



# KETCHIKAN GATEWAY BOROUGH

344 FRONT STREET • KETCHIKAN, ALASKA 99901

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Office of the Borough Manager, Manager Roy Eckert • [roy.eckert@borough.ketchikan.ak.us](mailto:roy.eckert@borough.ketchikan.ak.us)

• 907/228-6625 • Fax 907/247-6625

July 14, 2006

Mr. Dan Bockhorst  
Division of Community Advocacy  
Department of Commerce, Community, and  
Economic Development  
550 West 7<sup>th</sup> Avenue, Suite 1770  
Anchorage, AK 99501-3510

RE: Written comments regarding Petition to the Local Boundary Commission for Incorporation of the City and Borough of Wrangell as a Unified Home Rule Municipality

Please accept the enclosed comments submitted on behalf of the Ketchikan Gateway Borough regarding Wrangell's pending petition before the Local Boundary Commission (LBC) for Incorporation of the City and Borough of Wrangell as a Unified Home Rule Municipality. These comments are submitted pursuant to 3 AAC 110.480.(d).

The purpose of this correspondence is to clarify various items of record in Wrangell's petition and to express support for an LBC decision that is consistent with state law and constitutional provisions. The present work of the LBC will establish a spirit of precedence and it is the KGB's wish that this precedence will support a sound basis for future local government expansion in Southeast Alaska and the state as a whole.

Generally speaking, the Ketchikan Gateway Borough (KGB) supports and encourages Wrangell's efforts to expand local government in the region. This effort complements other efforts, including Ketchikan's, to build a stronger system of local government in Southeast Alaska. With respect to Wrangell's petition to annex a portion of Ketchikan model territory including the settlements of Meyers Chuck and Union Bay, it should be noted that the Ketchikan Gateway Borough Assembly, at its meeting of February 6, 2006, approved an annexation petition application that proposes annexation of this same territory into an expanded Ketchikan Borough. The petition includes ample evidence regarding the consistency of this petition with all state regulations. In a separate action, the Borough Assembly also indicated "that the Borough would register no objection if Wrangell chose to include the enclave (of Meyer's Chuck) in their borough."<sup>1</sup>

The KGB offers the following notes regarding Wrangell's petition:

Page 8 of the petition lists 13 area-wide services which will be provided to all residents of the proposed municipality including residents in outlying areas. The ability of the proposed municipality to pay for all of these services based upon a 4 mil minimum area-wide property tax is unconvincing.

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<sup>1</sup> Borough Assembly minutes of February 6, 2006

<http://www.borough.ketchikan.ak.us>

Page 11 of the petition states that all communities within the proposed borough (including Meyers Chuck and Union Bay) are connected to Wrangell by a public roadway, regularly scheduled airline flights on at least a weekly basis, a charter flight service based in the proposed borough, or sufficient electronic media communications as required by 3 AAC 110.045(d). The KGB would note for the record that charter air service between Wrangell and Meyers Chuck/Union Bay is infrequent according to the one air operator based in Wrangell that provides non-scheduled, charter only air-service and that carries limited freight.<sup>2</sup> This is compared to air service from Ketchikan which has weekly scheduled service to Meyers Chuck. Combined air carrier statistics to Meyers Chuck for 2004 (approximately 40 air miles distant) indicate 210 regularly scheduled passenger trips, 3,648 pounds of freight, and 13,609 pounds of mail out-bound and 88 trips, 335 pounds of freight, and 221 pounds of mail in-bound to Ketchikan<sup>3</sup>. In addition, Wrangell's public radio station KSTK, sends to Meyers Chuck only a "weak signal that would be difficult to receive with standard radio equipment".<sup>4</sup> This contrasts to the fact that Meyers Chuck and Union Bay residents receive broadcasts, or are within the service areas of four Ketchikan radio stations: KRBD FM (public radio)<sup>5</sup>, KTKN AM/KGTW FM,<sup>6</sup> and KFMJ FM<sup>7</sup>

Exhibit C, page 2 does not list Ketchikan-based KRBD FM (public radio) as a communication service provider in the area proposed for annexation. The other radio stations listed in the petition apparently do not reach Meyers Chuck or Union Bay with sufficient strength or predictability to constitute reliable service.

