



Petersburg Borough

12 South Nordic Drive
Petersburg, AK 99833

Meeting Agenda Borough Assembly Regular Meeting

Monday, May 20, 2024

6:00 PM

Assembly Chambers

You are invited to a Zoom webinar.
When: May 20, 2024 06:00 PM Alaska
Topic: May 20, 2024 Borough Assembly Meeting

Please click the link below to join the webinar:

<https://petersburgak.gov.zoom.us/j/83211841550?pwd=NcvP2vZeF5lxBisINAv78s7u5P4gWg.MKrkQxoiOxjPk6ZE>

Passcode: 275097

Or Telephone:

(720) 707-2699 or (253) 215-8782

Webinar ID: 832 1184 1550

Passcode: 275097

1. **Call To Order/Roll Call**
2. **Voluntary Pledge of Allegiance**
3. **Approval of Minutes**
 - A. **May 6, 2024 Assembly Meeting Minutes**
4. **Amendment and Approval of Meeting Agenda**
5. **Public Hearings**
 - A. **Public Hearing for Ordinance #2024-07: An Ordinance Amending Section 4.33.030 of Chapter 4.33, *Transient Room Tax*, of the Petersburg Municipal Code, to Increase the Transient Room Tax Rate from Four Percent (4%) to Seven Percent (7%), and Directing that the Amendment be Submitted to the Qualified Voters of the Borough for Ratification**

Any public testimony regarding Ordinance #2024-07 should be given during this public hearing. A copy of Ordinance #2024-07 may be found under agenda item 14B.

B. Public Hearing for Ordinance #2024-08: An Ordinance Amending Section 4.33.060 of the Petersburg Municipal Code to Clarify the Permitted Uses of Proceeds of the Borough Transient Room Tax

Any public testimony regarding Ordinance #2024-08 should be given during this public hearing. A copy of Ordinance #2024-08 may be found under agenda item 14C.

C. Public Hearing for Ordinance #2024-09: An Ordinance of the Petersburg Borough Adopting the Budget for the Fiscal Year July 1, 2024 through June 30, 2025

Any public testimony regarding Ordinance #2024-09 should be given during this public hearing. A copy of Ordinance #2024-09 may be found under agenda item 14D.

6. Bid Awards

7. Persons to be Heard Related to Agenda

Persons wishing to share their views on any item on today's agenda may do so at this time.

8. Persons to be Heard Unrelated to Agenda

Persons with views on subjects not on today's agenda may share those views at this time.

9. Boards, Commission and Committee Reports

10. Consent Agenda

A. Alaska Commercial Electronics LLC Lease Renewal

Alaska Commercial Electronics LLC wishes to renew their lease with the Borough through May 14, 2029 at an annual rental rate of \$2,172.

11. Report of Other Officers

12. Mayor's Report

There is no written Mayor's Report for this meeting.

13. Manager's Report

A. May 20, 2024 Manager's Report

14. Unfinished Business

A. Ordinance #2024-06: An Ordinance Amending the Official Zoning Map for Service Area 1 of the Petersburg Borough to Rezone Lots 3, 4, 5, and 6, Block 66, US Survey 1252 from Single-Family Residential (SF) to Public Use (P-1) - Third and Final Reading

Ordinance #2024-06 will rezone lots named from Single-Family Residential to Public Use at the request of the Petersburg Children's Center, who currently leases the property, for future development of childcare and learning facilities. The Assembly unanimously approved Ordinance #2024-06 in its first and second readings.

B. Ordinance #2024-07: An Ordinance Amending Section 4.33.030 of Chapter 4.33, *Transient Room Tax*, of the Petersburg Municipal Code, to Increase the Transient Room Tax Rate from Four Percent (4%) to Seven Percent (7%), and Directing that the Amendment be Submitted to the Qualified Voters of the Borough for Ratification - Second Reading

If approved in three readings, Ordinance #2024-07 will bring a proposition before Borough voters at the October 2024 municipal election to increase the Transient Room Tax from 4% to 7%. Transient Room Tax is levied on rental of rooms at hotels, motels, or other lodging, for fewer than 30 days. It is estimated that increasing the Transient Room Tax to 7% will generate approximately \$53,000 in additional funds to support Borough infrastructure and expenses related to tourism in Petersburg. The Assembly unanimously approved Ordinance #2024-07 in its first reading.

C. Ordinance #2024-08: An Ordinance Amending Section 4.33.060 of the Petersburg Municipal Code to Clarify the Permitted Uses of Proceeds of the Borough Transient Room Tax - Second Reading

If adopted in three readings, Ordinance #2024-08 will clarify uses for the proceeds of the Transient Room Tax by adding visitor-related signage, park maintenance and improvements, borough beautification and improvement projects, and repair and maintenance of visitor-related borough infrastructure, including stairs and sidewalks in the downtown area. The Assembly unanimously approved Ordinance #2024-08 in its first reading.

D. Ordinance 2024-09: An Ordinance Adopting the Budget for the Fiscal Year July 1, 2024 through June 30, 2025 - Second Reading

Ordinance #2024-09 will set the Borough budget for FY 2025. The Assembly unanimously approved Ordinance #2024-09 in its first reading.

15. New Business

A. Ordinance #2024-10: An Ordinance Amending Section 4.28.120 of the Petersburg Municipal Code to Increase the Amount of Sales Tax that can be Collected on a Single Sales Transaction from \$72 to \$300, and Directing that the Proposed Amendment be Submitted to the Qualified Voters of the Borough

If adopted by the Assembly in three readings, Ordinance #2024-10 will place a proposition on the 2024 Municipal Election ballot to increase the maximum taxable transaction amount from \$1,200 to \$5,000, resulting in an increase of the maximum collectible sales tax from \$72 to \$300 per single purchase of goods or services.

B. Resolution #2024-07: A Resolution Supporting the Transfer of Certain State-Owned Tidelands Located Within the Petersburg Borough for the Purposes of Developing a Marine Vessel Haul Out and Harbor and Other Economic Development Activities

Adoption of Resolution #2024-07 will show support for the Borough's application to the State of Alaska for conveyance of 21 acres of state-owned tidelands in Scow Bay for the purpose of developing a vessel haul out and harbor.

C. Resolution #2024-08: A Resolution of the Petersburg Borough Assembly in support of Amendment 123 to the Fishery Management Plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands (BSAI) Management Area which Amends Regulations Governing Limits on the Pacific Halibut Prohibited Species Catch (PSC) and Links the Halibut PSC Limit for the Amendment 80 Commercial Groundfish Trawl Fleet in the BSAI Groundfish Fisheries to Halibut Abundance

The Petersburg Vessel Owner's Association requests Assembly support, by passage of this Resolution, for Amendment 123 of the NMFS Fishery Management Plan which links the halibut bycatch for the commercial groundfish trawl fleet to halibut abundance.

D. Municipal Land Selections Response - ADL 108982, 108983, and 108984

Alaska Department of Natural Resources issued a preliminary decision to convey 1,758 acres of municipal entitlement lands to the Borough and is accepting public comment on the decision until May 24, 2024. The lands are on Mitkof Island (Frederick Point, Woodpecker, and the parcel containing the shooting range) and also include three small islands in Sumner Strait. The Borough's comments to the decision are attached in this packet for Assembly approval.

E. Acceptance of Dedication of Easements, Rights-of-Way, Alleys and Roadways proposed on the Alaska Mental Health Trust's Plat of the South Mitkof Subdivision

The State of Alaska, Department of Natural Resources, requires borough mayors to sign for acceptance of any land dedicated for public use and for public purposes within the borough, regardless of whether or not the borough has platting authority in the area. This land dedication is south of the Papke's Landing area, which is currently exempt from platting authority. Acceptance of lands for public use or public purpose does not obligate the public or any governing body to construct, operate or maintain improvements. DNR is requesting Mayor Jensen sign the plat of the South Mitkof Subdivision.

At the September 5, 2023 meeting, the Assembly unanimously rejected the request for Mayor Jensen to sign the plat and accept the proposed subdivision lands dedicated for public use. Vice Mayor Marsh requests the subject be reconsidered.

F. 2024 Fuel Adjustment Charge for Annual SEAPA Maintenance Shutdown

Per Municipal Code Section 14.16.720, *Rates - Fuel and Purchased Power Adjustment Charge*, the Assembly has the discretion to implement a fuel adjustment charge to all kilowatt hours sold in the billing period that includes the annual SEAPA maintenance shutdown and the resulting 10-day diesel plant run by our electric utility. Utility Director Hagerman is requesting the fuel adjustment charge be

implemented for the billing period between May 27 and June 27, 2024. The SEAPA maintenance period is scheduled for June 6 - 12, 2024. The fuel adjustment charge will appear on the July, 2024 electric bill.

16. Communications

A. Correspondence Received Since May 2, 2024

17. Assembly Discussion Items

A. Assembly Member Comments

B. Recognitions

18. Adjourn



Petersburg Borough

12 South Nordic Drive
Petersburg, AK 99833

Meeting Minutes Borough Assembly Regular Meeting

Monday, May 06, 2024

12:00 PM

Assembly Chambers

1. Call To Order/Roll Call

Vice Mayor Marsh called the meeting to order at 12:00 p.m.

PRESENT

Mayor Mark Jensen
Vice Mayor Donna Marsh
Assembly Member Thomas Fine-Walsh
Assembly Member Bob Lynn
Assembly Member Scott Newman
Assembly Member Rob Schwartz
Assembly Member Jeigh Stanton Gregor

2. Voluntary Pledge of Allegiance

The Pledge was recited.

3. 2023 State of Alaska's Ken Akerley Fire Service Leadership Award

Assistant State Fire Marshal, Mark Brauneis, presented the Ken Akerley Fire Service Leadership Award to Dan Bird, a longtime member and current Volunteer Fire Captain of the Petersburg Volunteer Fire Department. Mr. Bird was chosen for the award from over 8,000 firefighters in the State because of his dedication and leadership within the Department.

4. Approval of Minutes

A. April 15, 2024 Assembly Meeting Minutes

The April 15, 2024 Assembly meeting minutes were unanimously approved.

Motion made by Assembly Member Fine-Walsh, Seconded by Assembly Member Lynn.

Voting Yea: Mayor Jensen, Vice Mayor Marsh, Assembly Member Fine-Walsh, Assembly Member Lynn, Assembly Member Newman, Assembly Member Schwartz, Assembly Member Stanton Gregor

5. Amendment and Approval of Meeting Agenda

The agenda was approved as submitted.

Motion made by Assembly Member Fine-Walsh, Seconded by Assembly Member Schwartz.

Voting Yea: Mayor Jensen, Vice Mayor Marsh, Assembly Member Fine-Walsh, Assembly Member Lynn, Assembly Member Newman, Assembly Member Schwartz, Assembly Member Stanton Gregor

6. Public Hearings

A. Public Hearing for Ordinance #2024-06: An Ordinance Amending the Official Zoning Map for Service Area 1 of the Petersburg Borough to Rezone Lots 3, 4, 5, and 6, Block 66, US Survey 1252 from Single-Family Residential (SF) to Public Use (P-1)

No testimony was given.

7. Bid Awards

There were no bid awards.

8. Persons to be Heard Related to Agenda

Persons wishing to share their views on any item on today's agenda may do so at this time.

Tom Abbott, General Manager of KFSK, thanked the Finance Department and the Assembly for including KFSK in the draft Community Services budget for FY 2025.

Sarah Holmgrain, Petersburg School Board President, encouraged the Assembly to fund the school system to the maximum allowed (\$3,400,000) for FY 2025.

9. Persons to be Heard Unrelated to Agenda

Persons with views on subjects not on today's agenda may share those views at this time.

No views were shared.

10. Boards, Commission and Committee Reports

A. Borough Safety Committee Report

Borough Safety Committee Chair Holmgrain provided a written report to the Assembly.

11. Consent Agenda

There were no consent agenda items.

12. Report of Other Officers

A. Petersburg Medical Center Update

PMC CEO Hofstetter updated the Assembly on Medical Center activities.

B. U.S. Forest Service Update

Petersburg District Ranger Born updated the Assembly on Forest Service activities.

13. Mayor's Report

A. May 6, 2024 Mayor's Report

Vice Mayor Marsh wished everyone a fun and safe Mayfest celebration next week.

14. Manager's Report

A. May 6, 2024 Manager's Report

Manager Giesbrecht read his report into the record, a copy of which is attached and made a permanent part of these minutes.

15. Unfinished Business

A. Ordinance #2024-06: An Ordinance Amending the Official Zoning Map for Service Area 1 of the Petersburg Borough to Rezone Lots 3, 4, 5 and 6, Block 66, US Survey 1252 from Single-Family Residential (SF) to Public Use (P-1)

If approved in three readings, Ordinance #2024-06 will rezone Lots 3, 4, 5 and 6, Block 66, Survey 1252, from Single Family Residential to Public Use at the request of the Petersburg Children's Center, who currently leases the property, for future development of childcare and learning facilities. The Assembly unanimously approved Ordinance #2024-06 in its first reading.

Ordinance #2024-06 was unanimously approved in its second reading.

Motion made by Assembly Member Lynn, Seconded by Assembly Member Stanton Gregor.

Voting Yea: Mayor Jensen, Vice Mayor Marsh, Assembly Member Fine-Walsh, Assembly Member Lynn, Assembly Member Newman, Assembly Member Schwartz, Assembly Member Stanton Gregor

16. New Business

A. Ordinance #2024-07: An Ordinance Amending Section 4.33.030 of Chapter 4.33, *Transient Room Tax*, of the Petersburg Municipal Code, to Increase the Transient Room Tax Rate from Four Percent (4%) to Seven Percent (7%), and Directing that the Amendment be Submitted to the Qualified Voters of the Borough for Ratification

If approved by the Assembly in three readings, Ordinance #2024-07 will bring a proposition before Borough voters at the October, 2024 municipal election to increase the Transient Room Tax from 4% to 7%. Transient Room Tax is levied on rental of

rooms at hotels, motels, or other lodging, for fewer than 30 days. It is estimated that increasing the Transient Room Tax to 7% will generate approximately \$53,000 in additional funds to support Borough infrastructure and expenses related to tourism in Petersburg.

The Assembly unanimously approved Ordinance #2024-07 in its first reading.

Motion made by Assembly Member Stanton Gregor, Seconded by Assembly Member Fine-Walsh.
Voting Yea: Mayor Jensen, Vice Mayor Marsh, Assembly Member Fine-Walsh, Assembly Member Lynn, Assembly Member Newman, Assembly Member Schwartz, Assembly Member Stanton Gregor

B. Ordinance #2024-08: An Ordinance Amending Section 4.33.060 of the Petersburg Municipal Code to Clarify the Permitted Uses of Proceeds of the Borough Transient Room Tax

Ordinance #2024-08, if adopted in three readings, will further clarify visitor-related uses for the proceeds of the Transient Room Tax.

By unanimous roll call vote, Ordinance #2024-08 was approved in its first reading.

Motion made by Assembly Member Fine-Walsh, Seconded by Assembly Member Schwartz.
Voting Yea: Mayor Jensen, Vice Mayor Marsh, Assembly Member Fine-Walsh, Assembly Member Lynn, Assembly Member Newman, Assembly Member Schwartz, Assembly Member Stanton Gregor

C. Ordinance #2024-09: An Ordinance of the Petersburg Borough Adopting the Budget for Fiscal Year July 1, 2024 through June 30, 2025

The Assembly will consider Ordinance #2024-09, which will set the Borough budget for FY 2025, in its first reading.

Ordinance #2024-09 was unanimously approved in its first reading.

Motion made by Assembly Member Stanton Gregor, Seconded by Assembly Member Lynn.
Voting Yea: Mayor Jensen, Vice Mayor Marsh, Assembly Member Fine-Walsh, Assembly Member Lynn, Assembly Member Newman, Assembly Member Schwartz, Assembly Member Stanton Gregor

D. Department Head Reorganization

Assistant Utility Director recruitment has proven to be unsuccessful. Manager Giesbrecht is suggesting to reorganize departments back to the organization in place prior to creation of the Utility Director position, which was as follows: 1) Petersburg Power & Light Director, 2) Public Works Director in charge of Public Works,

Maintenance, Motor Pool, Water, Wastewater and Sanitation; and 3) Assistant Public Works Director to work under the supervision of the Public Works Director. Manager Giesbrecht's memo, attached in this packet, requests approval to move the Water & Wastewater Departments to be under the direction of the Public Works Director, post an Assistant Public Works Director position in-house this summer, and recruit for an Assistant Power & Light Director beginning in 2025. This position would become the Power & Light Director upon Director Hagerman's retirement in 2026.

The Department Head reorganization proposed by Manager Giesbrecht was unanimously approved.

Motion made by Assembly Member Stanton Gregor, Seconded by Assembly Member Lynn.

Voting Yea: Mayor Jensen, Vice Mayor Marsh, Assembly Member Fine-Walsh, Assembly Member Lynn, Assembly Member Newman, Assembly Member Schwartz, Assembly Member Stanton Gregor

E. New Hospital Project Mud Dump Fees

By unanimous roll call vote, the Assembly approved to waive the mud dump fees for the entire new hospital project.

Motion made by Assembly Member Lynn, Seconded by Assembly Member Stanton Gregor.

Voting Yea: Mayor Jensen, Vice Mayor Marsh, Assembly Member Fine-Walsh, Assembly Member Lynn, Assembly Member Newman, Assembly Member Schwartz, Assembly Member Stanton Gregor

17. Communications

A. Correspondence Received Since April 11, 2024

18. Assembly Discussion Items

A. Assembly Member Comments

There were no comments.

B. Recognitions

19. Adjourn

The meeting was adjourned at 12:55 p.m.

Motion made by Assembly Member Stanton Gregor, Seconded by Mayor Jensen.

Voting Yea: Mayor Jensen, Vice Mayor Marsh, Assembly Member Fine-Walsh, Assembly Member Lynn, Assembly Member Newman, Assembly Member Schwartz, Assembly Member Stanton Gregor

**Borough Manager's Report
Assembly Meeting 6 May 2024**

- ❖ Sand pickup is progressing. Street grading as weather permits.
- ❖ Mayfest prep is underway, with crosswalks painted last week.
- ❖ The crew cleared a very overgrown right-of-way at the top of PFI hill, improving safety and visibility in the area. Outgoing traffic from the cannery now has a better view of vehicles approaching from uphill.
- ❖ Surplus fire engine #5 was auctioned successfully. Minimum bid was \$10,000 – we received 2 bids and the winning bidder paid \$15,348.89.
- ❖ Planning is underway for the annual Household Hazardous Waste collection event, which will be held June 1st and 2nd.
- ❖ Building Maintenance has been assisting Power & Light with some roof repairs and plumbing work for a washer/dryer installation at the PMPL building.
- ❖ Several of us met with various transportation agencies in a meeting facilitated by Alaska Municipal League. We talked about priority projects in the Borough and the group prioritized four projects; Fredrick Road/Cabin Creek, Scow Bay, Airport Bypass Road, and Papke's Landing. We will all continue to work together on these projects to see if funding can be identified. Participants included Borough staff, Forest Service, Federal Highways, Alaska DOT and Petersburg Indian Association.
- ❖ Water Staff is working with ADEC to complete the Lead Service Line Inventory. This is a federally mandated inventory in the wake of the Flint, Michigan lead pipe issue of a few years ago. The risk in Petersburg is very low with virtually all service lines being copper and the Borough's corrosion control program keeping any metal leaching to within federal standards.
- ❖ The blasting at the Wellness and Education Resource Center (WERC) site had us worried about an older water line adjacent to the site, but the contractor is doing a great job in controlling each shot. No damage or disturbance to the water mains in the area is evident.
- ❖ Thanks to the WW staff for setting up the seasonal public restroom trailers in the Municipal Building parking lot.
- ❖ We are waiting to receive the draft wastewater discharge permit, following any comments by the State and local tribe.
- ❖ PMPL is planning an open house at the Blind Slough Hydro project for the afternoon of May 16th from 1 -3 pm. Hydro power started in Petersburg 100 years ago in 1924 so it is fitting that we celebrate the ongoing benefit to the community and the completion of the newest upgrades to the powerhouse at the same time. We will hold a short ribbon cutting ceremony at 2:30pm, followed by Mayor Jensen initiating a restart of the generator. The entire Assembly, Department Heads and the public are invited to attend. There will be light refreshments and you'll be able to compare the

differences between the 1929 generator and the 2023 generator. Please help us celebrate.

- ❖ PMPL has provided additional Blind Slough Hydro project information to the DOE staff members who are managing negotiations for the Section 243 grant. Of note is that the DOE project managers have determined that the requirements of the Buy America Build America act will not need to be met by our project as the work is complete and the law was enacted after equipment and construction contracts had been entered into. This is fantastic news for PMPL staff and means that the full eligible value of the grant should be forthcoming after the negotiations are completed (approximately \$2.8 million).
- ❖ Geotechnical investigations at the Scow Bay Generator site were completed recently and verified that the site is well prepared for another large generator foundation. Design work is ongoing to produce a Design Build Invitation to Bid that will be advertised this summer.
- ❖ PMPL is happy to report that our entire staff did a great job in response to the SEAPA systemwide outage that occurred on Thursday, April 25th. A series of events that occurred in Ketchikan knocked all SEAPA member communities off the grid, but Petersburg's restoration with our diesel plant went smoothly. This was the first total system outage for many of our staff members and they did great.
- ❖ We are short employees in Dispatch and are looking for good candidates. Check out the Borough's website or talk to Chief Kerr regarding the openings.
- ❖ Chief Kerr attended the USCG port security meeting; getting ready for the cruise ship season.
- ❖ Derrick is working on updating our documentation for the kitchen processes.
- ❖ We have been having some issues with the call system at Assisted Living. Working through upgrading some of the computer system which supports the pagers.
- ❖ Derrick is working on the wording for our contract at Assisted Living as it relates to double occupancy in the rooms.
- ❖ I have reached out again to ADNR regarding abandoned vehicles at Papke's. We are hoping they will allow the Borough to work with ADOT to keep the problem under control, so users of the facility have parking space.

Record in the Petersburg Recording District.

**Amendment No. 7 to the
Tidelands/Submerged Lands Lease Agreement
Between Petersburg Borough, Alaska - Lessor
and
Alaska Commercial Electronics LLC -Lessee
For Alaska Commercial Electronics Lease Plat, Plat 94-8, June 28, 1994**

Date of Original Lease – May 15, 1994
Amendment #1 effective May 15, 1999
Amendment #2 effective May 15, 2004 (not recorded)
Amendment #3 effective May 15, 2009, recorded document
#2009-000284-0, Petersburg Recording District
Amendment #4 effective May 15, 2014, recorded document
#2014-000292-0, Petersburg Recording District
Amendment #5 effective January 3, 2017, recorded document
#2017-000048-0, Petersburg Recording District
Assignment of Lease and Consent from Gerald J Whitethorn and
Richard C Tamblin – May 22, 2017, recorded document # 2017-000362-0
Amendment #6 effective May 15, 2019, recorded document
#2019-000280-0, Petersburg Recording District

Effective Date of This Amendment – May 15, 2024

WHEREAS, the Original Lease dated May 15, 1994 recorded in Book 0045, pages 235 through 252, as amended, provides for renewal of the term of the lease;

WHEREAS, Municipal Code and the amended original lease require the annual rent be adjusted on each fifth anniversary date of the lease and the new annual rent shall be based upon the current full and true value of the property and any borough owned improvements, as established by the borough's assessor.

THEREFORE, BE IT RESOLVED, the original lease dated May 15, 1994, as amended, is further amended as follows:

Pursuant to Section 3 of the Original Lease, as amended, the annual rental rate for the five-year period from May 15, 2024 through May 14, 2029 is:

Based on the borough assessor’s statement of valuations for the leased premises of \$36,200 as reflected in the 2024 assessment records,

Two Thousand One Hundred Seventy Two Dollars and 00/100
(2024 assessed value of \$36,200.00 x 6% = \$2,172.00)

This lease amendment was passed and approved by the Petersburg Borough Assembly on May 20, 2024.

All other terms and conditions of the Original Lease, as amended, remain in full force and effect.

Dated the _____ day of _____, 2024.

LESSOR: Petersburg Borough
PO Box 329
Petersburg, AK 99833

By: _____
Debra K. Thompson, CMC
Borough Clerk

STATE OF ALASKA)
) ss
FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____, 2024, before me the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared Debra Thompson to me known to be the Borough Clerk Borough described in and which executed the above and foregoing instrument, and acknowledged to me said instrument to be the free and voluntary act and deed of said Borough for the uses and purposes therein mentioned, and on oath stated that she is authorized to execute this instrument.

WITNESS My Hand and Official Seal the day and year in this certificate first above written.

Notary Public in and for the State of Alaska residing at Petersburg, Alaska.
My commission expires _____.

