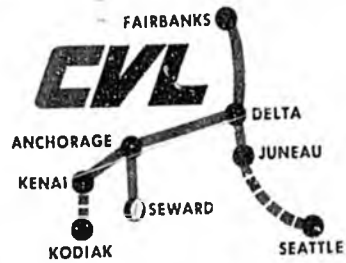


386

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February 21, 1977

Senator Joseph Orsini  
Alaska State Senate  
Juneau, Alaska

Dear Senator Orsini:

I am the owner and builder of the dock and terminal located on ten acres of land on the Eastern Shore of Resurrection Bay opposite the town of Seward. I feel you should be advised that I am opposed to the City of Seward's proposed annexation of this and other properties North and East of Nash Road.

I already have a substantial investment in this property and arrangements have been completed for immediate and extensive further development to accommodate oil drilling related industry. These developments are being accomplished by private enterprise and the City's annexation can be harmful to the future of this Eastern Shore Area.

It is important to note that I have never been contacted or advised by the City of Seward of their efforts or intent although the City Manager knows my address.

It is only through the efforts of all of the other property owners in the Nash Road Area who strongly oppose this annexation attempt that I have recently learned of the City's maneuver.

I wish to request your assistance in defeating this annexation proposal. There are no benefits for this area that would derive from annexation. The results would be harmful and would discourage development by private enterprise. These lands are now under the Kenai Burrough and there should be no change in the "status quo" at this time.

Your assistance will be greatly appreciated.

EWH/k

cc: Mr. Jack Stern  
P. O. Box 1672  
Anchorage, Ak 99510

Mr. Ted Meining  
1111 F Street  
Anchorage, Ak 99501

Sincerely,

*E. W. Hundley*  
E. W. Hundley

*Alaska Facilities*

1031 E. FIRST AVENUE  
P.O. BOX 425  
ANCHORAGE, ALASKA 99501  
(907) 272-5720

1225 WELLS STREET  
P.O. BOX 887  
FAIRBANKS, ALASKA 99701  
(907) 456-6850

STATEMENT OF CLARENCE E. JOHNSON BEFORE THE HOUSE COMMITTEE ON  
COMMUNITY AND REGIONAL AFFAIRS REGARDING ANNEXATION OF TERRITORY  
TO THE CITY OF SEWARD - FEBRUARY 3, 1977

MADAM CHAIRMAN AND MEMBERS OF THE COMMITTEE. MY NAME IS  
~~CLARENCE~~ <sup>JOHNNY</sup> JOHNSON AND I AM CITY MANAGER FOR THE CITY OF SEWARD. I  
AM PLEASED TO HAVE THE OPPORTUNITY TO APPEAR TODAY TO EXPRESS THE  
POSITION OF THE CITY OF SEWARD AND THAT OF THE VAST MAJORITY OF  
ITS RESIDENTS ON THE PROPOSED FOURTH OF JULY CREEK ANNEXATION.

IN DECEMBER 1975, THE CITY PURSUANT TO TITLES 29 AND 44 OF  
THE ALASKA STATUTES AND TITLE 19 OF THE ALASKA ADMINISTRATIVE CODE,  
FILED A PETITION WITH THE DEPARTMENT OF COMMUNITY AND REGIONAL  
AFFAIRS REQUESTING THE ANNEXATION OF 6,400 ACRES OF TERRITORY  
ADJACENT TO THE PRESENT CORPORATE BOUNDARIES OF SEWARD, IN AN  
AREA COMMONLY REFERRED TO AS FOURTH OF JULY CREEK. THE PETITION  
WAS MADE ONLY AFTER CAREFUL REVIEW BY THE CITY ADMINISTRATION,  
COUNCIL, AND PUBLIC.

ON MAY 21, 1976 THE LOCAL BOUNDARY COMMISSION HELD A PUBLIC  
MEETING IN SEWARD TO HEAR TESTIMONY ON THE PROPOSED ANNEXATION.  
AT THIS HEARING, THE MAJORITY OF TESTIMONY GIVEN EXPRESSED SUPPORT  
FOR THE FOURTH OF JULY CREEK ANNEXATION. NO PRIVATE PROPERTY

OWNERS IN THE ANNEXATION AREA VOICED ANY OPPOSITION TO THE PROPOSAL, IN FACT, THE LARGEST SUCH OWNER SUBMITTED TESTIMONY IN SUPPORT OF THE ANNEXATION.

THE LOCAL BOUNDARY COMMISSION HAS ISSUED A STATEMENT OF DECISION APPROVING WITHOUT RESERVATION THE CITY'S PETITION, CITING THE FACT THAT THE ANNEXATION IS A POSITIVE APPROACH TOWARDS RESPONDING TO GROWTH AND DEVELOPMENT IN AND AROUND THE CITY.

MANY OF YOU ARE FAMILIAR WITH THE NATURAL AND POLITICAL BOUNDARIES THAT SURROUND SEWARD. TO THE SOUTH IS SITUATED RESURRECTION BAY, TO THE WEST MOUNTAINS AND HARDING ICEFIELD, TO THE EAST MOUNTAINS, AND TO THE NORTH MOUNTAINS AND THE CHUGACH NATIONAL FOREST. THIS IS NOT TO SAY THAT SEWARD IS TOTALLY DEVOID OF ANY AREA FOR GROWTH AND EXPANSION, HOWEVER SUCH AREA IS SEVERELY LIMITED BY NATURAL AND POLITICAL BOUNDARIES WHICH NECESSITATES THE ANNEXATION BY THE CITY OF THOSE LANDS THAT WILL BE DEVELOPED NOW AND IN THE FUTURE IF THE CITY CAN EVER HOPE TO MEET DEMANDS FOR SERVICES AND AT THE SAME TIME

MAINTAIN A SOUND FINANCIAL FOOTING. ALREADY THE CITY IS FACED WITH AN UPHILL CLIMB FINANCIALLY. WITH A CURRENT TAX BASE OF ROUGHLY \$11,000,000 THE CITY IS VERY HARD PRESSED TO MEET THE SERVICES THAT ARE INCREASING ALREADY DUE TO OCS AND RELATED DEVELOPMENT. IT IS ABSOLUTELY IMPERATIVE THAT THE CITY HAVE THE TAX BASE NECESSARY TO SUPPORT THE DEMANDS FOR SERVICES BROUGHT ABOUT BY NEW GROWTH AND DEVELOPMENT.

SEWARD CANNOT POSSIBLY AVOID THE IMPACTS THAT HAVE COME AND WILL BE COMING FROM OCS DEVELOPMENT. ALREADY EXXON, TEXACO, GULF, SHELL, AND ATLANTIC RICHFIELD HAVE SELECTED SEWARD AS A PRIMARY OR SECONDARY STAGING AREA FOR EXPLORATORY DRILLING IN THE GULF. ACCOMPANING THESE MAJOR OIL COMPANIES ARE A HOST OF SMALLER FIRMS SUCH AS BARIOD, HALLIBURTON SERVICES AND SEVERAL OTHERS. THE CITY HAS RECENTLY NEGOTIATED A LONG TERM LEASE WITH DRESSER INDUSTRIES AND THIS COMPANY PLANS TO INITIATE DOCK CONSTRUCTION ADJACENT TO THE SMALL BOAT HARBOR BREAKWATER THIS SUMMER. THIS IS JUST THE TIP OF THE ICEBERG. AHEAD OF US REMAINS OIL EXPLORATION OF FUTURE LEASES OFF KODIAK ISLAND AND EVENTUALLY OIL PRODUCTION FROM THE

SHELF. I AM CONVINCED THAT SEWARD'S PROXIMITY TO ANCHORAGE, THE LOCATION OF THE ALASKA RAILROAD TERMINUS, THE ALL-WEATHER STATE HIGHWAY TO THE INTERIOR, AND AN ALL-WEATHER PORT WHICH COMPARES WITH ANY IN THE UNITED STATES WILL PLACE TREMENDOUS DEMANDS ON THE COMMUNITY ONCE FULL SCALE OIL DRILLING AND PRODUCTION ARE UNDERWAY.

HAVING RESIDED IN KENAI THE PAST EIGHT YEARS, I AM INTIMATELY ACQUAINTED WITH THE IMPACTS OF OIL DEVELOPMENT ON A SMALL COMMUNITY WITH A LIMITED TAX BASE. THE INABILITY OF THE CITY OF KENAI TO ACQUIRE AN ADEQUATE TAX BASE HAS RESULTED IN SEVERE LONG TERM PROBLEMS FOR THAT COMMUNITY AND THE KENAI PENINSULA BOROUGH. THE RESULT HAS BEEN A TERRIBLE TAX BURDEN FOR KENAI RESIDENTS AND SEVERAL ABORTED ATTEMPTS TO ANNEX THE DEVELOPED AREAS OR CREATE A NEW BOROUGH. THE ONLY SOLUTION REMAINING FOR KENAI APPEARS TO BE THE DEVELOPMENT OF A UNIFIED GOVERNMENT FOR THE AREA WITH AREA-WIDE POWERS. THIS HAS MET WITH STRONG RESISTANCE BECAUSE OF THE LOSS OF CITY IDENTITY THAT WOULD OCCUR.

IT IS SEWARD'S WISH TO AVOID THE PROBLEMS THAT HAVE PLAGUED KENAI AND I URGE THE COMMITTEE TO APPROVE THE ANNEXATION PETITION FOR THE FOURTH OF JULY CREEK AREA.

I APPRECIATE THIS OPPORTUNITY TO TESTIFY AND WILL BE HAPPY TO ADDRESS ANY QUESTIONS THE COMMITTEE MIGHT HAVE ON THE PROPOSED ANNEXATION.

# STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

JAY S. HAMMOND, GOVERNOR

OFFICE OF THE COMMISSIONER

POUCH B - JUNEAU 93311

January 14, 1977

1/18 - referred to  
C + RA Committee

The Honorable Hugh Malone  
Speaker of the House  
of Representatives  
Pouch V  
Juneau, Alaska 99811

Dear Mr. Speaker:

In accordance with Article X, Section 12 of the State Constitution, AS 29.68.010(a), and AS 29.68.500(c), transmitted herewith are recommendations of the Local Boundary Commission and proposed local annexations to and the dissolution of certain municipalities.

The recommendations will become effective forty-five days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house.

Sincerely,

*Lee McAnerney*  
Lee McAnerney  
Commissioner

Enclosures

STATE OF ALASKA

LOCAL BOUNDARY COMMISSION

JUNEAU, ALASKA

RECOMMENDATIONS OF THE LOCAL BOUNDARY COMMISSION

SUBMITTED TO THE TENTH STATE LEGISLATURE

FIRST SESSION ASSEMBLED

SUBMITTED JANUARY 14, 1977

R E C O M M E N D A T I O N S

- I. *Recommendation for annexation of territory to the City of Palmer*
  
- II. *Recommendation for annexation of territory to the City of Seward*

STATE OF ALASKA

LOCAL BOUNDARY COMMISSION

JUNEAU, ALASKA

RECOMMENDATION FOR ANNEXATION OF TERRITORY TO THE CITY OF  
PALMER, ALASKA

SUBMITTED TO THE TENTH STATE LEGISLATURE, FIRST SESSION ASSEMBLED

SUBMITTED JANUARY 14, 1977

RECOMMENDATION FOR ANNEXATION OF TERRITORY

to the

CITY OF PALMER

WHEREAS, petitioner, the Matanuska-Susitna Borough has requested that certain territory be annexed to the City of Palmer, to wit: an area contiguous to and north and east of the City of Palmer including residential, commercial and municipal school properties; and

WHEREAS, subsequent to giving proper notice, the Local Boundary Commission conducted a public hearing in Palmer on Saturday, April 3, 1976, to consider whether the territory for which the Matanuska-Susitna Borough petitioned should be annexed to the City of Palmer; and

WHEREAS, the Local Boundary Commission at a public meeting held in Palmer on Saturday, April 3, 1976, reviewed the Matanuska-Susitna Borough's petition, supporting brief and all testimony received prior to and during the April 3, 1976, public hearing; and

WHEREAS, the Local Boundary Commission has determined that the territory sought to be annexed meets the standards for annexation in that the Palmer High School which has been constructed in the territory is in need of municipal water, sewer, police and road maintenance services; and

WHEREAS, the City of Palmer is the only local government located proximate to the territory which has the capability of providing the needed services; and

WHEREAS, the annexation of the territory would further accomplish a valid public purpose by placing a major public facility under the police protection services of the City of Palmer;

NOW, THEREFORE, the Local Boundary Commission recommends that pursuant to Article X, Section 12, of the Alaska Constitution, Alaska Statutes 44.19.260, and Alaska Administrative Code 19 AAC 05.010 (a)(4)(5) and (9), that the petition to annex territory to the City of Palmer be approved and that the following described property be incorporated within the corporate limits of the City of Palmer:

The NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , the South fifty (50) feet of SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and the South fifty (50) feet of the NE $\frac{1}{4}$ , all in section 32, Township 18 North, Range 2 East, S.M.

In accordance with Article X, Section 12 of the Alaska Constitution, this recommendation shall become effective forty-five days after presentation to the Legislature or at the end of the Session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each House.

STATE OF ALASKA

LOCAL BOUNDARY COMMISSION

JUNEAU, ALASKA

RECOMMENDATION FOR ANNEXATION OF TERRITORY TO THE  
CITY OF SEWARD, ALASKA

SUBMITTED TO THE TENTH STATE LEGISLATURE, FIRST SESSION ASSEMBLED

SUBMITTED JANUARY 14, 1977

RECOMMENDATION FOR ANNEXATION OF TERRITORY

to the

CITY OF SEWARD

WHEREAS, petitioner, the City of Seward, has requested that certain territory be annexed to the City of Seward, to wit: territory located south and ~~west~~<sup>EAST</sup> of the present corporate boundaries of the City of Seward; and

WHEREAS, subsequent to giving proper notice, the Local Boundary Commission conducted a public hearing in Seward on Friday, May 21, 1976, to consider whether the territory for which the City of Seward petitioned, as well as other areas contiguous and adjacent to the City, should be annexed to the City of Seward; and

WHEREAS, the Local Boundary Commission, at a public meeting held in Seward Friday, May 31, 1976, reviewed the City of Seward's petition, supporting brief and all testimony submitted prior to and during the May 21, 1976, public hearing; and

WHEREAS, the territory sought to be annexed by the City of Seward meets the standards for annexation in that the territory will be subject to future growth and development and annexation will enable the City to assist in and receive benefits from that development;

NOW, THEREFORE, the Local Boundary Commission recommends that pursuant to Article X, Section 12, of the Alaska Constitution, Alaska Statutes 44.19.260, and Alaska Administrative Code 19 AAC 05.010(a)(4), that the petition seeking annexation of territory to the City of Seward be approved and the corporate boundaries of the City of Seward be amended to read as follows:

Beginning at the N.E. corner of Sec. 28, T1N, R1W (projected), Seward Meridian, State of Alaska; thence S45°00'00"E to the N.W. Corner of Sec. 1, T1S, R1W; thence East to the N.E. Corner of Sec. 1, T1S, R1W; thence South to the S.E. Corner of Sec. 1, T1S, R1W; thence East to the N.E. Corner of Sec. 9, T1S, R1W (projected); thence South to the S.E. Corner of Sec. 16, T1S, R1W (projected); thence West to the S.W. Corner of Sec. 16; T1S, R1W (projected); thence North to the N.W. Corner of Sec. 28, T1N, R1W (projected); thence East to the N.E. Corner of Sec. 28, T1N, R1W (projected), being the place of beginning, containing 22 square miles more or less.

