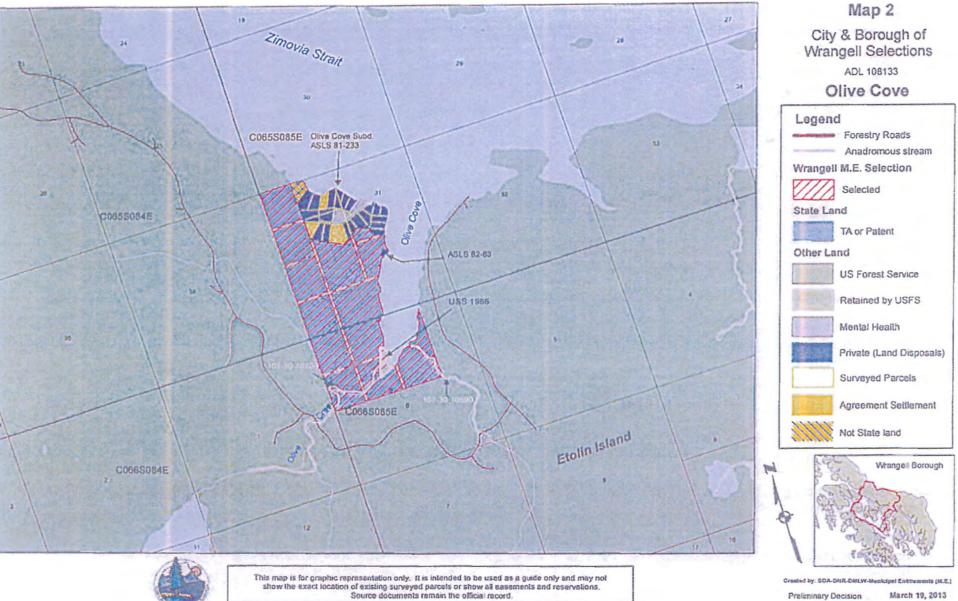
Created by: SOA-DNR-DMLW-Municipal Entitlements (M.E.)

Preliminary Decision

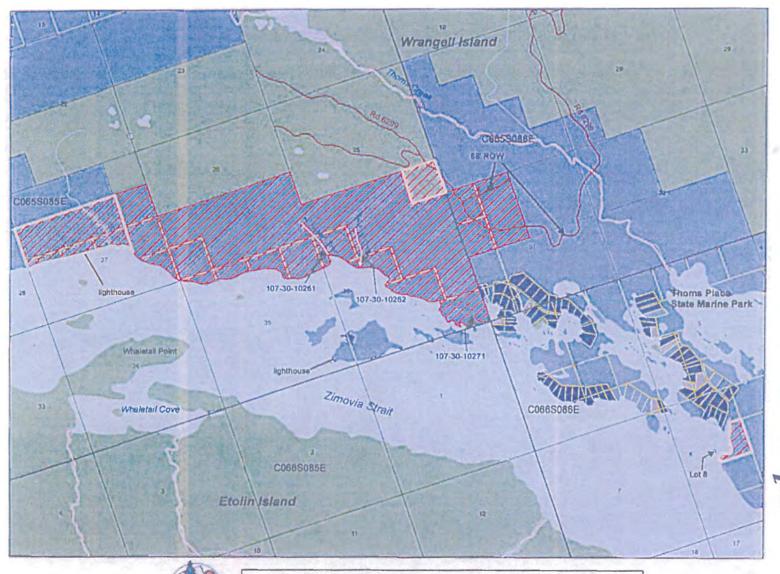
March 19, 2013

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Source documents remain the official record.



March 19, 2013 Preliminary Decision



City & Borough of Wrangell Selections

ADL 108133

Thoms Place & Thoms Place South





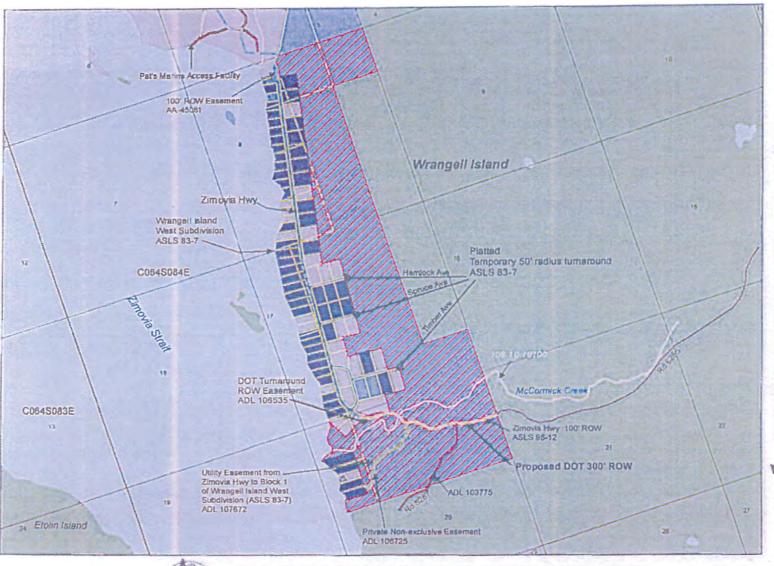
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Preliminary Decision

March 19, 2013

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Source documents remain the official record.