Return to: Borough Clerk
Petersburg Borough
PO Box 329
Petersburg, AK 99833



**Borough Manager's Report
Assembly Meeting 20 May 2024**

- ❖ The Streets crew put up the Mayfest tent on 5/16. We also spruced up the Rasmus Enge Bridge. Approximately 25 planks were replaced, and the bridge deck cleaned to get ready for tourist season.
- ❖ Sand pickup is continuing, with grading and dust control as weather permits.
- ❖ Aaron worked with the Chamber to coordinate garbage service for Mayfest. Extra cans are being placed this year to hopefully keep ahead of the influx.
- ❖ The annual Household Hazardous Waste (HHW) collection event is set for June 1st and 2nd. Advertising for the event will start on May 20th.
- ❖ As precautionary measures Police officers are present at the elementary school and the middle school/high school through the end of the school year. This includes parks and recreation. Officers are also attending all school functions and activities as part of this coverage. This coverage is due to the Petersburg School District safety protocol announcement which was sent to students and parents on Saturday May 11, 2024.
- ❖ Josh Rathmann, our EMS coordinator has resigned and is moving with his family to be closer to their relatives down south. We wish them safe travels and good luck in the next chapter of their life. The Rathmann's will be missed.
- ❖ The CERT program Aaron has been trying to implement has been hindered by scheduling conflicts between him and the State Trainer. With budgets being tight, unless the trainer is available to come to Petersburg, the program is on indefinite hold.
- ❖ With help from the Public Safety Advisory Board, KFSK has reintroduced its "build an emergency kit" radio program. The recordings are also available via KFSK's website. PVFD would like to thank KFSK for their help in promoting community preparedness.
- ❖ Harbor staff are busy moving harbor dept and customers storage out of the recently purchased port lots and into the drive down approach storage area.
- ❖ Staff working to get the South Harbor restrooms upgraded and in better working order.
- ❖ Thanks to Piston and Rudder for aiding the harbor crew on an unexpected large crane breakdown. Mike Luhr located the needed motor and had it air freighted in and ready for pickup within hours of its arrival. Maintenance staff getting the crane back in operation.
- ❖ Launch Ramp stickers are up for renewal on June 1. Reminders have been sent out.

- ❖ Nice to see EC Phillips & Sons Petersburg Fisheries up and running next door!
- ❖ USACE was in town 5/14-15 doing post dredge survey. Thanks to Charlie Christensen and F/ V Erika Ann for assisting them on the survey. This post dredge survey will occur again in one year and final survey in 5 years before the project is officially closed (15 years from start to finish!). Hope everyone can be at the SH dredge project ribbon cutting at the crane dock on Sunday at 11 am!
- ❖ With major changes to the Section 8 Housing program on a federal level, Michelle has been attending webinars and working on updates to the Petersburg Elderly Housing Policies and Procedures as well as the Tenant Selection Plan.
- ❖ Annual maintenance and cleaning closure: POOL CLOSED - 5/24 a.m., GYM CLOSED 5/25 p.m. Both reopen 6/10!! Contact P&R for more information.
- ❖ Lifeguard Course June 14-16th. NOW HIRING AT 15 yrs old!! Contact Scott Burt if you are interested.
- ❖ The water staff is gearing up for the processing season and performing preventative maintenance tasks at the plant.
- ❖ Karl is making some headway on closing out some older projects with ADEC, thanks to the WW staff.
- ❖ PMPL staff received training on the Eaton AMI software. Staff appreciated the training and will be putting their new knowledge to use as the department continues to roll out the new meters as budgeting allows.
- ❖ Thanks to all who attended the Open House at the Blind Slough Hydro plant on May 16th. Here's to another 100 years of local hydropower!
- ❖ SEAPA has informed the member communities that the annual maintenance shutdown will now occur from June 6th through 12th, shortening the time by three days from the original plan. The change helps the member utilities out by not having to burn as much diesel fuel and is appreciated very much.
- ❖ PMPL would like to remind all customers that the fuel adjustment charge, if approved by the Assembly, will apply to all energy used in the current billing period of May 15 – June 26. Conservation during this time period will decrease the amount of generation needed from the diesel plant during the shutdown and serve to lower the adjustment charge for all. Please conserve where you can.
- ❖ The line crew was able to hang the Class of 2024 Senior banners on the downtown light poles last week. Congratulations to the PHS graduating class!
- ❖ Almost have a program in place for the menus at Assisted Living that are dietician approved with recipes and dietary needs.
- ❖ Working on the nurse call system. The system will be here this week and will be able to keep residents from going walk-about without our knowledge.
- ❖ Almost all the back logs of Medicaid are put into the system for Assisted Living.
- ❖ We are currently working with a home health program that will incorporate bingo with exercise. They will pay for everything we need and all the prizes that come with it.

**PETERSBURG BOROUGH
ORDINANCE #2024-06**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP FOR SERVICE AREA 1 OF
THE PETERSBURG BOROUGH TO REZONE LOTS 3, 4, 5, AND 6, BLOCK 66, US
SURVEY 1252, FROM SINGLE-FAMILY RESIDENTIAL (SF) TO PUBLIC USE (P-1)**

WHEREAS, the Petersburg Borough owns and the Petersburg Children’s Center (PCC) leases the parcels, described as follows:

Lots 3, 4, 5, and 6, Block 66, US Survey 1252, Petersburg Recording District, State
of Alaska

; and

WHEREAS, Chapter 19.84 of the Petersburg Municipal Code (Service Area 1) provides for zoning amendments whenever the public necessity, convenience or general welfare requires; and

WHEREAS, the Planning Commission considered a request from Petersburg Children’s Center to rezone the four parcels from Single-Family Residential (SF) to Public Use (P-1); and

WHEREAS, if rezoned, the PCC intends to use the premises for the future development of childcare and learning facilities, which is consistent with the lease agreement (Recorded Document: 2004-000892—0) assigned to the PCC for the subject property; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on the proposed rezone on March 12, 2024, and considered and reviewed applicant materials, public comments and testimony, and staff report; and

WHEREAS, the Planning Commission voted 6-0 to recommend rezoning the subject property; and

WHEREAS, Borough Charter Section 3.01(K) and Section 1.12.010(G) of the Municipal Code require amendments to the official zoning map be enacted by ordinance.

THEREFORE, THE PETERSBURG BOROUGH ORDAINS as follows:

Section 1. Classification. This Ordinance is of a general and permanent nature but will not be codified in the Municipal Code.

Section 2. Purpose. The purpose of this Ordinance is to amend the Official Zoning Map for Service Area 1 of the Petersburg Borough.

Section 3. Substantive Provisions.

The Official Zoning Map for Service Area 1 of the Petersburg Borough, codified and referenced in Section 19.08.020 in the Municipal Code, is hereby amended for the following described property from Single-Family Residential (SF) to Public Use (P-1): Lots 3, 4, 5, and 6, Block 66, US Survey 1252, Petersburg Recording District, State of Alaska.

Section 4. Where Record to be Maintained. This non-Code ordinance, and the enactment of the zoning amendment referenced under Section 3 of this ordinance, shall be maintained with the zoning records of the Borough.

Section 5. Effective Date. This Ordinance will take effect immediately upon final adoption.

PASSED and APPROVED by the Assembly of the Petersburg Borough, Alaska this
_____ day of _____, 2024.

Mark Jensen, Mayor

ATTEST:

Debra K. Thompson, Borough Clerk

Adopted:
Published:
Effective:

Planning Commission Report & Findings of Fact

Meeting Date: 3/12/2024

APPLICANT/AGENT:

Petersburg Children's Center

OWNER(S), IF DIFFERENT:

Petersburg Borough

LEGAL DESCRIPTION:

Lots 3,4,5,6 Blk 66 USS1252

LOT AREA:

20,000 sq ft

LOCATION:

See attached maps

SURROUNDING ZONING

North: Public Use

South: Single-family Residential (SF)

East: Single-family Residential (SF)

West: Public Use

ZONING:

Single Family Residential

PID:

01-006-125, 01-006-127

01-006-149, 01-006-155

APPLICATION SUBMISSION DATE:

1/25/2024

I. APPLICANT REQUEST: Request to rezone 4 lots from Single-family to Public Use.

II. APPLICABLE CODES:

19.84 AMENDMENTS

III. FINDINGS:

- a. The subject property is composed of 4 parcels of borough-owned vacant land that is leased to the Petersburg Children's Center.
- b. The immediate surrounding area is developed with a mix of residential and institutional uses such as schools and childcare.
- c. The applicant's intent is to develop these lots for parking for the adjacent childcare facility but also move toward construction of a future childcare facility.
- d. The 2016 comprehensive plan recommends future land use for this area be Public Facilities. The intended use is *site-specific, developed public use facilities, including developed recreation facilities*.
- e. Public Facilities is also the intended land use for the existing PCC facility.
- f. Rezoning these lots from SF to Public Use would be consistent with the current land use for the school and existing Petersburg Children's Center. It would also be consistent with the intended use as outlined in the lease agreement with the borough.

IV. PUBLIC NOTICE

The borough provided public notice consistent with PMC 19.84.040. Notice was mailed by first class mail to the owner of record of the property within six hundred feet of the exterior boundary of the property that is the subject of the application.

Planning Commission Report & Findings of Fact

Meeting Date: 3/12/2024

V. APPLICATION REVIEW

- a. The application is classified as a request to amend the borough zoning map.
- b. Criteria – Per 19.84.030, The Planning Commission’s report to the Assembly shall include findings as to need and justification for the proposed change, including findings as to the effect which the proposed change would have on the objective of the comprehensive plan.

VI. ACTION

Based on the preceding findings of fact, the Petersburg Planning Commission makes the following recommendation to the Borough Assembly:

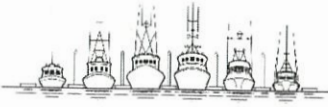
The Planning Commission recommends to the Borough Assembly that Lots 3,4,5,6 Blk 66, USS 1252 be rezoned from Single-Family Residential to Public Use with findings of fact as presented.

The proposed change is consistent with the goals of the comprehensive plan, which recommended the property be used for public facilities and is consistent with the intended use as outlined in the terms of the lease between the PCC and the borough.

EXHIBITS

Planning Commission packet

Pages 1-2 of original Lease Agreement that was assigned to PCC

 PETERSBURG BOROUGH LAND USE APPLICATION		CODE TO: 110.000.404110
		BASE FEE:
		PUBLIC NOTICE FEE: \$70.00
		TOTAL:
DATE RECEIVED:	RECEIVED BY:	CHECK NO. or CC:
APPLICANT/AGENT		LEGAL OWNER (IF DIFFERENT THAN APPLICANT/AGENT)
NAME Petersburg Children's Center		NAME Petersburg Borough
MAILING ADDRESS P.O. Box 138		MAILING ADDRESS P.O. Box 329
CITY/STATE/ZIP Petersburg, AK 99833		CITY/STATE/ZIP Petersburg, AK, 99833
PHONE 907-772-3419		PHONE
EMAIL pccen1@gmail.com		EMAIL
PROPERTY INFORMATION		
PHYSICAL ADDRESS or LEGAL DESCRIPTION: US Survey 1252 Lots 3, 4, 5, 6 Block 66		
PARCEL ID: 01-006-125;-127;-149;-155	ZONE: Single Family Residential	OVERLAY: N/A
CURRENT USE OF PROPERTY: Vacant		LOT SIZE: 5000 sf each
PROPOSED USE OF PROPERTY (IF DIFFERENT): Childcare facilities and required parking lot		
CURRENT OR PLANNED SEWER SYSTEM: <input checked="" type="checkbox"/> Municipal <input type="checkbox"/> DEC-approved on-site system		
CURRENT OR PLANNED WATER SOURCE: <input checked="" type="checkbox"/> Municipal <input type="checkbox"/> Cistern/Roof Collection <input type="checkbox"/> Well		
LEGAL ACCESS TO LOT(S) (Street Name): Dolphin Street and 5th Street		
TYPE OF APPLICATION & BASE FEE		
<input checked="" type="checkbox"/> 19.84 Zoning Change (\$100)		
<input type="checkbox"/> 18.18 Record of Survey (\$50) (Note: No Public Notice Fee)		
<input type="checkbox"/> 18.20 Minor Subdivision/18.24 Preliminary Plat/18.19 Replat (\$75 + \$10 per lot)		
<input type="checkbox"/> 18.24 Final Plat (\$25 per lot)		
SUBMITTALS:		
For Zoning Change, please submit letter stating the new zoning and explaining the need for the change. For Subdivision approvals, please submit a prepared plat map as required by borough code.		
SIGNATURE(S):		
I hereby affirm all of the information submitted with this application is true and correct to the best of my knowledge. I also affirm that I am the true and legal property owner(s) or authorized agent thereof for the property subject herein.		
Applicant(s): <u>Shalaya Mancee</u>		Date: <u>1/25/2024</u>
Owner: _____		Date: _____
Owner: _____		Date: _____
Owner: _____		Date: <u>1/25/2024</u>



Petersburg Children's Center
 Eagle's Nest
 P.O. Box 138
 Petersburg, AK 99833
 (907)772-3419 Fax (907)772-3452
 pccen1@gmail.com

The mission of the Petersburg Children's Center is to promote the healthy development of children and families in Petersburg by offering dependable, high-quality child care and by actively working toward the positive growth and development of all children in the community.

Petersburg Children's Center
 PO Box 138
 Petersburg, AK 99833
 907-772-3419

Dear Planning and Zoning Committee,

The Petersburg Children's Center is planning for a new building on the site of their current parking lot and the building of a new parking lot across the street from the Children's Center building. There is an existing lease between the Petersburg Children's Center and the City of Petersburg for Lots 3, 4, 5, 6 Block 66, US Survey 1252 for childcare related facilities and activities. Reviewing the status of the land in question with the Borough staff it was determined that the zoning of Lots 3, 4, 5, 6, Block 66, currently is Single Family Residential.

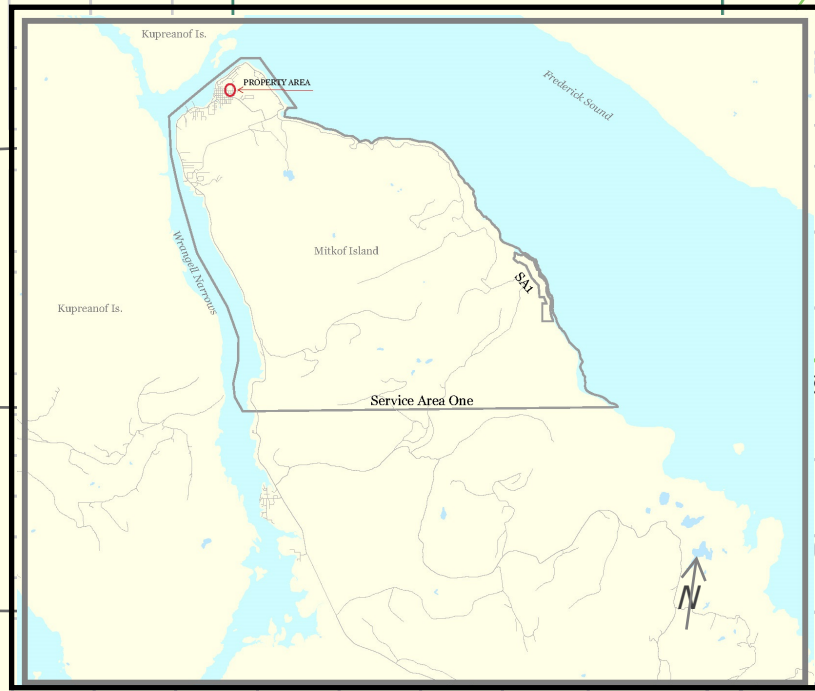
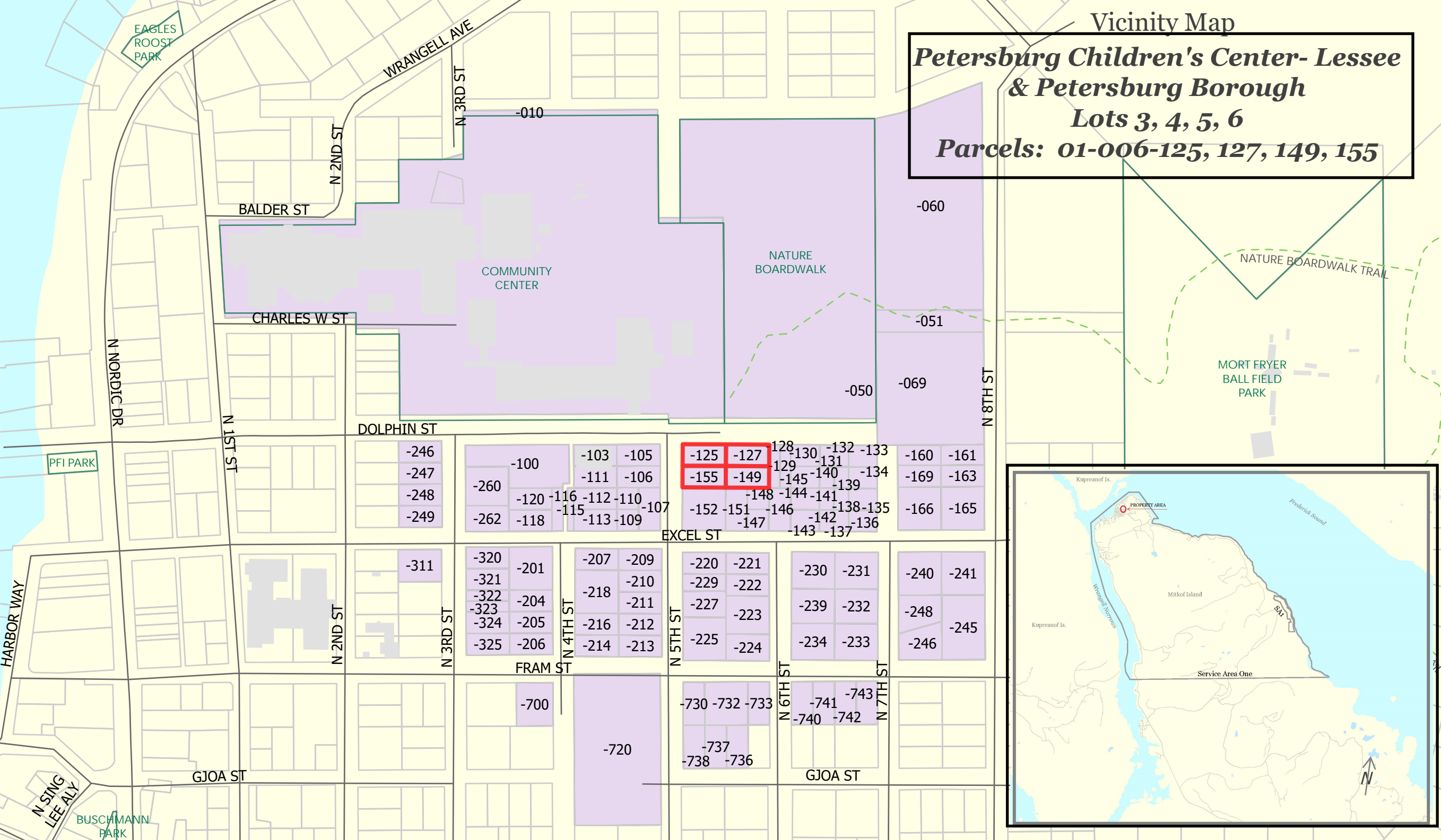
The Petersburg Children's Center is requesting to change the zoning of Lots 3, 4, 5, 6, Block 66, from Single Family Residential to Public Use, so that the zoning will match the intent of the existing lease between the Petersburg Children's Center and the Petersburg Borough. We would also like to point out that the Petersburg Childcare Task Force has discussed the positive potential of the lots for future childcare facilities. The Petersburg Children's Center is also submitting a conditional use permit for Lot 4, of Block 66, for the construction of a parking lot to replace the loss of their current parking lot to the proposed after-school childcare facility. The rezoning of the land in question will also strengthen the grant applications that we will be submitting, eliminating any potential questions with mismatched documentation.

Thank you for your consideration.
 Sincerely,

Sharlay Mamoe
 Executive Director
 Petersburg Children's Center

Vicinity Map

**Petersburg Children's Center- Lessee
& Petersburg Borough**
Lots 3, 4, 5, 6
Parcels: 01-006-125, 127, 149, 155





February 20, 2024

**ABBOTT THOMAS HART ELIZABETH
PO BOX 1617
PETERSBURG, AK 99833-1617**

NOTICE OF SCHEDULED PUBLIC HEARINGS

The Petersburg Borough Planning Commission has scheduled a public hearing to consider:


An application from the Petersburg Children’s Center for a conditional use permit to allow parking spaces to be on a lot within 500’ of the use at 306 N 5th ST. (PID: 01-006-125) also, to rezone Lots 3,4,5, and 6 from single-family residential to public use at the corner of N 5th and Dolphin Streets (PID: 01-006-125, -127, -149, -155).

The public hearing and consideration of the application will be held:	Tuesday, March 12th 2024, at 12:00 PM Assembly Chambers, Municipal Building 12 South Nordic Drive, Petersburg, Alaska.
The meeting is open to the public. To attend via ZOOM , please contact Anna Caulum at 907-772-5409.	

Interested persons desiring to present their views on the applications, either in writing or verbally, will be given the opportunity to be heard during the above-mentioned hearing. Said hearing may be continued from time to time as necessary. If the Planning Commission is unable to meet at the date and time stated above, this application will be considered at a future meeting with no further notice provided except for the general notice provided to the public.

TO SUBMIT WRITTEN COMMENTS TO THE PLANNING COMMISSION	
By Mail:	PO Box 329, Petersburg, Alaska 99833
By Email:	acaulum@petersburgak.gov
Hand-Deliver:	Petersburg Municipal Building, 12 S. Nordic Dr.

The Petersburg Municipal Code (PMC) provides for an appeal of a Planning Commission decision to the Borough Assembly by the property owner or a governmental agency, or any property owner within 600’ of the applicant property and requires that such an appeal be filed within 10 consecutive calendar days of the date the decision is made. For more information regarding appeal requirements, please see PMC Chapter 19.92.