In accordance with Article X, Section 12, of the Alaska Constitution, this recommendation becomes effective forty-five days after its presentation to the Legislature or at the end of the Session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house.

31 Jan, 1977

REPRESENTATIVE SALLY SMITH  
POUCH V, JUNEAU, AK 99811

DEAR MS. SMITH:

ATTACHED FIND A COPY OF MY COMMENTS  
ON THE SEWARD LAND ANNEXATION PROPOSAL;  
THE ORIGINAL WAS SENT TO THE SENATE COMMUNITY  
& REGIONAL AFFAIRS COMMITTEE.

I DO HAVE AN ADDITIONAL BIT OF INFORMATION  
OF GREAT IMPORTANCE WHICH I ASK YOU TO INCLUDE  
IN THE HEARING RECORD. . . . AS NOTED ON  
PAGE 2, PARAGRAPH 4 OF THE ATTACHMENT,  
MR. WILLARD MIDBY OF SEWARD HAS CIRCULATED  
A PETITION ASKING PEOPLE TO REAFFIRM THAT  
THEY ARE OPPOSED TO THE 4TH OF JULY CREEK  
ANNEXATION. OVER THE PAST FEW DAYS, MR.  
MIDBY AND MR. ED ZIMMERMAN HAVE COLLECTED  
APPROXIMATELY 200 SIGNATURES ON THAT PETITION.  
THEY WILL HOPEFULLY HAVE MAILED IT TO YOU IN  
TIME FOR CONSIDERATION AT THE HEARING/ON  
FEBRUARY 3RD. I BELIEVE THAT THEIR PETITION  
SPERKS VOLUMES ABOUT THE PUBLIC OUTRAGE  
CONCERNING THIS ISSUE.

SINCERELY,

Thomas Taccart

THOMAS TACCART  
Box 1195  
SEWARD, AK 99664

31 Jan, 1977

Thomas Targart  
Box 1195  
Seward, Ak. 99664

30 January, 1977

Senate Community & Regional Affairs Committee  
Pouch V  
Juneau, Alaska 99811

COPY

RE: Proposed Annexation of State Lands to the City of Seward

Dear Chairman Orsini:

Thank you for informing me of the forthcoming hearing in Juneau pertaining to Seward's attempt at annexation of State lands. I do have additional information which should be considered at that hearing.

The City Manager of Seward indicated to me that he had notice of the February 3rd hearing as early as Thursday, January 27th. Despite that, there have been no announcements via the local media informing the general citizenry that they could input testimony at that hearing. I believe this nonaction by the City Administration indicates that they are hoping to keep testimony at the hearing to a low key, and should be duly noted as an act contrary to the public interest.

The City of Seward has a 3 step plan to annex up to 65 square miles of State property. The Local Boundary Commission has twice scheduled & cancelled public hearings on step 2, the latest instance being on 1-6-77. Because of this, it is now apparent that only step 1 of the City's plan will be considered this year by the Legislature. I shall consequently attempt to limit my comments to step 1, or Lth of July Creek, as much as possible.

I have recently learned that the City Administration has sent a telegram to all State Legislators urging approval of this annexation proposal. Among other things, the telegram purportedly states that: 1) there are zero residents in the area to be annexed; 2) the majority opinion at the public hearing was in favor of the proposal. Both of those statements are patently false. There are eight (8) permanent residents in the area to be annexed, including four children, three of which attend Seward schools. Three of the adults of that area signed the petition which I sent to legislators on 1-13-77, and the other one was vacationing "outside" when it was circulated.

At the public hearing on May 21st, 1976, six (6) private citizens gave testimony on the Lth of July Creek annexation proposal. The one citizen who spoke in favor of the proposal was a man who owns 128 acres of land there, although he does not live on that land. Also favoring the proposal were representatives of three local governmental bodies, i.e. Kenai Peninsula Borough Planning & Zoning Commission, Seward Planning & Zoning Commission, and the Kenai Peninsula Borough Mayor. The five citizens who expressed displeasure or outright opposition to the proposal lived on adjacent Resurrection Bay Road or within the area encompassed by step 2 of the City's piecemeal annexation plan. In rendering their decision immediately after the hearing (without playing back the tape recording), the Local Boundary Commission in section (2)(c) of their statement said that "The majority of the testimony at the public hearing was in favor of the annexation..." That was an untrue statement. Furthermore, "...the City's long range annexation plans..." as mentioned in section (2)(b) of the statement have become a moot point since the November 2nd election pertaining to this issue. That, of course, is providing that the City Fathers honor the results of the straw poll which indicated that 72.1% of the total voters opposed implementation of steps 2 & 3 of the City's plan. Had the people been given a chance to vote on step 1 at that time, it is likely that it too would've suffered an ignominious setback. Most of us here believed that the LBC recommendation was biased and that step 1 was a lost cause.

Here are the attachments from the Alaska Division of Lands, Alaska Conservation Society, Friends of the Earth. These letters raise the important issue of 4th of July Creek as a potential critical habitat area. This position is supported by the ADL's authoritative publication entitled "Alaska's Wildlife & Habitat," and is a very serious consideration in light of the City's desire to annex the area. That publication has been used extensively by the Corps of Engineers, BLM, and others in preparing Environmental Impact Statements. On page 70, column 1 of that publication the area in question is clearly defined as "critical habitat" for black bear, although it has not yet been formally designated as such by the Legislature. The area is also one of the best places for goat & bear hunting by local as well as non-local Alaskans. That status would be denied the area if it were within the Seward City limits.

Attached is a copy of a letter from Councilmember Vincent to the local paper outlining some reasons why the City should not proceed with the step 2 annexation proposal. Some of his reasons, such as road maintenance along a vertical coastline would apply to step 1 as well as step 2. This position is elaborated upon in a recent (10-76) study done for the Department of Community & Regional Affairs by the Division of Geological & Geophysical Surveys. Their report is entitled "Preliminary Evaluation of Geologic Factors Bearing on Development in Upper Resurrection Bay." Among other negative factors which would discourage development at 4th of July Creek is the stated opinion that the present gravel road which extends in that direction would be impossible to maintain, thus effectively barring land access to the area unless a prohibitively expensive road was constructed at the 700 foot elevation of the mountain. Due to tidal erosion the existing road is now about 1 1/2 miles shorter than depicted on the most recent topographic map, which is 27 years out of date. That road now effectively terminates in Section 1, T.13, R.1W.

This same report describes the extent of Exxon's involvement here at 2.6 acres. This parcel is near the Alaska Railroad and Seward Highway where Exxon expedites pipe for their oil rig which will drill near Yakutat. The other company interested in Seward as an O. C. S. base has leased 3 acres within the existing City limits. These are very logical site selections and would certainly indicate a precedent for any future companies. The one thing which Seward has going for it is its highly accessible existing transportation facilities. What we are dealing with here is a blatant land grab attempt by the City of Seward, with little or no justification whatever. The people of this area recognized this land grab for what it was on November 2nd and resoundingly said No! We ask that the Legislature echo our sentiments by passing a joint resolution overriding the Local Boundary Commission recommendation.

In closing I make note that Mr. Oscar Bailey has asked to have his name withdrawn from the petition which I circulated, due to a misunderstanding on his part as to the scope of it. It should also be noted that Mr. Herman Leirer of the Seward Planning & Zoning Commission is now circulating his own petition asking people to support the 4th of July Creek annexation proposal. Furthermore, Mr. Millard Midby of Seward is circulating yet another petition asking people to reaffirm that they are supportive of the petition which I mailed to Legislators on 1-13-77.

Whatever the outcome of all these petitions, it should be obvious that grassroots democracy is presently flourishing in the Seward area, and a very healthy climate now exists for a Local Boundary Commission hearing on any proposed annexation attempts by the City of Seward. This climate did not exist last May 21st when the LBC was here, as witnessed by the very small turnout for that hearing. At the very least we are entitled to another public hearing on this highly controversial matter. The Local Boundary Commission recommendation should be overturned.

Sincerely,

Thomas Taggart

Attachments (7)

cc: Representative Sally Smith w/o attachments

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

DIVISION OF GEOLOGICAL & GEOPHYSICAL SURVEYS

JAY S. HAMMOND, GOVERNOR

3001 Porcupine Drive  
Anchorage, Alaska 99501

February 4, 1977

Mr. Paul Conger  
Senate Community and Regional Affairs Committee  
Pouch V  
Juneau, Alaska 99801

Dear Mr. Conger:

I am sending herein copies of those pages from the 1976 DGGS report which address the issue of constructing overland access from the head of Resurrection Bay to the flats at the mouth of Fourth of July Creek.

The purpose of the report, I believe, is adequately set forth in the first three pages of the report (copies included). As you will see, nowhere does the report state that construction and maintenance of a road to Fourth of July Creek would be impossible.

Because the report is mainly a synthesis of the literature, it is not given open-file status. Consequently, only a limited number of copies were made. I think that Kevin Waring's office may have a copy, and a copy is available for public inspection at the Mining Information Office in Juneau (465-2414).

Please do not hesitate to contact me if I can be of further assistance.

Best regards,



J.R. Riehle  
Geological Engineer

Enc.

STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF GEOLOGICAL AND GEOPHYSICAL SURVEYS

Guy R. Martin - Commissioner  
Ross G. Schaff - State Geologist

PRELIMINARY EVALUATION  
Geologic Factors Bearing On  
Development at Five Sites In  
Upper Resurrection Bay

By James Riehle

October 1976

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## I. INTRODUCTION

This report is an attempt to identify the geologic factors which should be considered in planning for potential on-shore facilities in upper Resurrection Bay. The report is based on a review of the available literature and a brief inspection of sites near the head of Resurrection Bay by DGGs personnel.

The essence of this report is that significant geologic constraints, in particular submarine slope stability and potential for inundation by seawaves, are present at 4 of the 5 sites considered here. As indicated by the tables in Section VI, there are presently not adequate data available for many of the geologic factors upon which to base site-specific conclusions regarding potential effects of the geologic factors on construction and operations at the sites. However, it is not the intent of this report to recommend or imply that planning for utilization of lands adjacent to upper Resurrection Bay cannot be undertaken due to geologic factors. Rather, the purpose of the report is to list the geologic factors which should be considered during planning, and to suggest where additional data are required for a more complete evaluation of each factor.

## II. SCOPE AND PURPOSE OF REPORT

Two Division of Geological and Geophysical Surveys personnel visited upper Resurrection Bay to inspect potential sites of on-shore facilities for three days in October of 1976. The investigation was undertaken at the request of the Department of Community and Regional Affairs, State of Alaska. The Survey team drove to Seward; site inspections were carried out on foot, and an overflight of the coastline was made by air charter. Due to limitations of time and of legal access, most inspections were confined to the beaches and to existing roads.

Available data on geologic conditions in upper Resurrection Bay are primarily those in a report on subsurface conditions in and near the city of Seward by the consulting firm of Shannon and Wilson, Inc. (1964), and a subsequent report by Lemke (U.S.G.S. Prof. Paper 542-E, 1967) which is based in part on data and conclusions presented by Shannon and Wilson, Inc. Both reports were written as a result of extensive damage generated by the major earthquake of March 27, 1964. The report by Shannon and Wilson, Inc. is mainly an engineering evaluation of stability conditions along the Seward waterfront and at the head of Resurrection Bay. Lemke provides a comprehensive description of the sequence of events at Seward during and immediately after the earthquake, and describes the geology of an area at the head of Resurrection Bay of about 25 square miles. Lemke's report was used extensively in preparation of the data tables (Section VI) for this report.

Specific sites considered in this report are shown on Plate 1 and in order of presentation in Section VI are as follows:

- 1) Center, head of Resurrection Bay
- 2) Fourth of July Creek alluvial fan
- 3) Lowell Point alluvial fan
- 4) Thumb Cove
- 5) Northeast corner, head of Resurrection Bay

Sites 1 through 4 are those suggested by the Department of Community and Regional Affairs. Site 4 at Thumb Cove was not visited by DGGs personnel, due to limitations of time and weather.

The purpose of this report is to list those geologic factors at the five sites in upper Resurrection Bay which, in the opinion of the DGGs, should be adequately

considered in order to design, construct, and operate potential facilities with a reasonable degree of safety. All factors of potential significance considered in this report are presented for individual sites in tabular form in Section VI. Where site-specific data on any factor are not available, the entry "unknown" or "data are not available" is made. Where the available data are limited in scope or specificity, the entry "uncertain" or other qualifying remarks are made. Where adequate data are not available, suggestions as to the type or specificity of data required for more complete evaluation of the geologic factor are made in the column "Interpretation or comment." Such suggestions are not meant to be exhaustive, but are intended only as an example of the scope of further study which is necessary.

Section V is a summary of the geologic factors which, in the opinion of the DGGs based on available information, are potentially of greatest significance at each site.

Section V also contains a summary of the suggestions for future studies which the DGGs believes are necessary to more fully assess the main geologic factors.

### III. LOCATION, LAND OWNERSHIP, WATER PERMITS, AND PRESENT OCS - RELATED DEVELOPMENT

Upper Resurrection Bay is on the southeastern coast of the Kenai Peninsula at 60°51'N latitude, 149°24'W longitude (Fig. 1), about 75 airmiles SSE of Anchorage. Resurrection Bay extends north for about 16 miles from Cape Resurrection; it is about 2 miles wide near the head.