City & Borough of Wrangell Selections

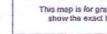
ADL 108133

Wrangell Island West

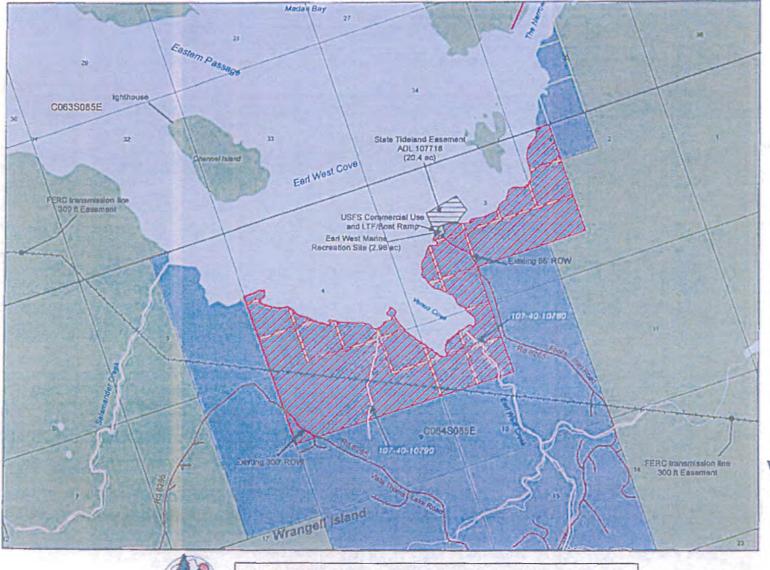




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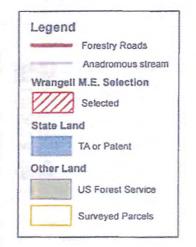
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City & Borough of Wrangell Selections

ADL 108133

Earl West Cove





Created by, SOA-DNR-DMLW-Municipal Engitements (M.E.)
Preliminary Decision March 19, 2013

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Source documents remain the official record.





City & Borough of Wrangell Selections ADL 108133

Wrangell Island East

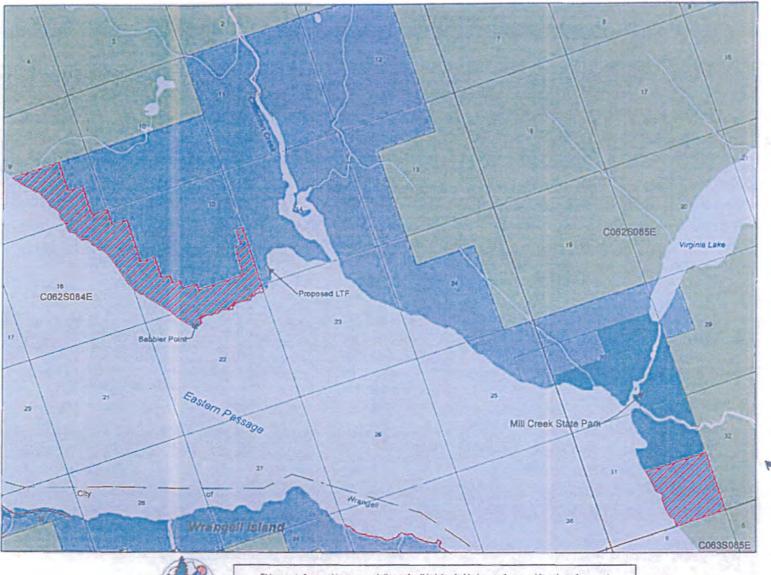




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Preliminary Decision March 19, 2013

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Source documents remain the official record.



City & Borough of Wrangell Selections ADL 108133

Crittenden Creek & Mill Creek South

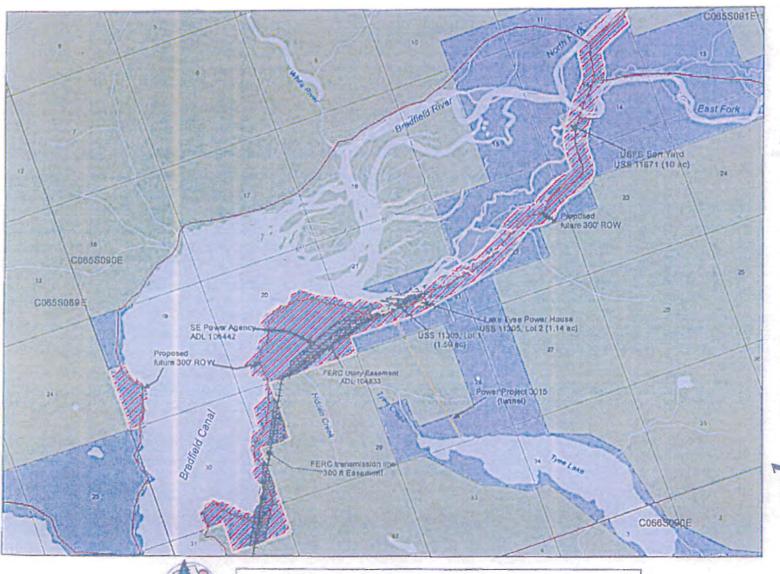




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Preliminary Decision March 19, 2013

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Source documents remain the official record.



City & Borough of Wrangell Selections ADL 108133

Bradfield Canal, North Shore & South Shore

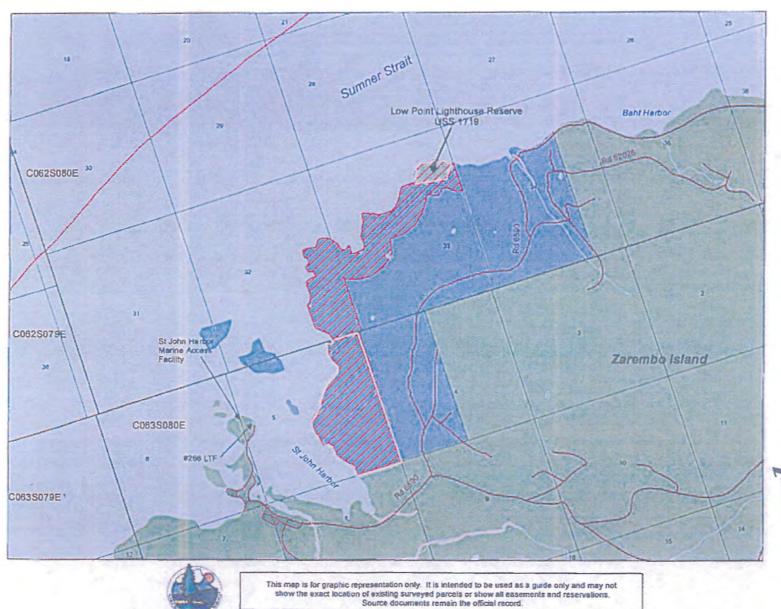




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Preliminary Decision March 19, 2013

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Source documents remain the official record.



