

STATE OF ALASKA

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DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

DESIGN & ENGINEERING SERVICES DIVISION, NORTHERN REGION

November 4, 1999

Stephen Syren
HC-05 6910
Palmer, AK 99645

Re: McCarthy Road right-of-way

Dear Mr. Syren:

We have received your letter dated October 21, 1999. We apologize for not being prompt in returning the pictures that you had forwarded to Pat Thayer. However, the press of other projects has been lengthening our response time for inquiries such as this.

Your current letter also included copies of letters you have recently sent to people that you claim are trespassing on your property or are in some way in conflict with your activities. I assume you are referring to trespass upon some of the lots adjoining the McCarthy road that were subdivided by Lester and Alvin Syren and in which you must now have an ownership interest. The plat that created these lots also served to dedicate a 200-foot wide public right-of-way for the McCarthy road. The West McCarthy Subdivision was filed as Plat No. 77-7 in the Chitina Recording District. DOT&PF owns and operates the McCarthy road and has the sole jurisdiction to permit uses within the right-of-way and to enforce the removal of unpermitted encroachments. Some of the activities you are describing may be taking place within the Kennicott River floodplain (below the ordinary high water line). Those areas that are beyond the McCarthy road right-of-way and below the ordinary high water line are under the jurisdiction of the Department of Natural Resources.

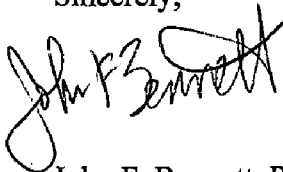
Your pictures make clear that unpermitted activities are occurring within the right-of-way. In a perfect world, we would have staff available to monitor the highway system on a regular basis and deal with encroachment violations as they occur. In reality, our current staffing provides for less than one agent's time to be dedicated to property management enforcement in a region that stretches from Cordova to Nome. Often, encroachment notices sent by mail are largely ignored and site visits for enforcement have limited effect once our agents leave the area. The National Park Service has offered to assist us in managing the area, and as they maintain a continuing presence in McCarthy, we may take them up on that offer.

With regard to your letter dated September 29, 1999, you cite several problems within the McCarthy road right-of-way. First you note that people park and do business within the right-of-way. We consider parking within the right-of-way to be an allowable use as long as it does not impede the flow of traffic and does not block driveway access to adjoining properties. Operation

of a business within the right-of-way is not an allowable use and perhaps we can get the assistance of NPS to help curtail these violations as they occur. Your second point refers to "misinformation given to individuals by Northern Region D.O.T....". I cannot respond without a more specific statement as to what you believe this misinformation to be. Finally, you make several allegations regarding the actions of Cal Datta, the DOT Chitina Maintenance foreman. I cannot speak for Cal or our Maintenance and Operations Division; however, I will pass your letter along to the M&O Director for further investigation.

Once again, thank you for sending us the pictures. They will certainly aid us in pursuing encroachments in this area.

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Bennett". The signature is stylized with a large, looping initial "J" and a cursive "Bennett".

John F. Bennett, PLS, SR/WA
Chief, Right of Way

Cc: Ralph Swarthout, P.E., M&O Director, Northern Region

October 21, 1999

Don Bennett
DOT 2301 Peger Rd.
MS 2553 FBX 99709

Dear Mr. Bennett,

I was informed that you could possibly help myself with R.O.W. problems at the end of the road at McCarthy.

On September 29, 1999, I sent a letter and pictures to Pat Thayer at DOT, Peger Rd. I am not sure if you have had a chance to see them. I am sending a copy of that letter. In that letter, it shows some of the encroachment problems that are hindering the access and use of my property at the end of the road.

As of today, I have not heard back from Pat.

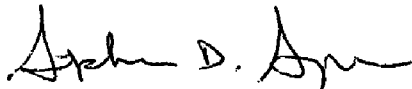
I will also be sending letters that I have sent to other parties that are part of these problems at McCarthy. This will help you understand more fully what my tenants and myself are dealing with.

I would like to enter into some kind of dialogue with all concerned parties to resolve differences of opinion and forgo any further problems before the business season starts next May.

I do appreciate any assistance you can give to help us clear up these matters.

I can be reached by mail at HC-05 6910, Palmer, AK 99645, or by phone at (907) 746-0606.

Sincerely,



Stephen Syren

CC Randy Elliott, Mr. Russel Lewis Esq., Sen Lyda Green, Sen Scott Ogen

October 21, 1999

Denise Jantz
PO Box 33422
Homer, AK 99603

Dear Denise,

I am writing you today to go over what has happened this last season in McCarthy.

You vacated your lease with Randy Elliott in July of this year.

You then moved your restaurant into the R.O.W. and conducted business until the end of the season. You also contracted with Mr. Cal Data of DOT to develop a site to do your business in the R.O.W. There are serious problems that will arise out of these actions, if they are not corrected.