The city of Seward is located at the northwest corner of Resurrection Bay. Development in and adjacent to the city of Seward extends into the alluvial valley of the Resurrection River, north of Resurrection Bay. Small settlements, presently or recently inhabited, are located on some of the alluvial fans at the mouths of rivers which enter Resurrection Bay south of Seward. (See U.S.G.S. quadrangle Seward (A7), minor revisions 1975).

### Recommendations for additional studies

- 1) Stability of the steep submarine slopes at the site should be evaluated; such a study should include detailed bathymetric contouring and bottom sampling on the slopes.
- 2) In conjunction with the first recommended study, identification of sub-surface deposits beneath the intertidal and subtidal flats at the site should be carried out by detailed sampling and logging of bore holes or drill holes. Factors to be evaluated in such a study should include porewater pressures, strengths of the various unconsolidated deposits, and presence of sediments which might be prone to liquefaction.
- 3) Any design plans for facilities at the site should address the potential for damage by seawave inundation, potential effects of flooding by the Resurrection River on operations at the site, and the potential for contamination of the bay due to continuous or periodic submergence of the site.
- 4) Currents and rates of sediment transport across the site should be determined, so that potential effects of structures on sediment erosion/deposition patterns on the intertidal and subtidal flats can be assessed.

#### B. Fourth of July Creek fan-delta (Site 2)

- 1) Submarine landsliding is reported to have occurred off Fourth of July Point in the 1964 earthquake; submarine slopes at any place around the seaward edge of the fan-delta may be prone to landsliding in future large earthquakes.

- 2) Overland access to the site could be costly to construct and maintain, due to steep slopes along most of the coastline between the site and the head of Resurrection Bay. Relatively flat ground is available along the mountainside at about 700' elevation, however.
- 3) Relatively steep slopes along the southern margin of the site appear to experience snow avalanches and locally channelized runoff during heavy rains.
- 4) Much of the site is within 30' of mean higher high water, and is thus subject to potential inundation by seawaves of the magnitude experienced after the 1964 earthquake.

#### Recommendations for additional studies

- 1) Stability of the steep submarine slopes at the seaward margin of the fan-delta should be evaluated; such a study should include detailed bathymetric contouring and bottom sampling on the slopes.
- 2) In conjunction with the first recommended study, identification of subsurface deposits beneath the intertidal and subtidal flats at the site should be carried out by detailed sampling and logging of bore holes or drill holes. Factors to be evaluated in such a study should include porewater pressures, strengths of the various unconsolidated deposits, and presence of sediments which might be prone to liquefaction.
- 3) On-land studies should include evaluation of the bearing capacity and stability of fan deposits by borings or drillings and strength determinations, evaluation of the maximum probable flood discharge and flooded

area on Fourth of July Creek, and evaluation of slope stability on the mountain slope adjacent to the s.l.e.

- 4) Any design plans for facilities at the site should address the potential for damage by seawave inundation, and the feasibility of constructing and maintaining physical access to the site from the head of Resurrection Bay if such access is required.

c) Lowell Point fan-delta (Site 3)

- 1) Submarine landsliding is reported to have occurred off Lowell Point during the 1964 earthquake; presumably the submarine slopes at any place around the seaward edge of the fan-delta may be prone to landsliding in the event of future large earthquakes.
- 2) Overland access to the site from Seward would be difficult to maintain, owing to the high probability of landslides along the present road and to the frequency of snow avalanches.
- 3) Much of the site is within 30' of mean higher high water and is thus subject to potential inundation by seawaves of the magnitude experienced after the 1964 earthquake.

Recommendations for additional studies

- 1) The four recommended studies for Fourth of July Creek fan-delta (above) apply also to the Lowell Point fan-delta.
- 2) In particular, if access to the site is to be by overland road

B. Fourth of July Creek, Resurrection Bay (Site 2).

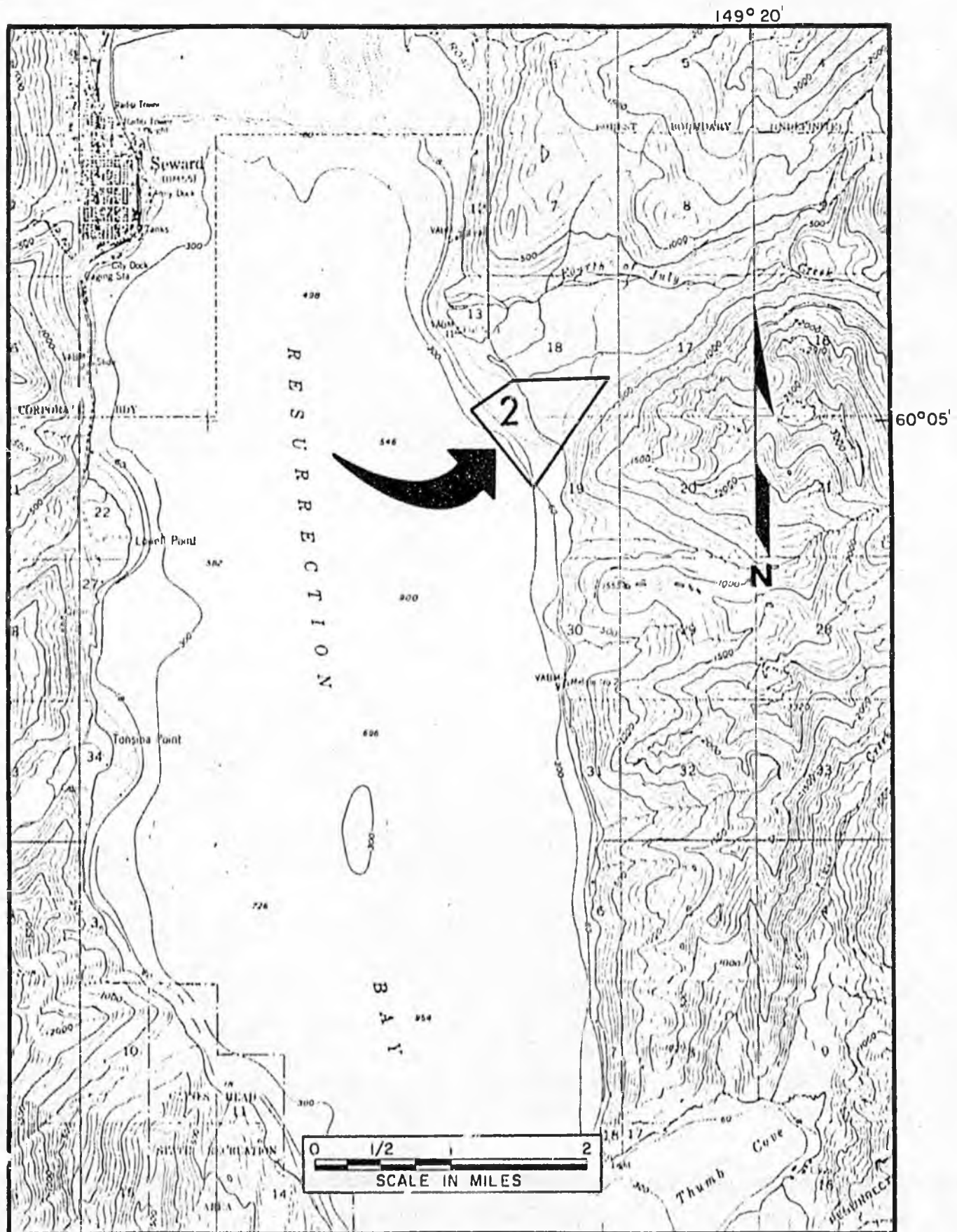


Figure 3. Location of Site 2.

SITE: Fourth of July Creek, Resurrection Bay

		FACTOR	FACTUAL DATA	INTERPRETATION OR COMMENT
B. CONSTRUCTION MATERIALS (CONT.)	3. Riprap	Locations of deposits	No data on physical properties of the bedrock adjacent to Fourth of July Creek are available. Armor rock for breakwaters at the Seward harbor was obtain from a quarry at the N end of Lowell Point (U.S.G.S. Prof. Paper 543-E, 1967, pg. E17).	The Lowell Point quarry site was chosen after testing of rock samples by the Corps of Engineers. It is likely that suitable rock (greywacke) can be found near to Fourth of July Creek, but a detailed site investigation and probably some testing of samples will be needed first.
		Estimated volumes of deposits	Detailed site investigation is required, to outline the volumes of suitable rock.	
		Potential problems of development	Speculative until specific deposits are outlined.	Steep bedrock slopes at the site may pose problems, due to potential rock-falls and landslides.
C. LAND CHARACTERISTICS	1. Mass movement	Areas of steep slopes	Bedrock slopes along the south margin of the site are variable, but may average 30° over distances of several hundred yards and may locally be nearly vertical.	See U.S.G.S. Seward (A-7) quadrangle. (Note: the average slopes along the coast between the site and the Resurrection River alluvial plain are 20° to 30° to elevations of 700'; any overland road access to the site would need to pass along or above such slopes.)
		Nature of materials underlying the steep slopes	Bedrock with local deposits of glacial drift, and mappable deposits of glacial drift above 600' elevation (U.S.G.S. Prof. Paper 542-E, 1967, Plate 1).	At least one long "chute", tentatively identified as talus and/or an avalanche chute, was seen by DGGs personnel along the slopes immediately S of the site, emerging on the valley floor about 1/2 mi. inland from the coast.
		Types of mass movement on the slopes	Probably snow avalanches and rockfalls; possibly slides or flows, and/or slow movement of talus or alluvium in alluvial channels. Site specific data are not available to DGGs.	

**\*\*PLEASE NOTE\*\***

THE ORIGINAL FILE CONTAINS AN OVERSIZED DOCUMENT THAT IS UNSUITABLE FOR FILMING. PLEASE REFER TO THE ALASKA STATE ARCHIVES TO VIEW THE ORIGINAL.

DESCRIPTION:

ECOLOGIC MAP OF THE SEWARD AREA, ALASKA (XEROX COPY)

ALASKA DGGS PRELIMINARY EVALUATION, GEOLOGICAL FACTORS BEARING ON DEVELOPMENT AT FIVE SITES IN UPPER RESURRECTION BAY  
OCTOBER 1976

TO: Senator Orsini

DATE: Feb. 3, 1977

FROM: Paul Conger

RE: SJR9

The following is an account of Thomas Taggart's, citizen of Seward, opposition to SJR9.

1) He maintains that there is opposition to this annexation by Seward citizens. He supports this claim by the petition forwarded to this office and straw poll vote taken at one of the local hearings where 72.1% expressed opposition.

2) There are 8 permanent residents that reside on the proposed area to be annexed. (I mention this because the telegram forwarded by the City of Seward requesting support of SJR9 states that there are 0 residents in this area. Also, the city states there is no opposition to the Resolution which Taggart is ostensibly challenging.)

3) Taggart also brings to light that the environmentalists have expressed disfavor with the annexation because the area has been designated a critical habitat area (due to black bears) by the ADF&G. However, it should be noted that this area has not been formally classified by our legislature as a critical area. The "Friends of the Earth" are particularly opposed to the annexation.

4) He states that this area cannot be considered a viable tax base because most of the area is very rugged terrain and any kind of development would be prohibited.

5) Another claim regarding opposition, according to Taggart, dealing with development, is that roads presently constructed that would feed into the area if annexed, are considered almost impossible to maintain (supported by a report by the Division of Geological & Geophysical Surveys). Therefore, Taggart is claiming that this in itself would bar any access to the area.

6) Taggart, in referring to oil companies that have picked Seward as their base for O.C.S. operations, says they have not expressed an interest in this land but have selected small parcels next to the railroad which is already in the city limits. He feels that if any further oil companies take an interest in the Seward area, they will follow this precedent and choose not to situate in a wilderness area and incur the expenses of developing this area, especially since they would not be in the proximity of the railroad.

PC/js

TO: Senator Orsini

DATE: Feb. 3, 1977

FROM: Paul Conger

RE: SJR9

In response to Mr. Taggart's remarks regarding the report conducted by the Dept. of Natural Resources Geological and Geophysical Surveys, regarding construction of roads into the proposed area to be annexed. I contacted Jim Riley, geologist for the State, who did the report and asked him if there was any basis to the statements made by Mr. Taggart.

He commented that the work done was a preliminary study to determine what geological constraints should be taken into consideration if roads were constructed in the proposed area. He said the essence of his report regarding the above is as follows:

"Overland access to the site, could be costly to construct and maintain due to deep slopes along most of the coastline between the site and the head of Resurrection Bay. Relatively flat ground is available along the mountainside at about the 700' level, however" (this refers to the 4th of July Creek area that is to be annexed).

Riley stated that this report was requested by the Dept. of Natural Resources and did not infer that roads could not be built. The above was provided simply for them to consider. The expense of constructing the road could be subdued somewhat by going above the 700' level. However, you would have to incur the additional cost of constructing the road to that elevation.

PC/js

THOMAS, THOMAS  
Box 1195  
SEWARD, NE.  
99664  
(Y) (LESS 7 ATTACHMENTS)

I SEND THIS  
COPY OF MY  
COMMENTS ON STR9  
FOR THE FEB. 3rd MEETING  
IN CASE THE ORIGINAL  
DID NOT ARRIVE.

DR. CHAIRMAN:

1.31.77

Thomas Taggart  
Box 1195  
Seward, Ak. 99664  
30 January, 1977

~~Representative Smith~~ SENATE COMM. ON COMMUNITY + REGIONAL AFFAIRS  
Fouch V  
Juneau, Alaska 99811

RE: Proposed Annexation of State Lands to the City of Seward

Dear Representative Smith:

Thank you for informing me of the forthcoming hearing in Juneau pertaining to Seward's attempt at annexation of State lands. I do have additional information which should be considered at that hearing.

The City Manager of Seward indicated to me that he had notice of the February 3rd hearing as early as Thursday, January 27th. Despite that, there have been no announcements via the local media informing the general citizenry that they could input testimony at that hearing. I believe this nonaction by the City Administration indicates that they are hoping to keep testimony at the hearing to a low key, and should be duly noted as an act contrary to the public interest.

The City of Seward has a 3 step plan to annex up to 65 square miles of State property. The Local Boundary Commission has twice scheduled & cancelled public hearings on step 2, the latest instance being on 1-6-77. Because of this, it is now apparent that only step 1 of the City's plan will be considered this year by the Legislature. I shall consequently attempt to limit my comments to step 1, or lth of July Creek, as much as possible.