City & Borough of Wrangell Selections ADL 108133

St John Harbor





Creeted by: SOA-DNR-ONLW-Involcipe Entitlements (M.E.)
Preliminary Decision March 19, 2013

City & Borough of Wrangell

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Stikine River Birding Festival

April 25-28, 2013 Schedule of Events

April 22 - April 28

All Day Classes at Wrangell Public Schools
Guest artist Kathy Hocker will teach art classes for the students of Wrangell. Stop by the Nolan Center on the 25th to admire the students' artwork.

Photo Contest - FREE to enter

Start taking photos! For detailed photo contest rules, go to www.stikinebirding.org. Entries due at the Nolan Center by 5:00pm, Tuesday, April 23, 2013. Winners will be announced at the Thursday night reception.

Bird Calling Contest- FREE to enter

Work on your best duck or songbird call for our first annual SRBF Calling Contest on Friday! Go to www.stikinebirding.org for details.

Please sign-up beforehand with your bird of choice by emailing or calling Corree Delabrue
(csdelabrue@fs.fed.us or 874-7563)
by 3pm April 25th. Both youth and adult contests, with fun prizes!

Kathy Hocker Art Exhibit - FREE

Selected pieces of guest artist Kathy Hocker will be on display beginning on Thursday, April 25, 2013 at the James & Elsie Nolan Center. Sponsored by: US Forest Service

Available Daily - Charter Tours on the Stikine River

Take a jet boat ride to enjoy wildlife and bird viewing in the beautiful setting of the Stikine-LeConte Wilderness. Contact local charter operators or Wrangell CVB at 800-367-9745. Advanced reservations required.

Thursday - April 25

10:00 am- 11:00am Story Time - FREE
Bring the little ones for readings from children's books. Located and Sponsored by: Irene Ingle Public Library

6:00 - 7:00 pm SRBF Reception and Book Signing-FREE

Come by and meet our guest artist Kathy Hocker and guest speaker Vasily Baranyuk over snacks and refreshments. Admire both Kathy's art on display, as well as the work from local Wrangell students. Kathy will be signing copies of her books. Photo contest winners will be announced.

Location: Nolan Center

7:00 pm Vasily Baranyuk, "Snow Geese & Wildlife of Wrangel Island, Russia" – FREE

Have you ever wondered where the snow geese you see in spring are heading? Don't

miss this opportunity to find out more about the snow geese breeding grounds of Wrangel Island, Russia, during a presentation from Russian biologist and accomplished photographer Vasily Baranyuk.

Location: James & Elsie Nolan Center Sponsored by: US Forest Service

Friday - April 26

9:00am Sitka Raptor Center Presentation to Evergreen Elementary School (for students)

For More Information: www.stikinebirding.org



Friday - April 26 cont.

12:00pm -12:30pm Sitka Raptor Center Presentation to Seniors at the Senior Center

6:00 pm Bird Calling Contest - FREE

It's time to polish up on your best bird imitations! Whether you can whistle like a thrush or honk like a goose, enter this fun, light-hearted contest for a chance to earn prizes!

Location: Evergreen Elementary School Gym

7:00pm Sitka Raptor Center Public Presentation – FREE

Come join us for a fun live bird presentation.
Representatives from the Sitka Raptor Center are bringing two birds to share with the Community.

Location: Evergreen Elementary School Gym. Sponsored by: The City and Borough of Wrangell

Saturday - April 27

7:00am Breakfast with the Birds

- FREE

Join local author and birder Bonnie Demerjian on a morning bird walk. A continental breakfast is provided!

Location: Muskeg Meadows Golf Course

10:15am – 12:15am Nature Sketching Workshop with Visiting Artist Kathy Hocker

Learn the basics of nature sketching with the SRBF guest artist in an outdoor/indoor workshop. Materials supplied.

Cost: \$10. Location: Meet at the Evergreen Elementary School Music Room. Dress appropriately, may walk to Volunteer Park Trail.

10:00 am – 12:00pm Archaeology Activity - FREE Paint Tlingit designs on red cedar shingles using fish eggs.

Location: Covered Basketball Court by Evergreen Elementary. Sponsored by: US Forest Service

10:00 am –12:00 Wrangell Community Market
The first Community Market for 2013 will be held
at the covered basketball court by Evergreen
Elementary School. View various artists'

handiwork and goodies for sale.

1:00pm – 4:00pm Sketch the Stikine with Visiting Artist Kathy Hocker

Join Kathy Hocker on a field trip on the Stikine River to practice nature sketching in a beautiful setting! Cost: \$125-Materials supplied. RSVP: Summit Charters at 874-2402; advanced sign-up is required as the class is limited to 8 people. Location: Visiting Stikine River locations on the M/V Denali

1:00pm – 2:00pm Critter Craft: Bird Feeders - FREE

Stop by and make your very own bird feeder. Remember to bring your own hammer. Location: Outside the James & Elsie Nolan Center

Elsie Nolan Center

Sponsored by: Angerman's Inc.

and Outlet & US Forest Service

2:00pm – 3:00pm Bird Olympics – FREE Childrens' Activity

Are you as fast as a peregrine? Hungry as a shorebird? Find out as we participate in the Bird Olympics! Prizes!

