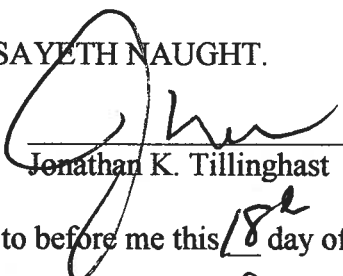


**AFFIDAVIT OF JONATHAN K. TILLINGHAST**

I, JONATHAN K. TILLINGHAST, being first duly sworn, do depose and say that:

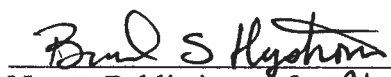
1. I am the attorney and representative for Sealaska Corporation in Sealaska's capacity as a respondent in *PETITION TO THE LOCAL BOUNDARY COMMISSION FOR INCORPORATION OF EDNA BAY COMMUNITY AS A SECOND CLASS CITY WITHIN THE UNORGANIZED BOROUGH USING THE LOCAL OPTION METHOD*. I am the signatory of Sealaska's brief in that matter;
2. In accordance with 3 AAC 110.480, I do hereby swear and attest that, to the best of my and Sealaska's knowledge, information and belief, formed after reasonable inquiry, Sealaska's 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.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
Jonathan K. Tillinghast

SUBSCRIBED AND SWORN to before me this 18<sup>th</sup> day of November, 2013.

NOTARY PUBLIC  
BARBARA S. HAGSTROM  
STATE OF ALASKA  
My Commission Expires 8/27/2017

  
\_\_\_\_\_  
Notary Public in and for Alaska  
My commission expires 8/27/2017

**AFFIDAVIT OF SERVICE**

I, BARBARA HAGSTROM, do depose and say that:

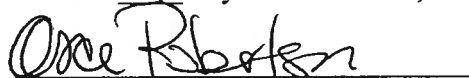
1. I am an employee of the Law Offices of Simpson, Tillinghast, Sorensen & Sheehan. This firm is the representative for Sealaska Corporation in Sealaska's capacity as a respondent in *PETITION TO THE LOCAL BOUNDARY COMMISSION FOR INCORPORATION OF EDNA BAY COMMUNITY AS A SECOND CLASS CITY WITHIN THE UNORGANIZED BOROUGH USING THE LOCAL OPTION METHOD*;
2. In accordance with 3 AAC 110.480, I do hereby swear and attest that two true and correct copies of the following documents have been served on the petitioner by regular mail, postage prepaid on November 19, 2013:
  - a) Sealaska's entry as Respondent in *PETITION TO THE LOCAL BOUNDARY COMMISSION FOR INCORPORATION OF EDNA BAY COMMUNITY AS A SECOND CLASS CITY WITHIN THE UNORGANIZED BOROUGH USING THE LOCAL OPTION METHOD*;
  - b) Respondent's Brief;
  - c) Attachments 1-7 to Respondent's Brief;
  - d) Affidavit of Jonathan K. Tillinghast; and
  - e) Affidavit of Service.

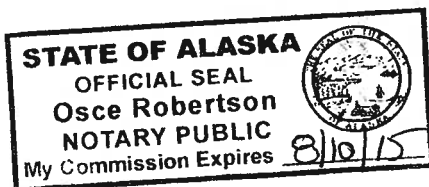
As a courtesy, true and correct copies of the foregoing documents have also been served on the petitioner via electronic mail on November 19, 2013.

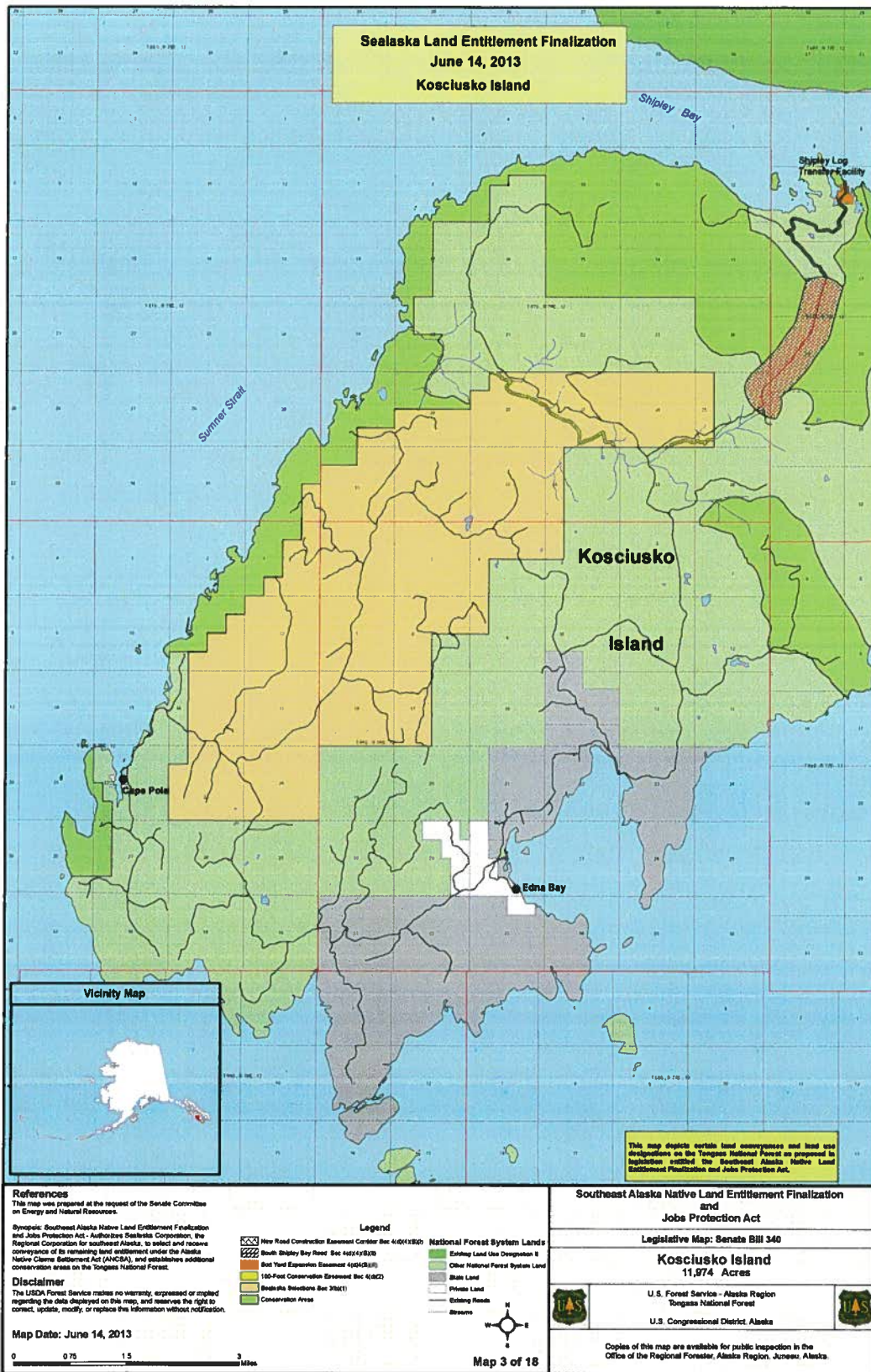
FURTHER YOUR AFFIANT SAYETH NAUGHT.

  
Barbara Hagstrom

SUBSCRIBED AND SWORN to before me this 19 day of November, 2013.

  
Notary Public in and for Alaska  
My commission expires: 8/10/15





**References**

This map was prepared at the request of the Senate Committee on Energy and Natural Resources.

