



11A4

Haines Borough Assembly Agenda Bill

Agenda Bill No.: 24-1361

Assembly Meeting Date: 02/27/24

Business Item Description:

Subject: Authorizing FEMA Appeal regarding
Porcupine Trail Road

Originator:
Administration

Originating Department:
Administration

Date Submitted:
2/22/24

Attachments:

1. Resolution 24-02-1099
2. Birch Horton Bittner & Cherot Proposal
3. Draft Appeal Letter with Attachments

Full Title/Motion:

Motion: Adopt Resolution 24-02-1099

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$	\$	\$	N/A

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:

Consistent: ☒ Yes ☐ No

Summary Statement:

On January 4, 2024 the Haines Borough received a Determination Memo from FEMA denying eligibility for the Porcupine Trail Road project and deobligating previously obligated (and expended) funds. The Haines Borough has 60 days from January 4, 2024 to provide an appeal to the Alaska Department of Military and Veterans Affairs (a necessary step prior to conveying the appeal to FEMA). At Assembly suggestion, the Manager has reached out to legal consultant for assistance.

Referral:

Referred to:

Referral Date:

Recommendation:

Meeting Date:

Assembly Action:

Meeting Date(s): 2/27/24

Public Hearing Date(s): 2/27/24

Postponed to Date:

A Resolution of the Haines Borough Assembly authorizing an appeal of the Department of Homeland Security's Federal Emergency Management Agency (FEMA) deobligation of funding in the amount of \$1,435,834.75 related to the permanent repair of Porcupine Trail Road and authorizing the Borough Manager to Contract with Birch Horton Bittner & Cherot for Consultation Services associated with review of appeal documents.

WHEREAS, In December 2020 the Haines Borough experienced a major winter weather event that resulted in flooding, debris flows, and landslides throughout the borough; and

WHEREAS, Porcupine Trail Road sustained extensive damage and required work to return it to its pre-disaster design, function, and capacity along with hazard mitigation improvements to the overall drainage issues related to the disaster damages; and

WHEREAS, on October 21, 2022, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) obligated the sum of \$1,398,659.75 for Phase 1 permanent repair work to Porcupine Trail Road; and

WHEREAS, in reliance thereon, the Haines Borough contracted with Glacier Construction, Inc. dba Southeast Road Builders to perform the repair work; and

WHEREAS, the Phase I permanent repair work was completed July 13, 2023; and

WHEREAS, on December 12, 2023, FEMA deobligated its funding for the Porcupine Trail Road project; and

WHEREAS, on January 4, 2024, the Haines Borough received a Determination Memo from FEMA denying eligibility for the Porcupine Trail Road project; and

WHEREAS, the Haines Borough has 60 days from January 4, 2024 to provide an appeal to the Alaska Department of Military and Veterans Affairs (a necessary step prior to conveying the appeal to FEMA); and

WHEREAS, the Haines Borough has engaged proHNS to assist them in the drafting of an appeal letter; and

WHEREAS, upon recommendation of the Haines Borough Assembly, the Borough Manager sought out consultants to advise the Haines Borough with respect to a potential appeal; and

WHEREAS, Birch Horton Bittner & Cherot has submitted a proposal to review the response to FEMA's January 4, 2024 determination denying eligibility and deobligation of funds for the project, and supplement the response with legal points on appeal,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes an appeal of the Department of Homeland Security's Federal Emergency Management Agency (FEMA) deobligation of funding in the amount of \$1,435,834.75 related to the permanent repair of Porcupine Trail Road and authorizing the Borough Manager to Contract with Birch Horton Bittner & Cherot for Consultation Services associated with review of appeal documents.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this 27th day of February, 2024.

Thomas C. Morphet, Mayor

Attest:

Alekka Fullerton, MMC, Borough Clerk

From: [Alekka Fullerton](#)
To: [Alekka Fullerton](#)
Subject: FW: FEMA Representation
Date: Tuesday, February 20, 2024 1:01:58 PM

From: Holly Wells <hwells@BHB.com>
Sent: Tuesday, February 13, 2024 2:53 PM
To: Annette Kreitzer
Cc: Jessica Spuhler
Subject: FEMA Representation

CAUTION: This email originated from outside of the Haines Borough. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

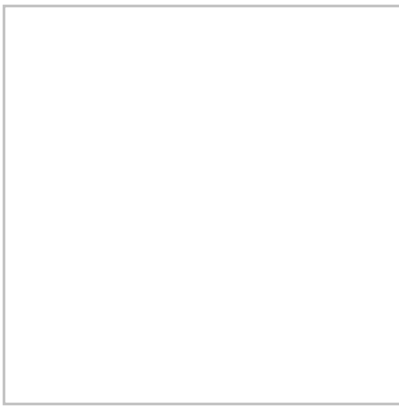
Annette,

I wanted to send a quick email with some of the estimates and rates we discussed this afternoon so you have it for easy access at tonight's meeting:

1. Given the time constraints and applicable procedure, we could provide a review of the response to FEMA's determination and supplement that response with legal points on appeal, ensuring that those arguments are flagged for FEMA and preserved for any level 2 appeal or arbitration. The estimated cost of this review is under \$5,000.
2. In the event that FEMA's position remains unchanged, the next step would be a preliminary assessment memo analyzing the strength and weaknesses of FEMA's determination and presentation of that assessment to the Assembly. That preliminary assessment may also include a discussion of alternative courses of action, including but not limited to an assessment of fault and liability of third parties. The estimated cost of that assessment is \$15,000-\$20,000. We draft the analysis in the preliminary assessment to allow the arguments within it to be incorporated into future briefing.
3. While our 2024 hourly rate is \$415 an hour, our special projects 2024 government rate is \$375 an hour, which would apply to Haines.

Hope this helps; Thank you!

Holly



Holly Wells

Partner

Birch Horton Bittner & Cherot

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AillyLaw

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March 04, 2024

Willie G. Nunn
Regional Administrator
FEMA Region 10
P.O. Box 10055
Hyattsville, MD 20782-8055

Re: Eligibility Determination Memorandum Appeal, PA ID 100-99100-00,
FEMA-4585-DR-AK, Project Worksheet (PW) 13 – Porcupine Trail Road

Dear Mr. Nunn,

This letter is in response to the eligibility determination memo (DM) dated December 21, 2023, and received via Grants Portal January 4, 2024. The Haines Borough (Applicant) presents this appeal to the Department of Homeland Security's Federal Emergency Management Agency (FEMA) in response to their deobligation of funding in the amount of \$1,435,834.75 for costs related to the permanent repair of Porcupine Trail Road. The Applicant seeks relief in the form of re-obligation of PW 13 – Porcupine Trail Road, including \$1,435,834.75 of previously obligated funding to PW 13.

The following claims of non-compliance appear to constitute FEMA's primary justification for the denial:

1. The work completed by the Applicant on Phase I exceeded the agreed upon scope of work (SOW), and the work was completed without prior approval by FEMA. This point refers to the alleged road widening.
2. The work completed by a third party, Constantine Mining, LLC, is considered a connected action and construction was completed without prior approval by FEMA. This point refers to alleged third party connected action work.
3. The work by the Applicant on Phase I and third party (connected action) work exceeded the agreed upon SOW for Porcupine Trail Road and was completed without prior approval by FEMA. This work resulted in an impact to historic and ongoing ancestral areas of interest, thus putting the Agency in a position of non-compliance with Section 106 of the National Historic Preservation Act (NHPA). This point refers to FEMA Environmental & Historic Preservation (EHP) alleging failure by the Applicant to allow FEMA the required opportunity to coordinate and consult with the affected Chilkat Indian Village as Executive Order 13175 mandates.

In the following analysis and supporting documentation, justification is provided in support of the Applicant's position and request for monetary relief. Though the three claims identified above are related and have areas of overlap, each will be addressed individually to help clearly identify the Applicant's position and appeal of FEMA's determination of ineligibility.

History of Porcupine Trail Road

Historic Use

The current Porcupine Trail Road exists within a historic district referred to by the Haines Borough as the Dalton Trail General Area. While the trail was named after an Upper Lynn Canal businessman named Jack Dalton, the Chilkat people forged and used the 246-mile route from Pyramid Harbor into Canada's Yukon Territory as a trade route for hundreds of years prior to Dalton's arrival. In the late 1800s, increased numbers of prospectors, explorers, and missionaries moved up the coast from Seattle, British Columbia and other areas, and the trail began to see heavier use.

When gold was discovered in the Klondike in 1896, Jack Dalton resolved to develop a toll trail to the gold fields and the eponymous Dalton Trail played a short but important role in the Klondike Gold Rush. The subsequent gold strike on Porcupine Creek in the summer of 1898 brought over 1,000 people into the local area during the next year, many coming over the Dalton.

Contemporary Use and Roadway Maintenance

In 1971, the Alaska Department of Transportation (AK DOT&PF) built the Klehini River Bridge, connecting the Haines Highway to the Dalton Trail Historic District. This link enabled expanded use of area, including building of roads, construction of private homes, small-scale logging operations, resource exploration, and increased access to hunting, fishing, foraging, trapping, and recreational activities.

In June 2000, the Haines Borough via Resolution #494 accepted ownership and maintenance responsibility of Klehini Crossing, Porcupine Trail Road, and Chilkat Lake Road in exchange for AK DOT&PF making improvements to Chilkat Lake Road. The transfer became officially effective on May 25, 2005, with the deed noting that "upon acceptance of this right of way interest by the Haines Borough, the State shall cease maintenance and operation of the Porcupine Road and Chilkat Lake Road, and the Haines Borough shall be responsible for the maintenance and operation of above described roads."²¹

Haines Borough Code 7.08.050 established the Historic Dalton Trail Road Maintenance Service Area (RMSA), which includes Porcupine Trail Road.²² The Haines Borough features several RMSAs, which are defined areas outside of the Townsite where Users, i.e. third-party individuals or organizations, contribute to routine maintenance and sometimes temporary or emergency repairs of facilities within the RMSA.

The Haines Borough has been performing maintenance on the Porcupine Trail Road corridor since 2005, but budgetary constraints have historically limited the frequency and types of maintenance that occur. Most often, the Haines Borough's maintenance consists of temporary or emergency repairs and annual grading (or blading) of the roadway's gravel surface. Between 2018 and 2022, the Borough spent \$77,339 maintaining Porcupine Road.¹⁸

With these budgetary constraints in mind, the Historic Dalton Trail Road RMSA and Haines Borough Code 12.08.170 have allowed Porcupine Trail Road Users to assist with and at times lead maintenance and repair efforts along the corridor.²² While monetary and in-kind contributions by Users are not explicitly tracked, these contributions have been repeatedly acknowledged by the Borough. In its March 9, 2019, meeting minutes, the Historic Dalton Trail RMSA Board noted, “On behalf of the many users of the Porcupine Road, we want to thank the Borough for the support in addressing the road washout that occurred last year. The Borough assisted in the permitting and use of equipment. We also want to recognize the many industry contributors to those repairs and for the annual maintenance they help to pay for. Both Constantine and Raw TV paid \$5-10K apiece (some of that was in-kind with fuel and labor) and the Stump Company on many occasions used their equipment to move brush and clear ditches.”¹⁹ Well before the December 2020 Storm Event, the Borough had set the code-permitted precedent of accepting maintenance and repair assistance from Users to mitigate the logistical and budgetary challenges of managing such a large, rural facility.

While all parties (the Borough and Porcupine Trail Road Users) have done their best over the years to keep up with routine maintenance, the road is plagued by vegetation encroachment, filling in of ditches with debris and vegetation, erosion, and potholing that one would expect of a remote gravel roadway within an Alaska temperate rainforest (see Figure 1 below).



Figure 1: A typical location of vegetation encroachment on roadway shoulders and in ditches on Porcupine Trail Road, taken 6/7/2023 prior to Applicant’s Phase 1 work. Source – Garret Gladsjo, proHNS.

FEMA Claim 1: Alleged Road Widening

FEMA claims the Applicant's work exceeded the agreed upon scope by widening the roadway beyond the approved 22-foot width without first obtaining a change in SOW approval from FEMA. FEMA EHP used measurements obtained during an 8/31/2023 site visit to calculate average road widths, then used the difference between these averages and 22-foot-width in question to calculate and claim there was an additional 2.28 acres of ground disturbing activities outside of the developed road right-of-way.

Timeline of Applicable Events¹:

11/30/2020- 12/2/2020	December 2020 Storm Event
12/2/2020	Haines Borough Disaster Declaration
12/5/2020	State of Alaska Disaster Declaration
1/14/2021	Haines Borough submits Category C Preliminary Damage Assessment Estimate to State of Alaska for Porcupine Trail Road describing "Washout of roadway causing severe roadway damage." Damage location noted as LAT 59.41276 and LONG - 135.007487.
2/17/2021	Federal disaster declaration.
8/26/2021	FEMA performs initial site inspection for Porcupine Trail Road with Applicant and State of Alaska Representatives. During the inspection, FEMA performs all measurements for developing the Damage Description and Dimensions (DDD) captured in the Site Inspection Report (SIR).
7/14/2022	Applicant and State of Alaska DMVA (Recipient) submit SOW Change Request for Porcupine Trail Road.
7/20/2022	Consolidated Resource Center (CRC) and EHP comment on the SOW Change Request, stating Phase I work will "reestablish ditches and repair the surface of the roadway in the existing footprint."
7/21/2022	FEMA requests clarification on limits of work for SOW Change Request that includes limits shown from back of existing ditch to back of existing ditch.
8/5/2022	FEMA sends letter to AK SHPO describing Area of Potential Effects (APE) as "...approximately 7.5 miles long by 50 to 100-foot-wide area that encompasses all of the segments for road, ditch, and embankment repair as well as the staging of equipment (Figure 2)."
10/21/2022	FEMA obligates \$1,398,659.75 for Phase I permanent repair work.
6/14/2023	Phase I permanent repair work begins.
7/13/2023	Phase I permanent repair work complete.
7/20/2023	The Applicant pays the Contractor in full for Phase I permanent repair work.

7/24/2023 FEMA receives email from Takshanuk Watershed Council (TWC) expressing concerns about Phase I work.

8/31/2023 FEMA EHP performs follow-up site inspection for Porcupine Trail Road.

9/20/2023 FEMA EHP submits Request for Information (RFI) for Porcupine Trail Road.

10/10/2023 Applicant provides response to EHP RFI.

10/30/2023 FEMA informs the Applicant that the project funding will be deobligated.

12/12/2023 Porcupine Trail Road funding is deobligated.

1/4/2024 Applicant receives DM denying eligibility.

1/9/2024 FEMA provides Applicant with copies of correspondence with Alaska State Historic Preservation Officer from 8/5/2022 and 8/9/2022.