Location: Outside James & Elsie Nolan Center

6:00 pm Ducks Unlimited Banquet with No Host Cocktails

Dinner served at 7:00 pm. Raffles along with live and silent auctions following dinner. For more information or to buy tickets call Keene Kohrt at 907-874-3877.

Cost: Individuals \$60, Couples \$85; Includes membership. Location: The Elk's Lodge









For More Information: www.stikinebirding.org

Agenda Item 9

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM March 9, 2013

BOROUGH CLERK'S FILE:

<u> Mark Your Calendar:</u>

- 4/9 Possible PH @ 6:30 pm & Regular Assembly Mtg. @ 7 pm in the Assembly Chambers
- 4/11 Planning & Zoning PH & Regular meeting @ 7 pm in the Assembly Chambers
- 4/17 Code Review Committee meeting @ 4 pm in the Assembly Chambers
- 4/17 Hospital Board Mtg. @ 5:30 pm at the Nolan Center HOSPITAL BOARD AGENDAS and PACKETS ARE NOW POSTED ON THE BOROUGH WEBSITE
- 4/18 Wrangell Convention and Visitors Bureau meeting @ 6:30 pm in the Assembly Chambers
- 4/19 Save the Date!! Annual Wrangell Chamber of Commerce Fundraising Dinner to be held at the Nolan Center
- 4/19 Property Tax Appeal deadline
- 4/22 Wrangell/Petersburg Port Security Committee meeting from 1:00 to 2:00 pm in the Assembly Chambers

Thank you, Kim Flores

Agenda Items 10 a & b

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM April 9, 2013

MAYOR/ASSEMBLY REPORTS AND APPOINTMENTS:

INFORMATION: This agenda item is reserved for the Mayor and Assembly Member's special reports. Such information items as municipal league activities, reports from committees on which members sit, conference attendance, etc., are examples of items included here.

Item 10a Reports by Assembly Members

<u>Item 10b</u> Formation of a Special Committee to be appointed by Mayor Jack – Special Energy Committee

Appointments to the Special Energy Committee will be made by the Mayor with the consensus of the Borough Assembly.

Two Assembly Members

Assembly Member: Assembly Member:

Two Borough Staff Members

Staff Member: Staff Member:

Letters of Interest received by members of the General Public were:

None

Wrangell SEAPA Board Member: Brian Ashton

TBPA Representative: Clay Hammer

Recommendation if not approved with the consent of the Borough Assembly:

Motion: Move to appoint ______ to fill the vacancy on the Special Energy Committee

Agenda Item 12a

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM April 9, 2013

INFORMATION:

PROPOSED ORDINANCE No. 868: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE CHAPTER 13.12, PARKS, SPECIFICALLY SECTION 13.12.030 (A) and (B), CHANGING OVERNIGHT CAMPING AND OVERNIGHT PARKING REGULATIONS AND ESTABLISHING AN EFFECTIVE DATE (second reading)

Attachments

- 1. Memorandum from Kim Covalt, Parks & Recreation Director, dated March 13, 2013
- 2. Proposed Ordinance No. 868

RECOMMENDED ACTION:

Move to approve second reading.

MEMORANDUM



TO: HONORABLE MAYOR AND MEMBERS OF THE ASSEMBLY

CITY AND BOROUGH OF WRANGELL

FROM: KIM COVALT

PARKS & RECREATION DIRECTOR

SUBJECT: PROPOSED ORDINANCE

DATE: March 13, 2013

BACKGROUND:

At the 3-6-13 Park & Recreation board meeting the board passed a motion to extend the camping hours in City Park from 24 hours to 48 hours. They also included overnight parking for vehicles transporting tent campers.

The reason for this change was feedback from the Forest Service interpreter at the Nolan Center during the summers. There were numerous tourists that indicated they would stay and camp close to town at City Park if the time limit was increased.

Your consideration in this matter is appreciated.

RECOMMENDATION:

The Parks & Recreation Board recommends adoption of the Proposed Ordinance.

ATTACHMENT:

1. Proposed Ordinance

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 868

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE CHAPTER 13.12, PARKS, SPECIFICALLY SECTION 13.12.030 (A) and (B), CHANGING OVERNIGHT CAMPING AND OVERNIGHT PARKING REGULATIONS AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA:

- SEC. 1. <u>Classification.</u> This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.
- SEC. 2. <u>Amendments.</u> WMC Section 13.12.030 (A) entitled Camping and overnight parking regulations, is hereby amended as follows:

Chapter 13.12 PARKS

- 13.12.030 Camping and overnight parking regulations.
- A. Persons camping in any borough park not otherwise regulated by this section shall be limited to a period of <u>48</u> [24] consecutive hours of usage, which 48 hour period shall [with said periods] not [to] occur more than once every two weeks. No person shall camp within sheltered facilities of <u>any borough park.</u> [said parks] <u>Unless otherwise regulated by this section, no [No] vehicle of any kind</u> shall be permitted to park overnight in [said parks] <u>any borough park unless the vehicle is accompanied by one or more persons camping in a tent.</u>
- B. Persons camping in Shoemaker Park, either by erecting tents or other temporary shelters or without any shelter, in those areas designated by the director for camping [in said manner], shall be limited to a period of 120 consecutive hours of usage with such usage [said periods] not to occur more than once every calendar month. No person shall camp under or within the sheltered facilities of Shoemaker Park. Vehicles will be permitted to park overnight in Shoemaker Park in those areas designated by the director for overnight vehicle parking for a period limited to 240 consecutive hours with such parking [said periods] not to occur more than once every calendar month. Overnight parking shall be limited to those vehicles which are designed for and being used as overnight sleeping facilities.
- SEC. 3. <u>Severability.</u> If any portion of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.
- SEC. 4. <u>Effective Date.</u> This ordinance shall become effective upon approval of final passage.

