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Via Email: amco.localgovernmentonly@alaska.gov

Marijuana Control Board
c/o Alcohol and Marijuana Control Office
Department of Commerce, Community, and Economic Development
550 W. 7th Avenue, Suite 1600
Anchorage, Alaska 99501

Re: Retail Marijuana Store Application – License No. 42032
Applicant: Rural Retail Management, LLC
DBA: Alaskan Grown Cannabis
Location: 49 Ruthie's, Naknek, Alaska

Dear Chair and Members of the Marijuana Control Board:

I represent Rural Retail Management, LLC, the applicant for the above-referenced retail marijuana store license. This letter is submitted in response to the Bristol Bay Borough's January 16, 2026, correspondence and the two Assembly resolutions.

The applicant respectfully requests that the Board proceed with its consideration of this application and decline to delay or defer action based on the Borough's recently adopted resolutions.

I. The Borough's Actions Do Not Provide a Legal Basis to Delay Board Review

The Borough requests that this Board delay consideration of this application until the expiration of a one-year moratorium adopted on January 5, 2026. That request exceeds the Borough's authority under AS 17.38 and should be afforded little weight.

While AS 17.38.210 permits local governments to adopt regulations governing the *time, place, and manner* of marijuana establishments, it does not authorize a local government to suspend or stall state marijuana licensing through post-hoc procedural mechanisms—particularly where no substantive marijuana regulations have been adopted and no public vote has been taken to opt out of the marijuana recreational program.

The moratorium relied upon by the Borough is directed at *borough business licenses*, not marijuana establishment licenses issued by the State of Alaska. The Board's independent licensing authority is not conditioned on the existence, absence, or temporary suspension of a local business licensing process.

II. The Moratorium Is Reactive and Not Grounded in Adopted Regulatory Standards

The Borough's resolutions acknowledge that marijuana was legalized by Alaska voters in 2014 and that state licensing began in 2015. Despite this, the Borough did not designate a local regulatory authority or initiate marijuana-specific regulation until January 2026—nearly nine years later and only after this licensee applied for a marijuana retail store.

A moratorium adopted after a license application has been submitted, and following nearly a decade of local inaction, is inherently reactive. It does not establish objective standards, zoning criteria, or operational requirements applicable to this or any other application. Instead, it functions as a temporary prohibition untethered to adopted law and specifically targets, without justification, one specific licensee.

The Board has historically distinguished between legitimate local regulation and efforts to delay or defeat applications through generalized policy objections or speculative future regulation. This moratorium falls squarely into the latter category.

III. Designation of a Local Regulatory Authority Does Not Justify Delay and the Resolutions do not qualify as a Local Government Protest

Assembly Resolution 2026-01, designating the Borough Assembly as the local regulatory authority, is administrative in nature and does not create enforceable standards applicable to this application. Standing alone, it does not justify delaying state licensing or revisiting an application already properly before the Board.

Further, under and the Board's regulations, a local government may submit a protest concerning a marijuana license application when that position is grounded in adopted local law, land use authority, or voter action authorized by statute. The Bristol Bay Borough's January 2026 resolutions do not meet that standard.

The Borough has not exercised a statutory local option to prohibit marijuana establishments, nor has it adopted time, place, and manner regulations applicable to the proposed location. The moratorium resolution does not identify any violation of local ordinance, zoning restriction, or enforceable regulatory standard, and it does not purport to deny or condition approval of this application based on adopted law. Instead, it reflects a generalized policy preference to delay consideration of marijuana businesses while the Borough contemplates future regulation.

As a result, the Borough's resolutions fall outside the scope of a valid local government protest under AS 17.38.210, and the Board's regulations, and therefore may not be relied upon as a lawful basis for denial, deferral, or delay of the application.

IV. The Board Should Proceed with Consideration of the Application

The applicant has complied with state law and the Board's regulatory requirements. The Borough has not adopted land use restrictions, marijuana-specific ordinances, or other time, place, and manner regulations applicable to the proposed location. In these circumstances, the Borough's request for delay should not impede the Board's statutory obligation to evaluate the application on its merits.

For the reasons stated above, the applicant respectfully requests that the Marijuana Control Board:

1. Decline to delay consideration of License No. 42032 based on the Bristol Bay Borough's January 2026 resolutions; and
2. Proceed with review and action consistent with AS 17.38 and applicable Board regulations.

Please do not hesitate to contact me if the Board would like additional briefing or clarification.

Respectfully submitted,

Jana D. Weltzin, *Esq.*