

500 L Street, Suite 500
Anchorage, Alaska 99501
Telephone: (907) 677-3600
Facsimile: (907) 677-3605
www.alaskalaw.pro

SEDOR WENDLANDT EVANS FILIPPI

Attorneys at Law

Allen F. Clendaniel
William J. Evans
Lea E. Filippi
Carolyn Y. Heyman-Layne
John M. Sedor
John C. Wendlandt

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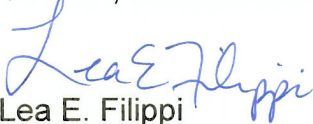
Local Boundary Commission staff
550 West Seventh Avenue, Suite 1640
Anchorage, Alaska 99501-3510

Re: Annexation Petitions of the City of Dillingham and the City of Manokotak
Filing of Responsive Brief of Southwest Region School District
Our File No. 1113-0508

Dear Local Boundary Commission Staff:

Enclosed please find the brief of Respondent Southwest Region School District regarding the annexation petitions of the City of Dillingham and City of Manokotak pending before the Local Boundary Commission. This responsive brief is accompanied by the affidavit of David Piazza with three exhibits, an affidavit of mailing, and the affidavit of respondent. Please note that Southwest Region School District has designated the undersigned as its representative in this matter, which designation appears in the body of the brief.

Sincerely,
SEDOR, WENDLANDT, EVANS & FILIPPI, LLC



Lea E. Filippi
Counsel for Southwest Region School District

enclosures:

Responsive Brief of Southwest Region School District
Affidavit of David Piazza
Affidavit of Respondent
Affidavit of Mailing

cc: Dillingham Mayor Alice Ruby
Manokotak Mayor Melvin Andrew
SWRSD

LOCAL BOUNDARY COMMISSION
STATE OF ALASKA

IN THE MATTER OF
THE PETITION OF THE CITY OF
DILLINGHAM FOR ANNEXATION OF
NUSHAGAK COMMERCIAL SALMON
DISTRICT WATERS AND WOOD RIVER
SOCKEYE SALMON SPECIAL HARVEST
AREA WATERS, TOGETHER
CONSISTING OF APPROXIMATELY 396
SQUARE MILES OF WATER AND 3
SQUARE MILES OF LAND BY THE
LEGISLATIVE REVIEW METHOD
AND
THE PETITION OF THE CITY OF
MANOKOTAK FOR ANNEXATION OF
THE WEARY/SNAKE RIVER TRACT, THE
SNAKE RIVER SECTION AND IGUSHIK
SECTION OF THE NUSHAGAK
COMMERCIAL SALMON DISTRICT, AND
THE IGUSHIK VILLAGE TRACT BY THE
LEGISLATIVE REVIEW METHOD.

RESPONSIVE BRIEF OF SOUTHWEST REGION SCHOOL DISTRICT

Southwest Region School District (the “District”) responds to the petition filed by the City of Dillingham (hereinafter “Dillingham”) to annex waters of the Nushagak Commercial Salmon District and Wood River Sockeye Salmon Harvest Area and to the petition filed by the City of Manokotak (hereinafter “Manokotak”). The waters sought to be annexed by Dillingham are a significant source of the livelihood of fisherman residing in villages, including those served by the District, which are not part of the community of the City of Dillingham. The land and waters sought to be annexed by

Manokotak are likewise important to subsistence and commercial ventures of hundreds of people whose permanent residence is the City of Manokotak.

The District is concerned that Dillingham's stated intention of levying taxes on the sale of fish caught in the waters proposed for annexation without providing meaningful services to the fishermen from outlying communities who fish those waters would result in reductions in the quality of home life of its students and associated decreases in educational performance. The District is also concerned about whether financial pressures of taxes being levied without provision of services to the fishermen's home communities could force families to leave the villages, decreasing the permanent population below the enrollment levels necessary to support a school.

I. Facts

Dillingham is a small but relatively developed city with more than 2,000 residents located east of the Togiak National Wildlife Refuge near the confluence of the Wood River and Nushagak River.¹

The area proposed for annexation by Dillingham is predominately water.² Specifically, the area includes one of the major fishing districts in Bristol Bay important to drift boats and set netters from multiple communities.³ Only a minority of the individuals who fish in the area proposed for annexation are residents of Dillingham.⁴

Dillingham already charges harbor use fees to collect revenue from users of its

¹ Dillingham Petition at page 30.

² Dillingham Petition at pages 6-7.

³ Dillingham Petition at page 8.

⁴ Dillingham Petition at page 8.

dock and port facilities.⁵ Such fees are paid both by Dillingham residents and by residents of other communities, including non-Alaskans.⁶ To the extent that those fees are inadequate to cover the services Dillingham provides to harbor users, a simple alternative to levying a tax on fish caught in the area proposed for annexation would be for the City of Dillingham to increase the harbor use fees paid by those who actually use Dillingham's harbor and to rely on other local sources of income to pay for the water and waste services which it provides.

Dillingham is not intending to offer additional services in the territory proposed for annexation.⁷ Instead, Dillingham seeks to tax the fishermen who use those waters (the majority of whom do not live in Dillingham) in order to pay for the City's existing services.⁸

The fisheries in the area proposed to be annexed by the City of Dillingham are important to the economic viability of the smaller communities whose children are served by Southwest Region School District.

Southwest Region School District serves students in a Regional Education Attendance Area (REAA) bordered by Bristol Bay to the south, the Kuskokwim Mountains to the west and north, and the Aleutian Range to the east, including the communities of Aleknagik, Ekwok, Koliganek, Manokotak, New Stuyahok, Togiak and Twin Hills.⁹

The villages served by Southwest Region Schools are located 15 to 75 miles from

⁵ Dillingham Petition at pages 7, 9.

⁶ Dillingham Petition at page 7.

⁷ Dillingham Petition at pages 12, 42, 49.

⁸ Dillingham Petition at page 8.

⁹ Affidavit of David Piazza.

Dillingham, the largest community in the region.¹⁰ Of those villages, only Aleknagik is accessible by road from Dillingham.¹¹ The other villages are accessed by air, primarily using small, single engine planes.¹² The permanent populations of some of the communities served by the District are relatively small.¹³

Because the communities it serves are not part of any city or borough, the District is wholly dependent upon state and federal funding for operation of its schools. The State of Alaska's existing funding formula weights adjusted daily membership (ADM) based on the size of each school. Smaller schools receive a higher weighted ADM as size decreases, up to a point.¹⁴ Under AS 14.17.905, a community must have an ADM of at least 10 to be counted as a school. Under AS 14.17.450(b), the ADM for a school with fewer than 10 students is included in the ADM of the school in that district with the next lowest ADM by the most recent student count for that district. Together the aggregating feature of AS 14.17.450(b) and the school size floor in AS 14.17.905 make it generally uneconomical for any district to operate schools with fewer than 10 students.