You also told me at our meeting on August 28, 1999, that you would send a letter explaining what you were doing. I have yet to receive your letter.

I gave your attendant at the Roadside Potato Head Restaurant verbal notice to remove your restaurant wagon and your house trailer from my property.


At this time I am giving written notice to stop trespassing and to vacate my property at the end of the road.

Please contact me by mail at HC-05 6910, Palmer, AK 99645.

I hope we can find a way to fix these problems at the end of the road, before this situation becomes much more serious.

I do appreciate your response and answers to this situation. Thank you, Denise.

Sincerely,



Stephen Syren

CC Randy Elliott, Don Bennet DOT, Sen Lyda Green, Russel Lewis Esq.

October 20, 1999

Michael Brewster
PO Box MXY
Glennallen, AK 99588

Dear Michael,

I am writing you this letter to give notice that I want you to remove your miscellaneous trailers and campers from my property at McCarthy.

You had told me this would be done in July of 1991.

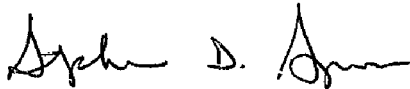
I have waited for a number of years for you to do what you said you would do. I have also made this same request every year, to no avail.

Please send me documentation of when this property will be removed. You can contact me at HC-05 6910, Palmer, AK 99645.

I expect this to be completed no later than May 15, 2000, as not to interfere with construction activities that will be under way at that time.

I will appreciate your cooperation and response with these matters. Thank You.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stephen D. Syren".

Stephen Syren

CC Randy Elliott, Don Bennet Dot, Sen Lyda Green, Russel Lewis Esq.

October 21, 1999

Mr. Chris Richards
PO Box MXY
Glennallen, AK 99588

Dear Chris,

I am writing to propose repayment or trade out of monies given by yourself and Jim Miller to myself in 1984.

The amount was \$500.00, split I assume between yourself and Jim Miller.

Jim Miller has agreed with Randy Elliott to use his value to pay for permit parking at \$50.00 per year, starting in 1999.

Randy and myself can set up a similar arrangement or your portion can be reimbursed directly.

It is imperative that one or the other be done, as there will not be long term storage of vehicles in the R.O.W. at the end of the road.


These practices have been interfering with my activities at the end of the road. It has also created much confusion and hard feelings with all people coming to the end of the road.

This has also been noted in the McCarthy Road Scenic Corridor Plan.

Please send me a letter to let me know what you would like to do. I can be reached at HC-05 6910, Palmer, AK 99645.

I do appreciate your help with this matter. Thank you, Chris.

Sincerely,



Stephen Syren

CC Randy Elliott, Don Bennet DOT, Sen Lyda Green, Russel Lewis Esq.

Pat Thayer
D.O.T.
2301 Peger Rd.
MS 2553
FBX 99709

Sept. 29, 1999

Dear Pat;

I am sending a letter and photographs to explain the situation at the end of the road in McCarthy.

I am requesting R.O.W. enforcement to curtail misconceptions about ownership and access problems that it has created for myself and my tenants, when trying to access my property and tenant operations at the end of the road.

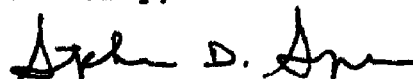
The pictures show specific individuals that are in violation of R.O.W. at the end of the road.

Specific problems are as follows.

1. Private individuals, inholders, and State vehicles that park and do business for extended periods of time in the R.O.W..
2. Misinformation given to individuals by Northern Region D.O.T., and by a Cal Data, employee of D.O.T..
3. The physical operation of equipment by Cal Data to provide a parking place to one Denise Janz to run the Roadside Potatoe Head Restuarant in the R.O.W. earlier this month.
4. The operation of equipment by Cal Data to remove the toilets installed by the State of Alaska on private property. Mr. Data left, as of 9-24-99, the toilet holding tanks aprox. $\frac{1}{2}$ full of sewage, then backfilled the tanks with gravel. Mr. Data has now created a haz-mat situation on my property. When precipitation fills these cans and they over flow, it is going to create a larger problem. At this time I am requesting that these tanks be removed as we were previously told. That the holes be filled with gravel other than mine. I am also requesting that when this work is done that I am notified so as to be present to monitor all activity surrounding this operation. I do not want to become in violation of State laws concerning toilets, sewage, and bio-remediation. These requests will help explain some of the concerns at the present time.

I would also like to say thank-you for your willingness to help us with this situation. Thank-you very much!

Sincerely;

A handwritten signature in black ink, appearing to read "Stephen D. Syren". The signature is fluid and cursive, with the first name being the most prominent.

Stephen D. Syren

enclosures: 29 pictures with return envelope

cc: Mr. Randy Elliott, Mr. Russel Lewis Esq., Sen. Lyda Green, Sen. Scott Ogen