Sincerely,


Liz Cabrera,
Community & Economic Development Department

Name1	Name2	Address1	City	State	Zip
CHRIST FRY		PO BOX 1440	PETERSBURG	AK	99833-1440
HEATHER O'NEIL		PO BOX 1083	PETERSBURG	AK	99833-1083
SALLY DWYER		PO BOX 1788	PETERSBURG	AK	99833-1788
JIM FLOYD		PO BOX 281	PETERSBURG	AK	99833-0281
JOHN JENSEN		PO BOX 681	PETERSBURG	AK	99833-0681
PHIL MEEKS		PO BOX 1514	PETERSBURG	AK	99833-1514
MARIETTA DAVIS		PO BOX 673	PETERSBURG	AK	99833-0673
PETERSBURG CHILDREN CENTER		PO BOX 138	PETERSBURG	AK	99833-0138
ABBOTT THOMAS	HART ELIZABETH	PO BOX 1617	PETERSBURG	AK	99833-1617
ANDERSON JASON C	ANDERSON JULIE E	PO BOX 1841	PETERSBURG	AK	99833-1841
ANDERSON RODNEY L	ANDERSON MELINDA S	PO BOX 849	PETERSBURG	AK	99833-0849
BRUMBLEY PAGE	HILL KENNETH	PO BOX 1290	CORDOVA	AK	99574
BURKE RICHARD		PO BOX 1406	PETERSBURG	AK	99833-1406
CANIK HEATHER D		PO BOX 1653	PETERSBURG	AK	99833-1653
CANTON LOGAN J	CANTON SHEENA L	PO BOX 1742	PETERSBURG	AK	99833-1742
COLLISON JEREMY N	COLLISON MARISSA A	PO BOX 1702	PETERSBURG	AK	99833-1702
CRONLUND DOUGLAS		PO BOX 363	PETERSBURG	AK	99833-0363
EILENBERGER MARILYN H		PO BOX 503	PETERSBURG	AK	99833-0503
EWING LYNN R	EWING DONNA M	PO BOX 1335	PETERSBURG	AK	99833-1335
FIRST BAPTIST CHURCH		PO BOX 990	PETERSBURG	AK	99833-0990
FREDRICKSEN NORMAN	FREDRICKSEN LYNDA	PO BOX 98	PETERSBURG	AK	99833-0098
HAGERMAN KARL	HAGERMAN ROBYN	PO BOX 2111	PETERSBURG	AK	99833-2111
HINDE BENJAMIN	HINDE MARCIE	PO BOX 2099	PETERSBURG	AK	99833-2099
HOLMGRAIN RANDAL E	HOLMGRAIN SARAH	PO BOX 1975	PETERSBURG	AK	99833-1975
JOHNSON CARLEE RAE	BAXTER-MCINTOSH RANS	PO BOX 2162	PETERSBURG	AK	99833-2162
KAINO DOUGLAS	MCNUTT NAN	PO BOX 295	PETERSBURG	AK	99833-0295
KAINO TEDDY T	KAINO SHIGEKO	PO BOX 265	PETERSBURG	AK	99833-0265
LENHARD MATTHEW	LENHARD JILL	PO BOX 1404	PETERSBURG	AK	99833-1404
LEWIS ERIC L		PO BOX 2046	PETERSBURG	AK	99833-2046
LONGWORTH JOHN R		PO BOX 773	PETERSBURG	AK	99833-0773
LUTHERAN CHURCH		PO BOX 709	PETERSBURG	AK	99833-0709
MALLORY DARCY		PO BOX 1945	PETERSBURG	AK	99833-1945
MANLY AMBER	OLSON DARRYL P	PO BOX 476	PETERSBURG	AK	99833-0476
MARTIN DAVID S		PO BOX 88	PETERSBURG	AK	99833-0088
NEWLUN NEIL	NEWLUN MARGARET	PO BOX 957	PETERSBURG	AK	99833-0957
NICHOLSON NATALIE RUTH	REID MICHAEL FLOYD	14200 69TH DR SE #M-1	SNOHOMISH	WA	98296
NILSEN MIKE L	NILSEN RAVENNA	PO BOX 1084	PETERSBURG	AK	99833-1084
OHMER DAVE N		PO BOX 13	PETERSBURG	AK	99833-0013
OINES MARJORIE J		PO BOX 591	PETERSBURG	AK	99833-0591
O'NEIL ERICA	O'NEIL SCOTT	PO BOX 755	PETERSBURG	AK	99833-0755
OTNESS HOLLI	OTNESS NELS	PO BOX 2058	PETERSBURG	AK	99833-2058
OTNESS NELS K III	OTNESS HOLLI I	PO BOX 716	PETERSBURG	AK	99833-0716
PETERSBURG BOROUGH SCHOOLS		PO BOX 289	PETERSBURG	AK	99833-0289
PETERSEN CODEE	PETERSEN NATALIE	PO BOX 1498	PETERSBURG	AK	99833-1498
SPERL DONALD & TAUSHA	SPERL KOREN	PO BOX 1407	PETERSBURG	AK	99833-1407
ST ANDREWS EPISCOPAL CHURCH		PO BOX 1815	PETERSBURG	AK	99833-1815
ST CATHERINE'S CHURCH		PO BOX 508	PETERSBURG	AK	99833-0508
STANTON GREGOR JAY	STANTON GREGOR LEA	PO BOX 2155	PETERSBURG	AK	99833-2155
STEWART DAVID L		PO BOX 1018	PETERSBURG	AK	99833-1018
STRATMAN JOSEPH	RICE ALLISON	PO BOX 1736	PETERSBURG	AK	99833-1736
THOMPSON FLOYD A		PO BOX 1436	PETERSBURG	AK	99833-1436
TURLAND BECKY A		PO BOX 1987	PETERSBURG	AK	99833-1987
US FOREST SERVICE		PO BOX 21628	JUNEAU	AK	99802-1628
WELDE DOUGLAS		PO BOX 875	PETERSBURG	AK	99833-0875
WELDE RACHEL		PO BOX 1245	PETERSBURG	AK	99833-1245
WELLNER MICHAEL	WELLNER JENNIFER	PO BOX 1591	PETERSBURG	AK	99833-1591
WIKAN RICHARD		PO BOX 1461	PETERSBURG	AK	99833-1461
WILKINSON TIM	WILKINSON RAE	PO BOX 895	PETERSBURG	AK	99833-0895
WRIGHT CHADWICK C	JOHNSON SARAH A	PO BOX 1956	PETERSBURG	AK	99833-1956



A
L
A
S
K
A



Record in the Petersburg Recording District

LAND LEASE

THIS AGREEMENT is made on the date last below signed between the City of Petersburg, a municipal corporation organized and existing under the laws of the State of Alaska, whose mailing address is P. O. Box 329, Petersburg, Alaska 99833, hereinafter referred to as the "Lessor" or "City", and the Petersburg Childhood Education Center Board of Directors, a non-profit organization organized and existing under the laws of the State of Alaska, whose mailing address is PO Box 1793 Petersburg, Alaska 99833, hereinafter referred to as the "Lessee."

RECITALS

WHEREAS, the real property subject to this lease lies within the boundaries of the City of Petersburg, Alaska, First Judicial District, Petersburg Recording District; and

WHEREAS, Lessor holds title to the real property; and

WHEREAS, the real property subject to this lease has been assessed for true and full value in the amount of \$75,000.00 prior to the date fixed for the beginning of the term of this lease; and

WHEREAS, on June 7, 2004 the City Council passed Resolution #1746 determining this particular tract of land is not required for municipal purposes; shall be exempt from public auction and leased for a period of five years for the construction of The Childhood Education Center; and

WHEREAS, the Childhood Education Center is a non profit entity as defined by the Petersburg Municipal Code, and

WHEREAS, this lease contains restrictions and reservations as are necessary to protect the public interest.

NOW THEREFORE, in consideration of the mutual covenants and conditions of this lease the parties agree as follows:

ARTICLE 1 - Description of Premises

Section 1. Description. Lessor hereby leases to Lessee the "premises," designated as Lots 3, 4, 5 & 6 of Block 66, US Survey 1252, in the City of Petersburg, Alaska.

ARTICLE 2 - Term of Lease

Section 2.1 Term. The term of this lease shall extend for a period of five (5) years, commencing on August 1, 2004 and ending at midnight on July 31, 2009.

Section 2.2 Renewal. This lease may be renewed on new terms and conditions upon written mutual consent by the Lessee and Lessor.

ARTICLE 3 - Rent

Section 3. Rent. Lessee shall pay to Lessor rent for the premises at the annual rate of \$1.00 (One Dollar and 00/100) per year.

ARTICLE 4 -Use of Premises

Section 4.1 Use of Premises. The premises are to be used only for the development, construction and operation of a community child learning center with emphasis on providing learning facilities and opportunities for the children of Petersburg aged twenty and under.

Section 4.2: Compliance with Law. Lessee shall comply with all, laws, regulations and rules that apply to the leased premises.

Section 4.3: Uses Prohibited. Lessee shall not use, or permit the premises, or any part of it, to be used for any purpose other than the purpose for which the premises is leased. No use shall be allowed which may be considered hazardous on account of fire or otherwise. Lessee shall not allow any nuisance to occur or remain on the premises and shall not use or occupy the premises for any unlawful purpose. Any use not authorized by this lease shall be a trespass against the Lessor.

Section 4.4: Utilities. Lessee shall fully and promptly pay all costs associated with public services built, installed and used by Lessee, for example, power and any other utilities of any kind furnished to the premises throughout the term of this lease, and all other similar costs and expenses of any kind, arising from the use, operation and maintenance of the premises and all activities conducted on the premises.

Section 4.5: Location of Improvements. Lessee shall be responsible for properly locating improvements on the leased land. Utilization or development for other than allowed uses shall be a violation of this lease and subject to lease cancellation.



2 of 11

2004-000892-0

**PETERSBURG BOROUGH
ORDINANCE #2024-07**

**AN ORDINANCE AMENDING SECTION 4.33.030 OF CHAPTER 4.33,
TRANSIENT ROOM TAX, OF THE PETERSBURG MUNICIPAL CODE, TO
INCREASE THE TRANSIENT ROOM TAX RATE FROM FOUR PERCENT
(4%) TO SEVEN PERCENT (7%), AND DIRECTING THAT THE
AMENDMENT BE SUBMITTED TO THE QUALIFIED VOTERS OF THE
BOROUGH FOR RATIFICATION**

WHEREAS, the borough levies a tax on the transient rental of hotel rooms, defined as a person staying in a hotel, motel or other lodging for fewer than 30 days; and

WHEREAS, the funds generated by this tax, in the amount of \$71,000 for FY23, are used for tourism-related services within the Borough, including tourism related marketing and support of borough infrastructure supporting tourism; and

WHEREAS, the current transient room tax rate of four percent (4%) was established in 1997, and has not been increased in the last 27 years; and

WHEREAS, the Petersburg Borough currently has one of the lowest transient room tax rates in Alaska; and

WHEREAS, based upon Alaska Taxable 2023, published by the State of Alaska's Office of the State Assessor, of the 45 municipalities that impose a transient occupancy tax on a percentage basis, only 5 other municipalities have a bed tax rate of 4% or less, and the average tax rate is in excess of 7%; and

WHEREAS, for example, in the Southeast communities of Sitka, Wrangell, City of Ketchikan, Skagway, and Juneau, the transient occupancy tax rates are 6%, 6%, 7%, 8% and 9% respectively; and

WHEREAS, increasing the transient room tax rate for the borough to 7% will generate approximately \$53,000 in additional funds to support borough infrastructure and expenses related to the tourism-related sector of the borough economy; and

WHEREAS, under the provisions of Borough Charter Section 12.02(B), the increase in the transient room rate requires ratification by the voters.

THEREFORE, THE PETERSBURG BOROUGH ORDAINS, Section 4.33.030, paragraph A, of the Petersburg Municipal Code is hereby amended as follows.

Section 1. Classification: This ordinance is of a general and permanent nature and shall be codified in the Petersburg Municipal Code.

Section 2. Purpose: The purpose of this ordinance is to increase the Transient Room Tax Rate from four percent (4%) to seven percent (7%), subject to voter ratification.

Section 3. Substantive Provisions:

Section 4.33.030, paragraph A, is hereby amended to read as follows (the language proposed for addition is in **bold and underlined**, and the language proposed for deletion is ~~struck through~~):

4.33.030 Rate.

A. The rate of the transient room tax is established at **seven** ~~four~~ percent of the room rent.

Section 4. Submittal to voters.

A. In accordance with subsection 12.02(B) of the Borough Charter, the Borough Clerk shall submit the proposed Transient Room Tax Rate increase set out in Section 3 to the voters of the borough at the next regular election to be held on October 1, 2024.

B. The proposition to be submitted to the voters shall read substantially as follows:

Proposition #___

Increasing the Transient Room Tax Rate to Seven Percent (7%)

The borough currently levies a four percent (4%) tax on transient hotel room rentals, defined as a person staying in a hotel, motel or other lodging for fewer than 30 days. This rate has been in place since October of 1997. Under the borough code (PMC 4.33.060), these tax revenues are used for visitor-related marketing and support of visitor-related borough infrastructure and services. This proposition, if approved by the voters, would increase the transient room tax rate to seven percent (7%) and is projected to generate an additional \$53,000 in borough tax revenue.

Shall the borough increase the transient room tax rate to seven percent (7%)?

- YES
- NO

Section 5. Severability: If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person and circumstance shall not be affected.

Section 6. Effective Date: This ordinance shall be effective upon adoption. The proposed code amendment set forth herein, if approved by the voters, shall become effective January 1, 2025.

PASSED AND APPROVED by the Petersburg Borough Assembly, Petersburg, Alaska this _____ day of _____, 2024.

Mark Jensen, Mayor

ATTEST:

Debra K. Thompson, Borough Clerk

Adopted:
Published:
Effective: Ordinance effective upon adoption. Code Amendment, if approved by voters, effective 1/1/2025.

**PETERSBURG BOROUGH
ORDINANCE #2024-08**

**AN ORDINANCE AMENDING SECTION 4.33.060 OF THE
PETERSBURG MUNICIPAL CODE TO CLARIFY THE PERMITTED
USES OF PROCEEDS OF THE BOROUGH TRANSIENT ROOM TAX**

WHEREAS, the borough currently levies a transient room tax, at the rate of 4%, on the transient rental of hotel rooms, defined as a person staying in a hotel, motel or other lodging for fewer than 30 days; and

WHEREAS, a potential increase in the transient room tax rate, from 4% to 7%, will be on the ballot in October, 2024 for voter ratification; and

WHEREAS, the use of proceeds of this tax are dedicated, under PMC 4.33.060, to the following: "to provide funding for visitor related services in the borough. Uses include, but are not limited to, payment of membership fees to tourist-related organizations, advertising, and maintenance and operation of the Chamber of Commerce."; and

WHEREAS, there are many visitor related expenses incurred by the borough that are not specifically set out in the examples, including signage, park maintenance, downtown beautification (including flower boxes, garbage containers, and benches), and certain borough infrastructure maintenance (including repair and maintenance of N. Nordic beach stairs, Sing Lee Alley Bridge, and downtown sidewalks); and

WHEREAS, it would be beneficial to provide additional examples of visitor-related permitted uses so as to further clarify usage of those revenues.

THEREFORE, THE PETERSBURG BOROUGH ORDAINS, Section 4.33.060, *Use of proceeds*, of Chapter 4.33, Transient Room Tax, of the Petersburg Municipal Code, is hereby amended as follows:

Section 1. Classification: This ordinance is of a general and permanent nature and shall be codified in the Petersburg Municipal Code.

Section 2. Purpose: The purpose of this ordinance is to clarify permitted uses of Transient Room Tax revenue received by the Borough.

Section 3 Substantive Provisions: Section 4.33.060 of the Petersburg Municipal Code, entitled *Use of proceeds*, is hereby amended as follows. The language proposed for addition is **underlined and bolded**, and the language proposed for deletion is ~~struck through~~.

4.33.060 Use of proceeds.

The proceeds of this tax, less administrative and enforcement related expenses, are dedicated to, and shall be used to provide funding for, visitor-related services in the borough. Uses include, but are not limited to, payment of membership fees to tourist-related organizations, advertising, and maintenance and operation of the Chamber of Commerce, **visitor-related signage, park maintenance and improvements, borough beautification and improvement projects, and repair and maintenance of visitor-related borough infrastructure, including stairs and sidewalks in the downtown area.**

Section 4. Severability: If any provision of this ordinance or any application 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.

Section 5. Effective Date: This Ordinance shall become effective immediately upon final passage.

PASSED AND APPROVED by the Petersburg Borough Assembly, Petersburg, Alaska this ____ day of _____, 2024.

Mark Jensen, Mayor

ATTEST:

Debra K. Thompson, Borough Clerk

Adopted:
Noticed:
Effective:

**PETERSBURG BOROUGH
ORDINANCE #2024-09**

**AN ORDINANCE OF THE PETERSBURG BOROUGH ADOPTING THE BUDGET FOR THE FISCAL YEAR
JULY 1, 2024 THROUGH JUNE 30, 2025**

Section 1. Classification: This ordinance is not of a permanent nature and shall not be codified in the Petersburg Municipal Code.

Section 2. Purpose: The purpose of this ordinance is to set forth budgetary requirements for the operation of the various divisions, departments and organizations of the Petersburg Borough for Fiscal Year 2025. Support to the Petersburg School District has been included in the General Fund Expenditures.

Section 3. Substantive Provisions: In accordance with Section 11.07 of the Charter of the Petersburg Borough, the budget for the fiscal period beginning July 1, 2024 and ending June 30, 2025 is hereby approved in the amounts and for the purposes as stated below. The supporting line item budget detail, as reviewed by the Assembly, is incorporated as part of this ordinance.

A. Fiscal Year 2025 Revenue and Expenditure Budget

FUND	REVENUES	EXPENDITURES BUDGET
GENERAL FUND		
General Fund	\$ 13,009,827	\$ 13,409,922
ENTERPRISE FUNDS		
Electric Fund	\$ 7,507,226	\$ 8,230,297
Water Fund	\$ 1,319,392	\$ 2,222,084
Wastewater Fund	\$ 1,008,000	\$ 1,552,725
Sanitation Fund	\$ 1,542,000	\$ 1,847,929
Harbor Fund	\$ 2,097,137	\$ 4,562,861
Elderly Housing Fund	\$ 495,252	\$ 583,337
Assisted Living Fund	\$ 1,970,689	\$ 2,076,360
INTERNAL SERVICE FUNDS		
Motor Pool Fund	\$ 1,257,445	\$ 2,023,866
DEBT SERVICE FUND	\$ 828,900	\$ 828,900
SPECIAL REVENUE FUNDS		
Miscellaneous Grants	\$ 228,790	\$ 229,090
Economic Development Fund	\$ 100,000	\$ 832,843
Secure Rural Schools Fund	\$ 520,000	\$ 1,100,000
Secure Rural Roads Fund	\$ 82,000	\$ 450,000
Property Development Fund	\$ 28,000	\$ 194,000
Transient Room Tax Fund	\$ 75,412	\$ 120,000
E911 Surcharge Fund	\$ 80,000	\$ 79,300
Marine Passenger Fee	\$ 50,000	\$ 129,750
Borough Organizational Fund	\$ -	\$ 56,128
Coronavirus State and Local Recovery Fund (ARPA)	\$ 103,225	\$ 103,225
DCRA Local Government Lost Revenue Fund (ARPA)	\$ -	\$ 39,000
Local Assistance & Tribal Consistency Fund	\$ -	\$ -
CAPITAL PROJECTS FUNDS	\$ 14,721,415	\$ 16,296,757

Section 4. Severability: If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person and circumstance shall not be affected.

Section 5. Effective Date: This ordinance shall become effective July 1, 2024.

PASSED AND APPROVED by the Petersburg Borough Assembly, Petersburg, Alaska this 3rd day of June, 2024.

Mark Jensen, Mayor

ATTEST:

Debra K. Thompson, Borough Clerk

Adopted:
Published:
Effective:

PETERSBURG BOROUGH, ALASKA
ORDINANCE #2024-10

AN ORDINANCE AMENDING SECTION 4.28.120 OF THE
PETERSBURG MUNICIPAL CODE, TO INCREASE THE AMOUNT OF
SALES TAX THAT CAN BE COLLECTED ON A SINGLE SALES
TRANSACTION FROM \$72 TO \$300, AND DIRECTING THAT THE
PROPOSED AMENDMENT BE SUBMITTED TO THE QUALIFIED
VOTERS OF THE BOROUGH

WHEREAS, the Petersburg Municipal Code (PMC), in the exemptions found at sections 4.28.120D and E, currently sets the maximum sales tax which can be collected on a specific job or task, or on a single purchase (defined as purchases made at the same time or within a 24 hour transaction period) at \$72.00; and

WHEREAS, currently, the total amount of any single purchase of goods or services subject to the Borough sales tax is limited to a total amount of \$1,200 and any sums exceeding \$1,200 are tax-free; and

WHEREAS, this maximum single purchase amount was initially established in Petersburg in 1959, and set at \$1,000; and

WHEREAS, if that maximum had kept pace with inflation since its inception, it would now be close to \$10,500; and

WHEREAS, this maximum amount has been raised only once in the last 65 years, when it was increased from \$1,000 to \$1,200, in 2002; and

WHEREAS, Petersburg has the lowest maximum taxable single purchase amount in Southeast Alaska, and most other Southeast communities limit the purchase to a single item only and not to a total purchase transaction, or have no maximum limit at all.

<u>Community:</u>	<u>Maximum Tax Collected:</u>	<u>Maximum Taxable Amount:</u>
Petersburg	\$ 72	\$1,200 Transaction
Craig:	No Cap	Full Sales Price (except a vehicle)
Haines:	\$550	\$10,000 (single item only ¹)
	\$275	\$ 5,000 (single service)
	No Cap	Transaction

¹ 'Single item only' means that the community does not permit an exemption for all transactions within a specified period of time - only a single unit purchase exemption.

<u>Community:</u>	<u>Maximum Tax Collected:</u>	<u>Maximum Taxable Amount:</u>
Juneau:	\$715 No Cap	\$14,300 (single item or service only) Transaction
Ketchikan: (both city/borough):	\$160 (Apr-Sep)/ \$110 (Oct-Mar) No Cap	\$2,000 (single item or service only) Transaction
Sitka:	\$600	\$12,000 (single item/service/transaction)
Thorne Bay	\$450 No Cap	\$7,500 (single item) Transaction
Wrangell	\$210	\$3,000 (single item /service/ transaction)

; and

WHEREAS, if Petersburg increases its maximum taxable transaction amount to \$5,000 from the current amount of \$1,200, the maximum sales tax collectible would increase from \$72 to \$300, and it would still be one of the lowest maximums in Southeast Alaska; and

WHEREAS, by increasing the maximum taxable amount to \$5,000, the Borough will be able to raise funds to support important governmental services, including the Petersburg School District; and

WHEREAS, in the current climate of increased expenses and shrinking state revenues, and considering that the maximum taxable amount has been adjusted only once in the past 65 years (with no changes for over two decades), a modest increase is reasonable; and

WHEREAS, the Assembly proposes this increase to help offset the loss of State funding and to support Borough services, including the Petersburg Schools; and

WHEREAS, under the Borough charter, sec. 12.02B, any change in the exemptions to the sales tax are to be made by ordinance, and ratified by a majority of the qualified borough voters; and

WHEREAS, it is the intent of the Borough Assembly to adopt this increase, and put the matter before the qualified voters of the Borough at the next regular election.

THEREFORE, THE PETERSBURG BOROUGH ORDAINS, Paragraphs D and E, Section 4.28.120, *Exemptions*, of Chapter 4.28, Sales Tax, of the Petersburg Municipal Code, are hereby amended as follows:

Section 1. Classification: This ordinance is of a general and permanent nature and shall be codified in the Petersburg Municipal Code.

Section 2. Purpose: The purpose of this ordinance is to increase the maximum sales tax that can be collected on a single purchase of goods or services from \$72 to \$300.

Section 3 Substantive Provisions: Paragraphs D and E of Section 4.28.120 of the Petersburg Municipal Code, entitled *Exemptions*, are hereby amended as follows. The language proposed for addition is **underlined and bolded**, and the language proposed for deletion is ~~struck through~~.

4.28.120 Exemptions.

The following sales and services are exempt from said sales tax:

[There are no changes to paragraphs A-C]

D. That part of a sale of goods over **\$5,000.00** ~~\$1,200.00~~ when all items purchased or delivered at the same time or within a 24-hour period are added together;

E. That part of a sale of services over **\$5,000.00** ~~\$1,200.00~~ for a specific job or task. Invoices for sales of services shall be computed for tax purposes monthly;

Section 4. Submittal to Voters:

A. In accordance with subsection 12.02B of the Borough Charter, the Borough Clerk shall submit this ordinance as a single proposition to the voters of the Borough at the next regular election, to be held on October 1, 2024.

B. The proposition to be submitted to the voters shall read substantially as follows:

Proposition #____

Increasing the maximum sales tax that can be collected on a single purchase of goods or services from \$72 to \$300.

Shall Paragraphs D and E of Section 4.28.120, *Exemptions*, of the Borough Code be amended to increase the maximum sales tax that can be collected on a single purchase of goods or services from \$72 to \$300?

- YES
- NO

This change would affect only transactions over \$1,200. If this proposition is approved, the maximum amount of a transaction that is subject to the Borough's 6% sales tax would increase from \$1,200 to \$5,000, thus increasing the maximum sales tax due from \$72 to \$300.

The Assembly proposes this sales tax modification to help offset an increase to future property taxes.

Section 5. Severability: If any provision of this ordinance or any application 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.

Section 6. Effective Date: This ordinance shall be effective upon adoption. The proposed amendment to PMC 4.28.120, if approved by the voters, shall become effective January 1, 2025.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this ____ day of _____, 2024.

Mark Jensen, Mayor

ATTEST:

Debra K. Thompson, Borough Clerk

Adopted:
Noticed:
Effective:



Dear Petersburg Borough Assembly,

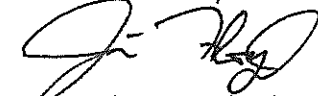
I am writing on behalf of the Petersburg Chamber of Commerce Board to express our support for the proposed adjustment of the tax cap in Petersburg. The increase in the sales tax transaction will be from \$1200 to \$5000. It has come to our attention that the tax cap has remained unchanged since 2002, a period of over 20 years. And although it has benefited many residents it is time to reassess the cap and how an adjustment could benefit the community's growth and expansion prospects.

Petersburg currently holds the distinction of having the lowest tax cap among neighboring areas. We can clearly see that a higher cap has not negatively affected Wrangell, Sitka, Ketchikan, or Juneau.

In partnership with the Borough, revenue is needed to continue to provide services to our members, residents, and visitors. In order to help facilitate growth and continue to maintain our beautiful community oftentimes it means revenue options need to be reassessed for adjustments. We believe increasing the tax cap is a small portion that could have an overall benefit to the community without any detrimental impact to the community. As our community strives to attract new businesses, residents, and investments, it is essential that we create an environment conducive to growth and prosperity. We need to be able to maintain our infrastructure and at this time the Borough's 2025 proposed budget is nearly \$400,000 short.

We believe that adjusting the tax cap is long overdue. The overall benefit to continuing to provide services to the community and aid in balancing the Borough's budget will outweigh the small amount of impact it will have on individual community members.

