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VIA ELECTRONIC MAIL

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*Re: Advisory Opinion Concerning Local Boundary Commissioners Participation in
Regulation Repeal and Anticipated Eagleexit Detachment Petition*

Dear Ms. Mills and Mr. Stinson:

I've had an opportunity to review a July 29, 2026, reconsideration request sent to you by one of my fellow Local Boundary Commissioners, Clayton Trotter. Mr. Trotter and I are Eagle River residents. As a member of the Local Boundary Commission (LBC), Mr. Trotter was appointed from the Third Judicial District and I was appointed as LBC's at large member and chair.

For the reasons expressed in his memorandum, Mr. Trotter asks for reconsideration of your June 25, 2026, Advisory Opinion providing guidance to us for our potential participation in requested repeal of 3 AAC 110.270(e) and in the Local Boundary Commissioner's (LBC) consideration of Eagleexit's anticipated petition to detach Eagle River from the Municipality of Anchorage.

Thank you for providing Mr. Trotter an opportunity to present information regarding his interaction with Eagleexit, as well as legal points pertaining to his participation in LBC's consideration of these two matters. If, after reading Mr. Trotter's presentation you seek clarification and additional information, please reach out to him directly.¹

I also reiterate our immense appreciation to the Department of Law and its capable, dedicated attorneys who have provided excellent legal support to the LBC for scores of years.² That support has run the gambit from legal advice respecting interpretation and application of LBC statutes, regulations, and bylaws, to immediate, real time advice respecting issues that inevitably crop up during our meetings, to preparation and presentation of superb appellate briefs representing LBC matters in Alaska's courts, and the list goes on and on.

All of this is to say that we likewise appreciate Mr. Stinson's research and analysis – and anticipate your willingness to possibly reconsider or modify it.

During that process, I believe that it would be helpful for the Commission to know if the outcome would likely be different in the absence of LBC's Article X of its Bylaws, or at least bylaws that apparently are not "more strict than the Ethics Act under these circumstances."³ Even though different ethics rules apply to judges, it would be unfair and an unfortunate incongruity if a superior court judge living in Eagle River would not be foreclosed, based on a property-interest prohibition, to adjudicate a detachment case on appeal, but an LBC commissioner living in that community would be barred from considering it initially.

I agree with Mr. Trotter's point on page 8 of his reconsideration request, that the department's June 2006 advisory opinion sheds much light on the question of significance of ownership of a property interest in an affected territory. There, the department opined that if it were only considering the ownership of property – in that case a residence assessed at \$138,000, compared to the

¹ Mr. Trotter did not attend LBC's January 26, 2026, meeting during which the Commission voted to table consideration of the request for regulation repeal until Department of Law guidance was requested and obtained. Had he been available then, at least some of the procedural concerns raised in Mr. Trotter's memorandum may have been alleviated. I won't address these here, but please let me know if I can provide further information.

² Mr. Trotter remembers that I served in the Department of Law as Chief Assistant Attorney General and that fact might create a conflict of sorts. However, I left the department about 41 years ago; along with the attenuation of years, I don't pretend to have served as capably as today's Department of Law attorneys who support LBC's work.

³ *Advisory Opinion*, page 7, fn. 20; LBC Staff advises that we don't have records that explain when and why Article X was adopted and, apparently, later amended.

overall value of property assessed by the Ketchikan Gateway Borough (KGB) (\$1.095 billion), it would not consider that to be significant enough to prevent participation. Mr. Trotter compares that 20-year-old information with my own, a \$545,300 residence with over \$4 billion of the total property in the Eagle River area, and notes that there is a very comparable proportional dilution.⁴

Admittedly, the Ketchikan Gateway Borough involves more geography than the Eagle River area, but it would be important to consider whether the borough's largely uninhabited property and its much smaller population to balance the significance analysis called for by Article X, Section 2(b) of the LBC Bylaws between today's Eagle River situation and an analysis from long ago. That is, do we consider this level of ownership of property to be so significant to prevent participation?

Mr. Stinson explains that the "Eagleexit detachment petition directly targets the area in which the commissioners' homes are located, involves a much smaller geographic territory, and carries direct and foreseeable consequences for local taxation, services, governance, and property value. The factual distinctions alter the 2006 dilution rationale, making the property-interest conflict here substantially stronger than in that earlier memo."⁵

Since no detachment petition has been presented to LBC, and unless there's definitive information in a draft petition,⁶ is it clearly known what local taxation, services, governance, and property value impacts will result from detachment? Until then, are any impacts on Mr. Trotter and me speculative? If so, it may be best to delay further consideration of any property-based conflict of interest until, and if, a detachment petition is presented.

Thank you again for your guidance and your willingness to consider these further points and information. Best wishes.

Sincerely,



⁴ My daughter and her husband own a home in Eagle River too; their home is assessed by MOA at \$607,900. Mr. Stinson points out on page 6, fn. 18, of the *Advisory Opinion* that property of immediate family in Eagle River would be considered in addition to the value of our home. The combined value of both homes is \$1,153,200 or .027 % of the value of Eagle River area's property.

⁵ *Advisory Opinion*, page 6.

⁶ Only LBC Staff has seen an Eagleexit draft petition for technical review purposes.