The statutory minimum school size poses particular challenges for school districts with small communities because it is unsustainable to keep open schools with fewer than 10 students. Within the last decade there have been significant reductions in

¹⁰ Affidavit of David Piazza.

¹¹ Affidavit of David Piazza; *see also* the entry for Aleknagik in the Alaska Department of Commerce, Community & Economic Development, Community & Regional Affairs, Community Database Online, available at <https://www.commerce.alaska.gov/dcra/DCRAExternal/community>

¹² Affidavit of David Piazza.

¹³ Affidavit of David Piazza; *see also* entries for each community in the Alaska Department of Commerce, Community & Economic Development, Community & Regional Affairs, Community Database Online, available at <https://www.commerce.alaska.gov/dcra/DCRAExternal/community>.

¹⁴ AS 14.17.450(a).

the number of students in some of the villages served by the District. For example, enrollment at the school in Aleknagik has dropped below 30 students.¹⁵ Enrollment at the school in Ekwok has dropped below 20 students.¹⁶ The District previously maintained schools in Clarks Point and in Portage Creek, both of which were closed due to low enrollment.¹⁷ A school at Portage Creek last operated during the 2004-2005 school year.¹⁸ The school at Clarks Point closed in 2012.¹⁹ School closures can be particularly impacting in small communities where closure of the school essentially dismantles the community itself.

The Board of Education of the Southwest Region School District has passed resolutions affirming the need for stable minimum populations in the communities it serves to provide sufficient numbers of students to maintain its school sites.²⁰

The families of a significant number of students served by Southwest Region Schools live below the poverty line. The District has been approved by the State of Alaska, Department of Education and Early Development to implement the Community Eligibility Provision for school year 2015-2016 so that all enrolled students are eligible to receive free breakfast and lunch for no charge each school day.²¹

The region's primary economic base is subsistence hunting and fishing in the winter and commercial fishing in the summer, including in the waters sought to be

¹⁵ Affidavit of David Piazza, Exhibit A.

¹⁶ Affidavit of David Piazza, Exhibit A.

¹⁷ Affidavit of David Piazza, Exhibit A.

¹⁸ Affidavit of David Piazza, Exhibit A.

¹⁹ Affidavit of David Piazza, Exhibit A.

²⁰ Affidavit of David Piazza; Resolutions 15-03 and 16-08 of the Southwest Region School District Board of Education, Exhibit B.

²¹ Affidavit of David Piazza, Exhibit C.

annexed.²² During the 2014-2015 school year, more than one-third of the District's students received services under the State of Alaska's Migrant Education program on the basis of mobility due to economic necessity for temporary or seasonal activity.²³

II. Dillingham's Petition Does Not Satisfy Applicable Regulatory Standards.

Under state law, a territory may be annexed to a city by the legislative review process only if the petitioner has shown that the standards of 3 AAC 110.090 to 3 AAC 110.135 have been met and if one of the circumstances listed in 3 AAC 110.140 exists.²⁴ These regulations serve to ensure that annexation to an existing city occurs only when the territory to be annexed needs city government, is compatible in character with the city, includes resources necessary to provide municipal services within the area, and has a population sufficiently large and stable to support the extension of city government. Proposed expansion of an existing city into large unpopulated areas is disfavored and should be permitted only when the boundaries are justified by application of the applicable regulatory standards.²⁵ Dillingham's petition for annexation by legislative review should be denied because it does not meet those standards.

There is no merit to Dillingham's contention that the Commission has already conclusively determined that the proposed annexation meets applicable regulatory standards.²⁶ Dillingham's current request for annexation through the Legislative review process must be judged anew on its own merits.

²² Affidavit of David Piazza.

²³ Affidavit of David Piazza.

²⁴ 3 AAC 110.140.

²⁵ 3 AAC 110.130(c)(1), (2).

²⁶ Dillingham Petition at page 48.

A. The Area Proposed for Annexation By Dillingham Does Not Need City Government.

In considering Dillingham's petition, the Commission must consider social and economic conditions such as whether it is reasonable to expect residential and commercial growth beyond existing boundaries into the area proposed for annexation within ten years.²⁷ It is not reasonable to anticipate any residential growth in the area proposed for annexation by Dillingham. Nor is it reasonable to anticipate any economic development requiring additional municipal services in the area. As Dillingham concedes, the area it seeks to annex is predominately water.²⁸

The municipal services currently offered by the City of Dillingham include an animal shelter, a landfill, a public library including six patron computers and wireless internet, snow removal, a municipal water supply, a senior center, a port, a planning and building department, and a police department.²⁹ Dillingham is not proposing to provide any such services in the area proposed for annexation.³⁰

Dillingham mentions that it would like to find a way to provide water service to Icicle Seafoods,³¹ but that aspiration does not reflect any plan to provide municipal service to anyone living in the waters proposed to be annexed. It merely reflects Dillingham's desire to increase service to customers within the existing city.

Dillingham admits that the waters it seeks to annex do not have any permanent

²⁷ 3 AAC 110.090(a)(1), (3).

²⁸ Dillingham Petition at page 6.

²⁹ Dillingham Petition at pages 40, 43, 51 and the public website of the City of Dillingham.

³⁰ Dillingham Petition at page 43.

³¹ Dillingham Petition at page 12.

residents.³² Given that the area proposed for annexation by Dillingham is largely uninhabited and consists primarily of water, the only services that would even arguably be needed in the area are public safety services. However, Dillingham does not propose to assume responsibility for policing or search and rescue services in the area sought for annexation.³³ Instead, Dillingham proposes simply to levy taxes on the users of the waters in that area, including those who reside and receive municipal services elsewhere, while leaving the provision of what public services are needed in the area proposed for annexation to be primarily handled by the State.³⁴

B. Dillingham’s petition should be denied because the waters it proposes to annex are not compatible with the character of the City.

Dillingham’s petition asserts that several subsections of 3 AAC 110.100 are “not directly applicable” to its petition.³⁵ It may be, rather, that those regulations are not satisfied by Dillingham’s petition.

To determine whether an area proposed for annexation is compatible, regulations require the Commission to compare aspects such as: (1) land use, subdivision, and ownership patterns; (2) salability of land for residential, commercial or industrial purposes; (3) population density; (4) causes of any recent population changes; (5) suitability of the territory for reasonably anticipated community purposes; (6) existing and reasonably anticipated transportation patterns and facilities; (7) and

³² Dillingham Petition at page 69.

³³ Dillingham Petition at pages 49, 55 (“The City does not intent to ‘take on’ search and rescue” and “Alaska State Troopers will continue to be the primary first responders in Nushagak River and Bay[.]”).