I have recently learned that the City Administration has sent a telegram to all State Legislators urging approval of this annexation proposal. Among other things, the telegram purportedly states that: 1) there are zero residents in the area to be annexed; 2) the majority opinion at the public hearing was in favor of the proposal. Both of those statements are patently false. There are eight (8) permanent residents in the area to be annexed, including four children, three of which attend Seward schools. Three of the adults of that area signed the petition which I sent to Legislators on 1-13-77, and the other one was vacationing "ou side" when it was circulated.

At the public hearing on May 21st, 1976, six (6) private citizens gave testimony on the lth of July Creek annexation proposal. The one citizen who spoke in favor of the proposal was a man who owns 128 acres of land there, although he does not live on that land. Also favoring the proposal were representatives of three local governmental bodies, i.e. Kenai Peninsula Borough Planning & Zoning Commission, Seward Planning & Zoning Commission, and the Kenai Peninsula Borough Mayor. The five citizens who expressed displeasure or outright opposition to the proposal lived on adjacent Resurrection Bay Road or within the area encompassed by step 2 of the City's piecemeal annexation plan. In rendering their decision immediately after the hearing (without playing back the tape recording), the Local Boundary Commission in section (2)(c) of their statement said that "The majority of the testimony at the public hearing was in favor of the annexation..." That was an untrue statement. Furthermore, "...the City's long range annexation plans..." as mentioned in section (2)(b) of the statement have become a moot point since the November 2nd election pertaining to this issue. That, of course, is providing that the City fathers honor the results of the straw poll which indicated that 72.1% of the total voters opposed annexation of steps 2 and 3 of the City's plan. Had the people been given a chance to vote on step 1 at that time, it is likely that it too would've suffered an ignominious setback. Most of us here believed that the LBC recommendation was binding and that step 1 was a lost cause.

Please note the attachments from the Alaska Division of Lands, Alaska Conservation Society, and Friends of the Earth. Their letters raise the important issue of 4th of July Creek as a potential critical habitat area. This position is supported by the ADF&G's authoritative publication entitled "Alaska's Wildlife & Habitat," and is a very serious consideration in light of the City's desire to annex the area. That publication has been used extensively by the Corps of Engineers, BLM, and others in preparing Environmental Impact Statements. On page 60, column 1 of that publication the area in question is clearly defined as "critical habitat" for black bear, although it has not yet been formally designated as such by the Legislature. The area is also one of the best places for goat bear hunting by local as well as non-local Alaskans. That status would be denied the area if it were within the Seward City limits.

Attached also is a copy of a letter from Councilmember Vincent to the local paper outlining some reasons why the City should not proceed with the step 2 annexation proposal. Some of his reasons, such as road maintenance along a vertical coastline would apply to step 1 as well as step 2. This position is elaborated upon in a recent (10-76) study done for the Department of Community & Regional Affairs by the Division of Geological & Geophysical Surveys. Their report is entitled "Preliminary Evaluation of Geologic Factors Bearing on Development in Upper Resurrection Bay." Among other negative factors which would discourage development at 4th of July Creek is the stated opinion that the present gravel road which extends in that direction would be impossible to maintain, thus effectively barring land access to the area unless a prohibitively expensive road was constructed at the 700 foot elevation of the mountain. Due to tidal erosion the existing road is now about  $1\frac{1}{2}$  miles shorter than depicted on the most recent topographic map, which is 27 years out of date. That road now effectively terminates in Section 1, T.1S, R.1W.

This same report describes the extent of Exxon's involvement here at 2.6 acres. This parcel is near the Alaska Railroad and Seward Highway where Exxon expedites pipe for their oil rig which will drill near Yakataga. The other company interested in Seward as an O. C. S. base has leased 3 acres within the existing City limits. These are very logical site selections and would certainly indicate a precedent for any future companies. The one thing which Seward has going for it is its highly accessible existing transportation facilities. What we are dealing with here is a blatant land grab attempt by the City of Seward, with little or no justification whatever. The people of this area recognized this land grab for what it was on November 2nd and resoundingly said No! We ask that the Legislature echo our sentiments by passing a joint resolution overriding the Local Boundary Commission recommendation.

In closing I make note that Mr. Oscar Bailey has asked to have his name withdrawn from the petition which I circulated, due to a misunderstanding on his part as to the scope of it. It should also be noted that Mr. Herman Leirer of the Seward Planning & Zoning Commission is now circulating his own petition asking people to support the 4th of July Creek annexation proposal. Furthermore, Mr. Willard Midby of Seward is circulating yet another petition asking people to reaffirm that they are supportive of the petition which I mailed to Legislators on 1-13-77.

Whatever the outcome of all these petitions, it should be obvious that grassroots democracy is presently flourishing in the Seward area, and a very healthy climate now exists for a Local Boundary Commission hearing on any proposed annexation attempts by the City of Seward. This climate did not exist last May 21st when the LBC was here, as witnessed by the very small turnout for that hearing. At the very least we are entitled to another public hearing on this highly controversial matter. The Local Boundary Commission recommendation should be overturned.

PS. I SPOKE WITH MR. MIDBY TODAY  
AND HIS PETITION WHICH WAS SENT IN  
ON 1.31.77 HAD ABOUT 175-180 SIGNATURES  
OPPOSING THE 4TH OF JULY CREEK ANNEXATION.

Sincerely,


  
Thomas Taggart

# FRIENDS OF THE EARTH

1895 PIONEER WAY

FAIRBANKS, ALASKA 99701

(907) 479-3684

JIM KOWALSKY, *Alaska Representative*

January 25, 1977

## Testimony regarding Seward land annexation

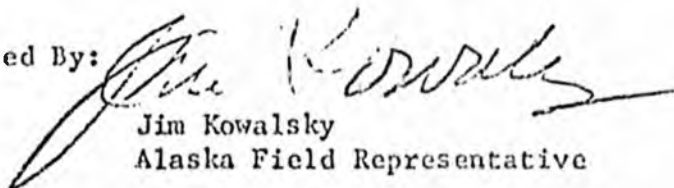
To be submitted in a hearing, January 31, 1977:

Friends of the Earth opposes annexation of the area known as "Fourth of July Creek" by the City of Seward.

The Alaska Department of Fish and Game, in its publication "Alaska's Wildlife and Habitat" has recommended this area and similar landforms within the game management unit as essential habitat for black bear. Also, the offshore waters provide habitat for several species of marine mammals.

We oppose the change in land status because the wildlife values in the area are best protected by leaving the land in a natural state.

Submitted By:



Jim Kowalsky  
Alaska Field Representative

TO: Senator Orsini

DATE: Feb. 3, 1977

FROM: Paul Conger

RE: SJR9

I talked to Ronald Skoog, Chief Habitat Protection Service, Dept. of Fish and Game, and he said that the Fish and Game's position in reference to the annexation of territory in the Seward area is as follows:

1) The Fish and Game Dept. has no objection to the above referenced annexation.

2) The Fish and Game Dept. has no intention of declaring the area at issue a "critical habitat area".

PC/js

31 Jan, 1977

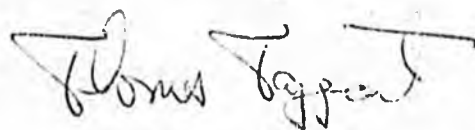
REPRESENTATIVE SALLY SMITH  
POUCH V, JUNEAU, AK 99811

DEAR MS. SMITH:

ATTACHED FIND A COPY OF MY COMMENTS  
ON THE SEWARD LAND ANNECATION PROPOSAL;  
THE ORIGINAL WAS SENT TO THE SENATE COMMUNITY  
& REGIONAL AFFAIRS COMMITTEE.

I DO HAVE AN ADDITIONAL BIT OF INFORMATION  
OF GREAT IMPORTANCE WHICH I ASK YOU TO INCLUDE  
IN THE HEARING RECORD. . . . AS NOTED ON  
PAGE 2, PARAGRAPH 4 OF THE ATTACHMENT,  
MR. WILLARD MIDBY OF SEWARD HAS CIRCULATED  
A PETITION ASKING PEOPLE TO REAFFIRM THAT  
THEY ARE OPPOSED TO THE 4TH OF JULY CREEK  
ANNECATION. OVER THE PAST FEW DAYS, MR.  
MIDBY AND MR. ED ZIMMERMAN HAVE COLLECTED  
APPROXIMATELY 200 SIGNATURES ON THAT PETITION.  
THEY WILL HOPEFULLY HAVE MAILED IT TO YOU IN  
TIME FOR CONSIDERATION AT THE HEARING/ON  
FEBRUARY 3RD. I BELIEVE THAT THEIR PETITION  
SPERKS VOLUMES ABOUT THE PUBLIC OUTRAGE  
CONCERNING THIS ISSUE.

SINCERELY,



THOMAS TACCANT  
Box 1195  
SEWARD, AK 99664

31 Jan, 1977

Thomas Taggart  
Box 1195  
Seward, Ak. 99664  
30 January, 1977

COPY

Senate Community & Regional Affairs Committee  
Pouch V  
Juneau, Alaska 99811

RE: Proposed Annexation of State lands to the City of Seward

Dear Chairman Orsini:

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Sincerely,

Thomas Taggart

Attachments (7)

cc: Representative Selby Smith w/o attachments

Thomas Taggart  
Box 1195  
Seward, Ak. 99664  
30 January, 1977

Senate Community & Regional Affairs Committee  
Pouch V  
Juneau, Alaska 99811

RE: Proposed Annexation of State Lands to the City of Seward

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At the public hearing on May 21st, 1976, six (6) private citizens gave testimony on the 1/4th of July Creek annexation proposal. The one citizen who spoke in favor of the proposal was a man who owns 128 acres of land there, although he does not live on that land. Also favoring the proposal were representatives of three local governmental bodies, i.e. Kenai Peninsula Borough Planning & Zoning Commission, Seward Planning & Zoning Commission, and the Kenai Peninsula Borough Mayor. The five citizens who expressed displeasure or outright opposition to the proposal lived on adjacent Resurrection Bay Road or within the area encompassed by step 2 of the City's piecemeal annexation plan. In rendering their decision immediately after the hearing (without playing back the tape recording), the Local Boundary Commission in section (2)(c) of their statement said that "The majority of the testimony at the public hearing was in favor of the annexation..." That was an untrue statement. Furthermore, "...the City's long range annexation plans..." as mentioned in section (2)(b) of the statement have become a moot point since the November 2nd election pertaining to this issue. That, of course, is providing that the City fathers honor the results of the straw poll which indicated that 72.1% of the total voters opposed implementation of steps 2 & 3 of the City's plan. Had the people been given a chance to vote on step 1 at that time, it is likely that it too would've suffered an ignominious setback. Most of us here believed that the LBC recommendation was binding and that step 1 was a lost cause.

Please note the attachments from the Alaska Division of Lands, Alaska Conservation Society, and Friends of the Earth. These letters raise the important issue of 4th of July Creek as a potential critical habitat area. This position is supported by the ADEG's authoritative publication entitled "Alaska's Wildlife & Habitat," and is a very serious consideration in light of the City's desire to annex the area. That publication has been used extensively by the Corps of Engineers, BLM, and others in preparing Environmental Impact Statements. On page 60, column 1 of that publication the area in question is clearly defined as "critical habitat" for black bear, although it has not yet been formally designated as such by the Legislature. The area is also one of the best places for goat & bear hunting by local as well as non-local Alaskans. That status would be denied the area if it were within the Seward City limits.

Attached also is a copy of a letter from Councilmember Vincent to the local paper outlining some reasons why the City should not proceed with the step 2 annexation proposal. Some of his reasons, such as road maintenance along a vertical coastline would apply to step 1 as well as step 2. This position is elaborated upon in a recent (10-76) study done for the Department of Community & Regional Affairs by the Division of Geological & Geophysical Surveys. Their report is entitled "Preliminary Evaluation of Geologic Factors Bearing on Development in Upper Resurrection Bay." Among other negative factors which would discourage development at 4th of July Creek is the stated opinion that the present gravel road which extends in that direction would be impossible to maintain, thus effectively barring land access to the area unless a prohibitively expensive road was constructed at the 700 foot elevation of the mountain. Due to tidal erosion the existing road is now about  $1\frac{1}{2}$  miles shorter than depicted on the most recent topographic map, which is 27 years out of date. That road now effectively terminates in Section 1, T.1S, R.1W.

This same report describes the extent of Exxon's involvement here at 2.6 acres. This parcel is near the Alaska Railroad and Seward Highway where Exxon expedites pipe for their oil rig which will drill near Yakataga. The other company interested in Seward as an O. C. S. base has leased 3 acres within the existing City limits. These are very logical site selections and would certainly indicate a precedent for any future companies. The one thing which Seward has going for it is its highly accessible existing transportation facilities. What we are dealing with here is a blatant land grab attempt by the City of Seward, with little or no justification whatever. The people of this area recognized this land grab for what it was on November 2nd and resoundingly said No! We ask that the Legislature echo our sentiments by passing a joint resolution overriding the Local Boundary Commission recommendation.

In closing I make note that Mr. Oscar Bailey has asked to have his name withdrawn from the petition which I circulated, due to a misunderstanding on his part as to the scope of it. It should also be noted that Mr. Herman Leirer of the Seward Planning & Zoning Commission is now circulating his own petition asking people to support the 4th of July Creek annexation proposal. Furthermore, Mr. Willard Midby of Seward is circulating yet another petition asking people to reaffirm that they are supportive of the petition which I mailed to Legislators on 1-13-77.

Whatever the outcome of all these petitions, it should be obvious that grassroots democracy is presently flourishing in the Seward area, and a very healthy climate now exists for a Local Boundary Commission hearing on any proposed annexation attempts by the City of Seward. This climate did not exist last May 21st when the LBC was here, as witnessed by the very small turnout for that hearing. At the very least we are entitled to another public hearing on this highly controversial matter. The Local Boundary Commission recommendation should be overturned.