Exhibit D-1, Note 9: should be clarified to accurately state that emergency 911 calls from Meyers Chuck and Union Bay are routed to, and dispatched by Ketchikan-based service providers (State Troopers or City Police).<sup>8</sup> In addition, it is not clear in the event of annexation who would dispatch 911 calls to the Meyers Chuck/Union Bay area.

Exhibit H, page 6. The petitioner notes that the proposed City and Borough of Wrangell (CBW) boundary will depart from the existing Wrangell Ranger District Boundaries and include part of the Ketchikan Ranger District on the Cleveland Peninsula in order to follow natural geography. In fact, the boundaries of the two ranger districts (which also follow model boundaries) are already based upon natural geography (watersheds) and other long established features and no departure from these boundaries is necessary for the petition to comply with 3 AAC 110.060 (Boundaries).

Exhibit H, page 10. The petitioner states that at least 25 people live in the Meyers Chuck Union Bay area. State estimates for Meyers Chuck are 15<sup>9</sup> and there are no estimates for Union Bay although the CBW petition contains one (1) signature from a Union Bay resident. Resident testimony suggests that the year-round population of Meyers Chuck is smaller than the 15 estimated by the state. At the special Assembly meeting of June 27, 2005, it was noted that perhaps six or so people were commuters (i.e. Ketchikan) and another 20 or so were summer only residents and a few people were residents at least nine months of the year.<sup>10</sup>

<sup>2</sup> Source: Sun Rise Aviation, 6/1/06.

<sup>3</sup> Source: ProMech Air and Pacific Airways, March 8, 2005 and Federal Dept. of Transportation Bureau of Transportation Statistics website [www.bts.gov](http://www.bts.gov), March 7, 2005.

<sup>4</sup> KSTK Radio Staff, July 6, 2006.

<sup>5</sup> Signal received according to KRBD staff.

<sup>6</sup> Weak signal according to KTKN staff.

<sup>7</sup> Meyers Chuck is within their service area although the strength of the signal is unknown according to KFMJ staff.

<sup>8</sup> According to AP&T staff, July 3, 2006 and State Troopers, July 7, 2006.

<sup>9</sup> DCEED 2005 Certified Population. Union Bay is not included in the list of Alaska communities.

<sup>10</sup> Special Assembly Meeting Minutes, June 27, 2005, page 3.

One resident noted that she was there by herself for a while during the winter of 2004/2005.<sup>11</sup> As such, the KGB questions whether or not Meyers Chuck constitutes a community under 3 AAC 110.920.

Exhibit H, page 27. The CBW petition places a great deal of relevance and importance upon the historic boundaries of aboriginal uses and ownership within the Wrangell Territory as presented in Haa Aani, Our Land, Tlingit and Haida Land Rights and Use prepared by Goldschmidt and Haas. This is presented to satisfy the requirement under 3 AAC 110.045, Community of Interest standard. The KGB agrees that these historic boundaries should be considered during contemporary decisions. However, it also believes that the particular relevance of these boundaries in these decisions should be the result of deliberations by the tribal organizations affected and not simply by previous studies presented by local government. The petition contains no record that such consultations occurred with the affected tribal groups or that these groups share the boundary claims and their relevance as presented in the petition.