2/6/2024 FEMA provides clarification via email regarding their method of calculation for alleged 2.28 acres of additional ground disturbance by the Applicant.

Applicant's Position:

All Phase I permanent repair work completed by the Applicant was within the agreed upon SOW approved by FEMA, including alleged ground disturbances associated with roadway shoulders and adjacent ditch reconditioning.

The DM repeatedly references a road width of 22 feet, a measurement taken during the initial FEMA site visit and subsequently documented in the original site inspection report (SIR)². EHP uses this 22-foot measurement as the basis for its Phase I SOW increase/road widening claim, including as a constant factor when calculating 2.28 of additional ground disturbance. Contrary to FEMA's assertions, the 22-foot-wide roadway surface width included on Plan Sheet C02 – Typical Section³, which FEMA approved as part of a SOW Change Request in August 2022, only represents one part of the approved SOW for Porcupine Trail Road Phase I.

The single 22-foot measurement taken during the original SIR was for one location along a 7.5-mile road and is not an accurate or representative measurement that can be applied consistently to the entire road length, nor did this measurement capture the width of existing roadway shoulders and ditches. The 22-foot dimension was a "typical" measurement representing an average width of the existing roadway surface (excluding adjoining roadway shoulders and ditches) for scope and cost estimating purposes as described in the SIR.

Justification:

The 22-foot-wide measurement is a broad generalization of the SOW and is unrepresentative of the actual pre-existing site conditions. A gravel road is by nature unconfined, resulting in variable widths as determined by site constraints. Maintenance blading/grading of the roadway surface over the years had created berms along the roadway shoulders preventing drainage of surface storm water from leaving the roadway or entering adjoining ditches (see Figure 2 below), which Phase I work repaired through reconditioning of roadway shoulders and ditches. Existing roadway shoulders and adjoining ditches damaged by the December 2020 Storm Event were documented by FEMA during the August 26, 2021, site inspection (see Figures 3 and 4 below).

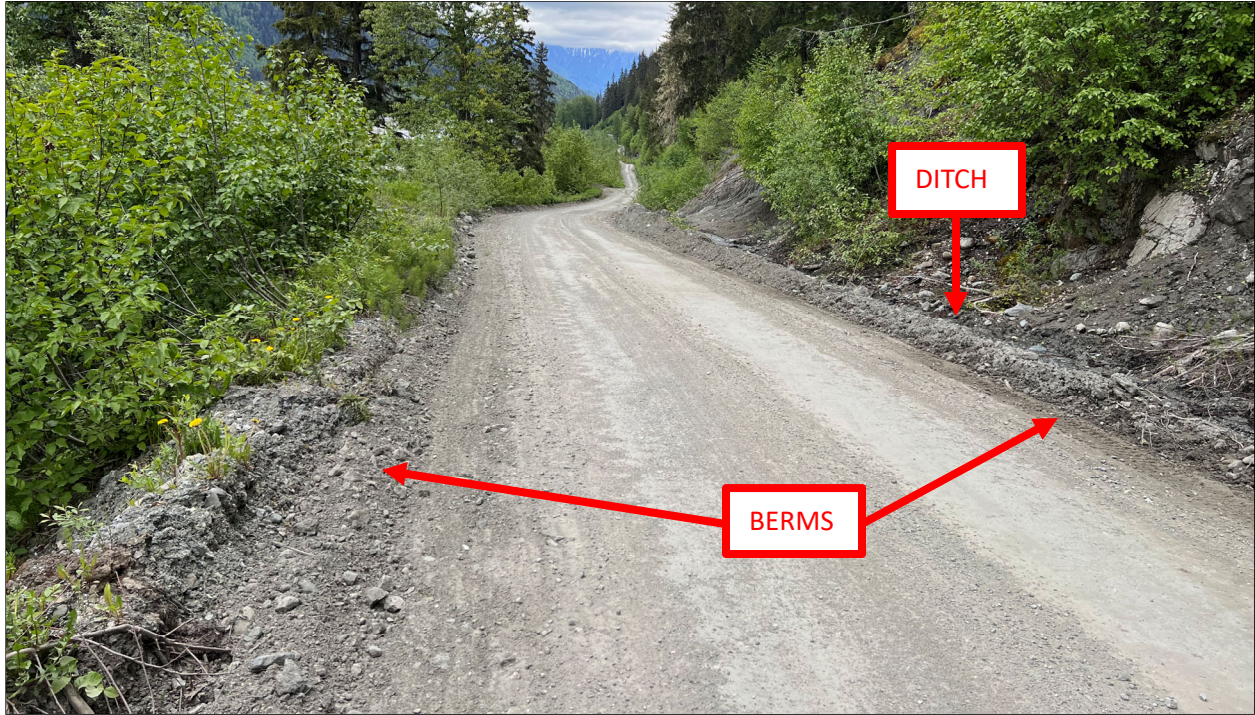


Figure 2: A typical location on Porcupine Trail Road showing vegetation encroachment on roadway shoulders and existing berms (the result of blading/grading maintenance) preventing drainage of storm water off roadway and/or to adjoining ditches, taken 6/7/2023 prior to Applicant's Phase 1 work. Source – Garret Gladsjo, proHNS.



Site 2 GPS: 59.412354, -136.029592: Ditches, 7,626.6667 CY of native material drainage canals, 34,320 FT long x 3 FT wide x 2 FT deep, high volume and high velocity surface water flooding scoured and washed out ditches.

Figure 3: A location on Porcupine Trail Road showing existing roadway shoulder and adjoining ditch impacted by debris. Source – 8/26/2021 FEMA SIR Photo Page for Porcupine Trail Road.



Site 2 GPS: 59.412354, -136.029592: Ditches, 7,626.6667 CY of native material drainage canals, 34,320 FT long x 3 FT wide x 2 FT deep, high volume and high velocity surface water flooding scoured and washed out ditches.

Figure 4: A location on Porcupine Trail Road showing adjoining roadway ditch filled with debris. Source – 8/26/2021 FEMA SIR Photo Page for Porcupine Trail Road.

The 22-foot measurement does not represent the entire agreed upon SOW as identified in the FEMA SIR², Applicant SOW documents³, and other project documentation. The 22-foot measurement taken during the original SIR only captured the road surface and did not incorporate the width of the shoulder or ditches. Several federal roadway standards^{4,5} – including the FEMA Public Assistance Program and Policy Guide⁶ – draw a clear distinction between the width of the road surface, the width of the shoulder, and the width of the ditch; they are finite features (see Figure 5 below). This distinction is critical, because the measurements taken during the follow-up FEMA site visit and subsequently documented in the SIR⁷ attached to the DM show road surface measurements at *less than* 22 feet. The road could therefore only be interpreted as widened when the shoulder width is added to the road surface width.

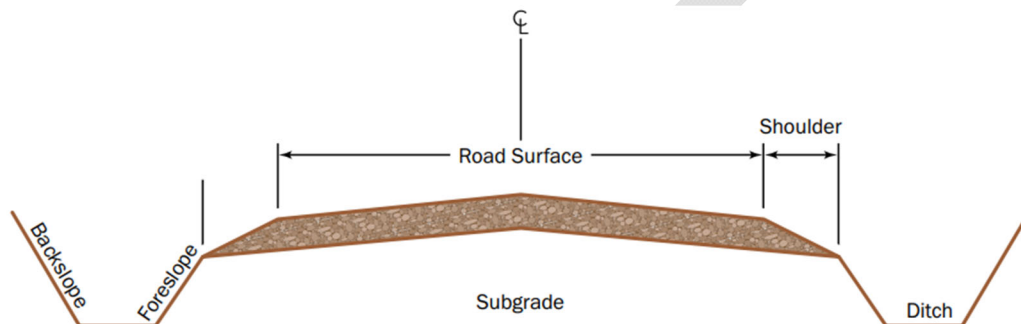


Figure 5: Source - FEMA Hurricane and Flood Mitigation Handbook for Public Facilities - Fact Sheet 1.1: Road and Highway Surfaces

Additional justification for the Applicant's position can be found in the July 14, 2022, SOW Change Request correspondence between the Recipient and FEMA⁸ where the Applicant clearly identified that the limits of work, as shown on the design drawings, included the 22-foot-wide road surfacing, variable width shoulder, and variable width ditches. It was also noted on the FEMA-approved plans that the existing road width varies³. The SOW for Phase I was further clarified between the stakeholders via email correspondence between FEMA, the Applicant, and the Recipient on July 21, 2022⁸.

The August 5, 2022, correspondence from FEMA to the Alaska State Historic Preservation Officer states, "FEMA has determined that the Area of Potential Effects (APE) is one approximately 7.5 mile long by 50 to 100-foot-wide area that encompasses all of the segments for road, ditch, and embankment repair as well as the staging of equipment (Figure 2)." This description of the APE implies FEMA representatives understood the SOW of Porcupine Trail Road included repairs beyond the 22-foot-wide measurement for Phase I repairs.

The Applicant also provided FEMA with documented correspondence between the Contractor and the Applicant⁹ during bidding, where clarification was requested regarding the limits of work. The Applicant clearly outlines that the intent of the project is not to widen the road: "Our intent is for the reconditioned road surface to match the existing road surface up to 22 feet wide. Where the existing road surface is less than 22 feet wide, we do not intend to widen the [road] but recondition to match the narrower road."

FEMA has alleged the Applicant performed work on Phase I outside the approved SOW that resulted in an additional 2.28 acres of ground disturbance, for which they provided additional clarification and backup calculations on 2/6/2024¹⁴. However, it is evident from FEMA's

correspondence and backup calculations that the 2.28 acres of alleged ground disturbance does not take into account the August 2022 approved SOW for roadway shoulders and ditch reconditioning. FEMA's calculations also do not represent a comparison of the pre- and post-repair project limits to determine an amount of ground disturbance, which would be a truer representation of the work performed, rather than calculations using average measurements.

The Applicant's SOW documents approved by FEMA in August 2022 for Phase I included Plan Sheet C02 Typical Section³ and Item 303.0002.0002 Reconditioning, Ditches with a total bid quantity of 343 stations (or 34,300 feet, approximately 6.5 miles)⁸. The approved SOW included incidental clearing and grubbing activities (i.e., ground disturbance) that were associated with ditch reconditioning work under Item 303.0002.0002. This is made clear by Note 4 on Plan Sheet C02, which states, "Recondition existing ditches in accordance with Section 303 Reconditioning. Place ditch spoils, not to exceed 2' in height back of ditch. Ditch clearing and grubbing is incidental to this work. Payment for this work shall be 303.0002.0002 Reconditioning, Station."

FEMA's calculation of 2.28 acres of additional ground disturbance does not take into account the total area of ditch reconditioning under Item 303.0002.0002 that was included in the August 2022 approved SOW. As can be seen in Figure 6 below and on Plan Sheet C02 Typical Section, typical slopes, widths, and variable depths for ditch reconditioning/reconstruction were included in the approved SOW. At 1-foot deep, the total width of ditch reconditioning from the edge of the roadway shoulder would be 4-foot-wide, and at 3-feet deep the total width of ditch reconditioning would be 10-foot-wide.

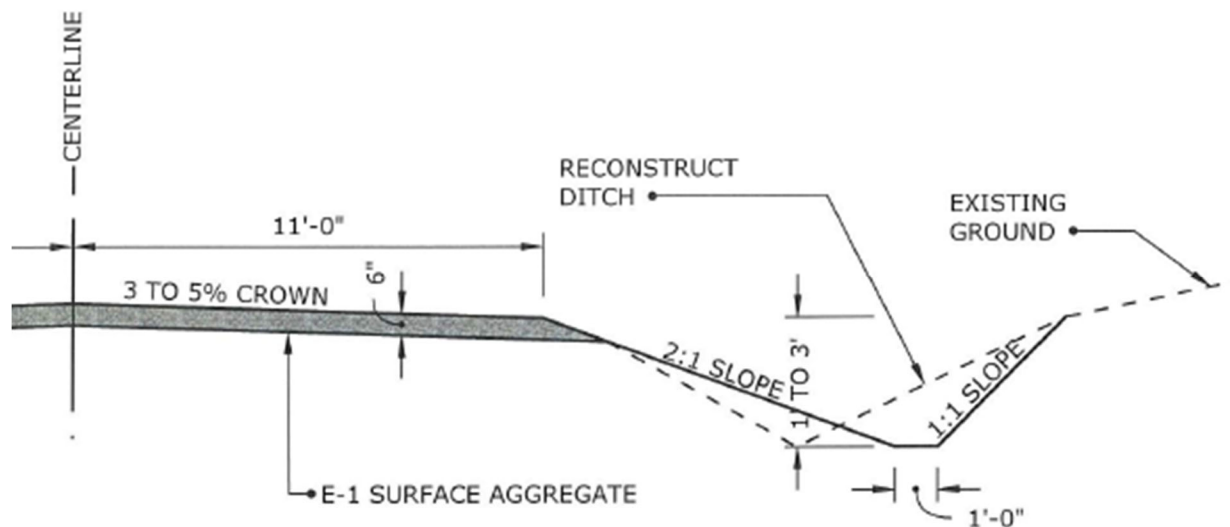


Figure 6: Source - Plan Sheet C02 Typical Section for Haines Borough Porcupine Trail Road, Phase I project.

How much ground disturbance, and possible clearing and grubbing, can therefore be associated with Item 303.0002.0002 Reconditioning, Ditches considering a total project length of 343 stations (34,300 feet)?

- i. At 4-foot-wide: $4\text{ft} \times 34,300\text{ft} / 43,560\text{sf/acre} = 3.15$ acres
- ii. At 10-foot-wide: $10\text{ft} \times 34,300\text{ft} / 43,560\text{sf/acre} = 7.87$ acres

Based on the August 2022 FEMA approved SOW for Porcupine Trail Road Phase I, the total area of ditch reconditioning work adjacent to the roadway surface and shoulders (and outside the 22-foot-wide typical roadway surface width) is between 3.15 and 7.87 acres, both greater than the 2.28 acres claimed by FEMA to represent additional ground disturbance outside of the developed road right-of-way.

Conclusion:

FEMA's claim in the DM that "*the average width of the road (including the shoulders...) significantly increased the area of ground disturbance... beyond the FEMA approved scope of work*" relies on a broad generalization of the SOW and makes an unsubstantiated assumption that the road surface includes the shoulders. This assumption not only defies industry standards of measurement, but it also goes against the definitions and distinctions put forth in FEMA's own policy guides. The 22-foot-wide measurement represented the width of roadway surfacing material for the Phase I project and does not include the width of adjacent roadway shoulders and ditch reconditioning, work detailed on Plan Sheet C02.

Arguments made in support of project deobligation are contrary to FEMA's August 2022 review and approval of the July 14, 2022, SOW Change Request and August 5, 2022, correspondence with the Alaska State Historic Preservation Officer. The Applicant's SOW documents provided to FEMA to support the approval of Phase I, including follow up clarifications from the Applicant to FEMA, clearly indicate the proposed work for Phase I was not limited to a single 22-foot-wide measurement.