PS: THE ABOVE MENTIONED PETITION BY WILLARD MIDBY  
(AND ER ZIMMERMAN) IN SUPPORT OF MY PETITION  
ALREADY HAS OVER 200 SIGNATURES. 1/31/77

Sincerely,

Thomas Taggart

Attachments (7)

CC: Representative Sally Smith w/o attachments

# "Don't annex" say voters

## THE SEWARD PHOENIX LOG

Vol. XI, No. 7 \* Thursday, November 4, 1976 \* Seward, Alaska 99664 \* Price: 20 Cents

### Teachers to vote bargaining agent

by Katherine Parker

With the Board in the middle, and the Kenai Peninsula Education Association and Kenai Peninsula Federation of Teachers vying to represent the teachers as bargaining agent, the Board's arrangements for an election November 4 left nobody happy at the School Board meeting Monday night.

An executive session to consider a grievance from KPEA brought a protest from attorney Ted Carson, representing the KPFT, who asked that the KPFT join the session since the grievance pertained to the election. Though the grievance concerned neither borough finances or personalities, the contract agreement

Tom Murphy, KPEA president, first asked the Board to hold off on setting an election until July 1977 "as per the negotiations agreement with KPEA." After a motion was passed for the election, he then asked that the election be held in abeyance until "adequate appeal of the grievance and resolution is accomplished," referring to a third-party appeal and resolution.

The Board, however, also rejected this request.

As set up the teachers would vote from 3 p.m. to 6 p.m. with Borough Clerk Frances Brymer in charge of the election.

All principals and administrators would be voting with a yellow ballot, as their right to be part of the election as KPEA members has been challenged by the KPFT. This would make it handy to discount these ballots should this legal technicality later be decided in favor of the KPFT. On

teacher-of-the-year was selected.

By reducing the hallway area including the foyer, and providing an elevator rather than ramps for handicapped use of the second floor, the \$650,000 was subtracted from the \$2.8 million plan for expanding the school.

Though the administration felt the original plan was legitimate as the first phase for the 9-classroom project, allowing for later additions, the reduced cost "could make a difference in whether the project passes the bond issue," said Supt. Paul Gallaher. "The savings could be translated into additional construction in the Homer area," he added.

A Mr. Hackett, architect on the Homer Hospital, said, "There is a lot of sentiment in Homer about completion of the middle school."

Keith Simons, a teacher at the Bob Bartlett school in Tyonek for the past seven years, was named

Results of an annexation straw poll taken during the state and federal election Tuesday showed conclusively that people both inside and outside the city limits of Seward reject annexation of both the Lowell Point area (south portion), and the Bear Creek, Salmon Creek area (north portion). Annexation of the two areas was considered by the City to help bring about planned and orderly growth of the entire Seward area. Mayor Neve, some members of Council and the city administration feel that the Gulf of Alaska oil exploration and drilling will greatly impact the community and fear that unplanned growth might be dangerous to the entire area.

### Area follows statewide trend in balloting

Fifty four percent of the registered voters turned out in Seward Precincts 1 and 2 to vote in the federal and state election held Tuesday. Area voters followed closely the state trends, supporting President Ford and Congressman Don Young and voting along state lines for the various bonds and propositions on the ballot.

The two Seward precincts and Bear Creek precinct gave President Ford 403 votes to 289 for Jimmy Carter. Libertarian candidate MacBride received 52 votes.

Area voters gave Congressman Don Young 556 votes to 196 for Eben Hobson in Hobson's bid to unseat Young.

State Senator Jalmar Kerttula got a healthy 547 votes to Jean Marsh's 191. Running unopposed to retain his seat as this District's representative in the Legislature, Keith Specking received 626 votes.

Area voters gave Willow the most votes for the capital relocation site with 420 votes to 124 for Larson Lake and 96 for Mount Yenlo.

The people, however, expressed definitely negative feelings about annexation--at least at this time. The vote was not a formal one, but conducted in conjunction with the election in progress and drew "poll watchers" from the outlying areas where residents are adamantly opposed to annexation.

Seward Precinct 1 voted 71 yes to 115 no on annexation of the Lowell Point area, and 63 yes and 124 no on the north portion annexation. Seward Precinct 2 voted 119 yes to 215 no on Lowell Point, 102 yes and 234 no on annexation of the Bear Creek, Salmon Creek area. As might be expected, Bear Creek Precinct voters turned out in force and expressed more disfavor toward annexation than their neighbors inside the city. Bear Creek tallies were 35 yes to 164 no for Lowell Point annexation and 13 yes to 192 no on the Bear Creek, Salmon Creek proposal.

The vote followed two months of controversy and meetings between the Council and representatives of the people residing outside the city limits. An aggressive anti-annexation campaign had been waged the last week by the Bear Creek League, as some

residents call

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JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF LANDS

323 E 4TH AVENUE - ANCHORAGE 99501

April 3, 1977

James Tappert  
P.O. Box 1195  
Seward, Alaska 99664

Dear Mr. Tappert:

Please excuse our tardiness in answering your inquiry.

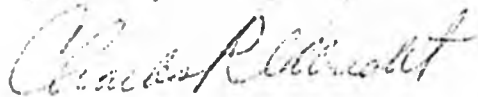
After researching the land records of the area known as Fourth of July Valley, it is found that it has not yet been classified as a critical habitat area. The area has been suggested to the legislature as a critical habitat area by the Department of Fish & Game.

Therefore, there are at this time no stipulations other than our classifications as to its use.

Again we apologize for any inconvenience this delay may have caused you.

If we may be of further service please contact us.

Sincerely,



Charles P. Albrecht  
Information Officer  
Alaska Division of Lands

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# FRIENDS OF THE EARTH

1895 PIONEER WAY

FAIRBANKS, ALASKA 99701

(907) 479-3684

JIM KOWALSKY, *Alaska Representative*

January 25, 1977

Testimony regarding Seward land annexation

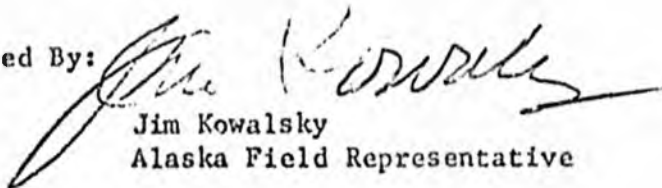
To be submitted in a hearing, January 31, 1977:

Friends of the Earth opposes annexation of the area known as "Fourth of July Creek" by the City of Seward.

The Alaska Department of Fish and Game, in its publication "Alaska's Wildlife and Habitat" has recommended this area and similar landforms within the game management unit as essential habitat for black bear. Also, the offshore waters provide habitat for several species of marine mammals.

We oppose the change in land status because the wildlife values in the area are best protected by leaving the land in a natural state.

Submitted By:

  
Jim Kowalsky  
Alaska Field Representative

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ORIGINAL.

January 17, 1977

Representative Hugh Malone  
Pouch V  
Juneau, Ak. 99811

Dear Hugh:

The Boundary Commission has recommended that the City of Seward be allowed to annex an area known as 4th of July Creek. This matter goes to the legislature to be either approved or disapproved.

The members of the Kachemak Bay Conservation Society recognize that the 4th of July Creek area is highly valuable for ~~salmon spawning~~ black bear habitat, and recreational use, and that it is being considered for critical habitat status. We do not believe that its best use is for annexation and industrial development.

In addition, the Boundary Commission's decision apparently contains some erroneous statements regarding testimony at a public hearing, and we believe that its recommendations are contrary to the will of the citizens of Seward and the surrounding area.

To disapprove this boundary change, a resolution passed by both houses is necessary. We ask that you sponsor such a resolution and give it your strong support.

Sincerely,

Nancy Lord  
President

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Letter to

10-28-76

Letter to Editor

The citizens of Seward will be given the opportunity to voice their opinion via the ballot box on November 2 showing how they feel about the city's present plans on annexation.

As a member of the City Council I would of necessity weigh the outcome very seriously if the citizens were properly informed on this issue. At the moment I'm convinced they are not, because I do not believe the city has addressed itself to all the pro's and con's of this most ambitious move on the part of the city of Seward since its founding.

The proposed annexation to the south of the city, if successful, represents an area at least three times as large as our present boundaries; a large part of which is vertical coastline. Very little of this can be utilized by industry or residents.

I shudder to think of a school bus full of children traveling over the present road during the spring because of snowslides. What would be the city's legal position if a severe accident did happen? Heck! I wouldn't permit a child of mine to travel the present road come next spring. If we assume responsibility and attempt to bring it up to first class status, it could be a severe financial drain that would threaten the city's bonding position. At present, we have other problems of a much higher priority.

The city may be successful in annexing this area because there are few residents to oppose it; however, I feel we will impoverish the city for years to come if we do.

The area to the north upon which the city has been slathering for as long as ten years is a potential powder keg of dissent. When they raise the oft repeated question; what's in it for us, there seems to be no reasonable answers.

At present I don't believe the city can tell these prospective new

citizens what their taxes might be. Will they have additional fire protection? Will trailers still be permitted? How about the city's present ordinance on animals; will it apply equally? Will the electric surcharge be dropped? Who will maintain the roads in the area? How much additional revenue will be generated for the city? Will it purchase additional street maintenance equipment? Can it support more police officers? Can our present ordinances have a double standard? I don't think they can nor should they.

Until it was recently agreed upon to give the citizens of Seward a chance to vote on this issue I felt we were holding every citizen in contempt, they may not favor this power play.

I feel our present course is not based upon sound reasoning and business sense. It can do nothing but self destruct if finalized. We have failed to get our facts up front. Our desire to complete this move is based entirely upon what a few think or hope will happen.

At present there are no firm commitments in hand. The negative side of this issue is right up front. We cannot afford it at this time. We have not convinced many that we can, nor have we established a critical need to do so.

If at this late date annexation is not the topic of the day we had better turn off the T.V. and get turned on about what's happening here in town. I admit the city may acquire a few more assets, but frankly it's our added liabilities that scare me to death. If you are not up to date on annexation I suggest you pick up the phone and call your Council people. Call anyone except me. Shucks, I'm still trying to find something out myself.

Respectfully,  
Bill Vincent

Letter to Editor

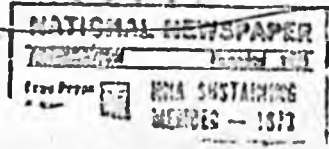
Salmon hatcheries can business for all Alaska. quote Dr. William world-recognized salmon

RE: limited Entry  
As a longtime Alaskan (boat and gear years) and as a Limited Entry Fisherman, I have somewhat to say. It is my study that Limited Entry is a lousy breach of our great bastion of free enterprise. It should be totally abolished by those who love America, free enterprise, democracy and lastly Alaska, the Last Frontier. Remember that all Communist dominated countries have limited entry about that.

I will not attempt to correct all the inequities and injustices in the present situation for sake of brevity.

One of our problems is how well we are moving forward. Secondarily, we have a family which includes our daughter, who has boats. Three are respectively, fishermen who are overfished and overfished because of years here in Viet Nam.

There are in our own country, it is our duty to mention to the total population. As long as one person who qualify has person who Limited Entry. WE should do it. To say that who



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The report is intended to identify the geologic factors which should be considered in planning for the utilization of lands adjacent to Resurrection Bay. The report is based on a review of the available literature and a brief inspection of sites near the head of Resurrection Bay in 1976.

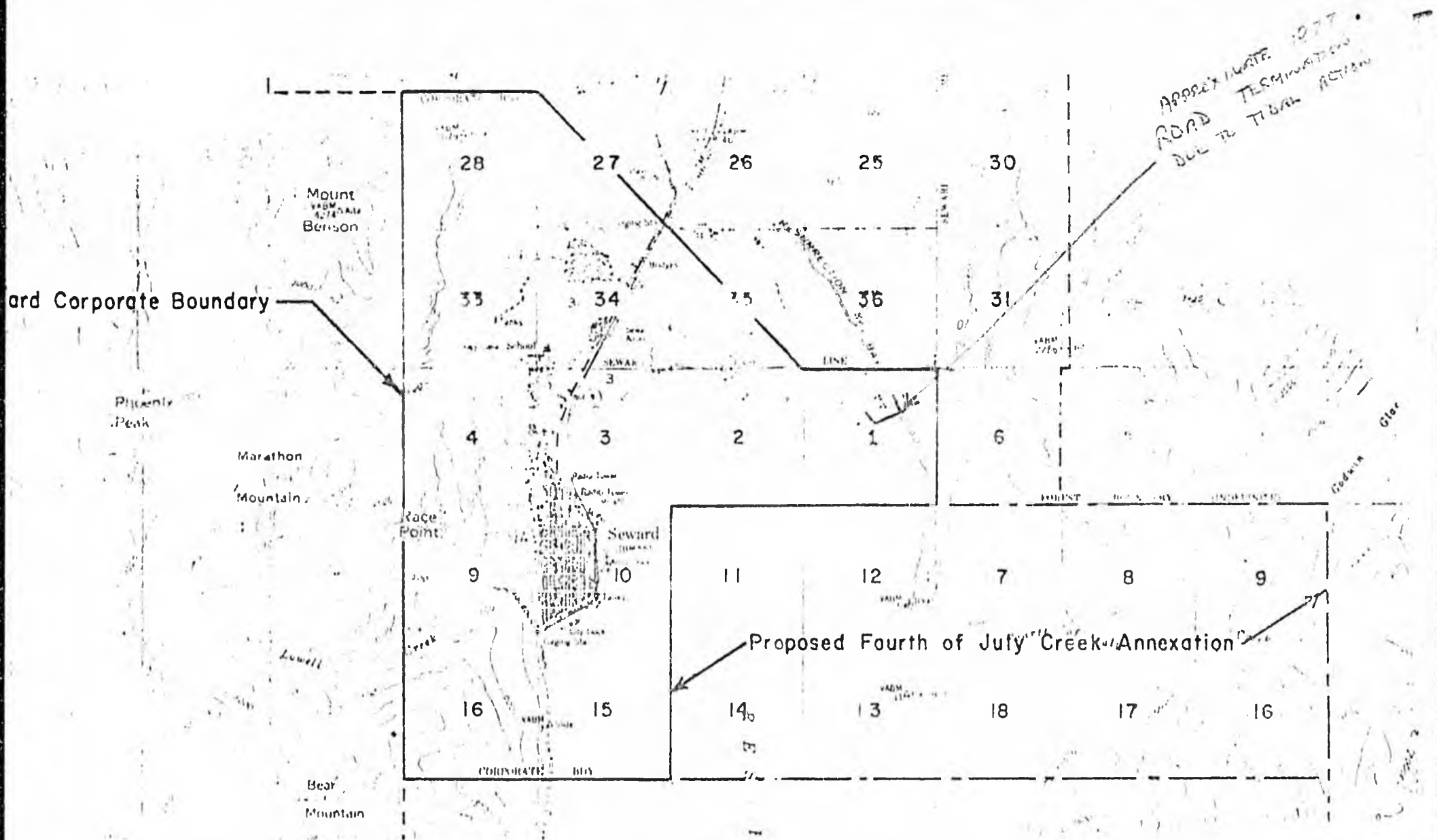
The purpose of this report is that significant geologic constraints, in particular relative slope stability and potential for liquefaction by seamounts, are present at 4 of the 5 sites considered here. As indicated by the tables in Section VI, there are presently not adequate data available for any of the geologic factors upon which to base site-specific conclusions regarding potential effects of the geologic factors on construction and operations at the sites. However, it is not the intent of this report to recommend or imply that planning for utilization of lands adjacent to upper Resurrection Bay cannot be undertaken due to geologic factors. Rather, the purpose of the report is to list the geologic factors which should be considered during planning, and to suggest where additional data are required for a more complete evaluation of each factor.

