ATTACHMENT A

Departmental Communications and Public Records Request

From: Williams, Brent R (CED) **On Behalf Of** Commission, Boundary (CED sponsored)
Sent: Monday, August 17, 2015 10:01 AM
To: Leamer, Deborah J (CED)
Cc: Eldemar, Katherine M (CED); Taylor, Melissa V (CED); Collins, Eileen M (CED); Commission, Boundary (CED sponsored)
Subject: FW: Fiscal Analysis of a Potential Tikchik Borough

Good Morning Debbie,

Per Melissa Taylor, could you please print and deliver the attached fiscal analysis to Linda Mattson, for Commissioner Hladick's immediate attention? Thank you so much.

Thanks,
Brent

Brent Williams

Local Boundary Commission
Alaska Department of Commerce, Community, and Economic Development
550 W. 7th Avenue, Suite 1640
Anchorage, AK 99501
(907) 269-4559

From: Williams, Brent R (CED)
Sent: Friday, August 14, 2015 3:02 PM
To: Hladick, Chris W (CED)
Cc: Parady, Fred E (CED); Eldemar, Katherine M (CED); Taylor, Melissa V (CED); Collins, Eileen M (CED); Commission, Boundary (CED sponsored)
Subject: Fiscal Analysis of a Potential Tikchik Borough

Good Afternoon Commissioner,

Please find attached a "Fiscal Analysis of Tikchik Borough" as promised by today. The analysis shows that such a borough is definitely fiscally viable. A copy was left on your desk in Anchorage. If you have any questions, please let us know.

Thank you,

Brent Williams

Local Boundary Commission
Alaska Department of Commerce, Community, and Economic Development
550 W. 7th Avenue, Suite 1640
Anchorage, AK 99501
(907) 269-4559

Rebecca Smodey

From: Parady, Fred E (CED)
Sent: Thursday, August 27, 2015 10:08 AM
To: Eldemar, Katherine M (CED); Hladick, Chris W (CED)
Subject: RE: Fiscal Analysis of a Potential Tikchik Borough

Chris:

We need to confirm with you that you are declining to put forward a petition for a potential Tikchik Borough, which is my current understanding of your thinking.

Assuming that is the case, we are going to park this effort.

One caveat for your background is that **IF** LBC directs their LBC staff (i.e. Brent Williams) to prepare a petition, he would need to be responsive to their direction, should that occur.

So, going forward, we will keep you posted on further developments.

Fred

From: Eldemar, Katherine M (CED)
Sent: Friday, August 21, 2015 12:00 PM
To: Hladick, Chris W (CED)
Cc: Parady, Fred E (CED)
Subject: FW: Fiscal Analysis of a Potential Tikchik Borough

Commissioner,

Follow up - here is the Lake and Peninsula Borough budget information you requested today.

https://www.commerce.alaska.gov/pubs/Repository/FinDocs/LakeandPeninsulaBoroughFY13Audit.pdf
https://www.commerce.alaska.gov/pubs/Repository/FinDocs/LakeAndPeninsulaBoroughFY14Budget.pdf
https://www.commerce.alaska.gov/pubs/Repository/FinDocs/LakeandPeninsulaBoroughFY15Budget.pdf

The attachment is from Brent Williams, LBC staff, and I have provided a hard copy of both the fiscal analysis for a potential Tikchik Borough and the FY15 Borough budget to your office. Linda indicated she would place them in your reading file. Please let me know if you require any further information to make your decision on whether or not to move forward with a Borough petition.

Thank you,
Katherine Eldemar
Director
Division of Community and Regional Affairs
State of Alaska Department of Commerce, Community, and Economic Development
333 Willoughby Avenue, 9th Floor
Juneau, Alaska 99801

Jim Brennan

From: Williams, Brent R (CED) [brent.williams@alaska.gov] on behalf of Commission, Boundary (CED sponsored) [lbc@alaska.gov]
Sent: Thursday, September 10, 2015 2:09 PM
To: Barbara Sheinberg; Brooks Chandler; cityofclarkspoint@gci.net; clp_villagecouncil@yahoo.com; Ekuk Village Council (evc@ekukvc.net); Janice Williams; Jim Baldwin; Jim Brennan; Kevin Waring; levyjan@gmail.com; manager@dillinghamak.us; mayor@dillinghamak.us; mpandrew@msn.com; rheyano@gmail.com; Sara Heideman
Cc: Commission, Boundary (CED sponsored); Collins, Eileen M (CED)
Subject: Nushagak Bay and Other Petitions

Hello all,

There will be a LBC meeting this Wednesday to discuss a request to consolidate an annexation petition from the City of Manokotak with the City of Dillingham's annexation petition, whether to designate a person as defined by AS 01.10.060 to submit a petition for a potential borough incorporation in the Dillingham Census Area, possible consolidation of that petition with the other(s), and other matters. Please see the attached notice and agenda. You are very welcome to participate by phone or in person. To maximize the number of phone lines available, we respectfully ask that interested parties share a phone if convenient. If you have any questions, please let us know.

Thank you,
Brent

Brent Williams

Local Boundary Commission
Alaska Department of Commerce, Community, and Economic Development
550 W. 7th Avenue, Suite 1640
Anchorage, AK 99501
(907) 269-4559

Please be sure to send all email correspondence regarding Local Boundary Commission matters through the following email address: lbc@alaska.gov. This ensures that all LBC staff receive your correspondence in a timely manner. Thank you.

From: Nickels, John J (CED)
To: Commission, Boundary (CED sponsored)
Cc: Taylor, Melissa V (CED)
Subject: Western Bristol Bay Borough
Date: Monday, September 14, 2015 2:35:21 PM
Attachments: image001.png
Draft Tikchik Borough Petition as Amended.doc

Brent,

It is my understanding that currently there are two municipalities that have filed petitions to annex portions of Nushagak Bay. These petitions would each capture a portion of the raw fish tax revenue generated by the Bristol Bay salmon fishery; however, the two petitions overlap in the areas requested.

Rather than only a few communities being the recipients of this financial resource, the region may be better served by the incorporation of a borough that would consolidate these efforts while also including the other communities in the region. This would provide a local government that would provide an equitable approach to resolving all sorts of issues in the region as well as ensure that all communities benefit from the region's resources.