Thank you for your consideration,



President, Jim Floyd

Jurisdiction	Tax cap (Y/N)	Title	Portion of sales price subject to sales tax	Tax Rate	Maximum Tax
Petersburg Borough	Y	Is there a sales tax cap on a single item?	\$ 1,200.00	6%	\$ 72.00
Petersburg Borough	Y	Is there a sales tax cap on a transaction?	\$ 1,200.00	6%	\$ 72.00
Petersburg Borough	Y	Is there a sales tax cap on a single service?	\$ 1,200.00	6%	\$ 72.00
Petersburg Borough	Y	Vehicle Sale	\$ 1,200.00	6%	\$ 72.00
Ketchikan, City of	Y	Is there a sales tax cap on a single item?	\$ 2,000.00	5.5% April-Sept.; 3% Oct-Mar	\$110 Summer; \$60 Winter
Ketchikan, City of	N	Is there a sales tax cap on a transaction?	Full Sales Price - No Cap	5.5% April-Sept.; 3% Oct-Mar	No Maximum
Ketchikan, City of	Y	Is there a sales tax cap on a single service?	\$ 2,000.00	5.5% April-Sept.; 3% Oct-Mar	\$110 Summer; \$60 Winter
Ketchikan, City of	Y	Vehicle Sale	\$ 2,000.00	5.5% April-Sept.; 3% Oct-Mar	\$110 Summer; \$60 Winter
Ketchikan Gateway Borough	Y	Is there a sales tax cap on a single item?	\$ 2,000.00	2.5%	\$ 50.00
Ketchikan Gateway Borough	N	Is there a sales tax cap on a transaction?	Full Sales Price - No Cap	2.5%	No Maximum
Ketchikan Gateway Borough	Y	Is there a sales tax cap on a single service?	\$ 2,000.00	2.5%	\$ 50.00
Ketchikan Gateway Borough	Y	Vehicle Sale	\$ 2,000.00	2.5%	\$ 50.00
Cordova, City of	Y	Is there a sales tax cap on a single item?	\$ 3,000.00	6%	\$ 180.00
Cordova, City of	Y	Is there a sales tax cap on a transaction?	\$ 3,000.00	6%	\$ 180.00
Cordova, City of	Y	Is there a sales tax cap on a single service?	\$ 3,000.00	6%	\$ 180.00
Cordova, City of	Y	Vehicle Sale	\$ 3,000.00	6%	\$ 180.00
Wrangell, City and Borough of	Y	Is there a sales tax cap on a single item?	\$ 3,000.00	7%	\$ 210.00
Wrangell, City and Borough of	Y	Is there a sales tax cap on a transaction?	\$ 3,000.00	7%	\$ 210.00
Wrangell, City and Borough of	Y	Is there a sales tax cap on a single service?	\$ 3,000.00	7%	\$ 210.00
Wrangell, City and Borough of	Y	Vehicle Sale	\$ 3,000.00	7%	\$ 210.00
Craig, City of	Y	Vehicle Sale	\$ 5,000.00	5%	\$ 250.00
Craig, City of	N	Is there a sales tax cap on a single item?	Full Sales Price - No Cap	5%	No Maximum
Craig, City of	N	Is there a sales tax cap on a transaction?	Full Sales Price - No Cap	5%	No Maximum
Craig, City of	N	Is there a sales tax cap on a single service?	Full Sales Price - No Cap	5%	No Maximum
Haines Borough	Y	Is there a sales tax cap on a single item?	\$10,000.00	5.5%	\$550.00
Haines Borough	N	Is there a sales tax cap on a transaction?	Full Sales Price - No Cap	5.5%	No Maximum
Haines Borough	Y	Is there a sales tax cap on a single service?	\$5,000.00	5.5%	\$275.00
Haines Borough	Y	Vehicle Sale	\$10,000.00	5.5%	\$550.00
Tenakee Springs, City of	Y	Is there a sales tax cap on a single item?	\$ 7,500.00	2%	\$ 150.00
Tenakee Springs, City of	Y	Is there a sales tax cap on a transaction?	\$ 7,500.00	2%	\$ 150.00
Tenakee Springs, City of	Y	Is there a sales tax cap on a single service?	\$ 7,500.00	2%	\$ 150.00
Tenakee Springs, City of	Y	Vehicle Sale	\$ 7,500.00	2%	\$ 150.00
Thorne Bay, City of	Y	Is there a sales tax cap on a single item?	\$ 7,500.00	6%	\$ 450.00
Thorne Bay, City of	N	Is there a sales tax cap on a transaction?	Full Sales Price - No Cap	6%	No Maximum
Thorne Bay, City of	N	Is there a sales tax cap on a single service?	Full Sales Price - No Cap	6%	No Maximum
Thorne Bay, City of	Y	Vehicle Sale	\$ 7,500.00	6%	\$ 450.00
Sitka, City and Borough of	Y	Is there a sales tax cap on a single item?	\$ 12,000.00	5%	\$ 720.00
Sitka, City and Borough of	Y	Is there a sales tax cap on a transaction?	\$ 12,000.00	5%	\$ 720.00
Sitka, City and Borough of	Y	Is there a sales tax cap on a single service?	\$ 12,000.00	5%	\$ 720.00
Sitka, City and Borough of	Y	Vehicle Sale	\$ 12,000.00	5%	\$ 600.00
Juneau, City and Borough of	Y	Is there a sales tax cap on a single item?	\$ 14,300.00	5%	\$ 715.00
Juneau, City and Borough of	Y	Is there a sales tax cap on a single service?	\$ 14,300.00	5%	\$ 715.00
Juneau, City and Borough of	Y	Vehicle Sale	\$ 14,300.00	5%	\$ 715.00
Juneau, City and Borough of	N	Is there a sales tax cap on a transaction?	Full Sales Price - No Cap	5%	No Maximum

**PETERSBURG BOROUGH, ALASKA
RESOLUTION #2024-07**

**A RESOLUTION SUPPORTING THE TRANSFER OF CERTAIN STATE-OWNED TIDELANDS LOCATED
WITHIN THE PETERSBURG BOROUGH FOR THE PURPOSES OF DEVELOPING A MARINE VESSEL
HAUL OUT AND HARBOR AND OTHER ECONOMIC DEVELOPMENT ACTIVITIES**

WHEREAS, The Petersburg Borough seeks to acquire approximately 21.304 acres of submerged lands from the State of Alaska; and.

WHEREAS, The Petersburg Borough qualifies for conveyance of tide and submerged land to municipalities per AS 38.05.825; and

WHEREAS, the portion of land is within the boundaries of the municipality, and contiguous to existing tidelands conveyed to the Petersburg Borough; and

WHEREAS, the use of the tideland will not interfere with navigation or public access; and

WHEREAS, the purpose of the tideland is for the creation of a boat haul-out facility and boat harbor, specifically designed to serve the needs of the local community and maritime market, thereby enhancing public access; and

WHEREAS, the Petersburg Borough has applied to the commissioner for conveyance of the land under AS 38.05.825; and

WHEREAS, the land is not subject to a shore fisheries lease under AS 38.05.082; and

WHEREAS, the land is adjacent to existing Borough-conveyed municipal tidelands classified for waterfront development and prioritized for water-dependent commercial and industrial uses per the Borough’s Comprehensive Plan, 2016 (Waterfront A). The intended use for this land is an extension of that compatible land use; and

WHEREAS, the land is required for the construction of a marine facility that has been approved by the Petersburg Borough.

THEREFORE, BE IT RESOLVED, the Petersburg Borough Assembly requests the conveyance of the following tidelands, under AS 38.05.825, for the purpose of developing a vessel haul out and harbor, and other economic development activities:

Scow Bay – portions of Section 4 and 9, Township 58 South, Range 79 East, Copper River Meridian, Containing 21.304 acres, more or less.

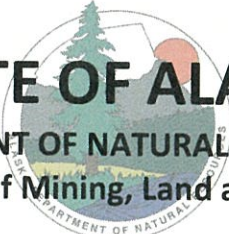
AND BE IT FURTHER RESOLVED, that once the conveyance is approved, and if required, the Borough will fund and conduct a tideland survey of the area to provide legal boundaries.

PASSED AND APPROVED by the Petersburg Borough Assembly, Petersburg, Alaska this 20th day of May, 2024.

Mark Jensen, Mayor

ATTEST:

Debra K. Thompson, Borough Clerk



STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
Division of Mining, Land and Water

Land Conveyance Section 550 W. 7 th Ave, Suite 640 Anchorage, AK 99501-3576 (907) 269-8594	Northern Region 3700 Airport Way Fairbanks, AK 99709-4699 (907) 451-2740 nro.lands@alaska.gov	Southcentral Region 550 W. 7 th Ave, Suite 900C Anchorage, AK 99501-3577 (907) 269-8503 dnr.pic@alaska.gov	Southeast Region P. O. Box 111020 Juneau, AK 99811-1020 (907) 465-3400 sero@alaska.gov
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Statewide TTY – 771 for Alaska Relay or 1-800-770-8973

APPLICATION FOR PURCHASE OR LEASE OF STATE LAND

ADL # (assigned by ADNR) _____

Date: 2/8/2024

Applicant's Name Steve Giesbrecht Doing business as Petersburg Borough

Mailing Address 12 South Nordic Drive PO Box 329

City/State/Zip Petersburg, AK 99833 Email sgiesbrecht@petersburgak.gov

Message Phone (____) _____ Work Phone (____) 772-5402 Date of Birth _____

Is applicant a corporation qualified to do business in Alaska Yes No. Is the corporation in good standing with the State of Alaska Department of Commerce and Economic Development? Yes No.

Is applicant 18 years or older? Yes No. Are you applying for a lease or sale?

What kind of lease or sale are you applying for? Tideland; Public/Charitable Use; Grazing; Millsite;
 Negotiated; Competitive; Non-Competitive; Preference Right

If a lease, how many years are you applying for? N/A years. (55 years Max.)

Legal Description: Lot(s) N/A Block/Tract # N/A Survey/Subdivision N/A

Other: Existing state-owned Tidelands within Wrangell Narrows

Meridian Copper River Township 059S, Range 079E, Section(s) 4 & 9 Acres 21.304

Municipality Petersburg LORAN Reading (optional) _____

Geographic Location: Petersburg, AK Lat: 56.7806° N Long: 132.9727° W

What is the proposed use of and activity on the state land?
Expansion of Scow Bay marine vessel haul out and work yard

Are there any improvements on the land now? Yes No. If yes, who owns the improvements, and what is the estimated value? N/A

If yes, describe any improvements on the land. N/A

ADL # _____

Are there any improvements or construction planned? Yes No. If yes, describe them and their estimated value.
Development of a functional small vessel haulout and work yard. Valued at \$11.6 million.

State the proposed construction date: 2026; estimated completion date*: 2026

Name and address of adjacent land owners and, if you are applying for tidelands, the name and address of the adjacent upland owners: see attached document

Are you currently in default on, or in violation of, any purchase contract, lease, permit or other authorization issued by the department under 11 AAC? Yes No. Within the past three years, has the department foreclosed or terminated any purchase contract, lease, permit or other authorization issued to you? Yes No.

Non-refundable application fee: See current Director’s Order for applicable fees.

(Fee may be waived under 11 AAC 05.020.)

Is the land applied for subject to any existing leases or permits? Yes No. If yes, lease or permit?

Name lease/permit is issued under: N/A ADL # _____

Do you think you qualify for a non-competitive lease or sale? Yes No. If yes, under what provision of AS 38.05?

- AS 38.05.035(b)(2) (to correct an error or omission);
- AS 38.05.035(b)(3) (owner of bona fide improvements);
- AS 38.05.035 (b)(5) (occupied, or are the heir of someone who occupied the land before statehood);
- AS 38.05.035 (b)(7) (adjacent owner of remnant of state land, not adjoining other state land);
- AS 38.05.068 and .087 (U.S. Forest Service Permittee);
- AS 38.05.075(c) (upland owner or lessee);
- AS 38.05.035(f) (previous federal and state authorization, erected a building and used the land for business purposes);
- AS 38.05.102 (current long-term lessee or current shore fishery lessee);
- AS 38.05.255 (millsite lease for mine-related facilities);
- AS 38.05.810(a)* (government agency; tax-exempt, non-profit organization organized to operate a cemetery, solid waste facility, or other public facility; or a subdivision’s nonprofit, tax-exempt homeowner’s association);
- AS 38.05.810(b)-(d) (non-profit corporation, association, club, or society operated for charitable , religious, scientific, or educational purposes, or for the promotion of social welfare, or a youth encampment);
- AS 38.05.810(e) (licensed public utility or licensed common carrier);
- AS 38.05.810(f) (non-profit cooperative organized under AS 10.25, or licensed public utility);
- AS 38.05.810(h) (Alaska Aerospace Development Corporation);
- AS 38.05.810(i) (port authority);
- AS 38.05.825 (municipality applying for eligible tidelands, or tidelands required for private development);
- Other (please explain):

~~If you have checked one of the above statutes, attach a statement detailing your qualifications under each requirement of that statute.~~

Do you think you qualify to lease the land for less than fair market value? Yes No. If yes, under what provision of AS 37.05?

- AS 38.05.097 (youth encampment or similar recreational purpose);
- AS 38.05.098 (senior citizen discount for a residential lease);
- Other (please explain).

ADL # _____

Signature _____

Date _____

Petersburg Borough _____

Borough Manager _____

If applying on behalf of an agency, municipality, or organization, state which one

Title _____

NOTICE TO APPLICANT:

- * For applications filed by a municipality under AS 38.05.810, if there is a remaining entitlement of the municipality under AS 29.65, land transferred under AS 38.05.810 shall be credited toward fulfillment of the entitlement.
- * Construction may not commence until approval is granted by lessor.
- * This application will not be considered unless it is accompanied by the appropriate filing fee and completed in full. THE FILING FEE WILL NOT BE REFUNDED NOR IS IT TRANSFERABLE. All checks are to be made payable to the Department of Natural Resources.
- * Include a 1:63,360 USGS map showing location of proposed activities in relation to survey monumentation or fixed geographical features which fully illustrates your intended use, including the location of buildings and improvements and access points, labeled with all dimensions, and a development plan providing a complete list of proposed activities.
- * The applicant may be required to deposit a sum of money sufficient to cover the estimated cost of survey, appraisal, and advertising. If the land is sold or leased to another party, the deposit will be returned to the applicant.
- * The filing of this application and payment of the filing fee vests the applicant with no right or priority in the lands applied for. It is merely an expression of the desire to purchase or lease a parcel of land when and if it becomes available. Filing an application serves the purpose of notifying the state that an individual is interested in purchasing or leasing land. It is not a claim, nor does it in any way obligate the state to sell or lease land.
- * If the application is for use in conjunction with a guide/outfitter operation, include proof of a guide/outfitter certification for the use area.
- * If the application is for a commercial fish camp, include a copy of your limited entry permit or an interim-use salmon set net permit.
- * If applying for a senior citizen discount, include form 102-1042.
- * AS 38.05.035(a) authorizes the director to decide what information is needed to process an application for the sale or use of state land and resources. This information is made a part of the state public land records and becomes public information under AS 40.25.110 and 40.25.120 (unless the information qualifies for confidentiality under AS 38.05.035(a)(8) and confidentiality is requested, AS 43.05.230, or AS 45.48). Public information is open to inspection by you or any member of the public. A person who is the subject of the information may challenge its accuracy or completeness under AS 44.99.310, by giving a written description of the challenged information, the changes needed to correct it, and a name and address where the person can be reached. False statements made in an application for a benefit are punishable under AS 11.56.210. In submitting this form, the applicant agrees with the Department to use "electronic" means to conduct "transactions" (as those terms are used in the Uniform Electronic Transactions Act, AS 09.80.010 – AS 09.80.195) that relate to this form and that the Department need not retain the original paper form of this record: the department may retain this record as an electronic record and destroy the original.

For Department Use Only
Application received date stamp

Receipt Types:

13 – Application for Lease of State Land

5K – Application for Lease to Authorize Unauthorized Use

ADL # _____

SCOW BAY DEVELOPMENT PLAN NARRATIVE

NON-COMPETITIVE SALE OF STATE TIDELANDS PER AS 38.05.825

1. PROJECT DESCRIPTION

The Petersburg Borough seeks to construct a new boat haulout ramp and extend the existing rock jetty breakwater at Scow Bay in Petersburg, Alaska to develop the site into a functional boat haulout and work yard with a dedicated ramp with capacity for a 100-ton hydraulic trailer, a boarding float, a vessel washdown area, and associated utilities. These improvements will broaden harbor services, accommodate new fish processing capacity, and develop boat repair and maintenance facilities in Petersburg, Alaska. The Borough-owned facilities will be available to be utilized for commercial and recreational purposes. Once this phase of the project is complete, the Borough aims to make further improvements to the site, for updated and expanded moorage facilities. This would involve dredging the harbor and installing new, additional mooring floats, another drive-down float, and upland facilities.

The existing Scow Bay site is a former State-owned seaplane facility that is currently being used by the Petersburg community as a small vessel haulout and boat yard. A small rock jetty breakwater is located at the south end of the site. At the existing facility, users have reported difficulties launching and retrieving vessels when the winds are blowing, or when the tides are low. The existing infrastructure is outdated and worn and consists of a gravel-surfaced upland work area and a concrete boat ramp, which provides vessel launch and haulout access to the Wrangell Narrows, in poor condition. The existing haulout ramp is too short for use throughout the tidal cycle and is not protected from winds.

Extension of the breakwater and construction of the haulout ramp will require the conveyance of additional state tidelands prior to proceeding with construction. The revised layout of the new haul out will require an additional 21.304 acres of state tidelands to accommodate the improvements. Earthen materials used to construct the rubble mound breakwater consist of four primary components: armor rock, underlayer rock, core rock, and surface course.

Approximately 40% of Petersburg-based vessels are being hauled out in Wrangell or other communities, primarily due to the lack of adequate lift capacity, storage space, and workspace available in Petersburg. The proposed facility will stimulate the local and regional economies by providing a marine facility strategically planned to service the available maritime market and local community. Survey results indicate that providing adequate haulout capacity, vessel storage, and workspace would make 2/3 of Petersburg vessel owners likely to haul out in Petersburg.

1.1 LEGAL DESCRIPTION

Scow Bay is an industrial district and small residential neighborhood located approximately 2.3 miles south of Petersburg South Harbor along the Mitkof Highway. The Scow Bay site is a Borough property that consists of an upland lot (Turnaround Lot 2) of 2.56 Acres, plus Alaska Tidelands Survey (ATS) 1695 Tract B of 9.55 acres on the Wrangell Narrows. The tract is owned by the Borough, but is controlled by the Harbor Department. The Plat number is 2013-3.

Latitude	Longitude	USGS Quad
56.7806° N	132.9727° W	Petersburg D-3

Section	Township	Range	Meridian
4	59 S	79 E	Copper River

1.2 TERRAIN/GROUND COVER

The NOAA ShoreZone project classifies the tide lands at the Scow Bay site as permeable and man-made; the human alteration of the intertidal zone designates the land as anthropogenically altered. Along the intertidal zone, there are patchy populations of dune grass and green algae, and continuous populations of barnacles, unidentified red algae, soft brown kelps, and rockweed. The uplands contain a gravel-surfaced fill pad protected by armor rock at the shoreline. The tidelands are gently sloping, to nearly flat (~0-5% slopes with a west aspect).

Scow Bay is, and has historically been, an industrial area in Petersburg. The proposed project site is zoned for industrial uses; the local community is currently utilizing it for boat haulout operations. The majority of the project footprint is located within conveyed uplands or Petersburg municipal tidelands.

The proposed project generally consists of extending the existing breakwater and constructing a more substantial rubble mound breakwater, expanding and improving the existing uplands, constructing a boat haulout ramp with associated boarding float, and constructing a new boat washdown pad.

Much of the land in Petersburg has been mapped as wetlands in the National Wetlands Inventory, including all of the unaltered coastline and nearly all of the undeveloped areas in the uplands. In order to minimize impacts to wetlands, the site selected is one that has already been developed. This area will be expanded to minimize the extent of impacts to wetlands rather than selecting an undeveloped site. In addition, the extent of the intertidal fill was minimized to the degree possible while still meeting the project purpose and need. The fill will consist of sloped, rocky habitat which will provide habitat for juvenile fish; it has been configured such that it will not encroach on the adjacent unnamed anadromous fish stream (AWC: 106-44-10020). PND designed the spatial configuration of the intertidal fill footprint to avoid the need for dredging of the seafloor. Avoiding dredging activities minimizes impacts to Essential Fish Habitat (EFH).

After completion of this first phase, the project will continue with the dredging of a 15-acre moorage basin to -20' MLLW to create suitable water depth for large commercial and recreational vessels. A floating wave attenuator will protect the basin from northerly and westerly wind and wave exposures.

1.3 ACCESS

The site is currently accessible to the public by car, as it is located at 290 Mitkof Highway, Petersburg, Alaska, 99833. During construction, there will be temporary access restrictions to the site to ensure public safety.

1.4 BUILDINGS AND OTHER STRUCTURES

The boat haulout ramp will measure 40 by 400 feet and will consist of core rock materials, timber sleepers, concrete plans, connection plates, and clean sand to fill in gaps. The piles for the ramp are to be driven through the hoops of the boarding floats with a vibratory hammer; temporary piles will not be needed. There is a potential need for impact pile-driving; the piles must be driven through the core rock fill from the breakwater installation.

A 40' x 80' concrete washdown pad will be constructed at the top of the boat ramp. The washdown pad will be equipped with drainage for both boat wash water and storm water. The drainage system will collect wash water used for boat cleaning in a catch basin and send it to a storm filter system containing a grit chamber for filtration of the effluent. Wash water will be discharged into the Petersburg municipal sewer. A 960-square-foot utility building will be installed on-site, adjacent to the boat washdown pad, which will house domestic water equipment and the storm filter system for the boat washdown pad. There is an existing breakwater which will be expanded as a rubble mound breakwater. Earthen materials used to construct the rubble mound breakwater consist of four primary components: armor rock, underlayer rock, core rock, and surface course.

The existing uplands are to be expanded and improved with an 8" thick layer of graded and compacted base course material. This will consist of a 2-acre parking lot and staging area, and a 4-acre boat yard. The contractor will grade the uplands area to facilitate stormwater drainage towards catch basins, to be installed in various locations throughout the site.

Vessel moorage infrastructure will consist of a 48 by 240 feet drive down float, a 7 by 80 feet gangway, a 20 by 450 feet transient float, 12 by 440 headwalk float, 20 by 1,000-foot moorage float/wave attenuator, a 12 by 430 feet main walk float, and 6 finger floats measuring 8 by 60 feet.

1.5 POWER SOURCE

Power is provided by the Borough-owned Petersburg Municipal Power and Light and will provide adequate utility power to operate the facilities on site. The facility will be equipped with 120/280V power pedestals for working on and mooring boats.

1.6 WASTE TYPES, WASTE SOURCES, AND DISPOSAL METHODS

An existing, single timber pile and some site debris are to be removed. Timber piling is likely treated with creosote and will be disposed of accordingly. The removal of these piles will remove additional creosote from Waters of the U.S. The site debris consists of concrete and steel cables within the intertidal area. All waste and demolition debris will be recycled or disposed of as necessary in accordance with applicable regulations.

Earthen materials will be used to construct the rubble mound breakwater. All fill materials will be free of contaminants and will contain a minimal amount of fine particulate to prevent turbidity and sedimentation impacts.

Refuse and excess materials from the project will be reclaimed, recycled, or disposed of as necessary in accordance with applicable regulations. The contractor will demobilize project equipment according to their needs and means. All trash will be immediately placed in trash bins, and bins will be properly secured with locked or secured lids that cannot blow open and disperse trash into the environment.

1.7 HAZARDOUS SUBSTANCES

Fuels, lubricants, and other hazardous substances used during construction will not be stored below the high tide line/ordinary high-water mark.

1.8 WATER SUPPLY

The on-site water source is treated drinking water provided by the municipal Petersburg Borough Water Utility, and all wastewater will be directed to the municipal sewer system for treatment and disposal.

The improved and expanded uplands will be graded to facilitate stormwater drainage towards catch basins installed in various locations throughout the site. This drainage system will collect stormwater within the expanded uplands area via various storm drain catch basins and filtered through an oil/water separator prior to being discharged via outfall.

A 40' x 80' concrete washdown pad will be constructed at the top of the boat ramp. The washdown pad will be equipped with drainage for both boat wash water and storm water. The drainage system will collect wash water used for boat cleaning in a catch basin and send it to a storm filter system containing a grit chamber for filtration of the effluent. Wash water will be discharged into the Petersburg municipal sewer. A 960-square-foot utility building will be installed on-site, adjacent to the boat washdown pad, which will house domestic water equipment and the storm filter system for the boat washdown pad. The contractor will install a domestic water service, connected to multiple hydrants located throughout the haulout facility, to provide water to the uplands area. They will also install three electroliers to provide area lighting to the facility.