The Phase I work completed did not require placement of any structural fill or widening of road base material and was limited to the repair of the existing roadway and adjoining ditches within the Porcupine Trail Road developed right-of-way. The above analysis and provided documentation not only demonstrate the Applicant obtained a FEMA-approved SOW Change Request for Phase I that included work beyond the 22-foot-wide measurement, but that the Applicant understood and enforced construction of the FEMA-approved SOW consistent with federal guidelines.

FEMA Claim 2: Alleged Connected Action Work

FEMA claims the Applicant allowed third party work to be performed on Porcupine Trail Road without prior FEMA review and approval, and that this work qualifies as a connected action.

Timeline of Applicable Events¹:

11/30/2020- 12/2/2020	December 2020 Storm Event
12/2/2020	Haines Borough Disaster Declaration
12/5/2020	State of Alaska Disaster Declaration
1/14/2021	Haines Borough submits Category C Preliminary Damage Assessment Estimate to State of Alaska for Porcupine Trail Road describing "Washout of roadway causing severe roadway damage." Damage location noted as LAT 59.41276 and LONG - 135.007487.

2/17/2021 Federal disaster declaration.

5/31/2023 - Third-party, Constantine Mining, LLC, temporary emergency repair work.
6/13/2023

6/14/2023 Phase I permanent repair work begins.

7/13/2023 Phase I permanent repair work complete.

8/31/2023 FEMA performs follow up site inspection for Porcupine Trail Road.

9/20/2023 FEMA EHP submits RFI for Porcupine Trail Road.

10/10/2023 Applicant provides response to EHP RFI.

12/12/2023 Porcupine Trail Road funding is deobligated.

1/4/2024 Applicant receives DM denying eligibility.

Applicant's Position:

Alleged connected action work, between May 31 and June 13, 2023, did not occur as part of the FEMA-approved SOW for Phase I and was not integral to the completion of Phase I work. Though authorized by the Applicant, third party work was independently planned, constructed, and funded. A complete SOW for third party work, including documentation supporting a clear distinction between third party work and Applicant's FEMA-funded Phase I work, was provided in the Applicant's 10/10/2023 response to the 9/20/2023 FEMA EHP RFI¹³.

As outlined in the Contemporary Use and Maintenance section on Page 2, temporary emergency repair work by Historic Dalton Trail RMSA users was a periodic occurrence on Porcupine Trail Road since well before the December 2020 Storm Event.¹⁹ Users, including Constantine Metal Resources, Raw TV, the Stump Company, and others have historically used their own funds, equipment, and labor to ensure normal access, setting a precedent for User temporary emergency repair work. The alleged third party connected action work in question was in response to a separate 2022 flood event, not the December 2020 Storm Event, and was authorized by the Applicant under Haines Borough Code as has been historically done.

The alleged connected action (temporary emergency repair work completed by the third party on Porcupine Trail Road) does not meet the requirements of a connected action and therefore did not require FEMA review and approval.

Justification:

The third-party temporary emergency repair work performed was contained within the existing road corridor. No excavation was performed as part of this work and the only earth disturbing activity involved the placement of roadway material directly on the existing road surface. A small quantity of riprap was placed by the third-party work to protect roadway material from erosion during floods, but riprap was placed above ordinary high water and in the uplands above the Klehini River channel.

The third-party temporary emergency repair work was performed to ensure the road remained passable following 2022 Klehini River flood and erosion events. In an April 6, 2023, email from Constantine representative Liz Cornejo to the Haines Borough, Ms. Cornejo underscored that the

third-party emergency repairs would be “a temporary fix and in-kind contribution from Constantine to support effective use of the road until funding for a more permanent fix is available.”²⁰ In addition to keeping the road open, the emergency repairs also had the secondary benefit of protecting the Herman Creek salmon spawning beds, a high-value salmon resource, from flooding and erosion by the Klehini River.

The third-party temporary emergency repair work was not in response to damages that occurred as a result of the December 2020 Storm Event, nor was it associated with the Applicant’s proposed SOW for permanent repairs to Porcupine Trail Road. Per Ms. Cornejo’s email, the work was necessary to address damage from multiple flooding events in 2022: “The purpose of the road fill is to stabilize the existing roadbed and raise the driving surface above river water flood levels experienced multiple times in 2022.”²⁰

The DM asserts that the third-party work was connected to the FEMA approved SOW and references the applicable federal code regarding connected actions. However, the DM fails to describe or substantiate how the third-party work rises to the level of a connected action as outlined under federal code¹⁰.

In federal code, an activity is defined as a connected action if it meets the following requirements:

- i. Automatically trigger other actions.
- ii. Cannot or will not proceed unless other actions are taken previously or simultaneously.
- iii. Are interdependent parts of a larger action and depend on the larger action for their justification.

In FEMA’s DM, the Subject Action (the work in contention) is broadly identified as road repairs paid for and performed by a third party. No other scope, activity, or detail is offered to characterize the Subject Action, though we believe FEMA is referring to temporary emergency repair work that consisted of placement and grading of roadway material, constructed and paid for by a third party. For the following reasons (corresponding to the requirements above), the Subject Action does not amount to a connected action:

- i. No FEMA approved SOW or actions were triggered by the Subject Action.
 - a. The Phase I SOW was planned, designed, reviewed, and obligated without input from the Subject Action and was triggered specifically by the 2020 flood event.
- ii. The Subject Action proceeded independently of the FEMA approved SOW or action. The FEMA approved SOW or action was not taken previously or simultaneously.
 - a. The Phase I SOW did not affect the Subject Action’s ability to proceed. The Phase I SOW was completed after the Subject Action.
- iii. The Subject Action is a part of a larger action, but it does not depend on the larger action for its justification.
 - a. The Subject Action is located along the same road corridor as the FEMA action performed on Porcupine Trail Road for Phase I SOW but does not depend on the

FEMA actions for justification. The Subject action maintains independent justification hence the third-party work and independent funding.

Conclusion:

The requirements necessary for identifying an action as a connected action are clearly and specifically defined in federal code. FEMA's claim in the DM that "*road sections worked on by the third party that were authorized by the applicant are connected actions and must be considered and reviewed by FEMA EHP prior to construction*" fails to identify any specific way that the Subject Action met these federal code requirements to elevate it to the level of connected action.

Though an action may appear connected due to factors such as physical proximity or scope of work, these alone do not meet the requirements of federal code. The above analysis shows that the work performed by the third party does not meet the requirements of a connected action under federal code. Therefore, review and approval by FEMA was not required for this work.

FEMA Claim 3: Section 106 Non-Compliance Result of Applicant Missteps

FEMA claims both the work completed by the Applicant on Phase I and work completed by a third party (alleged connected action) exceeded the agreed upon SOW for Porcupine Trail Road and was completed without prior approval by FEMA. This work resulted in an impact to historic and ongoing ancestral areas of interest, thus putting the Agency in a position of non-compliance with Section 106 of the National Historic Preservation Act (NHPA). FEMA Environmental & Historic Preservation (EHP) alleges this non-compliance occurred as the result of the Applicant's failure to allow FEMA the required opportunity to coordinate and consult with the affected Chilkat Indian Village as Executive Order (EO) 13175 mandates.

Timeline of Applicable Events:

11/30/2020- 12/2/2020	December 2020 Storm Event
12/2/2020	Haines Borough Disaster Declaration
12/5/2020	State of Alaska Disaster Declaration
1/14/2021	Haines Borough submits Category C Preliminary Damage Assessment Estimate to State of Alaska for Porcupine Trail Road describing "Washout of roadway causing severe roadway damage." Damage location noted as LAT 59.41276 and LONG - 135.007487.
2/17/2021	Federal disaster declaration.
7/5/2021	Temporary Emergency Bypass Road installed as Cat B work.
8/26/2021	FEMA performs initial site inspection for Porcupine Trail Road with Applicant and State of Alaska Representatives. During the inspection, FEMA takes all measurements for developing the Damage Description and Dimensions (DDD) captured in the Site Inspection Report (SIR).

11/16/2021 Applicant provides memo on Haines Borough regular maintenance activities.

1/11/2022 Applicant confirms with FEMA the creation of the new temporary access road adjacent to Site 9 as part of Cat B work.

5/18/2022 Original EHP Record of Environmental Consideration (REC) completed for Cat B work, including Porcupine Trail Road.

7/14/2022 Applicant and Recipient submit SOW Change Request to separate Porcupine Trail Road into three phases. Email chain shows archaeological site along Porcupine Trail Road is likely mapped in the wrong location.

8/5/2022 FEMA sends letter to AK SHPO with determination of “No Adverse Effects to Historic Properties.”

8/9/2022 AK SHPO provides concurrence with FEMA finding “no historic properties adversely affected.”

8/19/2022 Updated EHP REC to add Version 2 for Phase I SOW.

1/20/2023 Applicant and Recipient submit SOW Change Request to increase funding to include Phases II and III construction.

5/31/2023 - 6/13/2023 Third-party, Constantine Mining, LLC, temporary emergency repair work.

6/14/2023 Phase I reconditioning begins.

7/13/2023 Phase I reconditioning complete.

8/31/2023 FEMA performs follow up site inspection for Porcupine Trail Road.

9/20/2023 FEMA EHP submits RFI for Porcupine Trail Road.

10/10/2023 Applicant provides response to EHP RFI, including SOW documents for third party work.

12/12/2023 Porcupine Trail Road funding is deobligated.

1/4/2024 Applicant receives DM denying eligibility.

1/9/2024 Following Applicant request, FEMA provides copies of correspondence with Alaska State Historic Preservation Officer from 8/05/2022 and 8/09/2022.

1/25/2024 Following Applicant request, FEMA provides summary of correspondence with Chilkat Indian Village that occurred on 9/16/2023, 10/30/2023, and 10/31/2023.

Applicant’s Position:

The Applicant does not deny that the FEMA-approved SOW for Phase I of Porcupine Trail Road, which was constructed from June 14 to July 13, 2023, impacted a traditional soapberry gathering area of cultural significance to the Chilkat Indian Village. Unfortunately, neither the Applicant nor FEMA were aware of the presence of the traditional soapberry gathering area adjacent to the

Porcupine Road shoulder, and within the Phase I approved SOW limits, until notified of the impact by the Chilkat Indian Village.

However, as stated in the Applicant's response to FEMA Claim 1, the work performed on Phase I was within the FEMA-approved SOW for Phase I and did not require a SOW Change Request. Additionally, the July 2022 SOW Change Request⁸ submitted by the Applicant for FEMA EHP review and approval provided sufficient information to pursue the required opportunity to coordinate and consult with the Chilkat Indian Village as Executive Order 13175 mandates.

The Applicant acknowledges that SOW documents for third-party temporary emergency repairs were not submitted to FEMA until after completion of the work in June 2023. However, and as shown in our response to FEMA Claim 2, submission of the SOW documents for third-party work was not required as the action does not meet the requirements under federal code to be considered a connected action. Additionally, the work completed by the third party, Constantine Mining, LLC, on Porcupine Trail Road consisted of temporary emergency repairs within the developed footprint of the existing roadway and shoulders. The third-party work did not impact the traditional soapberry gathering area within the limits of Phase I.

Justification:

The SOW of the third-party temporary emergency repair work performed was contained within the existing road corridor. The work was performed independently from FEMA-funded Phase I work under a separate agreement between private parties. No excavation was performed as part of this work and the only earth disturbing activity was the placement of roadway material directly on the existing road surface. A small quantity of riprap was placed by the third-party work to protect roadway material from erosion during floods, but riprap was placed above ordinary high water and in the uplands above the Klehini River. The work did not impact the traditional soapberry gathering area.

As stated in the Applicant's response to FEMA Claim 1, the work performed on Phase I was within the August 2022 FEMA-approved SOW Change Request⁸ submitted by the Applicant. FEMA EHP prepared a Record of Environmental Consideration (REC) on 8/22/2022 for the Phase I SOW Change Request¹⁵. Under the National Historic Preservation Act (NHPA) section of the REC, the last comments entered by FEMA state, "Reworked to Phase project into road and surface repair (1) and embankment repair (2). There is an Archaeological site within the APE according to AHRS. Consultation with the AK SHPO initiated on 8/5/2022 and a No Adverse Effect determination was made (Attached). SHPO concurred on 8/10/2022 (Attached). - pfisher1 -08/22/2022 13:33:43 GMT."

While the Applicant was able to view the REC when it was posted on 8/22/2022, the attachments referenced in the quoted comment above were not provided to the Applicant until requested on 1/9/2024. The content of the correspondence between FEMA Regional Environmental Officer Science Kilner on 8/5/2022¹¹ and Alaska State Historic Preservation Officer (SHPO) Judith Bittner on 8/9/2022¹² is of importance for several reasons. Firstly, the 8/5/2022 correspondence clearly identifies the Area of Potential Effects (APE) as "one approximately 7.5 mile long by 50 to 100-foot-wide area that encompasses all segments for road, ditch, and embankment repair as well as the staging of equipment"¹¹. APE maps are included with the 8/5/2022 correspondence, and along with the description, clearly include the Porcupine Trail Road work limits.

Secondly, the 8/9/2022 correspondence from SHPO Judith Bittner to FEMA¹² concurs with Science Kilner's determination that "the Undertaking will result in No Adverse Effect to Historic properties." Of note, Bittner's correspondence states, "As stipulated in 36 CFR 800.3, other consulting parties such as the local government and Tribes are required to be notified of the undertaking." On 1/23/2024, Applicant representatives requested copies of correspondence between FEMA and local Tribes regarding the Porcupine Trail Road project, a summary of which was provided by FEMA via email¹⁶.

The FEMA email summarizes a request from the Chilkat Indian Village on 9/16/2023 for Government-to-Government consultation in accordance with EO 13175 regarding the Porcupine Trail Road Phase I project. It is unclear if FEMA notified (as required by 36 CFR 800.3) or corresponded with the Chilkat Indian Village regarding PW 13 Porcupine Trail Road prior to September 16, 2023, but based on the context of the September 16 email and following exchanges summarized by FEMA, it appears this was the first correspondence between the parties.

The Grants Portal Damage Details for PW 13 Porcupine Trail Road clearly state "No" in response to the Category C question of whether THPO or Tribal Consultation is required for the project¹⁷. This information provided to the Applicant by FEMA appears to have been in error, as evidenced by the 8/9/2022 SHPO correspondence that indicates notification to local Tribes was required.