Synopsis: Southeast Alaska Native Land Entitlement Finalization and Jobs Protection Act - Authorizes Sealaska Corporation, the Regional Corporation for southeast Alaska, to select and receive conveyance of its remaining land entitlement under the Alaska Native Claims Settlement Act (ANCSA), and establishes additional conservation areas on the Tongass National Forest.

**Disclaimer**  
The USFS Forest Service makes no warranty, expressed or implied regarding the data displayed on this map, and reserves the right to correct, update, modify, or replace the information without notification.

Map Date: June 14, 2013



**Legend**

- New Road Construction Easement Contour Sec 4(6)(1)(B)(i)
- South Shipley Bay Road Sec 4(2)(4)(B)(2)(b)
- Best Yield Easement Sec 4(6)(C)(5)(i)
- 100-Foot Conservation Easement Sec 4(6)(C)(2)
- Beak-to-Beak Sec 37M(1)
- Conservation Area
- National Forest System Lands
- Existing Land Use Designation B
- Other National Forest System Land
- State Land
- Private Land
- Easement Remain
- Streams

**Southeast Alaska Native Land Entitlement Finalization and Jobs Protection Act**

Legislative Map: Senate Bill 340

**Kosciusko Island**  
11,974 Acres

U.S. Forest Service - Alaska Region  
Tongass National Forest  
U.S. Congressional District, Alaska

Copies of this map are available for public inspection in the Office of the Regional Forester, Alaska Region, Juneau, Alaska.

**Calendar No. 176**

113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**S. 340**

**[Report No. 113-98]**

To provide for the settlement of certain claims under the Alaska Native  
Claims Settlement Act, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2013

Ms. MURKOWSKI (for herself and Mr. BEGICH) introduced the following bill;  
which was read twice and referred to the Committee on Energy and Nat-  
ural Resources

SEPTEMBER 10, 2013

Reported by Mr. WYDEN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

---

**A BILL**

To provide for the settlement of certain claims under the  
Alaska Native Claims Settlement Act, and for other pur-  
poses.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SEC. 2. DEFINITIONS.**2 *In this Act:*3 (1) *MAPS.*—*The term “maps” means the maps*  
4 *entitled “Sealaska Land Entitlement Finalization”,*  
5 *numbered 1 through 18, and dated June 14, 2013.*6 (2) *SEALASKA.*—*The term “Sealaska” means the*  
7 *Sealaska Corporation, a Regional Native Corporation*  
8 *established under the Alaska Native Claims Settle-*  
9 *ment Act (43 U.S.C. 1601 et seq.).*10 (3) *SECRETARY.*—*The term “Secretary” means*  
11 *the Secretary of the Interior.*12 (4) *STATE.*—*The term “State” means the State*  
13 *of Alaska.*14 **SEC. 3. FINALIZATION OF ENTITLEMENT.**15 (a) *IN GENERAL.*—*If, not later than 90 days after the*  
16 *date of enactment of this Act, the Secretary receives a cor-*  
17 *porate resolution adopted by the board of directors of*  
18 *Sealaska agreeing to accept the conveyance of land described*  
19 *in subsection (b) in accordance with this Act as full and*  
20 *final satisfaction of the remaining land entitlement of*  
21 *Sealaska under section 14(h) of the Alaska Native Claims*  
22 *Settlement Act (43 U.S.C. 1613(h)), the Secretary shall—*23 (1) *implement the provisions of this Act; and*24 (2) *charge the entitlement pool under section*  
25 *14(h)(8) of the Alaska Native Claims Settlement Act*  
26 *(43 U.S.C. 1613(h)(8)) 70,075 acres, reduced by the*

1     *number of acres deducted under subsection (b)(2), in*  
2     *fulfillment of the remaining land entitlement for*  
3     *Sealaska under that Act, notwithstanding whether the*  
4     *surveyed acreage of the 18 parcels of land generally*  
5     *depicted on the maps as "Sealaska Selections" and*  
6     *patented under section 4 is less than or more than*  
7     *69,585 acres, reduced by the number of acres deducted*  
8     *under subsection (b)(2).*

9     **(b) FINAL ENTITLEMENT.—**

10         **(1) IN GENERAL.—***Except as provided in para-*  
11         *graph (2), the 70,075 acres of land described in sub-*  
12         *section (a) shall consist of—*

13                 **(A)** *the 18 parcels of Federal land com-*  
14                 *prising approximately 69,585 acres that is gen-*  
15                 *erally depicted as "Sealaska Selections" on the*  
16                 *maps; and*

17                 **(B)** *a total of not more than 490 acres of*  
18                 *Federal land for cemetery sites and historical*  
19                 *places comprised of parcels that are applied for*  
20                 *in accordance with section 5.*

21         **(2) DEDUCTION.—**

22                 **(A) IN GENERAL.—***The Secretary shall de-*  
23                 *duct from the number of acres of Federal land*  
24                 *described in paragraph (1)(A) the number of*  
25                 *acres of Federal land for which the Secretary has*

Department of Commerce, Community, and Economic Development  
**Division of Community and Regional Affairs**

State of Alaska > Commerce > Community & Regional Affairs > CDO > Communities > Edna Bay

**COMMUNITY: EDNA BAY**

[Return to Communities list](#)



**Community Information**

▼ General Overview

**Edna Bay**

Unincorporated in the Prince of Wales-Hyder Census Area

▼ Community Details

**Current Population** 39  
**Population Comment** (2012 Alaska Department of Labor Estimate)  
**Community's Senate District** Q  
**Community's House District** 33  
**Community's Judicial District** 1  
**Recording District** Ketchikan

▶ Geography and Climate

▶ History and Culture

Facilities, Utilities, and Health Care

▼ Economy

**Subsistence** Yes  
**Number of Commercial Fishing Permit Holders** 12  
**Number of Commercial Fishing Permits Issued** 17  
**CDQ Participant** No  
**Local Labor Market Info URL** <http://five.laborstats.alaska.gov/alari/index.cfm?r=5&b=21&p=83&goplace=go>

▶ Transportation

Miscellaneous Details

▼ 2010 Population and Housing Characteristics

The following Population and Housing data is from the 2010 U.S. Census

Additional detail is available from the Alaska Department of Labor and Workforce Development, [Census and Demographic Profiles](#).

The FIPS code for Edna Bay CDP is 20970.

2010 Census Data

▼ Population in 2010

<b>Total Population</b>	42
-------------------------	----

▼ Population by Race

Population by Race	Value	Percent

Population by Race	Value	Percent
White	41	97.82 %
American Indian and Alaska Native Alone	0	0.00 %
Black or African American	1	2.38 %
Asian alone	0	0.00 %
Pacific Islander alone	0	0.00 %
Other alone	0	0.00 %
Two or More Races	0	0.00 %

Race alone or in combination with one or more other races	Value	Percent
White alone or combo	41	97.82 %
Black or African American alone or combo	1	2.38 %
American Indian and Alaska Native alone or combo	0	0.00 %
Asian alone or combo	0	0.00 %
Pacific Islander alone or combo	0	0.00 %
Other alone or combo	0	0.00 %

▼ Ethnicities

Asian	Value
Asian Indian	0
Filipino	0
Chinese	0
Japanese	0
Korean	0
Vietnamese	0
Other Asians	0

Native Hawaiian and Other Pacific Islander	Value
Native Hawaiian	0
Guamanian or Chamorro	0
Samoan	0
Other Pacific Islander	0

Hispanic or Latino by Origin	Value	Percent
Hispanic Origin (Any Race)	0	0.00 %
Not Hispanic (Any Race)	42	100.00 %
Mexican	0	0.00 %
Puerto Rican	0	0.00 %
Cuban	0	0.00 %
Other Hispanic	0	0.00 %

