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Member
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Member
Fourth Judicial District



Local Boundary Commission Statement of Decision on Reconsideration

In the matter of the January 3, 2017, request by respondents Native Village of Ekuk, et al., for the Local Boundary Commission to reconsider the decision approving the petition by the City of Manokotak to annex approximately 155.12± square miles of land and water

Section 1 Introduction

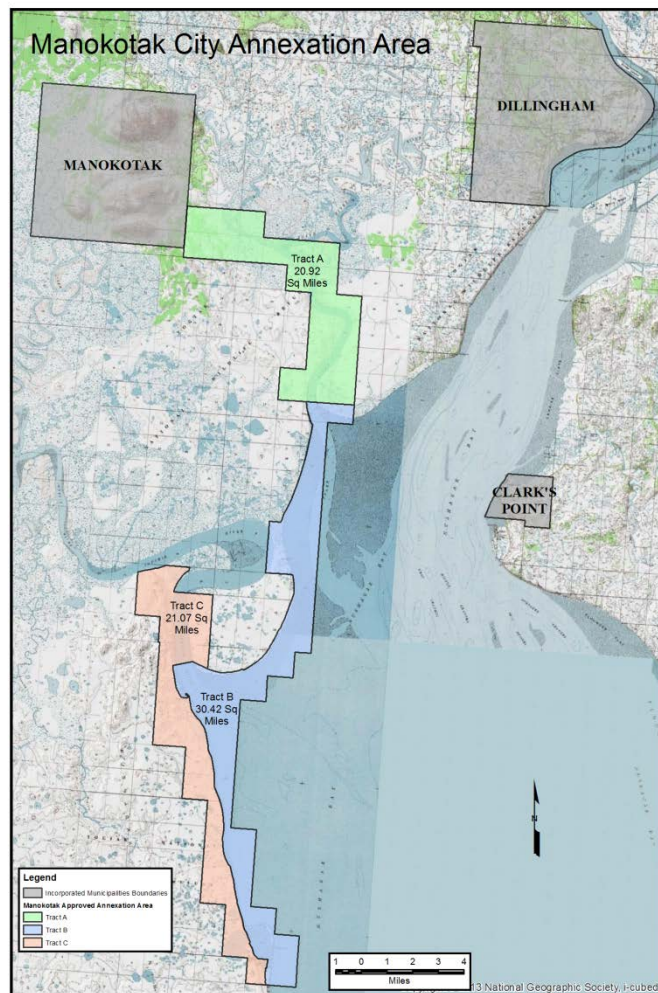
On September 1, 2015, the City of Manokotak submitted a legislative review petition to annex 155.12± square miles of land and water to the Local Boundary Commission (LBC). The commission approved the annexation petition without amendment or condition on December 1, 2016, and adopted a written statement of decision on December 20, 2016. Respondents Native Village of Ekuk, et al., requested reconsideration, which the commission granted. Upon reconsideration, the commission approved the annexation with amendments to the boundaries to include the following territory:

- All of Tract A, which contains a segment of the Weary River as it flows into the Snake River and then into the Nushagak Bay where Tract A meets Tract B (described below). Tract A is approximately 20.93 square miles.
- All of Tract C, which contains approximately 20.5 square miles of land called Igushik Village or Igushik Beach.

- A portion of Tract B, which is generally described as waters in the west side of Nushagak Bay following the shoreline between Nichols Spit at the south end up to Tract A at the mouth of the Snake River at the north end, and using section lines to extend approximately one-half mile to one-and-a-half miles out from the shoreline, containing approximately 30.42± square miles. The commission also added five sections as described below.

The amended annexation boundaries add 72.41± square miles of land and water to the City of Manokotak. The map below identifies the amended boundaries described above.

A summary of petition proceedings is in Section II of this Decisional Statement. This territory is wholly located in the Dillingham Census Area in southwestern Alaska and within the Bristol Bay Recording District.



