

Bennett, John F (DOT)

From: Bennett, John F (DOT)
Sent: Friday, December 09, 2011 9:32 AM
To: Sakalaskas, Jason (DOT); Shurr, Martin D (DOT)
Cc: Smith, Kevin L (DOT)
Subject: RE: ROW Nome Council Road

Jason, you are just the latest in a long line of project managers to face this recurring storm damage issue on the Nome Council road. You are correct that we do not have existing ROW plans between Mile 12 and 32 except for the Safety Sound set and they have problems that make them suspect. Typically the Nome Council road ROW is 200' wide 100' each side of centerline by Public Land Order according to its location as of statehood. But the ROW is subject to prior existing rights and the clusters of native allotments along safety sound spit are not necessarily subject to it. We have accusations in our file along this stretch of possible trespass on both native allotments and the wildlife refuge. We know for a fact that after several of the storms in the past that M&O has just cut a new road through the path of least resistance and without regard for any historical alignment such that parts of the existing road many not even be in the historical ROW. But we cannot know any of this without a mapping project that considers historical alignments (evaluation of historic aerial photography and mapping), relationship to current boundaries (allotments and other boundaries) and the existing road and survey control as we know it. Unfortunately, this becomes critical every time there is a storm, but there is never the time or funds to perform the work under an emergency repair scenario. And once the road is made passable again, it is no longer a critical issue so it gets dropped. I have attached several email from the past that discuss this with other project managers. The rule in past ER projects is that FHWA did not require we certify ROW as long as we stated that we would do no more than replace exactly what was there prior to the storm. I've attached one conditional certification that included areas where we knew what the ROW was and areas where we didn't. There was also a 4(f) issue that was raised by FHWA on the last ER project. If we don't know where the ROW is how will we know if we are in a 4(f) acquisition area where the road passes the wildlife refuge? That is another reason why we have no option but return the road to its pre storm location and template even if that is not the best engineering solution.

Marty & Kevin: Please file this away for the next 10 storms that occur after I retire. JohnB

John F. Bennett, PLS, SR/WA | Chief, Right of Way | Alaska Department of Transportation, Northern Region
2301 Peger Road; Fairbanks, AK 99709-5399 | 📞: 907.451.5423 | 📠: 907.451.5411 | ✉: johnf.bennett@alaska.gov

From: Sakalaskas, Jason (DOT)
Sent: Thursday, December 08, 2011 4:29 PM
To: Bennett, John F (DOT); Shurr, Martin D (DOT)
Subject: ROW Nome Council Road

Gentleman 2 – 3 weeks ago I requested a copy of the ROW plans for the reference roadway. I received a copy of multiple projects which included the following MP

- 1.) Solomon Wayside - approx MP 32
- 2.) Nome-Council Road – MP 4-15
- 3.) Nome-Council Road – MP 11–12
- 4.) Nome-Council Road – MP 32-42
- 5.) Nome-Council Road – approx MP 0.25-3.8
- 6.) Safety Sound Bridge Approaches – approx MP 22.2

Currently we have receive a lot of damage from the storm between MP 16.4 to MP 33.4. I have attached a list of work site just for your reference. Can you provide any further guidance for ROW limits within these mile posts. Is there a standard ROW based upon Centerline of the existing roadway or what is left of it.

I am working on putting together a project to repair these sections of roadway to a serviceable condition. These repairs are scheduled to be completed this spring and should last until there is a “permanent” repair project which will be designed by preconstruction.

Please give me a call if you have any questions as I would like to hear the history of this road associated to the ROW.
Thanks Jason