



DEPARTMENT OF  
**COMMERCE**  
COMMUNITY AND  
ECONOMIC DEVELOPMENT

Division of Community Advocacy

*Frank H. Murkowski, Governor*  
*William C. Noll, Commissioner*  
*Michael Black, Director*

May 11, 2006

Mr. James T. Brennan  
Representative of Petitioner for Incorporation  
of the City and Borough of Wrangell  
1227 West 9<sup>th</sup> Avenue, Suite 300  
Anchorage, AK 99501

Re: *Petition to the Local Boundary Commission for Incorporation of the City and Borough of Wrangell, a Unified Home Rule Borough (hereinafter "Petition")*

Dear Mr. Brennan:

The Petition was received by the Alaska Department of Commerce, Community, and Economic Development (Commerce) on April 26, 2006.

The proposal outlined in the Petition is subject to approval by the Local Boundary Commission (LBC) pursuant to AS 29.05.100. If the LBC grants the Petition, incorporation would then be subject to approval by a majority of the voters who vote on the question at an election within the proposed borough pursuant to AS 29.05.110 and 3 AAC 110.600.

Commerce has completed the technical review of the Petition in the manner and according to the deadline set out in 3 AAC 110.440. The Petition has been determined to be complete and in proper form. Accordingly, the Petition is hereby accepted for filing.

Accepting the Petition for filing marks the beginning of the formal opportunity for review and comment to the LBC by interested individuals and organizations regarding the Petition. As staff to the LBC, this agency is required by law to "investigate" the Petition. In that regard, we are committed to a thorough, independent, impartial, meaningful, and valuable analysis of the Petition. Such will require careful consideration of the Petition, any timely responsive briefs and comments regarding the Petition, any reply brief by the Petitioner, and comments on Commerce's preliminary report on the matter.

We look forward to formal comments from interested individuals and organizations regarding the Petition. Once the entire written record has been evaluated, Commerce will complete its formal analysis of the Petition and offer its final recommendations in the matter.

To move forward, there are a number of formalities required by law. Your action is required with respect to providing notice to the public that the Petition has been filed. Additionally, copies of the Petition must be served on certain entities. Please read and follow the instructions in this letter carefully. A summary listing of the requirements is enclosed.

**Public Notice of the Filing of the Petition and Opportunity for Comment.**

In accordance with 3 AAC 110.640(a), the LBC Chair has set 4:30 p.m., Friday, July 14, 2006, as the deadline for the receipt in this office of responsive briefs and written comments concerning the Petition.

Public notice of the filing of the Petition must be given by publication, posting, and mailing in accordance with 3 AAC 110.450. The following specific requirements must be met.

✓ **Publication.** The provisions of 3 AAC 110.450(a)(1) require you to publish public notice of the filing of the Petition in a display-ad format once each week for three consecutive weeks in one or more newspapers of general circulation designated by Commerce. Commerce is required by 3 AAC 110.450(b) to specify the wording of the notice.

The Petition lists the *Wrangell Sentinel* and the *Ketchikan Daily News* among the newspapers serving the area within the proposed borough. Commerce hereby designates both the *Wrangell Sentinel* and the *Ketchikan Daily News* as the newspapers for publication of the notice of the filing of the Petition. .

To facilitate the required publication, we have arranged on your behalf for the notice to be printed in the *Wrangell Sentinel*, a weekly publication on May 18, May 25, and June 1, 2006. Arrangements have also been made with the *Ketchikan Daily News* for the notice to be published on May 18, May 25, and June 1, 2006. Since it is the Petitioner's responsibility for publication of the notice, billings for those publications will be sent to you, as the Petitioner's Representative, for payment.

Commerce will arrange for the notice to be published on the State's Internet Web site, Online Public Notices <<http://notes3.state.ak.us/pn/pubnotic.nsf>>. Commerce will also publish the notice on the LBC's Internet Web site <<http://www.commerce.state.ak.us/dca/lbc/lbc.htm>>.

✓ **Posting of Notice.** In accordance with 3 AAC 110.450(a)(2), the notice of the filing of the Petition must be posted in the following prominent locations readily accessible to the public within the proposed borough boundaries:

1. United States Post Office in Wrangell;
2. Wrangell City Hall;
3. Bulletin Board at City Market (grocery store);
4. Bulletin Board in front of Bob's IGA (grocery store);
5. Irene Ingle Public Library;
6. Window of Wrangell Sentinel (newspaper); and
7. United States Post Office in Meyers Chuck

Additionally, provide the notice to the following two entities and request that each post the notice in a prominent location:

8. Thoms Place Community Association, Inc.; and
9. Benitz Store (for residents of Farm Island).

Further, post the notice on the City of Wrangell Website.

The notice should be posted at the locations listed as 1 – 7 above, provided to the entities listed as 8 – 9 above, and posted on the City of Wrangell Website at the earliest opportunity, but no later than May 26, 2006.<sup>1</sup> Under 3 AAC 110.450(a)(3), please ensure that the notice remains posted at all locations until the close of the comment period on July 14, 2006.

✓ ***Notice to Specific Individuals and Organizations.***

Under 3 AAC 110.450(a)(4), you must hand deliver or mail, postage prepaid, the notice of the filing of the Petition, correctly addressed to all municipalities having jurisdictional boundaries extending within twenty miles of the proposed borough boundaries. The Petition identifies four such municipalities:

- City of Petersburg;
- Ketchikan Gateway Borough;
- City of Coffman Cove; and
- City of Thorne Bay.