Map of City of Manokotak Annexation Area Approved on Reconsideration

Section II Proceedings

August 6, 2015: The City of Manokotak held the required pre-submission hearing for legislative review petitions.

September 1, 2015: The City of Manokotak submitted a legislative review petition for annexation to the Local Boundary Commission.

September 25, 2015: Manokotak asked the LBC to postpone the City of Dillingham annexation proceedings to consolidate the petitions so they would proceed on the same schedule.

December 3, 2015: The LBC granted Manokotak's request for consolidation.

December 4, 2015: The City of Manokotak's petition was accepted for filing and a public comment period for the consolidated petitions opened.

February 26, 2016: The public comment period on the consolidated petitions from cities of Dillingham and Manokotak ended.

June 3, 2016: A preliminary report to the LBC regarding the consolidated annexation petitions was released and a second public comment period began.

July 15, 2016: The second public comment period ended.

August 19, 2016: A motion from Ekuk, et al., was submitted to the LBC, and, consequently, an additional public comment period on the preliminary report opened and was extended through September 19, 2016.

October 28, 2016: A final report to the LBC regarding the consolidated annexation petitions was released.

November 28-30, 2016: A hearing was held in both Manokotak and Dillingham regarding the annexation petitions.

December 1, 2016: A decisional meeting was held in Anchorage whereby the petition was approved as presented, without amendments or conditions.

December 20, 2016: The LBC met and approved the written statement of decision for the City of Manokotak petition approved at the December 1, 2016, decisional meeting.

January 4, 2017: A motion for reconsideration was received from Respondents Native Village of Ekuk, et al.

January 10, 2017: At a LBC meeting, three commissioners voted in favor of granting a request for reconsideration for the December 20, 2016, decision.

January 24, 2017: The LBC held a meeting to issue a decision on reconsideration regarding the Manokotak annexation petition. Four commissioners were present: Robert Harcharek, Vice Chair, served as chair for the meeting in Anchorage; Commissioner Darroll Hargraves was also present in person. Commissioners John Harrington and Lavell Wilson were present via teleconference. Chair Lynn Chrystal was absent.

On reconsideration, the commission again approved the Manokotak annexation petition, this time with amendments to the boundaries. The amended boundaries include all of Tracts A and C, and the western portion of Tract B along the shoreline following section lines, plus three additional sections at the south end of Tract B and two additional sections east of the Igushik River oxbow.

January 25, 2017: The LBC met to approve this written statement of decision on reconsideration. Robert Harcharek, Vice Chair, served as chair for this meeting and was present in Anchorage. Commissioner Darroll Hargraves was present in person. Commissioners John Harrington, and Lavell Wilson were present via teleconference. Chair Lynn Chrystal was absent.

Section III

Findings and Conclusions

Need – 3 AAC 110.090

Upon reconsideration, the commission reiterated that Manokotak demonstrated, particularly in the testimony at the public hearing, a strong need for city government in the territory proposed for annexation, particularly in Tracts A and C, including the need for city services such as waste disposal and ice machines to support fishing by city residents.

The commission also noted again that the whole community moves from the existing city limits to Tract C in the summer and are without city services or jurisdiction in Tract C. After discussion, the commission found that Tract A provides contiguity between the existing city and Tracts B and C, and is a necessary corridor and an integral part of the annexation because in order to provide the needed services in Tract C, Manokotak indicated that site control in the corridor (Tract A) through municipal jurisdiction was required.

The commission amended the boundaries of Tract B to include sections that the City of Manokotak indicated are in need of remedial preventative measures to counteract severe erosion. The commission agreed that jurisdiction over Tract A enhances the city's ability to control that erosion and work with the Army Corps of Engineers on remediation.¹ The commission also amended the boundaries at the south end of the original Tract B to include additional set net sites not included in

¹ These are Sections 9 and 16 of Township 16 South, Range 57 West.

the original petition so that all set netters in the Igushik Statistical Area are included within city boundaries for tax collection purposes.²

The commission also found that no other existing city or organized borough could provide essential municipal services to the territory more efficiently or effectively than the City of Manokotak because there is no other city or an organized borough in place to do this. The commission found that no borough was likely to form in the area in the foreseeable future and there is not an existing city near enough to provide these services to the territory proposed for annexation. The amended boundaries reduce the area of water in Tract B because the commission noted that the entire body of water proposed for annexation does not exhibit a reasonable need for city government. The reduced size is more appropriate to meet the standard of need, and provides contiguity between the existing city and Tracts A and C.

