



# Petersburg Borough

12 South Nordic Drive  
Petersburg, AK 99833

## Meeting Agenda Borough Assembly Regular Meeting

---

Monday, February 05, 2024

12:00 PM

Assembly Chambers

---

You are invited to a Zoom webinar.  
When: February 5, 2024 12:00 PM Alaska  
Topic: February 5, 2024 Borough Assembly Meeting

Please click the link below to join the webinar:

[https://petersburgak-gov.zoom.us/j/88172494894?pwd=IKUOQZCOBIEgH6K2Ti0i3AYO-NhD4w.pdP3lN3r7U\\_hrp0e](https://petersburgak-gov.zoom.us/j/88172494894?pwd=IKUOQZCOBIEgH6K2Ti0i3AYO-NhD4w.pdP3lN3r7U_hrp0e)

Passcode: 760651

Or Telephone:

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

Webinar ID: 881 7249 4894

Passcode: 760651

1. **Call To Order/Roll Call**
2. **Selection of Mayor Pro Tem**

Mayor Jensen is traveling to Southeast Conference and Vice Mayor Marsh is attending this meeting remotely via Zoom. Due to the difficulty in chairing a meeting remotely, Vice Mayor Marsh requests the Assembly appoint a member who is physically present in the Assembly Chambers to Chair this meeting.

3. **Voluntary Pledge of Allegiance**
4. **Approval of Minutes**
  - A. January 16, 2024 Assembly Meeting Minutes**
5. **Amendment and Approval of Meeting Agenda**
6. **Public Hearings**
7. **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.*

## 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.*

## 10. Boards, Commission and Committee Reports

### 11. Consent Agenda

### 12. Report of Other Officers

#### A. FY 2023 Audit Report

BDO auditors Bikky Shrestha and George Barker will provide a review of the Borough's FY 2023 audit and financials. Here is a link to the Audit Wrap Up document: [https://www.petersburgak.gov/sites/default/files/fileattachments/finance/page/4178/4.16\\_petersburg\\_borough\\_audit\\_wrap\\_-\\_government.pdf](https://www.petersburgak.gov/sites/default/files/fileattachments/finance/page/4178/4.16_petersburg_borough_audit_wrap_-_government.pdf)

Financial statements may be found on the Borough's website at: [https://www.petersburgak.gov/sites/default/files/fileattachments/finance/page/4178/petersburg\\_borough\\_23.pdfgov](https://www.petersburgak.gov/sites/default/files/fileattachments/finance/page/4178/petersburg_borough_23.pdfgov)

#### B. US Forest Service Report

District Ranger Born will provide an update on USFS activities.

#### C. Petersburg Medical Center Report

CEO Hofstetter is traveling this week but provided a written report, attached.

## 13. Mayor's Report

There is no Mayor's Report for this meeting as Mayor Jensen is attending Southeast Conference in Juneau.

## 14. Manager's Report

### A. February 5, 2024 Manager's Report

## 15. Unfinished Business

## 16. New Business

### A. Ordinance #2024-01: An Ordinance Amending Section 16.12.160, *Required Authorization for Disposal of Borough Real Property*, of the Petersburg Municipal Code to Increase the Assessed Property Value Requirement for Sale or Exchange of Borough Property to be Ratified by the Voters of the Petersburg Borough

If adopted in three readings, Ordinance #2024-01 would increase the assessed property value requirement for sale or exchange of Borough land to be ratified by Borough voters from \$500,000 to \$2,000,000. The last time the requirement was amended was in 1990, when it was increased from \$100,000 to \$500,000.

**B. Ordinance #2024-02: An Ordinance Amending Section 16.12.030 of the Petersburg Municipal Code to Allow for Disposal of Borough Land for a Public Benefit Purpose**

If adopted in three readings, Ordinance #2024-02 will provide for disposal of Borough real property for less than the assessed or appraised value, or for other forms of consideration in addition to or in lieu of, in whole or in part, direct monetary payment to the Borough, when the proposed disposal is for a project meeting both of the following requirements: (1) the project consists of economic development consisting of installation, construction, or operation of new or expanded industrial, manufacturing, or commercial facilities; construction of affordable housing; or construction of large residential housing developments creating twenty (20) or more residential lots that would address the shortage of reasonably priced housing within the borough; and (2) the assembly determines the project will result in a significant short- or long-term public benefit to the Petersburg Borough. "Public benefit", as used hereunder, means a project that provides one or more positive economic or noneconomic impacts on the community that in the assembly's determination outweigh maximizing the direct monetary payment to the borough.

**C. Resolution #2024-03: A Resolution to Support the Petersburg Airport Rehabilitation Project**

The Alaska Department of Transportation & Public Facilities is submitting a rehabilitation project for the Petersburg Airport to the Airport Project Evaluation Board for prioritization and funding and requests a resolution of support from the Assembly for the project. The project will rehabilitate sinking and settling areas of the runway and blast pad, replace runway and taxiway lights, replace some flood light poles and light heads on the poles, and mill and pave the runway, taxiway, and general aviation expansion area.

**D. Request to the United States Army Corps of Engineers (USACE) for a General Investigations Study for Scow Bay**

The Borough is requesting the USACE perform a general investigations study regarding development of a harbor basin and breakwater along Borough owned property in Scow Bay.

**E. Assignment of Ocean Beauty, Inc. Lease to Fierce Allegiance Development, LLC**

Fierce Allegiance Development, LLC is purchasing the Ocean Beauty bunkhouse located at 18 Harbor Way and requests to assume the Ocean Beauty lease located across the street from the bunkhouse to be used as parking for the residents of their development.

**F. February 20, 2024 Assembly Meeting**

There will not be a quorum for the February 20, 2024 Assembly meeting. The Assembly is asked to decide whether to reschedule the meeting for another date or to cancel the meeting and meet next on March 4, 2024 at noon.

**G. Work Session with School Board**

The Petersburg School District requests a joint work session with the Assembly and School Board be scheduled one evening between Tuesday, February 27 and Tuesday, March 5 to discuss the School District's FY 2025 funding request and other budget matters.

**17. Communications**

**A. Correspondence Received Since January 9, 2024**

**18. Assembly Discussion Items**

**A. Assembly Member Comments**

**B. Recognitions**

**19. Adjourn**





# Petersburg Borough

12 South Nordic Drive  
Petersburg, AK 99833

## Meeting Minutes Borough Assembly Regular Meeting

---

Tuesday, January 16, 2024

6:00 PM

Assembly Chambers

---

### 1. Call To Order/Roll Call

Mayor Jensen called the meeting to order at 6:00 p.m.

#### PRESENT

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

#### EXCUSED

Assembly Member Scott Newman

### 2. Voluntary Pledge of Allegiance

The Pledge was recited.

### 3. Approval of Minutes

#### A. January 2, 2024 Assembly Meeting Minutes

The January 2, 2024 Assembly meeting minutes were unanimously approved.

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

### 4. Amendment and Approval of Meeting Agenda

The agenda was unanimously approved as submitted.

### 5. Public Hearings

There were no public hearings.

## 6. Bid Awards

There were no 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.*

John Jensen, representing himself, spoke in support of the Assembly requesting a disaster declaration for 4 specific Southeast fisheries.

## 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.*

No views were shared.

## 9. Boards, Commission and Committee Reports

There were no reports.

## 10. Consent Agenda

There were no consent agenda items.

## 11. Report of Other Officers

### A. Alaska Municipal League Annual Local Government Conference Report

Member Fine-Walsh gave a report on his attendance at the AML Conference in December, 2023.

### B. Police Department 2023 Annual Report

Chief Kerr discussed his department's 2023 annual report with the Assembly.

### C. Borough Safety Committee Report

Mayor Jensen read Captain Holmgrain's Safety Committee report.

## 12. Mayor's Report

There was no written report. Mayor Jensen shared that he has been in contact with Trident Seafoods and has been told there is a lot of interest in the Petersburg plant and that they hope to have an announcement by the end of this week.

## 13. Manager's Report

### A. January 16, 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.

## 14. Unfinished Business

There was no unfinished business.

**15. New Business**

**A. Resolution #2024-01: A Resolution to Support Efforts to Improve Competitiveness and Resilience of the Alaska Seafood Industry**

By unanimous roll call vote, the Assembly approved Resolution #2024-01.

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

**B. Resolution #2024-02: A Resolution Approving a Sole Source Award for Purchase and Installation of a Radio Communications System for the Petersburg School District that is Compatible with the Police Department's Public Safety Communications Network**

Resolution #2024-02 was unanimously approved.

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

**C. Fisheries Disaster Declaration Request**

The request for a fisheries disaster declaration for four Southeast Alaska fisheries (Northern Southeast Herring Spawn on Kelp, Southeast Herring Gillnet, Southeast Red King Crab and Southeast Brown King Crab) was unanimously approved.

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

**D. PMPL Service Truck #20 Replacement Award**

Purchase of a replacement aerial service truck from Global Rental Co., Inc. for a cost not to exceed \$187,509 was unanimously approved.

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 Schwartz, Assembly Member Stanton Gregor

**E. United Fisherman of Alaska Membership**

The Assembly unanimously approved the Borough's membership in the UFA at a cost of \$350 annually.

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

**F. Approval for Mayor Jensen and/or Assembly Member Lynn to Travel with Petersburg Medical Center's CEO Hofstetter and CFO McCormick to Juneau to Visit with our Alaska Legislators Regarding the New Hospital Project**

Approval for Member Lynn and Mayor Jensen to accompany PMC CEO Hofstetter and CFO McCormick to Juneau in February to discuss with Senator Stedman and other legislators the financial benefits regarding reimbursements and depreciation of a new critical care hospital and how it differs from current financial operations of a critical care hospital was unanimous.

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 Schwartz, Assembly Member Stanton Gregor

**G. Approval for Manager Giesbrecht to Attend the Alaska Municipal League Winter Legislative Conference and Meet with State Agencies**

The Assembly unanimously approved Manager Giesbrecht to attend the AML Conference and meet with State agencies.

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

**H. Approval for Manager Giesbrecht to File Grant Applications for the Dingell Johnson and Pittman Robertson Funds for Repairs to the Papke's Landing Facility**

Motion was made to authorize Manager Giesbrecht to pursue the grant funding and engage the services of an engineering firm to help the Borough through the NEPA process, which is required by both grants.

Motion was made to amend the original motion to remove approval to hire an engineer at this time but to approve the Manager to research whether filing applications for the grants would be beneficial.

Motion to amend made by Vice Mayor Marsh, Seconded by Assembly Member Stanton Gregor.

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

The original motion, as amended, was unanimously approved.

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 Schwartz, Assembly Member Stanton Gregor

**16. Communications**

There were no communications for this meeting.

**17. Assembly Discussion Items**

**A. Topics for the Work Session with Mental Health Trust and DNR**

The Assembly discussed topics for the work session scheduled for January 22, 2024, regarding future subdivision development within the Borough. Topics include road access, road and utility rights of way, lot size for septic system requirements, access to Mitkof Highway, and emergency services access.