With this idea in mind, consideration was given to providing the LBC a petition from our Commissioner that would incorporate a borough; DCRA staff drafted such a petition for that purpose. Subsequently however, we have learned that the Commissioner is unable to initiate such a petition. The petition is attached here for consideration by the LBC should they wish to have more options from which to work at resolving the region's governance issues and equitable sharing of resources. Let me know if our staff can be of further assistance with the petition.

John Nickels
Local Government Specialist V
Local Government Assistance Section
Division of Community and Regional Affairs
269-4564
Facebook: DCRA - Local Government Assistance

From: Parady, Fred E (CED)
Sent: Wednesday, September 16, 2015 10:38 AM
To: Eldemar, Katherine M (CED); Taylor, Melissa V (CED); Williams, Brent R (CED)
Subject: FW: Draft Tikchik Borough Petition as Amended

Katherine, Melissa and Brent:

The email below was sent to the Commissioner from the BBEDC, and it caught me off guard. In the last conversation Katherine, Chris and I had on this topic it was decided that the Commissioner's Office would not submit a petition to LBC, so it is unclear to me what this document is.

It appears to be a petition initiated by DCCED to form a Tikchik Borough. What I need is a fuller understanding of the process, likely from Brent, as follows:

1. Is this a process step, .i.e. a petition based on an outside inquiry that you have prepared to put before the LBC?
2. Or did the LBC direct you to prepare it?
3. Has it been submitted or is this just a draft as indicated?

I would appreciate understanding the background of this document, where it came from and where it is headed

Thanks as always for all of the work you do on behalf of rural Alaska!

Cordially,

Fred

Fred Parady
Deputy Commissioner
DCCED
907.465.5459 (work)
907.855.1593 (cell)

From: Hladick, Chris W (CED)
Sent: Wednesday, September 16, 2015 9:41 AM
To: Parady, Fred E (CED)
Subject: Fwd: Draft Tikchik Borough Petition as Amended

Sent from my iPhone

Begin forwarded message:

> **From:** "Chris Napoli" <chris@bbedc.com>
> **To:** "Hladick, Chris W (CED)" <chris.hladick@alaska.gov>
> **Subject:** **Draft Tikchik Borough Petition as Amended**
>
> Chris,
> Here is the draft petition.
> Take care,
> Chris

From: Eldemar, Katherine M (CED)
To: Macsalka, Mary Lynn (LAW)
Subject: FW: Draft Tikchik Borough Petition as Amended
Date: Monday, September 21, 2015 12:21:00 PM

FYI

From: Eldemar, Katherine M (CED)
Sent: Wednesday, September 16, 2015 2:04 PM
To: Parady, Fred E (CED); Taylor, Melissa V (CED); Williams, Brent R (CED)
Subject: RE: Draft Tikchik Borough Petition as Amended

Hi Fred,

Background –

Earlier this summer I was briefed by staff about the possibility of Commissioner Hladick filing a borough petition. Local Boundary Commission (LBC) staff anticipated competing petitions from two separate entities in the Dillingham area and thought it would be prudent to include a borough option for the LBC to consider. Given the time it would take to draft a petition for the commissioner to sign, if he decided to do so, LBC/DCRA worked to have a draft borough petition prepared. Substantively and procedurally it made sense to prepare in the event the commissioner ultimately decided to file a borough petition. DCRA/LBC proceeded to both support the commissioner in the event he decided to file the petition and believing that bringing a borough option before the LBC for consideration so the LBC can make a fully informed decision and render its best decision on any one or combination of the petitions before the LBC, ultimately providing for the long term benefit of the community.

Subsequently I approached the commissioner and provided him with a decision memo and supporting materials and all three of us discussed it. The commissioner said he would review the decision memo and materials provided. Additional time passed and although you, me, and the commissioner discussed the petition a number of times we understood the Commissioner was still considering the option of filing, but the deadline to file was fast approaching.

Ultimately, when you and I had a follow up during our regular weekly meeting you drafted and sent an email to the commissioner indicating he would not be filing the petition. At that point I then stated that there may be some procedural complications *e.g.* the LBC staff has two masters one is the commissioner and the second is the LBC. The next day I had a telephonic meeting with staff relaying that the commissioner will not be forwarding the petition and that we understood that they served two masters. While staff was disappointed they understood.

Yesterday I received an email from someone regarding a borough petition. I forwarded the email to LBC staff and left it with them to respond, if they decided to do so.

This is a case of first impression and I don't believe anyone was trying to undermine anyone but we don't have any prior events to guide us through this maze. Having said that, after you and I spoke I returned to my office and saw a voice message on the phone from LBC staff, and while it was

inaudible in parts, I believe they indicated the borough petition was not going forward. I will leave it to LBC staff to weigh in.

I hope this is helpful and I am not trying to hang anyone out to dry. I think everyone was trying to prudently navigate these unchartered waters. Apologies for anything that was a misstep, not intentional on my or staff's part. Any suggestions?

Katherine Eldemar
Director
Division of Community and Regional Affairs
State of Alaska Department of Commerce, Community, and Economic Development
333 Willoughby Avenue, 9th Floor
Juneau, Alaska 99801

(907) 465-3961 Main line

From: Parady, Fred E (CED)
Sent: Wednesday, September 16, 2015 10:38 AM
To: Eldemar, Katherine M (CED); Taylor, Melissa V (CED); Williams, Brent R (CED)
Subject: FW: Draft Tikchik Borough Petition as Amended

From: Parady, Fred E (CED)
Sent: Friday, September 18, 2015 4:55 PM
To: Eldemar, Katherine M (CED); Taylor, Melissa V (CED)
Subject: Re: [DCED-LocalBoundaryCommission] LBC Meeting Notice

Katherine:

I really need a clear answer to a difficult but straightforward question. How did DCRA staff come to draft and submit a petition to form a borough when the Commissioner had decided not to?

From: Parady, Fred E (CED)
Sent: Monday, September 21, 2015 4:33 PM
To: Taylor, Melissa V (CED); Eldemar, Katherine M (CED)
Cc: Hladick, Chris W (CED)
Subject: RE: [DCED-LocalBoundaryCommission] LBC Meeting Notice

Melissa.

I appreciate your candor and want first to put your mind at ease as to my interest, which is to

understand what happened and make sure we stay on the same page together. I do have additional questions and concerns.

I also want to acknowledge your comment as to the staff's expeditious work, but also note that this office receives a tremendous amount of correspondence requiring decisions and responses. Yes sir, acknowledged.