The commission found the proposed annexation territory, as amended on reconsideration, exhibits a reasonable need for city government and found that the standard in 3 AAC 110.090 is met.

Character – 3 AAC 110.100

Upon reconsideration, the commission reiterated that the testimony and record persuasively show that Manokotak considers Tract C an indispensable part of its community. The commission found that the land proposed for annexation is primarily used by current residents of the City of Manokotak. The commission also noted the historical and current community ties to the land and water described in the annexation boundaries. The commission again noted testimony that Manokotak residents find it hard to differentiate between the city and Igushik Village because they consider it such an integral part of their community.

For these reasons, the commission found that the character of the territory proposed for annexation is compatible with the City of Manokotak and the standard regarding character found in 3 AAC 110.100 is met.

Resources – 3 AAC 110.110

Upon reconsideration, the commission noted that the amended boundaries for Tract B will allow Manokotak to collect tax revenue from set net catches. The amended boundaries establish an area where a raw fish tax can be administered utilizing the information available from fish ticket reporting data. The amended boundaries will primarily include fish caught using set net methods and will have minimal anticipated potential tax revenue from fish caught using drift net method.

The commission again noted annexation will provide jurisdiction and site control over the territory proposed for annexation, thereby allowing the expanded city to qualify for more grant funding for its anticipated needs. The commissioners indicated that the city's fish tax will primarily be levied against residents of Manokotak, demonstrating the city residents' sincere intentions to fund needed

² These additions are Section 31 of Township 18 South, Range 57 West; Section 6 of Township 19 South, Range 57 West; and Section 1 of Township 19 South, Range 58 West.

services.³ Revenue is anticipated from the proposed fish tax to provide services such as ice machines.

The commission again noted that the testimony demonstrated that the area is economically depressed, and found that an additional income source and the city's desire to improve or extend city services is favorable for annexation.

The commission noted that the transition plan in the petition included a budget with anticipated expenses from the proposed annexation. They also found that the hearing included testimony providing more detail on the costs of providing some services. The commission found the testimony to present a fair estimate of the high costs of the services desired by Manokotak and the city's plans for securing funding sources.

Commissioner Hargraves noted at the decisional meeting on December 1, 2016, that the size of the territory proposed for annexation meant that it would be difficult to administer city services throughout the entire territory. On reconsideration, however, the commission finds that the proposed expanded city, as amended, has the human and financial resources necessary to provide essential municipal services on an efficient, cost-effective level, and meets the standard regarding resources found in 3 AAC 110.110.

Population – 3 AAC 110.120

Upon reconsideration, the commissioners again found that the City of Manokotak is a growing community with a flourishing local school. In addition, the commission gave considerable weight to the statements in the petition and testimony describing the seasonal population shifts to the annexation territory. The commissioners again did not all agree whether the territory had a permanent population, but found that the historical ties with the land and water, as well as the movement of the community to Igushik Village each season to set net is persuasive evidence that justifies finding the standard regarding population satisfied.

For these reasons, the commission finds that the population within the amended boundaries is sufficiently large and stable enough to support the extension of city government and that the standard regarding population found in 3 AAC 110.120 is met.

Boundaries – 3 AAC 110.130

Upon reconsideration, the commission discussed the significance of Tract A as part of the annexation. After much discussion, the commissioners agreed to include Tract A as originally proposed in order to meet the standard of contiguity and because the commission found that there is a reasonable need for city government in Tract A, including jurisdiction over the Snake and Weary Rivers for access to the bay.