**B. Assembly Member Comments**

Member Marsh gave appreciation to Utility Director Hagerman and Manager Giesbrecht for all the information provided to the Assembly regarding the Blind Slough Hydro project. She also thanked Chief Kerr for his annual Police Department report.

**C. Recognitions**

Member Stanton Gregor thanked everyone who volunteered their time either financially or emotionally to help those in need around the holidays.

**18. Adjourn**

The meeting was adjourned at 7:19 p.m.

Motion made by Assembly Member Stanton Gregor, Seconded by Vice Mayor Marsh.

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



# Petersburg Medical Center

Borough Assembly Report – February 2024 – Phil Hofstetter, CEO

## FY24-28 Strategic Plan Goals, Priorities, and Benchmarks

### Community Engagement:

- [PMC fourth quarter newsletter](#)
  - <https://myemail.constantcontact.com/The-latest-PMC-newsletter-for-you.html?oid=1131316195208&aid=1237gLzej8Q>
- January 2: PMC reports out at Borough Assembly Meeting
- January 18: KFSK Radio PMC Live
- January 30: Borough/Hospital annual work session
- January 31: Open house on new hospital project
- Feb. 6: A meeting with Senator Stedman is scheduled to discuss the need for legislative support of the PMC replacement project. Assembly Member Lynn and Mayor Jensen will accompany this meeting along with myself, PMC Board chair Jerod Cook, CFO Jason McCormick and the Borough’s state lobbyist.
- Feb. 19-21: I will be attending the Alaska Hospital and Healthcare Association (AHHA) Legislative Fly-In during February. These sessions are an opportunity to review legislative priorities and meet with legislators to discuss healthcare policy and legislation.
- December: PMC partnered with other community organizations to host several trainings related to mental health: QPR Suicide Prevention Training and Mental Health First Aid.



### Financial Wellness:

- The annual joint Borough/PMC work session is scheduled for Jan. 30 at 5:30 pm in Assembly Chambers. Financial reporting overview will be provided for the work session.
- FY23 Audit completed. The management letter was reviewed by the board resource committee at the January meeting and presented to the board at the January 18 board meeting.
- Additional FEMA funding was submitted for the PMC screeners, however, this has been scaling down and phased out soon.
- Rebasing calculation for Medicaid LTC, inpatient was completed and an expected retro payment is still pending.

### Workforce Wellness:

- Staffing for replacement physician to fill Dr. Hyer’s vacancy has been a large challenge and there has been a significant burden to cover ER call schedule. The medical staff is able to meet the need but long-term burn-out is a concern.
- At the January Quarterly Kinder Skog Advisory committee, the committee reviewed and discussed PMC employee enrollment for summer camp programs, improving access to the community waitlist and discussion for surveying PMC employees. Application for American Camps Association certification process will begin for accreditation as well.

*Guiding Values: Integrity - Dignity - Professionalism - Team Work - Quality*

## Facility:

- The Borough Assembly voted to approve the Petersburg Medical Center Replacement project as the top capital project request and the number one federal priority at the January 2 Assembly meeting.
- PMC finalized acceptance of and has received the \$20M Department of Treasury Award that fully funds the WERC building. A well-attended groundbreaking ceremony was held on Dec. 8 and site preparation is well underway. Thank you to community members who attended and showed their support, and also a big thank you to the Assembly members and hospital board members who were able to attend.
- An open house to share the latest on the hospital replacement project is scheduled for January 31 at Borough Assembly Chambers, 11:00 am – 7:00 pm.
- Updates: Project updates are available on the PMC website under the [“New Facility & Planning”](#) tab.



## Patient-Centered Care:

- In mid-January was the second Scope clinic using SEARHC’s Dr. Garrison followed by the first Interventional Pain Clinic. This increases our consistency and goal for providing specialty clinics at PMC adding to dermatology, optometry, ENT, audiology and psychiatry. We are looking towards an orthopedic clinic next with Juneau Bone and Joint’s, Dr. Woelber.
- The Cedar Social Club, the adult day program offered by Home Health, is now up and running at the new Home Health location in the PIA building.
- PMC is offering the third year of the Lifestyle Balance Program. This proven program from The University of Pittsburgh’s Group Lifestyle Balance curriculum helps people decrease the risk of developing Type 2 Diabetes and heart disease. Participants in this program will be given realistic weight loss and physical activity goals and supported in making changes to meet these goals designed for adults with pre-diabetes or at risk for pre-diabetes are eligible to participate. The class consists of six months of in-person instructional sessions followed by six additional monthly maintenance sessions for ongoing support and guidance. Registration is open through February 6.
- A community health fair will be held March 23, 2024, with blood draws being available at the lab from late February through early March. More details and information to come.



**Borough Manager's Report  
Assembly Meeting 05 February 2024**

- ❖ The library has received a \$3,000 grant from First Bank for the 2024 Summer Reading Challenge. First Bank has been a longtime and very generous supporter of library reading programs for many years.
- ❖ Former Petersburg resident John McCabe has donated \$20,000 to the library's Art Education Endowment, a fund he created in 2012. To date he has donated \$151,540 to the endowment. The interest earned supports arts programming at the library.
- ❖ It is still winter, so the recent break in weather presents a good opportunity for folks to insulate and protect water lines and water meters before the next freeze.
- ❖ Pump Station 4 control design is commencing with RMC Engineers in Juneau.
- ❖ We've had another spear valve control failure at Blind Slough - associated with an outage on the line. Gilkes is sending an engineer to replace the failed component and reconfigure the power supply to the hydraulic power unit panel to remedy the situation. This work is a warranty item.
- ❖ The DOE hydro efficiency grant administrator requested verification and/or additions of information associated with our grant application. They have stated that they will be contacting applicants by the end of March regarding the grant allocations.
- ❖ David Mazzella recently completed his union sanctioned "hot school" in Fairbanks. David is doing great and is putting his schooling to good use on our line crew.
- ❖ August Jewell, Apprentice Lineman from Cordova, will start with PMPL on February 5th. Augie brings 5000 hours of apprentice time with him and has passed his union sanctioned "hot school" recently. We look forward to his arrival.
- ❖ Steve Harbour an electrician that previously worked in Petersburg, has accepted an offer to be our next Electrician/Operator and will report to work in March.
- ❖ Axon was at the PD installing cameras in the police cars January 30-31st.
- ❖ Two dispatchers are currently in training with one other waiting to start training. This brings the PD up to full staffing in dispatch and police.
- ❖ Rock-N-Road has started work on modifications to the Borough's mud dump access road and rock quarry. This is work that was approved by the Borough Assembly which will allow Rock-N-Road to use up to 60K cubic yards of rock from the Borough's quarry for the new hospital site, in exchange for quarry

**Borough Administration**  
PO Box 329, Petersburg, AK 99833 – Phone (907) 772-4519 Fax (907)772-3759  
[www.ci.petersburg.ak.us](http://www.ci.petersburg.ak.us)



development that will save the Borough approximately \$100,000 in development costs. Access to the Borough's mud dump and the airport quarry will be maintained throughout the duration of the project.

- ❖ Power & Light's new bucket truck (#20) has been ordered and is expected to arrive prior to the end of the FY24 budget year.
- ❖ Aaron and Chris are working with Denali Commission and ADEC to facilitate the upcoming Baler Operations Class that will be held in Petersburg the week of April 8-12. Personnel from Petersburg and several other Southeast Alaska communities are expected to attend.
- ❖ Still looking at the potential for reopening the Borough's landfill to Construction and Demolition (C&D) waste. We intend to include some costs for this in the Sanitation Dept's FY25 budget request.
- ❖ Chris will be in Juneau the week of Feb 5-9 attending Southeast Conference and the associated Transportation Symposium. Karen will be the only staff member in the office during that time, so there will likely be some periodic closures of the Public Works office to enable her to do the mail run or other errands as needed.
- ❖ SH Dredge IS COMPLETE! As a reminder planning for it started in 2016, followed by a very involved permitting process which led right into a challenging dredge project. In-water work was finished on January 24th with the survey completed that evening. Staff appreciates the efforts and quality of work provided by Western Construction and the aid from all the boat owners in accomplishing this multi-year project.
- ❖ USCG dockside exams are being offered February 7-10TH - sign ups at the Harbor Office.
- ❖ Derrick is still working with Alaska Housing on outstanding items from the annual inspection. He had a scheduled zoom meeting on Thursday with them to discuss.
- ❖ Assisted Living had a resident hit one of our staff members while Derrick was on vacation. Derrick is following up with the resident and their family.
- ❖ We had telephone issues with the phone system at the Manor. Unsure of the cause at this point.
- ❖ Parks & Rec. is continuing their investigation into the Aquatic Center Sewer issues.
- ❖ US Masters Swim (Petersburg Whitecaps) is going strong with clinics and triathlon/open water swimming workouts. Check with Scott Burt for details on how to join!
- ❖ AMSEA (Alaska Marine Safety Education Association) is partnering with Parks and Recreation to host another Fishing Vessel Drill Conductor Course on Saturday, February 10th at the Community Center. Contact AMSEA in Sitka at 907-747-3287 or register on their website.

**PETERSBURG BOROUGH  
ORDINANCE #2024-01**

**AN ORDINANCE AMENDING SECTION 16.12.160, *REQUIRED AUTHORIZATION FOR DISPOSAL OF BOROUGH REAL PROPERTY*, OF THE PETERSBURG MUNICIPAL CODE TO INCREASE THE ASSESSED PROPERTY VALUE REQUIREMENT FOR SALE OR EXCHANGE OF BOROUGH PROPERTY TO BE RATIFIED BY THE VOTERS OF THE PETERSBURG BOROUGH**

**WHEREAS**, PMC Section 16.12.160 provides for the sale or exchange of Borough-owned property assessed at greater than \$500,000 by ordinance submitted to the electors of the borough for ratification; and

**WHEREAS**, in 1982 the assessed property value requirement for sale or exchange of Borough property to be submitted to the voters was increased from \$25,000 to \$100,000, and in 1990 the assessed property value requirement was increased from \$100,000 to \$500,000; and

**WHEREAS**, no additional increases have been made to the assessed property value requirement for sale or exchange of Borough property to be submitted to the voters since 1990; and

**WHEREAS**, another increase, from \$500,000 to \$2,000,000 is deemed desirable at this time, to account for significant inflation and higher costs for real estate and development of real estate since 1990.

**THEREFORE, THE PETERSBURG BOROUGH ORDAINS**, Section 16.12.160 of the Petersburg Municipal Code is hereby amended as follows. The language proposed for addition is in red and underlined and the language proposed for deletion is struck through.

**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 amend Section 16.12.160 to increase the assessed property value requirement for sale or exchange of Borough property to be ratified by the voters of the Petersburg Borough from \$500,000 to \$2,000,000.

**Section 3. Substantive Provisions:**

**16.12.160 Required authorization for disposal of borough real property.**

- A. Property valued at two million dollars (~~\$500,000.00~~2,000,000) or more. The sale or equivalent value exchange of fee ownership of a borough property assessed at greater than two million dollars (~~\$500,000.00~~2,000,000) shall be by ordinance submitted to the electors of the borough for ratification. The ordinance shall incorporate the contract of sale or exchange agreement by reference. Upon approval of a majority of those voting on the question, the assembly may approve the sale or exchange on the terms and conditions approved by the voters. If the sale or exchange was initiated by application, the applicant shall pay all costs of the election in advance, unless the assembly determines the costs shall be paid or shared by the borough.