³⁴ Dillingham Petition at pages 12, 43.

³⁵ Dillingham Petition at pages 64-65.

natural geographical features and environmental factors.³⁶ As to each of those features, there are stark differences between the City of Dillingham and the area proposed for annexation.

The existing City of Dillingham includes lands already in use for a variety of residential and commercial purposes with a fairly stable population present in moderate density.³⁷ Dillingham has not demonstrated any likelihood that the City of Dillingham will dramatically increase in size or need to make new or additional use of the area proposed for annexation. That area has no significant permanent population³⁸ and consists primarily of fishing waters used by individuals residing throughout, and beyond, the region.

Although Dillingham states that it serves as the “economic, transportation and public service center for western Bristol Bay,”³⁹ other locations have strong ties to the fisheries in the area proposed for annexation. A review of the composition of the fishing fleet in 2012 and 2013 is illustrative. Only 19% percent of the individuals with landings in the Nushagak Commercial Salmon district in 2012 were Dillingham residents and less than 20 percent of the gill net fleet vessels with commercial fish harvest in the Nushagak District were registered to Dillingham residents.⁴⁰ The numbers were similar in 2013, when only 21% of the individuals with landings in the Nushagak Commercial Salmon district were Dillingham residents and only 19% of the gill net fleet vessels with commercial fish harvest in the Nushagak District were registered to Dillingham

³⁶ 3 AAC 110.100.

³⁷ Dillingham Petition at page 82.

³⁸ Dillingham Petition page 73.

³⁹ Dillingham Petition at page 7.

⁴⁰ Dillingham Petition at page 8.

residents.⁴¹ The residents of the City of Dillingham do not have any unique status with respect to harvesting from the waters in the area proposed to be annexed. Nor does Dillingham have any unique stake in the work of processing fish caught in the area. Dillingham admits that a significant portion (historically roughly between one-third and one-half) of the salmon harvest from Nushagak Bay is delivered outside the bay for processing.⁴²

The proposed boundaries are not informed by the presence of any populations to which Dillingham intends to extend municipal services. Dillingham is a small community whose residents, some of whom are engaged in fishing in the area sought for annexation, receive a wide array of municipal services typical for a community of its size.⁴³ The residents are fortunate that their community also hosts some Alaska Native corporations and nonprofit organizations⁴⁴ as well as regional infrastructure such as medical and transportation facilities,⁴⁵ which are not municipal services but do benefit local residents as well as residents of other communities in the region.

The area proposed to be annexed has none of those characteristics. It consists of nearly 400 square miles of uninhabited territory made up primarily of waters that include fisheries of importance to both the region and the state as a whole. It has no permanent residents or real property owners to whom municipal services are or will be extended.

⁴¹ Dillingham Petition at page 8.

⁴² Dillingham Petition at page 8.

⁴³ Dillingham Petition at pages 40, 43, 51.

⁴⁴ Dillingham Petition at page 7.

⁴⁵ Dillingham Petition at page 51.

C. The Required Analysis of Resources and Population Does Not Support Annexation.

The poor fit between Dillingham's petition and the criteria of 3 AAC 110.110 demonstrates that annexations of this type are disfavored. Regulations require the Commission to consider whether the economy of the proposed expanded boundaries of the city includes human and financial resources necessary to provide essential municipal services. Dillingham does not anticipate having any significant municipal functions in the territory sought to be annexed.⁴⁶ Likewise, because Dillingham does not anticipate expanding services or actually performing meaningful municipal functions within the area proposed to be annexed, Dillingham does not anticipate excessive new expenses.⁴⁷ Instead, Dillingham expects that the area proposed to be annexed will serve as an ample source of funding whereby individuals fishing in the Nushagak Commercial Salmon District, most of whom reside elsewhere, will subsidize existing municipal services. The lack of fit between Dillingham's proposal and the regulatory criteria of 3 AAC 110.110 further demonstrates the appropriateness of denying Dillingham's petition for annexation.

D. The Area Proposed to be Annexed By Dillingham Is Unpopulated but Serves as an Area of Economic Importance for Residents of Other Communities.

The inquiry required by 3 AAC 110.120 further supports the denial of petitions such as Dillingham's by which a municipality seeks to annex an unpopulated but resource-rich area of importance to the broader region. Under 3 AAC 110.120, the Commission must consider whether the population of an area proposed for annexation would be sufficiently large and stable to support the extension of municipal services to the area. That regulatory directive to consider factors such as census data, historical or

⁴⁶ 3 AAC 110.110(1).

⁴⁷ 3 AAC 110.110(2).

seasonal fluctuations in population and contemporary and historical public enrollment data to determine whether the area proposed for annexation has adequate population makes sense because annexation is generally appropriate only when a city is actually intending to expand the scope or reach to provide municipal services to the area to be annexed. However, as noted above, Dillingham does intend to offer any additional services in the area sought for annexation. Instead, Dillingham recognizes that the requested annexation will not add any residents to the City of Dillingham⁴⁸ and identifies the area sought for annexation solely as a source of significant potential revenues to fill its coffers and offset the costs to local residents of the municipal services it already provides.

E. The proposed boundaries of the area sought to be annexed by Dillingham are not consistent with 3 AAC 110.130.

Regulations require the boundaries of territory proposed for annexation to be based on reasonable projections for expansion of the existing community. Proposed boundaries for expansion of a city must include all land and water necessary to provide the development of essential municipal services on an efficient, cost-effective level.⁴⁹ Proposed boundaries may include only the area comprising an existing local community plus growth reasonably predicted within the next ten years.⁵⁰ Proposed expansion of a city by annexation specifically may not include entire geographic regions or large unpopulated areas unless those boundaries are justified by the application of regulatory standards and are otherwise suitable for city government.⁵¹

Dillingham proposes to capture 400 square miles of unpopulated area, primarily

⁴⁸ Dillingham Petition at page 85.

⁴⁹ 3 AAC 110.130(a).

⁵⁰ 3 AAC 110.130(c)(1).

⁵¹ 3 AAC 110.130(c)(2).

water. It is not reasonable to anticipate that the area will be populated within the next ten years. Given the character of the territory – mostly water – the only reasonable expectation is that the area will remain largely unpopulated.

The proposed boundaries are not informed by the presence of any populations to which Dillingham intends to extend municipal services. Indeed, the area is not suitable for city government. This is amply illustrated by the fact that Dillingham does not intend to provide municipal services within the area proposed for annexation. The stated purpose of Dillingham's petition for annexation is to enable Dillingham to collect taxes from landings in the uninhabited Nushagak Commercial Salmon District. Dillingham intends to tax the sale of fish caught in that unpopulated area in order to subsidize the costs of the existing municipal services that residents of the City of Dillingham already enjoy. The desire to capture tax revenue from a fishery of regional importance is not sufficient basis for adding nearly 400 square miles of unpopulated waters to the existing territory of the City of Dillingham.