³ The City of Manokotak passed a two percent severance tax on raw fish on November 8, 2016, in an election that was certified on December 15, 2016.

The commission found upon reconsideration that the proposed expanded city with Tracts A and C, and the reduced size of Tract B, does not create enclaves or noncontiguous sections in the City of Manokotak.

Tract B was amended to exclude water that the commission believes does not demonstrate a need for city government by the City of Manokotak. Commissioners indicated that the original boundaries proposed for Tract B represent a large, unpopulated territory which is not suitable for inclusion in the city in its entirety. The commission amended the boundaries to include primarily that water necessary for the city to collect a fish tax on those set-netters based in Tract C during fishing season. The boundary of Tract B is amended to follow section lines approximately a half-mile to a mile and a half out from the shoreline along the entire length of the original Tract B. The commission also amended the boundary of Tract B to include three additional sections at the south end of Tract B encompassing Nichols Spit, and two additional sections on the east side of the Igushik River oxbow adjacent to Nushagak Bay.⁴

The commission reiterated their belief that Tract C consists of land that is important to and utilized by the residents of Manokotak and made no adjustment to the boundaries of Tract C.

Upon reconsideration, the commission also found that the proposed annexation includes a large geographical region or large unpopulated area by virtue of Tract B, and, therefore, amended the boundaries of Tract B to reduce the annexed territory to comply with this standard.

Upon reconsideration, the commission finds that the boundaries proposed by Manokotak, as amended by the commission, are necessary and justified by the other annexation standards and allow for administration of a fish tax on set-netters, without permitting the annexation of a large unpopulated area or entire geographic region. The amended annexation area is in the unorganized borough, is not under other local government jurisdiction, and has coastal ties with the current City of Manokotak.

The commission agreed that the proposed annexation does not describe boundaries that overlap any other city or borough because there is none nearby.

The commission, considering the factors described above in this section, finds that the amended boundaries include all land and water necessary to provide the development of essential municipal services on an efficient, cost-effective level.

Best Interests of the State – 3 AAC 110.135

Maximum Local Self-Government

The commission again found that the proposed annexation was expanding local government to an area in the unorganized borough and outside any city and would bring more territory into the

⁴ The additions are Sections 9 and 16 of Township 16 South, Range 57 West and Section 31 of Township 18 South, Range 57 West; Section 6 of Township 19 South, Range 57 West; and Section 1 of Township 19 South, Range 58 West.

organized areas of the state. The commission, therefore, finds this annexation promotes maximum local self-government and meets the standards found in 3 AAC 110.981 and 3 AAC 110.135(1).

Minimum Number of Local Government Units

No new local government units will be created by this proposed annexation, and the commission found that the annexation proposed by the City of Manokotak is merely expanding an existing unit of local government. For this reason, the commission determined that the proposed annexation meets the standard promoting a minimum number of local government units as determined under 3 AAC 110.982 and in accordance with art. X, sec.1, Constitution of the State of Alaska.

Relief from State Provision of Local Services

Upon reconsideration, the commission reiterated its finding that this annexation, as amended, provides the City of Manokotak additional revenue from which it can provide needed services in Tract C. The commission also noted its own role as a statewide decision-making body of ensuring boundary changes that enable stable municipalities rather than place an additional burden on the state government.

The commission, as described above, found that 3 AAC 110.135(1) and (2) were met. With regard to subsection (3), the commission noted that the state does not currently provide any services to the proposed annexation territory. On reconsideration, the commission found that the annexation is in the best interests of the state, will not require the state to provide additional services, and the standard regarding the best interests of the state is met.

Legislative Review – 3 AAC 110.140

The commissioners considered the standards for annexation via Legislative Review under 3 AAC 110.140 and found that four of the eight subsections describe circumstances that are present.

The commission found that subsection (1) is not met because the territory is not wholly or substantially surrounded by the annexing city. Regarding (2), the commission found conditions in the proposed territory were not detrimental or dangerous such that annexation is necessary for the city to regulate or control those conditions. Regarding the third subsection, the commission found that the city services Manokotak wishes to extend to the territory do require that the territory be within the city's jurisdiction through municipal boundaries, and that it is impractical for the city to extend these services unless the territory is within the city.