- B. Property valued at more than ~~two hundred fifty thousand dollars (\$250,000).00~~ but less than ~~two million dollars (\$500,000.00~~ two million dollars (\$2,000,000). The sale or equivalent value exchange of fee ownership of a borough property with an assessed value greater than ~~two hundred fifty thousand dollars (\$250,000).00~~ but less than two million dollars (\$2,000,000) shall be by ordinance. The ordinance shall incorporate the contract of sale or exchange agreement by reference. The assembly may not authorize the sale of real property unless the assembly first determines the property is not required for municipal purposes. The ordinance shall contain an authorization of the appropriate officers of the borough to execute all deeds, agreements or other documents required to complete the transaction.
- C. Property valued at ~~two hundred fifty thousand dollars (\$250,000).00~~ or less, or disposal by leasehold or other ~~similar temporary interest in borough property~~. The sale or equivalent value exchange of ~~real property of~~ fee ownership of a borough property with an assessed value of two hundred fifty thousand dollars (\$250,000) or less, or the disposal of property by leasehold or other similar temporary interest, shall be authorized by a resolution of the assembly. The assembly may not authorize the sale of real property unless the assembly first determines the property is not required for municipal purposes. The resolution shall incorporate the conveyance documents by reference and shall contain an authorization of the appropriate officers of the borough to execute those documents.
- D. Pursuant to section 11.13 of the Borough Charter, any sale of real property previously dedicated to a public use shall not be final until the ordinance or resolution to do so has been on file in the office of the borough clerk for thirty (30) days.

**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 be 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:  
 Published:  
 Effective:

**PETERSBURG BOROUGH  
ORDINANCE #2024-02**

**AN ORDINANCE AMENDING SECTION 16.12.030 OF THE PETERSBURG MUNICIPAL CODE, TO ALLOW FOR DISPOSAL OF BOROUGH LAND FOR A PUBLIC BENEFIT PURPOSE**

**WHEREAS**, there has been community interest in the development of affordable housing and large residential developments, in order to alleviate the shortage of available housing within the borough; and

**WHEREAS**, this can be addressed in part by expanding the current language of Section 16.12.030 of the borough code to allow the borough assembly to dispose of borough land for certain projects that result in significant short or long-term public benefit to the borough. These projects would include disposals for less than assessed value and by directly negotiated sale, for affordable housing projects and large residential developments.

**THEREFORE, THE PETERSBURG BOROUGH ORDAINS**, Section 16.12.030, *Disposal to a state or federal agency, federally recognized tribe, or nonprofit entity, or for purposes of economic development*, 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 amend the language of the section to address disposals of borough land for a public benefit purpose.

**Section 3 Substantive Provisions:** Section 16.12.030 of the Petersburg Municipal Code, entitled *Disposal to a state or federal agency, federally recognized tribe, or nonprofit entity, or for purposes of economic development*, is hereby amended as follows. The language proposed for addition is underlined and in red, and the language proposed for deletion is struck through.

16.12.030 - Disposal to a state or federal agency, federally recognized tribe, or nonprofit entity, or for ~~purposes of economic development~~ a public benefit purpose.

A. The borough may dispose of borough real property for less than the assessed value to a state or federal agency, federally recognized tribe, or nonprofit entity, for considerations determined by the borough assembly to be in the best interest of the borough.

~~B. The borough assembly may authorize disposal of borough property for less than the assessed value, and by directly negotiated sale, for economic development purposes to entities wishing to install, construct and operate new or expanded industrial, manufacturing or commercial facilities within the borough, upon the terms and conditions as the assembly considers advantageous to the civic welfare of the borough. In addition to review and recommendation by the planning commission, any such proposal shall be reviewed by the Petersburg Economic Development Council, which shall research and advise the assembly on the potential benefits to the borough of the economic development proposal. The assembly may authorize the borough manager to negotiate directly for disposal of borough property for economic development purposes; the final terms of such a negotiated disposal are subject to approval by the assembly.~~

B. The borough assembly may authorize the disposal of borough property for less than the assessed or appraised value, or for other forms of consideration in addition to or in lieu of, in whole or in part, direct monetary payment to the Borough, when the proposed disposal is for a project meeting both of the following requirements: (1) the project consists of economic development consisting of installation, construction, or operation of new or expanded industrial, manufacturing, or commercial facilities; construction of affordable housing; or construction of large residential housing developments creating twenty (20) or more residential lots that would address the shortage of reasonably priced housing within the borough; and (2) the assembly determines the project will result in a significant short- or long-term public benefit to the Petersburg Borough. "Public benefit", as used hereunder, means a project that provides one or more positive economic or noneconomic impacts on the community that in the assembly's determination outweigh maximizing the direct monetary payment to the borough.

C. Disposals for a public benefit under section B above may be initiated by the assembly, or by developer application submitted to the assembly.

1. If a disposal is initiated by application, the application shall include, at a minimum, a conceptual plan and development timeline.

2. A proposed disposal, if initiated by the assembly or if the assembly wishes to move an application forward, shall be sent to the borough planning commission for review and recommendation, including a public hearing. The borough manager may also refer a proposed disposal for review and comment to other applicable boards or commissions. Any disposal proposing an economic development project shall be reviewed by the Petersburg Economic Development Council (PEDC). Following receipt of planning commission recommendations, as well as PEDC or other board or commission comments, the borough manager shall prepare and submit to the assembly a written report and recommendation that, at a minimum, includes:

- a) A fair market value appraisal of the property, including any borough-owned improvements, determined by a certified real estate appraiser, assuming the property was sold without any development requirements that may be imposed pursuant to this section.
- b) A descriptive summary listing of expected economic and non-economic public benefits of the project, and associated costs.
- c) Recommended disposal requirements or conditions, if any, to ensure the proper development and timely completion of the project in the public interest.
- d) A proposed method of disposal.

D. The assembly shall hold at least one public hearing on a proposed disposal for a public benefit. If the assembly wishes to approve the disposal, it shall issue written findings setting out its basis for the determination that the project provides one or more positive short- or long-term economic or noneconomic impacts on the community that outweigh maximizing the direct monetary payment to the borough of the assessed or appraised value of the property.

E. While the borough assembly may approve disposal of borough property under this section by any of the methods set out in PMC 16.12.020, competitive bidding or competitive proposals for a specific use or development are preferred unless direct negotiations are deemed to be in the best interests of the borough. If the assembly

determines to proceed by direct negotiations, the assembly may authorize the borough manager to commence such negotiations, the final terms of which are subject to approval by the assembly unless the minimum essential terms and the authority of the borough manager to execute the disposal documents are set forth in the resolution or ordinance authorizing negotiations. If the disposal is to proceed by direct negotiations, notice shall be provided to the owners of real property located immediately adjacent to the property, by certified mail to the last known address of record, at least ten (10) days prior to the public hearing held before the assembly.

F. As a condition of disposal and to ensure provision of the anticipated public benefit, the assembly may impose specific project requirements and conditions, including without limitation construction of specific improvements, a time frame for completion of those improvements or the project as a whole, price limitations, public notice requirements or purchaser restrictions on affordable housing or large residential housing development projects, and monetary impacts on the developer if the project requirements and conditions are not met. The disposal requirements and conditions shall be set out in a purchase agreement.

**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, Clerk**

Adopted:  
Noticed:  
Effective:

**PETERSBURG BOROUGH, ALASKA  
RESOLUTION #2024-03**

**A RESOLUTION TO SUPPORT THE PETERSBURG AIRPORT  
REHABILITATION PROJECT**

**WHEREAS**, the Petersburg Airport is a busy vital transportation and shipping hub for Petersburg and the surrounding area with all residents, visitors, goods and mail entering or leaving Mitkof Island via water or aircraft; and

**WHEREAS**, the Petersburg Airport is in need of infrastructure improvements, specifically:

- 1) the Runway 5 blast pad is settling, and the runway end lights are settling with it; and a settlement bump between the runway and the blast pad does not meet the standards of AC 150/5300-13B;
- 2) the Runway Safety Areas are sinking and water is puddling, which does not meet standard and the FAA has made note;
- 3) the General Aviation Expansion Area pavement is nineteen years old and the runway pavement is thirteen years old;
- 4) three of the ramp flood light poles are well past their age and are corroding, difficult to drop down, and their stability from falling over is in question;
- 5) seals on the ramp flood light heads are worn with water entering causing light bulbs to be replaced often. Working flood lights are critical to the safety of snow removal operations and aircraft night operations; and

**WHEREAS**, the Alaska Department of Transportation and Public Facilities (ADOT&PF) plans to provide the necessary infrastructure improvements to the Petersburg Airport through the Airport Improvement Program funding. Improvements planned are:

- 1) correct the settlement on the Runway 5 blast pad;
- 2) rehabilitate the sinking Runway Safety Areas;
- 3) mill and pave the runway, taxiway, and General Aviation Expansion Area;
- 4) replace three of the six ramp flood light poles with drop down poles;
- 5) replace light heads on five of the six flood light poles;
- 6) replace the runway and taxiway lights.

**THEREFORE BE IT RESOLVED** the Petersburg Borough Assembly, on behalf of Petersburg's residents, visitors, and neighbors, strongly supports ADOT&PF's efforts to rehabilitate the local airport facility and appreciates them bringing the project forward to the Airport Project Evaluation Board at their February, 2024 meeting.