II. SCOPE AND PURPOSE OF REPORT

The Division of Geological and Geophysical Surveys personnel visited upper Resurrection Bay to inspect potential sites for nuclear facilities for three days in October of 1976. The investigation was conducted at the request of the Department of Community and Regional Planning, State of Alaska. The survey team drove to several site inspections. Due to limitations of time and weather, not all sites were visited by air charter. The report is intended to be a preliminary study.

TAE 4 SITS  
ARE:  
(1) 4th of July  
(2) THURS  
(3) LUNDL  
(4) END OF

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# TELEGRAM

BCA ALASKA COMMUNICATIONS, INC.

PHONE: 586-6440

JUNEAU, ALASKA 99801

977 JAN 25 PM 9 06

#

16035 N. SEWARD ALASKA 01-25 100P AST

PMS JOSEPH L ORSINI

988

POUCH V MAIL STOP 3100

JUNEAU

URGE YOUR SUPPORT OF PETITION FROM THE CITY OF SEWARD REQUESTING ANNEXATION OF A TERRITORY KNOWN LOCALLY AS FOURTH OF JULY CREEK AREA TO THE CITY OF SEWARD THAT WAS FILED WITH THE COMMISSIONER OF THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS IN ACCORDANCE WITH TITLE 29 AND 44 OF THE ALASKA STATUTES AND TITLE 19 ALASKA ADMINISTRATIVE CODE. THIS AREA SPECIFICALLY UNDER CONSIDERATION HAS BEEN IDENTIFIED BY THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS AS AN AREA THAT MEETS ALL THE PERTINENT CRITERIA FOR DEVELOPMENT OF A SERVICE BASE THAT COULD SUPPORT THE GULF OF ALASKA OIL AND GAS DEVELOPMENT. THIS ANNEXATION IS A POSITIVE APPROACH TOWARDS RESPONDING TO GROWTH AND DEVELOPMENT IN AND AROUND THE CITY OF SEWARD. THE MAJORITY OF THE TESTIMONY AT PUBLIC HEARING WAS IN FAVOR OF ANNEXATION WITH NO OWNERS OF PROPERTY WITHIN THE ANNEXATION AREA REGISTERING OPPOSITION. THE NUMBER OF RESIDENTS IN THE TERRITORY TO BE ANNEXED IS PRESENTLY ZERO. THANK YOU FOR YOUR SUPPORT.

CITY COUNCIL

CITY OF SEWARD

February 2, 1977

The Honorable Lisa Rudd  
Chairman  
Committee on Community and Regional Affairs  
Alaska House of Representatives  
Juneau, Alaska 99811

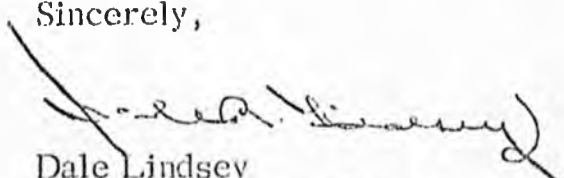
Dear Madam Chairman:

The matter of the Fourth of July Creek annexation is tremendously important to the future welfare and development of Seward. Attempts have been made to dismiss the importance of this area as it relates to the OCS impact this community is experiencing, and I am confident will continue to experience over the next several years. As the owner of by far the largest tract of private property within the annexation area, let me assure you that nothing could be further from the truth.

Alaska OCS oil exploration is already underway, and with this country's very serious energy crisis, the full and complete development of this source of petroleum and natural gas will occur. Ports with the benefits of Seward's are hard to find most places and this is particularly true in Alaska. Accordingly, it doesn't take very much foresight to realize that Seward is not going to be able to avoid sizeable OCS impact.

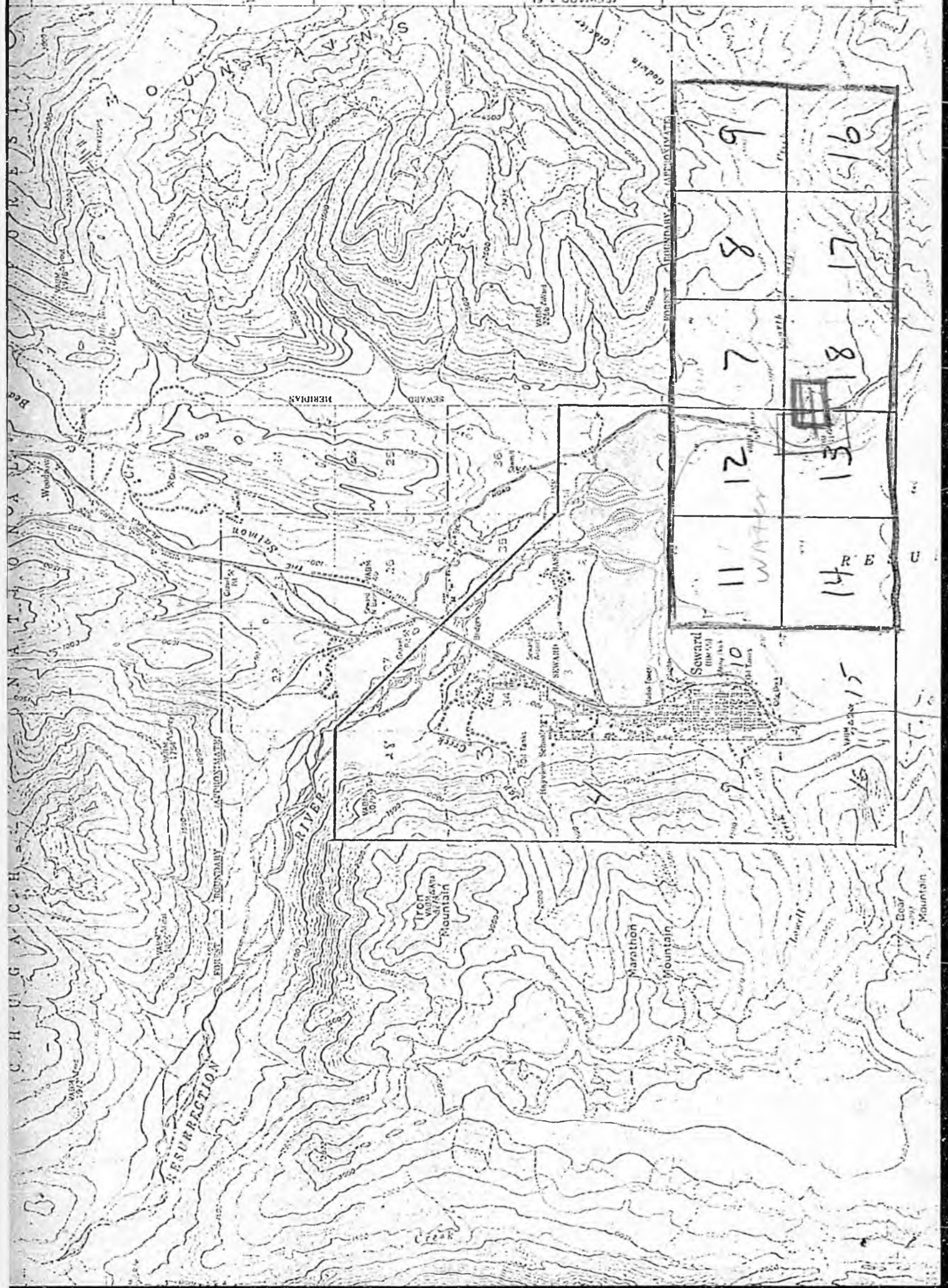
The Fourth of July Creek area is going to be developed. Seward is going to be called on to provide services for the area, but without having the area for a tax base this will be an insurmountable burden. I can see no purpose that would be served by denying annexation of this area. I urge the Committee's full support and approval of the City's petition.

Sincerely,



Dale Lindsey  
HARBOR FUEL SERVICE

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*Don*  
*any way*



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J.D. BENNETT

VIRGIL ECKERT

Arlic. C. Crouch

Irene J. Hanson et al.

PROPOSED  
1976 CONST.

F.W. Martin

1974  
ROAD CONST.

A-19

PALMER CITY LIMITS

W. ARCTIC AVE.

M.S.B.

W. BLUEBERRY AVE.

CHALET

Alaska Land Inves Corp.  
D-1

Alaska Land Inves.  
Corp  
D-14

W. BIRCH AVE.

EXHIBIT 1-A

Victor M. Johnson

Alaska Land  
Inves Corp  
D-15

W. COTTONWOOD AVE.

EXISTING  
PALMER-WASILLA HWY.

W. CEDAR AVE.

M. Pelletier

Maurice Pelletier

C-21

C-20

A.B.C.

C  
MATHIS

W. SAGEWOOD AVE.

W. CAMLIA AVE.

George H. Hanson

C-3

C-11

C-10

Arthur W. Pierson

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Erilcoyer

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Standard Oil Co  
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W. EVERGREEN AVE.

C 131  
S 92

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TERRITORY TO BE ANNEXED



EXISTING LAND  
Palmer, Alaska

- Central Business
- Residential
- Apartments
- Public & Semi-P
- Commercial
- Industrial
- Transportation
- Vacant

SCALE IN HUNDREDS OF FEET  
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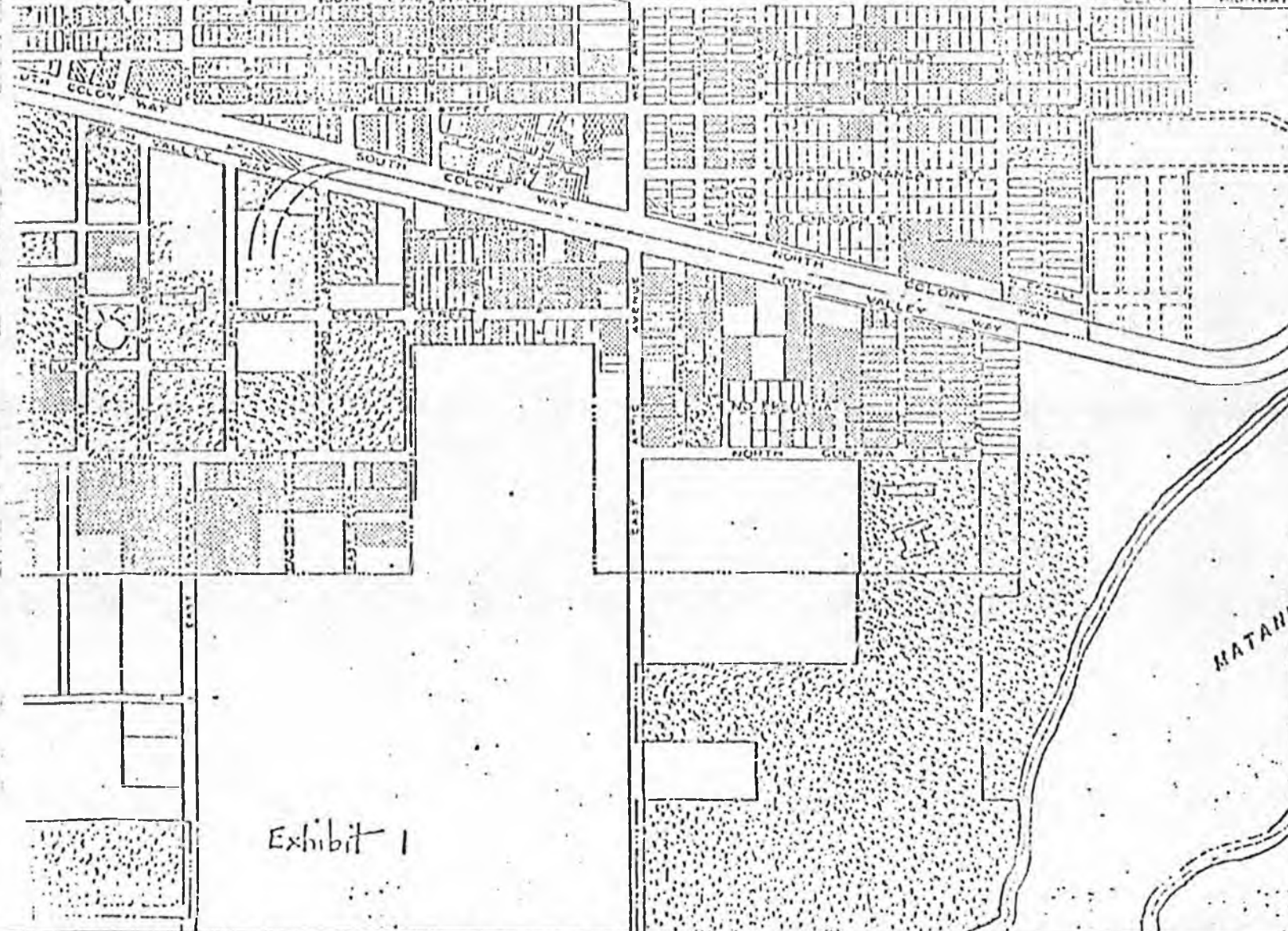


Exhibit 1



JUNEAU ALASKA

Alaska State Legislature  
House

January 31, 1977

Memo to: Members of C & R A

Re: Statements made on the black bear critical habitat subject during deliberations on Seward annexation

From: Sally Smith *JS*

A call was placed to Tom Trent, at Dept. of Fish and Game, Anchorage, to get his comments on the classification of Fourth of July Creek. (This in response to the Friends of the Earth letter on the subject). Mr. Trent states that although the Dept. of Fish and Game "Blue Book" refers to the area as critical habitat, it is not done so in a manner that would intend that the area be officially designated by the Legislature as a "Critical Habitat"

Continuing, Trent stated that Fish and Game had never, to his knowledge verbally referred to the Fourth of July Creek area as a critical habitat either during the background of the timber industry in the area or the OCS site research.