1.9 PARKING AREAS AND STORAGE AREAS

There is an on-site parking and staging area that is approximately 2 acres in size. The 960 square-foot utility building, adjacent to the boat wash pad, will store domestic water equipment and the storm filter system.

1.10 NUMBER OF PEOPLE USING SITE

When complete, the site will be used for commercial and recreational purposes and will have an ADA-compliant gangway to provide access to boarding and the moorage float. The boatyard is anticipated to have 2-3 operations employees to haul boats in and out of the water, and stage them in the boatyard, with approximately 30 boatyard customers and 30 hired service workers in the yard working on the boats. The moorage facility will have 1 harbor operator and approximately 50 vessel owners will use the facility, with each vessel having a crew of roughly 1-5 people.

1.11 MAINTENANCE AND OPERATIONS

This will be a municipally owned facility; the Petersburg Borough will operate and maintain the facility through their harbor department. The vehicle-accessible transfer bridge will serve as a floating work platform for commercial fishers and recreational vessels to load and unload gear, equipment, and passengers. Vehicles will be able to drive down onto this float to service the vessels.

2. SKETCHES

The sketch or blueline must be drawn to scale, and each item labeled in such a way that the information contained in the drawing can be located in the narrative portion of the development plan (professional quality drafting and mechanical lettering is preferred). Following is a list of information to be shown on the drawing, if applicable:

- Section, Township, and Range lines; north arrow; scale; title; and legend (attached is an acceptable format).
- All property boundaries, ordinary or mean high water lines, and existing or proposed rights-of-way; major topographic features such as roads, streams, rivers, and lakes, and their geographic names.

- Location and dimensions of any gravel pads, or cement foundations, buildings, and other structures and improvements, appropriately labeled.
- Location of any buried or above-ground utility lines (power, water, fuel, natural gas, etc.); sewage facilities, including sewage and wastewater outfall point; underground water system; and water source (if any).
- Location where any hazardous substances, including but not limited to oil, lubricant, fuel oil, gasoline, solvents, and diesel fuel are stored. Method of storage (tank, drum, etc.)

Sketch is attached.



Tuesday, May 7, 2024

Statement of Eligibility
for
Non-Competitive Sale of State Tidelands Per AS 38.05.825

The Petersburg Borough seeks to acquire approximately 21.304 acres of submerged lands from the State of Alaska.

The Petersburg Borough qualifies for conveyance of tide and submerged land to municipalities per AS 38.05.825 because:

- 1) The portion of land is within the boundaries of the municipality, and contiguous to existing tidelands conveyed to the Petersburg Borough.
- 2) The use of the tideland will not interfere with navigation or public access. Furthermore, the purpose of the tideland is for the creation of a boat haulout facility and boat harbor, specifically designed to serve the needs of the local community and maritime market, thereby enhancing public access.
- 3) The Petersburg Borough has applied to the commissioner for conveyance of the land under AS 38.05.825.
- 4) The land is not subject to a shore fisheries lease under AS 38.05.082.
- 5) The land is adjacent to existing Borough-conveyed municipal tidelands classified for waterfront development and prioritized for water-dependent commercial and industrial uses per the Borough's Comprehensive Plan, 2016 (Waterfront A). The intended use for this land is an extension of that compatible land use.
- 6) The land is required for the construction of a boat haulout facility that has been approved by the Petersburg Borough.

If the conveyance is approved, and if required, the Borough will fund and conduct a tideland survey of the area to provide legal boundaries.



Tuesday, May 7, 2024

Adjacent Properties
for
Non-Competitive Sale of State Tidelands Per AS 38.05.825

Address	Owner	Legal
286 Mitkof Highway	State of Alaska	Turnaround Lot 1, ATS 1695 Tract A
282 Mitkof Highway	Herf, F.W.	Winther Lot 2
278 Mitkof Highway	Olsen, Olivia	Hofstad Tract 1
103 Reid Lane 276 Mitkof Highway	Silver Bay Seafoods	Lot 3A, ATS 605
290 Mitkof Highway	Petersburg Borough	Turnaround Lot 2, Turnaround Lot RC, ATS 1695 Tract B, John Murgas Ramp Lease, Tidelands Addition Lot 2M Tidelands Addition Lot 2R Tidelands Addition Lot 2TM
100 Scow Bay Loop Road	Robert G. Olsen Jr. and Nichole M. Olsen	Portion ATS 38

**PETERSBURG BOROUGH, ALASKA
RESOLUTION 2024-08**

**A RESOLUTION OF THE PETERSBURG BOROUGH ASSEMBLY IN SUPPORT OF
AMENDMENT 123 TO THE FISHERY MANAGEMENT PLAN (FMP) FOR GROUND FISH OF
THE BERING SEA AND ALEUTIAN ISLANDS (BSAI) MANAGEMENT AREA WHICH
AMENDS REGULATIONS GOVERNING LIMITS ON THE PACIFIC HALIBUT PROHIBITED
SPECIES CATCH (PSC) AND LINKS THE HALIBUT PSC LIMIT FOR THE AMENDMENT 80
COMMERCIAL GROUND FISH TRAWL FLEET IN THE BSAI GROUND FISH FISHERIES TO
HALIBUT ABUNDANCE**

WHEREAS, in December 2021, the North Pacific Fishery Management Council (NPFMC) recommended, and the National Marine Fisheries Service (NMFS) proposed, Amendment 123 (A-123) which links the halibut PSC limit for the Amendment 80 (A-80) commercial groundfish trawl fleet in the BSAI groundfish fisheries to halibut abundance thereby intending to minimize halibut PSC to the extent practicable while achieving optimum yield in the BSAI groundfish fisheries on a continuing basis; and

WHEREAS, based on a review of the scientific information and consideration of the revised National Standard guidelines, the NPFMC and NMFS determined that reducing halibut PSC with declining halibut abundance provides conservation benefits, as defined by the Magnuson-Stevens Act, to the halibut resource; and

WHEREAS, linking PSC limits to halibut abundance is more equitable than the prior static PSC limit because when BSAI halibut abundance declines, a static level of halibut PSC in the Amendment 80 fisheries can represent a greater proportion of total halibut removals in the BSAI, particularly in Area 4CDE, and can reduce the proportion of halibut available for harvest in directed halibut fisheries; and

WHEREAS, A-123 provides incentives for the A-80 fleet to minimize halibut mortality at all times, and may provide indirect benefits to communities that rely on directed fishing for halibut; and

WHEREAS, the halibut fishery is vital to Petersburg's local economy, its local fishermen and working families and crews, its social fabric and well-being, and local subsistence users and beneficiaries; and

WHEREAS, in order to maximize the benefits of the halibut fishery to Petersburg, the Borough has invested in infrastructure that supports the community's local halibut fishermen and families; and

WHEREAS, the A-123 Final Rule was published on November 23, 2023, subsequent to which on December 19, 2023, the Groundfish Forum (GFF) in representation of the A-80 groundfish trawl sector filed a lawsuit in the United States District Court for the District of Alaska requesting that the Court vacate NMFS' decision approving A-123 and remanding it to NMFS to address serious errors; and

WHEREAS, on February 6, 2024, in recognition of the importance of supporting the NPFMC's action and NMFS' implementation of A-123, a group of halibut dependent stakeholders known as the Halibut Defense Alliance (HDA) moved to intervene in the lawsuit as defendants on the side of NMFS; and

WHEREAS, on April 26, 2024, the plaintiff, GFF, filed a Motion for Summary Judgment stating that A-123 is “arbitrary, capricious, and contrary to the law” and requested that it be vacated; and

WHEREAS, if successful, the plaintiff’s motion would impair Petersburg’s immediate economic interests through reduced revenues, depressed quota values, increased economic uncertainty, and reduced tax revenues from businesses either participating in or providing services to the halibut fishery, as the history under the prior bycatch limits confirms; and

WHEREAS, such outcome would also impair Petersburg’s economic interests in the longer term, because juvenile halibut taken as bycatch in the BSAI cannot migrate to other areas to support either the halibut spawning stock or active fisheries there.

NOW THEREFORE BE IT RESOLVED THAT the Petersburg Borough Assembly approves Resolution 2024-08 in support of Amendment 123 linking the halibut PSC limit for the Amendment 80 fleet in the BSAI groundfish fisheries to halibut abundance.

PASSED AND APPROVED by the Petersburg Borough Assembly, Petersburg, Alaska this 20th day of May, 2024.

Mark Jensen, Mayor

ATTEST:

Debra K. Thompson, Borough Clerk

Petersburg Borough Assembly
5/15/2024

Petersburg Vessel Owners Association represents a fleet of approximately 50 vessels that harvest seafood from California to the Bering Sea. Many of those member vessels are directly tied to the halibut ifq fishery as part of their broadly diversified business plans. Because of PVOA's membership interest as well as the current and historical reliance that Petersburg as a community has had on the commercial halibut fishery, we recognize halibut as a vital resource to not only our members, but the community as a whole.

In December 2023, PVOA joined an intervener group, the Halibut Defense Alliance, in support of the National Marine Fisheries Service (NMFS) in a lawsuit filed against them by the Groundfish Forum (GFF). This lawsuit is in response to Amendment 123 (A-123), a NMFS regulation that went into effect January 1st, 2024. A-123 sets the prohibited species catch (PSC) limits of halibut by the Amendment 80 (A80) trawl sector based on abundance as opposed to the flat PSC limit that the A80 fleet has operated under in recent history. PSC is sometimes referred to as bycatch. This means that when stocks decline, halibut bycatch limits are lowered for the A80 sector, in a similar manner to ifq holders seeing their fishable pounds decrease in times of decline. In times of abundance, ifq harvesters see an increase in their harvestable pounds and the A80 sector's PSC rates would increase.

The Halibut Defense Alliance is a collection of industry, tribal, municipal and environmental groups from Southeast Alaska to the Bering Sea that want to see the burden of conservation for the pacific halibut stock to be shared among all harvesting sectors. We do not want this to be a sector vs sector issue, but rather to support the regulation that NMFS has already established with Amendment 123.

Because of PVOA's involvement as interveners and reliance on a healthy halibut population for much of our membership and the community of Petersburg, PVOA is asking the Petersburg Borough Assembly to sign a resolution in support of NMFS and Amendment 123. A draft resolution is provided for the Borough officials and lawyers to look over and all legal fees will be covered by the Halibut Defense Alliance. Stakeholder groups from other coastal communities are reaching out to their respective city/borough assemblies and asking them to also sign resolutions so that they can be compiled in an amicus brief showing coastwide community support for Amendment 123.

Sincerely,



Nels Evens
Director, Petersburg Vessel Owners Association

Interveners in the Halibut Defense Alliance:

City of St. Paul

Aleut Community of St. Paul

Central Bering Sea Fishermen's Association

Alaska longline Fishermen's Association

Petersburg Vessel Owner's Association

Fishing Vessel Owner's Association

North Pacific Fishermen's Association

Homer Charter Association

Halibut Association of North America

Alaska Marine Conservation Council

The Boat Company

Seafood Producers Co-op



May 20, 2024

Ms. Mary Hermon
 Division of Mining, Land and Water
 550 West 7th Avenue, Suite 640
 Anchorage, Alaska 99501

RE: Petersburg Borough Municipal Land Selections ADL 108982, 108983, and 108984 dated APRIL 18, 2024.

Dear Ms. Hermon,

The Petersburg Borough has completed its preliminary review of ADL 108982, 108983, and 108984 dated APRIL 18, 2024.

The Petersburg Borough supports the LCS's decision to convey approximately 1,758.17 acres of state owned vacant, unappropriated, unreserved (VUU) general grant land on Mitkof Island.

The Petersburg Borough has the following additional comments regarding statements in the Preliminary Decision:

Section VI.

B.3. The PD establishes that the mineral estate is reserved to the state. Under Mineral Order 279, all parcels on NE Mitkof are closed to mineral entry. Thank you for clarifying that there are no other known mineral orders affecting these selections.

D.2. The borough concurs with the LCS that there are no RS-2477 rights-of-way with the selected lands.

D. 4. The borough concurs with the LCS that there are no known navigable waters bordering or within the selected lands.

D. 4. The borough notes that no waters navigable in fact have been identified by the state in this decision.

D. 4. The borough notes that the LCS does not propose any alternative upland access routes to be reserved under 11 AAC 51.045(d)(1).

D.4. The borough concurs with the LCS that the beds of public waters are to be conveyed to the borough with the adjoining approved lands.

Section IX.

B.4 The borough concurs with the LCS that administration of public easements for the surface estate on land to be conveyed will be transferred when the FFD becomes effective.

Community & Economic Development Department
 PO Box 329, Petersburg, AK 99833
 907.772.4042 – email: lcabrera@petersburgak.gov

B.5 The borough concurs with the LCS that administration of any active state leases and permits for the surface estate on land to be conveyed will be transferred when the FFD becomes effective. Accordingly, ADL 107871 and 107869 should be transferred to the borough as these represent surface estate permits. In the case of ADL 107869, the material site contract was issued to the then-City of Petersburg. Similarly, ADL 106335 is leased to the Petersburg Borough and will be transferred upon approval of the FFD.

Lastly, the borough appreciates ADNR labeling the FDRs, AWCs, and ADLs on the attachments. This addition makes review of the PD much more efficient.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in blue ink that reads "Liz Cabrera". The signature is fluid and cursive, with the first name "Liz" and last name "Cabrera" clearly legible.

Liz Cabrera
Municipal Land Agent
Petersburg Borough

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

PRELIMINARY DECISION
PROPOSED CONVEYANCE OF STATE LAND UNDER AS 29.65

PETERSBURG BOROUGH
MUNICIPAL LAND ENTITLEMENT SELECTIONS
ADL 108982, 108983, and 108984

PUBLIC COMMENT PERIOD ENDS 4:30 P.M., FRIDAY, MAY 24, 2024

I. PROPOSED ACTION

Preliminary Decision: Petersburg Borough Municipal Land Entitlement Selections – ADL 108982, 108983, and 108984

- Attachment A: Vicinity Map*
- Attachment B: NE Mitkof Map*
- Attachment B2: ADF&G Mitkof Stream Map*
- Attachment C: Blind Point Map*
- Attachment D: Summit Island Map*
- Attachment E: Wilson Islands Map*
- Attachment F: FDR Parcel Map*
- Attachment G: Blind Slough Map*
- Attachment H: Public Notice*

Primary Proposed Action: The State of Alaska (State), Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS) proposes to convey lands selected by Petersburg Borough (PB) in partial fulfillment of their general grant land entitlement under AS 29.65.010 Determination of Entitlement of Boroughs and Unified Municipalities. See *Attachment A: Vicinity Map* for a depiction of the project area.

PB selected six parcels in Region 3 - Petersburg as identified in the Central/Southern Southeast Area Plan¹ (CSSEAP). In this decision, LCS will adjudicate 1,758 acres, more or less.

LCS proposes to convey 1,758 acres, more or less, of state-owned vacant, unappropriated, unreserved² (VUU) general grant land. LCS has determined that no overriding state interests merit retaining these selections in state ownership.

Public Notice of Proposal: In accordance with AS 38.05.945 Notice, during a period of at least 30 consecutive days, the public is invited to submit written comment on this Preliminary Decision (PD).

¹ The *Central/Southern Southeast Area Plan* (CSSEAP) adopted November 2000 determines the management intent, land-use designations, and management guidelines that apply to all state lands in the applicable planning area. This plan forms the basis for the land use classifications that constitute vacant, unappropriated, unreserved land for purposes of determining the eligibility of state land for potential conveyance to a municipality under AS 29.65 *General Grant Land*.

² *Vacant, unappropriated, unreserved* (VUU) land is general grant land patented or tentatively 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 (AS 29.65).

See **Section VII. Submittal of Public Comments** at the end of this document and *Attachment H: Public Notice* for details on submitting comment for consideration. If LCS moves forward with the proposal after considering timely, written comments, LCS will issue a Final Finding and Decision (FFD).

II. AUTHORITY

The proposed actions in this PD are authorized pursuant to Alaska Statute (AS) and Alaska Administrative Code (AAC), particularly AS 29.65 General Grant Land, AS 38.05.035(e) Power and Duties of the Director, AS 38.05.125 Reservation, AS 38.05.127 Access to Navigable or Public Water, AS 19.10.010 Dedication of Land for Public Highways, and 11 AAC 51 Public Easements.

III. ADMINISTRATIVE RECORD

The administrative record for this PD consists of case files Alaska Division of Lands (ADL) ADL 108982, ADL 108983, and ADL108984. Also incorporated by reference are:

- Central/Southern Southeast Area Plan (CSSEAP) adopted in November 2000 and associated land classification files;
- Alaska Department of Fish and Game (ADF&G) Alaska Anadromous Waters Catalog & Atlas to the Catalog;
- Alaska Department of Environmental Conservation (DEC) Contaminated Sites Database; and
- DNR case files: National Forest Community Grant (NFCG) 110, 112, 290, and 294.

IV. SCOPE OF THE PROPOSAL

The scope of this proposal under the statutes described in the proceeding **Section II. Authority** is limited and specific to determining whether it is appropriate to convey the subject parcels to PB. This decision includes a review of third-party interests, stipulations necessary to effectuate this decision, and an evaluation of whether the public interest in retaining state ownership of the land outweighs PB's interest in obtaining the selected lands as provided in AS 29.65.050 Fulfillment of Land Entitlement. In this decision, LCS will also determine whether PB's municipal entitlement land selections meet requirements under AS 29.65.070(b) Selection and Conveyance Procedure and whether it is appropriate to allow PB to exercise immediate management authority for conditional sales and leases on land approved for conveyance.

V. DESCRIPTION

A. Location and Geographical Features

Petersburg Borough was incorporated as a Non-Unified Home Rule Borough in 2013. The borough boundary encompasses the entrance to Endicott Arm, east to the Canadian border, south to Sumner Strait, west through the middle of Kupreanof Island (the east half of the island), and north along Stephens Passage up to Endicott Arm.

The area within the borough boundary is characterized by steep hillsides along the coast and relatively flat coastal plains. Spruce bog vegetation is found on coastal plains, whereas the steeper hillsides support a mixture of hemlock and spruce forests. The northern area of Mitkof Island has steep mountain terrain, while the southern part of Mitkof Island is characterized by gently sloping coastal plains backed by foothills, which often rise rapidly and produce steep valleys.

<i>Borough/Municipality:</i>	Petersburg Borough
<i>Meridian:</i>	Copper River (C)
<i>Regional Corporation:</i>	Sealaska Corporation

Federally Recognized Tribe: Wrangell Cooperative Association, Petersburg Indian Association, Organized Village of Kake, and Central Council of the Tlingit and Haida Indian Tribes of Alaska
Village Corporation: Kake Tribal Corporation
USGS Map Coverage: Petersburg Quadrangle (1:250,000)
NE Mitkof Petersburg C-3, D-3 (1:63,360)
Blind Point Petersburg C-3 (1:63,360)
Summit Island Petersburg C-2 (1:63,360)
Wilson Island Petersburg C-2 (1:63,360)
FDR Parcel Petersburg C-3 (1:63,360)
Blind Slough Petersburg C-3 (1:63,360)

B. Legal Description, Land Status, and Third-Party Interests

Table 1 below identifies PB land selections adjudicated in this decision by location/map name and ADL number, Meridian (M), Township (T), Range (R), Section (S), title report number and date, and includes state case file, title status, date, and any third-party interests affecting those state-owned lands. The State holds fee title to the land and mineral estates through either Patent (PA) or Tentative Approval (TA) from the U.S. Department of Interior, Bureau of Land Management (BLM). The State will only convey the land estate on approved conveyances to PB. AS 38.05.125 Reservation requires the State to retain the mineral estate. Pursuant to AS 29.65.070(b) Selection and Conveyance Procedure, the State may only issue a patent to a municipality once BLM has patented the land to the State.

Table 1

Map Name ADL No.	MTRS	Title Report No.	State Case File	Title/ Date	Third-Party Interests
NE Mitkof (ADL 108983)	C059S080E04 C059S080E09 C059S080E10 C059S080E14 C059S080E15 C059S080E23	RPT – 22876 current as of 11/24/2023	NFCG 112	PA 50-88-0039 1/15/1988	ADL 101866 Public Access Easement, issued (FDR 6204), 66' (Secs 9, 10) ADL 105927 P&C Use Sale, conveyed to PB ADL 107871 Material Source (Sec. 4) ADL 107869 Material Source (Sec. 10) Cabin Creek Road (FDR 6206), 66' ROW (Secs 9, 10)
Blind Point (ADL 108984)	C060S079E24	RPT – 22877 current as of 11/14/2023	NFCG 294	TA 11/5/1996	ADL104833 ROW Public Utility Easement, FERC Power Project 3015, 300' ROW ADL 106335, P&C Use lease, issued to PB Mitkof Highway (FH7), 132' ROW
Summit Island (ADL 108982)	C061S082E12	RPT – 22874 Current as of 10/17/2022	NFCG 110	PA 50-2015-0074 4/14/2015	None identified
Wilson Islands (ADL 108982)	C061S082E27	RPT – 22093 Current as of 10/17/2022	NFCG 110	PA 50-2015-0074 4/14/2015	None identified
FDR Parcel (ADL 108982)	C062S081E03	RPT – 22873 Current as of 10/14/2022	NFCG 290	PA 50-2003-0454 8/14/2003	S. Sumner Mtn Road, FDR 6283, 66' ROW Muck Road, FDR 40083, 66' ROW Woodpecker Road, FDR 6245, 66' ROW

Map Name ADL No.	MTRS	Title Report No.	State Case File	Title/ Date	Third-Party Interests
Blind Slough (ADL 108982)	C061S081E25 C061S081E26 C061S081E35 C061S081E36	RPT – 22875 Current as of 1/17/2023	NFCG 110	PA 50-2015-0074 4/14/2015	Mitkof Highway (FH 7), 132' ROW (Sec. 35) ADL 104833 ROW Public Utility Easement, FERC Power Project 3015, 300' ROW (Secs 26, 35, 36) ADL 109223 Public Easement, Fiber Optic (Sec 35)

VI. PRELIMINARY DECISION

A. Background

Petersburg Borough was legislatively granted a municipal entitlement of 14,666 acres in 2017. To date, PB has received title to 1,048 acres, more or less, and has approval for approximately 4,137 acres, leaving approximately 9,481 acres remaining in its entitlement. PB submitted the selections within this PD to LCS in 2016 and 2018.

B. Planning, Classification, and Mineral Orders

1. Planning

The CSSEAP is the controlling land management planning authority. The land selections fall within Region 3 – Petersburg of the CSSEAP. The CSSEAP describes each management unit’s management intent and area plan designation. These plan designations convert to land use classifications, establishing what land the State may convey under the Municipal Entitlement Act (AS 29.65.010 General Grant Land). Accordingly, the CSSEAP governs the management intent and classifications for the selected lands.

2. Land Use Designation and Classification

The land selections proposed for conveyance in this decision are designated as Public Recreation – Developed, Public Facilities – Transfer, or General Use, which convert to the classifications of Resource Management land or Public Recreation land, which are conveyable classifications for municipal entitlement general grant land under AS 29.65.130 Definitions, unless an overriding state interest exists as stated in the management intent. *Table 2* shows the land use classifications derived from the CSSEAP for the land selections adjudicated in this decision.

Table 2

Map Name ADL No.	MTRS	Approx. Acres	Unit	Classification
NE Mitkof (ADL 108983)	C059S080E04 C059S080E09 C059S080E10 C059S080E14 C059S080E15 C059S080E23	1011	P-28	Resource management land
Blind Point (ADL 108984)	C060S079E24	80	P-16	Public recreation land, Resource management land
Summit Island (ADL 108982)	C061S082E12	10	P-23	Resource management land

Map Name ADL No.	MTRS	Approx. Acres	Unit	Classification
Wilson Islands (ADL 108982)	C061S082E27	20	P-23	Resource management land
FDR Parcel (ADL 108982)	C062S081E03	157	P-27	Resource management land
Blind Slough (ADL 108982)	C061S081E25 C061S081E26 C061S081E35 C061S081E36	480	P-25	Resource management land

3. Mineral Orders

The mineral estate is reserved to the State pursuant to AS 38.05.125 Reservation.

NE Mitkof is closed to mineral entry under MCO 279. No other known mineral orders affect PB's selections within these ADLs.

C. Traditional Use Finding

In an unorganized borough, disposal of state land with traditional uses is reviewed under AS 38.05.830 Land Disposal in the Unorganized Borough. PB is an organized borough under AS 29.05.031 Incorporation of a Borough or Unified Municipality and eligible for municipal entitlement. Therefore, a determination for traditional uses is not required. PB's legal boundary encompasses all municipal entitlement land selections in this decision.

D. Access

Public access will be reserved in accordance with AS 19.10.01 Dedication of Land for Public Highways, AS 19.30.400 Identification and Acceptance to Rights-of-Way, AS 38.05.125 Reservations, AS 38.05.127 Access to Navigable or Public Water, and 11 AAC 51 Public Easements.