**PASSED AND APPROVED** by the Petersburg Borough Assembly on February 5, 2024 .

\_\_\_\_\_  
**Mark Jensen, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Debra K. Thompson, Borough Clerk**

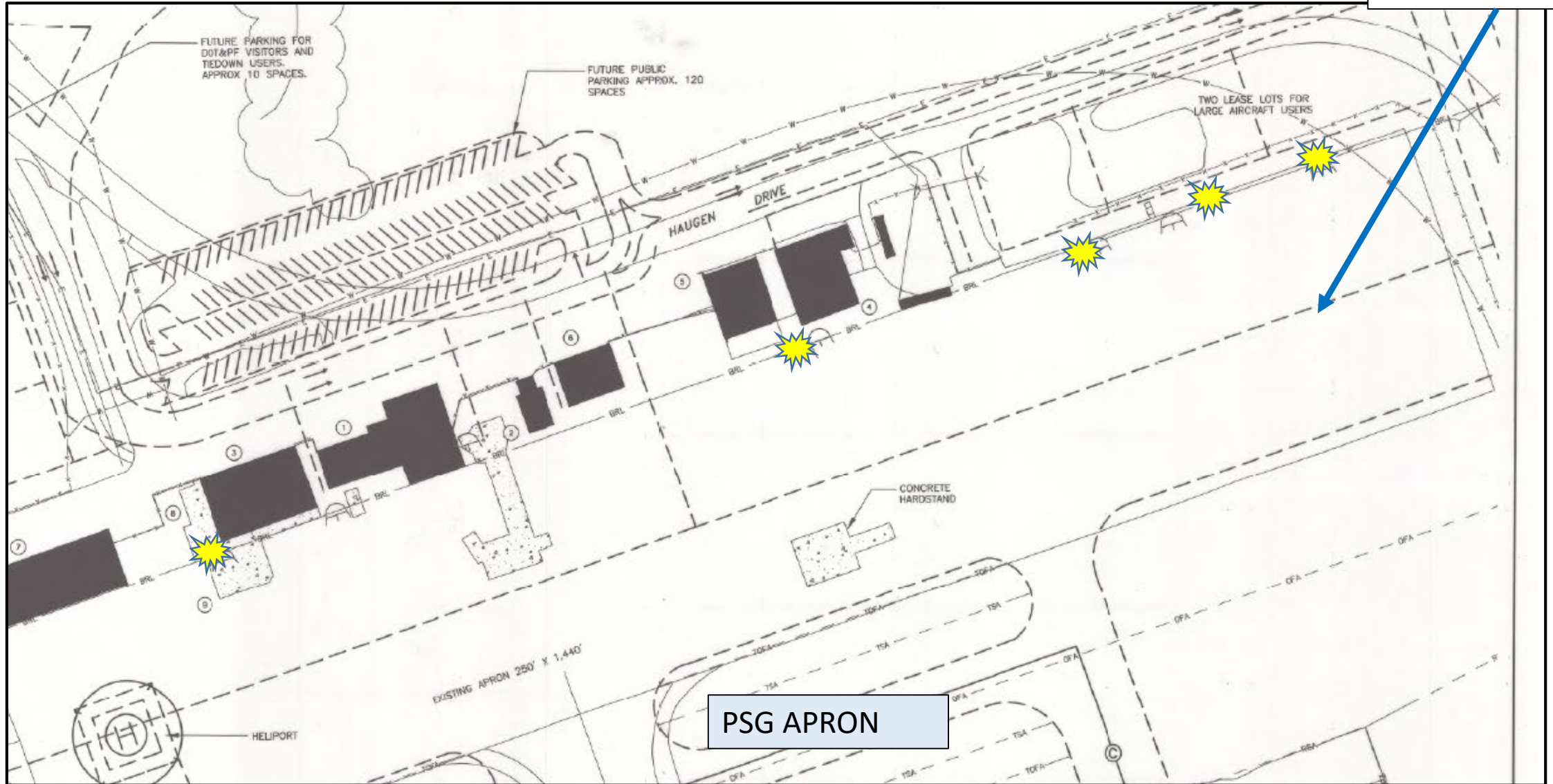




**Replace and rehabilitate light poles** 

Item 16C.

**Rehabilitate GA  
Expansion Apron**





February 5, 2024

Bruce Sexauer, Chief  
Civil Works Branch  
Alaska District, USACE  
Box 6898  
JBER, Alaska 99506-0898

Re: General Investigations Study

Dear Mr. Sexauer,

The Petersburg Borough is requesting a general investigations study or assistance from the USACE from another applicable program to look at developing a harbor basin and breakwater along Borough owned property in Scow Bay.

Harbors are vital for the Petersburg economy and our three harbor system is at full capacity with a waiting list for seasonal and permanent moorage. This impacts our ability to attract and retain new businesses, as well as provide increased support for the US Coast Guard. The protected nature of the harbors coupled with the centralized location of Petersburg has long been a factor in a consistent customer base. Future growth will depend upon moorage availability.

Currently there is design work being done for a boat yard and other vessel services on Borough owned uplands at Scow Bay and a new harbor facility would be an ideal addition to this area. The Borough's downtown waterfront has been fully utilized with no available area for future development therefore Scow Bay has been identified as a logical choice for harbor facility expansion.

On behalf of the Petersburg Borough, I request the Alaska district initiate a study to construct a harbor basin, breakwater and all navigation features needed for a future harbor for Petersburg.

Sincerely,

Mark Jensen  
Mayor  
Petersburg Borough



**LESSOR'S CONSENT**  
**AND**  
**ASSIGNMENT AND ASSUMPTION AGREEMENT**

This Lessor's Consent and Assignment and Assumption Agreement ("Agreement") is entered into as of the date of the last signature below, by and among the Petersburg Borough, of PO Box 329, Petersburg, AK, 99833 ("Lessor"), Ocean Beauty Seafoods, Inc. (now Ocean Beauty Holdings, Inc.), of 1100 W. Ewing St., Seattle, WA, 98119 ("Assignor"), and Fierce Allegiance Development, LLC, of PO Box 11463, Bozeman, MT, 59719 ("Assignee"). Lessor, Assignor, and Assignee are collectively referred to herein as "the parties".

**Recitals**

**A.** The Assignor is the current lessee under a Lease Agreement dated April 15, 1994, which is recorded in the Petersburg Recording District at Book 0044, Pages 792-808 ("Lease") and attached hereto as Exhibit A. The Petersburg Borough, as the successor-in-interest to the former City of Petersburg, is the Lessor under the Lease. Terms defined in the Lease shall have the same meaning herein.

**B.** The property subject to the Lease is described as follows:

Lot 4A-A, according to Plat 94-05, recorded on May 24, 1994 in the Petersburg  
Recording District, State of Alaska

**C.** Assignor desires to assign and delegate to Assignee, and Assignee desires to assume from Assignor, all of Assignor's rights, duties, interests and liabilities under the Lease.

**D.** Lessor is willing to consent to said assignment under certain terms and conditions, and those terms and conditions, as set out below, are agreeable to the Assignor and Assignee.

## Agreement

In consideration of the mutual covenants set forth in this Agreement, the parties hereby agree as follows:

**A. Assignment of Lease.**

Assignor hereby assigns and transfers to Assignee all of Assignor's right, title and interest in and to the Lease. This assignment is subject to all terms and conditions set forth in the Lease, as amended. Notwithstanding the assignment of the Lease, Assignor agrees that it shall remain fully liable for all obligations of the Lessee under the Lease coming due or to be performed after the date of the assignment, as set forth in Section 9.1 of the Lease.

**B. Assumption of Obligations.**

Assignee hereby assumes all obligations of Assignor subject and pursuant to the terms and conditions of the Lease, as amended, including but not limited to, the obligations to pay rent and obtain bonding and insurance.

**C. Lessor's Consent.**

Lessor hereby consents to the assignment of the Assignor's interest in the Lease to Assignee. This Consent is a consent only to such direct assignment from Assignor to Assignee and is not a consent to, nor a waiver of, any requirement to obtain Lessor's consent to any other or further assignment of the Lessee's interest in the Lease. It is expressly agreed that this Consent shall not affect any duty, obligation or liability imposed on Lessee under the Lease.

**D. Lease Amendment.**

The parties agree that Section 4.1, *Use of Premises*, of the Lease shall be amended to read as follows: The demised premises are to be used only for providing private parking, with up to ten (10) designated spaces, for residents of Assignee's development located at 18 Harbor Way in Petersburg.

**E. Other Provisions.**

1. The persons executing this Agreement represent and warrant that each is authorized to execute and enter into this Agreement on behalf of the party for whom s/he has signed and that this Agreement is binding on such party without further action or approval.

-----  
Lessor's Consent and  
Assignment and Assumption Agreement  
Page 2

2. Any notices, requests, demands and other communications provided for hereunder shall be in writing and sent by U.S. Mail, hand-delivered, or sent by electronic mail to the addresses indicated below:

If to the Assignor:

Ocean Beauty Holdings, Inc.  
1100 W. Ewing St.  
Seattle, WA 98119  
[Tony.Ross@OceanBeauty.com](mailto:Tony.Ross@OceanBeauty.com)

If to the Lessor :

Petersburg Borough  
PO Box 329  
Petersburg, AK 99833  
[dthompson@petersburgak.gov](mailto:dthompson@petersburgak.gov)

If to the Assignee:

Fierce Allegiance Development, LLC  
PO Box 11463  
Bozeman, MT 59719  
[admazzella@gmail.com](mailto:admazzella@gmail.com)

Any party may change its address for notice purposes by giving each of the other parties notice of such change in the manner aforesaid. The above addresses shall amend those set out in paragraph 15.2 of the Lease.

3. The parties agree that this Agreement may be recorded and shall constitute a notice or memorandum of lease for purposes of notifying the public as to the terms of the Agreement.

4. This Agreement may be executed by the parties hereto by electronic signature and in counterparts, each of which shall be an original and all of which together shall constitute one and the same instrument.

5. This Agreement shall be immediately effective.

-----  
Lessor's Consent and  
Assignment and Assumption Agreement  
Page 3







**LESSOR:**

**Petersburg Borough  
PO Box 329  
Petersburg, AK 99833  
a municipal corporation of the State of Alaska**

\_\_\_\_\_  
By: Stephen Giesbrecht  
Its: Manager

Dated : \_\_\_\_\_

STATE OF ALASKA            )  
  ) ss.  
FIRST JUDICIAL DISTRICT)

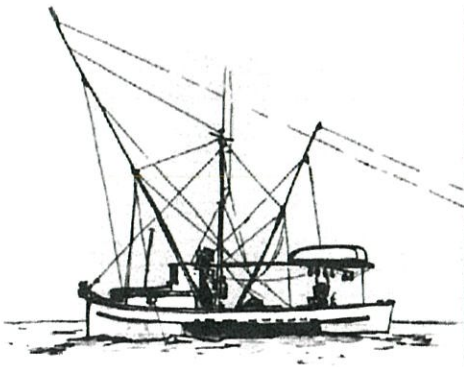
THIS IS TO CERTIFY that before me, the undersigned Notary Public for the State of Alaska, duly commissioned and sworn as such, personally appeared Stephen Giesbrecht, to me known to be the individual named in and who executed the foregoing instrument, and acknowledged to me that he signed and sealed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

DATED: \_\_\_\_\_

\_\_\_\_\_  
[Notary Signature]

\_\_\_\_\_  
[Type or Print Name of Notary]

NOTARY PUBLIC for the State of Alaska  
My appointment expires: \_\_\_\_\_



# ALASKA TROLLER

Newsletter of the Alaska Trollers Association

January 2024



## FROM THE WHEELHOUSE



### ATA Priorities

To reverse the longstanding trend of reduced troll harvest

Legal defense

Membership recruitment and activation

Transboundary River and habitat concerns

Sea lions and other marine mammals

Mitigation and Funding Possibilities

State Legislation

Marketing (MSC, Genetically Modified Salmon & Fish Farms)

Data Preparation for effectiveness in all venues

Fundraising

*Happy New Year Trollers,*

2023 has been a difficult year but rewarding in some ways.

**WFC:** This time last year we faced the grim prospect of losing our Summer and Winter King Salmon fishery. Thanks to ATA's efforts and with help from the Tlingit/Haida, Alaska Congressional Delegation, the State, ALFA, and the entire collected community of Southeast Alaska, we got a Stay in the Ninth Circuit Court allowing us to fish Chinook. A final outcome is yet to be determined. Rebuttals to Arguments are still being filed in court. We expect the Court's decision sometime midyear.