F. Dillingham's annexation of an unpopulated area including fisheries of importance to the entire region is not in the best interests of the State.

To determine whether annexation to a city is in the best interests of the State under AS 29.06.040(a), the Commission must consider whether annexation will relieve the State government of responsibility of providing local services.⁵² Granting Dillingham's petition would not relieve the State of responsibility for providing any local services.

Dillingham does not intend to assume any responsibility for providing

⁵² 3 AAC 110.135(3).

additional local services in the area sought to be annexed.⁵³ Dillingham intends to leave the State with primary responsibility for public safety services in the area sought to be annexed, including policing and search and rescue.⁵⁴

Dillingham's proposed taxation on the sale of fish caught in the waters sought for annexation would have the effect of reducing net income to fishermen and would tend to increase the regional need for State services and supports. If the fishermen who reside in the communities whose children the District serves are required to pay new taxes to the City of Dillingham for catching fish in the Nushagak Commercial Salmon District without receiving equivalent services in exchange, those fishermen may not have sufficient funds available to meet the basic needs of themselves and their families. This could result in increased reliance on State support. This could also result in reductions in the quality of life of school children and associated decreases in educational performance. It could even result in families being forced to leave the village which could decrease school size or even decrease the permanent population below levels necessary to support a school.

G. Dillingham's petition does not satisfy 3 AAC 110.140.

Under 3 AAC 110.140, territory may be annexed through the legislative review process only if the standards of 3 AAC 110.090 -.135 have been satisfied and one of eight particular circumstances exists (previously nine). Dillingham's petition should be denied because none of those eight circumstances are present.

3 AAC 110.140(1). The territory proposed for annexation is not surrounded by Dillingham.

⁵³ Dillingham Petition at page 43.

⁵⁴ Dillingham Petition at page 77.

3 AAC 110.140(2). There has been no showing that the health, safety, and general welfare of city residents is or will be endangered by any existing or developing conditions in the territory to be annexed, much less that annexation is necessary to regulate or control such conditions.

Dillingham has not provided meaningful information regarding the conditions in the territory proposed to be annexed, beyond noting that it is primarily water with salmon fisheries that Dillingham would love to tax. Dillingham does claim that some users of the waters sought to be annexed use city services without paying local taxes.⁵⁵ This is presumably a reference to the fact that some of the permit holders fishing in the territory proposed for annexation use the City of Dillingham's harbor and roads. Even if that were true, the use of harbor facilities or other services within existing City of Dillingham limits does not constitute an existing or developing condition "in the territory." The regulatory language clearly refers to conditions in the territory to be annexed (as distinct from within the existing city). It is nonsensical to pretend that the fact that some users of the waters which Dillingham hopes to annex also come into town and do business there constitutes a threat to the health, safety or welfare of city residents that could be controlled by annexation.

Furthermore, Dillingham already charges harbor use fees to collect revenue from users of its dock and port facilities.⁵⁶ Those fees are paid both by Dillingham residents and by residents of other communities, including non-Alaskans.⁵⁷ If the fees collected from users of the City of Dillingham's harbor are inadequate to cover the services that the City of Dillingham provides to harbor users, a simple alternative to levying a tax on

⁵⁵ Dillingham Petition at page 50.

⁵⁶ Dillingham Petition at pages 7, 9.

⁵⁷ Dillingham Petition at page 7.

fish caught in the area proposed for annexation would be for the City of Dillingham to increase the fees for use of the harbor. Dillingham does not need annexation to avoid undercharging the users of its harbor, water service, landfill, etc. Dillingham just needs to adjust its fee schedules to appropriately collect from harbor users and customers of municipal services like waste disposal and water services and use local revenue sources other than harbor fees to pay for its other municipal services. A raw desire to pass along to the nonresidents who fish the water proposed for annexation the cost of providing services to the residents of Dillingham does not establish that the health, safety and welfare of city residents is endangered.

Dillingham has failed to prove that its residents are endangered by any conditions in the waters proposed for annexation, much less that annexation is necessary in order to regulate or control such conditions.

3 AAC 110.140(3). Annexation is not necessary to extend services or facilities into the territory. In fact, Dillingham does not propose to extend services into the territory. No municipal infrastructure is planned to be expanded into the area Dillingham seeks to annex. Dillingham would not hire additional staff as a result of annexation.⁵⁸ Dillingham states its position with regard to this alleged petition by referencing Section 6 of its petition,⁵⁹ the seven pages laying out the asserted reasons for the proposed boundary change.⁶⁰ The gist of Dillingham's reasoning is that severance and sales tax on fish caught in the waters proposed for annexation would provide additional revenue to Dillingham to pay for services that the fishing fleet may use while in town and will "help make the community more financially sustainable." While it would obviously be

⁵⁸ Dillingham Petition at page 69.

⁵⁹ Dillingham Petition at page 79.

⁶⁰ Dillingham Petition at pages 7-14.

the case that it would be financially advantageous to any community to have access to revenue from nonresidents to subsidize the cost of providing municipal services to residents, Dillingham has not established that annexation is necessary to maintain the services it already provides within its existing borders. On the contrary, Dillingham appears to be financially sound without the extra revenue.

3 AAC 110.140(4). This circumstance applies only if residents or property holders in the area proposed for annexation are shown to be unfairly receiving the benefits of city government without commensurate tax contributions. Dillingham admits that there are no relevant permanent residents or real property owners.⁶¹ Although Dillingham attempts to assert that the fishing fleet itself takes advantage of City of Dillingham services,⁶² use of the waters does not make members of the fishing fleet permanent residents or property owners of the area proposed for annexation. The circumstance simply does not exist.

3 AAC 110.140(5). Dillingham has not identified any anticipated growth or development in the territory proposed for annexation and so could not possibly claim that any such growth or development would adversely affect the City of Dillingham. No growth is projected. No impact on the City of Dillingham is anticipated. Dillingham admits that this circumstance is simply not there.⁶³

3 AAC 110.140(6). What had been numbered the sixth circumstance was repealed in 2002.

3 AAC 110.140(7). Dillingham has not demonstrated that the annexation of the

⁶¹ Dillingham Petition at page 50.

⁶² Dillingham Petition at page 79.

⁶³ Dillingham Petition at pages 79-80 (skipping from circumstance 4 to circumstance 7 without referencing 5).

territory will promote maximum local self-government and a minimum number of local government units. Dillingham's claim that this circumstance exists rests on its observation that it proposes to expand, rather than create, government and that those who fish in the territory proposed for annexation receive city services.⁶⁴ That oversimplification does not accurately describe the relationship between the fishing grounds and Dillingham. The existing City of Dillingham is not the only means by which those who fish the waters proposed for annexation receive municipal services. Many individuals who fish in the district proposed for annexation live elsewhere and receive services in their home communities.⁶⁵ A significant number of the fish taken in the district are not even processed in Dillingham.⁶⁶ Dillingham has not demonstrated that the required circumstance is present.