Primary access to Mitkof Island is via airplane or boat. Frederick Sound and Sumner Strait are the primary travel corridors for ferries, ships, and boats. Duncan Canal and the Wrangell Narrows are contiguous with these major waterways and provide access to some of PB's municipal entitlement land selections. Petersburg James A. Johnson Airport provides for larger commercial airplanes. Floatplanes and helicopters provide access to various remote locations within PB.

The Mitkof Highway is the primary road on Mitkof Island. It is one segment of the Alaska Highway system for AK-7, which also includes the Alaska Marine Highway. There are many secondary roads, some of which were previous forest development roads (FDR). The Blind Point parcel and the Blind Slough parcel, located on the southern end of Mitkof Island, can be accessed by Mitkof Highway (Forest Highway 7). The NE Mitkof parcels can be accessed by Frederick Drive (FDR 6204) and Cabin Creek Road (FDR 6206). The Wilson Islands and Summit Island parcels can be accessed by floatplane or boat. The FDR Parcel land has three roads within its borders (FDRs 6245 Woodpecker Road, 6283 South Sumner Mountain Road, and 40083 Muck Road)

1. Section Line Easements

As required under AS 19.10.010 Dedication of Land for Public Highways, and in accordance with 11 AAC 51.025 Section Line Easements, public access easements will

be reserved along each section line on lands approved for conveyance. If a section line forms a boundary of a selection being conveyed, the easement will be 50 feet wide measured from the section line. If a section line runs through a selection being conveyed, the easement will be 50 feet wide, measured on each side of the section line, for a total width of 100 feet.

2. Trails, Rights-Of-Way, RS 2477, and Easements

A review of state records verifies that rights-of-way (ROW), easements, reservations, and exceptions in the U.S. Patent affect some of PB land selections, as disclosed above in *Table 1*.

The FDRs, which allow access to much of Mitkof Island, are reserved to the U.S. (r/w AA45079) with a 66-foot ROW. The Mitkof Highway (FH 7) has a ROW of 132 feet in width. There are no RS 2477 rights-of-way within the selected lands.

3. Navigable and Public Water

The State will retain ownership of the bed of navigable water, including all gravel bars and islands, and will convey the bed of public waters to PB. A survey will determine the Ordinary High Water Mark (OHWM) of the navigable and public waters, the Mean High Water Mark (MHWM) on marine meandering shorelines, identify islands, and determine the specific areas to be retained by the State. At the time of survey, fieldwork may find that a body of water or a waterway is different than what was identified in this decision. If this occurs, DNR will review the results of the survey work. If the fieldwork is determined to be accurate, then the survey results will supersede the recommendation in this decision.

Navigable Waters: Pursuant to 11 AAC 51.035 Determination of Navigable or Public Water, a water body is navigable if it is at least 50 acres in size or a waterway at least 50 feet wide from OHWM to OHWM. A water body will also be considered navigable if it is found navigable for a useful public purpose in accordance with AS 38.05.965 Definitions; otherwise, it will be considered public water in accordance with 11 AAC 51.035 Determination of Navigable or Public Water. Additionally, ownership of land adjacent to navigable water does not create any right of title to land below the OHWM of the navigable water.

All tidal waters: Within the Tongass National Forest area, the State received title to the tidal waters through a Quiet Title Disclaimer from the U.S. Department of Justice and U.S. Forest Service as part of the Glacier Bay Decision (Original 128) in association with the Stikine River Recordable Disclaimers of Interest (RDI). The MHWM for tidal waters will be established at the time of survey.

Public Waters: Pursuant to 11 AAC 51.035 Determination of Navigable or Public Water, a water body is considered public water if it is at least ten acres but less than 50 acres in size or at least ten feet but less than 50 feet wide from OHWM to OHWM. Ownership of the land under or adjacent to public water does not grant an exclusive right to use the water (AS 38.05.126 Navigable and Public Water).

On and along the bed of public water bodies or waterways, the State will reserve an access easement and convey title to PB. Legal public access is generally limited to easements typically 100 feet wide on section lines (SLE) and typically 50 feet wide along the OHWM and MHWM of navigable and public water bodies (the ‘along’ easement, see below).

4. Easements To and Along Navigable and Public Water

A public access easement on the bed and 50 feet in width upland of the OHWM will be reserved on all water bodies and waterways determined to be public, and 50 feet in width upland of the MHWH of navigable waters, in accordance with AS 38.05.127 Access to Navigable or Public Water and 11 AAC 51 Public Easements. This easement is referred to as the ‘along’ easement. The ‘to’ easement is to be established approximately once each mile and is often provided on section line easements at 50 feet in width adjacent to the section line on each side (AS 19.10.010 Dedication of Land for Public Highways and 11 AAC 51.025 Section-Line Easements). The ‘along’ easement applies to these waterbodies, and the ‘to’ easement is intended to provide access to the ‘along’ easements.

An alternative upland access route may be reserved if DNR finds that access along an easement reserved under 11 AAC 51.045(d)(1) Easements To and Along Navigable and Public Water, is difficult because of topography or obstructions.

Navigable Waters: Navigable waters may or may not be anadromous. Exposed sand or gravel bars that are within, and are not above the OHWM, are part of the waterbody bed. PB will only be conveyed those lands determined to be uplands above the OHWM.

Tidal Waters: All are considered navigable and, in this decision, include Frederick Sound (NE Mitkof area), Dry Strait (Summit Island area), and Sumner Strait (Wilson Islands area). The upland shore will be ‘*subject to*’ a 50-foot public access easement on those lands approved for conveyance to PB.

Public Waters: Waterbodies determined to be public waters under 11 AAC 51.035 Determination of Navigable or Public Water, are identified in *Table 3*. Anadromous water catalog numbers are listed below for waterbodies that have been identified as anadromous. The beds of public waters are to be conveyed with the adjoining approved lands. Those water bodies determined not to meet the minimum public water standards after a survey will not require the public access easement.

Table 3

Map Name ADL No.	MTRS	Waterbody Name	Anadromous Water Catalog #	Public Access Easement (to & along)
NE Mitkof (ADL 108983)	C059S080E04 C059S080E09	Unnamed stream Unnamed stream Cabin Creek	None None 108-50-10050	On the beds and 50 feet upland

Map Name ADL No.	MTRS	Waterbody Name	Anadromous Water Catalog #	Public Access Easement (to & along)
	C059S080E10	Cabin Creek Unnamed stream Tributaries of unnamed streams	108-50-10050 108-50-10050-2009 None	
	C059S080E14 C059S080E15	Unnamed streams	108-50-10040	
	C059S080E23	Unnamed streams	None	
FDR Parcel (ADL 108982)	C062S081E03	Unnamed stream Tributary of an unnamed stream	108-40-10430 None	On the beds and 50 feet upland
Blind Slough (ADL 108982)	C061S080E25	Unnamed streams	108-40-10550	On the beds and 50 feet upland
	C061S080E26	Strange Creek Unnamed stream Unnamed streams	108-40-10500-2018 108-40-10550 None	On the beds and 50 feet upland
	C061S080E36	Unnamed streams	108-40-10550 108-40-10550-2013 108-40-10550-2014 108-40-10550-2018	On the beds and 50 feet upland

E. Reservation of Mineral Estate

A VUU general grant land conveyance to a municipality under AS 29.65 General Grand Land 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 Reservation, 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 Damages and Posting of Bond and other applicable statutes and regulations.

F. Hazardous Materials and Potential Contaminants

The State is responsible for protecting the overall public interest if there is a reasonable expectation that hazardous contamination may exist on land being proposed for disposal. Based on a review by the DNR DMLW Statewide Abatement of Impaired Lands (SAIL) Section and of the Alaska Department of Environmental Conservation's (DEC) comments received, no sites are considered a hazard. See below the details of SAIL's and DEC's comments in **Subsection M. DMLW and Agency Review.**

PB is expected to inspect these selections and familiarize itself with regard to the condition and quality of the land. The State of Alaska makes no representations and no warranties, expressed or implied, concerning the existence or absence of any hazardous substances, hazardous wastes, contaminants, or pollutants on the land proposed here for conveyance. The State assumes no liability for the removal of hazardous substances, hazardous wastes,

contaminants, or pollutants, nor any liability for the remediation of the site should such substances ever be identified.

G. Survey

Before DNR issues a conveyance document, a state-approved survey is required. If no approved survey exists, then one must be performed by an Alaska Registered Land Surveyor under the direction of the DNR DMLW Survey Section. PB is responsible for the expense of any survey. PB may request a survey determination at any time after the FFD. There is no requirement under AS 29.65.070 Selection and Conveyance Procedure to appraise the land before conveyance.

H. Conditional Leases and Sales

Once the FFD is effective, PB will receive management authority and equitable title to all land approved for conveyance in this decision. This will allow PB to approve conditional leases and make conditional sales pursuant to AS 29.65.070(b) Selection and Conveyance Procedure but not to dispose of land approved for conveyance until the land has been surveyed and ownership transferred to PB.

I. Unauthorized Use

LCS has not physically inspected all areas of the selected lands for unauthorized use but has reviewed department records and is unaware of any other existing unauthorized use within the land selections.

PB is expected to inspect all its land selections to familiarize itself with the condition and quality of the land.

J. Disposition of Leases, Permits, and Applications

Administration of any active leases, permits, and easements for the surface estate issued by the State on land to be conveyed will be transferred to PB when the FFD becomes effective unless such authorizations are expressly excluded from the conveyance (see Table 1). Any pending applications not adjudicated and issued will be closed.

K. Cultural Resources

The Alaska Office of History and Archaeology (OHA) maintains the Alaska Heritage Resources Survey (AHRs), an inventory of all reported historic, prehistoric, and archaeological sites in the State. No historic cultural resources have been found in the selected areas.

However, only a very small portion of the State has been surveyed for cultural resources. Therefore, the possibility remains that the selected lands may contain previously unidentified cultural resources. While the conveyance of these parcels will not directly affect cultural resources, future projects that PB may propose on selected lands could affect unidentified cultural resources. Should any cultural resources be encountered, the Borough will need to take those actions required by law to protect such resources in accordance with AS 41.35.070(d) Preservation of Historic, Prehistoric, and Archeological Resources Threatened by Public Construction.

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) Selection and

Conveyance Procedure. A review of PB's land selections proposed for conveyance in this decision indicates that the selections are consistent with this statute.

M. DMLW and Agency Review

Information and comments received from multiple sections within DMLW prior to and during agency review have been considered and included in the preparation of this PD. Agency review was conducted between April 5, 2022, through April 29, 2022. 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.

DNR DMLW LCS received brief comments of non-objection from the following agencies:
DNR Division of Parks and Outdoor Recreation – Alaska State Parks and DNR Division of Oil and Gas.

DNR DMLW LCS Response: LCS appreciates your review.

Comments from DNR Division of Forestry and Fire Prevention (DOF&FP), Southeast Area:
“The DOF manages several legislatively designated tracts of the Southeast State Forest adjacent to the selected municipal parcels. The primary purpose for the legislatively designated Southeast State Forest (SESF) is timber management (AS 41.17.200). While the DOF respects municipal and community development intent, it may not align with the SESF purpose if State long term use and access is not considered.

Given that the SESF has not been fully developed for forest management and may not be for some time, the DOF requests that commercial and public access to the adjacent SESF be referred to as import to the State's interest and reserved in the patent to the municipality. Additionally, there is uncertainty regarding future management intent of the United States Forest Service on the Tongass National Forest. With that in mind, the State reservation of public access easements on the following federally name roads at a minimum are also requested:

1. Frederick Point. Retain public easement for Road 6204000.
2. Woodpecker. Retain public easement for Roads 6245000 and 4008300
3. South Mitkof. Retain public easement for Road 6222.”

DNR DMLW LCS Response to DOF&FP: LCS appreciates your review. Public access will be maintained to the SE State Forest via section line easements and established FDRs. The FDRs were reserved from state title and therefore any conveyance described in this decision will be subject to the existing easements of 66 feet in width. FDR 6222 in the Blind Slough area (*Attachment G: Blind Slough*) does not cross the selected land within this decision.

Comments from the Alaska Department of Environmental Conservation (DEC):
“The Contaminated Sites Program currently has an active contaminated site, FAA Frederick Point Hazard ID 1762. We are currently working on site closure and should have a final answer about closure within the next few weeks. If/when the site is closed, then we have determined the site no longer poses a threat to human health or environment.”

DNR DMLW LCS Response to DEC: LCS appreciates your review. Petersburg Borough has relinquished their selection on the parcel that contains the FAA site.

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

"Alaska Department of Fish and Game (ADF&G) has reviewed the Municipal Entitlement Selections for Petersburg Borough (ADLs 108982, 108983, 108984). There are six different selections included.

ADL 108982

-Summit Island (CRM T06S R79E SEC 12): Island of approximately 10 acres.
-ADF&G has no objections.

-Wilson Islands (CRM T61S R82E SEC 27): Two islands consisting of approximately 20 acres.
-ADF&G has no objections.

-Blind Slough (CRM T61S R81E SEC 25, 26, 35, 36): Approximately 480 acres selected. This selection has an anadromous stream (AWC: 108-40-10550) which has been identified as important habitat for coho and pink salmon. An ADF&G biologist has identified additional tributaries (map attached) that are anadromous but not in the AWC. These streams will be nominated this year and included in the AWC in 2023.
- ADF&G recommends reservation of a 50-ft wide public access easement and a 100-ft building setback prior to conveyance.

-FDR 6283 [FDR Parcel Map] (CRM T62S R81E SEC 3): Approximately 157 acres selected. This selection has an anadromous unnamed stream (AWC: 108-40-10430) which has been identified to be important habitat for coho salmon and Dolly Varden. An ADF&G biologist has identified additional tributaries (map attached) that are anadromous but not in the AWC. These streams will be nominated this year and included in the AWC in 2023.
- ADF&G recommends reservation of a 50-ft wide public access easement and a 100-ft building setback prior to conveyance.

ADL 108983

-NE Mitkof (CRM T59S R80E SEC 4, 9, 10, 14, 15, 23): Approximately 1012 acres selected. This selection contains three anadromous streams. Cabin Creek (AWC: 108-50-10050) and an unnamed stream (AWC: 108-50-10050-2009) has been identified as important habitat for coho and pink salmon, cutthroat and steelhead trout, and Dolly Varden. An unnamed stream (AWC: 108-50-10040) has been identified as important habitat for coho and pink salmon, and Dolly Varden. An ADF&G biologist has identified additional tributaries (map attached [Attachment B2]) that are anadromous but not in the AWC. These streams will be nominated this year and included in the AWC in 2023.
- ADF&G recommends reservation of a 50-ft wide public access easement and a 100-ft building setback prior to conveyance.

ADL 108984

-Blind Point (CRM T60S R79E SEC24): Approximately 80 acres selected.
-ADF&G has no objections."

DNR DMLW LCS Response to ADF&G: LCS appreciates your review. All public and anadromous streams will have the appropriate public access easements reserved

pursuant to AS 38.05.127 Access to Navigable or Public Water. LCS recognizes the importance of riparian protection and the recommendation of a building setback. However, DNR does not have authority to impose 100-foot riparian buffers along waterbodies, as ADFG has requested in some locations. Per AS 29.65.130(6), conveyance of state land to municipalities are made “without reservation or condition except as may be required by law.” Reservations required by law include section line easements and ‘to and along’ easements. While DNR cannot require reservation of riparian buffers on land conveyed under AS 29.65, we recommend PB work with ADFG prior to any proposed development in the areas identified by ADFG in order to protect important riparian habitat.

Comments from the Department of Transportation & Public Facilities (DOT&PF):

DOT notes that existing DOT&PF properties, rights, highways, roads, and other facilities shall be specifically excluded from conveyance. To coordinate further discussion on these interests, please contact the Department’s Southcoast Region Right-of-Way Group in Juneau.

DNR DMLW LCS Response to DOT&PF: LCS appreciates your review. All DOT&PF properties, highways, roads and ROWs will be excluded from the proposed conveyance.

Comments from DMLW Public Access Assertion and Defense (PAAD):

PAAD stated that this project does not contain any navigable waters per AS 38.04.062. All streams listed in the Anadromous Waters Catalog are Public Water per AS.05.126, .127, and .965(21).

DNR DMLW LCS Response to PAAD: LCS appreciates your review of the navigable and public waters. A public access easement will be imposed from the MHW upland 50 feet pursuant to AS 38.05.127 Access to Navigable or Public Water, on marine shores and on the bed and 50 feet upland on public waters.

Comments from DMLW Statewide Abatement of Impaired Lands (SAIL):

SAIL found no items of concern during their review of the parcels and has no further comments on the proposed conveyance.

DNR DMLW LCS Response to SAIL: LCS appreciates your review.

The following agencies or groups were included in the agency review, but no comment was received:

- Department of Natural Resources
 - DMLW, Resource Assessment and Development Section
 - Division of Geological and Geophysical Surveys
 - Alaska Mental Health Trust Land Office
 - Division of Parks and Outdoor Recreation
 - Office of History and Archaeology

VII. SUBMITTAL OF PUBLIC COMMENTS

See Attachment H: Public Notice for specific date and conditions

Pursuant to AS 38.05.945 Notice, LCS is issuing public notice for comment on this Preliminary Decision.

In accordance with AS 38.05.946(a) Hearings, a municipality or corporation entitled to receive notice under AS 38.05.945(c) Notice, may hold a hearing within 30 days after receipt of the notice. If a hearing is held, the Commissioner (or representative) shall attend the hearing. The Commissioner has discretion whether or not to hold a public hearing.

LCS will consider all timely, written comments received. If analysis of such comments indicates the need for significant changes to the PD, additional public notice for the affected lands will be given. Reducing the amount of land offered and making minor changes to any of the proposals will not be considered significant changes requiring additional public notice.

If the proposal is approved and no significant change is required, the Preliminary Decision, including any deletions, minor changes, and summary of comments and LCS responses will be issued as a subsequent Final Finding and Decision without further notice.

Only persons from whom LCS receives timely, written comments during the identified comment period will be eligible to file an appeal of the Final Finding and Decision. Upon approval and issuance of a Final Finding and Decision, a copy of the decision will be made available online at <http://landsales.alaska.gov/> and <http://dnr.alaska.gov/mlw/muni/> and sent with an explanation of the appeal process to any party who provides timely written comment.

DNR is prepared to accommodate individuals with disabilities by providing auxiliary aids, services, or special modifications in order to participate in this review. Individuals who may need such assistance should contact DNR's Public Information Center. For more information, refer to the attached Public Notice.

**DEADLINE TO SUBMIT WRITTEN COMMENT IS
4:30 P.M., FRIDAY, MAY 24, 2024**

VIII. DISCUSSION AND ALTERNATIVES

A. Discussion

This Preliminary Decision for the Petersburg Borough municipal entitlement land selections covers 1,758 acres, more or less, of state land. LCS proposes to approve conveyance and transfer equitable title and management authority on 1,758 acres, more or less, of state land, identified in *Table 4* below, and the reason listed below.

This decision determines that the municipal selections adjudicated in this decision for which the State currently has title are appropriate for conveyance to PB. These lands fall within conveyable classifications, and there is no indication that the State's interest in retaining these land selections outweighs the interest of the Petersburg Borough in obtaining them.

Management authority on lands approved for conveyance will be transferred to the PB once the FFD becomes effective.

This decision further determines that certain conditions and restrictions are appropriate and necessary to protect important resources and public access for those lands to be conveyed to PB. This decision, therefore, imposes restrictions and reservations that are to be part of the conveyance document to ensure adherence to state statutes and administrative code. Restrictions and reservations are listed in **Section IX. Recommendation and Preliminary Decision**.

B. Alternatives

The following alternatives exist:

1. Take no action to approve or reject PB land selections. This alternative would, in effect, preclude PB'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 the State's interests outweigh the interest of the Borough, and there is no basis for such a determination.
2. Reject PB's selections in their entirety. This alternative would have the same effect as Alternative #1 and would be inconsistent with the statutory basis for rejection of a municipal selection.
3. Approve all lands with management authority transferred, pursuant to AS 29.65 General Grant Lands. This alternative effectively meets the intent of the Municipal Entitlement Act to convey appropriately classified state general grant land to PB.

IX. RECOMMENDATION AND PRELIMINARY DECISION

A. Recommended Alternative

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

B. Recommended Conditions, Restrictions, and Reservations

Conditions

1. As required under AS 38.05.127 Access to Navigable or Public Water and 11 AAC 51 Public Easements, the location of the MHWM of marine waters, including any waters determined to be navigable in fact, will be determined at the time of survey to determine the specific area to be retained by the State.
2. As required under AS 38.05.127 Access to Navigable or Public Water and 11 AAC 51 Public Easements, the location of the OHWM of public waters will be determined at the time of survey.
3. Management authority will transfer to PB on those lands approved for conveyance once the FFD becomes effective.
4. Management authority for public access easements is transferred to PB once the FFD 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. Administration of state leases and permits pertinent to the surface estate will be transferred to PB once the FFD becomes effective. Administration of issued state leases and permits, in the mineral estate will remain with the State.
6. Once the FFD is effective, PB may execute conditional leases and make conditional sales on lands approved for conveyance, prior to issuance of a state patent in accordance with AS 29.65.070(b) Selection and Conveyance Procedure.

7. The net chargeable acreage approved for conveyance shall be credited towards partial fulfillment of PB municipal land entitlement pursuant to AS 29.65.010 Determination of Entitlement for Boroughs and Unified Municipalities.
8. Notification to the Alaska State Historic Preservation Office in accordance with AS 41.35.070(d) Preservation of Historic, Prehistoric, and Archeological Resources Threatened by Public Construction is required upon discovery of historic, prehistoric, or archaeological sites, locations, remains, or objects.

Restrictions and Reservations

Conveyance document will be issued subject to the following restrictions and reservations:

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 Dedication of Land for Public Highways and 11 AAC 51.025 Section-Line Easements.
3. Reservation of a continuous public access easement, 50 feet wide, upland of and adjacent to the MHW of marine waters pursuant to AS 38.05.127 Access to Navigable or Public Water and 11 AAC 51 Public Easements.
4. Reservation of a continuous public access easement, 50 feet wide, upland of and adjacent to the OHWM of all navigable waters determined to be navigable in fact, and on the bed and 50 feet upland along public waters pursuant to AS 38.05.127 Access to Navigable or Public Water and 11 AAC 51 Public Easements.
5. Reservation of the mineral estate pursuant to Section 6(i) of the Alaska Statehood Act and AS 38.05.125 Reservation; and reservation of reasonably necessary access to the mineral estate in accordance with AS 38.05.130 Damages and Posting of Bond.
6. Subject to Forest Development Roads (6204, 6206, 6245, 6283, 40083), rights-of-way, 66 feet wide.
7. Subject to Mitkof Highway (FH 7) right-of-way, 132 feet wide.
8. Reservation of a transmission line right-of-way, pursuant to Sec. 24 of the Federal Power Act of June 10, 1920, 41 Stat. 1063, 1075, as amended, as to the Tye Lake Hydroelectric Project Transmission Line Right-of-Way for Power Project No. 3015, 300 feet wide.

C. Recommended Action on Municipal Selections

This decision recommends conveying certain state-owned vacant, unappropriated, unreserved general grant land to PB, all located in the Copper River Meridian of Southeast Alaska.

Lands Proposed for Conveyance

Table 4 lists those lands proposed to be approved for conveyance in this decision. The estimated acreages for conveyance do not account for any exclusions, and exact acreages will be determined by survey. The final acreage amount will be credited towards partial fulfillment of PB’s municipal land entitlement.