When asked whether he would please send a memo to my office with the above information, Trent referred me to Mr. Ron Scoug (sp.?) Chief of Habitat Protection, here in Juneau. Mr. Scoug was contacted, and is preparing a statement, which will first be sent to the Governor's office--via Mike Whitehead. A copy will then be turned over to the committee.

Additional pertinent information is attached.

Memo to: Committee Members, C. and R. A.  
From: Office of Sally Smith  
Date: Feb. 2, 1977  
Re: Conversation with Dr. Richard Neve, Mayor of Seward, on January 25, 1977, on the annexation of lands to Seward.

Dr. Neve said that only Fourth of July Creek was to be annexed, but that many who signed the Taggart petition were under the impression that areas to the north and south were also being annexed.

Each land owner in the FJ area has been polled and is pro-annexation, according to Neve. Because of the furor, a straw poll was taken within the community on the north-south possibilities and annexation there went down 2 to 1. He said no one opposed the current FJ annexation. Further, he said that a couple of people are sorry they signed the petition, saying the issue had been misrepresented.

Oil companies are already coming into Seward and Neve believes one to already be locating in the proposed annexed area. He states that regardless of community and special interest response, development will occur and it is important that Seward be able to tax.

Recommended reading--SEWARD CONCEPT PLAN by Kramer, Chin and Mayo.

Neve says that an attempt will be made to have a representative present at the hearings.

Memo to: Committee Members, C. and R. A.  
From: Office of Sally Smith  
Date: Feb. 2, 1977  
Re: Interpretation of "essential habitat" as used in the "Alaska's Wildlife and Habitat" book, put out by the Alaska Dept. of Fish and Game.

Pg. 56--- SPECIFIC HABITAT CONSIDERATIONS

"A few critical areas of spring concentrations are shown on the maps because of their size and traditional use by bears. In addition, many other south facing slopes are important early spring use areas due to early emerging grasses, sedges, horsetails, false hellebore, and herbs. Horsetails and foliage of salmonberry, cranberry and blueberry are used extensively in some areas. During summer and fall, bears switch to diets of mostly salmon and berries.

Black bear population levels in this area fluctuate a great deal year to year. This is probably because severe winters or late springs have serious effects on denning success, cub survival, and post-denning adult survival in areas where good habitat is limited.

The overlap of critical habitat for both brown and black bears in the unit demonstrates the two species do tolerate each other in some instances.

More likely, denning periods are similar to those of brown bears in the same areas. Denning usually begins by late October and lasts through April. Males and single bears seem to den later and emerge earlier than do sows with cubs.

RECOMMENDATIONS

Protection of habitat in spring concentration areas, maintenance of salmon stocks and preservation of alpine and subalpine zones are necessary to proper black bear management. When logging occurs, small clearings are more beneficial to black bears than are larger ones. The release of berry-producing plants by the selective removal of mature timber should be considered when timber cuts are designed. "

Under the Brown Bear Section,  
LAND USE CONSIDERATIONS AND RECOMMENDATIONS

"If care is taken to protect the critical high use areas, protect water quality and the salmon resource, and guard against extensive damage to the alpine and subalpine zones, and if direct human conflicts are kept to a minimum, little or no permanent damage to brown bear populations will occur. Given a minimum of protection, brown bears can coexist with human activities under most circumstances."

Upon interpretation, it appears that "critical" and "essential" must be taken in context. No mention is made of designating the areas as "Critical Habitat", as has been suggested by some. The terms are used to define the type of habitat available-- i.e.--"essential" habitat refers to an area that contains all of the elements necessary for existence of bears. "Critical" basically refers to an area where large numbers of bear are present. It does NOT necessarily refer to a problem in the existence of bear.

Please refer to map 53 C of the "Alaska's Wildlife and Habitat" book for analysis of the relatively small area referred to as Fourth of July Creek habitat, compared to the multitude of areas in Game Management Unit 6 and 7.

Above prepared by Ruth, for Sally Smith

# FRIENDS OF THE EARTH

1895 PIONEER WAY

FAIRBANKS, ALASKA 99701

(907) 479-3684

JIM KOWALSKY, Alaska Representative

January 7, 1977

The Honorable Sally Smith  
Pouch V  
Juneau, Alaska 99801

The City of Seward is proposing to annex an area known as 4th of July Creek. There is considerable local opposition and the area has been recommended to the legislature by ADF&G as a critical habitat area for black bear. The area contains many other species of wildlife, including nesting eagles and mountain goats. The adjacent waters, also to be annexed, is heavily populated with sea otters, harbor seals, and sea lions.

Given the relatively pristine nature of this area, Friends of the Earth opposes the change in land status. We urge the adoption of a joint resolution of both houses of the state legislature to override the local boundary commission recommendation for annexation.

Thank you for your attention to this issue.

Sincerely,

*Marilyn Sigman*  
Marilyn Sigman  
Administrative Assistant  
(for Jim Kowalsky,  
Alaska Representative)

cc: Fairbanks legislators  
Tom Taggart, Seward

*Committed to the preservation, restoration, and rational use of the ecosphere*

Seward, Alaska  
Jan 27, 1977

Re: The proposed annexation, by Seward, of a large area called the Fourth of July Creek lands.

Representative Sally Smith

Dear Ms. Smith

I protest the annexation of the Fourth of July Creek area to Seward on the basis of two categories of reasoning, one, what we might call technical, is the mistake the city made in applying for many whole sections of land. It would have been more reasonable if they had outlined the specific area they could have used for industrial development. Their "block unit" approach reveals that they are thinking only as beaverats instead of realistically evaluating their move.

The second consideration follows from the first, but is a matter of principle that should be used in all public planning and that in a city such as Seward which has its dynamic center, which is its port and harbour facilities. Developments should proceed, under these circumstances from the center outward. But

with its annexation policies the city is doing the reverse. It is putting primary emphasis upon the external periphery, while neglecting the lifeline of Seward, its heart, which is shipping.

I should inform you that the people of this community have been subjected to a rather heavy drumfire of propaganda for the past year through the media of the newspaper and city council meetings. What this propaganda boils down to is premonitions of disorganized community doom if we do not quickly conform to the "New Reality". This new situation, or environment, is pictured as being laden with portents of both opportunity and chaos.

The point is that the Seward City Council under an umbrella of vague terms has taken it upon themselves to point a way whereby we can escape the perils and dangers of what is insistently called "impact". The way out, the path of salvation is extremely simple - merely follow the implications of the prestigious

## "Seward Concept Plan"

This so called easy route is a mistake. Sensible delay has proven that, as of this present date, Jan. 27, 1977 the impending "impact" has already largely passed by Seward.

Consider the implications of the two agreements recently signed by the oil companies with native councils and corporations concerning substantial onshore base support for offshore oil development. I refer to Pakutat and the Monti Bay site, and the Chinik airstrip on Kodiak island. If Seward is ever "impacted" it can now come, reasonably speaking, from Northern Gulf development and that is at least two years away.

As for the "Seward Concept Plan" it is a hollow shell, and the reason why this is so is because, aside from speculation there is no basic economic thrust to implement it. Seward is actually a depressed area. A look at the local longshore and lumber industry at the present time is proof of this.

The anti-annexation petition, with about two hundred signatures, presented by Mr. Taggart should be allowed to stand. I know of only one person, Mr. Oscar Bailey, who freely changed his mind. All other withdrawals can be considered as the result of political maneuvering.

Yours truly,

Willard Medley

SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

February 1, 1977

Present: Chairman Orsini, Ed Willis and Frank Ferguson.

Absent: Bill Sumner and Glen Hackney

At 3:45 Mr. Leo Rhode, Representative and Author of Senate Joint Resolution No. 9 presented his testimony to the members of the Senate Community and Regional Affairs Committee.

Mr. Rhode testified that the Bradley Lake hydroelectric plant project has been studied extensively as to the results of such a project, and has been approved by Congress although no appropriations have been made to start the construction of the plant.

An Environmental Impact Study was conducted and as a result, it has been decided that there will be no adverse environmental effects on fishing or other natural resources.

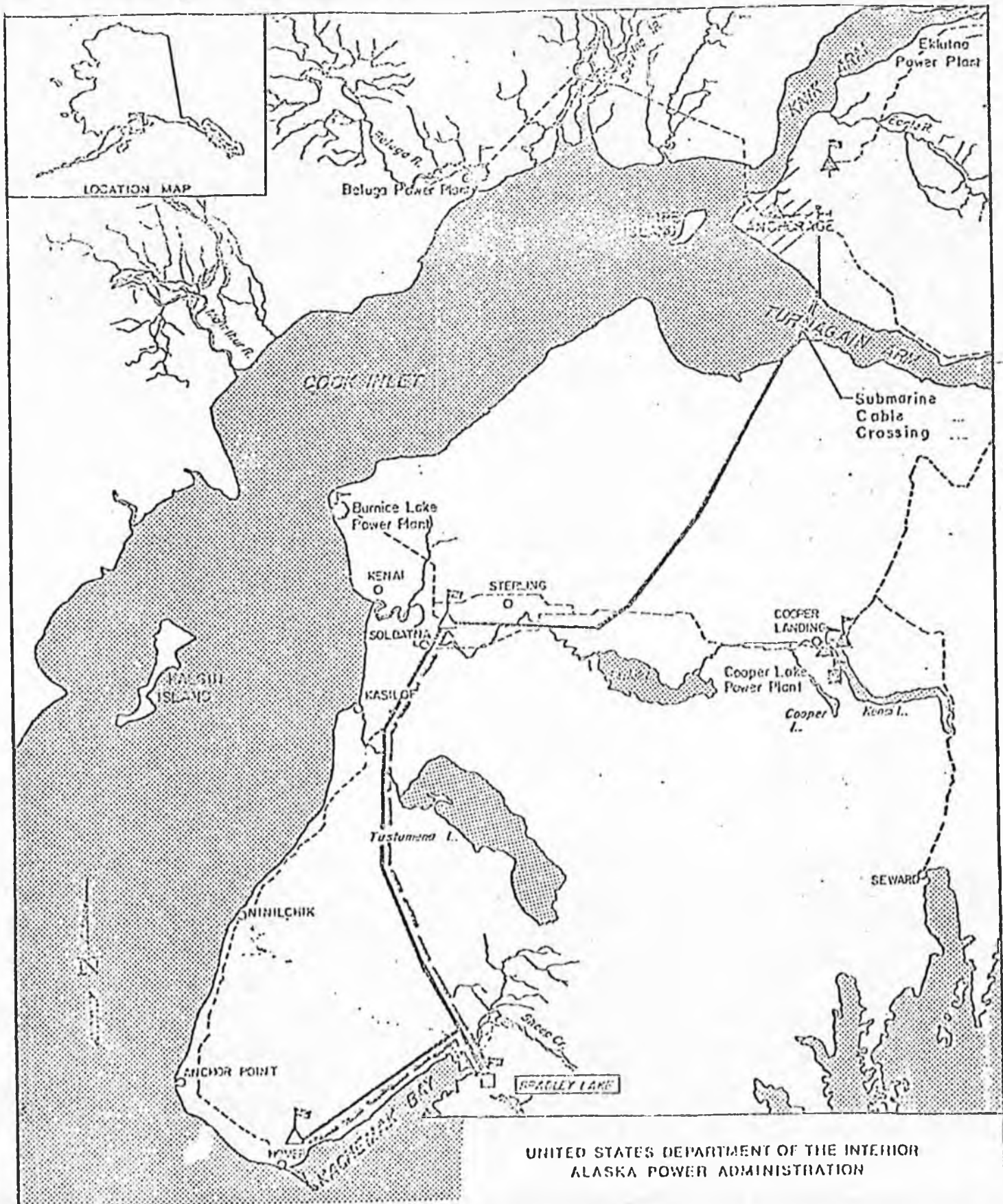
Mr. Rhode stated that if the Resolution is passed, the plant could be operating within 5 years. By 1980, a transmission line from Soldotna could provide power to Anchorage, if necessary, and relieve the demand for natural gas, of which the supply is limited.

Chairman Orsini noted that the Alaska Power Administration and the Alaska Public Utilities Commission were in favor of the Resolution. Also, no environmental agencies or groups had notified him of any objections to the project.

Mr. Rhode said that this was a good project, and that it would relieve the rising gas problems throughout Alaska.

Senator Ferguson moved that the Resolution be passed and Chairman Orsini and Senator Willis voted "Do Pass" on HJR No. 5.

The meeting was adjourned at 3:55 p.m.













UNITED STATES DEPARTMENT OF THE INTERIOR  
ALASKA POWER ADMINISTRATION

## LOCATION MAP

BRADLEY LAKE PROJECT

ALASKA  
ALTERNATIVE TRANSMISSION ROUTE

### LEGEND

- |   |   |
|---|---|
| CEA Substation               | CEA Hydroplant               |
| Federal Substation           | CEA Gas Turbine              |
| Proposed Federal Substation  | Proposed Federal Hydroplant  |
| Existing Transmission        | Corps Selected Route-230 KV  |
| Submarine Crossing           | Alternative Route-115 KV     |

SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

January 25, 1977

Present: Chairman Joe Orsini, Glen Hackney, Ed Willis and Bill Sumner

Absent: Frank Ferguson

The meeting was called to order at 3:05 P.M. by Senate Community and Regional Affairs Chairman, Joe Orsini. He introduced the Committee staff, and offered Paul Conger's (A.A.) assistance for any research or data gathering the Committee members might need in regards to Community and Regional Affairs.

Chairman Orsini asked if there was any preference among the Committee members as to the order in which the bills are discussed. None were expressed. Additionally, he stated that copies of the bills, with a request for input, had been sent to the Boroughs and Municipalities. No responses have yet been received.

A short discussion followed in regards to a Committee meeting being held in the HESS Committee Room, February 3, 1977. SJR8 and SJR9 have been referred to the the House and Senate Community and Regional Affairs Committees and members of the Boundary Commission in Anchorage will attend.

Chairman Orsini stated that they would discuss the content of Bill #34, with testimonies from Palmer McCarter, Director, Community and Regional Affairs; and Sam Cooxon, Sr. Administrative Assistant for Mayor Sullivan in Anchorage. Boundary Commission.