Conclusion:

The Applicant does not deny that the FEMA-approved SOW for Phase I of Porcupine Trail Road, which was constructed from June 14 to July 13, 2023, impacted a traditional soapberry gathering area of cultural significance to the Chilkat Indian Village. Had Tribal Consultation occurred prior to the Phase I work, it is likely the Chilkat Indian Village would have identified this site of cultural significance and reported it to FEMA EHP, and the Applicant could have revised the Phase I SOW to negate the impact that ultimately occurred.

The Applicant's SOW Change Request for Phase I, submitted in July 2022 and approved by FEMA in August 2022, clearly included work beyond the 22-foot-wide measurement for ditch reconditioning. This work was clarified to FEMA and included in the APE for the project and Section 106 compliance. Though the SOW for third-party temporary emergency repair work was not submitted to FEMA and the Applicant does not consider it a connected action under federal code, the work itself did not negatively impact areas of cultural or historical impact.

As shown herein, allegations that Section 106 non-compliance occurred as the result of the Applicant's failure to allow FEMA the required opportunity to coordinate and consult with the Chilkat Indian Village are inaccurate. The Applicant was not privy to FEMA's correspondence with SHPO, and FEMA's correspondence with the Chilkat Indian Village, until January 2024. FEMA had ample opportunity, between August 2022 and the commencement of Phase I work in June 2023, to consult with the Chilkat Indian Village regarding PW 13 Porcupine Trail Road.

Summary Conclusion

To summarize this appeal, we do not believe the DM provides sufficient justification or support for the denial of eligibility for PW 13 Porcupine Trail Road. The DM references applicable statutes, regulations, and policies, but does not fully explain or provide examples of how the project is not in compliance with these statutes, regulations, or policies. For example, regarding the alleged connected action third-party work, FEMA cites applicable federal code in the DM but fails to specify how any project action or work violated that code. The DM states, “*Work completed was found to not meet provisions of National Environmental Policy Act (NEPA Categorical Exclusions (CATEXs)), as defined in 40 C.F.R. § 1508.4.* As a result, FEMA has determined that the project is ineligible for reimbursement,” but no further rationale is given.

The DM also states the Applicant has not provided sufficient documentation to support that the damages to Porcupine Trail Road occurred as a result of FEMA-4585-DR-AK and mentions a lack of clarity among stakeholders over the cause and timing of damages. These comments are surprising, considering damages on Porcupine Trail Road were identified by the Applicant and submitted more than three years ago, first on 1/14/2021¹. Since then, there have been multiple reviews of PW 13 Porcupine Trail Road by FEMA CRC and EHP personnel, as well as site visits by FEMA. Damage Description and Dimensions (DDD) for the sites on Porcupine Trail Road impacted by the December 2020 Storm Event were clearly captured in the August 26, 2021, Site Inspection Report (SIR). The June-July 2021 Porcupine Trail Road flooding required temporary emergency protective measures and repairs under PW 43 – the DM concurs this work is not an issue. PW 13 Porcupine Trail Road has been reviewed and approved, with funding obligated to project components, on multiple occasions by FEMA (including PW 43 on Porcupine Trail Road) which indicates a confirmation of project eligibility. The Applicant is clear on the cause and timing of damages but is unclear as to the additional information FEMA is seeking.

We had hoped our response to EHP’s RFI on Oct. 10, 2023¹³, would be the first step in opening a dialogue between the Applicant and FEMA where both parties could provide clarification, exchange information, and work toward a resolution. Based on prior correspondence between and meetings with the Recipient and FEMA, the Applicant was under the impression FEMA EHP would be performing a re-evaluation of the SOW for Phase I, II, III, and third-party work as a whole. When we subsequently received notification of funding deobligation on Dec. 12, 2023, we were confused and disappointed by the abrupt decision.

Since a significant amount of work has already been completed and paid for in full by the Applicant for Porcupine Trail Road, deobligation has placed a more than \$1.4 million unforeseen financial burden on the budget of a small, local government with limited avenues for revenue generation. If a resolution cannot be reached, and funding re-obligated to the project in a timely manner, the Applicant is faced with an unforeseen financial burden that will significantly reduce local funding for capital projects, community services, and programs which support the daily needs of Haines residents.

Thank you for taking the time to consider the merits of our appeal. We hope that you take this opportunity to thoroughly review the information we have submitted and provide an eligibility determination that is fact-based, substantiated, and reflective of FEMA’s core values. We have been through a federally declared disaster and have been operating in good faith throughout the public assistance process, and respectfully request that FEMA reconsider its eligibility denial of PW 13 Porcupine Trail Road.

Sincerely,

Annette Kreitzer
Haines Borough Manager

CC: Ed Coffland, P.E., Haines Borough Public Facilities Director
Annelise Silk, Haines Borough Grants & Contracts Administrator
Jenny Belanger, State of Alaska DMVA, DHS&EM
Mike Macans, State of Alaska DMVA, DHS&EM
Alan Cavallo, State of Alaska DMVA, DHS&EM
Garret Gladsjo, P.E., proHNS LLC Principal Engineer

Referenced Attachments

- ¹ Attachment A – Porcupine Trail Road Project Timeline
- ² Attachment B –Original Site Inspection Report (DR4585-AK Haines Borough_WO 71856_DI553459_SIR)
- ³ Attachment C – Porcupine Trail Road - Phase I Plans
- ⁷ Attachment D – EHP Site Inspection Report
- ⁸ Attachment E – Scope of Work Change Request (RE_ DR-4585 Haines PW 0013 SOW Change Request)
- ⁹ Attachment F – Haines Borough/Contractor Q&A via Bid Express (Q_and_A_HB 22-12)
- ¹¹ Attachment G – August 5 2022 Correspondence between FEMA Regional Environmental Officer Science Kilner and Alaska State Historic Preservation Officer Judith Bittner (20220805_FEMA_DR4585_PW13_PorcupineRdRepair_SHPO_consult)
- ¹² Attachment H – August 9 2022 Correspondence between FEMA Regional Environmental Officer Science Kilner and Alaska State Historic Preservation Officer Judith Bittner (3130-1R FEMA 2022-00986 Porcupine Road_2022Aug09)
- ¹³ Attachment I –FEMA EHP RFI and Haines Borough Response (DR-4585 PW 13 FEMA 9/20/23 EHP RFI & 10/10/23 Applicant Response)
- ¹⁴ Attachment J - February 5 & 6 2024 FEMA Correspondence and Calculations (DR-4585 PW 13 Porcupine Trail Road - Applicant RFI_2024.02.06)
- ¹⁵ Attachment K – August 22 2022 FEMA EHP REC for Phase I Scope of Work Change Request (PA-10-AK-4585-PW-00013_REC_2022.08.22)
- ¹⁶ Attachment L - Applicant Request for Correspondence between FEMA and Local Tribes Regarding the Porcupine Trail Road Project and FEMA Response (RE_ DR-4585 PW 13 Haines Borough Request_FEMA Summary on CIV)
- ¹⁷ Attachment M - Grants Portal Damage Details for 435787 Porcupine Trail Road
- ¹⁸ Attachment N - Memo on Porcupine Trail Road Borough Maintenance and Repair Costs
- ¹⁹ Attachment O - Historic Dalton Trail RMSA Board of Directors Meeting Minutes 03.09.2019
- ²⁰ Attachment P - Attachment P - April 2023 Email Between Constantine Representative and Borough Manager

²¹Attachment Q - AK DOT&PF Commissioner's Quitclaim Deed and Haines Borough Resolution 494

²²Attachment R - HBC 7.08.050 and HBC 12.08.170

Policy References

⁴ FEMA Hurricane and Flood Mitigation Handbook for Public Facilities, Fact Sheet 1.1: Road and highway Surfaces; Figure 1.1.1.

⁵ FHWA Gravel Roads Construction & Maintenance Guide; Section 1.1: Understanding the Gravel Road Cross Section; Figure 1.

⁶ PAPPG, at 168

¹⁰ 40 C.F.R. § 1508.25(a)(1)

Attachment A

Porcupine Trail Road Project Timeline

Porcupine Trail Road Project Timeline

Year	Date	Description	Reference
2020	11/30/2020-12/2/2020	December 2020 Storm Event	
	12/2/2020	Haines Borough Disaster Declaration	
	12/5/2020	State of Alaska Disaster Declaration	
	1/14/2021	Haines Borough submits Category C Preliminary Damage Assessment Estimate to State of Alaska for Porcupine Trail Road describing "Washout of roadway causing severe roadway damage." Damage location noted as LAT 59.41276 and LONG -135.007487.	
2021	2/17/2021	Federal Disaster Declaration	
	6/11/2021	Applicant indicates expresses interest to add Porcupine Trail Road as Emergency Access.	181119: Project comments J. Jackson
	6/28/2021	Porcupine Trail Road is actively washing out.	4375787: Document: Porcupine Road – Picture – Post Flooding
	6/30/2021	Applicant expresses interest in performing repairs to Porcupine Trail Road.	181119: Document: FEMA Follow-Up Meeting Minutes
	7/2/2021	Email from Constantine documenting loss of access via porcupine road is eminent.	181119: Email dated 7/2/2021 (From: Constantine, To: HB, SERB)
	7/5/2021	Temporary Emergency Bypass Road installed as Category B (Cat B) work.	181119: Email dated 7/7/2021 (From: SERB, To: HB) 181119: Document: Invoice dated 7/30/2021
	8/26/2021	FEMA performs initial site inspection for Porcupine Trail Road with Applicant and State of Alaska Representatives. During the inspection, FEMA takes all measurements for developing the Damage Description and Dimensions (DDD) captured in the Site Inspection Report (SIR).	437587: Document: DI 553459 SIR 437587: Document: DI 553459 Photo Page 437587: Document: DI 553459 Location Map 437587: Document: DI 553459 Flood Map

	8/27/2021	Applicant provides memo on Haines Borough regular maintenance activities.	437587: Document: Porcupine Road – NOAA Atlas 14 Precipitation Frequency Values
	11/16/2021	Applicant provides memo on Haines Borough regular maintenance activities.	437587: Document: Porcupine Maintenance
2022	1/11/2022	Applicant confirms with FEMA the creation of the new temporary access road adjacent to site 9 as part of Cat B work. Email chain between FEMA, Recipient, and Applicant on current understanding of Porcupine Road.	437587: Document: Porcupine Road Current Understanding
	1/21/2022	Original EHP REC for VO A&E	437587: Document: PA-10-AK-4585-PW-00013_REC(1)
	2/1/2022	Revision to original EHP REC for VO A&E	437587: Document: PA-10-AK-4585-PW-00013_REC(2)
	5/18/2022	Original EHP REC for Cat B work, including Porcupine Trail Road	181119: Document: PA-10-AK-4585-PW-00043_REC
	6/8/2022	Recipient submits SOW change for revised project GPS coordinates to FEMA.	437587: Email dated 6/8/2022 (From: DMVA, To: FEMA, Cc: HB, proHNS)
	6/22/2022	Revised EHP REC for Cat B work, including Porcupine Trail Road	181119: Document: PA-10-AK-4585-PW-00043_REC 20220622 rework
	7/6/2022	FEMA follow-up meeting agenda item “Porcupine Road. Update from the field EHP”	437587: Email dated 7/6/2022 (From: FEMA, To: HB, DMVA, proHNS)
	7/14/2022	Applicant and Recipient submit SOW change request to separate into phases and increase funding to include phase 1 construction. Construction plans included..	437587: Document: SOW Change Request to FEMA 437587: Document: SOW Change Request-Email Thread
	7/20/2022	CRC and EHP comment on the SOW change request, stating Phase I work will “reestablish ditches and repair the surface of the roadway in the existing footprint.”	437587: Project Comments K. Levenstein
	7/21/2022	FEMA requests clarification on limits of work for SOW change request that includes limits shown	437587: Email dated 7/21/2022 (From: FEMA, To: DMVA)

2023		from back of existing ditch to back of existing ditch.	
	8/5/2022	FEMA sends letter to AK SHPO with determination of “No Adverse Effects to Historic Properties.” FEMA correspondence states, “FEMA has determined that the Area of Potential Effects (APE) is one approximately 7.5 mile long by 50 to 100-foot-wide area that encompasses of the segments for road, ditch, and embankment repair as well as the staging of equipment (Figure 2).”	437587: Email dated 8/5/2022 (From: FEMA, To: DNR) State of Alaska provides copy of referenced email and attached correspondence with AK SHPO to Applicant on 1/9/2024.
	8/9/2022	AK SHPO provides concurrence with FEMA finding “no historic properties adversely affected.” AK SHPO correspondence also states, “As stipulated in 36 CFR 800.3, other consulting parties such as the local government and Tribes are required to be notified of the undertaking.”	437587: Email dated 8/9/2022 (From: DNR, To: FEMA) State of Alaska provides copy of referenced email and attached correspondence with AK SHPO to Applicant on 1/9/2024.
	8/9/2022	FEMA follow-up meeting agenda item “Porcupine Road. Update from the field EHP, pending EHP review.”	437587: Email dated 8/9/2022 (From: FEMA, To: HB, DMVA, Cc: proHNS)
	8/19/2022	Updated EHP REC to add Version 2 for Phase I SOW.	437587: Document: PA-10-AK-4585-PW-00013_REC(3)
	8/22/2022	FEMA project status for Porcupine Trail Road “Final FEMA Review.”	437587: Email dated 8/22/2022 (From: HB, To: proHNS, DMVA)
	10/21/2022	FEMA obligates \$1,398,659.75 for Phase I.	437587: Grants Portal, Award Information
	12/07/2022	Haines Borough Planning Commission receives comments from Takshanuk Watershed Council regarding Phase II Design Concept Report.	437587: Email dated 12/7/2022 (From: TWC, To: HB, proHNS)
	12/9/2022	ADFG issues FHP FH22-I-0090 for work in Klehini River	Permit dated 12/9/2022
2023	1/20/2023	Applicant and Recipient submit SOW change	437587: Email dated 1/20/2023 (From: HB, To: DMVA, Cc:proHNS)

	request to increase funding to include Phases II and III construction.	
2/16/2023	Applicant Design Concept Report for Phase II Permanent Method of Repair Alternatives uploaded to Grants Portal.	435787: Design Concept Report for Porcupine Trail Road Phase II - PW #00013 (435787) Permanent Method of Repair of Channel Bank Erosion on the Klehini River near Haines, Alaska
4/28/2023	EHP provides guidance on phase II & II considerations via email from Molly Parkan.	437587: Email dated 4/28/2023 (From: FEMA, To: proHNS, Cc: HB, DMVA)
5/4/2023	FEMA follow-up meeting agenda item "Porcupine Trail Road. EHP Compliance ~Laura Herriott."	437587: Email dated 5/4/2023 (From: FEMA, To: HB, proHNS, Cc: DMVA)
5/31/2023 – 6/13/2023	Third-party, Constantine Mining, LLC, temporary emergency repair work.	Email dated 9/20/2023 (From: SERB, To: proHNS)
6/14/2023	Phase I reconditioning begins.	437587: Email dated 6/20/2023 (From: proHNS, To: HB)
6/21/2023	Revised EHP REC for Cat B work, including Porcupine Trail Road	181119: Document: PA-10-AK-4585-PW-00043_REC 20230621 rework
7/13/2023	Phase I reconditioning complete.	437587: Email dated 7/17/2023 (From: proHNS, To: SERB, Cc: HB)
7/20/2023	The Applicant pays the Contractor in full for Phase I.	437587: HB, Expenditures
7/24/2023	FEMA receives email from Takshanuk Watershed Council (TWC) expressing concerns about Phase I work.	437587: Document: Email from Watershed Group
8/10/2023	HB submits reimbursement request to State.	437587: Email dated 8/10/2023 (From: HB, To: DMVA, Cc: proHNS)
8/31/2023	FEMA performs follow up site inspection for Porcupine Trail Road.	437587: Document: EHP Site Inspection Report
9/16/2023	Chilkat Indian Village (CIV) sends email to FEMA requesting Government to Government consultation (EO 13175).	FEMA emails Applicant on 1/25/2024 under subject "RE: DR-4585 PW 13 Haines Borough Request" with partial summary of CIV correspondence on 9/16/2023.