▼ Population by Gender

Population by Gender	Value
Male	28
Female	16



▼ Population by Age

Population by Age	Value
Age 4 and under	1
Age 5 - 9	0
Age 10 - 14	1
Age 15 - 19	2
Age 20 - 24	3
Age 25 - 29	1
Age 30 - 34	1
Age 35 - 39	1
Age 40 - 44	2
Age 45 - 49	1
Age 50 - 54	11
Age 55 - 59	7
Age 60 - 64	5
Age 65 - 69	4
Age 70 - 74	1
Age 75 - 79	0
Age 80 - 84	1
Age 85 and over	0

Median Age	Value
Median Age	57

Population Over a Certain Age	Value
Age 16 and over	39
Age 18 and over	39
Age 21 and over	38
Age 62 and over	11
Age 65 and over	6

▼ Census Population History

Population History	Value
1880	0
1890	0
1900	0
1910	0
1920	0
1930	0
1940	0
1950	41
1960	135
1970	112
1980	6
1990	88

Population History		Value
2000		49
2010		42

Total Housing Units		Value
Total Housing Units		32
Occupied Housing (Households)		18
Vacant Housing		14
Vacant Due to Seasonal Use		9
Owner-Occupied Housing		17
Renter-Occupied Housing		1

Total Occupied Housing Units		Value
Total Households		18
Average Household Size		3
Family Households		13
Non-Family Households		5
Pop. Living in Households		42
Pop. Living in Group Quarters		0

▶ 2000 Population and Housing Characteristics

▶ 1990 Population and Housing Characteristics

▼ Economy, Income, Poverty and Employment

For current Local Labor Market Information please click [here](#).

The following Income and Employment data is from the U.S. Census Bureau's 2007-2011 American Community Survey 5-Year Estimates.

Income		
▼ Poverty		
	Estimate	Percent
Persons in Poverty	0	0.00 %

▶ Facilities, Utilities and Services

▶ Schools

Municipal Officials/Employees Directory

▶ Community/Regional Contacts Information

▼ Business Licenses

The records below reflect current business licenses on file with the Department of Commerce, Community and Economic Development - Division of Corporations, Business and Professional Licensing. These licenses may not represent actual business activity. For more information on a specific business, use Commerce's "Business License Search" [website](#).

There are 16 current business licenses in Edna Bay.

Business Name	Business Licenses Number
CREW LOGGING	924445
CREW LUMBER	924447
CSL FARM & SERVICES	980242
CSL FARM & SERVICES	980241
CSL FARM & SERVICES	936224

Business Name	Business Licenses Number
CSL FARM & SERVICES	936222
EDNA BAY CABIN RENTALS	938448
ISLAND MARINE TRANSPORT	963971
STARFISH CHARTERS	980377
STICK AND STONE CONSTRUCTION LLC	980470
STICK AND STONE CONSTRUCTION LLC	980467
STICK AND STONE CONSTRUCTION LLC	980469
SUNRISE LODGE & GENERAL STORE	914803
SUNRISE LODGE & GENERAL STORE	935288
WILLIAMS DRILLING & BLASTING SERVICES	932392

▶ ANCSA - Alaska Native Claims Settlement Status

▼ Community Status Report

▼ Financial Documents

The Division of Community and Regional Affairs collects annually municipal financial statements/audits and adopted municipal budgets from Alaska's incorporated communities and archives the documents in its Financial Delivery System. Operating revenues and operating expenditures are as reported by the respective municipality. Selected data is only published for municipalities with populations of less than 2,500.

Source: Alaska Department of Commerce, Community, and Economic Development, Division of Community and Regional Affairs. Data is derived from financial documents sent by communities to DCRA and reported as received.

▶ Municipal Elections

▶ Liens

▶ Workers Compensation

▶ Fuel Loans Per Entity

▶ PERS Debt

▶ Delinquent Audits

[Contact Us / Staff Directory](#)

[Department of Labor / Research and Analysis Section]

Printer friendly PDF

**Alaska Local and Regional Information**

Please note: There is an important distinction between the local/regional employment data and our "standard" employment series. [Read more here.](#)

[ALARI faqs](#)

**Edna Bay CDP**

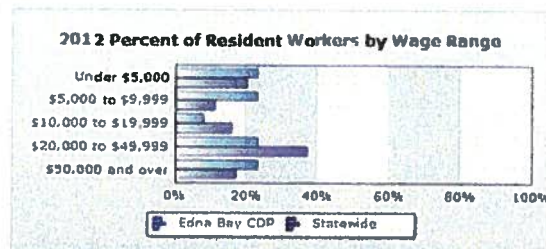
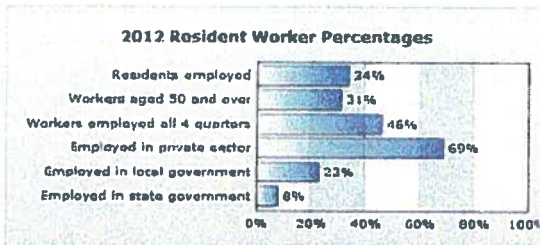
**Map** Edna Bay is an unincorporated CDP located on the southeast coast of Kosciusko Island, northwest of Prince of Wales Island in Southeast Alaska, about 90 miles northwest of Ketchikan.

[Department of Commerce, Community, and Economic Development community profile](#)

[Worker characteristics](#)
[Occupations](#)
[Industries](#)
[Population estimates](#)
[2010 Census](#)

**Worker Characteristics (Text file of all years)**

	2012
Residents age 16 and over	38
Residents employed	13
Female workers	2
Male workers	11
Workers age 45 and over	5
Workers age 50 and over	4
Total wages	\$368,872
Sector employed in	
Private	9
Local government	3
State government	1
Peak quarterly employment	11
Workers employed all 4 quarters	8
New hires	10
Unemployment insurance claimants	5
Worked in an AQIA occupation	13



Source: Alaska Department of Labor and Workforce Development, Research and Analysis Section. Last updated on August 30, 2013.

[Return to top](#)

[Worker characteristics](#)
[Occupations](#)
[Industries](#)
[Population estimates](#)
[2010 Census](#)

**Occupations**

Top occupations information for 2012 is not available.

Source: Alaska Department of Labor and Workforce Development, Research and Analysis Section. Last updated on August 30, 2013.

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[Worker characteristics](#)
[Occupations](#)
[Industries](#)
[Population estimates](#)
[2010 Census](#)

**Industries (Text file of all years)**

**2012 Workers by Industry**

	Number of workers	Female	Male	Age 45 and over	Age 50 and over

## 2010 Census Demographic Profile for Edna Bay CDP

### Population by Age and Sex

	Total	Male	Female
<b>Total</b>	42	26	16
<b>Under 5 years</b>	1	1	0
<b>5 to 9 years</b>	0	0	0
<b>10 to 14 years</b>	1	1	0
<b>15 to 19 years</b>	2	2	0
<b>20 to 24 years</b>	3	1	2
<b>25 to 29 years</b>	1	1	0
<b>30 to 34 years</b>	1	0	1
<b>35 to 39 years</b>	1	0	1
<b>40 to 44 years</b>	2	1	1
<b>45 to 49 years</b>	1	0	1
<b>50 to 54 years</b>	11	7	4
<b>55 to 59 years</b>	7	6	1
<b>60 to 64 years</b>	5	3	2
<b>65 to 69 years</b>	4	1	3
<b>70 to 74 years</b>	1	1	0
<b>75 to 79 years</b>	0	0	0
<b>80 to 84 years</b>	1	1	0
<b>85 years and over</b>	0	0	0
<b>Median age and population of selected age groups</b>			
<b>Median age</b>	53.0	53.7	52.0
<b>Population 16 years and over</b>	39	23	16
<b>Population 18 years and over</b>	39	23	16
<b>Population 21 years and over</b>	38	22	16
<b>Population 62 years and over</b>	11	6	5
<b>Population 65 years and over</b>	6	3	3