He stated that his basic reason for submitting the Bill was that parts of Municipalities wishing to secede may be doing so due to economic interests, and did not wish to share their economic base. Areas who may be interested in forming their own Boroughs, for instance, are Kenai, North Pole and Prudhoe Bay. The Chairman explained that if both parties involved, meaning those wanting to secede and those in the municipality being left, voted in favor of the secession, no problems should arise, although he felt that others could be affected by the secession. The Chairman expressed the desire to make as little change as possible in the law and solve the problem.

Senator Hackney then asked how the vote would take place and the Chairman stated that that decision would have to be made by the Boundary Commission.

Palmer McCarter asked who would conduct the election. He felt the State should pay for the election only in the area affected by the secession. He added that the regulations for the local Boundary Commission were being rewritten and would have to wait until they were available in order to determine how much responsibility they will have in this regard.

Senator Willis referred to a previous situation in Eagle River where special legislation took place which was later declared unconstitutional and as a result felt that the government should have as little control as possible in this secession issue due to the politics involved. He said that the Boundary Commission should have full responsibility as it is not politically affiliated.

Chairman Orsini stated that it was his understanding that the area wanting to secede would do the ground work then petition the Boundary Commission who would then decide if an election was warranted and who should pay the expenses of an election.

Mr. McCarter said the procedure for secession would include public hearings and the State would pay the expenses of the municipality being seceded from.

Senator Sumner asked Mr. McCarter if the State should pay expenses for the area petitioning to secede. Senator Sumner expressed the opinion that he thought they would be obligated to pay their own expenses.

Palmer McCarter responded that there is no current structure at this time, but when the new regulations were received about February 1, 1977, a decision could be made.

Senator Hackney asked if for example, the North Pole wanted to secede, would the election take place in Fairbanks?

Mr. McCarter answered that that was up to the Legislature.

Chairman Orsini added that it would be the North Pole versus the Fairbanks North Star Borough and the City of Fairbanks. He then asked if under the existing regulations if the city seceding would be included in the second vote since the city is part of the municipality. Palmer McCarter stated that he did not know, but would inquire into this possibility.

Senator Sumner expressed the opinion that they would be included in the second election and Senator Hackney agreed with him.

The Chairman asked Sam Coxon for his testimony.

Mr. Coxon stated that his interests were in protecting those affected by separation from a municipality. Fragmenting an area could have an adverse effect in a metropolitan area where services could no longer be provided on an area-wide level. A municipality could lose large tax-based services, and therefore disrupt the economic structure of that municipality.

Mr. Coxon testified that a question of fragmentation, at issue in SB34, should be treated in the following manner. "We want to protect all those that would be affected by detachment," rather than "we want to break away."

He suggested that a two-tiered government, that this Bill seeks to prevent, would disrupt services provided for a general-wide area.

Chairman Orsini stated that the Bill #34 could not prevent fragmentation, but was intended to protect the rights of all those involved.

Senator Sumner then asked if it was possible if a borough which is supported by a municipality, for instance, discovers oil and wants to secede without commitment to the municipality, and use the oil industry as their tax base. If this was possible, he felt that the municipalities would eventually be faced with serious disruption.

Chairman Orsini then stated that he had heard these arguments before, and that this Bill #34 was referred to the Senate Community and Regional Affairs only and that they must make some headway on the Bill.

Senator Willis stated that he had spent ten years intertwined with this problem and that he would prefer to "let the sleeping dog lie". He wants to leave the situation in the hands of the Boundary Commission. He does not feel that the Legislature should dictate to the Boundary Commission, and they should be given latitude to make the decisions and determine the procedures concerning secession. The Boundary Commission is not a political organization and can act without political influences.

Chairman Orsini asked Senator Willis if he would like to see Sections 1, 2 and 3 repealed and leave it all up to the Boundary Commission, and Senator Willis responded that he knew that the provisions are Legislatively mandated, and had no objections although he wanted the Boundary Commission to be given some latitude in the decision-making process.

Chairman Orsini noted that this is a "hot issue" and it would be preferable to resolve it before a real problem arises.

Chairman Orsini adjourned the meeting at 3:50 p.m.

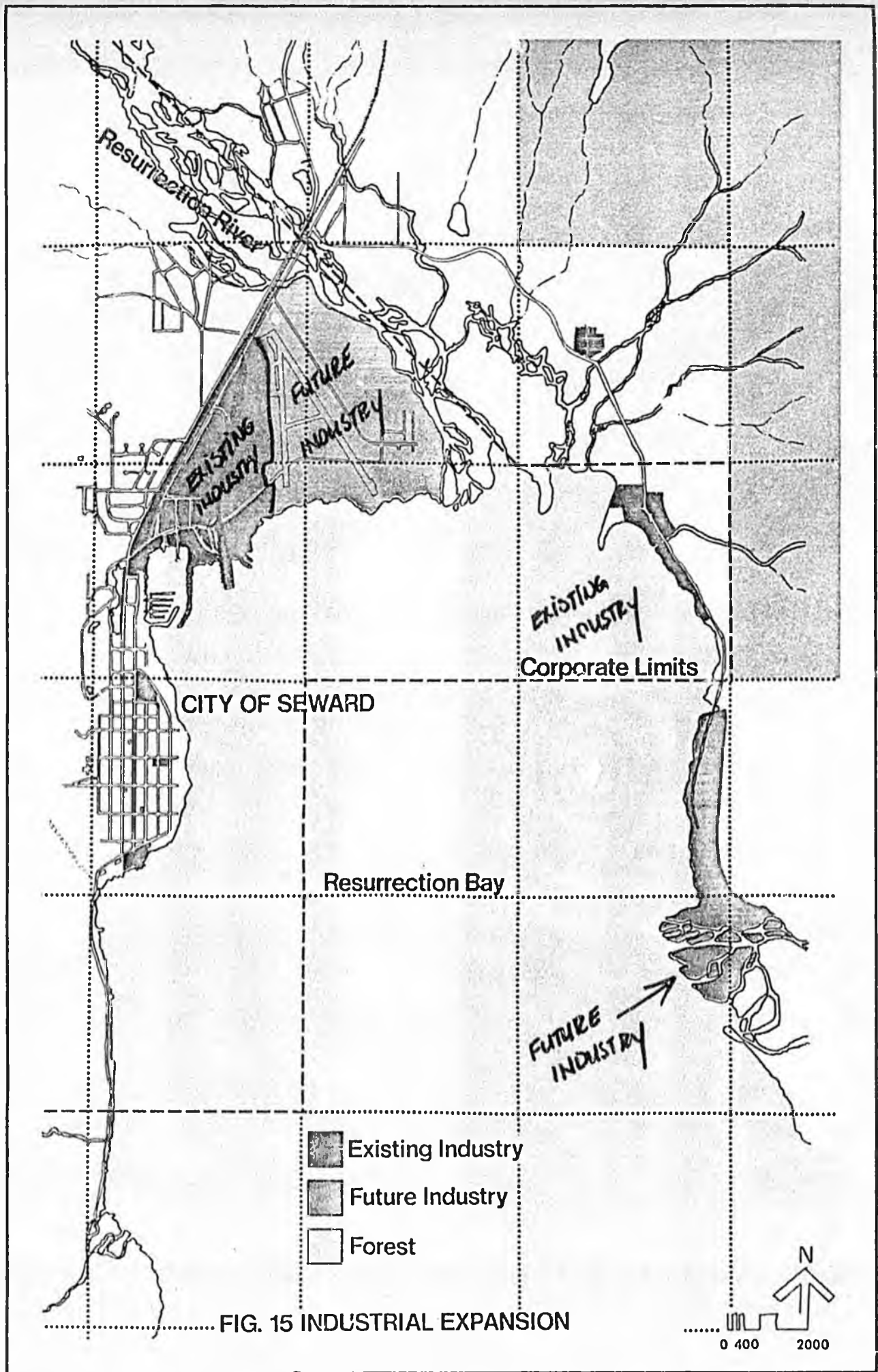


FIG. 15 INDUSTRIAL EXPANSION

Source:  
 Seward Concept Plan  
 7/14/75

Thomas Taggart  
Box 1195  
Seward, Ak. 99661

30 January, 1977

Senate Community & Regional Affairs Committee  
Pouch V  
Juneau, Alaska 99811

RE: Proposed Annexation of State Lands to the City of Seward

Dear Chairman Orsini: :

Thank you for informing me of the forthcoming hearing in Juneau pertaining to Seward's attempt at annexation of State lands. I do have additional information which should be considered at that hearing.

The City Manager of Seward indicated to me that he had notice of the February 3rd hearing as early as Thursday, January 27th. Despite that, there have been no announcements via the local media informing the general citizenry that they could input testimony at that hearing. I believe this nonaction by the City Administration indicates that they are hoping to keep testimony at the hearing to a low key, and should be duly noted as an act contrary to the public interest.

The City of Seward has a 3 step plan to annex up to 65 square miles of State property. The Local Boundary Commission has twice scheduled & cancelled public hearings on step 2, the latest instance being on 1-6-77. Because of this, it is now apparent that only step 1 of the City's plan will be considered this year by the Legislature. I shall consequently attempt to limit my comments to step 1, or 4th of July Creek, as much as possible.

I have recently learned that the City Administration has sent a telegram to all State Legislators urging approval of this annexation proposal. Among other things, the telegram purportedly states that: 1) there are zero residents in the area to be annexed; 2) the majority opinion at the public hearing was in favor of the proposal. Both of those statements are patently false. There are eight (8) permanent residents in the area to be annexed, including four children, three of which attend Seward schools. Three of the adults of that area signed the petition which I sent to Legislators on 1-13-77, and the other one was vacationing "outside" when it was circulated.

At the public hearing on May 21st, 1976, six (6) private citizens gave testimony on the 4th of July Creek annexation proposal. The one citizen who spoke in favor of the proposal was a man who owns 128 acres of land there, although he does not live on that land. Also favoring the proposal were representatives of three local governmental bodies, i.e. Kenai Peninsula Borough Planning & Zoning Commission, Seward Planning & Zoning Commission, and the Kenai Peninsula Borough Mayor. The five citizens who expressed displeasure or outright opposition to the proposal lived on adjacent Resurrection Bay Road or within the area encompassed by step 2 of the City's piecemeal annexation plan. In rendering their decision immediately after the hearing (without playing back the tape recording), the Local Boundary Commission in section (2)(c) of their statement said that "The majority of the testimony at the public hearing was in favor of the annexation..." That was an untrue statement. Furthermore, "...the City's long range annexation plans..." as mentioned in section (2)(b) of the statement have become a moot point since the November 2nd election pertaining to this issue. That, of course, is providing that the City fathers honor the results of the straw poll which indicated that 72.1% of the total voters opposed implementation of steps 2 & 3 of the City's plan. Had the people been given a chance to vote on step 1 at that time, it is likely that it too would've suffered an ignominious setback. Most of us here believed that the LBC recommendation was binding and that step 1 was a lost cause.

Please note the attachments from the Alaska Division of Lands, Alaska Conservation Society, and Friends of the Earth. These letters raise the important issue of 4th of July Creek as a potential critical habitat area. This position is supported by the ADF&G's authoritative publication entitled "Alaska's Wildlife & Habitat," and is a very serious consideration in light of the City's desire to annex the area. That publication has been used extensively by the Corps of Engineers, BLM, and others in preparing Environmental Impact Statements. On page 60, column 1 of that publication the area in question is clearly defined as "critical habitat" for black bear, although it has not yet been formally designated as such by the Legislature. The area is also one of the best places for goat & bear hunting by local as well as non-local Alaskans. That status would be denied the area if it were within the Seward City limits.

Attached also is a copy of a letter from Councilmember Vincent to the local paper outlining some reasons why the City should not proceed with the step 2 annexation proposal. Some of his reasons, such as road maintenance along a vertical coastline would apply to step 1 as well as step 2. This position is elaborated upon in a recent (10-76) study done for the Department of Community & Regional Affairs by the Division of Geological & Geophysical Surveys. Their report is entitled "Preliminary Evaluation of Geologic Factors Bearing on Development in Upper Resurrection Bay." Among other negative factors which would discourage development at 4th of July Creek is the stated opinion that the present gravel road which extends in that direction would be impossible to maintain, thus effectively barring land access to the area unless a prohibitively expensive road was constructed at the 700 foot elevation of the mountain. Due to tidal erosion the existing road is now about 1½ miles shorter than depicted on the most recent topographic map, which is 27 years out of date. That road now effectively terminates in Section 1, T.1S, R.1W.

This same report describes the extent of Exxon's involvement here at 2.6 acres. This parcel is near the Alaska Railroad and Seward Highway where Exxon expedites pipe for their oil rig which will drill near Yakataga. The other company interested in Seward as an O. C. S. base has leased 3 acres within the existing City limits. These are very logical site selections and would certainly indicate a precedent for any future companies. The one thing which Seward has going for it is its highly accessible existing transportation facilities. What we are dealing with here is a blatant land grab attempt by the City of Seward, with little or no justification whatever. The people of this area recognized this land grab for what it was on November 2nd and resoundingly said No! We ask that the Legislature echo our sentiments by passing a joint resolution overriding the Local Boundary Commission recommendation.

In closing I make note that Mr. Oscar Bailey has asked to have his name withdrawn from the petition which I circulated, due to a misunderstanding on his part as to the scope of it. It should also be noted that Mr. Herman Leirer of the Seward Planning & Zoning Commission is now circulating his own petition asking people to support the 4th of July Creek annexation proposal. Furthermore, Mr. Willard Midby of Seward is circulating yet another petition asking people to reaffirm that they are supportive of the petition which I mailed to Legislators on 1-13-77.

Whatever the outcome of all these petitions, it should be obvious that grassroots democracy is presently flourishing in the Seward area, and a very healthy climate now exists for a Local Boundary Commission hearing on any proposed annexation attempts by the City of Seward. This climate did not exist last May 21st when the LBC was here, as witnessed by the very small turnout for that hearing. At the very least we are entitled to another public hearing on this highly controversial matter. The Local Boundary Commission recommendation should be overturned.

PS: THE ABOVE MENTIONED PETITION BY WILLARD MIDBY  
(AND ED ZIMMERMAN) IN SUPPORT OF MY PETITION  
ALREADY HAS NEARLY 200 SIGNATURES. 1/31/77

Sincerely,

Thomas Taggart  
Thomas Taggart

Attachments (7)

CC: Representative Sally Smith w/o attachments