	9/19/2023	Met with State and FEMA leadership to discuss issues with project and how to move forward to reach compliance.	437587: Project Comments K. Rose
	9/20/2023	FEMA EHP submits RFI for Porcupine Trail Road.	437587: Email dated 9/20/2023 (From: FEMA, To: DMVA)
	9/21/2023	Updated EHP to de-obligate project.	437587: Document: PA-10-AK-4585-PW-00013_REC_20231219DeObligation-HMP
	10/10/2023	Applicant provides response to EHP RFI.	437587: Email dated 10/10/2023 (From: proHNS, To: DMVA, HB) Uploaded to Grants Portal on 10/18/2023
	10/30/2023	CIV and FEMA conduct follow up meeting via Zoom to discuss Project.	437587: FEMA emails Applicant on 1/25/2024 under subject "RE: DR-4585 PW 13 Haines Borough Request" with summary of meeting.
	10/30/2023	FEMA informs the Applicant that the project funding will be deobligated.	437587: Teams Meeting (attendees: FEMA, DMVA, HB, proHNS)
	10/31/2023	FEMA responds to CIV follow up questions via email.	437587: FEMA emails Applicant on 1/25/2024 under subject "RE: DR-4585 PW 13 Haines Borough Request" with summary of CIV questions and FEMA responses.
	11/17/2023	8-31-23 EHP Site Inspection Report uploaded to Grants Portal.	437587: EHP SIR 08-31-2023
	12/12/2023	Porcupine Trail Road funding is deobligated.	437587: Project Comments K. Rose
2024	12/22/2023	Draft determination memo sent to HB.	437587: Email dated 12/22/2023 (From: FEMA, To: HB, Cc: DMVA)
	1/04/2024	Applicant receives DM denying eligibility.	437587: Grant Portal Notification
	1/9/2024	Following Applicant request, FEMA provides copies of correspondence with Alaska State Historic Preservation Officer from 8/05/2022 and 8/09/2022.	437587: Email dated 1/09/2024 (From: DMVA, To: HP, proHNS)

	1/25/2024	Following Applicant request, FEMA provides summary of correspondence with Chilkat Indian Village (CIV) that occurred on 9/16/2023, 10/30/2023, and 10/31/2023.	437587: Email dated 1/25/2024 (From: FEMA, To: DMVA, Cc: HB, proHNS)
	2/6/2024	Following Applicant request, FEMA provides responses to questions on whether or not EHP re-evaluation of the SOW for Phases I, II, III-, and third-party work was completed. Additionally, FEMA responds to Applicant questions regarding the basis of calculations for FEMA's alleged 2.28 acres of disturbance beyond the approved SOW for Phase I.	437587: Email chain dated 2/5/2024 – 2/6/2024 (FEMA, DMVA, HB, proHNS)

Attachment B

Original Site Inspection Report

(DR4585-AK Haines Borough_WO 71856_DI553459_SIR)

Records Needed:
Pre-DR condition
Post-DR repair

SITE INSPECTION REPORT

CATEGORY C – ROAD-LOW WATER CROSSING

Porcupine Road-

Applicant Haine S Borough	PA ID # 100-99100-00	Applicant Representative Ed Caffland	Applicant Representative Title Public Works Director
Site Inspection Date Aug 26, 2021		Site Inspector Name Glenn Lewis	
Work Order # 71856		Damage # 553459	
Facility: <input checked="" type="checkbox"/> Road <input type="checkbox"/> Low Water Crossing			
GPS Start Latitude 59.412208 59.412354		GPS Start Longitude -136.024685 -136.029592	
GPS End Latitude 59.420100 59.42065		GPS End Longitude -136.121906 -136.19023	
NOTE: All damaged facilities longer than 200 linear feet require coordinates for both endpoints.			
Date Damaged 11-30-2020 - 12-2-2020		Age of Facility <input type="checkbox"/> Exact <input checked="" type="checkbox"/> Approximate Year Built: 1940	Legal Responsibility <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Road Type: <input type="checkbox"/> Asphalt <input type="checkbox"/> Concrete <input type="checkbox"/> Composite <input type="checkbox"/> Chip & Seal <input type="checkbox"/> Dirt <input checked="" type="checkbox"/> Gravel	Dimensions Length: 7 miles Width: 22ft	Number of Lanes 2 Lane gravel road. Applicant states Borough maintains this access road to resources (timber, fish, gold mine, RECREATION) 8/27/21 Post Disaster Restoration Performed. Documents needed to establish extent of repair performed. 2nd incident High Water (flooding) INDICES, PHOTOS, MAINTENANCE RECORDS. June-July 2021. per Applicant permanent repairs from Nov/Dec 2020 Event had not been done before June/July 2021 new Flooding - pending Review of emails & Documentation in GP	

Applicant Representative Signature: Ed Caffland

Recipient Authorized Representative Signature (if applicable): [Signature]

For FEMA Use Only

Work Order # (if applicable) 71856 Damage # 553459

Facility Description: (Pre-disaster design, function, capacity, dimensions, and footprint)

Facility Description Only

Describe embankments / slopes / ditches

SKETCH: (Click box to upload an image)

Layers

Easement

Surface

5 FT DI

Base

1 FT 3 IN min

Subbase

Natural fill
Brown

NOTES:

Applicant Representative Initials: ECU

Recipient Authorized Representative Initials (if applicable): AL

Page 2 of 9

Facility Component Damages

Site #	Damage Component Material/Model/Type/Capacity	Location Address/GPS/begin-end	Damage Dimensions: (L x W x D/L x Dia) Electrical/Mechanical/etc.
1	Surface D-1 71% of the area	59.412240 -136.029598	(5 Miles) 26.340 FT x 22 ft w x .5 ft D
Method of Repair (change in design, materials, size, capacity etc.)		Start GPS: 59.412354, -136.029592 End GPS: 59.42115, -136.17052	
Replace D-1 surface washed out By flood waters		FA <input type="checkbox"/>	Quantity 10,755.55
		CTR <input checked="" type="checkbox"/>	Units CY
		Both <input type="checkbox"/>	% Complete 0
2	Drainage Ditch	59.412240 -136.029598	(34,320) 6.5 Miles Long / 3 ft wide x 2 foot deep
Method of Repair (change in design, materials, size, capacity etc.)		Cause of Damage 1	
30% of Road has drainage on 2 sides		FA <input type="checkbox"/>	Quantity 7,626
30% of ditches on both sides of road contains washed out road fill requiring removal and needs to be re-established		CTR <input checked="" type="checkbox"/>	Units CY
		Both <input type="checkbox"/>	% Complete 0
3	Slope Embankment #1	59.42065 -136.19023	30ft L x 16ft w x 30ft D
Method of Repair (change in design, materials, size, capacity etc.)		Cause of Damage 1	
-pull GPS not google maps * Length of Road 16ft wide * 21ft from road from drop		FA <input type="checkbox"/>	Quantity 533.33
Site 3 embankment has severe erosion due to flood waters washout destabilizing edge of roadway.		CTR <input checked="" type="checkbox"/>	Units CY
		Both <input type="checkbox"/>	% Complete 0
4	Slope embankment #2	59.42115 -136.17052	8ft L x 22ft w 40ft x D
Method of Repair (change in design, materials, size, capacity etc.)		Cause of Damage 1	
Length of Road 15ft + 2ft of shoulder		FA <input type="checkbox"/>	Quantity 260.74
high volume and high velocity surface water flooding washed out embankment destabilizing edge of roadway		CTR <input checked="" type="checkbox"/>	Units CY
		Both <input type="checkbox"/>	% Complete 0
Component Types: 1 - Surface 2 - Base 3 - Sub Base 4 - Shoulder 5 - Ditch 6 - Striping 7 - Embankment 8 - Sidewalk 9 - Curb 10 - Median 11 - Guardrail 12 - Lighting 13 - Signage 14 - Culvert 15 - Wall 16 - Armor 17 - Retaining Wall 18 - Other (specify)		Cause of Damage: 1 - Surface water flooding 2 - Wind Driven Rain 3 - Sewer Back up 4 - Foundation Seepage 5 - Lightning 6 - High Winds 7 - Tree Damage 8 - Wind Blown Debris 9 - Earthquake 10 - Fire 11 - Explosion 12 Other (Specify)	

Applicant Representative Initials: [Signature]

Recipient Authorized Representative Initials (if applicable): [Signature]

For FEMA Use Only

Work Order # (if applicable) 71856 Damage # 553459

Category

FEMA Use Only
Work Order #

Facility Component Damages

Site #	Damage Component Material/Model/Type/Capacity	Location Address/GPS/begin-end	Damage Dimensions: (L x W x D/L x Dia) Electrical/Mechanical/etc.	
5	Slope embankment #3	59.421307 -136.169618	16 ft L x 16 ft W x 25 ft D	
Method of Repair (change in design, materials, size, capacity etc.)			Cause of Damage	
Slope Restabilization			1	
high volume and high velocity surface water flooding washed out embankment destabilizing edge of roadway.			FA	<input type="checkbox"/>
			Quantity	88.88
			CTR	<input checked="" type="checkbox"/>
			Units	CY
			Both	<input type="checkbox"/>
			% Complete	0
Site #	Damage Component Material/Model/Type/Capacity	Location Address/GPS/begin-end	Damage Dimensions: (L x W x D/L x Dia) Electrical/Mechanical/etc.	
6	Slope embankment #4	59.421280 -136.149301	8 ft L x 22 ft W x 19 ft D	
Method of Repair (change in design, materials, size, capacity etc.)			Cause of Damage	
Road width 20 ft			1	
high volume and high velocity surface water flooding washed out embankment destabilizing edge of roadway			FA	<input type="checkbox"/>
			Quantity	123.85
			CTR	<input checked="" type="checkbox"/>
			Units	CY
			Both	<input type="checkbox"/>
			% Complete	0
Site #	Damage Component Material/Model/Type/Capacity	Location Address/GPS/begin-end	Damage Dimensions: (L x W x D/L x Dia) Electrical/Mechanical/etc.	
7	Slope embankment #5	59.421530 -136.169010	20 ft L x 50 ft W x 30 ft D	
Method of Repair (change in design, materials, size, capacity etc.)			Cause of Damage	
Rd width 21 ft			1	
high volume and high velocity surface water flooding washed out embankment destabilizing edge of roadway			FA	<input type="checkbox"/>
			Quantity	1,111.11
			CTR	<input checked="" type="checkbox"/>
			Units	CY
			Both	<input type="checkbox"/>
			% Complete	0
Site #	Damage Component Material/Model/Type/Capacity	Location Address/GPS/begin-end	Damage Dimensions: (L x W x D/L x Dia) Electrical/Mechanical/etc.	
8	Slope embankment #6	59.421193 -136.168441	30 ft L x 33 ft W x 37 ft D	
Method of Repair (change in design, materials, size, capacity etc.)			Cause of Damage	
Rd Width 16 ft			1	
high volume and high velocity surface water flooding washed out embankment destabilizing edge of roadway			FA	<input type="checkbox"/>
			Quantity	1356.66
			CTR	<input checked="" type="checkbox"/>
			Units	CY
			Both	<input type="checkbox"/>
			% Complete	0
Component Types: 1 - Surface 2 - Base 3 - Sub Base 4 - Shoulder 5 - Ditch 6 - Striping 7 - Embankment 8 - Sidewalk 9 - Curb 10 - Median 11 - Guardrail 12 - Lighting 13 - Signage 14 - Culvert 15 - Wall 16 - Armor 17 - Retaining Wall 18 - Other (specify)			Cause of Damage: 1 - Surface water flooding 2 - Wind Driven Rain 3 - Sewer Back up 4 - Foundation Seepage 5 - Lightning 6 - High Winds 7 - Tree Damage 8 - Wind Blown Debris 9 - Earthquake 10 - Fire 11 - Explosion 12 Other (Specify)	

Applicant Representative Initials: ELCPage 4 of 9Recipient Authorized Representative Initials (if applicable): ALH

Work Order # (if applicable) 71856 Damage # 553459

Facility Component Damages

Site #	Damage Component Material/Model/Type/Capacity	Location Address/GPS/begin-end	Damage Dimensions: (L x W x D/L x Dia) Electrical/Mechanical/etc.	
9	Road washout Base	START 59.41416 136.08884 END 59.41430 136.08852	636 FT L X 20 FT W X 1 FT D	
Method of Repair (change in design, materials, size, capacity etc.)			Cause of Damage 1	
Replace Base in End			FA	Quantity 471.11
			CTR	Units CY
			Both	% Complete 8
Site #	Damage Component Material/Model/Type/Capacity	Location Address/GPS/begin-end	Damage Dimensions: (L x W x D/L x Dia) Electrical/Mechanical/etc.	
9A	Borrow Fill	"	636 FT L X 20 FT W X 2 FT D	
Method of Repair (change in design, materials, size, capacity etc.)			Cause of Damage 1	
Replace Borrow Fill			FA	Quantity 942.22
			CTR	Units CY
			Both	% Complete 8
Site #	Damage Component Material/Model/Type/Capacity	Location Address/GPS/begin-end	Damage Dimensions: (L x W x D/L x Dia) Electrical/Mechanical/etc.	
9B	Rip rap Armor Rock Embankment 24 - 48 IN MINUS	"	636 FT L X 13 FT W X 8 FT D	
Method of Repair (change in design, materials, size, capacity etc.)			Cause of Damage 1	
Install Rip Rap			FA	Quantity 2449.77
			CTR	Units CY
			Both	% Complete 8
Site #	Damage Component Material/Model/Type/Capacity	Location Address/GPS/begin-end	Damage Dimensions: (L x W x D/L x Dia) Electrical/Mechanical/etc.	
			9A	
Method of Repair (change in design, materials, size, capacity etc.)			Cause of Damage	
			FA	Quantity
			CTR	Units
			Both	% Complete
Component Types: 1-Surface 2-Base 3-Sub Base 4-Shoulder 5-Ditch 6-Striping 7-Embankment 8-Sidewalk 9-Curb 10-Median 11-Guardrail 12-Lighting 13-Signage 14-Culvert 15-Wall 16-Armor 17-Retaining Wall 18-Other (specify)			Cause of Damage: 1- Surface water flooding 2-Wind Driven Rain 3-Sewer Back up 4-Foundation Seepage 5-Lightning 6-High Winds 7-Tree Damage 8-Wind Blown Debris 9-Earthquake 10- Fire 11-Explosion 12 Other (Specify)	