**Race**

**Population of one race: 42**

**Population of two or more races: 0**

	<b>Race alone</b>	<b>Race alone or in combination with one or more other races</b>
<b>White</b>	41	41
<b>Black or African American</b>	1	1
<b>American Indian and Alaska Native</b>	0	0
<b>Asian</b>	0	0
<b>Pacific Islander</b>	0	0
<b>Other</b>	0	0

**Hispanic or Latino and Race**

<b>Total</b>	0
<b>White alone</b>	0
<b>Black or African American alone</b>	0
<b>American Indian and Alaska Native alone</b>	0
<b>Asian alone</b>	0
<b>Pacific Islander alone</b>	0
<b>Other race alone</b>	0
<b>Two or more races</b>	0

**Hispanic or Latino by Origin**

<b>Total</b>	0
<b>Mexican</b>	0
<b>Puerto Rican</b>	0
<b>Cuban</b>	0
<b>Other</b>	0

**Relationship**

<b>Total</b>	<b>42</b>
<b>In households</b>	<b>42</b>
<b>Householder</b>	<b>18</b>
<b>Spouse</b>	<b>12</b>
<b>Child</b>	<b>9</b>
<b>Own child under 18 years</b>	<b>2</b>
<b>Other relatives</b>	<b>2</b>
<b>Under 18 years</b>	<b>1</b>
<b>65 years and over</b>	<b>0</b>
<b>Nonrelatives</b>	<b>1</b>
<b>Under 18 years</b>	<b>0</b>
<b>65 years and over</b>	<b>0</b>
<b>Unmarried partner</b>	<b>1</b>
<b>In group quarters</b>	<b>0</b>
<b>Institutionalized population</b>	<b>0</b>
<b>Male institutionalized population</b>	<b>0</b>
<b>Female institutionalized population</b>	<b>0</b>
<b>Noninstitutionalized population</b>	<b>0</b>
<b>Male noninstitutionalized population</b>	<b>0</b>
<b>Female noninstitutionalized population</b>	<b>0</b>

**Households**

<b>Total</b>	<b>18</b>
<b>Family households (families)</b>	<b>13</b>
<b>With own children under 18 years</b>	<b>2</b>
<b>Husband-wife family</b>	<b>12</b>
<b>With own children under 18 years</b>	<b>1</b>
<b>Male householder, no wife present</b>	<b>1</b>
<b>With own children under 18 years</b>	<b>1</b>
<b>Female householder, no husband present</b>	<b>0</b>
<b>With own children under 18 years</b>	<b>0</b>
<b>Nonfamily households</b>	<b>5</b>
<b>Householder living alone</b>	<b>4</b>
<b>Male householder living alone</b>	<b>4</b>
<b>65 years and over</b>	<b>1</b>
<b>Female householder living alone</b>	<b>0</b>
<b>65 years and over</b>	<b>0</b>

**Households with children/elders**

Households with individuals under 18 years	3
Households with individuals 65 years and over	4

**Averages**

Average household size	2.3
Average family size	2.8



### Housing Occupancy

<b>Total</b>	<b>32</b>
<b>Occupied housing units</b>	<b>18</b>
<b>Vacant housing units</b>	<b>14</b>
<b>For rent</b>	<b>1</b>
<b>Rented, not occupied</b>	<b>0</b>
<b>For sale only</b>	<b>1</b>
<b>Sold, not occupied</b>	<b>0</b>
<b>For seasonal, recreational, or occasional use</b>	<b>9</b>
<b>All other vacants</b>	<b>3</b>
<b>Vacancy rates</b>	
<b>Homeowner vacancy rate (percent)</b>	<b>5.6</b>
<b>Rental vacancy rate (percent)</b>	<b>50.0</b>
<b>Housing tenure</b>	
<b>Owner-occupied housing units</b>	<b>17</b>
<b>Renter-occupied housing units</b>	<b>1</b>
<b>Population in owner-occupied housing units</b>	<b>37</b>
<b>Population in renter-occupied housing units</b>	<b>5</b>
<b>Average household size in owner-occupied housing units</b>	<b>2.2</b>
<b>Average household size in renter-occupied housing units</b>	<b>5.0</b>

Department of Labor and Workforce Development, Research and Analysis Section  
 P.O. Box 115501  
 Juneau, Alaska 99811-4506  
 Phone: 907.465.4500, Fax: 907.465.4506  
 May 17, 2011

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## Comprehensive Economic Development Strategy

Currently the Community Profiles Section is being updated to the new 5 Year Plan. If your community doesn't show the updates, please email [info@seconference.org](mailto:info@seconference.org) and then please check back again. View the complete report below.

Southeast Conference and the Central Council of Tlingit and Haida Indian Tribes of Alaska worked together to publish the Southeast Alaska Comprehensive Economic Development Strategy (CEDS).

The CEDS can be used to guide economic development in Southeast Alaska. Participating communities will not be required to prepare an Overall Economic Development Plan (OEDP), and are automatically qualified to apply for assistance from the Economic Development Administration with full support of these regional organizations. It is a requirement of EDA that the document be updated annually.

The current CEDS 5 Year Plan 2011-2015 is a living online document and will be continuously be updated as new information becomes available. Please check back often for new community profiles and regional statistics.

### *Prior Comprehensive Economic Development Strategy 5 Year Plan & Updates:*

- [CEDS Update 2012](#)
- [CEDS Update 2011](#)
- [CEDS Update 2010](#)
- [CEDS Update 2009](#)
- [CEDS Update 2008](#)
- [CEDS Update 2007](#)
- [CEDS 5 Year Plan 2006-2010](#)

### HOT TOPICS

#### Latest News:

**Alaska Wood Energy Development Task Group Applications**

**Annual Meeting Presentations**  
Presentations from Sitka on September 17-19, 2013

**Southeast Alaska by the Numbers 2013 Now Available**

**Southeast Alaska by the Numbers 2013** is now available. The 2013 report provides a two-year snapshot of the Southeast Alaska economic and socioeconomic trends.



### **Southeast Conference Releases The Maritime Economy of Southeast Alaska**

This publication quantifies Southeast Alaska's maritime economy. Just over one-quarter of all Southeast Alaska wages are directly earned through ocean related employment in 2012. Taken together the businesses and government agencies that are directly tied to the ocean comprise Southeast Alaska's largest economic sector.

### 5.7b Unincorporated Communities

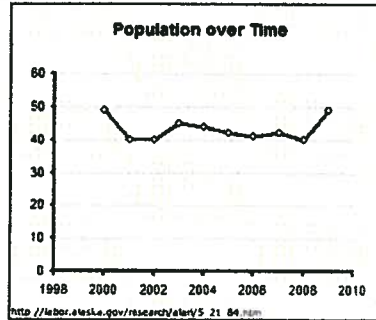
#### Edna Bay

Edna Bay is a fishing community, originally named by the U.S. Coast & Geodetic Survey in 1904. Ten residents hold commercial fishing permits, supplying a fish buyer stationed there seasonally.

There are no community facilities. All residents use individual untreated water sources, such as springs or rain catchment. Transportation and cargo are provided by float plane or boat from Craig, Ketchikan or Petersburg.

Edna Bay is not connected to the State/City Highway on the Island. A dock and harbor with breakwater are available. There are 10 commercial fishing permits held by residents.