PASSED IN FIRST READING:	March 26,	2013.	
PASSED IN SECOND READING:		2013.	
	David L. Jac	k, Mayor	
ATTEST:			
Kim Flores, Borough Clerk			

Agenda Item 13a

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM April 9, 2013

INFORMATION:

Approval of Thomas Bay Power Authority FY 2014 Non-Net Billable Budget

Attachments

- 1. Memorandum from Paul Southland, TBPA General Manager, dated April 1, 2013
- 2. FY 2014 Non-Net Billable Apportioned Budget

RECOMMENDED ACTION:

Move to approve Thomas Bay Power Authority's FY 2014 Non-Net Billable Budget, in the amount of \$24,495.



— TYEE LAKE HYDROELECTRIC PROJECT — P. O. BOX 1318 WRANGELL, ALASKA 99929 (907) 874-3834 FAX (907) 874-2581

Mayor David Jack and Assembly City and Borough of Wrangell Post Office Box 531 Wrangell, Alaska 99929

April 1, 2013

RE: Thomas Bay Power Authority Budget

I am pleased to provide you with this budget as adopted by the Thomas Bay Power Authority Commission at their regular meeting March 27, 2013. The primary change from the prior year budget is reflected in the Non-Net Billable portion of TBPA's overall budget request. The Commission chose to include in the SEAPA funded budget all expenditures attributed to direct contract obligations. This has resulted in a budget request to the partner communities of Wrangell and Petersburg that is less than half the previous year request.

We are asking that you adopt a motion approving this budget in its entirety. The City and Borough of Wrangell would be obligated to fund fifty per cent (50%) of \$48,990, which is \$24,495.

Paul G. Southland

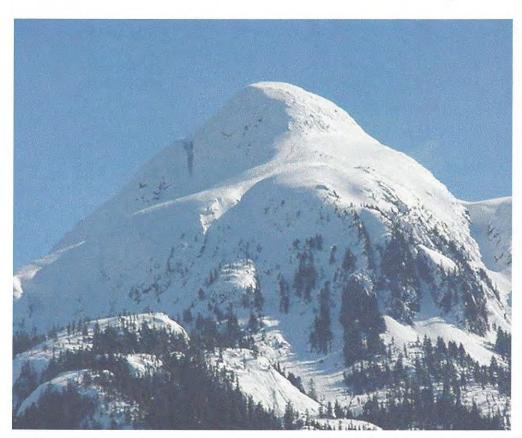
General Manager

Encl: OM budget plan fy2014 DRAFT.shared nnb. tbpa approved 3.27.2013

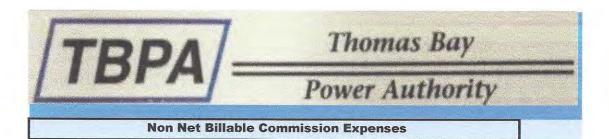
FY14

homas Ray Rower Authority

Commission approved 3/27/2013







TBPA Commission approved 3/27/2013

2013 Budget	2013 Estimate	TO DAT	图2/31/2012	2014 BUDGET		
\$110,000	\$117,398	\$	64,523	\$	48,990	

#	Expense Item & Supporting Detailed Description		2013	2014
1.	5001 535.01 Wages and Salaries - Office Manager	\$	51,400	\$ 16,590
2.	5005 535.02 Overtime	\$	1,500	\$ -
4.	5201 535.01 Employer Tax	\$	936	\$ 300
5.	5205 535.01 Retirement	\$	13,200	\$ 4,000
6.	5207 535.01 SBS (State Benefit System)	\$	3,840	\$ 1,200
7.	5210 535.01 Health-Life Insurance	\$	8,668	\$ 4,700
8.	8360 535.08 Commission Expense	\$	6,716	\$ 8,000
9.	8365 535.09 Accounting Expense (City of Wrangell)	\$	12,100	\$ 3,600
10.	8370 535.13 Professional (Audit)	\$	900	\$ 900
11.	8385 535.10 Education	\$	1,400	\$ 1,000
12.	8386 535.11 Office	\$	2,040	\$ 1,500
13.	8390 535.14 D&O Insurance	\$	7,300	\$ 7,200
		\$	110,000	\$ 48,990



FY2014 BUDGET NARRATIVE

TBPA Commission approved 3/27/2013

		FY2014 BUDGET	 Y2013 UDGET	thru 2/31/2012
Operation Supervision & Engineering	535	\$ 238,700	\$144,700	\$57,584
Hydraulic Expense	537	\$	\$1,000	\$0
Electric Expense	538	\$ 31,100	\$3,250	
Misc. Power Generation	539	\$ 275,610	\$242,100	\$133,645
Rents	540			\$ -
Maintenance Supervision & Engineering	541	\$ 1,200	\$250	\$0
Dams, Reservoirs & Waterways	543	\$ 8,000	\$8,000	\$5,348
Maintenance of Electric Plant	544	\$ 708,008	\$ 665,800	\$290,036
Plant Misc. Maint/USGS gauging	545	\$ 13,000	\$13,900	\$1,767
Trans. Operations Supervision & Eng	560	\$35,600	\$14,600	\$3,061
Transmission Load Dispatching	561	\$ 7,000	\$7,000	\$4,800
Substation Expense	562	\$ 121,150	\$30,650	\$10,742
Submarine Cable Expense	564	\$ 6,825	\$4,825	\$255
Overhead Line Maintenance	571	\$ 356,900	\$229,600	\$103,426
TOTAL		\$ 1,803,093	\$ 1,365,675	\$ 610,664
	NNB	\$ 48,990	\$ 110,000	\$ 64,523
Contracts Previously Removed		\$ 255,000		
Net (SEAPA)		\$ 1,548,093		



FY2014 BUDGET NARRATIVE

TBPA Commission approved 3/27/2013

FERC 535: Operations, Supervision & Engineering

2013 Budget	2013 Estimate		IDED TO DATE 2/31/2012	2014 BUDGET		
\$144,700	\$115,004	S	57,584	\$	238,700	

FERC Code Description: Cost of labor and expenses incurred in the general supervision and direction of the operation of hydraulic power generating stations.

