

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF MINING, LAND AND WATER

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March 28, 2002

Mayor Tim Bourcy
City of Skagway
P.O. Box 415
Skagway, Alaska 99840

Re: ADL 106513, Skagway River Flood Control Dikes

Dear Mayor Bourcy,

I appreciated your telephone call following the receipt of my February 22nd letter to Brett Jokela. You expressed frustration with the mounting costs of this city funded project and the delays and changes which you contribute mainly to this office. You expressed those same concerns in your March 12th letter to Representative Kookesh. With the changes outlined in this letter and the February 22nd letter I would hope this project can immediately proceed to project review once the application is revised by Montgomery Watson Harza. I have enclosed a letter from Director Loeffler to David Hunz addressing the concerns and issues he raised.

The February 22nd letter has been misinterpreted regarding the issue of the 1982 OHW line. The March 15th article from The Skagway News erroneously stated that DNR now wants to throw out the 2001 survey line and refer to a line from a 1982 aerial photo. As stated in that letter, the 1982 line is simply an aerial approximation of the OHW at that point in time, a line which DNR has repeatedly referenced since the late 1980's. The purpose of the 2001 survey was to establish the pre-project OHW line so that after fill is placed, the line can be reestablished should the need arise in the future. All of the requested changes are minor graphical work that could be made fairly quickly, provided that Mr. Hunz agrees as per the Agreement.

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Last week the city and DNR signed the survey mylar and the plat has been forwarded to the recorder's office. Completion of a signed Agreement and survey plat were the two major milestones in order to advance the project. As my last letter stated, discussions regarding OHW were occurring with ADF&G, DNR, R & M Engineering and several riparian specialists. The approved plat now confirms some portions of USS 176 are below the OHW line. The amended application will need to include these areas. As discussed in my letter to Mr. Hunz, the man-made alterations to the river date back many years, including military diking in the 1940's within USS 176. To capture any and all issues of ownership, the revised application needs to include the entire project. This expanded request will likely be viewed as another change by DNR but this request is based on the new survey plat and examination of photos brought to our attention by Mr. Hunz. Of the six changes in my previous letter, item #1 is the

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only one which needs changed. This item should now encompass the area shown as “Ownership Uncertain” based on the new survey, include land within USS 176 below OHW and the area from Sta. 0 + 00 to roughly 27 + 00 capturing any portion of the proposed dike that extends from the base of the old military dike towards the river.

We are agreeable to separating out state and state contested land in the application if the city so desires. The right-of-way would still be issued with one diagram and specific tracts used to identify disputed land. The city has no further survey obligation at this time. After DGC completes the project review and DNR issues an early entry permit, the city is obligated to perform an as-built easement diagram by a registered surveyor, a requirement of all applicants. That diagram, which does not necessitate the setting of any monuments, is attached to the right-of-way and recorded.

These application revisions are the only items preventing this project from proceeding, along with clarification of questions asked in the February 22nd letter. When the information is received we will advise DGC to start the review.

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Sincerely,

Ron Schonenbach
SE Regional Manager

Cc: Bob Ward, City Manager
Senator Alan Austerman
Representative Albert Kookesh
Lorraine Marshall, DGC
John Klutz, COE
Brett Jokela, Montgomery Watson Harza
Ben Kirkpartrick, ADF&G