**Location & Climate:** Edna Bay is located on the southeast coast of Kosciusko Island, northwest of Prince of Wales Island, in Southeast Alaska. It lies 90 miles northwest of Ketchikan. It lies at approximately 55.948890 North Latitude and -133.662220 West Longitude. (Sec. 28, T068S, R076E, Copper River Meridian.) Edna Bay is located in the Ketchikan Recording District. The area is dominated by a cool maritime climate. Average temperatures in the summer range from 46 to 70 °F; winter temperatures range from 32 to 42 °F. \*State of AK, DOT AMHS.  
**2010 Population:** 42 (US Census)



#### Hollis

Hollis was a mining town with a population of over 1,000 around 1900. Gold and silver were mined until about 1915. In 1953, it became a logging camp when a long-term timber contract was enacted with Ketchikan Pulp Co. It served as the base for timber operations on Prince of Wales Island until 1962, when the camp was moved 45 miles north to Thorne Bay. The area was permanently settled in recent years through a state land disposal sale. Dock facilities at Hollis provide support for logging operations and state ferry services.

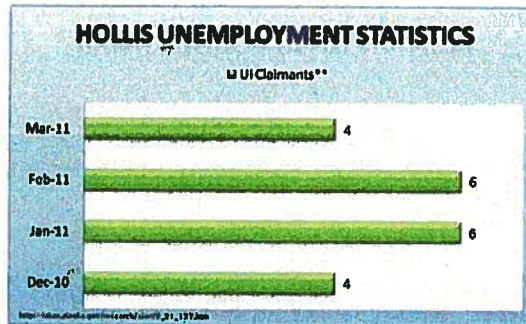
Today Hollis is a non-Native residential community whose residents are largely employed in Craig and Klawock. Hollis is the location of the Inter-Island Ferry Authority (IFA) landing for Prince of Wales Island.

There are no central community facilities. Residents use rain catchment or surface water, and only 10% of occupied homes are fully plumbed.

A State-owned seaplane base, harbor, dock and boat ramp are available on nearby Clark Bay.

Community leaders say: "A bridge to Gravina Island would allow for future growth of the community".

**Location & Climate:** Hollis is located on the east side of Prince of Wales Island on Twelvemile Arm, 19 miles east of Craig by road, and 35 miles west of Ketchikan by water. It lies at approximately 55.483890 North Latitude and -132.667500 West Longitude. (Sec. 04, T074S, R084E, Copper River Meridian.) Hollis is located in the Ketchikan Recording



## AFFIDAVIT OF RICHARD PERKINS

### I, RICHARD PERKINS, DO DEPOSE AND SAY THAT

1. I am the Geographic Information Systems (“GIS”) Manager for Sealaska Corporation. I have held that position for the past 23 years. In that capacity, I am responsible for the company’s computerized cartography that allows us to look at land from a variety of data layers, such as ownership, resources, etc.
2. The purpose of this affidavit is to explain the sources of information that I relied upon in laying out the four areas depicted on the enclosed map entitled “Edna Bay—Incorporation Analysis Map, Nov. 1, 2013”;
3. The first area depicted is the Edna Bay Incorporation Proposal. This information was taken from the pending Edna Bay incorporation petition. The total area depicted under this category is approximately 23 square miles of land;
4. The second area depicted are “Sealaska Corporation Selections Sec. 3 (b) (1).” The lands were taken from maps accompanying pending Congressional Legislation - Senate Bill - S. 340 cited as the “Southeast Alaska Native Land Entitlement Finalization and Jobs Protection Act.” This bill, if enacted, would allow Sealaska to obtain the identified lands as part of the completion of its land selection rights under the Alaska Native Claims Settlement Act;
5. The third depicted area is entitled “Edna Bay Subdivision.” The purpose of this mapping was to illustrate the size of the footprint of the existing community of Edna Bay in relation to the entire area that the Edna Bay Petition seeks to incorporate. The subdivision in question was created by the State of Alaska (“DNR”) for community development purposes. This area was first conveyed from the United States Forest Service to the State of Alaska (“DNR”) for community development; then subdivided by DNR; and, finally, made available for acquisition by private parties. The contours of that subdivision therefore provide the boundaries of the land that has been subdivided and made available for settlement and expansion of the community of Edna Bay. It represents the entirety of

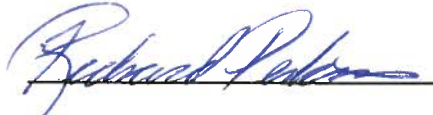
the land selected and subdivided by the State of Alaska for community development, as shown on the BLM's master title plats. It is important to note that this subdivision shows not only the extent of existing improvements, but also the potential area of development. That is because only some of the lots have been developed; many other lots remain unoccupied. The map therefore tends to overstate the extent of human settlement of Edna Bay. The mapping of this subdivision on the enclosed map was accomplished by Geo-referencing the ASLS No. 81-116 (Edna Bay Subdivision) to the protracted Section grid, for correct geographic location. This survey shows the layout of the subdivision Blocks and Lots. Also used were the DNR Land Estate maps for Township 68 S. Range 76 E. of the Copper River Meridian. DNR produced maps for Sections 21, 22, 23, and 28, showing the Blocks and lots. These lots or parcels are divided into 14 Blocks, and are shown to comprise some 390 acres, or .6 square miles. I digitized the outside boundary of these lots to the shoreline, including some vacant areas, resulting in a total enclosed boundary of the subdivision of 655 acres, or 1.02 square miles

6. Finally, "The Petition Road "is a State Road that runs through the Community Development area shown on the map as "Edna Bay Proper." This is the road that the Petition describes as having uncertain ownership. Its location is generally known to Sealaska; however, to plot its exact location, I used a process of elimination: *i.e.*, I reviewed the pertinent Forest Service patents to the State of Alaska, so that I could exclude any road for which an easement was reserved to the US Forest Service in the patent, and therefore ownership was not uncertain. The Petition Road runs from the southern boundary of Section 21 northeasterly through Sec. 21, and 22 and terminates at the southern boundary of Sec. 15. The following Patents all conveyed land to the State of Alaska for the purpose of community development, but reserved FDR roads to the U.S. Forest Service:

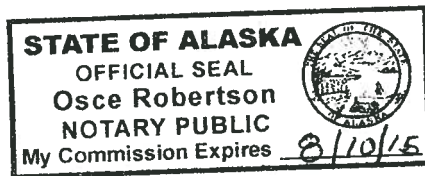
- Patent 50-85-0112 documents the 1520 road as an FDR with a 66 foot width in Sections 28, 31, and 32. It also documents Road 1525 as an FDR 66 feet in width in Sec. 22, and 23, and a five acre LTF site in Sec. 23;


- Patent 50-92-0203 documents the 1520 road as an FDR with a 66 foot width in Sec. 15 and South to the junction of road 1525, which was listed above;
- Patent 50-94-0046 documents the 1520 road as an FDR with a 100 foot width in Sec. 10, and 15. It also documents roads 1520500, 1520095, and 1520098, all designated as FDRs with widths of 66 feet in the same Sections; and
- Patent 50-2008-0091 documents the 1520 road as an FDR with a 66 foot width in Sec. 28 through Lots 11, and 12. It also documents road 15200370 as an FDR in Lot 11.