With that said, I want to be equally candid and note that the Commissioner explicitly made a decision to not proceed with a petition (email of 8/27). At that point there should not be a petition coming forward from DCCED or DCRA, unless it was somehow independently directed by LBC, which I don't believe to be the case. Apparently, I do not have a copy of the (8/27) email.

So my first question is that the petition says draft – was it actually submitted or simply prepared for consideration? If not submitted, then that is one less issue. The petition prepared for consideration on behalf of the commissioner is a draft petition. While the draft petition is now public it has not been formally accepted by the LBC at this time. However, the LBC has rescheduled another meeting for this week (Friday) due to the technical and procedural difficulties they experienced on September 16.

The next question is how did it come to be in the possession of the ex-Mayor if it is only our internal staff work product? Attached is the LBC meeting notice and the agenda for the September 16, meeting. It is DCRA's standard operating practice to include any and all agenda items and information in the public notice. If you follow the link in the Public Note (attached above) you will find the draft petition, among other things. My key interest is the timing of the distribution or submission of the draft petition after the Commissioner's decision on 8/27. I am not sure I follow your interest here, but if I can draw your attention back to the August 6, 2015 briefing, last two paragraphs, second page. The window of opportunity staff refer to is regulatory in nature. AK LBC regulations are the driving force in this chain of events.

I think the heart of the matter is highlighted in yellow, and essentially could be read that DCRA staff substituted their judgement for the Commissioner's, IF it was actually submitted. Again, if not, then that isn't an issue, the only concern would be how the draft got outside our department.

That is not to find fault as much as to acknowledge what transpired. We will need to debrief with Chris at the appropriate time.

Thanks for all of your diligence, Melissa.

Frec

From: Taylor, Melissa V (CED)
Sent: Monday, September 21, 2015 3:21 PM
To: Parady, Fred E (CED); Eldemar, Katherine M (CED)
Subject: RE: [DCED-LocalBoundaryCommission] LBC Meeting Notice

Deputy Commissioner Parady, I would like to offer an explanation to your question. Additionally I

From: Parady, Fred E (CED)
To: Taylor, Melissa V (CED); Eldemar, Katherine M (CED)
Cc: Hladick, Chris W (CED)
Subject: RE: [DCED-LocalBoundaryCommission] LBC Meeting Notice
Date: Tuesday, September 22, 2015 1:59:23 PM
Attachments: RE Fiscal Analysis of a Potential Tikchik Borough.msg

Melissa:

Thanks. Let's get off email and into a face to face or teleconference I will get it scheduled.

The driving force should have been the commissioner's decision to not file a petition from DCCED/DCRA. Mr. Nickels memo of September 14th misstates this as "the Commissioner is unable to initiate such a petition."

I assumed my email of 8/27 had been forwarded to you, as the language about the decision to "park it" is identical to the language in the email

This is a chain of command issue that should remain amongst the four of us (Chris, myself, yourself, and Katherine).

The petition should not have moved from being draft to being in the board packet, as it can't be DCRA standard operating practice to include materials the Commissioner has decided against pursuing.

Thanks again for your candor We need to debrief to understand and prevent reoccurrence, to which end I think we need a decision memo with the Commissioner's signature (which you and I previously discussed with regards to a different issue)

Fred

From:	McGee, Marty (CED)
To:	Eldemar, Katherine M (CED); Taylor, Melissa V (CED); Parady, Fred E (CED)
Cc:	Williams, Brent R (CED); Collins, Eileen M (CED)
Subject:	Dillingham/Manokotak status
Date:	Thursday, May 26, 2016 12:40:39 PM
Attachments:	5 26 16 Staff Report (2).pdf Responsive Briefs.docx chair deadline.docx 12 1 15 Schedule for Manokotak Annexation Petition and Dillingham Annexation Petition.pdf

We are nearing a time when the Local Boundary Commission will be actively and publicly engaged in business that is in many respects new ground for the Commission.

Two competing and conflicting petitions for annexation are being consolidated and considered at the same time. It is the idea of many of the LBC commissioners that a third option of a borough is within their authority and should be considered in this process. The same idea is expressed by several of the commenters to the petition. The commission wants information related to the feasibility of forming a borough for the region.

As we all know the Commission is an independent body with a direct relationship to the legislature and we in DCCED act as staff to the commission in support if its will. Their budget is within the authority of the commissioner. And part of the DCCED budget but they are not under the direction of the commissioner.

I have been asked to supervise assist and counsel, the staff assigned to support the commission. Our reorganization and my roll was not welcome news to the chairman of the Commission. We now have a reasonable working relationship but I am often reminded of their independent authority.

The legal authority of the LBC is Article X, section 12 of the Constitution of the State of Alaska.

There are two conflicting annexation petitions pending in Nushagak Bay. We have gone through the first phases of public comment. We are drafting a Preliminary Report of the result of that public comment. This report will be a public document. The draft report will go first to the Commission members and intended as information to be used in their final determination. The chair has set a deadline **of June 3** for final publication of the Preliminary Report. We expect to meet that deadline and will be completing final work on this Preliminary Report the first of next week.

The attached schedule was established by the Chairman and is in conformance with regulations and procedures.

[redacted]

The next steps will be public comments in response to the Preliminary Report.

I am working on setting up a work session for the LBC in conjunction with the municipal league meeting in August. They want to review the legislative process for the formation of boroughs and their legal authority associated with that process.

Marty McGee
907-269-4605

From: Williams, Brent R (CED)
To: McGee, Marty (CED)
Cc: Collins, Eileen M (CED)
Subject: draft of the report
Date: Wednesday, June 01, 2016 12:04:05 PM
Attachments: 5_31_16 Preliminary Report for Dill and Mano.docx

Hello Marty,

Here is the draft of the report for your review. As I said, there are still more edits and review ahead.

Thank you,
Brent

Brent Williams

Local Boundary Commission
Alaska Department of Commerce, Community, and Economic Development
550 W. 7th Avenue, Suite 1640
Anchorage, AK 99501
(907) 269-4559

Please be sure to send all email correspondence regarding Local Boundary Commission matters through the following email address: lbc@alaska.gov. This ensures that all LBC staff receive your correspondence in a timely manner. Thank you.

From: Williams, Brent R (CED)
To: McGee, Marty (CED)
Subject: RE: work prioroites.
Date: Friday, June 17, 2016 2:45:00 PM

Hello Marty,

Understood—I appreciate your instructions and will of course follow them. I agree that the report is our highest priority (the regs were in Glen's hands, and needed no work from me). I understand and agree that producing a document for review at the last minute will not be acceptable. I would be interested in hearing your thoughts about how we can change the schedule so that our goals are met.