3 AAC 110.140(8). Dillingham has not demonstrated that the proposed annexation would enhance the extent to which the existing City meets the standards for incorporation of cities. The standards of AS 29.05.011 call for communities with 400 or more permanent residents with boundaries necessary for providing municipal services on an efficient scale, the human and financial resources necessary to provide such services, stable population and demonstrated need for city government. These standards contemplate a geographic overlap between a population base and an area to which municipal services are provided. Dillingham's proposed annexation of the waters of the Nushagak Commercial Salmon District would not enhance the extent to which Dillingham meets those standards. On the contrary, for all of the reasons articulated above in connection with the analysis of the mismatch between Dillingham's

⁶⁴ Dillingham Petition at page 80.

⁶⁵ Dillingham Petition at page 8.

⁶⁶ Dillingham Petition at page 8.

petition and the criteria for annexation, the District contends that adding nearly 400 square miles of unpopulated water to which it is not feasible to extend most municipal services would tend to reduce the extent of the match between the geography of the City of Dillingham's borders and the location of the residents to whom municipal services are provided.

Dillingham baldly asserts that it is "a fishing community" and that adding fishing grounds to the fishing community obviously enhances the extent to which it meets the "community" standard for cities.⁶⁷ This ignores the fact that the grounds in question are not exclusively used by residents of Dillingham. In both 2012 and 2013, only 1 out of 5 individuals with landings in the Nushagak Commercial Salmon District was a resident of Dillingham and only 1 out of 5 gill net fleet vessels with commercial fish harvest in the Nushagak District were registered to Dillingham residents.⁶⁸ The fisheries in the waters proposed for annexation are not uniquely tied to the community of Dillingham and permitting the annexation of those waters would not increase the extent to which Dillingham meets the "community" standards for cities.

Dillingham overstates the connection between its residents and the users of the waters proposed for annexation by claiming that there are "frequent personal contacts on a day to day basis including through educating their children in the Dillingham public schools, voting, living in permanent residential housing and receiving community services as described throughout this petition."⁶⁹ Even if community were correctly measured by considering who uses the waters proposed for annexation, the fact is that the majority of the individuals with landings in the Nushagak Commercial

⁶⁷ Dillingham Petition at page 81.

⁶⁸ Dillingham Petition at page 8.

⁶⁹ Dillingham Petition at page 85.

Salmon District do not live in Dillingham or have children enrolled with Dillingham City School District. The majority of the individuals with landings in the Salmon District proposed for annexation live elsewhere. A significant number live in villages served by Southwest Region School District. Because those villages, with the exception of Aleknagik, are not accessible by road from Dillingham, and because travel by small plane is expensive, there is not frequent personal contact between residents of those villages and residents of the City of Dillingham. The families of students enrolled with Southwest Region School District do not have regular access to municipal services like the senior center, library, animal shelter, water, police protection, and fire service available to residents of the City of Dillingham.

3 AAC 110.140(9). This circumstance exists only if the Commission determines that some specific policy set out in the State Constitution, AS 29.04, AS 29.05 or AS 29.06 would be best served by annexation through the legislative review process and annexation is in the best interests of the State. Dillingham has not tried to claim that any such determination should be made or identified any specific policies that would be best served by annexation.⁷⁰

Dillingham's petition for annexation should be denied because none of the circumstances required by 3 AAC 110.140 exist.

III. The Commission is required to determine anew whether the Legislative Review Petition satisfies the law.

Throughout its petition for annexation by legislative review, Dillingham makes reference to the Commission findings regarding a prior petition for annexation by local

⁷⁰ Dillingham Petition at pages 80-81 (omitting any reference to 3 AAC 110.140(9)).

action that was vacated by the superior court.⁷¹ To the extent that Dillingham simply asserts that the Commission already made some particular finding in a decision that has since been vacated, it fails to make the necessary showing. Dillingham must prove with its current petition that it is entitled to the requested annexation. In these proceedings, the current petitions must be evaluated on their own merits in order to determine whether the regulatory requirements applicable to petition by legislative review have been met.

IV. There Are Meaningful Connections Between Manokotak and the Area it Seeks for Annexation.

In contrast to the relationship between Dillingham and the area that it seeks for annexation, there are already meaningful and specific social and financial connections between Manokotak and the tracts it seeks to annex. Manokotak is already providing services outside its existing legal boundaries.⁷² Annexation could enable Manokotak to extend additional services, including those related to potable water, ice making, waste disposal and boat landing and storage which could improve public health and the health of the District's students.⁷³ Annexation would permit Manokotak to bring those areas which it is already serving under its formal regulatory control. Manokotak is a growing community.⁷⁴ Having more formal mechanisms for governing the village of Igushik where many families served by the District summer could further strengthen the community of Manokotak and stabilize student count.

⁷¹ See, e.g., Dillingham Petition at pages 14, 48, 58, 61, 63, 64, 72, 74, 76, 79, 81, 83, 84, 85, 86.

⁷² Manokotak Petition at pages 32, 69-70.

⁷³ Manokotak Petition at pages 71-73.

⁷⁴ Manokotak Petition at page 10.

V. Conclusion

Dillingham's petition for annexation by legislative review fails to satisfy the requirements of 3 AAC 110.090-.140 and should therefore be denied.

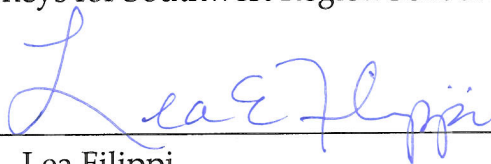
VI. Designation of Representative

The Southwest Region School District has designated the following person as their representative for the purposes of this responsive brief and all proceedings regarding the Legislative Review Petitions of the City of Dillingham and the Legislative Review Petition of the City of Manokotak:

Lea E. Filippi
Sedor Wendlandt Evans & Filippi, LLC
500 L Street, Suite 500
Anchorage, Alaska 99501
email: filippi@alaskalaw.pro
telephone: (907) 677-3600
facsimile: (907) 677-3605

DATED this 23rd day of February, 2016.

SEDOR, WENDLANDT, EVANS & FILIPPI, LLC
Attorneys for Southwest Region School District

By: 
Lea Filippi

AFFIDAVIT OF DAVID PIAZZA

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

I, David Piazza, upon oath depose and state that:

1. My name is David Piazza. I am Superintendent of Southwest Region Schools which serves students in a Regional Educational Attendance Area (REAA) bordered by Bristol Bay to the south, the Kuskokwim Mountains to the west and north, and the Aleutian Range to the east, including the communities of Aleknagik, Ekwoke, Koliganek, Manokotak, New Stuyahok, Togiak and Twin Hills.