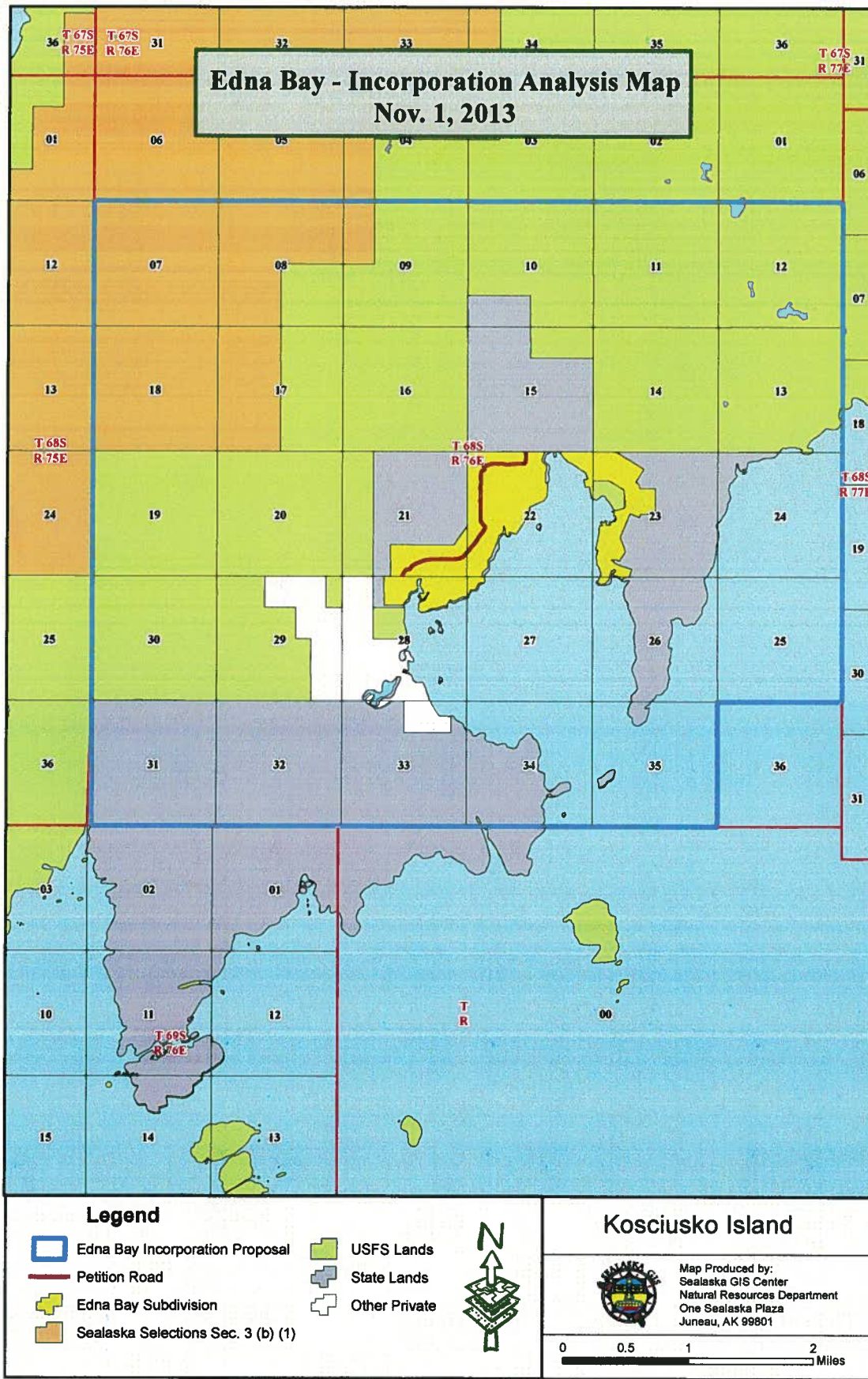
FURTHER YOUR AFFIANT SAYETH NAUGHT.

  
Richard Perkins

SUBSCRIBED AND SWORN to before me this 15 day of November, 2013.



  
Notary Public in and for Alaska  
My commission expires 8/10/15



**ENTRY OF SEALASKA CORPORATION AS A RESPONDENT IN THE PENDING  
PETITION TO THE LOCAL BOUNDARY COMMISSION FOR INCORPORATION OF EDNA  
BAY COMMUNITY AS A SECOND CLASS CITY WITHIN THE UNORGANIZED BOROUGH  
USING THE LOCAL OPTION METHOD**

Sealaska Corporation hereby enters the above-referenced proceeding as a Respondent pursuant to 3 AAC 110.480.

**Respondent's Representative:**

Jonathan K. Tillinghast  
Simpson, Tillinghast, Sorensen and Sheehan  
One Sealaska Plaza, Suite 300  
Juneau, Alaska 99801  
Phone: (907) 586-2559  
Facsimile: (907) 586-3065  
Email: [jon@stsl.com](mailto:jon@stsl.com)

**Respondent's Brief:**

**BRIEF OF SEALASKA CORPORATION IN OPPOSITION  
TO THE PETITION TO INCORPORATE EDNA BAY  
AS A SECOND CLASS CITY**

**I. Sealaska's Interest in the Petition**

Sealaska Corporation is the regional corporation for Southeast Alaska under the Alaska Native Claims Settlement Act ("ANCSA"). 43 U.S.C. §1601 *et seq.* It is a domestic corporation incorporated under Alaska law; it is in good standing; it has paid all required taxes and fees; and it is thus in all respects capable of suing or being sued.

Under ANCSA, Sealaska is entitled to acquire certain available federal lands in Southeast Alaska in order to meet the "real economic and social needs" of its Tlingit, Haida and Tsimshian shareholders 43 U.S.C. §1601(b). There is pending, in both the United States Senate and the U.S. House of Representatives, legislation to finalize this land entitlement by, in part, conveying to Sealaska some 2150 acres of land that would lie within the extensive municipal borders of



Edna Bay, as proposed by the petitioners (“Entitlement Legislation”). This is illustrated on the map appended as *Attachment 1*.

The Entitlement Legislation has been marked-up by the committees of jurisdiction in both houses, and awaits a floor vote in both chambers. *See Attachment 2*.<sup>1/</sup> There is, at least, a substantial possibility that Sealaska will shortly become the largest private landowner in what the pending Edna Bay Petition (the “Petition”) hopes will become the city of Edna Bay—a city that, as this Brief will explain, would be impecunious and incapable of providing essential municipal services. That would leave Sealaska mired in an unhealthy economic and governmental environment, and it makes Sealaska an “interested person” as that term is used in 3 AAC 11.480(a).

## **II. Summary of Sealaska’s Position**

Sealaska cannot support the Petition in its present form, for two reasons:

- The petitioners have not demonstrated that this small community can provide the human and financial resources necessary to provide essential municipal services, failing the standards set out in AS 29.05.011(a)(3) and 3 AAC 110.020. Indeed, the petitioners have declined to provide the property value and other fiscal information that the Commission is required to consider before making a finding of fiscal and practical capability; and
- The municipal boundaries proposed by the petitioners far exceed those necessary to meet either current needs or any reasonable foreseeable needs over the next 10 years,

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<sup>1/</sup> *Attachment 2* are the cover and operative settlement pages of the Senate bill—S. 340—as reported out by the Senate Committee on Energy and Natural Resources. The companion House bill is HR 740, which has been reported out by the Committee on Natural Resources.

and include large unpopulated areas—all in violation of AS 29.05.011 and 3 AAC 110.040(c)-(d).