Thank you,
Brent

Brent Williams

Local Boundary Commission
Alaska Department of Commerce, Community, and Economic Development
550 W. 7th Avenue, Suite 1640
Anchorage, AK 99501
(907) 269-4559

Please be sure to send all email correspondence regarding Local Boundary Commission matters through the following email address: lbc@alaska.gov. This ensures that all LBC staff receive your correspondence in a timely manner. Thank you.

From: McGee, Marty (CED)
Sent: Friday, June 17, 2016 1:01 PM
To: Williams, Brent R (CED)
Subject: work prioroites.

You must place the highest priority on producing a draft report for the Dillingham and Manokotak petitions and the issue of possible borough formation. We need well-reasoned, and well supported statements about how the two petitions do or do not conform with the criteria for annexation. We also need a very well supported statement about the authority of the LBC to move for the formation of a borough. We need this produced in a timely manner that allows review and participation on the part of the Commissioner of Commerce and may very well include participation from the Governor. Given the time frame you have provided there is very little time available to meet these needs. Producing a document for review at the last minute will not be acceptable. In my opinion you do not have time to expend on other issues.

Marty McGee
907-269-4605

From: Williams, Brent R (CED) on behalf of Commission, Boundary (CED sponsored)
To: Collins, Eileen M (CED)
Cc: McGee, Marty (CED)
Subject: FW: 6_20_16 Dillingham and Manokotak Final Report Draft Schedule
Date: Tuesday, June 21, 2016 2:20:00 PM
Attachments: 6_20_16 Dill and Mano Final Report Draft Schedule.docx
6_7_16 Final Report for Dill and Mano.docx

Hi Eileen,

Could you please review just Ch. IV. of the report. It starts on p. 63, and goes to p. 65. I know that this doesn't give you much time, but per our earlier discussion if you could please review it and give it back to me, that would be a great help, and much appreciated. It would keep us on the revised schedule too. ☺ I look forward to your comments.

Thanks!
Brent

Brent Williams

Local Boundary Commission
Alaska Department of Commerce, Community, and Economic Development
550 W 7th Avenue, Suite 1640
Anchorage, AK 99501
(907) 269-4559

Please be sure to send all email correspondence regarding Local Boundary Commission matters through the following email address: lbc@alaska.gov. This ensures that all LBC staff receive your correspondence in a timely manner. Thank you.

From: Williams, Brent R (CED)
Sent: Monday, June 20, 2016 2:28 PM
To: McGee, Marty (CED)
Cc: Collins, Eileen M (CED)
Subject: 6_20_16 Dillingham and Manokotak Final Report Draft Schedule

Hi Marty,

Per your request, please find attached the updated final report schedule. I tweaked it slightly since we talked, so the attached is the latest version. If you would like me to make any changes, please let me know.

Thank you,
Brent

Brent Williams

Local Boundary Commission
Alaska Department of Commerce, Community, and Economic Development
550 W. 7th Avenue, Suite 1640

LAW OFFICES
BRENNAN ■ HEIDEMAN
A PROFESSIONAL CORPORATION

FROM THE DESK OF:
SARA E. HEIDEMAN
ATTORNEY AT LAW
sheideman@law-alaska.com

June 21, 2016

Via Hand Delivery
Alaska Department of Commerce,
Community, and Economic Development
550 W 7th Ave., Suite 1535
Anchorage, Alaska 99501

Via Facsimile: (907) 465-5442
Alaska Department of Commerce,
Community, and Economic Development
PO Box 110800
Juneau, Alaska 99811-0800

Re: Public Records Request

To Whom it May Concern:

Pursuant to A.S. 40.25.110 *et.seq.*, we hereby request an opportunity to inspect and obtain copies of all written communications, including but not limited to electronic communications, dated from January 1, 2014 to the present between Brent Williams (or any other State of Alaska employee staffed to the Local Boundary Commission) and any official or employee of the Alaska Department of Commerce, Community, and Economic Development (DCCED), including but not limited to the DCCED Commissioner or any DCCED Division Director, regarding a proposal to form, or the formation or potential or feasibility of formation, of a borough encompassing the whole or any part of the Dillingham Census Area. This request includes all such communications regarding a potential "Tikchik Borough", the name utilized in a draft Petition previously prepared by employee(s) within DCCED (or a division thereof).

We do not represent a party involved in litigation with the DCCED.

This matter relates to a June 16, 2016 Preliminary Report to the Local Boundary Commission regarding the pending Manokotak and Dillingham annexation petitions, to which public comment closes on July 15, 2016. Accordingly, we request copies of the records and/or an opportunity to inspect said records on or before July 5, 2016.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information.

Thank you for your assistance. Please do not hesitate to contact me if there are any questions regarding our request.

Sincerely,

Sara E. Heideman

SEH;rs
3854/036

THE STATE
of ALASKA
GOVERNOR BILL WALKER

Department of Law

CIVIL DIVISION
1031 West 4th Avenue, Suite 200
Anchorage, Alaska 99501
Main: 907.269.5100
Fax: 907.276.3697

July 13, 2016

Via e-mail:
sheideman@law-alaska.com

Via U.S. Mail:
Sara E. Heideman
Brennan Heideman, P.C.
619 E. Ship Creek Ave., Suite 310
Anchorage, AK 99501

RE: Public Records Request of June 21, 2016

Dear Ms. Heideman:

On July 8, 2016, we made a partial production of public records in response to your above-referenced request to the Alaska Department of Commerce, Community, and Economic Development (DCCED) for copies all written communications between the Local Boundary Commission staff and employees or officials of the DCCED regarding borough formation in the Dillingham Census Area.

Today, we are producing the remainder of the documents responsive to your request. Additionally, enclosed with this letter is a privilege log detailing documents that have been withheld, redacted, or, in the case of email attachments subject to a privilege, removed from the associated PDF file of the email. I have tried to highlight in yellow those attachments for which we have claimed the privilege. In any event, all of the attachments removed are listed by file name in the enclosed privilege log.

We will provide the documents to you electronically in two separate "Zendto" transmissions via email today. One ZendTo transmission will contain the rest of the documents not subject to any privilege. The second ZendTo transmission will contain the documents that have been redacted or from which email attachments have been removed.