2. The villages served by Southwest Region Schools are located 15 to 75 miles from Dillingham, the largest community in the region. Of the villages, only Aleknagik is accessible by road from Dillingham. The other villages are accessed by air, primarily using small, single engine planes.

3. The permanent populations of some of the communities served by Southwest Region Schools are relatively small.

4. The Board of Education of the District has passed resolutions affirming the need for stable minimum populations in the communities it serves to provide sufficient numbers of students to maintain its school sites.

5. Within last decade there have been significant reductions in the number of students in some of the villages within the REAA. For example, enrollment at the

school in Aleknagik has dropped below 30 students. Enrollment at the school in Ekwok has dropped below 20 students.

6. The District previously maintained schools in Clarks Point and in Portage Creek, both of which closed due to low enrollment. The 2004-2005 school year was the last year of operation for a school at Portage Creek School. The school at Clarks Point closed in 2012.

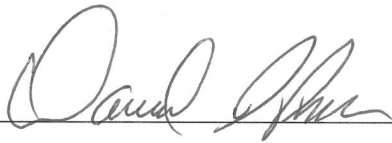
7. Attached as Exhibit A are reports reflecting historical enrollment for each school site as well as district-wide enrollment.

8. The families of a significant number of students served by Southwest Region Schools live below the poverty line. The District has been approved by the State of Alaska, Department of Education and Early Development to implement the Community Eligibility Provision for school year 2015-2016 so that all enrolled students are eligible to receive free breakfast and lunch for no charge each school day. Attached as Exhibit C is correspondence reporting this approval.

9. The region's primary economic base is subsistence hunting and fishing in the winter and commercial fishing in the summer, including in the fishing district sought to be annexed by the City of Dillingham. During the 2014-2015 school year, more than one-third of the District's students received services under the State of Alaska's Migrant Education program on the basis of mobility due to economic necessity for temporary or seasonal activity.

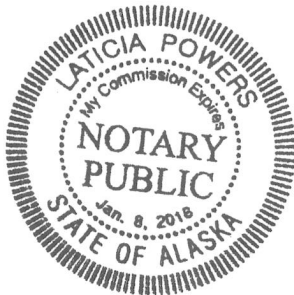
10. The District is concerned that if the fishermen who reside in the communities it serves are required to pay new taxes to the City of Dillingham for catching fish in the Nushagak Commercial Salmon District without receiving equivalent services in exchange, those fishermen may not have sufficient funds


available to meet the basic needs of themselves and their families. This could result in reductions in the quality of life of school children and associated decreases in educational performance. It could also result in families being forced to leave the village which could decrease the permanent population below levels necessary to support a school.



David Piazza

Subscribed and sworn to before me this 22nd day of September, 2015, in
Dillingham, Alaska.





Notary Public in/for the State of Alaska
My Commission Expires: 01/08/2018

**Southwest Region School District
Enrollment (ADM) Summary
FY 2001 - FY 2015**

FY 1988	480.48
FY 1989	466.35
FY 1990	435.60
FY 1991	442.80
FY 1992	472.50
FY 1993	478.85
FY 1994	554.25
FY 1995	568.30
FY 1996	629.80
FY 1997	700.80
FY 1998	743.10
FY 1999	774.70
FY 2000	758.25
FY 2001	767.91
FY 2002	758.60
FY 2003	721.25
FY 2004	676.95
FY 2005	705.95
FY 2006	669.70
FY 2007	673.70
FY 2008	657.70
FY 2009	633.50
FY 2010	639.85
FY 2011	627.45
FY 2012	633.10
FY 2013	586.10
FY 2014	601.70
FY 2015	588.75

Aleknagik School
Enrollment (ADM) Summary
FY 2001 - FY 2015

FY 2001	43.20
FY 2002	36.10
FY 2003	32.45
FY 2004	35.00
FY 2005	35.00
FY 2006	38.00
FY 2007	38.00
FY 2008	39.00
FY 2009	33.40
FY 2010	33.00
FY 2011	30.35
FY 2012	33.00
FY 2013	27.70
FY 2014	24.00
FY 2015	26.05

**Clarks Point School
Enrollment (ADM) Summary
FY 2001 - FY 2012**

FY 2001	17.00
FY 2002	17.00
FY 2003	17.00
FY 2004	13.90
FY 2005	19.00
FY 2006	14.00
FY 2007	11.00
FY 2008	12.00
FY 2009	11.00
FY 2010	12.30
FY 2011	13.00
FY 2012	10.00
FY 2013	CLOSED

**William 'Sonny' Nelson (Ekwok) School
Enrollment (ADM) Summary
FY 2001 - FY 2015**

FY 2001	37.16
FY 2002	30.80
FY 2003	26.45
FY 2004	21.60
FY 2005	31.00
FY 2006	25.00
FY 2007	24.30
FY 2008	24.55
FY 2009	22.35
FY 2010	12.60
FY 2011	14.95
FY 2012	10.00
FY 2013	12.00
FY 2014	11.00
FY 2015	14.60

**Koliganek School
Enrollment (ADM) Summary
FY 2001 - FY 2015**

FY 2001	75.95
FY 2002	74.45
FY 2003	79.00
FY 2004	63.05
FY 2005	61.95
FY 2006	39.25
FY 2007	56.35
FY 2008	57.00
FY 2009	50.90
FY 2010	56.50
FY 2011	56.00
FY 2012	56.45
FY 2013	57.60
FY 2014	58.70
FY 2015	58.60

**Manokotak 'Nunaniq' School
Enrollment (ADM) Summary
FY 2001 - FY 2015**

FY 2001	135.70
FY 2002	143.25
FY 2003	142.00
FY 2004	129.75
FY 2005	139.30
FY 2006	131.65
FY 2007	128.30
FY 2008	122.00
FY 2009	120.25
FY 2010	127.85
FY 2011	117.35
FY 2012	125.95
FY 2013	122.95
FY 2014	137.15
FY 2015	125.35

**"Chief" Ivan Blunka (New Stuyahok) School
Enrollment (ADM) Summary
FY 2001 - FY 2015**

FY 2001	160.00
FY 2002	181.15
FY 2003	165.05
FY 2004	171.75
FY 2005	169.00
FY 2006	176.50
FY 2007	171.90
FY 2008	158.35
FY 2009	146.25
FY 2010	155.90
FY 2011	152.00
FY 2012	156.30
FY 2013	128.25
FY 2014	132.65
FY 2015	133.65