Applicant Representative Initials: ELMPage 5 of 9Recipient Authorized Representative Initials (if applicable): DA

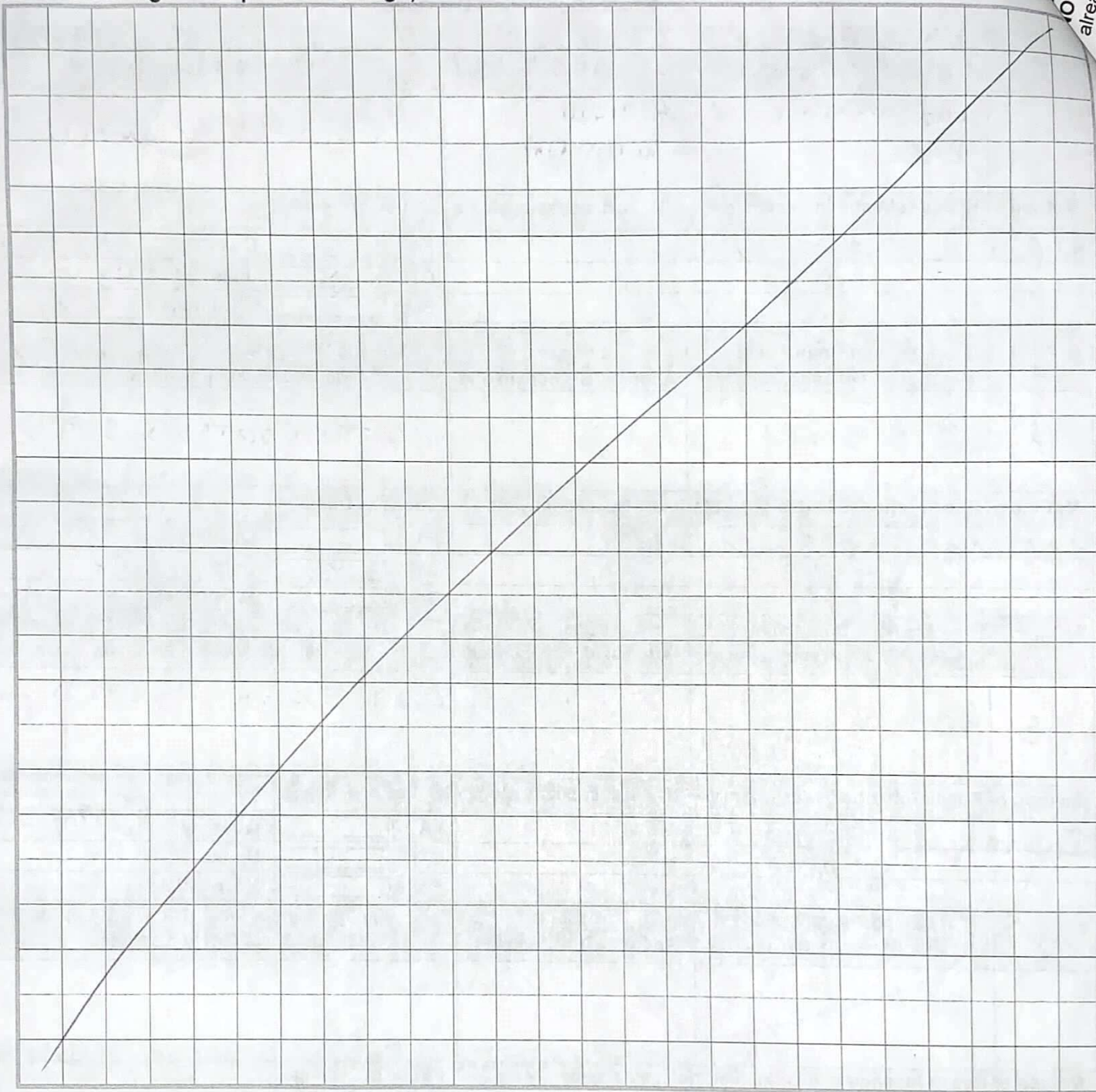
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Work Order # (if applicable) 718576 Damage # 553459

Category

FEMA Use Only
Work Order #
NOTE FOR SITE INSPECTION
already asked some questions
Additional Notes section

SKETCH: Click grid to upload an image)



NOTES:

Applicant Representative Initials: FSM

Page 6 of 9

Recipient Authorized Representative Initials (if applicable): ML

NOTE FOR SITE INSPECTOR: Please ask the Applicant representative the following questions. Although the PDMG may have already asked some of these questions, the Applicant representative at the site inspection may have additional information. Use the Additional Notes section to record any additional explanation.

Mitigation Considerations

FEMA Public Assistance encourages protection of disaster-damaged facilities by providing assistance for cost-effective hazard mitigation measures that reduce or eliminate the risk of similar damage from happening again in a future event. For each question, elaborate on the answer in the space provided for comments.

1. Identify the specific cause of damage (such as water eroded {under the toe and slab, the driving surface, the road at the end of the LWC} or debris blocked the culvert in the LWC, etc.).

Rain water and Severe flooding caused Road washout

2. What can be done to prevent future damage in a similar event? (check all of interest to the Applicant):

- ☐ Form and pour deeper concrete toes along the LWC upstream and downstream edges.
☐ Anchor the LWC toes with vertical steel rebars in holes drilled into the bedrock.
☐ Form and pour steel reinforced concrete instead of grouted riprap on the LWC slopes.
☐ Replace the low-water crossing with a bridge. (Note: A Hydrology & Hydraulic Study will be needed)
☐ Increase the steel reinforcing in the concrete slab and toes.

☒ Other mitigation (specify): Embankment Stabilization

3. Does the Applicant plan to perform additional work to protect damaged facilities against similar damage in a future event?

- ☐ Yes
☒ No
☐ Unsure

Comments:

4. Will the Applicant provide a proposal for hazard mitigation work?

- ☒ Yes
☐ No
☐ Unsure

Comments: Estimate will be provided to PDMG

5. Would the Applicant like FEMA to prepare a proposal for hazard mitigation work?

- ☐ Yes
☒ No
☐ Unsure

Comments:

Record any additional notes about the Applicant's interest in hazard mitigation opportunities and other relevant information in the space below. This information will be used by hazard mitigation specialists and costing specialists to develop a hazard mitigation proposal (HMP) for the Applicant's consideration. Potential Mitigation Scope of Work: (Include dimensions, quantities and sketches of HMP measures).

The following mitigation measures will help prevent future damage in a similar event:

Embankment Stabilization

Applicant Representative Initials: [Signature]

Page 7 of 9

Recipient Authorized Representative Initials (if applicable): [Signature]

For FEMA Use Only

Work Order # (if applicable) 71856 Damage # 553459

Category C

Insurance Considerations

FEMA is legally prohibited from duplicating benefits from other sources and will reduce eligible costs by the amount of insurance proceeds received.

1. Does the damaged facility have insurance coverage and/or is it an insurable risk (e.g., buildings, equipment, vehicles)?

☐ Yes
☒ No
☐ Unsure

Comments:

Environmental & Historic Preservation Considerations

FEMA is required to ensure that work complies with applicable environmental and historic preservations laws, regulations, and executive orders.

1. Is the damaged facility(ies) located within a floodplain or a coastal high hazard area and/or does it have an impact on a floodplain or wetland? Can the project site be impacted by flooding? Will work occur within 200 feet of a waterway/waterbody?

☐ Yes
☒ No
☐ Unsure

Comments:

2. Is the damaged facility located within or adjacent to a Coastal Barrier Resource System Unit or an Otherwise Protected Area?

☐ Yes
☒ No
☐ Unsure

Comments:

3. Will the proposed facility repairs/reconstruction change the pre-disaster conditions (e.g., footprint – including depth of footprint, material, location, capacity, use or function), including construction of an access road, establishing a staging area, or other work outside of the constructed right-of-way? If yes, describe changes or work outside of the constructed right-of-way. Provide detailed justification for the change (e.g. codes and standards).

☐ Yes
☒ No
☐ Unsure

Comments:

4. Is the damaged facility(ies) listed on a local/state/national historic register or is it a locally recognized landmark? Is it older than 45 years? (Provide the age of the facility) Are there more, similar buildings near the site?

☐ Yes
☒ No
☐ Unsure

Comments:

5. Are there any large, undeveloped or undisturbed areas on, or near, the project site? (Select "yes" if there are large tracts of forestland, grassland, or naturally preserved areas, etc.)

☒ Yes
☐ No
☐ Unsure

Comments:

River and wooded Areas

6. Are there any hazardous materials at or adjacent to the damaged facility?

☐ Yes
☒ No
☐ Unsure

Comments:

Applicant Representative Initials: ELM

Recipient Authorized Representative Initials (if applicable): AK

7. Are there any other environmental or controversial issues associated with the damaged facility and/or work item? (select yes if facility is a road maintained by a Tribal Government or if the project necessitates the establishment of a new borrow area or the horizontal expansion of an existing borrow area.)

- ☐ Yes
☒ No
☐ Unsure

Comments:

8. Are there any known endangered species in the work area?

- ☐ Yes
☒ No
☐ Unsure

Comments:

Additional Notes / Comments:

Slope Embankment #1 has Recurring Slope damage stated by Applicant.

Applicant states that road 636 FT L was washed out by the incident and the river claimed surface, base, riprap & borrow fill.

Temporary road was put by Haines Borough 20 FT from original road.

* EHP and Mitigation

Applicant states that the river continues to ~~erode~~ the road.

Applicant Representative Initials: ELL

Recipient Authorized Representative Initials (if applicable): SH

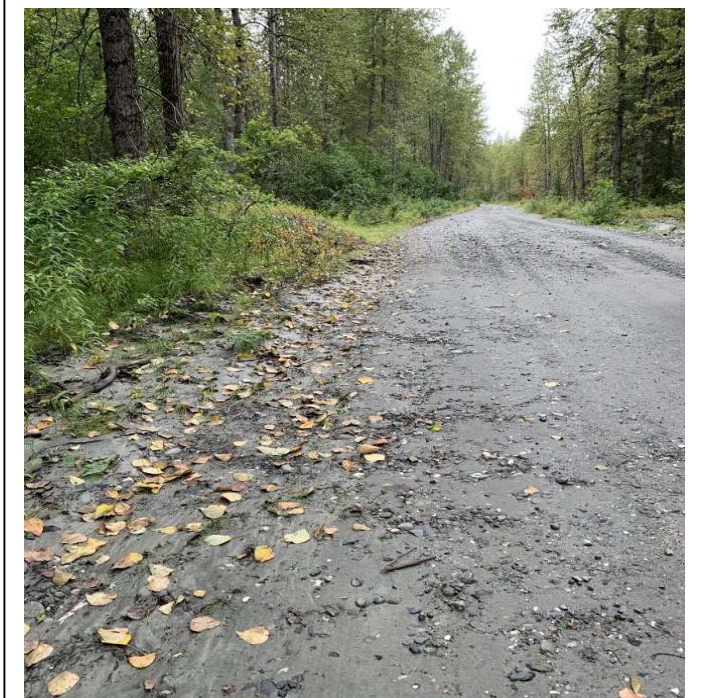
SITE INSPECTION PHOTO PAGE		DISASTER: DR4585-AK		APPLICANT (FIPS#): Haines Borough 100-99100-00
INSPECTION DATE: Aug 26, 2021	WORK ORDER #: 71855	CATEGORY: C	COUNTY: Haines Borough	APPLICANT ADDRESS: 103 Third Ave S. Haines, Alaska 99827
SITE INSPECTOR(S): Glenn Lewis/ Ivy Alexander		DAMAGE # / DAMAGE NAME: DI553459- Porcupine Access Road		GPS COORDINATES: Start: 59.412354, -136.029592 End: 59.42065, -136.19023



Site 1 GPS: 59.412354, -136.029592: Surface, 10,755.5556 CY of D1, 26,400 FT long x 22 FT wide x 0.5 FT deep, high volume and high velocity surface water flooding washed out road surface. Perspective view northwest.



Site 1 GPS: 59.412354, -136.029592: Surface, 10,755.5556 CY of D1, 26,400 FT long x 22 FT wide x 0.5 FT deep, high volume and high velocity surface water flooding washed out road surface. Perspective view northwest.



Site 1 GPS: 59.412354, -136.029592: Surface, 10,755.5556 CY of D1, 26,400 FT long x 22 FT wide x 0.5 FT deep, high volume and high velocity surface water flooding washed out road surface.

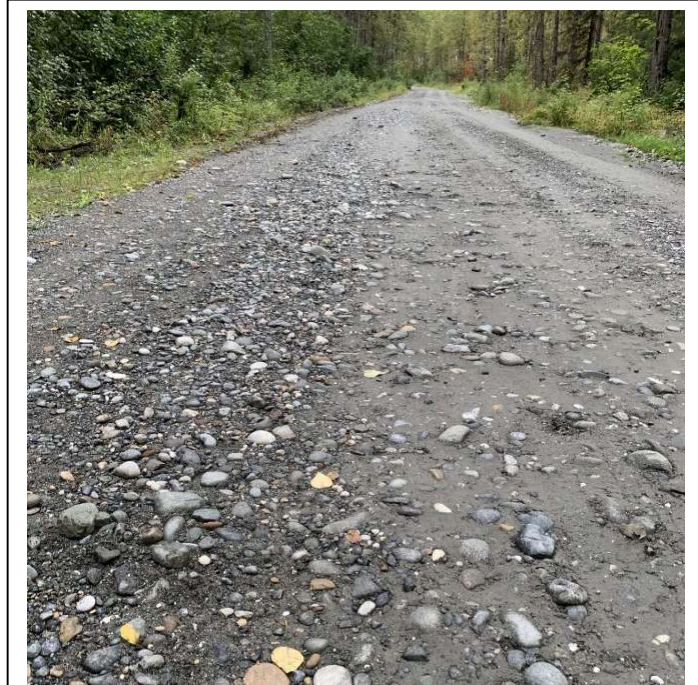


Perspective view of surface washout and normal current water flow through the ditches.