Finally, again, note that the vast majority of documents produced to you are email communications, and there are attachments embedded in the PDF files for many of those emails. You will see blue hyperlinks in those emails that have embedded attachments.

You will be able to view the attachments by double-clicking on the attachment hyperlinks within the PDF files.

Because we have withheld certain documents and redacted portions of the documents for the reason that they are subject to the deliberative process or attorney-client privileges, we are required by 2 AAC 96.335 to inform you that you may administratively appeal our decision to withhold these materials under the procedures of 2 AAC 96.340. There is no bond requirement for an administrative appeal. You may also seek immediate judicial review by seeking an injunction from the superior court under AS 40.25.125. An election not to pursue injunctive relief in superior court will have no adverse effects on your rights before the department. A copy of 2 AAC 96.335 – 2 AAC 96.350 is enclosed.

If you have any questions about today's production or your records request, please contact me at 269-5191.

Sincerely,

JAMES E. CANTOR
ACTING ATTORNEY GENERAL

By: Mary Lynn Macsalka

Mary Lynn Macsalka
Assistant Attorney General

MLM/aec

Enclosures: Privilege Log
Copy of 2 AAC 96.335 – 2 AAC 96.350

cc: Katherine Eldemar, Director, DCRA (via e-mail)
Melissa Taylor, Deputy Director, DCRA (via e-mail)
Marty McGee, State Assessor (via e-mail)
Brent Williams, LGS (via e-mail)
Eileen Collins, LGS(via e-mail)

THE STATE of ALASKA
GOVERNOR BILL WALKER

Department of Commerce, Community, and Economic Development
DIVISION OF COMMUNITY AND REGIONAL AFFAIRS
P.O. Box 110809
Juneau, AK 99811-0809
Main: 907.465.3961/ 907.465.4751
Programs fax: 907.465.4761

August 25, 2016

Delivery via email: jbrennan@law-alaska.com

James T. Brennan, Attorney at Law
BRENNAN & HEIDEMAN
619 E. Ship Creek Avenue, Suite 310
Anchorage, Alaska 99501

Re: City of Manokotak Petition of Annexation; Identification of LBC Staff

Dear Mr. Brennan,

Thank you for your letter addressed to the attention of Local Government Specialist Brent Williams dated August 24, 2016. In the letter you have inquired which department employees are "assigned" as a "member of the commission staff" and when such assignments occurred.

The two staff members assigned to advise and assist the Local Boundary Commission are Brent Williams and Eileen Collins. Mr. Williams was assigned on or about December 2008 and Ms. Collins was assigned on or about February 2015.

Sincerely,

Katherine Eldemar
Director

Enclosure: Brennan and Heideman letter dated August 24, 2016

cc: Chris Hladick, Commissioner, Department of Commerce, Community and Economic Development
Fred E. Parady, Deputy Commissioner, Department of Commerce, Community and Economic Development
Melissa Taylor, Operations Manager, Department of Commerce, Community And Economic Development, Division of Community and Regional Affairs
Marty McGee, State Assessor, Department of Commerce, Community and Economic Development, Division of Community and Regional Affairs
Mary Lynn Macsalka, Assistant Attorney General, Department of Law

Public Records Request **Privilege Log** **July 13, 2016**

Written Communications between LBC staff and DCCED officials/employees re: borough formation in Dillingham Census Area

Date	Author	Recipient	Document Description	Privilege	Withheld/ Redacted/Attachment Removed
6/21/16	B. Williams	E. Collins M. McGee	Draft Final Report for Dillingham and Manokotak Petitions attached to 6/21/16 2:20 pm. Attachment entitled "6_7_16 Final Report for Dill and Mano.docx".	Deliberative Process	Attachment Removed
6/3/16	E. Collins	M. McGee B. Williams	10:05 am email re: "Report" regarding draft of Preliminary Report for Dillingham and Manokotak Petitions	Deliberative Process	Withheld
6/2/16	E. Collins	B. Williams, M. McGee, L. Williams	Draft Preliminary Report for Dillingham and Manokotak Petitions attached to 6/2/16 12:32 pm email re: "Edits made"	Deliberative Process	Attachment Removed
6/2/16	R. Mitchell	B. Williams, E. Collins, M. McGee	Draft of Draft of Preliminary Report for Dillingham and Manokotak Petitions attached to 6/2/16 11:47 am email re: "Preliminary Report". Attachment entitled: "Roys Read 6_2_16 Preliminary Report for Dill and Mano.docx".	Deliberative Process	Attachment Removed
6/2/16	M. McGee	M. Taylor	Draft of Preliminary Report for Dillingham and Manokotak Petitions attached to 6/2/16 7:16 am email re: "Preliminary Report". Attachment entitled: "6_2_16 Preliminary Report for Dill and Mano.docx".	Deliberative Process	Attachment Removed
6/1/16	B. Williams	R. Mitchell, E. Collins, M. McGee	Draft of Preliminary Report for Dillingham and Manokotak Petitions attached to 6/1/16 4:28 pm email re: "Preliminary Report". Attachment entitled: "6_2_16 Preliminary Report for Dill and Mano.docx".	Deliberative Process	Attachment Removed
6/1/16	M. McGee	M. Taylor	Draft of Preliminary Report for Dillingham and Manokotak Petitions attached to 6/1/16 3:29 pm email re: "FW: draft of the report". Attachment entitled: "5 31 16 Preliminary Report for Dill and Mano.docx".	Deliberative Process	Attachment Removed
6/1/16	B. Williams	M. McGee E. Collins	Draft of Preliminary Report for Dillingham and Manokotak Petitions attached to 6/1/16 12:04 pm email re: "draft of the report". Attachment entitled: "5 31 16 Preliminary Report for Dill and Mano.docx".	Deliberative Process	Attachment Removed
5/27/16	B. Williams	M. McGee E. Collins	Draft of Preliminary Report for Dillingham and Manokotak Petitions attached to 5/27/16 1:54 pm email re: "Report for Your Review". Attachment entitled: "5 27 16 Chapter I and Analysis of Annexation Standards.docx".	Deliberative Process	Attachment Removed
5/26/16	M. McGee	K. Eldemar, M. Taylor, F. Parady, B. Williams, E. Collins	Portion of 12:40 pm email re: "Dillingham/Manokotak status" regarding drafting of Preliminary Report for Dillingham and Manokotak Petitions.	Deliberative Process	Redacted
5/25/16	G. Plumley	B. Williams	Draft of map of proposed Dillingham Borough for purposes of Preliminary Report attached to 5/25/16 4:13 pm email re: "Dillingham Proposed Map". Attachment entitled "Dillingham Borough.pdf".	Deliberative Process	Attachment Removed