**Portage Creek School
Enrollment (ADM) Summary
FY 2001 - FY 2015**

FY 2001	11.00
FY 2002	14.00
FY 2003	14.40
FY 2004	10.00
FY 2005	7.00
FY 2006 CLOSED	

Togiak School
Enrollment (ADM) Summary
FY 2001 - FY 2015

FY 2001	272.90
FY 2002	249.85
FY 2003	228.90
FY 2004	217.90
FY 2005	230.70
FY 2006	233.30
FY 2007	230.85
FY 2008	228.80
FY 2009	235.35
FY 2010	227.70
FY 2011	227.80
FY 2012	222.40
FY 2013	221.60
FY 2014	220.20
FY 2015	212.30

**Twin Hills School
Enrollment (ADM) Summary
FY 2001 - FY 2015**

FY 2001	15.00
FY 2002	12.00
FY 2003	16.00
FY 2004	14.00
FY 2005	13.00
FY 2006	12.00
FY 2007	13.00
FY 2008	16.00
FY 2009	14.00
FY 2010	14.00
FY 2011	16.00
FY 2012	19.00
FY 2013	16.00
FY 2014	18.00
FY 2015	18.20

SOUTHWEST REGION SCHOOL BOARD

RESOLUTION NO. 15-03

A RESOLUTION REGARDING THE PETITION FOR ANNEXATION BY THE CITY OF DILLINGHAM

WHEREAS Southwest Region School District serves students in a Regional Educational Attendance Area bordered by Bristol Bay to the south, the Kuskokwim Mountains to the west and north, and the Aleutian Range to the east including the communities of Aleknagik, Ekwok, Koliganek, Manokotak, New Stuyahok, Togiak, and Twin Hills;

WHEREAS the villages served by Southwest Region Schools are located 15 to 75 miles from Dillingham, the largest community in the region. Of the seven villages, only Aleknagik is accessible by road from Dillingham and all of the other villages are accessed by air, primarily using small, single engine planes;

WHEREAS the families of a significant percentage of the students served by Southwest Region Schools live below the poverty line;

WHEREAS the region's primary economic base is commercial fishing in the summer, and subsistence hunting and fishing in the winter. The permanent populations of some of the communities served by Southwest Region schools are relatively small;

WHEREAS the Southwest Region School District is concerned that if the fishermen who live in the communities whose students it serves are required to pay new taxes to the City of Dillingham without receiving equivalent services in exchange, those fishermen may not have sufficient funds available to take care of the basic needs of themselves and their families, resulting in reductions in the quality of life of school children and associated decreases in educational performance or in families being forced to leave the village and thereby decreasing the permanent population below levels necessary to support a school;

WHEREAS the proposed annexation may also affect the Southwest Region School District, which has the power to petition to create a borough in the region, 3 AAC 110.410(a)(5). If Dillingham annexes and taxes fishing activity in territory that is part of the region, but not really part of the community of Dillingham, then that may lessen the capacity of surrounding areas to produce or maintain revenue to support a borough or may foster Dillingham opposing borough formation. In light of these dynamics, the boundary commission should consider the appropriateness of creating a borough before permitting the City of Dillingham to claim that territory;

NOW THEREFORE BE IT RESOLVED that the Southwest Region School District affirms the need for stable minimum populations in the communities it serves to provide sufficient numbers of students to maintain its school sites;

BE IT FURTHER RESOLVED that Southwest Region School District urges the Local Boundary Commission to deny the petition for annexation because it would impose taxes on the residents of the area without provision of services which reduction income is likely to negatively impact the health of families in the area with attendant decreases in student's educational performance or force families to move from the communities, leaving insufficient populations to support school sites.

PASSED, APPROVED AND ADOPTED BY THE SCHOOL BOARD OF THE SOUTHWEST REGION SCHOOL DISTRICT THIS 23RD DAY OF SEPTEMBER, 2014:



President, Southwest Region Schools

9-23-14
Date



Superintendent, Southwest Region Schools

9/23/14
Date

SOUTHWEST REGION SCHOOL DISTRICT

Resolution 16-08

A Resolution of the Southwest Region School District Board of Education for Annexation by the City of Dillingham and the City of Manokotak

WHEREAS, Southwest Region School District serves students in a Regional Educational Attendance Area bordered by Bristol Bay to the south, the Kuskokwim Mountains to the west and north, and the Aleutian Range to the east including the communities of Aleknagik, Clark's Point, Ekwok, Koliganek, Manokotak, New Stuyahok, Togiak, and Twin Hills;

WHEREAS, the families of a significant percentage of the students served by Southwest Region Schools live below the poverty line;

WHEREAS, the region's primary economic base is commercial fishing in the summer, and subsistence hunting and fishing in the winter. The permanent populations of some of the communities served by Southwest Region schools are relatively small;

WHEREAS, the Southwest Region School District is concerned that if the fishermen who live in the communities who students it serves are required to pay taxes without receiving equivalent services in exchange, those fishermen may not have sufficient funds available to take care of the basic needs of themselves and their families, resulting in reductions in the quality of life of school children and associated decreases in educational performance or in families being forced to leave the village and decreasing the permanent population below levels necessary to support a school;

WHEREAS, the proposed annexation may also affect the Southwest Region School District, which has the power to petition to create a borough in the region, 3 AAC 110.410(a)(5);

NOW, THEREFORE BE IT RESOLVED, that the Southwest Region School District affirms the need for stable minimum populations in the communities it serves to provide sufficient numbers of students to maintain its school sites;

BE IT FURTHER RESOLVED, that the Southwest Region School District is concerned that the Local Boundary Commission have adequate information regarding the District before acting on the pending petitions for annexation;

NOW, THEREFORE BE IT RESOLVED, that the Southwest Region School District directs the Superintendent to work with counsel for the District in preparation of respondent's briefs to be filed for the District with the Local Boundary Commission regarding the pending petitions by the City of Dillingham and the City of Manokotak for annexation by the legislative review method to provide the Commission with information about the District and its students and the potential effects on the District of annexation;

BE IT FURTHER RESOLVED, that the District designates Lea Filippi as its representative for the purposes of filing a responsive brief and any other proceedings regarding the pending petitions by the City of Dillingham and the City of Manokotak for annexation by the legislative review method;

PASSED, APPROVED AND ADOPTED BY THE SCHOOL BOARD OF THE SOUTHWEST REGION SCHOOL DISTRICT THIS 26TH DAY OF JANUARY, 2016:



President, Southwest Region Schools

01-26-16

Date



Superintendent, Southwest Region Schools

1/26/16

Date



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Education & Early Development

Teaching and Learning
Child Nutrition Programs

801 West 10th Street, Suite 200
P.O. Box 110500
Juneau, Alaska 99811-0500
Main: 907.465.8709
fax: 907.465.8910

July 31, 2015

Certified Mail
Return Receipt

Mr. David Piazza, Superintendent
Southwest Region School District
PO Box 90
Dillingham, AK 99576

Dear Superintendent Piazza:

We are pleased to inform you that Southwest Region School District has been approved to implementing the Community Eligibility Provision (CEP) for School Year 2015-2016.