#	Expense Item & Supporting Detailed Description	2013	2014
1. 5001 535.01	Wages and Salaries - General Manager	\$ 95,000	\$ 147,000
5010 535.01	GM Paid Benefits		\$
4. 5201 535.01	Employer Tax	\$ 2,000	\$ 9,200
5. 5205 535.01	Retirement	\$ 22,000	\$ 31,500
6. 5207 535.01	SBS (State Benefit System)	\$ 6,200	\$ 9,000
7. 5210 535.01	Health-Life Insurance	\$ 19,500	\$ 28,000
15. 8004 535.03	GM Travel Expense	\$ -	\$ 4,000
16. 8005 535.05	Travel- Tyee Site	\$ 14	\$ 1,500
17. 8365 535.13	Accounting Expense City of Wrangell	\$ 12	\$ 8,500
		\$ 	
		\$ 144,700	\$ 238,700



FY2014 BUDGET NARRATIVE

TBPA Commission approved 3/27/2013

FERC 537: Hydraulic Expenses

2013 BUDGET	2013 Estimate	EXPENDED AS OF 12/31/2011	2014 BUDGET
\$1,000	\$1,000	\$0	\$

FERC Code Description: Expenses operating hydraulic works including reservoirs, dams and waterways, and activities directly related to hydroelectric development outside the generating station. **Labor**: Supervising hydraulic operation; patrolling & removing debris from reservoirs & waterways; operating intakes, spillways, sluiceways and outlet works; log jam work, navigation facilities & conservation of game, fish & forests. **Materials & Expense**: Materials, lubricants, packing & other supplies used to operate hydraulic equipment; transportation expense.

#	Expense Item & Supporting Detailed Description	A	mount	
2.	2. 8024 537.02 Hydro Expense - Tyee dock facilty maintenance	\$	1,000	\$
		\$	1.000	\$

2014



FY2014 BUDGET NARRATIVE

TBPA Commission approved 3/27/2013

FERC 538: Electric Expense

2013 BUDGET		2013 Estimate	EXPENDED AS OF 12/31/2012	2014 BUDGET		
\$ 3,250	\$	10,748		\$	31,100	

FERC Code Description: Expenses in operating generators, switchgear & other electric equipment, to the point where electricity leaves for conversion for transmission or distribution. **Labor**: Supervising electric production; operating prime movers, generators & auxiliary equipment, generator cooling system, lubrication and oil control systems, switchboards, switchgear, and electric control and protection equipment; testing and adjusting meters, gauges, relays, controls, and other equipment in the plant, **Materials**: Lubricants and control system oils, motor & generator brushes.

#	Expense Item & Supporting Detailed Description	A	mount	2014
1. 8042 538.0	01 Travel - Consultant/Engineer travel to Tyee Site	\$	-	\$ 3,000
2. 8046 538.0	02 Training	\$	-	\$ 16,000
3. 8050 538.0	03 Turbine/Generator & Aux Equipment supplies	\$	3,000	\$ 10,000
4. 8052 538.0	04 Freight-Postage	\$	250	\$ 600
5. 8054 538.0	05 Thermal Scan	\$	-	\$ 1,500
		\$	3,250	\$ 31,100



FY2014 BUDGET NARRATIVE

TBPA Commission approved 3/27/2013

FERC 539: Miscellaneous Power Generation

201	3 BUDGET	2013 Estimate	EXPENDED AS OF 12/31/2012	20	14 BUDGET
\$	242,100	\$143,000	\$133,645	\$	275,610

FERC Code Description: Labor, materials & expenses incurred which are not specifically provided for or are not readily assignable to other hydraulic generation operation expense accounts. **Labor:** General clerical, patrolling plant & yard, building service; groundskeeping, misc. labor. **Materials/Expenses:** General operating supplies (tools, gaskets, report forms), first-aid supplies, employee service facility expense, building service supplies, communication service, office supplies, transportation, fuel, meals & travel, research & development.

2014

#	Expense Item & Supporting Detailed Description	A	mount	
1.	8062 539.01 Engineering Services	\$	3,000	\$ 3,000
2.	8064 539.02 Safety Supplies and Safety Equipment Inspections	\$	1,500	\$ 1,500
	8068 539.04 Contract Service - On site fire suppression inspections	\$	4,000	\$ 4,000
	8070 539.05 Tyee Materials - Misc. Supplies	\$	12,000	\$ 12,000
	8072 539.06 Tyee Fuel	\$	15,000	\$ 18,000
6.	8074 539.07 Freight-Postage	\$	3,500	\$ 3,500
7.	8076 539.08 Lab Fees - potable water testing	\$	500	\$ 500
8.	8078 539.09 Insurance	\$	75,000	\$ 100,000
9.	8080 539.10 Office Expenses	\$	7,500	\$ 7,500
10.	8082 539.11 Communications Expense	\$	8,000	\$ 14,050
11	8084 539.14 Thermal Scan	\$	1 -	\$ -
12	8085 539.12 Advertising - General advertising labor	\$	1,200	\$ 1,200
	8088 539.16 Contract Flights - Crew changes Tyee	\$	44,000	\$ 44,000
	8089 539.17 Rental	\$	1,500	\$ 1,500
15.	. 8090 539.20 Lube Oil	\$	4,000	\$ 4,000
16.	. 8091 539.32 Fuel delivery	\$	9,000	\$ 9,000
17.	. 5001 539.21 O&M ROW Wages-PTO	\$	33,400	\$ 33,400
18	. 5005 539.22 O&M ROW OT	\$	400	\$ 400
19	. 5201 539.23 O&M ROW Employer Tax	\$	2,400	\$ 2,400
20	. 5201 539.24 O&M ROW Retirement	\$	560	\$ 1,120
21	5207 539.25 SBS (state benefit system)	\$	900	\$ 1,800
22	5210 539.26 O&M ROW Health-Life Insurance	\$	4,400	\$ 4,400
23	. 5220 539.27 Unemployment Expense	\$	1,840	\$ 1,840
24	TBPA Fuel Road Fleet	\$	6,000	\$ 4,000
25	TBPA Vehicle Maintenance		2500	2500
93		\$	242,100	\$ 275,610