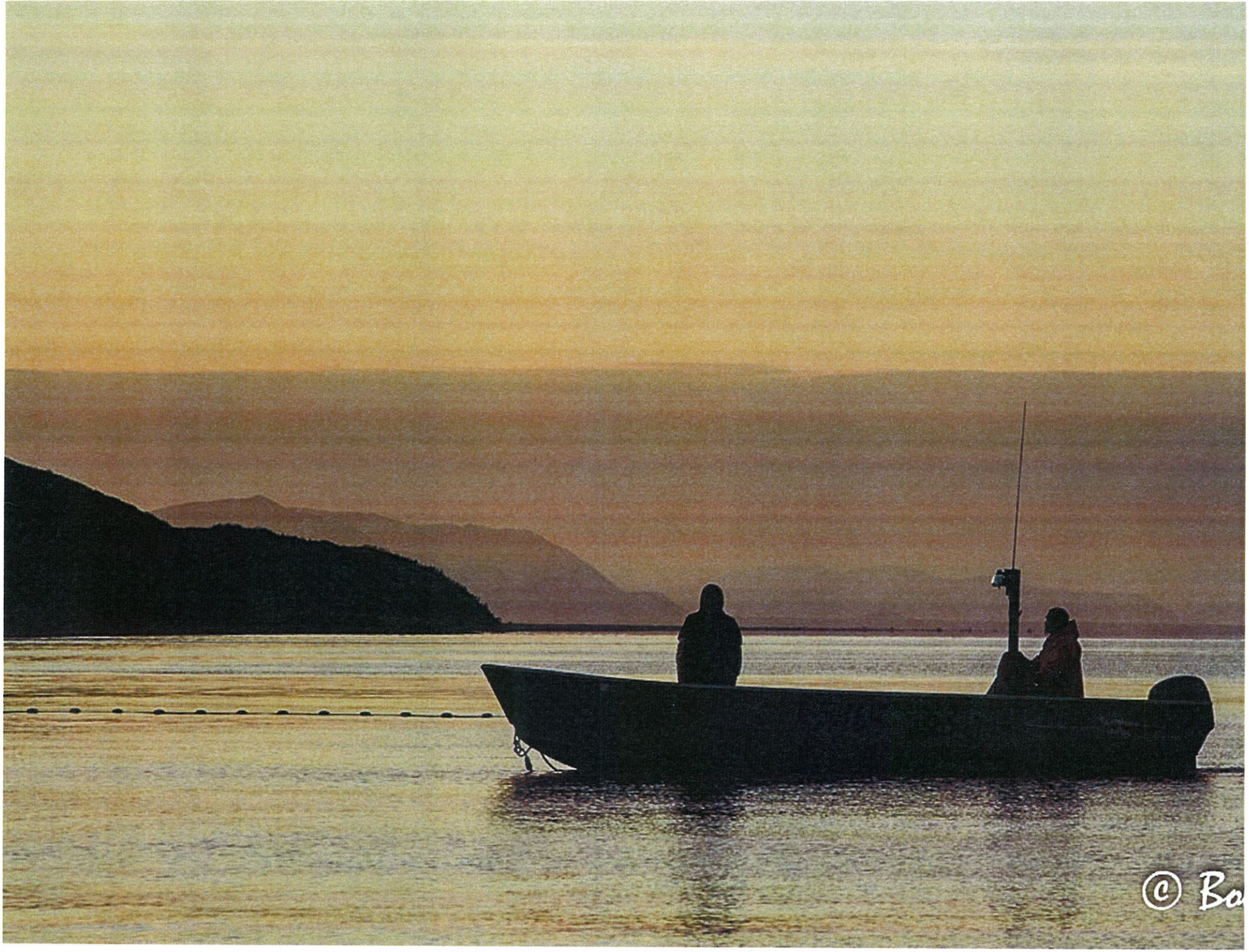
5/23/16	B. Williams	M. McGee E. Collins	Drafts of Preliminary Report for Dillingham and Manokotak Petitions attached to 5/23/16 8:15 am email re: "Draft reports". Attachments entitled: "4 15 16 Preliminary Report for Dill and Mano.docx" and "4 15 16 Preliminary Report for Dillingham and Manokotak Eileen"s edits.docx".	Deliberative Process	Attachment Removed
5/20/16	B. Harcharek	B. Williams	5:15 pm email regarding deliberation on motion to extend public comment period	Deliberative Process	Redacted
5/20/16	D. Hargraves	B. Williams	2:27 pm email regarding deliberation motion to extend public comment period	Deliberative Process	Redacted
5/12/16	B. Harcharek	B. Williams	9:39 am email regarding deliberation motion to extend public comment period	Deliberative Process	Redacted
5/10/16	B. Williams	M. McGee E. Collins	Draft of Preliminary Report for Dillingham and Manokotak Petitions attached to 5/10/16 3:30 pm email re: "draft for Ch. 1 of the Dill/Mano report". Attachment entitled: "5 10 16 Chapter I.docx".	Deliberative Process	Attachment Removed
4/26/16	B. Williams	M. McGee	3:39 pm email regarding "The need to bring AAG Mary Lynn Macsalka in the process for the consolidated Dillingham and Manokotak annexation petitions".	Deliberative Process	Redacted
4/19/16	M. McGee	F. Parady, K. Eldemar, M. Taylor	Portion of 4:23 pm email re: "FW: consolidated annexation petitions of Dillingham and Manokotak" regarding recommendations regarding motion to extend time for public comment.	Deliberative Process	Redacted
3/21/16	B. Williams	M. McGee E. Collins M. Boyina	2:09 pm email regarding "George and Metes and Bounds" regarding pre-decision issues regarding Dillingham and Manokotak Petitions.	Deliberative Process	Redacted
9/29/15	ML Macsalka	K. Eldemar Cc: B. Williams, E. Collins	5:13 pm email regarding legal advice regarding public notice related to Manokotak and Dillingham petitions	Attorney-client	Withheld
9/29/15	ML Macsalka	B. Williams, E. Colllins M. Taylor, K.	5:04 pm email regarding legal advice regarding 9/25/15 Local Boundary Commission meeting agenda	Attorney-client	Withheld
9/29/15	ML Macsalka	B. Williams, E. Collins	2:20 pm email regarding legal advice regarding public notice related to Manokotak and Dillingham petitions	Attorney-client	Withheld
9/29/15	B. Williams	ML Macsalka Cc: E. Collins	1:25 pm email regarding legal advice regarding public notice related to Manokotak and Dillingham petitions	Attorney-client	Withheld
9/29/15	ML Macsalka	B. Williams, E. Collins	12:06 pm email regarding legal advice regarding public notice related to Manokotak and Dillingham petitions	Attorney-client	Withheld