Table 4

Map Name ADL file #	MTR	Section and Legal Description	Acres
NE Mitkof (ADL 108983)	C059S080E	<p>Sec. 4: Lot 1A of ASLS 91-84, located northeasterly of Cabin Creek Road Right of Way according to ASLS 95-66 and Lot 1A of ASLS 91-84, located southwesterly of Cabin Creek Road Right of Way according to ASLS 95-66 (36 ac.) Lot 2, excluding Cabin Creek Road Right of Way according to ASLS 95-66 (42 ac.) Lot 3A of ASLS 91-84, located northeasterly of Cabin Creek Road Right of Way according to ASLS 95-66 and Lot 3A of ASLS 91-84, located southwesterly of Cabin Creek Road Right of Way according to ASLS 95-66 (41 ac.) Lot 4 located northeasterly of Cabin Creek Road Right of Way according to ASLS 95-66 (21 ac.) Lot 5 located easterly of Cabin Creek Road Right of Way according to ASLS 95-66 (17 ac.) S1/2NW1/4, excluding Cabin Creek Road Right of Way according to ASLS 95-66 (80 ac.) W1/2SE1/4 located easterly of Cabin Creek Road Right of Way according to ASLS 95-66 (3 ac.) Sec. 9: E1/2 located easterly of Cabin Creek Road Right of Way according to ASLS 95-66 (91 ac.) Sec. 10: W1/2SW1/4, SE1/4SW1/4 (120 ac.) Sec. 14: All, excluding ASLS 83-32, Frederick Point East Subdivision, and excluding islands, islets, and rocks (136 ac.) Sec. 15: SE1/4NE1/4, E1/2SE1/4 (120 ac.) Sec. 23: Lot 2, Lot 3, Lot 4, W1/2NE1/4, E1/2NW1/4, E1/2SW1/4, W1/2SE1/4 inclusive, excluding ASLS 83-32, Frederick Point East Subdivision, and excluding islands, islets, and rocks (304 ac.)</p>	1011
Blind Point (ADL 108984)	C060S079E	Sec. 24: S1/2SE1/4 (80 ac.)	80
Summit Island (ADL 108982)	C061S082E	Sec. 12: Tract B (Summit Island)....10.09 ac.	10.09
Wilson Islands (ADL 108982)	C061S082E	Sec. 27: Tracts E, F, G, H, and I (Wilson Islands)....20.06 ac.	20.06
FDR Parcel (ADL 108982)	C062S081E	Sec. 03: Lots 1 and 2 (77.02 ac.), NW1/4 excluding Lots 1 and 2 and excluding the southerly 80 ac. (80 ac.)	157.02
Blind Slough (ADL 108982)	C061S081E	<p>Sec. 25: W1/2SW1/4 (80 ac.) Sec. 26: SE1/4 (160 ac.) Sec. 35: N1/2NE1/4, SE1/4NE1/4 (120 ac.) Sec. 36: NW1/4NW1/4, S1/2NW1/4 (120 ac.)</p>	480

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Map Name ADL file #	MTR	Section and Legal Description	Acres
APPROXIMATE TOTAL PROPOSED APPROVED ACRES:			1758.17


D. Preliminary Decision

The following is the finding of this Preliminary Decision:


It is appropriate to convey 1,758.17 acres, more or less, of state-owned land to PB. This decision determines that the State's interest in retaining this land does not outweigh PB's interest in obtaining it.

This Preliminary Decision, described above, represents the preferred alternative that has been reviewed and considered. After review and consideration of materials in this PD, LCS finds that the recommended action may be in the best interest of the State and that it is hereby approved to proceed to Public Notice in accordance with AS 38.05.945 Notice.

After public notice, the subsequent review process may result in changes to the preferred alternative(s) or disapproval of the proposed action altogether. A Final Finding and Decision will address any significant issues or concerns raised during the public review process.


 Prepared by: Mary Hermon
 Natural Resource Specialist 2
 Land Conveyance Section
 Division of Mining, Land and Water
 Department of Natural Resources
 State of Alaska

4-18-2024
 Date


 Approved by: Hannah Uher-Koch
 Section Chief
 Land Conveyance Section
 Division of Land, Mining and Water
 Department of Natural Resources
 State of Alaska

4/18/2024
 Date

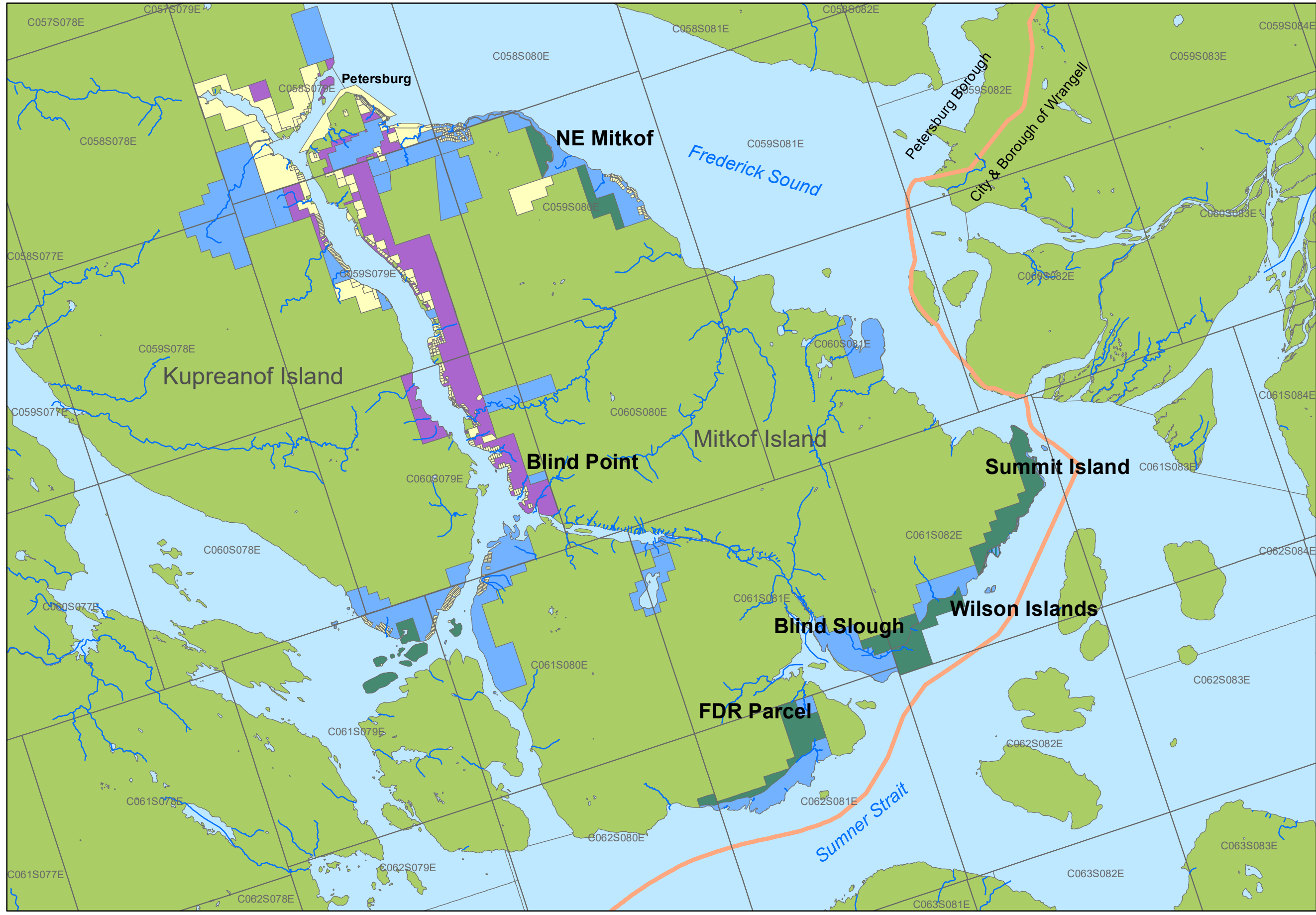
PETERSBURG BOROUGH

Municipal Selections

Vicinity

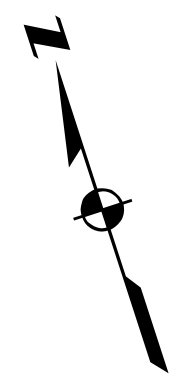
Preliminary Decision

ADLs 108982, 108983, 108984



Legend

- Anadromous Streams
- Borough Boundary
- LDA (State Forest, PUA, etc)
- State Land, TA or Patented
- Mental Health Trust Land
- US Forest Service Land
- Private Owned Land



April 2024

DNR-DMLW-LCS-ME

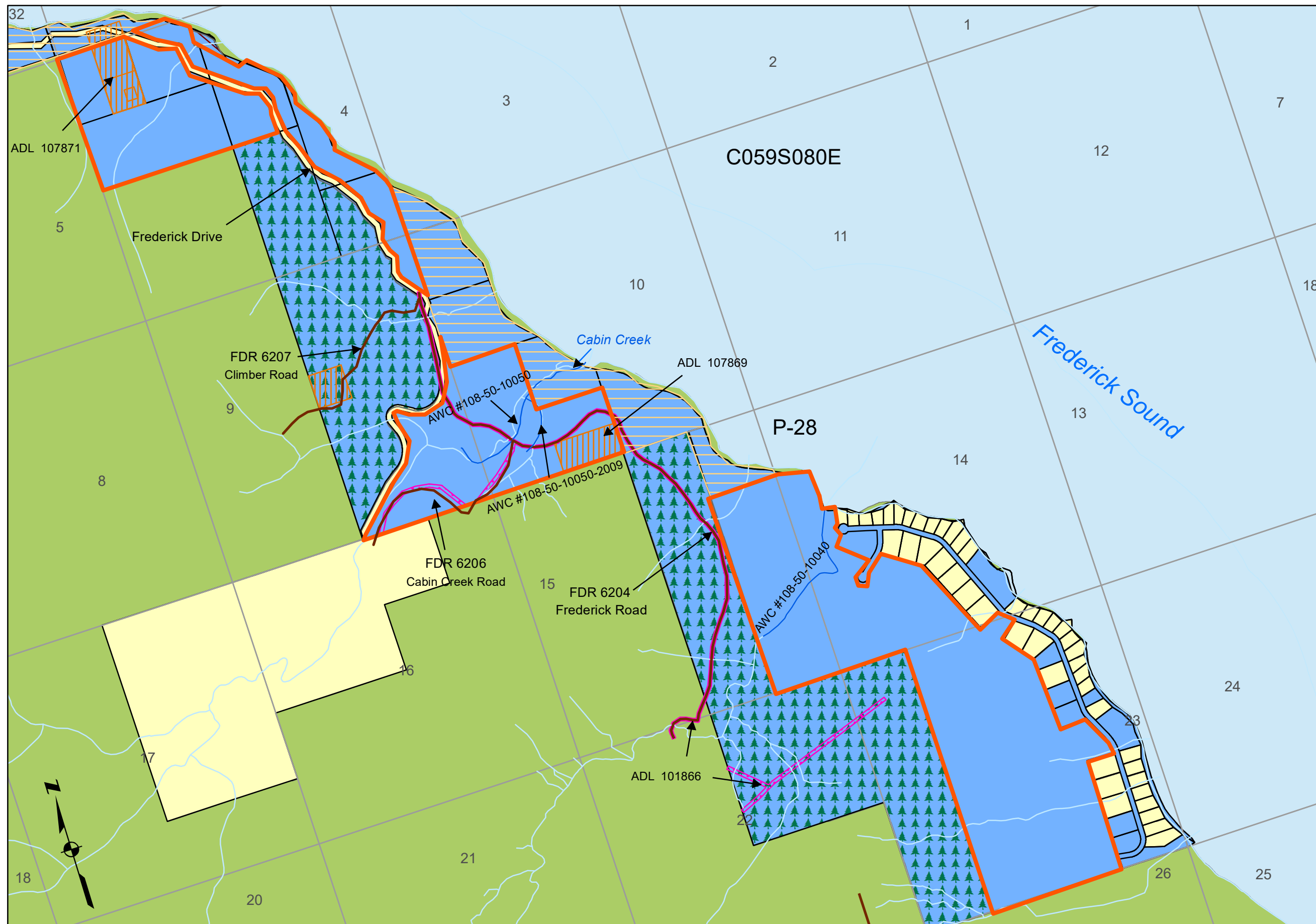


Petersburg Borough Municipal Selections

Preliminary Decision

ADL 108983

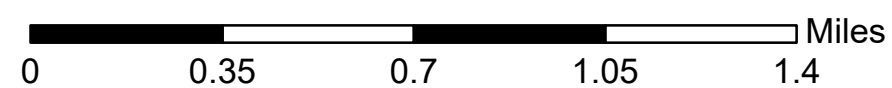
NE Mitkof



Legend

- Anadromous Stream
- Forest Development Road
- Borough Selections
- Previous Borough Decision
- State Land, TA or Patented
- Surveyed Lots
- Frederick Point SE State Forest
- Easement (Public, Utility)
- Material Site
- Private Land
- US Forest Service Land

P-28 - CSSEAP unit number
AWC # - anadromous water catalog number



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.



Created by DNR-DMLW-LCS-ME

April 2024

Updated location

Not accessible to
anadromous fish
above this point

- 2021 Anadromous Waters Catalog
- Correction of 2021 AWC












Petersburg Borough Municipal Selections

Preliminary Decision

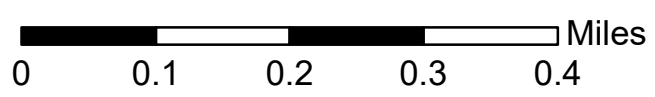
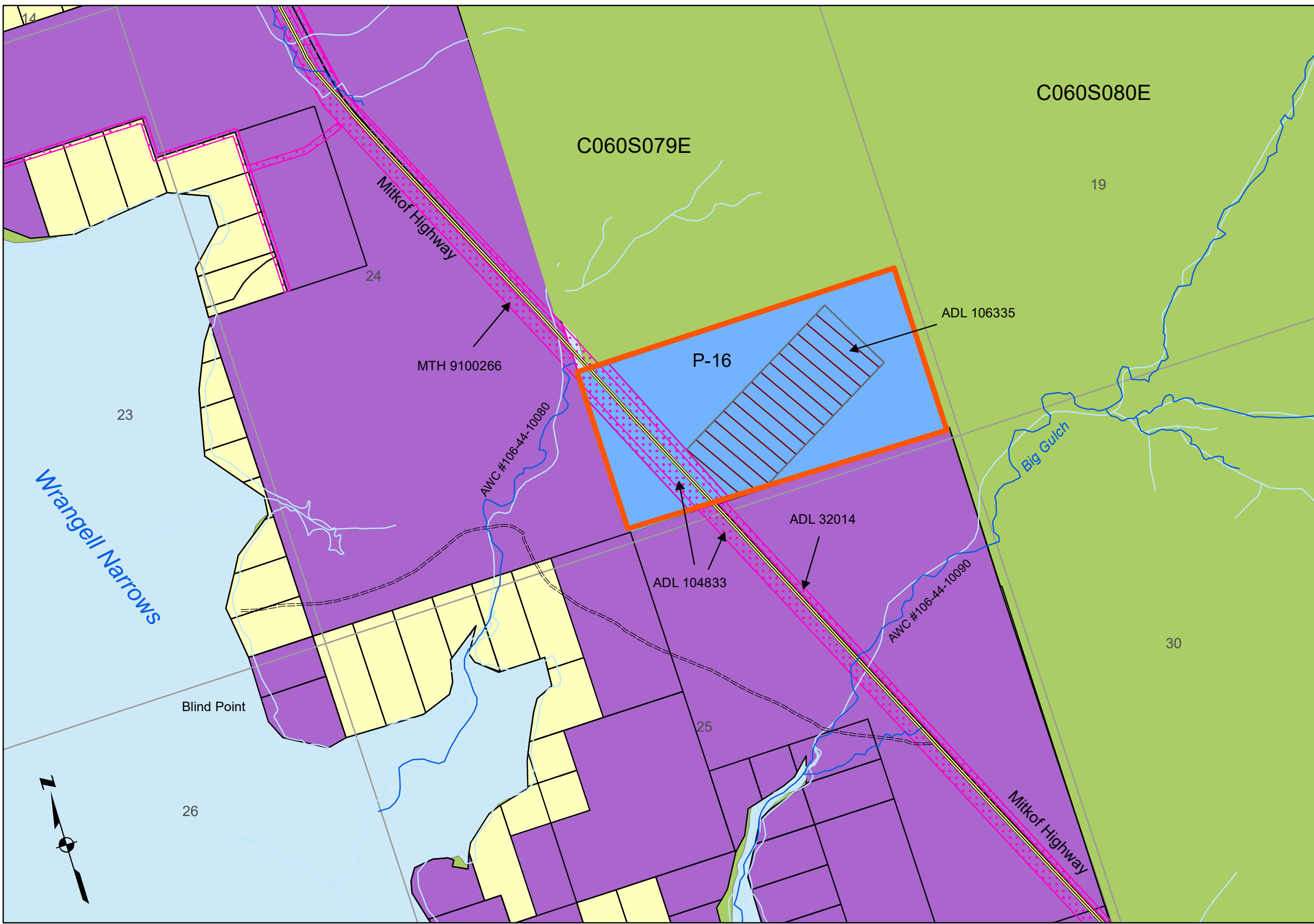
ADL 108984

Blind Point

Legend

-  Anadromous Stream
-  Major Road
-  Trails
-  Borough Selections
-  State Land, TA or Patented
-  Lease
-  Easement (Public, Utility)
-  Surveyed Lots
-  Private Land
-  Mental Health Trust Land
-  US Forest Service Land

P-16 - CSSEAP unit number
AWC # - anadromous water catalog number



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Created by DNR-DMLW-LCS-ME

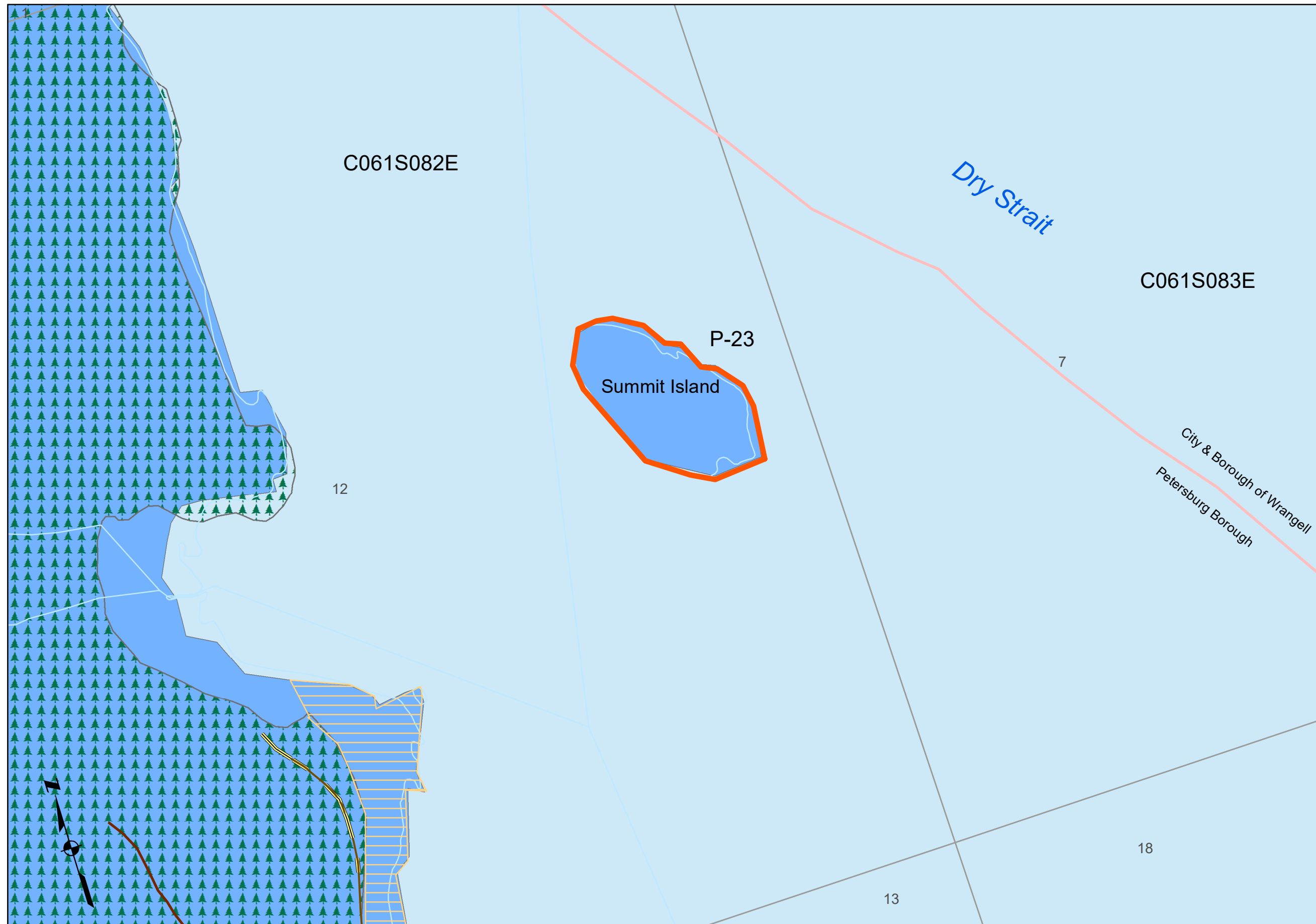
April 2024

Petersburg Borough Municipal Selections

Preliminary Decision

ADL 108982

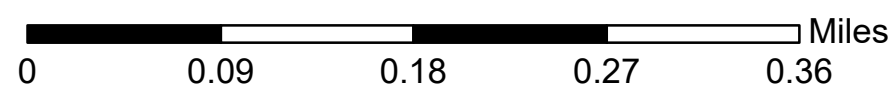
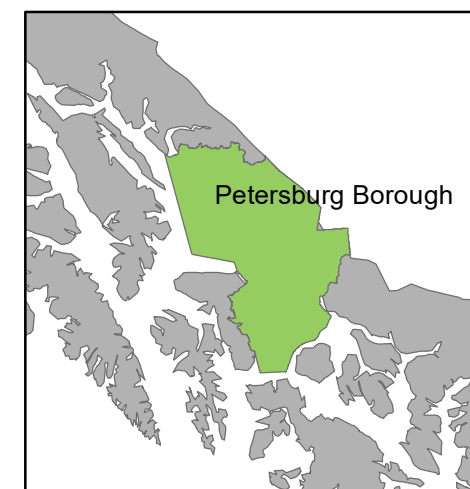
Summit Island



Legend

- Major Road
- Forest Development Road
- Borough Selections
- Previous Borough Decision
- Borough Boundary
- State Land, TA or Patented
- South Mitkof SE State Forest

P-23 - CSSEAP unit number



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April 2024



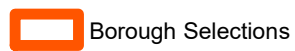

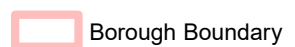




Petersburg Borough Municipal Selections

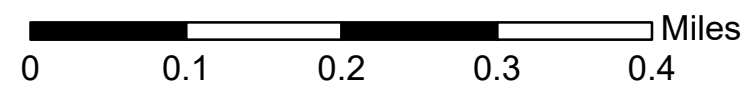
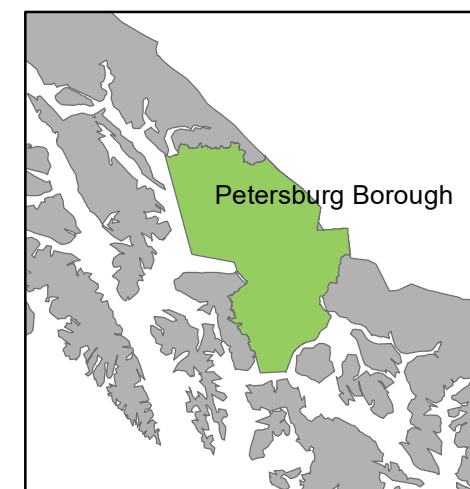
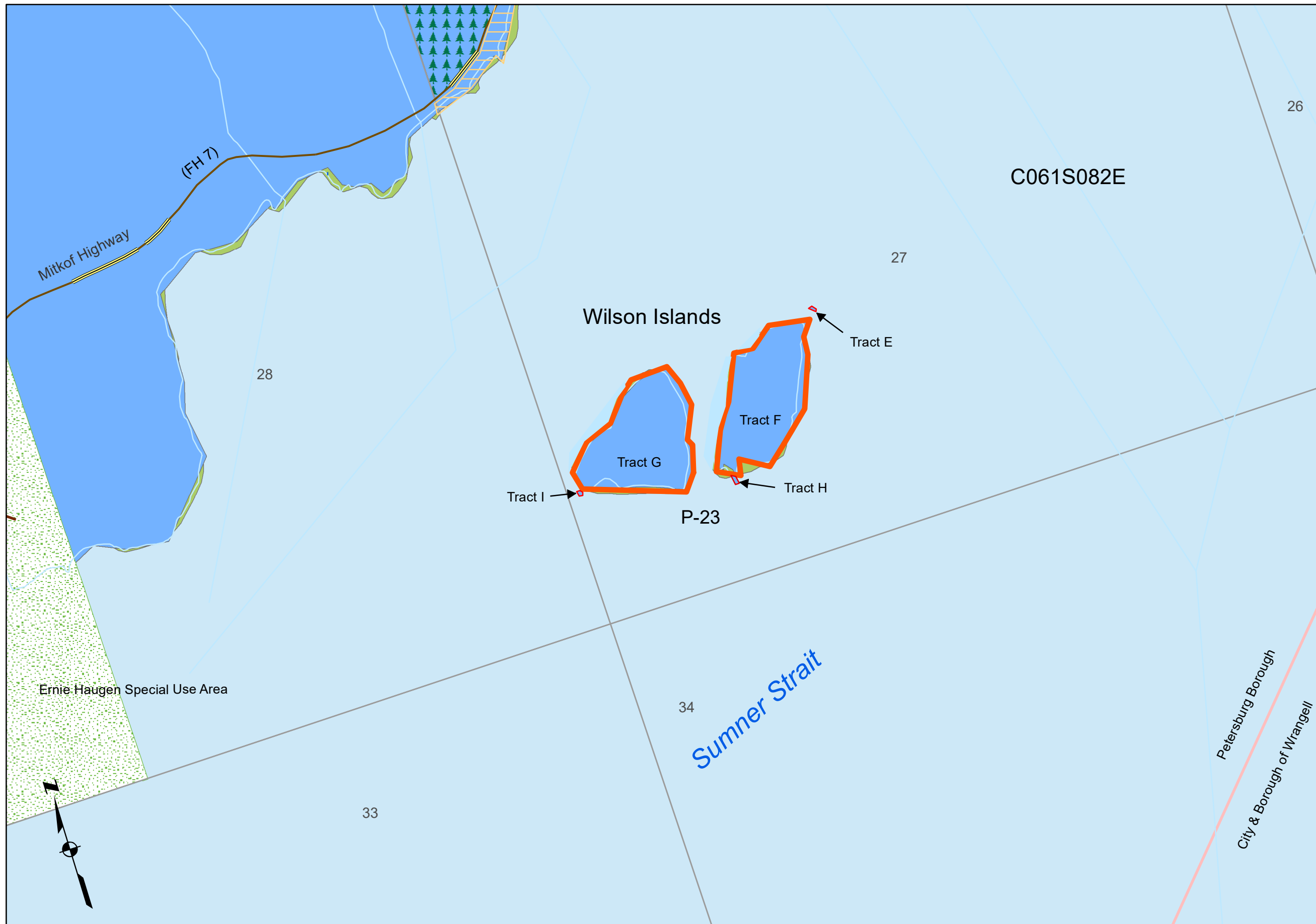
Preliminary Decision