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SITE INSPECTOR(S): Glenn Lewis/ Ivy Alexander		DAMAGE # / DAMAGE NAME: DI553459- Porcupine Access Road		GPS COORDINATES: Start: 59.412354, -136.029592 End: 59.42065, -136.19023



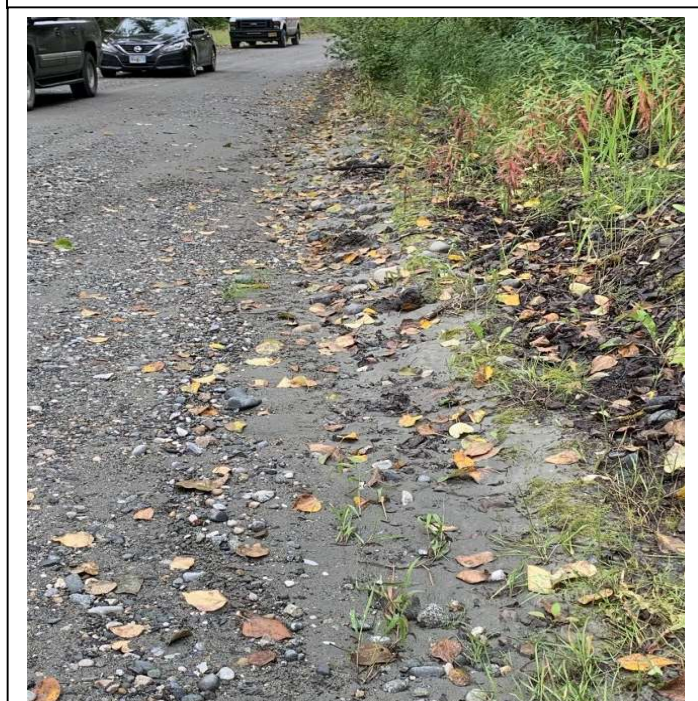
High volume and high velocity surface water flooding washed out 10,755.5556 CY of D1, 26,400 FT long x 22 FT wide x 0.5 FT deep of road surface.



High volume and high velocity surface water flooding washed out 10,755.5556 CY of D1, 26,400 FT long x 22 FT wide x 0.5 FT deep of road surface.



Site 2 GPS: 59.412354, -136.029592: Ditches, 7,626.6667 CY of native material drainage canals, 34,320 FT long x 3 FT wide x 2 FT deep, high volume and high velocity surface water flooding scoured and washed out ditches.



Site 2 GPS: 59.412354, -136.029592: Ditches, 7,626.6667 CY of native material drainage canals, 34,320 FT long x 3 FT wide x 2 FT deep, high volume and high velocity surface water flooding scoured and washed out ditches.

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SITE INSPECTOR(S): Glenn Lewis/ Ivy Alexander		DAMAGE # / DAMAGE NAME: DI553459- Porcupine Access Road		GPS COORDINATES: Start: 59.412354, -136.029592 End: 59.42065, -136.19023



Site 2 GPS: 59.412354, -136.029592: Ditches, 7,626.6667 CY of native material drainage canals, 34,320 FT long x 3 FT wide x 2 FT deep, high volume and high velocity surface water flooding scoured and washed out ditches.

Site 2 GPS: 59.412354, -136.029592: Ditches, 7,626.6667 CY of native material drainage canals, 34,320 FT long x 3 FT wide x 2 FT deep, high volume and high velocity surface water flooding scoured and washed out ditches.



High volume and high velocity surface water flooding washed out 10,755.5556 CY of D1, 26,400 FT long x 22 FT wide x 0.5 FT deep of road surface. Perspective view south.

High volume and high velocity surface water flooding washed out 10,755.5556 CY of D1, 26,400 FT long x 22 FT wide x 0.5 FT deep of road surface. Perspective view south.

SITE INSPECTION PHOTO PAGE		DISASTER: DR4585-AK		APPLICANT (FIPS#): Haines Borough 100-99100-00
INSPECTION DATE: Aug 26, 2021	WORK ORDER #: 71855	CATEGORY: C	COUNTY: Haines Borough	APPLICANT ADDRESS: 103 Third Ave S. Haines, Alaska 99827
SITE INSPECTOR(S): Glenn Lewis/ Ivy Alexander		DAMAGE # / DAMAGE NAME: DI553459- Porcupine Access Road		GPS COORDINATES: Start: 59.412354, -136.029592 End: 59.42065, -136.19023



Site 3 GPS: 59.42065, -136. 19023: Embankment #1: 533.3333 CY of native material sloped embankment, 30 FT long x 16 FT wide x 30 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment



Site 3 GPS: 59.42065, -136. 19023: Embankment #1: 533.3333 CY of native material sloped embankment, 30 FT long x 16 FT wide x 30 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment

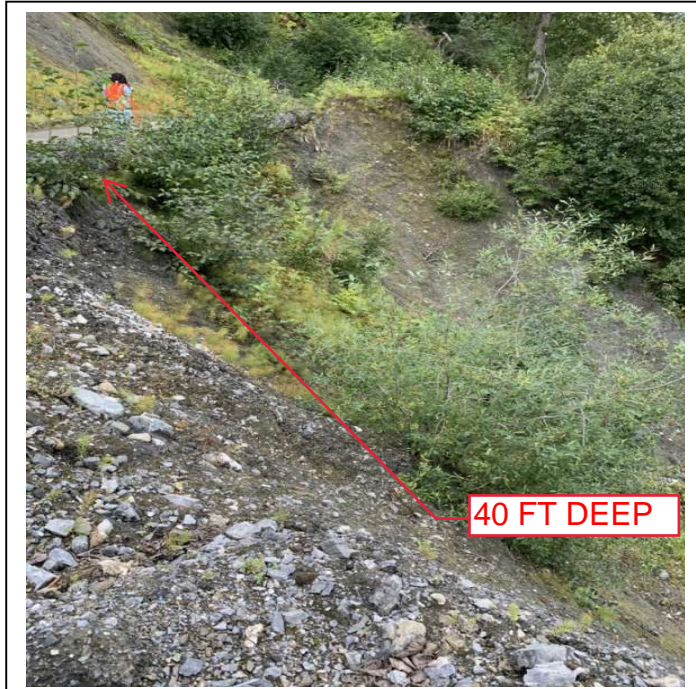


Site 3 GPS: 59.42065, -136. 19023: Embankment #1: 533.3333 CY of native material sloped embankment, 30 FT long x 16 FT wide x 30 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment



Site 3 GPS: 59.42065, -136. 19023: Embankment #1: 533.3333 CY of native material sloped embankment, 30 FT long x 16 FT wide x 30 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment

SITE INSPECTION PHOTO PAGE		DISASTER: DR4585-AK		APPLICANT (FIPS#): Haines Borough 100-99100-00
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SITE INSPECTOR(S): Glenn Lewis/ Ivy Alexander		DAMAGE # / DAMAGE NAME: DI553459- Porcupine Access Road		GPS COORDINATES: Start: 59.412354, -136.029592 End: 59.42065, -136.19023



Site 4 GPS: 59.42115, -136.17052: Embankment #2, 260.7407 CY of native material sloped embankment, 8 FT long x 22 FT wide x 40 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment.



Site 4 GPS: 59.42115, -136.17052: Embankment #2, 260.7407 CY of native material sloped embankment, 8 FT long x 22 FT wide x 40 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment.



Site 4 GPS: 59.42115, -136.17052: Embankment #2, 260.7407 CY of native material sloped embankment, 8 FT long x 22 FT wide x 40 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment.



Site 4 GPS: 59.42115, -136.17052: Embankment #2, 260.7407 CY of native material sloped embankment, 8 FT long x 22 FT wide x 40 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment.

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SITE INSPECTOR(S): Glenn Lewis/ Ivy Alexander		DAMAGE # / DAMAGE NAME: DI553459- Porcupine Access Road		GPS COORDINATES: Start: 59.412354, -136.029592 End: 59.42065, -136.19023



Site 4 GPS: 59.42115, -136.17052: Embankment #2, 260.7407 CY of native material sloped embankment, 8 FT long x 22 FT wide x 40 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment.



Site 5 GPS: 59.421307, -136.169618: Embankment #3, 88.8889 CY of native material sloped embankment, 6 FT long x 16 FT wide x 25 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment.



Site 6 GPS: 59.421280, -136.169301: Embankment #4, 88.8889 CY of native material sloped embankment, 6 FT long x 16 FT wide x 25 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment.



Site 7 GPS: 59.421530, -136.169010: Embankment #5, 1,111.1111 CY of native material sloped embankment, 20 FT long x 50 FT wide x 30 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment.

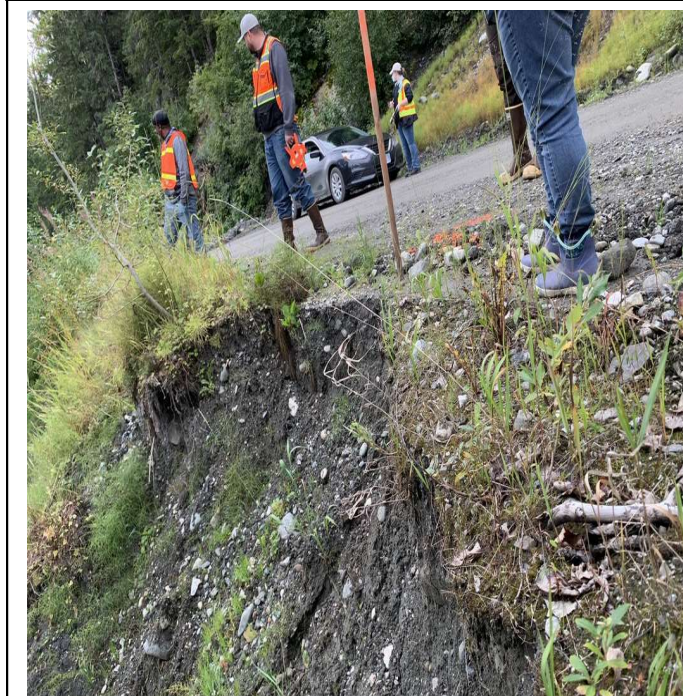
SITE INSPECTION PHOTO PAGE		DISASTER: DR4585-AK		APPLICANT (FIPS#): Haines Borough 100-99100-00
INSPECTION DATE: Aug 26, 2021	WORK ORDER #: 71855	CATEGORY: C	COUNTY: Haines Borough	APPLICANT ADDRESS: 103 Third Ave S. Haines, Alaska 99827
SITE INSPECTOR(S): Glenn Lewis/ Ivy Alexander		DAMAGE # / DAMAGE NAME: DI553459- Porcupine Access Road		GPS COORDINATES: Start: 59.412354, -136.029592 End: 59.42065, -136.19023



Site 7 GPS: 59.421530, -136.169010: Embankment #5, 1,111.1111 CY of native material sloped embankment, 20 FT long x 50 FT wide x 30 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment.



Site 7 GPS: 59.421530, -136.169010: Embankment #5, 1,111.1111 CY of native material sloped embankment, 20 FT long x 50 FT wide x 30 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment.

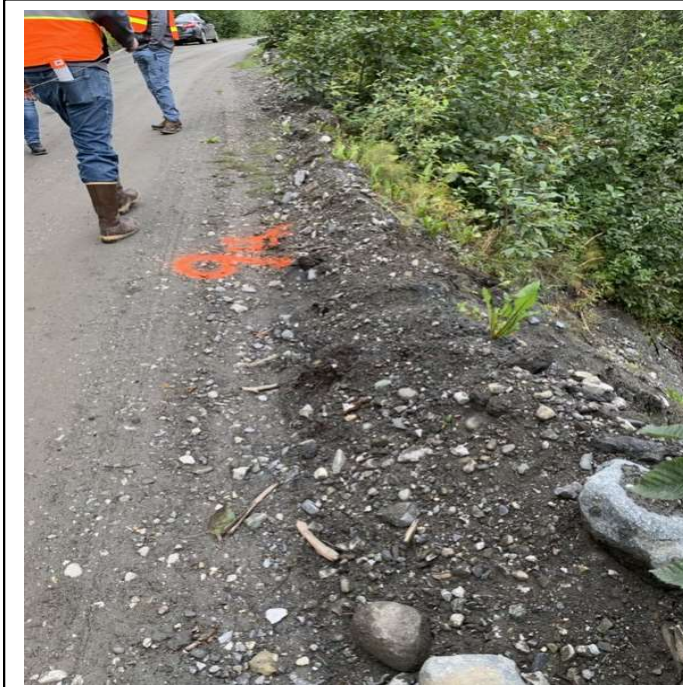


Site 7 GPS: 59.421530, -136.169010: Embankment #5, 1,111.1111 CY of native material sloped embankment, 20 FT long x 50 FT wide x 30 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment.



Site 8 GPS: 59.421193, -136.168441. Embankment, 1,356.6667 CY of native material sloped embankment, 30 FT long x 33 FT wide x 37 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment.

SITE INSPECTION PHOTO PAGE		DISASTER: DR4585-AK		APPLICANT (FIPS#): Haines Borough 100-99100-00
INSPECTION DATE: Aug 26, 2021	WORK ORDER #: 71855	CATEGORY: C	COUNTY: Haines Borough	APPLICANT ADDRESS: 103 Third Ave S. Haines, Alaska 99827
SITE INSPECTOR(S): Glenn Lewis/ Ivy Alexander		DAMAGE # / DAMAGE NAME: DI553459- Porcupine Access Road		GPS COORDINATES: Start: 59.412354, -136.029592 End: 59.42065, -136.19023



Site 8 GPS: 59.421193, -136.168441. Embankment, 1,356.6667 CY of native material sloped embankment, 30 FT long x 33 FT wide x 37 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment.



Site 8 GPS: 59.421193, -136.168441. Embankment, 1,356.6667 CY of native material sloped embankment, 30 FT long x 33 FT wide x 37 FT deep, high volume and high velocity surface water flooding scoured and washed out embankment.



Site 9 GPS START: 59.41416, -136.08884 GPS END: 59.414363, -136.085552: Photo from applicant taken in June 2021.



Site 9 GPS START: 59.41416, -136.08884 GPS END: 59.414363, -136.085552: Photo Taken August 26, 2021. Base, 471.1111 CY of native material, 636 FT long x 20 FT wide x 1 FT deep, high volume and high velocity surface water flooding washed out base.