**Other News:** In early August the Alaska Department of Fish and Game issued a Press Release stating that the SEAK sport harvest of Chinook was projected to go 15,000 kings over their harvest ceiling and the out-of-state portion of the fishery would not be closed! 80% of the Southeast Alaska sport Chinook are now harvested is by Guided Sport and bareboats of whom the vast majority of are non-residents. The ADF&G press release also said the overage would be deducted from the commercial Troll harvest which left only enough Chinook for one day of fishing in the August Commercial Troll opening.

### **Here is the genesis of how that happened:**

In March of 2022 ATA went to the in-cycle but out of region Covid-riddled Anchorage Board of Fish meeting. ATA (85% Alaskans) and resident sport fishermen represented by Territorial Sportsmen Inc (TSI) had formed a Southeast Alaska (SEAK) resident harvesters coalition. Our coalition successfully negotiated an Agreement (RC 178) with the Southeast Alaska Guide's Organization (SEAGO). The language of "The Agreement" was signed by representatives of the three parties, then passed unanimously and unchanged by the BOF. The Agreement was to be adopted in regulation as the SEAK Sport Fishery Chinook Management Plan.

...Continues on Page 2



Included in The Agreement (RC 178) was a phrase that held Sport harvests to their “Sport Fishery Harvest Ceiling”. Remember, under the disastrous 2018 Pacific Salmon Treaty (PST) Southeast Alaska (and only SEAK) is required to “pay-back” overages. So why was the out-of-state sport sector allowed to go significantly over their allocation?

ATA investigations revealed that ADF&G had arbitrarily and unilaterally removed key language from the 2022 Agreement. The words “sport fishery” were eliminated from the phrase “sport fishery harvest ceiling”. This modified language means there would be no in-season management of out-of-state sport harvest until all remaining Treaty Allocated Chinook were harvested. In other words, in August, ADF&G took 17,000, the final count of kings, from the 85% Alaska resident Trollers and gave them to out-of-state residents.

Like every other troller, I was shocked to discover what the Department had done. What was ATA to do? By then it was August 13 and ATA had less than 36 hours to submit an Agenda Change Request (ACR) to the BOF asking to reinsert the deleted language. An ACR can only be submitted at one time each year. Fortunately two ATA Board candidates, Monique Wilkinson and Dave Richey, had expressed interest in submitting an ACR, which they did.

The ACR was listed as ACR 13 and was accepted by the BOF in a 6 to 1 vote at the Anchorage Work Session on Friday the 13th of October. Getting an ACR accepted is extremely rare. ACR 13 became Proposal 259 and was scheduled to be heard at the next BOF regular meeting at the end of November in Homer.

Meanwhile ADF&G submitted ACR 11 which became Proposal 257. This proposal sought to remove the considerable remaining language in the SEAK Sport Fishery King Salmon Management Plan that held out-of-state Sport Chinook to their “harvest limit” in every tier.

In support of Proposal 259 once again TSI’s indefatigable Larry Edfelt, ATA’s Amy Daugherty, ATA Board Members Matt Donohoe and David Richey, as well as Ceri Malein (at her expense), Jacquie Foss, and SPC’s Tad Fujioka traveled to another distant BOF Meeting on behalf of trollers to Homer in late November.

It became clear that the mostly rail-belt board members know little about SEAK issues so our Alaska Fish and Game Commissioner easily tap danced his way into maintaining his distorted regulatory language and killed Proposal 259. Disappointingly, Märit Carlson-Van Dort argued and voted against SEAK Residents with the other new members following, with the exception of Mike Wood and Chairman John Wood who voted for us. Chairman Wood stated, “A deals a deal”. Godfrey had left the meeting prior to this vote for a business matter.

### **The Moral of This Story**

***If you’re still reading I need to tell you that it’s really important for trollers to attend the once in 3 year cycle SEAK 2025 BOF Meeting expected to be in Ketchikan in January. Even though Proposal 259 didn’t pass in Homer, it was good to go there and make arguments against the theft of Chinook from the Alaska’s Trollers. Now we know what we’re up against. Chances are better we’ll keep our August Chinook Fishery if Trollers turn up in Ketchikan.***

We intend to submit many proposals so need all to send comments to the BOF and ask them why they’re trying to destroy the SEAK economy. We’ll post updates to our website so stay tuned.

**- Matt Donohoe, ATA President**





THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

## Department of Environmental Conservation

DIVISION OF WATER  
Wastewater Discharge Authorization Program

PO Box 111800  
Juneau, Alaska 99811-1800  
Main: 907.465.5180  
Fax: 907.465.5070

January 9, 2024

Subject: Permit Issuance Plan 2024-2025

Dear Local and Tribal Government Leaders:

The Alaska Department of Environmental Conservation, Division of Water (DOW) has completed a Permit Issuance Plan (PIP) for the 2024-2025 calendar years. The PIP is enclosed and lists wastewater discharge permits the agency anticipates working on and issuing during calendar years 2024-2025. The PIP describes the planned permits by facility name, permit number, and water body into which the wastewater discharge would occur. The PIP is updated annually and is also available on the DEC website under the Resources section at: <http://dec.alaska.gov/water/wastewater/>.

You are receiving this letter because DOW routinely identifies and notifies local and tribal governments who have the potential to be affected by a proposed permitting activity. Local and tribal governments can also self-identify as potentially affected by a proposed permitting activity by contacting DOW. By self-identifying as potentially affected by a permit that DOW is proposing to issue, a local or tribal government will receive periodic notices identifying when a version (e.g., draft) of the permit is noticed. Further, if the local or tribal government engages with DOW early on, you can communicate local and traditional knowledge to be considered in the permit development process. DOW strongly encourages that you review the PIP to determine if proposed permitting activities are of interest. DOW encourages participation throughout the permitting process, including during permit development.

Public involvement opportunities are described in the APDES Permitting Process - Public Participation document. The Public Participation document is available on the DOW website at <http://dec.alaska.gov/water/wastewater/> under the Resources section, and hard copies will be mailed upon request. Involvement opportunities specific to local and tribal governments are described in the APDES Guidance for Local and Tribal Governments. The Local and Tribal Government guidance is available on the DOW website at <https://dec.alaska.gov/water/tribal-communications/> under the Resources section and will be mailed upon request. For more information about the PIP or participation opportunities, contact Gina Shirey at [gina.shirey@alaska.gov](mailto:gina.shirey@alaska.gov) or (907) 465-5272.

In order to identify and notify local and tribal governments that are potentially affected by proposed permitting activities, DOW maintains a contact directory. Please help ensure notifications are received by updating us of any changes to contact information by using the enclosed Update Contact Information form. The form can be mailed to DEC, Wastewater

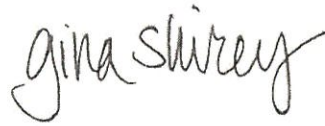
Discharge Authorization Program, Attention: Gina Shirey, PO Box 111800, Juneau, AK, 99811-1800; returned by fax to (907) 465-5177; or scanned and emailed to [gina.shirey@alaska.gov](mailto:gina.shirey@alaska.gov).

We look forward to continuing to work closely with you to develop sound permits based on a full understanding of local conditions.

Sincerely,



Gene McCabe  
WDAP Program Manager



Gina Shirey  
Local and Tribal Government Coordinator

Enclosure: Permit Issuance Plan 2024-2025  
Update Contact Information Form



DEC WASTEWATER PERMIT ISSUANCE PLAN FOR CALENDAR YEARS 2024-2025			
Permit Number	Expiration Date	Facility Name	Receiving Water
<b>2024 General Permits (GP)</b>			
AKG374000	8/14/2023	Norton Sound Large Dredge Placer Miners	Statewide
2013DB004	8/28/2019	Large Cruise Ship GP	Marine Waters
AKG332000	2/28/2022	North Slope Oil and Gas General Permit	North Slope Marine and Freshwater
AKG320000	12/31/2022	Statewide Oil and Gas Pipelines	Statewide
AKG130000	02/28/2023	Aquaculture Facilities of Alaska	Statewide
AKG523000	12/31/2023	Offshore Seafood Processors Alaska	Statewide
AKG380000	07/31/2024	Wastewater Discharges from Drinking Water Treatment Facilities	Statewide
AKG002000	09/30/2024	Excavation Dewatering	Statewide
AKG003000	09/30/2024	Hydrostatic & Aquifer Pump Testing	Statewide
AKR061000	10/31/2024	Ted Stevens Anchorage International Airport	Knik Arm/ Lakes Hood & Spenard

<b>2024 Individual Permits</b>			
AK0053643	5/31/2023	Fort Knox Mine APDES	Old Fish Creek
New	New	FGMI – Manh Choh APDES	Hillside Creek Tributary
AK0050571	5/31/2022	Kensington APDES	Sherman & EF Slate Creeks
New	New	FGMI – Gil Project APDES	Slippery Creek
2018DB0001	5/23/2023	Pogo Mine WMP	N/A
2019DB0001	7/16/2024	Palmer Project WMP	N/A
TBD	New	FGMI - Gill Project WMP	N/A
AK0029840	12/31/2022	Hilcorp North Slope, Prudhoe Bay Seawater Treatment Plant	Beaufort Sea
AK0000841	6/30/2022	Marathon, Tesoro Kenai Refinery	Cook Inlet
AK0043354	5/31/2023	ConocoPhillips Alaska Inc., Kuparuk Seawater Treatment Plant	Beaufort
AK0053767	6/30/2023	Eni Operating US, Spy Island Drillsite	Beaufort
AK0038661	10/31/2023	Hilcorp Alaska LLC, Endicott Operations	Beaufort
AKS052558	10/31/2021	Ft Wainwright MS4	Chena River
AK0053732	04/01/2021	Aurora Energy Services	Resurrection Bay
AK0053333	01/31/2023	Aurora Energy Chena Power Plant	Chena River
AK0021393	05/31/2013	City of North Pole Wastewater Treatment Facility	Tanana River
AK0000507	6/29/2022	Agrium Kenai Plant	Cook Inlet
AK0021555	06/30/2023	Kodiak WW Treatment Facility	Woody Island Channel
AK0053619	09/30/2023	Nikiski Combined Cycle Plant	Cook Inlet
AK0022497	12/31/2011	City of Palmer WWTF	Matanuska River
AK0053392	02/28/2025	Ketchikan Pulp Company Ward Cove Landfill Leachate	Ward/Refuge Cove
AK0022543	02/28/2025	Eagle River WWTF	Eagle River
AK0028657	3/31/2008	Unisea Seafoods	Unalaska Bay/Illiuliuk Harbor
AK0053490	New	Trident Seafoods, St. Paul Seafood Processor	Bering Sea & St. Paul Harbor
AK0062281	New	Silver Bay Seafoods Naknek Plant	Naknek River
AKS053651	09/30/2024	Joint Base Elmendorf-Richardson MS4	Ship Creek, Knik Arm

The permits listed in this Permit Issuance Plan reflect the Department's permit priorities at the time the Plan was finalized. Note that during the time period covered by the Plan, the Department's permit priorities are subject to change as a result of permit processing delays, new priorities and/or competing unforeseen workloads.