ADL 108982

Wilson Islands

Legend

-  Major Road
-  Forest Development Road
-  Borough Selections
-  Previous Borough Decision
-  Borough Boundary
-  State Land, TA or Patented
-  South Mitkof SE State Forest
-  Ernie Haugen SUA
-  P-23 - CSSEAP unit number



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Created by DNR-DMLW-LCS-ME

April 2024









Petersburg Borough Municipal Selections

Preliminary Decision

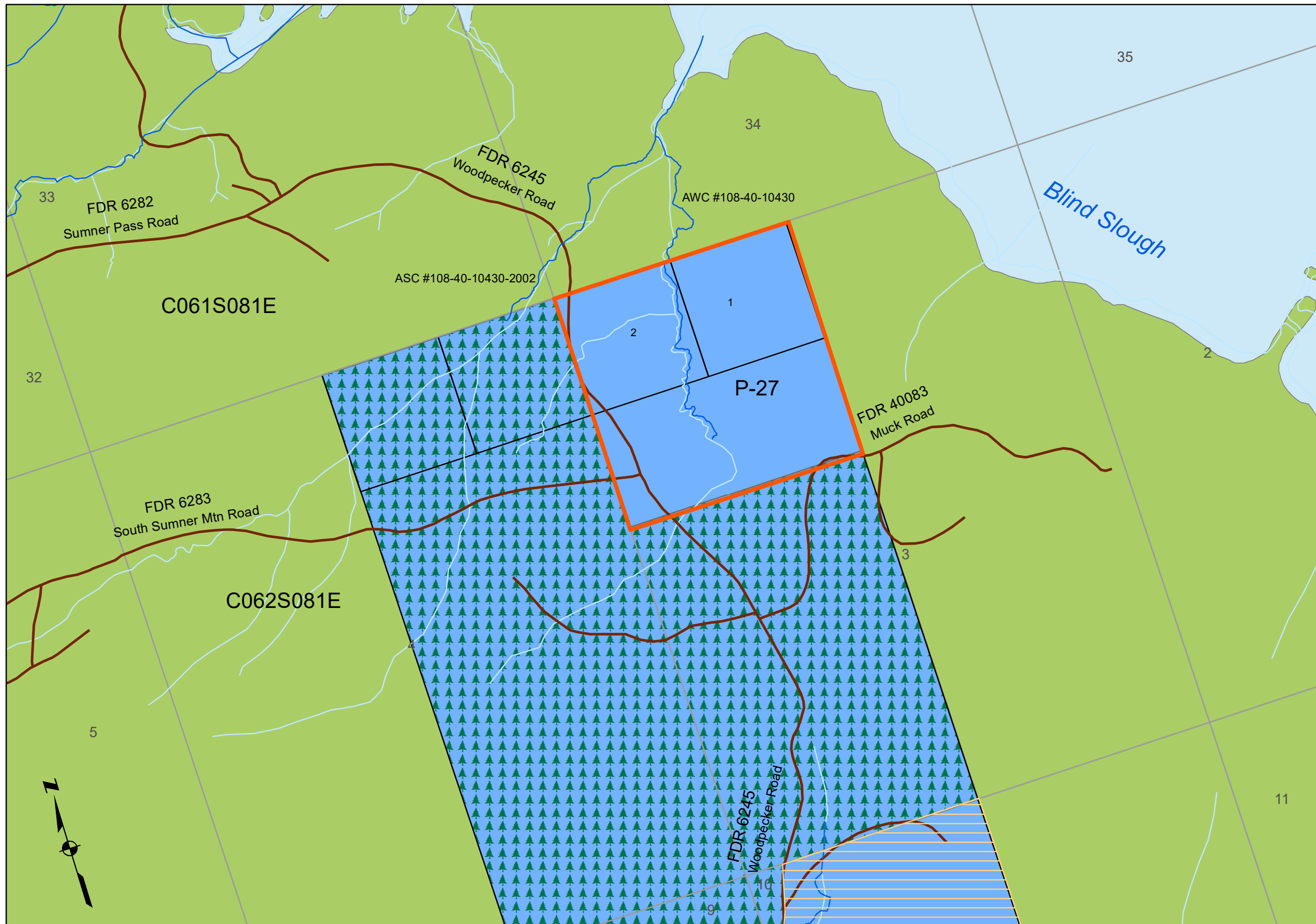
ADL 108982

FDR Parcel

Legend

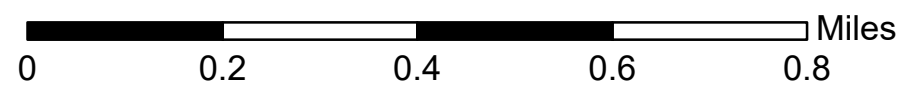
-  Anadromous Stream
-  Forest Development Road
-  Borough Selections
-  Previous Borough Decision
-  State Land, TA or Patented
-  Surveyed Lots
-  SE State Forest
-  US Forest Service Land

P-27 - CSSEAP unit number
AWC # - anadromous water catalog number



Created by DNR-DMLW-LCS-ME

April 2024



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Petersburg Borough Municipal Selections

Preliminary Decision

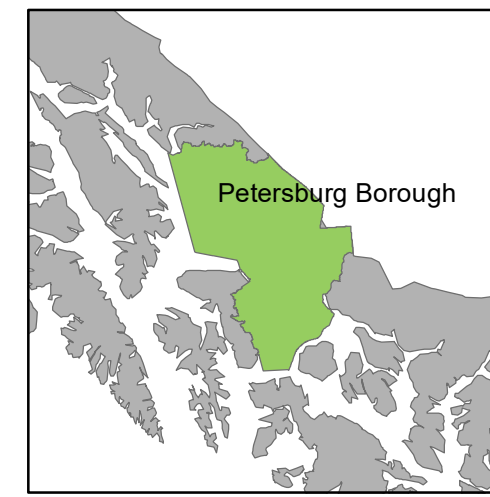
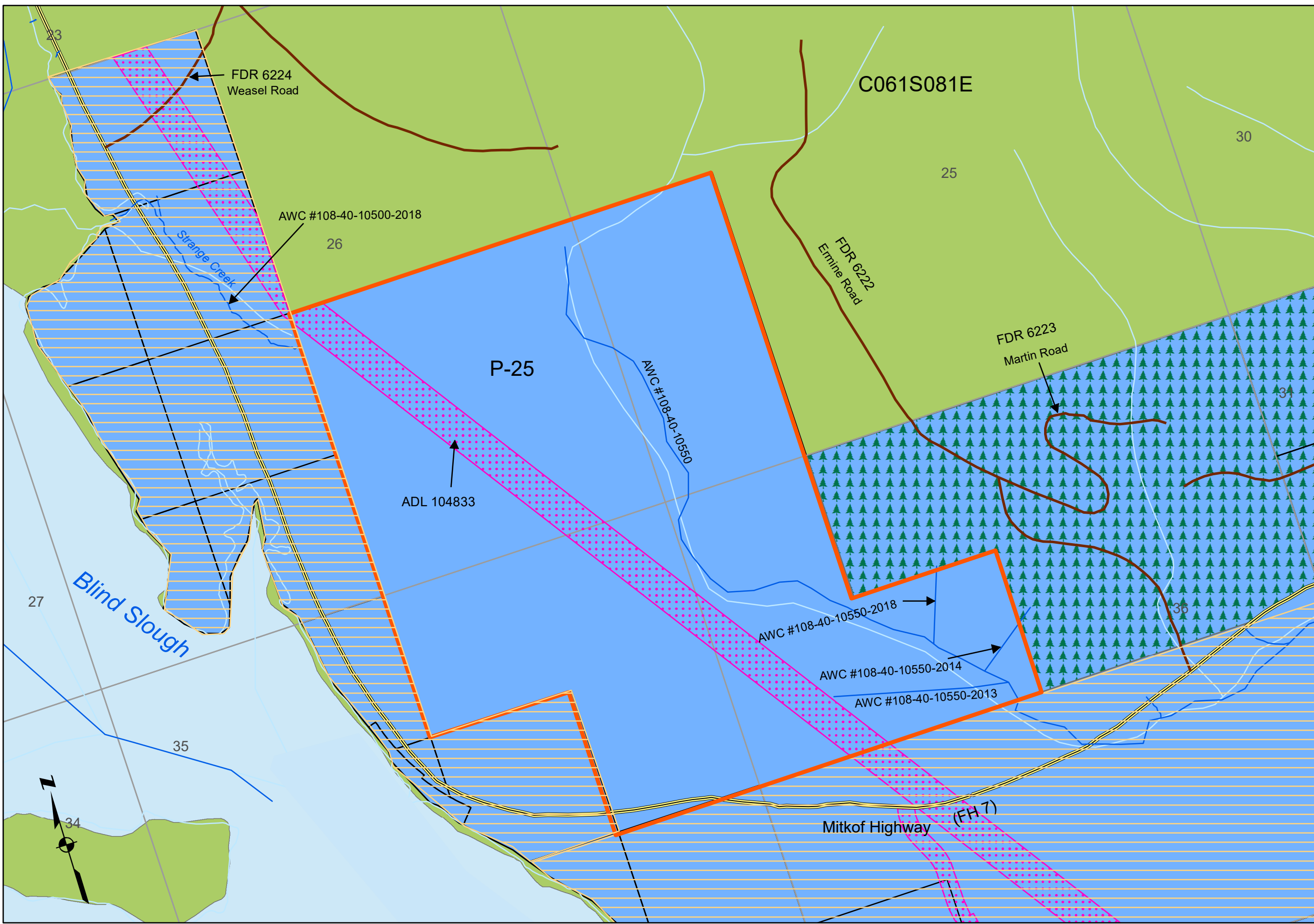
ADL 108982

Blind Slough

Legend

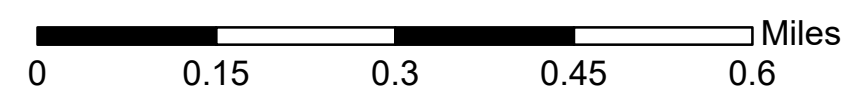
- Anadromous Stream
- Major Road
- Forest Development Road
- Borough Selections
- Previous Borough Decision
- State Land, TA or Patented
- Surveyed Lots
- Easement (Public, Utility)
- SE State Forest
- US Forest Service Land

P-25 - CSSEAP unit number
AWC # - anadromous water catalog number



Created by DNR-DMLW-LCS-ME

April 2024



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

Attachment H: PUBLIC NOTICE

Requesting Input for a Proposed Conveyance Under AS 29.65

Petersburg Borough Municipal Land Entitlement Selections – ADL 108982, 108983, and 108984

COMMENT PERIOD ENDS: 4:30 PM, FRIDAY, MAY 24, 2024

The Department of Natural Resource (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS) has prepared a Preliminary Decision (PD) for a proposal to convey approximately 1,758 acres of state owned vacant, unappropriated, unreserved (VUU) general grant land to Petersburg Borough (Borough), in order to partially fulfill their municipal land entitlement under AS 29.65.010. Located within DNR's Southeast Region, these land selections are in two geographical regions of the Central Southern Southeast Area Plan (Region 3. Petersburg). LCS finds that the proposed conveyance is consistent with the requirements of AS 29.65, and that the Borough's interest in obtaining these state lands outweigh the State's interest in retaining them.

Pursuant to AS 38.05.945 Notice, the public is invited to comment on this PD which proposes to transfer ownership of state land to the Petersburg Borough. **The deadline for submitting public comment is 4:30 PM, Friday, May 24, 2024.** Only persons from whom LCS receives timely written comment during the identified comment period will be eligible to file and appeal of the Final Finding and Decision (FFD). Comments must be received in writing to the Division of Mining, Land and Water, Attention: Mary Hermon, at 550 West 7th Avenue, Suite 640, Anchorage, Alaska 99501, by fax at (907) 269-8916, or by email at mary.hermon@alaska.gov. If you have questions, call Mary Hermon at (907) 269-6546.

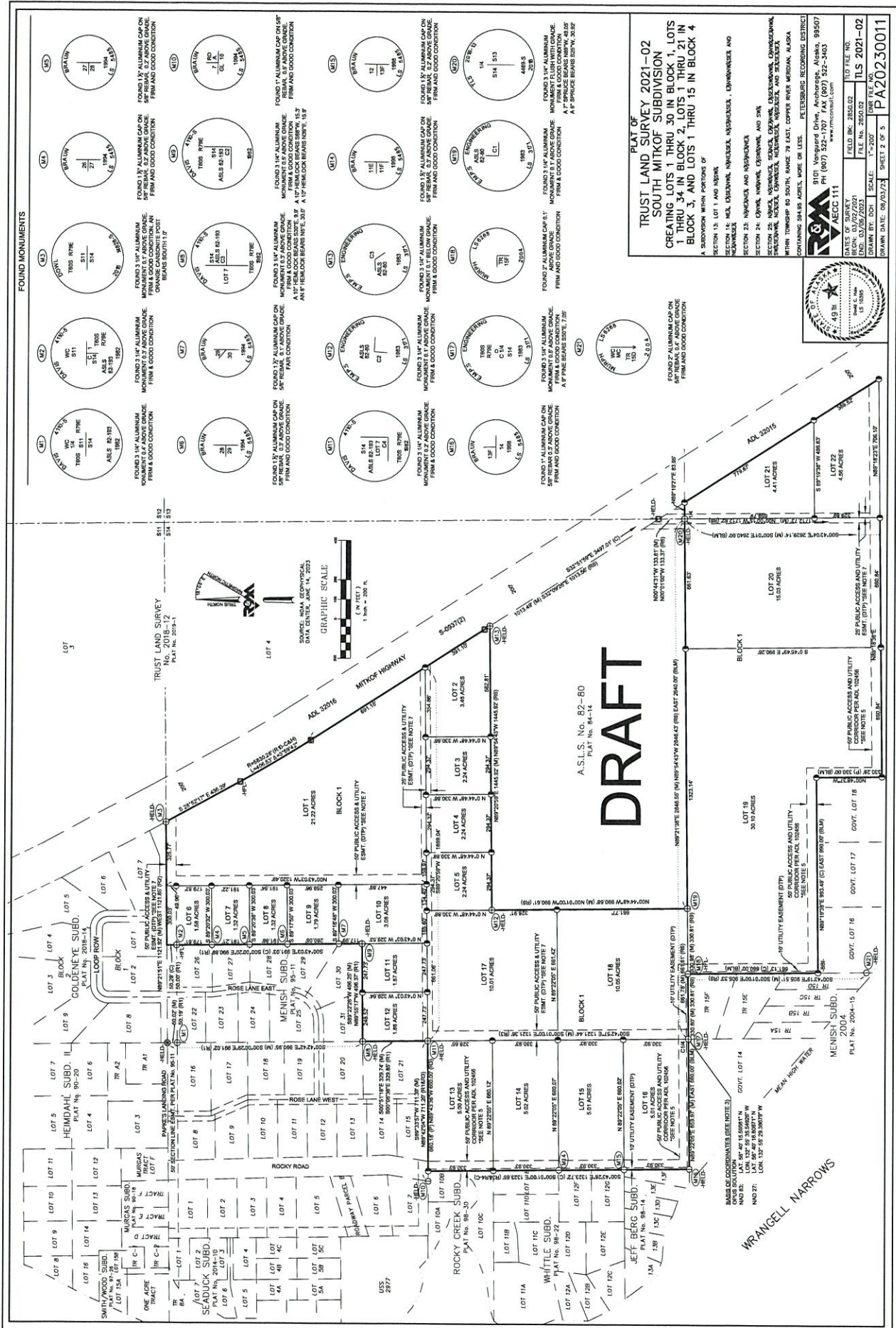
The public notice is available on the Alaska Online Public Notice System at: <http://dnr.alaska.gov/commis/pic/pubnotfrm.htm>. The Preliminary Decision is available on the DMLW Municipal Entitlement web site at: <http://dnr.alaska.gov/mlw/muni/> and on the DMLW Land Sales website at: <http://landsales.alaska.gov>.

Following the comment deadline, those written responses received will be considered and the decision may be modified to incorporate public comments in a Final Finding and Decision (FFD). Only persons who comment during this 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 Mary Hermon, at the above address, electronic mail, phone or by fax.

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 AM to 5:00 PM, Monday through Friday at TTY: 711 for Alaska relay or 800-770-8973 or go to <http://dnr.alaska.gov/commis/pic/>

If no significant change is required, the PD, including any minor changes and a summary of comments and responses, will be issued as the FFD, without further notice. A copy of the FFD will be sent to any persons who commented timely on the PD.

DNR reserves the right to waive technical defects in this notice.



FOUND MONUMENTS

- 411 FOUND 1 1/4" ALUMINUM CAP ON MONUMENT 0.7' ABOVE GRADE. FIRM AND GOOD CONDITION.
- 412 FOUND 3 1/4" ALUMINUM MONUMENT 0.5' ABOVE GRADE. FIRM AND GOOD CONDITION.
- 413 FOUND 3 1/4" ALUMINUM MONUMENT 0.5' ABOVE GRADE. FIRM AND GOOD CONDITION.
- 414 FOUND 3 1/4" ALUMINUM MONUMENT 0.5' ABOVE GRADE. FIRM AND GOOD CONDITION.
- 415 FOUND 3 1/4" ALUMINUM MONUMENT 0.5' ABOVE GRADE. FIRM AND GOOD CONDITION.
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- 439 FOUND 3 1/4" ALUMINUM MONUMENT 0.5' ABOVE GRADE. FIRM AND GOOD CONDITION.
- 440 FOUND 3 1/4" ALUMINUM MONUMENT 0.5' ABOVE GRADE. FIRM AND GOOD CONDITION.

**TRUST LAND SURVEY 2021-02
SOUTH MITKOF SUBDIVISION
CREATING LOTS 1 THRU 30 IN BLOCK 1,
LOTS 1 THRU 34 IN BLOCK 2, LOTS 1 THRU 21 IN
BLOCK 3, AND LOTS 1 THRU 15 IN BLOCK 4**

A SUBDIVISION WITH PORTIONS OF
SECTION 13, LOT 1, AND NE1/4
SECTION 14, NE1/4, E1/2, NW1/4, NW1/4, NE1/4, NW1/4, AND
SECTION 24, NW1/4, NW1/4, E1/2, NW1/4, NW1/4, NE1/4, NW1/4, AND
SECTION 24, NW1/4, NW1/4, E1/2, NW1/4, NW1/4, NE1/4, NW1/4, AND
WITH TOWNSHIP OF SOUTH, RANGE 70 EAST, COCKER RIVER MERIDIAN, ALASKA
CONTAINING 304.8 ACRES, MORE OR LESS. PETERSBERG RECORDING DISTRICT

810 Vanguard Drive, Anchorage, Alaska 99507
PH (907) 352-3232
WWW.PETERSBERG.COM

DATE: 03/27/2021
RECORD: 03/27/2021
FILE NO.: 2850.02
SHEET: 1-200
PLS 2021-02

DRAWN BY: ECH SCALE: 1"=200'
SHEET 2 OF 5
PA20230011

DRAFT

A.S.L.S. No. 82-80
PLAT No. 84-14



MEMORANDUM

TO: MAYOR JENSEN AND BOROUGH ASSEMBLY
FROM: KARL HAGERMAN, UTILITY DIRECTOR *KH*
SUBJECT: REQUEST FOR APPLICATION OF A FUEL ADJUSTMENT CHARGE
DATE: 5/20/2024
CC: STEVE GIESBRECHT, BOROUGH MANAGER

Per the Municipal Code, Chapter 14.16.720, titled Rates – Fuel and Purchased Power Adjustment Charge, the Assembly has the discretion to implement a fuel adjustment to all kilowatt hours sold in the billing period that also includes the annual SEAPA maintenance shutdown and the resulting 7-day diesel plant run by the utility.

With this memorandum, I am requesting that the Assembly consider implementing the codified rate adjustment for the billing period between May 27th and June 27th of 2024. The adjustment was approved last year to recoup fuel costs above \$2.40 per gallon (the price noted in the code) for the annual SEAPA maintenance shutdown. With fuel costs even higher this year, the utility would appreciate the Assembly's support. The SEAPA maintenance period is scheduled for June 6th – 12th.

As specified in the municipal code, the adjustment would take fuel burn expenses above \$2.40 per gallon and spread out those costs to all kilowatt hours sold during the affected billing period. If fuel is not above \$2.40, there is no adjustment. Pricing as of the writing of this memo is \$4.57 per gallon.

As an example of potential adjustment per kwh, a hypothetical scenario is presented below, with 2023 generation levels and current pricing for fuel.

$$\text{Fuel Adjustment} = (F-240)/13.5 \times D/G$$

F = Cost in cent/gal of current fuel price = 457 (As of May 13th, 2024)

D= kwh generated during prior month by diesel plant = 682,176 (May 30 - June 2023)

G = Total generation during prior month, in kwh = 3,590,839 kwh (May 30 -June 2023)

$$\text{Adjustment} = (457-240)/13.5 \times (682,176/3,590,839) = 3.05 \text{ cents/kwh}$$

In this hypothetical scenario, the utility would be seeking to recover \$102,050. in unanticipated fuel costs and a customer that used 1,000 kwh in the billing period would see an adjustment of \$30.50 added to their bill.

If approved, the utility will begin a public information campaign to make our customers aware of the power adjustment and the billing period in which it will be applied. Conservation of power at households and businesses during the subject billing period will lessen the amount of power generation and fuel usage during the shutdown, but also the total amount of usage by the community that is factored into the adjustment formula. Concerted conservation efforts will help every customer to lessen the impacts of the adjustment.

Thank you for your consideration.

Debra Thompson

From: Joni Johnson <jonimichelle@gmail.com>
Sent: Thursday, May 9, 2024 8:07 PM
To: Assembly
Subject: please fund PCSD to the maximum level possible

Dear Assembly Members and Mayor,

Please do approve funding for the school district at the maximum level possible. It feels a bit like stating the obvious as I write this, stating what you already know full well. Bear with me as I go ahead and highlight a few reasons why.

- I care a lot about our school and the role that the school plays in our life. I have a 7th grader and am anxious about what the future PHS might look like. My kids have been the impetus behind many decisions that I have made, professionally or where we live, and will continue to be.
- The school has been fiscally conservative and is still in an untenable position due to inflation, rising insurance costs and flat state funding.
- Education and providing a safe place for kids is super important, both for student development as well as for developing the future workforce.
- The school has traditionally attracted families to town, and most definitely has kept families in town. The tight labor market in Petersburg will not be helped out by an unraveling school district.
- The school has traditionally been a place that has been able to retain top tier teachers, the people that are the reason behind having an exceptional school district. These highly skilled professionals deserve our support.
- I of course really want my 7th grade son to have the same opportunities that his older brother was provided. Whether this can happen here in Petersburg remains to be seen as the district tries to put together the puzzle pieces and the politics remain unfavorable.

The governor has created a mess through flat funding and now holding the increase in BSA (albeit inadequate) hostage, please support the school district as much as you possibly can -- both through funding the school to the max cap as well as by continuing to advocate for our schools at the state.

Thanks kindly, joni