9/29/15	B. Williams	ML Macsalka Cc: E. Collins	11:41 am email regarding legal advice regarding public notice related to Manokotak and Dillingham petitions	Attorney-client	Withheld
9/23/15	ML Macsalka	K. Eldemar B. Williams, E. Collins, M. Taylor	4:36 pm email regarding legal advice regarding 9/25/15 Local Boundary Commission Meeting Agenda	Attorney-Client	Withheld
9/23/15	B. Williams	ML Macsalka Cc: E. Collins	4:26 pm email regarding legal advice regarding borough incorporation	Attorney-client	Withheld
9/23/15	ML Macsalka	B. Williams E. Collins	4:06 pm email regarding legal advice regarding borough incorporation	Attorney-client	Withheld
9/21/15	ML Macsalka	B. Williams E. Collins	5:22 pm email regarding legal advice regarding LBC Meeting Notice	Attorney-client	Redacted
9/21/15	ML Macsalka	K. Eldemar Cc: B. Williams, M. Taylor	4:27 pm email regarding need for legal counsel for LBC	Attorney-client	Withheld
9/21/15	K. Eldemar	ML Macsalka Cc: B.Williams, E. Collins	12:07 pm email regarding need for legal counsel for LBC	Attorney-client	Withheld
9/21/15	B.Williams	K. Eldemar, M. Taylor	11:37 am email requesting approval for legal counsel for LBC	Deliberative Process	Redacted
9/21/15	B.Williams	K. Eldemar, M. Taylor	11:06 am email requesting approval for legal counsel for LBC	Deliberative Process	Redacted
9/21/15	B. Williams	M. Taylor E. Collins	Attachment to 9/21/15 8:59 am email re: "Tikchik". Attachment entitled "8_6_15 Decisional Memo to Commissioner Hladick.pdf" regarding borough formation. Also attached to 8/5/15 4:44 pm email from B. Williams to K. Eldemar, M. Taylor, and E. Collins	Deliberative Process	Attachments removed
9/18/15	J. Harrington	B. Williams	12:25 pm email re: "Compromise anyone? Also an article (please forward to LBC)" regarding suggestions regarding borough formation issues	Deliberative Process	Redacted
9/16/15	J. Harrington	B. Williams	2:32 pm email re: "discomfort today" making procedural suggestions for future meetings	Deliberative Process	Redacted
9/14/15	J. Nickels	B. Williams M. Taylor	Portion of 9/14/2016 2:35 pm email re: "Western Bristol Bay Borough" regarding recommendation regarding formation of Western Bristol Bay Borough	Deliberative Process	Redacted

9/8/15	J. Nickels	B. Williams M. Taylor	Portion of 9/8/15 3:41 pm email re: "Western Bristol Bay Borough" regarding recommendations regarding formation of Western Bristol Bay Borough.	Deliberative Process	Redacted
9/8/15	G. Hamburg	J. Nickels	"Draft Tikchik Borough Petition as Amended.doc" attached to 9/8/15 2:57 pm email re: "Draft Tikchik Borough Petition".	Deliberative Process	Attachment removed
9/8/15 6/24/16	G. Hamburg	J. Nickels, B. Williams	Draft "Draft Tikchik Borough Petition as Amended.doc" attached to 9/8/15 and 6/24/16 emails from Glen Hamburg to J. Nickels and B. Williams re: "Revised Tikchik Borough Petition as Amended.doc".	Deliberative Process	Attachment removed
9/3/15 9/4/15 6/24/16	J. Smith	G. Hamburg, J. Nickels, B. Williams	Draft "Tikchik Borough Petition.doc" attached to 9/3/15, 9/4/15, and 6/24/16 emails re: "FW: Borough petition"	Deliberative Process	Attachment removed
8/14/15, 8/17/15 6/24/16	J. Smith	G. Hamburg, J. Nickels, M. Taylor, B. Williams	Draft "Borough Petition Exhibit E narrative" attached to 8/14/15 email from Jedediah Smith to G. Hamburg and forwarded to J. Nickels, M. Taylor, and B. Williams on 8/14/15 and 8/17/15 and 6/24/16. Attachment file name: "Exhibit E.docx".	Deliberative Process	Attachment removed
8/6/15	K. Eldemar	C. Hladick	Decisional Memorandum re: "Commissioner's decision on initiating a petition to form a Tikchik borough". (previously noted privilege and redaction in letter from ML Macsalka to S. Heideman dated 7/8/16.)	Deliberative Process	Redacted
8/5/15	B. Williams	K. Eldemar M. Taylor E. Collins	Attachment to 8/5/15 4:44 pm email from B. Williams to K. Eldemar, M. Taylor, and E. Collins entitled "8_6_15 Decision Memo to Commissioner Hladick.pdf" regarding borough formation.	Deliberative Process	Attachments removed
6/24/15	B. Williams	K. Eldemar M. Taylor E. Collins	1:24 pm email regarding information requested by Commissioner Hladick regarding local support for borough formation in Nushagak Bay area, and attached letter to Commissioner Hladick dated 6/23/15 regarding recommendations regarding borough formation in Nushagak Bay.	Deliberative Process	Withheld
6/23/15	B. Williams	C. Hladick	Letter regarding recommendations regarding borough formation in Nushagak Bay; also listed as attachment to 6/22/15 11:38 am email from B. Williams to K. Eldemar, cc: M. Taylor and E. Collins re: "FW: Attorney Client Confidential Communication". Attachment entitled "6 23 15 Attorney Client Confidential Communcation on Letterhead.docx"	Deliberative Process	Withheld
6/22/15	B. Williams	C. Hladick	Draft of a letter regarding recommendations regarding borough formation in Nushagak Bay; also listed as attachment to 6/22/15 11:38 am email from B. Williams to K. Eldemar, cc: M. Taylor and E. Collins re: "FW: Attorney Client Confidential Communication". Attachment entitled "6 22 15 Attorney Client Confidential Communcation on Letterhead.docx"	Deliberative Process	Attachments removed