**III. There is No Evidence that the Proposed City has the Human or Financial Resources Necessary to Provide Essential Municipal Services.**

For all the Petition shows, the only sustainable sources of revenue available to the city of Edna Bay would be \$4800/yr. in harbor fees and \$7915 in shared fisheries taxes. Petition, p. 9. No new recurring revenues will be added, because no taxes will be levied. *Id.* The Petition nevertheless asserts that the City will meet the statutory requirements of solvency, and it does so first by proposing to undertake only a portion of what this Commission has called “the reasonably anticipated functions of [a] proposed city.”<sup>2/</sup> The Petition proposes that Edna Bay perform only four functions—road and dock maintenance, emergency services and some form of local postal service. Petition at 10.<sup>3/</sup> No provision is made for law enforcement, municipal planning and zoning, solid waste disposal or sewage treatment. This although the Petition concedes that there is a need to “properly address refuse management (*id.* at 4, 10),” and that a city is needed to “direct[] growth...[and] separat[e] various sorts of land use.” *Id.* at 13.

In *Naukati* (*see n. 2, ante*), this Commission held that the petition must demonstrate adequate financial resources to provide for law enforcement, municipal planning and solid waste management. *Naukati Decision* at 29. The Edna Bay Petition eschews any responsibility for any of those services.

Next, the Petition relies almost exclusively on undependable, short-term revenues to fund even these limited municipal functions. Save for the aforementioned harbor fees and shared

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<sup>2/</sup> / *In the matter of the Petition for Incorporation of Naukati as a City of the Second Class in the Unorganized Borough*, Statement of Decision, Jan. 4, 2006 at 29 (“*Naukati Decision*”).

<sup>3/</sup> / The Petition also proposes a nominal sum (\$3,000/yr.) for administration. *Id.*

fisheries tax, the Petition lists only four revenue sources—all of which are either short term or undependable. According to the Petition, in its first two years of existence, the City will receive an asset transfer (a “corporation grant”) from the existing community association. This is a transitional grant; it is not a source of long-term funding. As this Commission held in *Naukati* with regard to counting the new city’s organizational grant as a source of operating revenue:

*...[T]he new city should not include the one-time \$75,000 organization grant or the one-time “\$12,000 economic recovery grant” as sources of revenue for operating expenses. Those funds are non-renewable.*

*Id.* at 31. The only other significant sources of operating revenue are State revenue sharing and Payments in Lieu of Taxes (“PILT”). Petition at 9. The petitioner acknowledges that “revenue sharing may not always be available in years to come,” and concedes that the existing community organization has been “with and without federal funding over the past years.” *Id.* at 4. In the *Nautaki Decision*, this Commission held that “[p]rojected federal Payments in Lieu of Tax funding is no more reliable than...Forest Receipts,” and could thus not be counting as operating income. *Id.* at 32. Nothing has made these payments more reliable since the *Nautaki* decision.

Finally, the Edna Bay Petition disavows any intent to assess sales or property taxes. This case, then, is much like *Nautaki*, where the Commission ruled that the petition’s proposed operating budget was “neither feasible nor plausible.” Where this case differs from *Nautaki* is that the Naukati Petition contained enough data to satisfy the Commission that the new city could support a sufficient sales and property tax; therefore, the Commission made incorporation contingent on the voters approving the authority to levy both a sales and property tax. *Id.* at 35.

That option is not available to the Commission for Edna Bay, because the petitioner has refused to provide property valuation data, or economic activity data sufficient to gauge the effectiveness of a sales tax. Under AS 29.05.011, the Commission is *required* to consider “property values, economic base, personal income...[and] the ability of the community to generate revenue.” Under 3 AAC 110.020, the Commission “will consider,” *inter alia*:

- “the ability of the proposed city to generate and collect revenue at the local level”;
- “the economic base within the proposed city”;
- “valuations of taxable property within the proposed city”; and
- “personal income of residents of the proposed city.”

The Edna Bay Petition provides no information on any of these considerations, claiming them irrelevant because the petitioner proposes to levy no taxes. Instead, the reader is told only vaguely that there is “one lodge,” “several rental businesses,” and “numerous support businesses.”

Hard economic data on Edna Bay suggests a small struggling settlement with no capacity to pay the expenses of a functioning city. In 2012, Edna Bay had 39 residents.<sup>4/</sup> In 1990, the settlement counted 86 residents and in 2011 there were 50,<sup>5/</sup> suggesting a population in decline, to the point where one must question whether Edna Bay has the kind of stable, durable population required by AS 29.05.011(a)(4) and 3 AAC 110.030(a). As the petitioner frankly concedes, Edna Bay “has seen people come and go.” Petition at 4.

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<sup>4</sup> / Department of Commerce, Community and Economic Development (“DCCED”), *Community Database Online, Attachment 3* at 1.

<sup>5</sup> / *Id.* at 3.

Available economic data does not indicate the ability to support a functioning municipal government. Of the settlement's adult population of 38 (as of 2010), only 13 were employed.<sup>6/</sup> *Total* community payroll that year was \$368,872—or about \$28,375 per adult worker, which is below the federal poverty guideline for an Alaska family of four. *Id.* The Southeast Conference describes Edna Bay thusly:

*Edna Bay is a fishing community...Ten residents hold commercial fishing permits, supplying a fish buyer stationed there seasonally. There are no community facilities. All residents use individual untreated water sources.*

Southeast Conference, *Comprehensive Economic Development Strategy, CEDS Update 2012, Attachment 6* at 121.. In 2010, of the 32 total housing units in Edna Bay, 14 were occupied only seasonally or occasionally.<sup>7/</sup> Business license data indicate that there are only 9 licensed businesses in Edna Bay. *Attachment 3* at 4-5.

Petitioners' response to all of this is that the settlement's fiscal challenges should be ignored, because the community intends to use only volunteers to run the city. Petition at 10. The city will have no payroll. *Id.*

An all-volunteer city is a chimera. With its unstable population (*see p. 5, ante*), it is doubtful enough that such a city could even maintain a reliable volunteer governing body. More practically, the city of Edna Bay would be facing a number of challenges requiring special

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<sup>6/</sup> Alaska Department of Labor & Workforce Development Research and Analysis Section Demographic Profile Edna Bay Worker Characteristics, <http://live.laborstats.alaska.gov/alari/details.cfm?yr=2012&dst=01&dst=03&dst=04&dst=06&dst=07&r=5&b=21&p=83>, *Attachment 4*. For federal Alaska poverty guidelines, see <http://aspe.hhs.gov/poverty/13poverty.cfm#thresholds>

<sup>7/</sup> Alaska Department of Labor & Workforce Development Research and Analysis Section Demographic Profile for Edna Bay; <http://live.laborstats.alaska.gov/cen/dp.cfm>; *Attachment 5* at 5.