Subsection (4) was found not to apply because no city services are being extended to the territory by the city at this time. The commission found that the circumstances described in subsection (5) exist because Manokotak wishes to extend its regulation of alcohol to the territory, as well as land use planning, which cannot be done extraterritorially. As noted earlier, circumstances described in subsection (7) were determined to have been met. The commission also found that the annexation would strengthen and empower the City of Manokotak, and, therefore, subsection (8) is met, which states that the annexation will enhance the extent to which the existing city meets the standards for

incorporation. The commission did not address subsection (9) because only one subsection must be met.

The commission finds that at least one of the circumstances in 3 AAC 110.140 is met, and that, therefore, the territory may be annexed to the City of Manokotak by the legislative review process.

Transition – 3 AAC 110.900

The commission found that the petition and testimony heard during the public hearing included a practical plan that demonstrated the capacity of the City of Manokotak to extend essential municipal services into the boundaries proposed for change within a reasonable timeframe. The commission noted that a practical plan was described adequately in testimony and included some costs and descriptions from well drillers and descriptions of potential grants.

The commission noted that the plan did not need to address the transition of powers, duties, rights, and functions because there is no existing borough, city, or borough service area currently exercising these. The commission also found subsection (c) not applicable because there are no assets or liabilities to transfer or integrate because there is no existing borough, city, or borough service area in the territory proposed for annexation. For the same reason, the commission found no reason for the petitioner to consult other officials or to require an agreement between any entities. The commission determined that the information contained in testimony, the petition, and the entire record is sufficient to meet the standard in 3 AAC 110.900 regarding transition.

Statement of Nondiscrimination – 3 AAC 110.910

The commission found no evidence that the adoption of the annexation proposal from the City of Manokotak would deprive any person of any civil or political rights because of sex, creed, national origin, or race. The commissioners found the standard under 3 AAC 110.910 is met.

Determination of Essential Municipal Services – 3 AAC 110.970

Because essential municipal services were discussed, the commission did identify those that are reasonably necessary to the community and promote maximum, local self-government, as well as services that cannot be provided more efficiently or more effectively by the creation or modification of some other political subdivision of the state.

Land use, planning, public safety, road maintenance, water and wastewater, utilities, refuse collection, search and rescue, and emergency medical services (EMS) were listed in the petition as existing powers. The commission also identified garbage service, ice machine, alcohol regulation, and taxation as essential municipal services for the proposed annexation.

Several commissioners noted that a borough could better provide some of the identified services, but at this time, with no anticipated borough formation petition, the commission found that the City of Manokotak was the most able entity to provide those essential municipal services.

Conclusion and Vote

After discussion of the standards under reconsideration, Commissioner Harrington moved, on reconsideration, that the commission approve the Manokotak annexation petition with the boundaries altered to include all of Tract A, all of Tract C, and to include those portions of the original Tract B shown in blue on the map on page two of this decision.⁵ Commissioner Wilson seconded the motion. Commissioner Harrington noted that the reduced size, in his mind, allowed the annexation by Manokotak to better meet the boundary standard and is in the best interest of the state. Vice Chair Harcharek, and Commissioners Wilson and Harrington voted in favor of the amended annexation on reconsideration; Commissioner Hargraves voiced his reluctance, and voted in opposition. The motion passed and the amended boundaries for annexation by Manokotak were approved. A legal description and square mileage is set out in Section IV.

