

# MUNICIPALITY OF ANCHORAGE



Community Development Department  
Planning Division, Long-Range Planning

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*Mayor Dan Sullivan*

October 29, 2014

Mr. Glenn Foust  
2100 Patriot Circle  
Anchorage, AK 99515-2504

Subject: Klatt Bog

Dear Mr. Foust,

Thank you for meeting with MOA staff on August 4, 2014 (on-site) and on August 6, 2014 (office) regarding the current situation of the dike adjacent to Concord Hills subdivision and Klatt Bog. Since your initial inquiry to the Community Development's Private Development Section we have, in coordination with the Public Works, Real Estate, Parks & Recreation, and Law Departments, been gathering information to document the history of the Klatt Bog property. Specifically, we have been attempting to piece together the ownership, responsibilities, and requirements pertaining to Simpson Tract B related to the airport expansion.

## ***History***

The Municipality of Anchorage acquired the Klatt Bog property (Simpson Tract B) in 2001 from the Ted Stevens Anchorage International Airport (State of Alaska Department of Transportation and Public Facilities). The property was subject to a Conservation Easement, to meet mitigation requirements under a U.S. Army Corps of Engineers wetland fill permit, Turnagain Bog 4. The Conservation Easement preserves the property and protects it from development in perpetuity.

Both the Airport and the Municipality agreed to certain responsibilities with respect to the property and the Conservation Easement. One of the Airport's responsibilities was to order the appropriate studies needed to design a Rehydration Plan for the bog. Between 2002 and 2003 the Airport worked with a contractor to monitor the groundwater and surface water levels on the property. In 2003, they convened a Technical Advisory Committee to review alternative bog restoration plans. With input from the Technical Advisory Committee, the Airport ultimately decided not to implement a rehydration plan. In February 2004, the U.S. Army Corps of Engineers revoked the Airport's wetland fill permit.

## ***Responsibilities***

When the Airport conveyed the property to the Municipality in 2001, it was understood that the Airport would be implementing a rehydration plan to restore or rehydrate Klatt Bog. The conveyance document also stated that, if the Airport did not implement a rehydration plan, and gave notice to the Municipality, the Municipality would simply begin managing the property to protect the wetlands in their existing state. The Municipality cannot locate any record of the Airport providing notice that they would not be implementing a rehydration plan, but it may have been provided. The Airport ultimately ceased the pursuit of the rehydration plan. The Corps of Engineers did not assign any mitigation credits to the Airport for a restoration project and no additional work towards that end has occurred since 2004. The

Municipality's ongoing management responsibility includes taking reasonable measures to avoid causing surface water or groundwater damage to nearby property adjacent to Klatt Bog.

The Municipality believes that it has taken such reasonable measures to protect nearby property. The Municipality has not done anything on the property to cause higher groundwater or surface water levels in the subdivision. The neighboring subdivision is protected by a dike that has been in place since the development of the subdivision. The dike, located on Concord Hill Tract D, is owned by the Concord Hills Homeowner's Association and was constructed by the developer to protect the homes in the subdivision. The Municipality does not have construction drawings on file for the dike; however, it is understood by MOA staff that the dike was a Corps permit requirement of the Concord Hills subdivision development.

### ***Recent Development/Impacts to Klatt Bog***

In the 2005 timeframe, the Municipality replaced a storm drain from the southern terminus of Constitution Avenue extending westerly to Southport Drive. Since the dike within and along the southern boundary of Concord Hills had been overtopped during a mid-winter "Chinook" wind and rain event, unusable excavation material from the storm drain project was placed along the top of the Concord Hills dike. The dike was raised an estimated one to two feet along 150 to 200 linear feet extending easterly from the southern terminus of Constitution Avenue to a higher point in the dike near the Patriot Circle cul-de-sac. While maintenance of the dike, which is located in Concord Hills Tract D, is not the Municipality's responsibility, in this case the disposal of the excavated material in that area was mutually beneficial for the Municipality and the homeowners along the southern side of Patriot Circle, particularly the property owner who had been flooded.

Any new development in the surrounding wetlands would have to have been approved by the Corps of Engineers. Aside from some minor parkland improvements at the east end of the bog, there has been no development in the Klatt Bog proper since the 1990's. Given that the bog ditches continue to draw down groundwater, as noted in a USGS hydrology report from the 1980's, and the fact that subsequent development under strict conditions of Corps of Engineers permits limit water input into the wetlands, there is no evidence to suggest that the bog is not continuing to slowly dry out. The main Klatt Bog ditch conveys stormwater and draws groundwater from points in the bog and upstream of Minnesota Boulevard. Those flows are carried in the main Klatt Bog ditch, which lies well below the bog's surface, and out of the system under Klatt Road to the inlet. Essentially none of the main ditch flow enters the bog.

### ***Groundwater Monitoring***

The Corps of Engineers has continued to monitor the ground water wells that were installed in Klatt Bog during the analysis of the Rehydration Plan. The Corps monitors these wells each fall and spring and documents the depth to water, depth to bottom, the height of the well from the ground surface, and notes any observations of interest. In the last few years, there has been a decrease in the depth to water or an increase in ground water height. This increase can be seen in a majority of the monitoring well sites. It is understood that this increase in ground water is due to the increase in annual precipitation; the past few years have provided significant precipitation and have been identified as some of the wettest years on record, with many instances of days with measureable precipitation. After the record snow fall of 2011/2012, the Corps reported that in many locations within the study area there was at least five inches of water in areas that contained standing water. While the Corps continues to collect data, to the Municipality's knowledge, that data has not been analyzed or published.

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**Conclusion**

Based on our research and available records, we have determined the following:

- the Municipality owns and manages Simpson Tract B;
- the dike is owned by the Concord Hills Homeowners Association (and any maintenance is a responsibility of the Association);
- the dike was a requirement of the Corps permit when the development was approved;
- and the activities of the Municipality has not impacted (positively or negatively) Klatt Bog.

Due to the lack of details related to the dike construction, incomplete information associated with the Corps permitting process, and engineering uncertainties regarding how to bolster the dike, staff from the Municipality are willing to work with you and the Concord Hills Homeowners Association to attempt to determine an appropriate solution to the overtopping and seepage of water along the dike.

Please feel free to contact us with any questions.

Sincerely,



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