FY2014 BUDGET NARRATIVE

TBPA Commission approved 3/27/2013

FERC 541: Maintenance Supervision & Engineering

2013 BUDGET	2013 Estimate	EXPENDED AS OF 11/30/2012	2014 BUDGET		
\$ 250	\$935	\$0	\$	1,200	

FERC Code Description: This account shall include the cost of labor and expenses incurred in the general supervision and direction of the maintenance of hydraulic power generating stations. Direct field supervision of specific jobs shall be charged to the appropriate maintenance account.

#	Expense Item & Supporting Detailed Description	An	nount	2014
4. 8108 541.04 Due	s - Memberships	\$	250	\$ 1,200
		\$	250	\$ 1,200



FY2014 BUDGET NARRATIVE

TBPA Commission approved 3/27/2013

FERC 543: Dams, Reservoirs & Waterways

2013 BUDGET	2013 Estimate	NDED AS OF 2/30/2012	2014 BUDGET
\$8,000	\$8,300	\$ 5,348	\$ 8,000

FERC Code Description: This account shall include the cost of labor, materials used, and expenses incurred in maintenance of plant includible in Reservoirs, Dams, and Waterways.

#	Expense Item & Supporting Detailed Description	Ar	nount	1	2014
1.	8142 543.02 GH travel expense - Helicopter to gate house	\$	6,000	\$	6,000
7.	8142 543.02 GH travel expense - Helicopter to gate house 8156 543.09 GH Material & Supplies	\$	2,000	\$	2,000
		\$	8,000	\$	8,000
		-			



FY2014 BUDGET NARRATIVE

TBPA Commission approved 3/27/2013

FERC 544: Maintenance of Electric Plant

2013 BUDGET	2013 Estimate	EXPENDED AS OF 12/31/2012	2014 BUDGET
\$ 665,800	\$573,534	\$290,036	\$ 708,008

FERC Code Description: Cost of labor, materials used, and expenses incurred in maintenance of miscellaneous hydraulic production plant

#	Expense Item & Supporting Detailed Description	on Amo	ount	2014
1. 5001 54	14.01 O&M wages- PTO	\$ 3	385,000	\$ 392,700
2. 5005 54	14.01 O&M Overtime	\$	45,000	\$ 45,000
4. 5201 54	14.01 O&M Employer Tax	\$	8,400	\$ 8,568
5. 5205 54	14.01 O&M Retirement	\$	96,000	\$ 97,920
6. 5207 54	44.01 O&M SBS (state benefit system)	\$	27,000	\$ 27,540
7. 5210 54	14.01 O&M Health-Life Insurance	\$	94,000	\$ 95,880
8. 5215 54	14.01 O&M Unemployment Benefits	\$	5,000	\$ 5,000
10. 8162 54	44.05 Freight-Postage	\$	400	\$ 400
11. 8163 54	14.06 Vibration Study	\$	-	\$ 10,000
12. 8165 54	14.07 Calibration Meters-Relays	\$	-	\$ 20,000
14. 8168 54	14.09 Plant Material and Supplies	\$	5,000	\$ 5,000
		\$ 6	65,800	\$ 708,008



THOMAS BAY POWER AUTHORITY TYEE LAKE HYDROELECTRIC PROJECT FY2013 BUDGET NARRATIVE

TBPA Commission approved 3/27/2013

FERC 545 : Plant Misc Maintenance

2013 BUDGET	2014 Estimate	EXPENDED AS OF 11/30/2012	2014 BUDGET		
\$ 13,900	\$3,096	\$1,767	\$	13,000	

FERC Code Description: This account shall include the cost of labor, materials used, and expenses incurred in maintenance of plant, Miscellaneous Power Plant Equipment,

#	Expense Item & Supporting Detailed Description	Amount		2014
5.	8182 545.01 Tyee Materials-Supplies	\$	3,000	\$ 3,000
7.	8186 545.02 Tyee Vehicle maintenance	\$	2,500	\$ 3,000
9.	8194 545.04 Heavy Equipment	\$	6,000	\$ 5,000
11.	8198 545.06 Tyee Delivery Expense (other than contract air or fuel delivery)	\$	2,400	\$ 2,000
		\$	13,900	\$ 13,000



FY2014 BUDGET NARRATIVE

TBPA Commission approved 3/27/2013

FERC 560: Transmission Operations Supervision & Engineering

2013 BUDGET	2013 Estimate	E	EXPENDED AS OF 11/30/2012		2014 BUDGET		
\$ 14,600	\$8,000	\$	3,061	\$	35,600		

FERC Code Description: Supervision and labor in the operation of the transmission system.