Section IV Order of the Commission

The territory of the city, should the proposed annexation be approved by the Legislature, is generally described as all lands and waters contained within the following metes and bounds:

Beginning at MC 1 of USS 4875 Manokotak Townsite (recorded as Book 17, Page 252, Bristol Bay Recording District), Thence North 4.0 miles to a point on the North Boundary of the City of Manokotak and the **True Point of Beginning**;

Thence, Easterly along the Northerly boundary of the City of Manokotak, 5 miles, to the Northeast Corner of the City of Manokotak;

Thence, Southerly along the Easterly boundary of the City of Manokotak 23,002± feet to the intersection with the Northerly boundary of protracted Section 10, Township 14 South (T14S), Range 58 West (R58W), Seward Meridian (SM);

Thence, Easterly along the Northerly boundary of protracted Sections 10, 11 and 12, T14S, R58W, SM, and continuing Easterly to the Northeast Corner of protracted Section 7, T14S, R57W, SM;

Thence, Southerly along the Easterly boundary of protracted Section 7, to the Northwest Corner of protracted Section 17, T14S, R57W, SM;

Thence, Easterly along the Northerly boundary of protracted Sections 17, 16 and 15 to the Northeast Corner of protracted Section 15, T14S, R57W, SM;

Thence, Southerly along the Easterly boundary of protracted Sections 15 and 22, to the Northwest Corner of protracted Section 26, T14S, R57W, SM;

⁵ Tract B was reduced from approximately 113 square miles to approximately 30.42 square miles. The additions are Sections 9 and 16 of Township 16 South, Range 57 West and Section 31 of Township 18 South, Range 57 West; Section 6 of Township 19 South, Range 57 West; and Section 1 of Township 19 South, Range 58 West.

Thence, Easterly along the Northerly boundary of protracted Section 26, to the Northeast Section Corner of protracted Section 26, T14S, R57W, SM;

Thence, Southerly along the Easterly boundary of protracted Sections 26 and 35, to the Southeast Corner of protracted Section 35, T14S, R57W, SM;

Thence, Southerly along the Easterly boundary of protracted Sections 2, 11 and 14, to the Southeast Corner of protracted Section 14, T15S, R57W, SM;

Thence, Westerly along the Southern boundary of protracted Section 14, to the Southwest Corner of protracted Section 14, T15S, R57W, SM;

Thence, Southerly along the Eastern boundary of protracted Sections 22, 27, and 34 of T15S, R57W, SM and protracted Sections 3, 10, 15, 22, and 27 to the Southeast Corner of protracted Section 34, T16S, R57W, SM;

Thence, Westerly along the Township Line, to the Northeast Corner of protracted Section 1, T17S, R58W, SM;

Thence, Southerly along the Easterly boundary of protracted Section 1 to the Southeast Corner of protracted Section 1, T17S, R58W, SM;

Thence, Westerly along the Southerly boundary of protracted Section 1 to the Southwest Corner of protracted Section 1, T17S, R58W, SM;

Thence, Southerly along the Easterly boundary of protracted Section 11 to the Southeast Corner of protracted Section 11, T17S, R58W, SM;

Thence, Westerly along the Southerly boundary of protracted Section 11 to the Southwest Corner of protracted Section 11, T17S, R58W, SM;

Thence, Southerly along the Eastern boundary of protracted Sections 15, 22, 27, and 34, T17S, R58W, SM, continuing Southerly to the Southeast Corner of protracted Section 3, T18S, R58W, SM;

Thence, Easterly along the Northerly boundary of protracted Section 11 to the Northeast Corner of protracted Section 11, T18S, R58W, SM;

Thence, Southerly along the Eastern boundary of protracted Sections 11, 14, and 23, to the Southeast Corner of protracted Section 23, T18S, R58W, SM;

Thence, Easterly along the Northerly boundary of protracted Section 25, to the Northeast Corner of protracted Section 25, T18S, R58W, SM;

Thence, Southerly along the Easterly boundary of protracted Section 25, to the Southeast Corner of protracted Section 25, T18S, R58W, SM;

Thence, Easterly along the Northerly boundary of protracted Section 31 to the Northeast corner of protracted Section 31, T18S, R57W, SM;

Thence, Southerly along the Eastern boundary of protracted Section 31, T18S, R57W, SM, continuing Southerly to the Southeast Corner of protracted Section 6, T19S, R57W, SM;