<b>DEC WASTEWATER PERMIT ISSUANCE PLAN FOR CALENDAR YEARS 2024-2025</b>			
<b>Permit Number</b>	<b>Expiration Date</b>	<b>Facility Name</b>	<b>Receiving Water</b>
<b>2025 General Permits</b>			
AKG250000	08/31/2025	Wastewater Discharges from Non-Contact Cooling Water	Statewide
AKG528000	05/31/2026	Seafood Processors Operating Shorebased Facilities in Kodiak, Alaska	Statewide
AKR060000	03/31/2025	Multi-Sector General Permit (MSGP)	Statewide
AKR100000	01/31/2026	Construction General Permit (CGP)	Statewide

<b>2025 Individual Permits</b>			
2017DB0001	2/19/2025	Greens Creek WMP	N/A
AK0055867	6/30/2023	Donlin Gold APDES	Crooked Creek
2017DB0001	1/17/2024	Donlin Gold WMP	N/A
2020DB0002	3/24/2025	Fort Knox Mine WMP	N/A
AK0045675	3/31/2023	Vigor, Ketchikan Shipyard	Tongass Narrows
AK0023248	11/30/2024	Alyeska Pipeline Service Company, Valdez Marine Terminal	Port Valdez
AK0053694	7/31/2024	Hilcorp Alaska LLC, Pt. Thompson 200 Mancamp	Beaufort Sea
AKS053414	6/30/2023	Fairbanks NSB MS4	Chena River
AKS053406	6/30/2023	City of Fairbanks, North Pole, UAFADOT&PF MS4	Chena River
AK0022951	05/31/2025	City and Borough of Juneau Mendenhall WWTP	Mendenhall River
AK0053384	05/31/2025	Ketchikan Ward Cove WWTF	Ward Cove
AK0031429	05/31/2025	USCG Base Kodiak	St. Paul Harbor//Womens Bay
AK0052566	05/31/2025	Alaska SeaLife Center	Resurrection Bay
AK0023213	2/28/2026	Juneau-Douglas Wastewater Treatment Facility (WWTF)	Gastineau Channel
AK0021431	3/31/2026	Valdez Wastewater Treatment Facility (WWTF)	Port Valdez
AK0026603	5/31/2026	Chugach Electric Company - Beluga Power Plant	Krause Creek
AK0021377	5/31/2026	City of Kenai Wastewater Treatment Facility (WWTF)	Cook Inlet
AK0053481	5/31/2026	Kodiak Island Borough Landfill Leachate Treatment Facility	Unnamed Wetland
AK0055875	8/31/2026	University of Alaska Southeast Anderson Building	Auke Bay
AKS052426	07/31/2025	Port of Anchorage MS4	Knik Arm
AKS052558	07/31/2025	Municipality of Anchorage & ADOT&PF MS4	Knik Arm & multiple freshwaters

The permits listed in this Permit Issuance Plan reflect the Department's permit priorities at the time the Plan was finalized. Note that during the time period covered by the Plan, the Department's permit priorities are subject to change as a result of permit processing delays, new priorities and/or competing unforeseen workloads.



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

## Department of Environmental Conservation

DIVISION OF WATER  
Wastewater Discharge Authorization Program

PO Box 111800  
Juneau, Alaska 99811-1800  
Main: 907.465.5180  
Fax: 907.465.5070

January 11, 2024

Subject: **Early notification** of wastewater discharge general permit for wastewater discharges from drinking water treatment facilities

Dear Local and Tribal Government Leaders:

The Alaska Department of Environmental Conservation (DEC) proposes to reissue an Alaska Pollutant Discharge Elimination System (APDES) general permit (AK380000) for wastewater discharges from drinking water treatment facilities. This permit would regulate wastewater discharges into fresh or marine surface waters of the United States located in the State of Alaska.

### Background information

This general permit applies to backwash water or reject water disposal from drinking water treatment facilities that discharge to surface waters of the United States located in the State of Alaska. Potable water treatment and conditioning operations eligible for coverage under the general permit include conventional/direct treatment systems (i.e., coagulation/filtration), ion exchange, and systems using membrane filters (i.e., microfiltration, nanofiltration, ultrafiltration, and reverse osmosis). Discharges from other treatment systems not specifically listed in the general permit that can meet the requirements of the general permit may also be eligible for coverage under the general permit upon DEC's approval.

### Description of discharge

Pollutants of concern that may be generated from drinking water treatment facilities include dissolved solids such as sulfates and chlorides, residual chlorine, and metals such as manganese and iron. Effluent limitations and monitoring requirements for pollutants of concern will be established in this general permit in order to protect public health and the environment. Permittees will also be required to develop and implement a Best Management Practices Plan to prevent or minimize the generation and potential for the release of pollutants from their drinking water treatment facility to receiving waters through normal and ancillary activities.

Applicants may request modified effluent limits and facility specific mixing zones for water-quality based effluent limits. DEC will authorize a mixing zone if it is consistent with the Clean Water Act and the mixing zone criteria at 18 AAC 70.240 through 18 AAC 70.270.

### General Permit additional information

Any operator that meets the eligibility requirements of the general permit will be authorized to discharge after filing a Notice of Intent (NOI) with DEC so long as all conditions of the permit are met. The public has an opportunity to comment and provide information for this general



APDES Early Notification Letter

January 11, 2024

permit; however, public notice will not be issued for individual NOIs submitted by qualified facilities. The general permit will expire five years after the effective date.

**Opportunities for tribal and local government participation in this permitting decision**

DEC recognizes rural Alaska has unique needs and considerations with regard to wastewater discharges and strives to issue permits that reflect a full understanding of local conditions. This letter is intended as an **early notice** to assist you in determining whether your community may be affected and inform you of the opportunity to provide traditional, cultural, or other local information that DEC should consider as part of this permit reissuance. DEC would like to know how your area and resources may be affected by this permitting action.

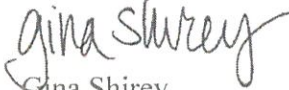
**Next steps**

After the permit is drafted, there may be a **10 day applicant review period** of the preliminary draft permit. Following the applicant review period, there will be a minimum of a **30 day public review and comment period**. I will provide a copy of the public notice for the permit by mail or e-mail at the start of the public comment period. After the public review and comment period, there may be a **5 day applicant review period** of the final draft permit before the permit is issued.

If requested, I can also provide notice of the preliminary draft and proposed final applicant review periods. Due to the short timeframes for those reviews, notices are sent by email or fax. Please provide an e-mail address or fax number if you would like to receive notices for the preliminary draft and proposed final applicant review periods.

If you would like more information or would like to provide DEC with information about this permit, please do not hesitate to contact me at (907) 465-5272 or at [gina.shirey@alaska.gov](mailto:gina.shirey@alaska.gov). For technical questions about the permit, you may also directly contact the permit writer, Amber Bennett, at (907) 451-2190 or at [amber.bennett@alaska.gov](mailto:amber.bennett@alaska.gov).

Sincerely,



Gina Shirey

Local and Tribal Government Coordinator

cc: Potentially Affected Local Governments  
Potentially Affected Federally-recognized Indian Tribes

**Debra Thompson**

---

**From:** Mark Jensen  
**Sent:** Friday, January 19, 2024 2:35 PM  
**To:** Debra Thompson  
**Subject:** Fwd: Federal fishery disaster request from Petersburg Borough Assembly  
**Attachments:** Fishery Resource Disaster Improvement Act.pdf

Hello Debbie, I just received this email and forwarded it to you.  
Mayor Jensen

Get [Outlook for iOS](#)

---

**From:** Bush, Karla L (DFG) <karla.bush@alaska.gov>  
**Sent:** Friday, January 19, 2024 9:57:16 AM  
**To:** Mark Jensen <mayorjensen@petersburgak.gov>  
**Subject:** Federal fishery disaster request from Petersburg Borough Assembly

Mayor Jensen,  
I am writing regarding the federal fishery disaster request sent by the Petersburg Borough Assembly to Governor Dunleavy for the Southeast herring, red king crab, and golden (brown) king crab fisheries. One of my duties at the Alaska Department of Fish and Game is to help compile fishery information needed to evaluate these requests relative to the criteria outlined in the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

Typically, we have evaluated requests as received from the Governor but in this case it’s important to note that in December 2022, Congress enacted the Fishery Disasters Improvement Act, which amended the MSA and implemented new limitations on applicable dates for fishery disaster requests and allowable causes. I have attached a copy of the new legislation to this email for your reference.

In short, the applicable dates for disaster requests are limited to: (I) 1 year after the conclusion of the fishing season; (II) in the case of a distinct cause that occurs during more than 1 consecutive season, 2 years after the conclusion of the fishing season; or (III) in the case of a complete fishery closure, 1 year after the date on which that closure is determined by the Secretary. Allowable causes include those that occurred not more than 5 years prior to the date of a request.

For the fisheries included in the Borough’s letter, it is clear that the requests for the 2023 disasters are eligible for a disaster determination. The 2022 fisheries may also be eligible if the cause of the disaster occurred both in 2022 and 2023. Disaster requests for 2021 or earlier fall outside the applicable dates in the new legislation as would any allowable cause that occurred more than 5 years ago.

We can proceed with evaluating the full request but wanted to make you aware of the new legislation and limitations for requests forwarded to the Secretary of Commerce. Additional information can be found on the NOAA Fisheries website: <https://www.fisheries.noaa.gov/national/funding-and-financial-services/fishery-disaster-assistance>

