

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

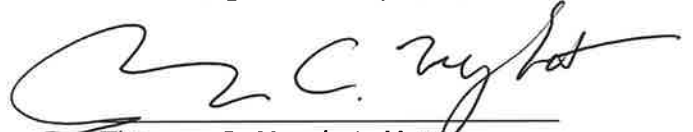
WHEREAS, the Haines Borough has engaged proHNS to assist them in the drafting of an appeal letter; and

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

