

# FOGHORN LAW OFFICE, LLC

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## ALASKA STATEWIDE PRACTICE

December 13, 2024

*By email*

Local Boundary Commission  
Commissioners  
c/o Jedediah R. Smith  
Local Government Specialist  
550 W. 7th Ave, Suite 1650  
Anchorage, AK 99501-3510  
Phone: (907) 269-4559  
Fax: (907) 269-4563  
[jedediah.smith@alaska.gov](mailto:jedediah.smith@alaska.gov)  
Staff email: [lbc@alaska.gov](mailto:lbc@alaska.gov)

Re: Xunaa Borough, deadline for reconsideration

Dear Commissioners,

We are writing to formally request on behalf of the communities of Gustavus, Elfin Cove, Tenakee Springs, and Pelican (hereafter “the Communities”) a relaxation of the Local Boundary Commission regulation regarding the deadline for reconsideration requests on the Commission’s decision on the Xunaa Borough. Specifically, we request the LBC relax the deadline located in 3 AAC 110.580, which sets a deadline of 18 days for reconsideration requests following a written decision. This request is made under the provisions of 3 AAC 110.660 which allows the Commission to relax the procedural rules, as strict adherence to the current deadline may result in injustice and would not serve the broad public interest.

At the meeting held on December 9, 2024, the Commissioners voted and approved a motion to relax the procedural rule requiring a written LBC decision within 30 days of the decisional November 12, 2024 meeting (3 AAC 110.570(f)). The Commissioners granted themselves an extension for the written decision, setting a new proposed date of December 20, 2024. This extension is 8 days beyond the 30-day period allowed under regulation 3 AAC 110.570(f).

The proposed request for an extension to file any reconsideration requests serves the broad public interest. The new written decision date of December 20, 2024 places the majority of the 18-day period around two major holidays, Christmas and New Year's. Municipal offices are

closed for part of this time. Many staff, officials, and members of the public have travel plans, significantly reducing the actual days available to evaluate and prepare a request for reconsideration.

In light of this, the Communities respectfully request an equivalent extension of 8 days for the deadline to submit requests for reconsideration. The new deadline for request for reconsideration would be 26 days after the written decision. Furthermore, should the Commissioners decide to grant themselves any additional extensions for the LBC written decision, the Communities request that the same extension be applied to the due date for reconsideration requests.

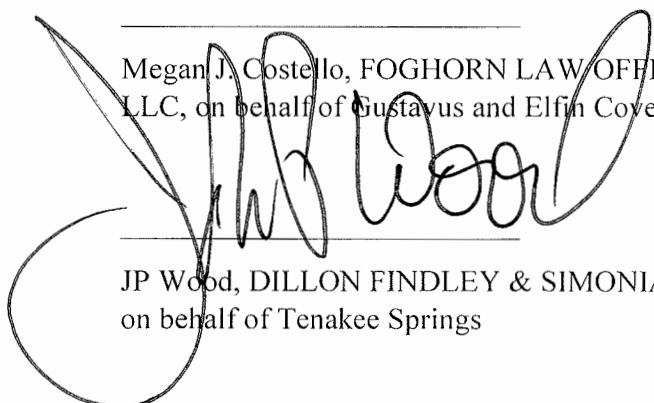
We believe that this request is necessary to ensure fairness and to uphold the public interest. We appreciate your attention to this matter and look forward to your favorable consideration of our request.

Sincerely,

*/s/ Megan J. Costello*

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Megan J. Costello, FOGHORN LAW OFFICE,  
LLC, on behalf of Gustavus and Elfin Cove



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JP Wood, DILLON FINDLEY & SIMONIAN P.C.,  
on behalf of Tenakee Springs

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Paul H. Grant, City Attorney for Pelican

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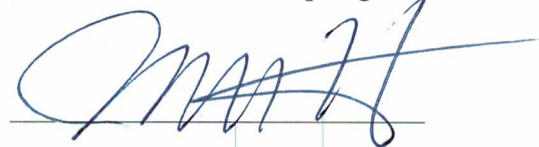
Sincerely,

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Megan J. Costello, FOGHORN LAW OFFICE,  
LLC, on behalf of Gustavus and Elfin Cove

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JP Wood, DILLON FINDLEY & SIMONIAN P.C.,  
on behalf of Tenakee Springs

A handwritten signature in blue ink, appearing to read 'Paul H. Grant', is written over a horizontal line.

Paul H. Grant, City Attorney for Pelican