# Expense Item & Supporting Detailed Description	A	Amount		2014
8202 560.01 TBPA Wrangell warehouse materials-supplies	\$	6,000	\$	4,000
2. 8204 560.02 Freight-Postage	\$	600	\$	600
3.3 Emergency Response Repair Kit			\$	25,000
8. 8217 560.08 Utilities Wrangell Office (includes Electricity/W-S/Garbage)	\$	8,000	\$	6,000
	\$	14,600	\$	35,600



FY2014 BUDGET NARRATIVE

TBPA Commission approved 3/27/2013

FERC 561: Transmission Load Dispatching

201	3 BUDGET	EXPENDED AS OF 2013 Estimate 12/31/2012 2014 B			2014 BUDGET	
\$	7,000	\$6,800	\$	4,800	\$	7,000

FERC Code Description: Load dispatch reliability, monitoring and operating transmission system, transmission service and scheduling, system control and dispatching services; reliability, planning and standards development; transmission service studies; and generation interconnection studies.

#	Expense Item & Supporting Detailed Description	A	mount	2014
10.	8411 561.04 SCADA HSQ Contract	\$	5,000	\$ 5,000
11.	8412 561.03 SCADA Expenses	\$	2,000	\$ 2,000
		\$	7,000	\$ 7,000



FY2014 BUDGET NARRATIVE

TBPA Commission approved 3/27/2013

FERC 562: Substation Expense

20	013 BUDGET	2013 Estimate	EX	PENDED AS OF 11/30/2012	2014 BUDGET
\$	30,650	\$21,484	\$	10,742	\$ 121,150

FERC Code Description: Cost of labor, materials used and expenses incurred in operating transmission substations and switching stations. If transmission station equipment is located in or adjacent to a generating station the expenses applicable to transmission station operations shall nevertheless be charged to this account.

#	Expense Item & Supporting Detailed Description	A	mount	2014
2. 8220	0 562.13 Training	\$		\$ 3,000
3. 8222	2 562.02 Substation-Switchyard Materials and Supplies	\$	8,000	\$ 8,000
4. 8224	4 562.03 Calibration Meters and Relays	\$	-	\$ 20,000
7. 8226	5 562.04 Travel - Petersburg Substation maintenance	\$	7,000	\$ 7,000
11. 8232	2 562.12 Scheduled 5-Year Substation/Switchyard maintenance contract	\$	-	\$ 65,000
12. 8233	3 562.13 Lab Fees oil test	\$	750	\$ 750
15. 8238	3 562.10 Freight-Postage	\$	900	\$ 900
16. 8230	0 562.06 Utilities (electricity & telephone)	\$	14,000	\$ 12,000
17. ????	? 562.17 Thermal Scan	\$	-	\$ 4,500
		\$	30,650	\$ 121,150



THOMAS BAY POWER AUTHORITY TYEE LAKE HYDROELECTRIC PROJECT FY2014 BUDGET NARRATIVE

TBPA Commission approved 3/27/2013

FERC 564: Submarine Cable Expense

20	13 BUDGET	2013 Estimate	E	XPENDED AS OF 12/31/2012	2014 BUDGET
\$	4,825	\$1,750	\$	255	\$ 6,825

FERC Code Description: Operation of underground transmission lines. **Labor:** Supervising line operation; inspecting and testing lightning arresters, circuit breakers, switches, and grounds; load tests of circuits; routine line patrolling, routine voltage surveys to determine the condition or efficiency of transmission system; transferring loads, switching and reconnecting circuits and equipment for operating purposes, not for construction or maintenance purposes; electrolysis surveys; inspecting and adjusting line-testing equipment, such as voltmeters, ammeters, wattmeters, etc.

#	Expense Item & Supporting Detailed Description	fy13 PROVED	FY14	4 DRAFT
3.	8258 564.07 Marine Materials-Supplies	\$ 700	\$	700
4.	8264 564.02 Freight-Postage	\$ 125	\$	125
6.	8268 564.04 Transportation - Helicopter/Boat transportation to terminals	\$ 4,000	\$	6,000
		\$ 4,825	\$	6,825



THOMAS BAY POWER AUTHORITY TYEE LAKE HYDROELECTRIC PROJECT FY2014 BUDGET NARRATIVE

TBPA Commission approved 3/27/2013

FERC 571: Overhead Line Maintenance

2013	2013 BUDGET 2013 Estimate		E	EXPENDED AS OF 12/31/12		2014 BUDGET
\$	229,600	\$196,924	\$	103,426	\$	356,900

FERC Code Description: This account shall include the cost of labor, materials used and expenses incurred in maintenance of transmission plant, the cost of which includes Towers and Fixtures, Poles and Fixtures, Overhead Conductors and Devices, Roads and Trails.

#	Expense Item & Supporting Detailed Description		Amount		2014	
3.	8306 571.03 T-Line Annual 8316 571.06 T-Line Maintenance 8310 571.05 POW Line Closeline Metalists 2.9	\$. \$		\$	90,000 25,000	
6.	8310 571.05 ROW Line Clearing Materials & Supplies 8317 571.09 ROW Line Clearing Transportation	\$ \$	15,500 20,000	\$	17,150 29,000	
10.	8312 571.06 Freight-Postage 8316 571.10 ROW Line Clearing Fuel & Oil expenses (boat/chain saws)	\$	500 18,000	\$	250 21,500	
12.	5001 571.01 O&M ROW Wages-PTO 5005 571.01 O&M ROW OT	\$ \$	133,600 1,600	\$	133,600 1,600	
	5201 571.01 O&M ROW Employer Tax 5201 571.01 O&M ROW Retirement	\$	9,600	\$	5,000 11,500	
	5207 571.01 SBS (state benefit system) 5210 571.01 O&M ROW Health-Life Insurance	\$	3,600	\$	3,300	
	5220 571.01 Unemployment Expense	\$	17,600 7,360	\$	13,000 6,000	
		\$	229,600	\$	356,900	

Agenda Item 14

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM April 9, 2013

ATTORNEY'S FILE:

There is no Attorney's File.

Agenda Item 15

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM April 9, 2013

EXECUTIVE SESSION

There is no Executive Session.