Please let me know if you have any questions,  
Karla Bush

~~~~~  
Alaska Department of Fish & Game  
Extended Jurisdiction Program Manager  
[karla.bush@alaska.gov](mailto:karla.bush@alaska.gov)

Office: (907)465-6153  
Mobile: (907)957-0626



## H. R. 2617—803

(4) promotion of the halibut resource by the recreational quota entity authorized in part 679 of title 50, Code of Federal Regulations (or any successor regulations).

(c) **LIMITATION ON COLLECTION AND AVAILABILITY.**—Fees shall be collected and available pursuant to this section only to the extent and in such amounts as provided in advance in appropriations Acts, subject to subsection (d).

(d) **FEE COLLECTED DURING START-UP PERIOD.**—Notwithstanding subsection (c), fees may be collected through the date of enactment of an Act making appropriations for the activities authorized under this Act through September 30, 2023, and shall be available for obligation and remain available until expended.

## **TITLE II—FISHERY RESOURCE DISASTERS IMPROVEMENT**

### **SEC. 201. SHORT TITLE.**

This title may be cited as the “Fishery Resource Disasters Improvement Act”.

### **SEC. 202. FISHERY RESOURCE DISASTER RELIEF.**

Section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) is amended to read as follows:

“(a) **FISHERY RESOURCE DISASTER RELIEF.**—

“(1) **DEFINITIONS.**—In this subsection:

“(A) **ALLOWABLE CAUSE.**—The term ‘allowable cause’ means a natural cause, discrete anthropogenic cause, or undetermined cause, including a cause that occurred not more than 5 years prior to the date of a request for a fishery resource disaster determination that affected such applicable fishery.

“(B) **ANTHROPOGENIC CAUSE.**—The term ‘anthropogenic cause’ means an anthropogenic event, such as an oil spill or spillway opening—

“(i) that could not have been addressed or prevented by fishery management measures; and

“(ii) that is otherwise beyond the control of fishery managers to mitigate through conservation and management measures, including regulatory restrictions imposed as a result of judicial action or to protect human health or marine animals, plants, or habitats.

“(C) **FISHERY RESOURCE DISASTER.**—The term ‘fishery resource disaster’ means a disaster that is determined by the Secretary in accordance with this subsection and—

“(i) is an unexpected large decrease in fish stock biomass or other change that results in significant loss of access to the fishery resource, which may include loss of fishing vessels and gear for a substantial period of time and results in significant revenue loss or negative subsistence impact due to an allowable cause; and

“(ii) does not include—

“(I) reasonably predictable, foreseeable, and recurrent fishery cyclical variations in species distribution or stock abundance; or

## H. R. 2617—804

“(II) reductions in fishing opportunities resulting from conservation and management measures taken pursuant to this Act.

“(D) INDIAN TRIBE.—The term ‘Indian Tribe’ has the meaning given such term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130), and the term ‘Tribal’ means of or pertaining to such an Indian tribe.

“(E) NATURAL CAUSE.—The term ‘natural cause’—

“(i) means a weather, climatic, hazard, or biology-related event, such as—

“(I) a hurricane;

“(II) a flood;

“(III) a harmful algal bloom;

“(IV) a tsunami;

“(V) a hypoxic zone;

“(VI) a drought;

“(VII) El Niño effects on water temperature;

“(VIII) a marine heat wave; or

“(IX) disease; and

“(ii) does not mean a normal or cyclical variation in a species distribution or stock abundance.

“(F) 12-MONTH REVENUE LOSS.—The term ‘12-month revenue loss’ means the percentage reduction, as applicable, in commercial, charter, headboat, or processor revenue for the affected fishery for the 12 months during which the fishery resource disaster occurred, when compared to average annual revenue in the most recent 5 years when no fishery resource disaster occurred or equivalent for stocks with cyclical life histories.

“(G) UNDETERMINED CAUSE.—The term ‘undetermined cause’ means a cause in which the current state of knowledge does not allow the Secretary to identify the exact cause, and there is no current conclusive evidence supporting a possible cause of the fishery resource disaster.

“(2) GENERAL AUTHORITY.—

“(A) IN GENERAL.—The Secretary shall have the authority to determine the existence, extent, and beginning and end dates of a fishery resource disaster under this subsection in accordance with this subsection.

“(B) AVAILABILITY OF FUNDS.—After the Secretary determines that a fishery resource disaster has occurred, the Secretary is authorized to make sums available, from funds appropriated for such purposes, to be used by the affected State, Indian Tribe, or interstate marine fisheries commission, or by the Secretary in cooperation with the affected State, Indian Tribe, or interstate marine fisheries commission.

“(C) SAVINGS CLAUSE.—The requirements under this paragraph and paragraphs (3), (4), and (5) shall take effect only with respect to fishery resource disaster determination requests submitted after the date of enactment of the Fishery Resource Disasters Improvement Act.

“(3) INITIATION OF A FISHERY RESOURCE DISASTER REVIEW.—

“(A) ELIGIBLE REQUESTERS.—



## H. R. 2617—805

“(i) IN GENERAL.—If the Secretary has not independently determined that a fishery resource disaster has occurred, a request for a fishery resource disaster determination may be submitted to the Secretary at any time, but not later than the applicable date determined under clause (ii), by—

“(I) the Governor of an affected State;

“(II) an official resolution of an Indian Tribe;

or

“(III) any other comparable elected or politically appointed representative as determined by the Secretary.

“(ii) APPLICABLE DATE.—The applicable date under this clause shall be—

“(I) 1 year after the date of the conclusion of the fishing season;

“(II) in the case of a distinct cause that occurs during more than 1 consecutive fishing season, 2 years after the date of the conclusion of the fishing season for which the request for a fishery resource disaster determination is made; or

“(III) in the case of a complete fishery closure, 1 year after the date on which that closure is determined by the Secretary.

“(B) REQUIRED INFORMATION.—A complete request for a fishery resource disaster determination under subparagraph (A) shall include—

“(i) identification of all presumed affected fish stocks;

“(ii) identification of the fishery as Federal, non-Federal, or both;

“(iii) the geographical boundaries of the fishery, as determined by the eligible requester, including geographic boundaries that are smaller than the area represented by the eligible requester;

“(iv) preliminary information on causes of the fishery resource disaster, if known; and

“(v) information needed to support a finding of a fishery resource disaster, including—

“(I) information demonstrating the occurrence of an unexpected large decrease in fish stock biomass or other change that results in significant loss of access to the fishery resource, which could include the loss of fishing vessels and gear, for a substantial period of time;

“(II) significant—

“(aa) 12-month revenue loss for the affected fishery; or

“(bb) negative subsistence impact for the affected fishery, or if a fishery resource disaster has occurred at any time in the previous 5-year period, the most recent 5 years when no fishery resource disaster occurred;

“(III) if applicable, information on lost resource tax revenues assessed by local communities, such as a raw fish tax and local sourcing requirements; and

## H. R. 2617—806

“(IV) if applicable and available, information on affected fishery 12-month revenue loss for charter, headboat, or processors related to the information provided under subclause (I), subject to section 402(b).

“(C) ASSISTANCE.—The Secretary may provide data and analysis assistance to an eligible requester described in paragraph (1), if—

“(i) the assistance is so requested;

“(ii) the Secretary is in possession of the required information described in subparagraph (B); and

“(iii) the data is not available to the requester, in carrying out the complete request under subparagraph (B).

“(D) INITIATION OF REVIEW.—The Secretary shall have the discretion to initiate a fishery resource disaster review without a request.

“(4) REVIEW PROCESS.—

“(A) INTERIM RESPONSE.—Not later than 20 days after receipt of a request under paragraph (3), the Secretary shall provide an interim response to the individual that—

“(i) acknowledges receipt of the request;

“(ii) provides a regional contact within the National Oceanographic and Atmospheric Administration;

“(iii) outlines the process and timeline by which a request shall be considered; and

“(iv) requests additional information concerning the fishery resource disaster, if the original request is considered incomplete.

“(B) EVALUATION OF REQUESTS.—

“(i) IN GENERAL.—The Secretary shall complete a review, within the time frame described in clause (ii), using the best scientific information available, in consultation with the affected fishing communities, States, or Indian Tribes, of—

“(I) the information provided by the requester and any additional information relevant to the fishery, which may include—

“(aa) fishery characteristics;

“(bb) stock assessments;

“(cc) the most recent fishery independent surveys and other fishery resource assessments and surveys conducted by Federal, State, or Tribal officials;

“(dd) estimates of mortality; and

“(ee) overall effects; and

“(II) the available economic information, which may include an analysis of—

“(aa) landings data;

“(bb) revenue;

“(cc) the number of participants involved;

“(dd) the number and type of jobs and persons impacted, which may include—

“(AA) fishers;

“(BB) charter fishing operators;

“(CC) subsistence users;



H. R. 2617—807

“(DD) United States fish processors;  
and

“(EE) an owner of a related fishery infrastructure or business affected by the disaster, such as a marina operator, recreational fishing equipment retailer, or charter, headboat, or tender vessel owner, operator, or crew;

“(ee) an impacted Indian Tribe;

“(ff) other forms of disaster assistance made available to the fishery, including prior awards of disaster assistance for the same event;

“(gg) the length of time the resource, or access to the resource, has been restricted;

“(hh) status of recovery from previous fishery resource disasters;

“(ii) lost resource tax revenues assessed by local communities, such as a raw fish tax; and

“(jj) other appropriate indicators to an affected fishery, as determined by the National Marine Fisheries Service.

“(ii) TIME FRAME.—The Secretary shall complete the review described in clause (i), if the fishing season, applicable to the fishery—

“(I) has concluded or there is no defined fishing season applicable to the fishery, not later than 120 days after the Secretary receives a complete request for a fishery resource disaster determination;

“(II) has not concluded, not later than 120 days after the conclusion of the fishing season; or

“(III) is expected to be closed for the entire fishing season, not later than 120 days after the Secretary receives a complete request for a fishery resource disaster determination.

“(C) FISHERY RESOURCE DISASTER DETERMINATION.—The Secretary shall make the determination of a fishery resource disaster based on the criteria for determinations listed in paragraph (5).

“(D) NOTIFICATION.—Not later than 14 days after the conclusion of the review under this paragraph, the Secretary shall notify the requester and the Governor of the affected State or Indian Tribe representative of the determination of the Secretary.

“(5) CRITERIA FOR DETERMINATIONS.—

“(A) IN GENERAL.—The Secretary shall make a determination about whether a fishery resource disaster has occurred, based on the revenue loss thresholds under subparagraph (B), and, if a fishery resource disaster has occurred, whether the fishery resource disaster was due to—

“(i) a natural cause;

“(ii) an anthropogenic cause;



## H. R. 2617—808

“(iii) a combination of a natural cause and an anthropogenic cause; or

“(iv) an undetermined cause.

“(B) REVENUE LOSS THRESHOLDS.—

“(i) IN GENERAL.—Based on the information provided or analyzed under paragraph (4)(B), the Secretary shall apply the following 12-month revenue loss thresholds in determining whether a fishery resource disaster has occurred:

“(I) Losses greater than 80 percent may result in a positive determination that a fishery resource disaster has occurred, based on the information provided or analyzed under paragraph (4)(B).

“(II) Losses between 35 percent and 80 percent shall be evaluated to determine whether economic impacts are severe enough to determine that a fishery resource disaster has occurred.

“(III) Losses less than 35 percent shall not be eligible for a determination that a fishery resource disaster has occurred.

“(ii) CHARTER FISHING.—In making a determination of whether a fishery resource disaster has occurred, the Secretary shall consider the economic impacts to the charter fishing industry to ensure financial coverage for charter fishing businesses.

“(iii) NEGATIVE SUBSISTENCE IMPACTS.—In considering negative subsistence impacts, the Secretary shall evaluate the severity of negative impacts to the fishing community instead of applying the revenue loss thresholds described in clause (i).