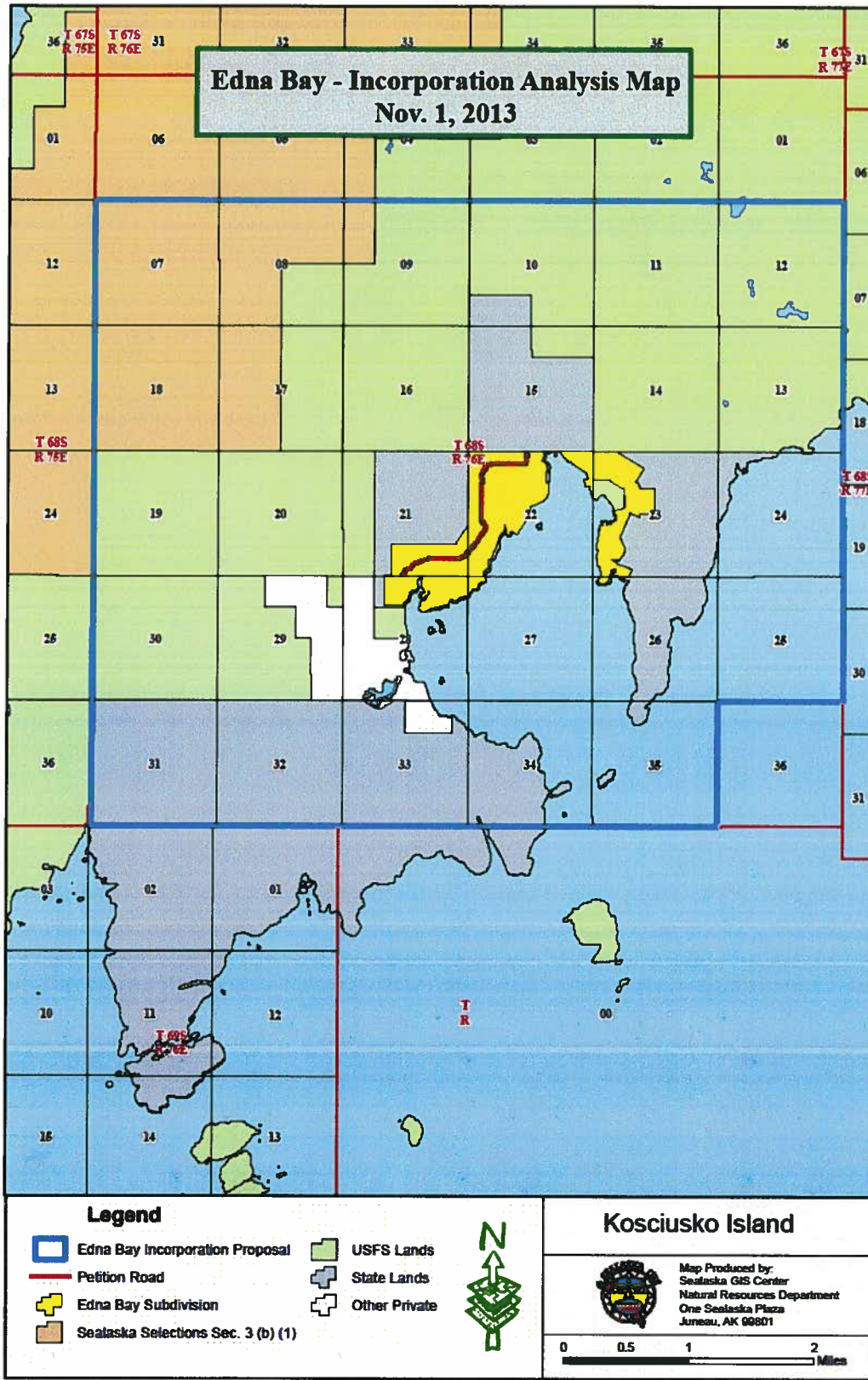
expertise—solid waste management, transportation administration, and planning and zoning, to name a few. It is less than believable to think that these expert services could be provided consistently, and over the long term, on a purely volunteer basis.

Moreover, the petitioners' claim that "volunteer services" are adequate rests on the assertion that the city "has no capital expenditures." Petition at 10. But one of the Petition's principal rationales for incorporation is to gain control of a road and bridge in need of repair. *Id.* at 13. And, it cannot be gainsaid that the extent of DOT&PF funding for what would then be a local road would-be rather problematic. Moreover, the Petition concedes the need for capital investment in solid waste facilities. *Id.* at 4. And in the long-run, it is implausible to assume that the City will not have a recurring need for additional capital investments to provide essential municipal services.

A settlement cannot incorporate unless it shows that it has "the human and financial resources necessary to provide municipal services..." AS 29.05.011(a)(3); *see also* 3 AAC.110.020(2)(B) (city may consider the "availability of employable skilled and unskilled persons to serve the proposed government"). Nothing in the Petition supports the finding required by AS 29.05.011(a)(3), and statistical reality argues against it.

#### **IV. The Petition Includes Large Unpopulated Areas That are Not Necessary to Accommodate Reasonable Predictable Growth**

At the present time, the Edna Bay community footprint comprises approximately 1.02 square miles. Affidavit of Richard Perkins and Appended Map (*Attachment 7*). This is illustrated in the yellow "Edna Bay Subdivision" portion of the map appended to Mr. Perkins's affidavit:



As Mr. Perkins explains, 1.02 square miles is in fact overstated. The 1.02 acres includes all of the land conveyed to the State of Alaska and subdivided for community development purposes, but only a portion of those lots have actually been built upon. Mr. Perkins explains:

*[The mapped subdivision]... represents the entirety of the land selected and subdivided by the State of Alaska for community development, as shown on the BLM's master title plats. It is important to note that this subdivision shows not only the extent of existing improvements, but also the potential area of development. That is because only some of the lots have been developed; many other lots remain unoccupied. The map therefore tends to overstate the extent of human settlement of Edna Bay.*

*Id.* at ¶5. Conversely, the territory that the Edna Bay Petition seeks to incorporate, *in addition to the present community*, covers 22 square miles of unoccupied land, even though:

- There is no demonstrable need for this land for community expansion. Indeed, the community is not expanding, its population having declined from 86 in 1990 to 39 presently. *See ns. 4-5, ante*;
- The community provides no services to this unoccupied area;
- The Petition's rationale for incorporation does not hinge on inclusion of this large area of forest land. For example, the Petition cites the need to obtain site control over a regular-used community road, which is need of repair. But as the Perkins Affidavit (¶6) and Appended Map (*Attachment 7*) illustrate, that road lies entirely within the small existing settlement of Edna Bay; and



- Given the community's lack of financial and technical resources (*see pp. 6-7, ante*) it is unlikely that Edna Bay could provide any essential municipal services to such a large and undeveloped area, even if anyone was living there to receive those services.<sup>8/</sup>

This Commission has, in the past, and on occasion, allowed cities to include relatively large areas surrounding the community proper; in each instance, however, there was a substantial economic, ownership and public service link between the town and its surroundings. In the case of Dillingham, for example, that 2400-person community was already providing extensive municipal services to the area it sought to annex.<sup>9/</sup> Similarly, with respect to the village of Akutan (pop. 1027),<sup>10/</sup> the area being annexed contained the city airport, and was largely owned by the Akutan village corporation.<sup>11/</sup> Moreover, Akutan was consistently growing, having expanded 10-fold over a four-decade period, while in the past 40 years Edna Bay has collapsed from 135 people to 39.

Under 11 AAC 110.040(c), the inclusion of large unpopulated areas within a new city is improper unless the expansion beyond existing community limits is otherwise justified by the Commission's applicable standards. There is no such justification here. If Edna Bay incorporates, its borders should be drawn to encompass the confined area where its residents

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<sup>8/</sup> The Petition suggests that it may use this remote land for its solid waste disposal site. *Id.* at 14. As we have seen however, the community has no refuse plan; has budgeted no money for solid waste management (*Id.* at p. 4); and intends no capital expenditures. *Id.* at 10.

<sup>9/</sup> *In the Matter of the June 14, 2010 Petition by the City of Dillingham to annex approximately 396 square miles of submerged land and 3 square miles of land.* December 14, 2011.

<sup>10/</sup> "2010 City Population and Housing Occupancy Status". U.S. Census Bureau. May 14, 2012.

<sup>11/</sup> *In the matter of the November 4, 2011, Petition by the City of Akutan to annex approximately 130.02 acres of land and water,* April 19, 2012 at 8.

actually (albeit largely seasonally) actually reside—an area that is not likely to expand in the coming decade.

DATED this 19<sup>th</sup> day of November, 2013.

SIMPSON, TILLINGHAST, SORENSEN AND SHEEHAN  
Attorneys for Sealaska Corporation

  
Jonathan K. Tillinghast