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<sup>1</sup> Under 3 AAC 110.450(a)(2), such posting must be made "no later than 45 days after receipt of this notice." Additionally, 3 AAC 110.640(b)(1) provides that "In a schedule under (a) of this section, and except as provided by 3 AAC 110.590 for certain local action annexations, the chair of the commission shall allow at least (1) 49 days after the date of initial publication or posting of notice of the filing of a petition, whichever occurs first, for receipt by the department of a responsive brief or written comments concerning the petition." (Emphasis added.) While notice of the filing of the Petition will have been initially published on May 18, posting by May 26, 2006, provides for 49 days between the July 14, 2006, deadline for receipt of responsive briefs and comments and the May 26, 2006, deadline for posting and mailing of the notice.

Additionally, Commerce directs that you provide the notice to the following:

- City of Wrangell;
- City of Ketchikan;
- City of Kasaan; and
- City of Kupreanof.

Please also provide notice to the 14 individuals and organizations named in Exhibit C of the Petition as having potential interest in the incorporation proceedings that are not otherwise listed above.<sup>2</sup>

The notice should be mailed to those entities at your earliest opportunity, but no later than May 26, 2006.

In conjunction with arranging for publication of the public notice, Commerce has provided the notice of the filing of the Petition to appropriate State officials, including members of the LBC, the heads of principal agencies, and others. A list of State officials to whom Commerce has provided notice will be mailed to you shortly.

***Request for Public Service Announcement.*** Under 3 AAC 110.450(a)(5), you are required to submit a request for a public service announcement of the filing of the Petition to *at least one* radio station or television station serving the area proposed for incorporation. The law further specifies that you must request that announcement be made for fourteen days following receipt of the request.

The Petition lists three radio stations serving the area within the proposed borough. Please submit the public service announcement to those stations (KSTK, KFSK FM, and KTKN AM/KGTW FM), as well as KRBD-FM (Ketchikan) and any other radio or television stations that you desire. The request should be mailed at your earliest opportunity, but no later than May 26, 2006.

### **Service of Petition.**

In accordance with 3 AAC 110.460(a), a complete copy of the Petition must be served on every municipality within an area extending 20 miles beyond the boundaries of the

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<sup>2</sup> The 14 individuals and organizations consist of Wrangell Radiograms, Mark Hummel, Lynn Kolund, Ketchikan Public Utilities, Marty Rutherford, Alaska Energy Authority, DNR – SE, DNR - Div. of Mining, Camp Lorraine, Jim Nygaard, Southern SE Aquaculture, Thomas Bay Power Authority, Forest Cole, and Inter-Island Ferry Authority.

proposed borough. As noted above, the Petition lists the following four such municipalities:

- City of Petersburg;
- Ketchikan Gateway Borough;
- City of Coffman Cove; and
- City of Thorne Bay.

Under the provisions of 3 AAC 110.460(a), the City of Wrangell must also be served with a copy of the Petition. Additionally, please ensure that any other city or borough government within 20 miles of the perimeter of the proposed borough is served with a copy of the Petition. Such may include the City of Kupreanof, City of Kasaan, and City of Ketchikan.

Before the copies of the Petition are served as noted above, voter identification numbers in Exhibits A-1 and A-2 of the Petition should be redacted (i.e., “blacked out”) to maintain confidentiality of that information.

Service of the Petition should occur by May 26, 2006. The copy and exhibits used for service must conform in size and color to the original Petition.

**Opportunity for Public Review of Petition Materials.**

In accordance with 3 AAC 110.460(b), you must make a full set of Petition documents available for public review beginning May 18, 2006, at the Irene Ingle Public Library. In addition to the Petition itself, the “Petition documents” include all current and future public notices, and all future responsive briefs, the reply brief, and Commerce reports.

In addition to the Petition materials, you should provide a copy of the laws establishing standards and procedures for borough incorporation. The standards consist of Article X of Alaska’s Constitution, AS 29.05.031, AS 29.05.100, 3 AAC 110.045 – 3 AAC 110.065, and 3 AAC 110.900 – 3 AAC 110.990. The procedures governing incorporation of borough governments are set out in AS 29.05.060 – 29.05.150 and 3 AAC 110.400 – 3 AAC 110.660.

The Petition documents must be made available at the Irene Ingle Public Library at least during the times listed in the Petition. Additionally, you must “accommodate specific requests for public review of the Petition documents at reasonable times in the evening and on weekend days.” The Petition documents must remain available for public review through the last date on which a court could order the LBC to reconsider some aspect of its decision regarding the proposal.

**Additional Copies of the Petition.**

Five additional complete copies of the Petition documents, required by 3 AAC 110.470, must be provided to this office within 50 days of receipt of this letter.

**Proof of Notice and Service.**

You are responsible for submitting the affidavit required under 3 AAC 110.470. The sworn affidavit that the steps outlined herein have been completed must be filed with this office within 50 days of receipt of this letter. A form is enclosed for your use in that regard.

Sincerely,



Dan Bockhorst  
Local Boundary Commission Staff

Enclosures:

1. "Public Notice – Notice of Filing of Petition to Incorporate the City and Borough of Wrangell, A Unified Home Rule Borough;"
2. Public Service Announcement of the filing of the Petition;
3. Form for affidavit of notice, service, and deposit of the Petition;
4. Petitioner's Checklist for Notice, Service, and Deposit of Petition for Incorporation of the City and Borough of Wrangell.

cc: Darroll Hargraves, LBC Chair