

Distributed at the request of Dan Sterchi

2017-054



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Transportation and
Public Facilities

CENTRAL REGION
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October 8, 2015

Mayor Mike Navarre
Kenai Peninsula Borough
144 North Binkley Street
Soldotna, Alaska 99669

Dear Mayor Navarre:

We have reviewed your September 28th letter in which you discuss drainage issues along K-Beach Road, specifically in the area of mile 12.

We appreciate the thought, concern and commitment to working with the Department displayed in your letter.

You focus on two main themes in your letter: a temporary construction permit (tcp) and a potential drainage easement.

In regard to the tcp, this permit was opened some 18 months ago during a time of unusually wet conditions in the surrounding area. The Borough was in the process of, and has subsequently completed, work on roadside ditches, Buoy Avenue in particular, leading to the K-Beach roadside ditch. It is understood that the Buoy Avenue drainage improvements reduce the time of concentration of water, which increases the peak discharge into the K-Beach Road right-of-way. In recognition of this, we are asking the Borough to commit to continuing to work in good faith with the Department of Transportation & Public Facilities and respond to concerns expressed by our Maintenance & Operations Superintendent. If this is acceptable, we will suspend the permit requirements.

There was also discussion, and an attachment displaying a proposed drainage easement in the area of mile 12 of K-Beach Road; in your letter, members of your staff had contacted our Central Region Preconstruction Engineer, Ken Morton, P.E. While Mr. Morton did make a statement based on casual observation regarding the adequacy of the easement at mile 12, it was not a professional analysis on his part. Regardless, it is the Department's position that a cross culvert could be installed in the easement described in your attached drawing.

"Keep Alaska Moving through service and infrastructure."

Mayor Navarre
Kenai Peninsula Borough

- 2 -

October 8, 2015

While I recognize this may not be exactly what you want from us on this issue, I believe it provides a compromise that allows both agencies to provide reasonable protection and utilization of their facilities without extreme hardship to the other.

I hope we can continue our positive dialog as we work to *"Keep Alaska Moving"*

Sincerely,

Robert A. Campbell, P.E.
Regional Director

Re: Resolution 2017-054

In order to provide supporting information to the Borough Assembly regarding upcoming agenda item concerning land that I own, I submit the following statement.

My father Paul Nelson came to Alaska in 1946 after serving in WWII to accept a position as hospital administrator for the Seward Sanitarium, a hospital funded by Methodist Women's Association to treat Alaska natives stricken with TB. My younger brother and I were both born in Seward. Our family remained there until 1957 when Alaska Native Health Service built a larger facility in Anchorage.

As a veteran Dad was eligible for a federal homestead which was our family's next venture. He drove to the end of Kalifornsky Beach Rd, which was then at present day Cannery Rd, then snowshoed in a mile to stake our homestead. The final filing was in 1958 just prior to statehood and the cessation of federal homesteading. We moved onto the homestead the next spring.

Upon arriving we discovered that the Union Oil Co. had extended K Bch Rd right through our homestead, not along the section line ROW. Union Oil created 2 sand borrow pits on our homestead to build the road. We established our home at the S end of one of the pits at what is now Bouy Ave. We eventually got the oil company to fill in most of the pit by our home, but they only partially filled in the one on Karluk. That "basin" was NEVER a wetlands, which is precisely why the oil company used it for sand borrow pits. Since we homesteaded there, the water level has fluctuated from completely dry to 4 feet and has never had even close to the amount of water as when the Borough drained flood waters into it.

In 1976 we began reworking the original hayfields and clearing more fields on the homestead. We followed Best Management Practices provided by the Kenai Kasilof Soil and Water Conservation service and have periodically reviewed and revised the original Farm Development Plan, most recently in 2012. We have an abiding commitment to maintain and preserve the remaining acreage of our family homestead which includes the Karluk parcel. Through extensive negotiations over the last 3 years we agree that the Borough's need for the Karluk Basin" can be accommodated through an easement which does not conflict with our plans and dreams for the land.

In the fall of 2013 the western Kenai Peninsula experienced significant rainfall in a short period of time. This event, combined with development east on Karluk into the margins of the large wetland area out there, resulted in extensive flooding encompassing neighborhoods on the east side of Kalifornsky Bch Rd all the way to VIP subdivision. In an effort to relieve flooding, the KP Borough identified the "basin" on our property, dug ditches and installed culverts diverting those floodwaters into that Karluk Basin". It was only after all this was done and our property flooded that Mayor Navarre contacted me. Our property, and adjacent land and homes were NOT flooded prior to the borough's actions, not being in the natural drainage. Our property was flooded only after the Borough's ditches and culverts were put in. By that time we felt obligated to give permission to allow the borough to continue to drain into the "basin" as they needed to pump it out a few times to prevent further flooding. Mr Navarre assured us that the borough would work with us the following spring to find a solution to remediate the drainage use that we were then allowing.

I met with Mayor Navarre and staff the following June. At that meeting Mr Navarre explained the actions and improvements that the Borough had accomplished in the last several months then

inquired if I was willing to sell the property. I didn't come to that meeting with demands or even expectations that the Borough needed to purchase access to my property. My expectation was that the Borough would return our land to it's condition prior to being used as a drainage basin, consistent with my long-established plans for agriculture use of that property. The acquisition was a separate issue.

This parcel was part of our original homestead and I was unwilling to sell it outright. However I did understand the Borough's position and felt we could come to agreement that would be a win-win. Ordinance 2014-32 was the result. It made sense.

- the borough gained a needed asset with No expenditure
- we would be able to continue with farm plans.
- The planning commission approved of that Ordinance.

As private property owners we have the right to protect our property. We were contacted and agreed to the use as a drainage basin only AFTER the contaminated stormwater was ditched to our property. As members of the community we wished to get along with our neighbor's and felt a responsibility to help find a solution to this community problem. We've done that.