Thence, Westerly along the Southern boundary of protracted Section 6, T19S, R57W, SM, continuing Westerly to the Southwest Corner of protracted Section 1, T19S, R58W, SM;

Thence, Northerly along the Westerly boundary of protracted Section 1 to the Northwest Corner of protracted Section 1, T19S, R58W, SM;

Thence, Westerly along the Southerly boundary of protracted Section 35, to the Southwest Corner of protracted Section 35, T18S, R58W, SM;

Thence, Northerly along the Westerly boundary of protracted Sections 35 and 26, to the Southeast Corner of protracted Section 22, T18S, R58W, SM;

Thence, Westerly along the Southerly boundary of protracted Section 22, to the Southwest Corner of protracted Section 22, T18S, R58W, SM;

Thence, Northerly along the Westerly boundary of protracted Sections 22, 15, 10 and 3, T18S, R58W, SM, to the Southeast Corner of protracted Section 33, T17S, R58W, SM;

Thence, Westerly along the Southerly boundary of protracted Section 33, to the Southwest Corner of protracted Section 33, T17S, R58W, SM;

Thence, Northerly along the Westerly boundary of protracted Sections 33 and 28, to the Southeast Corner of protracted Section 20, T17S, R58W, SM;

Thence, Westerly along the Southerly boundary of protracted Sections 20 and 19, to the East-West-East 1/256th Corner, being the SW Corner of the SE1/4SE1/4SW1/4SE1/4 of protracted Section 19, T17S, R58W, SM;

Thence, Northerly through Sections 19, 18, 7 and 6 along the East-West-East 1/256th line, to the East-West-East 1/256th Corner Section 6, being the NE Corner of the NW1/4NE1/4NW1/4NE1/4 of protracted Section 6, T17S, R58W, SM;

Thence, Westerly along the Township Line, to the Southwest Corner of protracted Section 35, T16S, R58W, SM;

Thence, Northerly along the Westerly boundary of protracted Section 35, to the Southeast Corner of protracted Section 27, T16S, R58W, SM;

Thence, Westerly along the Southerly boundary of protracted Section 27, to the Southwest Corner of protracted Section 27, T16S, R58W, SM;

Thence, Northerly along the Westerly boundary of protracted Sections 27 and 22, T16S, R58W, SM to the intersection with the Mean High Water (MHW) Line of the Igushik River;

Thence, Northeasterly along the MHW Line of the Igushik River, to the intersection with the MHW line and the Northerly boundary of protracted Section 23, T16S, R58W, SM;

Thence, Easterly along the Northerly boundary of protracted Section 23, to the Northeast Corner of protracted Section 23, T16S, R58W, SM;

Thence, Southerly along the Easterly boundary of the Section 23, T16S, R58W, SM to the MHW Line of the Igushik River;

Thence, Southwesterly along the MHW Line of the Igushik River, to the intersection with the Northerly boundary of protracted Section 26, T16S, R58W, SM;

Thence, Easterly along the Northerly boundary of protracted Sections 26 and 25, to the Northeast Corner of protracted Section 25, T16S, R58W, SM;

Thence, Southerly along the Easterly boundary of protracted Sections 25 and 36, to the Southeast Corner of protracted Section 36, T16S, R58W, SM;

Thence, continuing Southerly through Sections 4 and 9, T17S, R58W, SM, parallel with the Easterly boundary of protracted Sections 4 and 9, to the intersection of the MHW Line of the Igushik River;

Thence, Easterly and Northerly, along the MHW Line of the Igushik River, Nushagak Bay to the intersection of the Southern boundary of protracted Section 15, T16S, R57W, SM;

Thence, Westerly along the Southern boundary of protracted Sections 15 and 16, to the Southwest Corner of protracted Section 16, T16S, R57W, SM;

Thence, Northerly along the Western boundary of protracted Sections 16 and 9, to the Northwest Corner of protracted Section 9, T16S, R57W, SM;