Exhibit H, pages 34-36. In support of consistency with 3 AAC 110.045, Community of Interest standard, the CBW petition presents the fact that the City of Wrangell, including the area proposed for incorporation, lies outside any of the "Nonsubsistence" areas designated by the State, including the Ketchikan Nonsubsistence Area. The relevance of this, according to the petition, is to distinguish Wrangell as a rural area more compatible with the needs and sentiments of rural settlements such as Meyers Chuck as opposed to urban areas such as Ketchikan. Ketchikan responds that aside from the fact that all Alaskans, including Ketchikan and Wrangell residents, have access to the state's fish and game resources under Article 8 of the Alaska's constitution, that the conclusions drawn here are far from obvious. Specifically, 5 AAC 99.016, which governs activities in a non-subsistence area, allows all of the same fish and game harvest activities allowed in subsistence areas under personal use regulations. The principal difference is not cultural (Ketchikan residents also hunt and fish a great deal) as it is regulatory. The non-subsistence designation makes it easier to manage the sustainable yield of the resource since, under the code, subsistence hunting and fishing regulations do not apply in this area and the subsistence priority does not apply. Finally, the Borough finds Wrangell's claim somewhat specious that, as an urban area similar, but smaller than Ketchikan, it is somehow more dependent upon fish and game for household survival than Ketchikan.

Exhibit H, page 37. The CBW states that "Wrangell serves as a hub for nearly all economic activity in the area..." No evidence is offered to support the claim that residents in the Meyers Chuck area secure any services from Wrangell. To the contrary, all evidence, based upon air freight and passenger manifests, Postal Service data, and newspaper ads, suggests that Meyers Chuck residents secure most of their services from Ketchikan. In addition, the petition presents no real evidence that Clarence Strait somehow impedes the existing social and economic activity between Ketchikan and Meyers Chuck/Union Bay.

Exhibit H, page 38. According to KSTK Wrangell public radio staff, their radio signal is too weak to provide adequate service to Meyers Chuck/Union Bay using typical consumer radio equipment there. This contradicts the petition's claim that KSTK provides broadcasts to the Meyers Chuck area.

Exhibit H, page 42. The petition documents four search and rescue service calls by the Wrangell Volunteer Fire Department in the Meyers Chuck/Deer Island area between 1998 and 2005. In contrast, the Ketchikan-based State Troopers had 29 service calls in the Meyers Chuck/Union Bay area during the same time period.<sup>12</sup>

<sup>11</sup> Ibid.


<sup>12</sup> Source: Alaska State Troopers, Ketchikan Office

**Exhibit H, page 52.** The petition states that due to the abandonment of some joint venture mineral claims in the Union Bay area, that the potential for mineral development is not a sound basis for annexation of this area by the Ketchikan Gateway Borough. While it's true that a number of mineral claims have been abandoned in the Union Bay area, it is also true that there are still 78 claims covering 1,560 acres in the area as of May 2006.<sup>13</sup> The potential for commercially viable mineral deposits in the Ketchikan region, and for that matter throughout Southeast Alaska, is well known. Commercial mineral recovery is inevitable depending upon world market forces. In addition, the existence of oil and gas deposits in British Columbia's Queen Charlotte Basin (adjacent to the southern model boundary) is also well documented<sup>14</sup> and underscores the importance of developing a local government perspective and response to any future recovery activities.

In summary, the Ketchikan Gateway Borough supports the expansion of local Borough government as proposed by the City of Wrangell petition. Such a proposal, if successful, will shift the management of local government services to local citizens and their elected officials where they are best suited. The KGB also does not formally object to Wrangell's proposal to include a portion of Ketchikan's model territory (the Meyers Chuck/Union Bay area) within Wrangell's proposed boundaries. However, it is our conviction that the merits of such a decision should be evaluated on a complete and factual record in order to assure that the decision complies with state constitutional policies and laws to the greatest extent possible.

Thank you for your consideration.

Best regards,



Roy Eckert  
Borough Manager

C: Borough Assembly  
Borough Attorney  
Principal Planner

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<sup>13</sup> Source: USFS, Realty Department, May 19, 2006.

<sup>14</sup> Source: <http://www.cwilson.com/pubs/energy/legalshoals.pdf> and  
<http://temagami.carleton.ca/jmc/cnews/01042005/n4.shtml>

<http://www.borough.ketchikan.ak.us>