ATTACHMENT B

Photographs of Igushik Fishery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ATTACHMENT C

Comparison of the Petition Record Regarding Manokotak's and Dillingham's Ties to the Igushik Section

Comparison of the Petition Record Regarding Manokotak's and Dillingham's Ties to the Igushik Section

Manokotak/Igushik Village	Dillingham
Distance by water to Igushik Section[1]	
Nearest point - 0 miles Furthest point – c. 8.3 miles	Nearest point – c. 17.5 miles Furthest point – c. 31.1 miles
Historical, cultural, family, and settlement ties to the Igushik Section[2]	
Extensively documented in numerous historic, anthropological, subsistence, and other studies of Manokotak and Igushik Village	No information
Land use and ownership related to the Igushik Section[3]	
At least 51 Manokotak family set net sites for Igushik Section Many Manokotak summer homes and community buildings along Igushik beach Manokotak is the only community located on the Igushik River system	No information
Population[4]	
No permanent year-round residents About 400 Manokotak summer residents Igushik Village abutting the Igushik Section Year-round use by Manokotak residents for subsistence	No permanent year-round residents No Igushik-specific information Unspecified number of drift netters in fishing season
Subsistence harvest and consumption of Igushik Section/Igushik River system sockeye salmon resource[5]	
93 percent of Manokotak households make subsistence use of Igushik Section/Igushik River sockeye salmon, consuming 67.3 pounds per capita The Igushik Section "has, for decades, been the single most important source of subsistence and earned cash income for Manokotak residents"	No information

Comparison of the Petition Record Regarding Manokotak's and Dillingham's Ties to the Igushik Section

(continued, page 2)

Participation and earnings in Igushik Section commercial sockeye fishery[6]	
During 2010-2014, on average: • 35 Manokotak set net fishers average total earnings of $1,272, 287 annually • 20 Manokotak drift net fishers average total earnings of $690,444	Manokotak petition understates earnings of Manokotak fishermen
Almost all set netters are from Manokotak	No other Igushik-specific information
About one-third of drift netters are from Manokotak; less than one-tenth from Dillingham; balance from elsewhere	
Estimated allocation of Nushagak Commercial Salmon District commercial harvest and raw fish tax revenues[7]	
15 percent of harvest and tax to Igushik Section	No information
85 percent harvest and tax to Nushagak Section	
Municipal revenues from the Igushik Section without/with annexation of the Igushik Section[8]	
Without annexation: $0	Without annexation: city user fees and taxes from use of city services/facilities
With annexation: $93,690 in raw fish taxes	With annexation: city user fees and taxes from use of city services/facilities, plus raw fish taxes

Comparison of the Petition Record Regarding Manokotak's and Dillingham's Ties to the Igushik Section

(continued, page 3)

Manokotak	Dillingham
Proposed services to Igushik Section fishermen[9]	
Potable water supply	Tax collection
Ice for commercial and domestic use	Fee access to D's existing small boat harbor
Solid waste site	Enhanced support for AST search and rescue services
Public safety, including alcohol control	Enhanced environmental protection
EMS and search and rescue services	
Igushik boat landing and storage	
Weary River road	
Weary River boat landing and storage	
Comprehensive planning	
Tax collection	
Proposed new expenditures for facilities and services supporting Igushik Section commercial and subsistence fishers[10]	
Operating budget - $152,000	No new operating or capital expenditures
Capital budget - $675,000	
Ability to provide essential services more efficiently and more effectively[11]	
Eight essential services based at Igushik Village adjacent to Igushik Section	One new essential service (tax collection) based at Dillingham, 17 to 31 miles away
Funds budgeted for proposed facilities and services	No new budget funding
Transportation patterns and facilities[12]	
Tract A and Igushik Section heavily used by Manokotak boatmen in transit to Igushik Village	An unspecified number of Igushik Section drift netters use harbor-related facilities in Dillingham
Igushik Section heavily used by Manokotak set netters and drift netters	
Proposed Igushik boat landing and storage	
Existing Weary River boat landing and storage	
Most Igushik set netters do not use Dillingham harbor facilities	
Most Manokotak set netters store their boats at Manokotak, few in Dillingham	

Comparison of the Petition Record Regarding Manokotak's and Dillingham's Ties to the Igushik Section

(continued, page 4)

Best interests of the State: Maximum local self-government with a minimum number of local government units[13]

Extends local self-government by delivering **eight** new essential city services and facilities to meet existing needs of an existing seasonal community of 400 residents and to seasonal users of the Igushik Section	Extends local self-government by delivering **one** new essential city service (tax collection) to seasonal commercial fishers in the Igushik Section
Creates no new governmental unit	Creates no new governmental unit

Footnotes

1. Estimated from Manokotak's petition, Exhibit A-4.1; distances measured from Igushik Village and Dillingham.
2. Manokotak's petition, pp. 4-7; pp. 27-28.
3. Manokotak petition, p. 7 & Figure 3, p. 14; p. 7 and aerial photo Figures 4.1 through 4.4, pp. 15-17.
4. Manokotak petition, p. 27.
5. Manokotak petition, p. 8, p. 74.
6. Manokotak petition, pp. 9-10, Manokotak reply brief, p.9.
7. Manokotak petition, pp. 23-26, p. 67; Manokotak reply brief, p. 5.
8. Manokotak petition, p. 31, p. 67, Manokotak responsive brief, p. 11-14; Dillingham petition, p. 19.
9. Manokotak petition, pp. 63-64, pp. 72-73; Dillingham petition, pp. 20-21.
10. Manokotak petition, pp. 63-66; Dillingham petition, pp. 40-42.
11. Manokotak petition, pp. 63-66, pp. 69-70, pp. 72-73; Dillingham petition, p. 40-42.
12. Manokotak petition, pp. 20-26, p. 63-64, Manokotak reply brief, pp. 6-8; Dillingham petition, pp. 7-8, pp. 51-52, Dillingham responsive brief, pp. 2-3.
13. Manokotak petition, pp. 63-64 and pp. 81-82, Manokotak comment on preliminary report, pp. 28-30; Dillingham petition, pp. 20-21, pp. 76-78, Dillingham comments on preliminary report, p. 7.