Thence, Easterly along the Northern boundary of protracted Section 9, to the intersection of the MHW Line of Nushagak Bay;

Thence, Northerly and Easterly, along the MHW Line of the Igushik River, Nushagak Bay and the Snake River, to a point on the Southern boundary of the NW1/4NW1/4 of protracted Section 15, T15S, R57W, SM;

Thence, Westerly through Sections 15 and 16 along the North 1/16th line to the North 1/16th Corner Section 16, being the SW Corner of the NW1/4NW1/4 of protracted Section 16, T15S, R57W, SM;

Thence, Northerly along the Westerly boundary of protracted Sections 16 and 9, to the Northwest Corner of protracted Section 9, T15S, R57W, SM;

Thence, Easterly along the Northerly boundary of protracted Section 9, to the Southwest Corner of protracted Section 3, T15S, R57W, SM;

Thence, Northerly along the Westerly boundary of protracted Section 3, to the Southwest Corner of protracted Section 34, T14S, R57W, SM;

Thence, Northerly along the Westerly boundary of protracted Sections 34 and 27, to the Southeast Corner of protracted Section 21, T14S, R57W, SM;

Thence, Westerly along the Southerly boundary of protracted Section 21, to the Southwest Corner of protracted Section 21, T14S, R57W, SM;

Thence, Northerly along the Westerly boundary of protracted Section 21, to the Northwest Corner of protracted Section 21, T14S, R57W, SM;

Thence, Westerly along the Southerly boundary of protracted Sections 17 and 18, to the Southwest Corner of protracted Section 18, T14S, R57W, SM, and continuing Westerly along the Southerly boundary of protracted Sections 13 and 14 to the Southwest Section Corner of protracted Section 14, T14S, R58W, SM;

Thence, Westerly 671± feet, along the Southerly boundary of protracted Section 15, to a point due South of the Southeast Corner of boundary of the City of Manokotak (recorded as Book 17, Page 252, Bristol Bay Recording District);

Thence, North 1,961± feet to the Southeast Corner of the City of Manokotak boundary,

Thence, Westerly along the Southerly boundary of the City of Manokotak, 6 miles, to the Southwest Corner of the City of Manokotak;

Thence, Northerly along the Westerly boundary of the City of Manokotak, 6 miles, to the Northwest Corner of the City of Manokotak;

Thence, Easterly along the Northerly boundary of the City of Manokotak, 1 mile, to the **True Point of Beginning**, containing approximately 108.4± square miles (of which 34.5± square miles is water), all within the Third Judicial District, Alaska.

Description based on USGS Quads Dillingham A-8 [1952 (Revised 1963)], Goodnews Bay A-1 [1979 (Revised 1979)], Nushagak Bay C-3 [1950 (Revised 1981)], Nushagak Bay D-3 [1952 (Revised 1955)] and Nushagak D-4 [1952 (Revised 1955)].

Approved in writing on this 25th day of January, 2017

Local Boundary Commission

By: Bob Harcharek
Robert Harcharek, Vice Chair

Attest: Eileen Collins
Eileen Collins, Staff

Based on the findings and conclusions set out in Section III of this decisional statement, the Local Boundary Commission notes that all of the relevant standards and requirements for annexation are satisfied by the annexation proposal filed by the City of Manokotak, as amended by the commission. Accordingly, the commission hereby approves the September 1, 2015, petition of the City of Manokotak, with amendments to the proposed boundaries.

The commission will submit a recommendation for the annexation of the territory in question to the First Session of the Thirtieth Alaska Legislature in accordance with the provisions of Article X, Section 12 of the Constitution of the State of Alaska.

Judicial Appeal

Pursuant to 3 AAC 110.570(g) and 3 AAC 110.580(g), this is the final decision of the Local Boundary Commission. A decision of the Local Boundary Commission may be appealed to the Superior Court under AS 44.62.560(a) and Rule of Appellate Procedure 602(a)(2). A claimant has 30 days from the date this decision is mailed to appeal to the Superior Court.