“(C) INELIGIBLE FISHERIES.—A fishery subject to overfishing in any of the 3 years preceding the date of a determination under this subsection is not eligible for a determination of whether a fishery resource disaster has occurred unless the Secretary determines that overfishing was not a contributing factor to the fishery resource disaster.

“(D) EXCEPTIONAL CIRCUMSTANCES.—In an exceptional circumstance where substantial economic impacts to the affected fishery and fishing community have been subject to a disaster declaration under another statutory authority, such as in the case of a natural disaster or from the direct consequences of a Federal action taken to prevent, or in response to, a natural disaster for purposes of protecting life and safety, the Secretary may determine a fishery resource disaster has occurred without a request, notwithstanding the requirements under subparagraph (B) and paragraph (3).

“(6) DISBURSAL OF APPROPRIATED FUNDS.—

“(A) AUTHORIZATION.—The Secretary shall allocate funds available under paragraph (9) for fishery resource disasters.

“(B) ALLOCATION OF APPROPRIATED FISHERY RESOURCE DISASTER ASSISTANCE.—

“(i) NOTIFICATION OF FUNDING AVAILABILITY.—When there are appropriated funds for 1 or more fishery resource disasters, the Secretary shall notify—

## H. R. 2617—809

“(I) the public; and

“(II) representatives of affected fishing communities with a positive disaster determination that is unfunded;

of the availability of funds, not more than 14 days after the date of the appropriation or the determination of a fishery resource disaster, whichever occurs later.

“(ii) EXTENSION OF DEADLINE.—The Secretary may extend the deadline under clause (i) by 90 days to evaluate and make determinations on eligible requests.

“(C) CONSIDERATIONS.—In determining the allocation of appropriations for a fishery resource disaster, the Secretary shall consider commercial, charter, headboat, or seafood processing revenue losses and negative impacts to subsistence or Indian Tribe ceremonial fishing opportunity, for the affected fishery, and may consider the following factors:

“(i) Direct economic impacts.

“(ii) Uninsured losses.

“(iii) Losses of recreational fishing opportunity.

“(iv) Aquaculture operations revenue loss.

“(v) Direct revenue losses to a fishing community.

“(vi) Treaty obligations.

“(vii) Other economic impacts.

“(D) SPEND PLANS.—To receive an allocation from funds available under paragraph (9), a requester with an affirmative fishery resource disaster determination shall submit a spend plan to the Secretary, not more than 120 days after receiving notification that funds are available, that shall include the following information, if applicable:

“(i) Objectives and outcomes, with an emphasis on addressing the factors contributing to the fishery resource disaster and minimizing future uninsured losses, if applicable.

“(ii) Statement of work.

“(iii) Budget details.

“(E) REGIONAL CONTACT.—If so requested, the Secretary shall provide a regional contact within the National Oceanic and Atmospheric Administration to facilitate review of spend plans and disbursement of funds.

“(F) DISBURSAL OF FUNDS.—

“(i) AVAILABILITY.—Funds shall be made available to grantees not later than 90 days after the date the Secretary receives a complete spend plan.

“(ii) METHOD.—The Secretary may provide an allocation of funds under this subsection in the form of a grant, direct payment, cooperative agreement, loan, or contract.

“(iii) ELIGIBLE USES.—

“(I) IN GENERAL.—Funds allocated for fishery resources disasters under this subsection shall restore the fishery affected by such a disaster, prevent a similar disaster in the future, or assist the affected fishing community, and shall prioritize the following uses, which are not in order of priority:



## H. R. 2617—810

“(aa) Habitat conservation and restoration and other activities, including scientific research, that reduce adverse impacts to the fishery or improve understanding of the affected species or its ecosystem.

“(bb) The collection of fishery information and other activities that improve management of the affected fishery.

“(cc) In a commercial fishery, capacity reduction and other activities that improve management of fishing effort, including funds to offset budgetary costs to refinance a Federal fishing capacity reduction loan or to repay the principal of a Federal fishing capacity reduction loan.

“(dd) Developing, repairing, or improving fishery-related public infrastructure.

“(ee) Direct assistance to a person, fishing community (including assistance for lost fisheries resource levies), or a business to alleviate economic loss incurred as a direct result of a fishery resource disaster, particularly when affected by a circumstance described in paragraph (5)(D) or by negative impacts to subsistence or Indian Tribe ceremonial fishing opportunity.

“(ff) Hatcheries and stock enhancement to help rebuild the affected stock or offset fishing pressure on the affected stock.

“(II) DISPLACED FISHERY EMPLOYEES.—Where appropriate, individuals carrying out the activities described in items (aa) through (dd) of subclause (I) shall be individuals who are, or were, employed in a commercial, charter, or Indian Tribe fishery for which the Secretary has determined that a fishery resource disaster has occurred.

## “(7) LIMITATIONS.—

## “(A) FEDERAL SHARE.—

“(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the Federal share of the cost of any activity carried out under the authority of this subsection shall not exceed 75 percent of the cost of that activity.

“(ii) WAIVER.—The Secretary may waive the non-Federal share requirements of this subsection, if the Secretary determines that—

“(I) no reasonable means are available through which the recipient of the Federal share can meet the non-Federal share requirement; and

“(II) the probable benefit of 100 percent Federal financing outweighs the public interest in imposition of the non-Federal share requirement.

“(iii) EXCEPTION.—The Federal share shall be equal to 100 percent in the case of—

“(I) direct assistance as described in paragraph (6)(F)(iii)(I)(ee); or

## H. R. 2617—811

“(II) assistance to subsistence or Tribal fisheries.

“(B) LIMITATIONS ON ADMINISTRATIVE EXPENSES.—

“(i) FEDERAL.—Not more than 3 percent of the funds available under this subsection may be used for administrative expenses by the National Oceanographic and Atmospheric Administration.

“(ii) STATE GOVERNMENTS OR INDIAN TRIBES.—Of the funds remaining after the use described in clause (i), not more than 5 percent may be used by States, Indian Tribes, or interstate marine fisheries commissions for administrative expenses.

“(C) FISHING CAPACITY REDUCTION PROGRAM.—

“(i) IN GENERAL.—No funds available under this subsection may be used as part of a fishing capacity reduction program in a fishery unless the Secretary determines that adequate conservation and management measures are in place in such fishery.

“(ii) ASSISTANCE CONDITIONS.—As a condition of providing assistance under this subsection with respect to a vessel under a fishing capacity reduction program, the Secretary shall—

“(I) prohibit the vessel from being used for fishing in Federal, State, or international waters; and

“(II) require that the vessel be—

“(aa) scrapped or otherwise disposed of in a manner approved by the Secretary;

“(bb) donated to a nonprofit organization and thereafter used only for purposes of research, education, or training; or

“(cc) used for another non-fishing purpose provided the Secretary determines that adequate measures are in place to ensure that the vessel cannot reenter any fishery anywhere in the world.

“(D) NO FISHERY ENDORSEMENT.—

“(i) IN GENERAL.—A vessel that is prohibited from fishing under subparagraph (C)(ii)(I) shall not be eligible for a fishery endorsement under section 12113(a) of title 46, United States Code.

“(ii) NONEFFECTIVE.—A fishery endorsement for a vessel described in clause (i) shall not be effective.

“(iii) NO SALE.—A vessel described in clause (i) shall not be sold to a foreign owner or reflagged.

“(8) PUBLIC INFORMATION ON DATA COLLECTION.—The Secretary shall make available and update as appropriate, information on data collection and submittal best practices for the information described in paragraph (4)(B).

“(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection \$377,000,000 for the period of fiscal years 2023 through 2027.”

**SEC. 203. MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.**

(a) REPEAL.—Section 315 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1864) is repealed.



## H. R. 2617—812

(b) **REPORT.**—Section 113(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (16 U.S.C. 460ss note) is amended—

(1) in the paragraph heading, by striking “ANNUAL REPORT” and inserting “REPORT”;

(2) in the matter preceding subparagraph (A), by striking “Not later than 2 years after the date of enactment of this Act, and annually thereafter” and inserting “Not later than 2 years after the date of enactment of the Fishery Resource Disasters Improvement Act, and biennially thereafter”; and

(3) in subparagraph (D), by striking “the calendar year 2003” and inserting “the most recent”.

**SEC. 204. INTERJURISDICTIONAL FISHERIES ACT OF 1986.**

(a) **REPEAL.**—Section 308 of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107) is repealed.

(b) **TECHNICAL EDIT.**—Section 3(k)(1) of the Small Business Act (15 U.S.C. 632(k)(1)) is amended by striking “(as determined by the Secretary of Commerce under section 308(b) of the Interjurisdictional Fisheries Act of 1986)” and inserting “(as determined by the Secretary of Commerce under the Fishery Resource Disasters Improvement Act)”.

**SEC. 205. BUDGET REQUESTS; REPORTS.**

(a) **BUDGET REQUEST.**—In the budget justification materials submitted to Congress in support of the budget of the Department of Commerce for each fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the Secretary of Commerce shall include a separate statement of the amount for each outstanding unfunded fishery resource disasters.

(b) **DRIFTNET ACT AMENDMENTS OF 1990 REPORT AND BYCATCH REDUCTION AGREEMENTS.**—

(1) **IN GENERAL.**—The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) is amended—

(A) in section 202(h), by striking paragraph (3); and  
(B) in section 206—

(i) by striking subsections (e) and (f); and

(ii) by redesignating subsections (g) and (h) as subsections (e) and (f), respectively.

(2) **BIENNIAL REPORT ON INTERNATIONAL COMPLIANCE.**—Section 607 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826h) is amended—

(A) by inserting “(a) **IN GENERAL.**—” before “The Secretary” and indenting appropriately; and

(B) by adding at the end the following:

“(b) **ADDITIONAL INFORMATION.**—In addition to the information described in paragraphs (1) through (5) of subsection (a), the report shall include—

“(1) a description of the actions taken to carry out the provisions of section 206 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1826), including—

“(A) an evaluation of the progress of those efforts, the impacts on living marine resources, including available observer data, and specific plans for further action;

“(B) a list and description of any new fisheries developed by nations that conduct, or authorize their nationals

H. R. 2617—813

to conduct, large-scale driftnet fishing beyond the exclusive economic zone of any nation; and

“(C) a list of the nations that conduct, or authorize their nationals to conduct, large-scale driftnet fishing beyond the exclusive economic zone of any nation in a manner that diminishes the effectiveness of or is inconsistent with any international agreement governing large-scale driftnet fishing to which the United States is a party or otherwise subscribes; and

“(2) a description of the actions taken to carry out the provisions of section 202(h) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1822(h)).

“(c) CERTIFICATION.—If, at any time, the Secretary, in consultation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, identifies any nation that warrants inclusion in the list described under subsection (b)(1)(C), due to large scale drift net fishing, the Secretary shall certify that fact to the President. Such certification shall be deemed to be a certification for the purposes of section 8(a) of the Fishermen’s Protective Act of 1967 (22 U.S.C. 1978(a)).”.

### **TITLE III—ALASKA SALMON RESEARCH TASK FORCE**

#### **SEC. 301. SHORT TITLE.**

This title may be cited as the “Alaska Salmon Research Task Force Act”.

#### **SEC. 302. PURPOSES.**

The purposes of this title are—

(1) to ensure that Pacific salmon trends in Alaska regarding productivity and abundance are characterized and that research needs are identified;

(2) to prioritize scientific research needs for Pacific salmon in Alaska;

(3) to address the increased variability or decline in Pacific salmon returns in Alaska by creating a coordinated salmon research strategy; and

(4) to support collaboration and coordination for Pacific salmon conservation efforts in Alaska.

#### **SEC. 303. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) salmon are an essential part of Alaska’s fisheries, including subsistence, commercial, and recreational uses, and there is an urgent need to better understand the freshwater and marine biology and ecology of salmon, a migratory species that crosses many borders, and for a coordinated salmon research strategy to address salmon returns that are in decline or experiencing increased variability;

(2) salmon are an essential element for the well-being and health of Alaskans; and

(3) there is a unique relationship between people of Indigenous heritage and the salmon they rely on for subsistence and traditional and cultural practices.