All enrolled students of Southwest Region School District are eligible to receive a healthy breakfast and lunch at **no charge** each school day of the 2015-2016 school year. Southwest Region School District will be reimbursed at a **100%** free for the 7 sites submitted on the application for CEP.

While CEP removes the need for free and reduced meal paper applications there may still be a need to collect household socio-economic data for other programs such as Title 1 and E-Rate. The school meal program applications are not to be distributed in schools participating in CEP. The Title I income Survey can be used for this purpose. All costs associated with distributing, collecting and reviewing these household income forms must be paid for with funds outside of the nonprofit school food service account.

In addition please note that all eligibility information used to meet the 40% or greater criteria for CEP eligibility must be kept on file for future audits for the duration of the cycle.

Districts approved for CEP must keep current SNAP, TANF, Foster, Migrant, and Homeless rosters. If your district or sites approved has an increase in identified students the district may submit a new CEP application in April to increase the district sites eligibility percentage.

We will be providing additional information to all schools on how to complete the CEP information during the renewal process as there will be additional fields to complete in the site applications.

If you have any questions, please contact me at Elizabeth.seitz@alaska.gov or 465-8709, Jo Dawson at Jo.dawson@alaska.gov or 465-8708.

Sincerely,



Elizabeth Seitz

National School Lunch Program Coordinator I

CC: Ryan Ayars, Business Manager
Walter Williams Jr., Nutrition Specialist
Jo Dawson, State Program Manager

District	School Site	Enrollment as of April 1st.	SNAP/MIG/Homeless/ Foster	Identified %	With 1.6 multi.
Southwest Region School District	Chief Ivan Blunka School	140	123	88%	140.57%
Southwest Region School District	Koliganek School	58	45	78%	124.14%
Southwest Region School District	Twin Hills School	18	18	100%	160.00%
Southwest Region School District	Togiak School	209	147	70%	112.54%
Southwest Region School District	Manokotak School	128	104	81%	130.00%
Southwest Region School District	William "Sonny" Nelson School	14	8	57%	91.43%
Southwest Region School District	Aleknagik School	28	17	61%	97.14%
		595.00	462.00		
		Identified %	with 1.6 multi.		
		77.65%	124.24%		

LOCAL BOUNDARY COMMISSION
STATE OF ALASKA

IN THE MATTER OF THE 2015 PETITION
OF THE CITY OF DILLINGHAM FOR
ANNEXATION OF NUSHAGAK
COMMERCIAL SALMON DISTRICT
WATERS AND WOOD RIVER SOCKEYE
SALMON SPECIAL HARVEST AREA
WATERS, TOGETHER CONSISTING OF
APPROXIMATELY 396 SQUARE MILES OF
WATER AND 3 SQUARE MILE S OF LAND
(SMALL ISLANDS) BY THE LEGISLATIVE
REVIEW METHOD
AND
THE PETITION OF THE CITY OF
MANOKOTAK FOR ANNEXATION OF
THE WEARY/SNAKE RIVER TRACT, THE
SNAKE RIVER SECTION AND IGUSHIK
SECTION OF THE NUSHAGAK
COMMERCIAL SALMON DISTRICT, AND
THE IGUSHIK VILLAGE TRACT BY THE
LEGISLATIVE REVIEW METHOD.

AFFIDAVIT OF RESPONDENT SOUTHWEST REGION SCHOOL DISTRICT

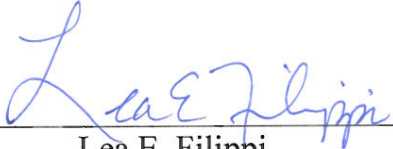
STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

I, Lea E. Filippi, upon oath depose and state that:

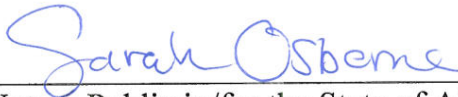
1. My name is Lea Filippi. I am licensed to practice law in the State of Alaska. I represent Southwest Region School District in connection with the above noted Petitions for Annexation of the City of Dillingham and City of Manokotak.

2. To the best of my knowledge, information and belief, formed after reasonable inquiry, the District's responsive brief and exhibits are founded in fact and

are not submitted to harass or to cause unnecessary delay or needless expense in the cost of processing the petition.


Lea E. Filippi

Subscribed and sworn to before me this 23rd day of February, 2016, in Anchorage, Alaska.


Notary Public in/for the State of Alaska
My Commission Expires: 06-06-16



LOCAL BOUNDARY COMMISSION
STATE OF ALASKA

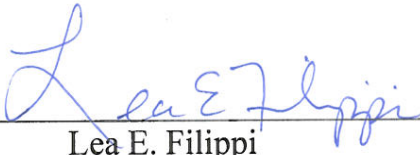
IN THE MATTER OF THE 2015 PETITION
OF THE CITY OF DILLINGHAM FOR
ANNEXATION OF NUSHAGAK
COMMERCIAL SALMON DISTRICT
WATERS AND WOOD RIVER SOCKEYE
SALMON SPECIAL HARVEST AREA
WATERS, TOGETHER CONSISTING OF
APPROXIMATELY 396 SQUARE MILES OF
WATER AND 3 SQUARE MILES OF
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AND
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THE WEARY/SNAKE RIVER TRACT, THE
SNAKE RIVER SECTION AND IGUSHIK
SECTION OF THE NUSHAGAK
COMMERCIAL SALMON DISTRICT, AND
THE IGUSHIK VILLAGE TRACT BY THE
LEGISLATIVE REVIEW METHOD.

AFFIDAVIT OF MAILING

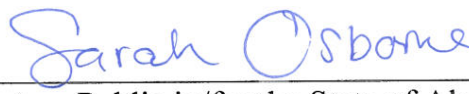
STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

I, Lea E. Filippi, upon oath depose and state that on February 23, 2016, I sent
by regular U.S. Mail, postage prepaid, two copies of the brief of respondent
Southwest Region School District along with its exhibits to Alice Ruby, Mayor, City of
Dillingham, Post Office Box 889, Dillingham, Alaska 99576 and to Melvin Andrew,

Mayor, City of Manokotak, Post Office Box 170, Manokotak, AK 99628 in accordance with 3 AAC 110.480(c).


Lea E. Filippi

Subscribed and sworn to before me this 23rd day of February, 2016, in Anchorage, Alaska.


Notary Public in/for the State of Alaska
My Commission Expires: 06-06-16