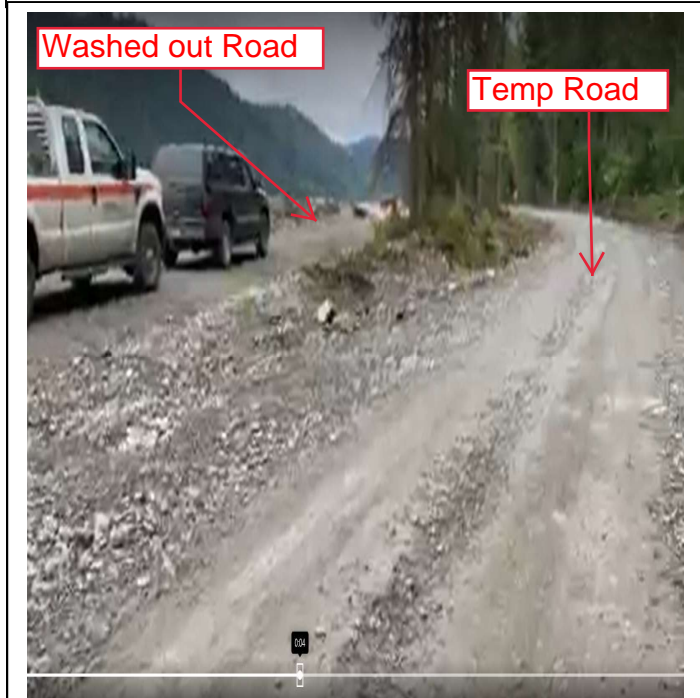
SITE INSPECTION PHOTO PAGE		DISASTER: DR4585-AK		APPLICANT (FIPS#): Haines Borough 100-99100-00
INSPECTION DATE: Aug 26, 2021	WORK ORDER #: 71855	CATEGORY: C	COUNTY: Haines Borough	APPLICANT ADDRESS: 103 Third Ave S. Haines, Alaska 99827
SITE INSPECTOR(S): Glenn Lewis/ Ivy Alexander		DAMAGE # / DAMAGE NAME: DI553459- Porcupine Access Road		GPS COORDINATES: Start: 59.412354, -136.029592 End: 59.42065, -136.19023



Site 9 GPS START: 59.41416, -136.08884 GPS END: 59.414363, -136.085552:
Photo Taken August 26, 2021. Base, 471.1111 CY of native material, 636 FT long x 20 FT wide x 1 FT deep, high volume and high velocity surface water flooding washed out base



Site 9 GPS START: 59.41416, -136.08884 GPS END: 59.414363, -136.085552.
Borrow Fill, 942.2222 CY of borrow fill, 636 FT long x 20 FT wide x 2 FT deep, high volume and high velocity surface water flooding scoured and washed out fill



Perspective view south of damaged road and temporary road out in Porcupine Trail Road, adjacent to Site 9



Site 9B GPS START: 59.41416, -136.08884 GPS END: 59.414363, -136.085552: Riprap armor rock embankment, 2,449.7778 CY of 24-48 inch minus, 636 FT long x 13 FT wide x 8 FT deep, high volume and high velocity flooding washed out riprap embankment.

SITE INSPECTION PHOTO PAGE		DISASTER: DR4585-AK		APPLICANT (FIPS#): Haines Borough 100-99100-00
INSPECTION DATE: Aug 26, 2021	WORK ORDER #: 71855	CATEGORY: C	COUNTY: Haines Borough	APPLICANT ADDRESS: 103 Third Ave S. Haines, Alaska 99827
SITE INSPECTOR(S): Glenn Lewis/ Ivy Alexander		DAMAGE # / DAMAGE NAME: DI553459- Porcupine Access Road		GPS COORDINATES: Start: 59.412354, -136.029592 End: 59.42065, -136.19023



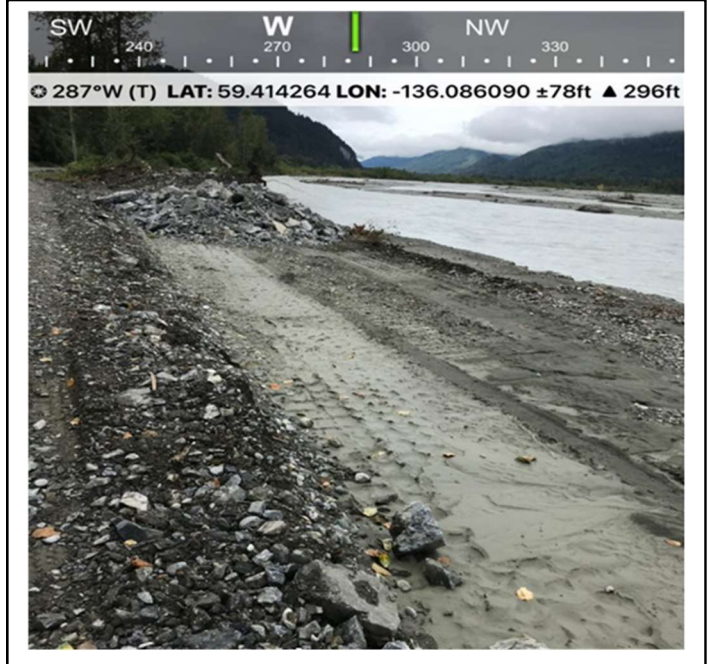
Riprap armor rock embankment, 2,449.7778 CY, 24–48-inch, 636 FT long x 13 FT wide x 8 FT deep, high volume and high velocity flooding washed out riprap embankment. Photo from applicant taken June 2021.



Riprap armor rock embankment, 2,449.7778 CY, 24-48 inch, 636 FT long x 13 FT wide x 8 FT deep, high volume and high velocity flooding washed out riprap embankment. Photo taken August 26, 2021



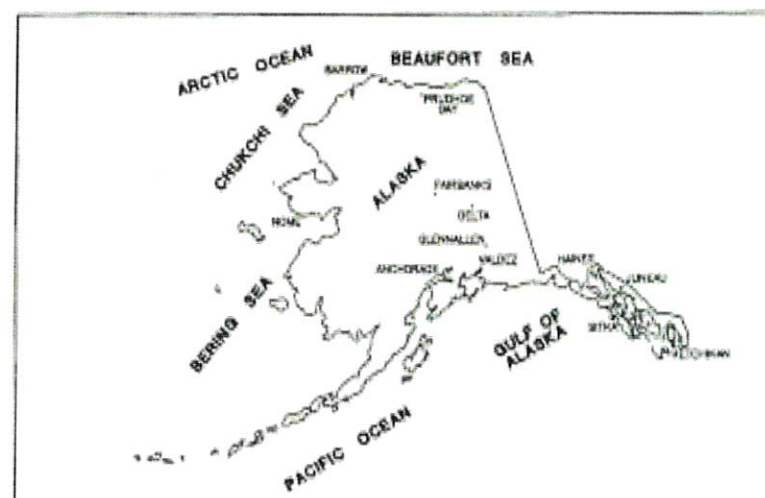
Perspective view west, Site 9 of road wash out. Photo taken August 26, 2021.



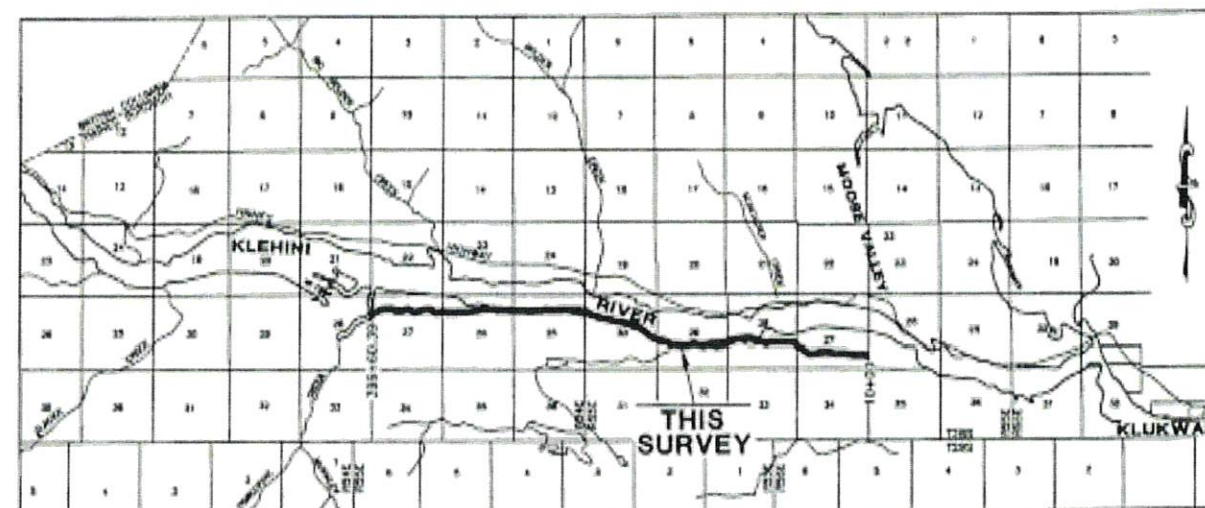
Perspective view west of Porcupine Trail Road, Site 9 taken June 2021.

Attachment C

Porcupine Trail Road - Phase I Plans



STATE OF ALASKA
N.T.S.



VICINITY MAP

SOURCE: U.S.G.S. QUADS "SKAGWAY (B-3 & B-4), 1954, ALASKA" SCALE: 1" = 2 MILES

A CENTERLINE OF
PROCUPINE ROAD
WITHIN HAINES BOROUGH, ALASKA
HAINES RECORDING DISTRICT – HAINES, ALASKA

LEGEND

- ⊕ G.L.O./B.L.M. 2-1/2" BRASS MONUMENT RECOVERED THIS SURVEY
- ⊙ PRIMARY MONUMENT RECOVERED THIS SURVEY



Haines Borough
PO Box 1209
Haines, Alaska 99827

Tel: (907)766-6400



REVISION

REV	DATE	DESCRIPTION	DWN	CKD
A	MAY 22	ISSUED FOR BIDS	EGC	EGC

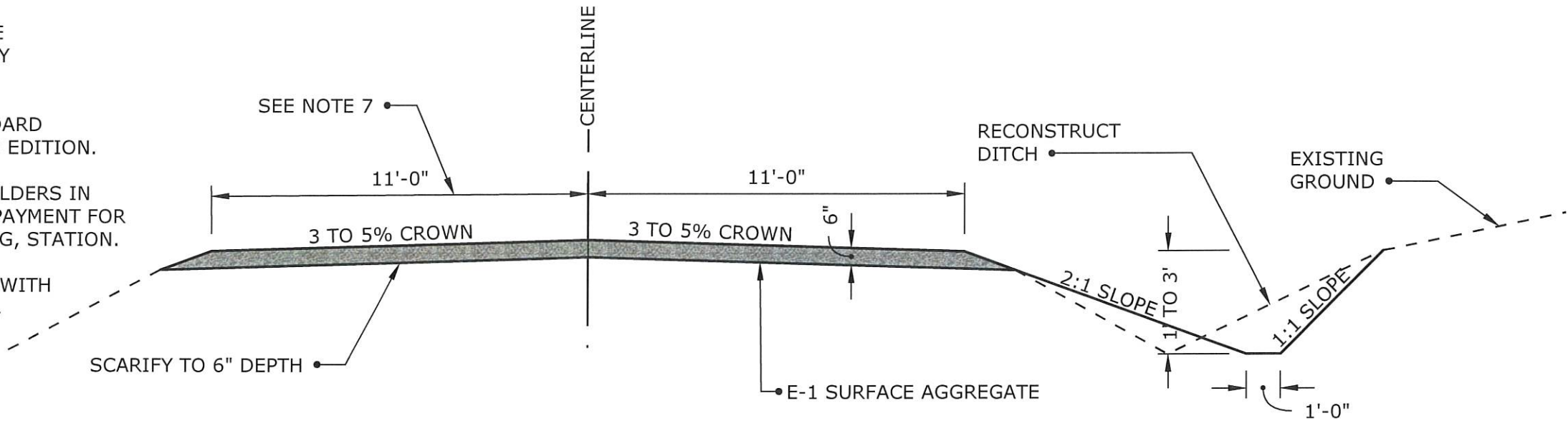
HAINES BOROUGH
PORCUPINE TRAIL ROAD, PHASE 1
PROJECT 00013(435787),
SITES 1 & 2

PROJECT
LOCATION

C01

NOTES:

- 1. THIS WORK INCLUDES UP TO 5 MILES OF SURFACE RECONDITIONING AND UP TO 6.5 MILES OF DITCH RECONDITIONING. AREAS OF PORCUPINE ROAD TO BE RECONDITIONED WILL BE MARKED ON THE GROUND BY THE OWNER WITH SURVEY LATHE AND RIBBON.
- 2. WORK SHALL COMPLY WITH ALASKA DOT&PF STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, 2020 EDITION.
- 3. RECONDITION EXISTING ROAD SURFACE AND SHOULDERS IN ACCORDANCE WITH SECTION 303 RECONDITIONING. PAYMENT FOR THIS WORK SHALL BE 303.0002.0001 RECONDITIONING, STATION.
- 4. RECONDITION EXISTING DITCHES IN ACCORDANCE WITH SECTION 303 RECONDITIONING. PLACE DITCH SPOILS, NOT TO EXCEED 2' IN HEIGHT BACK OF DITCH. DITCH CLEARING AND GRUBBING IS INCIDENTAL TO THIS WORK. PAYMENT FOR THIS WORK SHALL BE 303.0002.0002 RECONDITIONING, STATION.
- 5. AGGREGATE SURFACE COURSE SHALL CONFORM WITH SECTION 301 - AGGREGATE BASE AND SURFACE COURSE. PAYMENT SHALL BE 301.0003.0001, TON.
- 6. AGGREGATE SHALL CONFORM TO SECTION 703-2.03 AGGREGATES. GRADATION SHALL BE TABLE 703-2, SURFACE COURSE, E-1.



PORCUPINE TRAIL ROAD
TYPICAL ROAD SECTION

SCALE: 1/4" = 1' - 0"

- 7. EXISTING ROAD WIDTH VARIES. TOP OF SURFACEING SHALL BE 22' WIDE.
- 8. COMPACT E-1 SURFACE COURSE UNTIL IT DOES NOT YIELD MORE THAN 1/2" IN THE WHEEL PATH OF A LOADED 10-YARD DUMPTRUCK.
- 9. APPLY FIRST AND SECOND APPLICATION OF CALCIUM CHLORIDE IN ACCORDANCE WITH SECTION 624. PAYMENT SHALL BE 624.0001.0001, CALCIUM CHLORIDE, TON.



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REVISION				
REV	DATE	DESCRIPTION	DWN	CKD
A	MAY 22	ISSUED FOR BIDS	EGC	EGC

HAINES BOROUGH PORCUPINE TRAIL ROAD, PHASE 1 PROJECT 00013(435787), SITES 1 & 2	
TYPICAL SECTION	C02

