

April 25, 2014

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Cc: Chad.Scherwinski@BNSF.com Paul.Fullen@BNSF.com BNSF Division Engineer, Road Master
Cc: Kdmoore@snopud.com (Kim Moore) Snohomish County PUD Assistant General Manager
Cc: Susan.richardson@snoco.gov Planning & Development Services – Snohomish County

Re: New privately owned vehicle bridge to be built on BNSF property at Canyon Falls on the South Fork Skykomish River near Index Washington.

Dear Ms. Thomas,

I am writing to you regarding a new privately owned Vehicle Bridge to be built by the Mount Index Riversites Community Club (MIRCC) on BNSF owned land over the South Fork Skykomish River in Washington State. I have attached the online notice of the building permit recently issued by Snohomish County for this project.

The property upon which the new bridge would be located was transferred to The Great Northern Railroad Co. via Quit Claim Deed in 1965 as part of a railway realignment project. The new bridge abutments, approaches and other features would be built on BNSF land adjacent to the existing main line railway. The new bridge will be located near the site of a previous wooden arch bridge, which was condemned in 1999 and removed.

The purpose of this letter is to discover whether MIRCC has received BNSF authorization to construct this new bridge on BNSF land, or if a misunderstanding exists as to land ownership of the bridge site. The Snohomish County assessor's plat map was not updated after the 1968 GNR realignment and it appears to me that MIRCC and Snohomish County have mistakenly identified the left abutment as MIRCC-owned road segment, tax parcel # 00525900311200.

In fact the project would be constructed on the private roads located within Block "C" Assessor's Plat of Mount Index Riversites, Division No. 2, according to the plat thereof recorded in Volume 16 of Plats, page 113, records of Snohomish County, Washington, and specifically on those portions of the roadway lying adjacent to and abutting Lots 1 through 24 and lots 26 through 108, which are roads owned by BNSF and not a part of tax parcel # 00525900311200. MIRCC may also contemplate building additional project features on BNSF owned lots in Block "C" adjacent to the bridge abutment.

The right bank of the proposed project would be constructed on the private roads located within Block "G" Assessor's Plat of Mount Index Riversites, Division No. 2, according to the plat

thereof recorded in Volume 19 of Plats, page 29, records of Snohomish County, Washington, and specifically on those portions of the roadway lying adjacent to and abutting Lots 1 through 5 and lots 89 through 94 of said plat, which are also roads owned by BNSF.

I have attached an analysis of the relevant land ownership issues that was prepared by the Snohomish County Public Utility District (SnoPUD), a potential financier of the MIRCC bridge project. Also attached is a SnoPUD vicinity map, which erroneously indicates MIRCC ownership of the BNSF roads in blocks "B" and "C", as well as a copy of the MIRCC deed, which specifically excludes the above referenced BNSF properties.

SnoPUD is studying the feasibility of developing the Skykomish River for hydropower and has an urgent interest in gaining access across the new bridge for their studies. SnoPUD senior management has recently informed MIRCC that the bridge project could come before the SnoPUD board of commissioners for funding approval as soon as their next regular meeting on May 6, 2014, so time is of the essence to identify and correct any property ownership issues before construction commences. While SnoPUD would provide substantial funding for the project, MIRCC is apparently responsible for obtaining all permits, licenses, authorizations, approvals, etc. for the project.

The proposed new vehicle bridge is adjacent to the existing main line railroad bridge, which crosses the Skykomish River above Canyon Falls. This railroad bridge was threatened during a 2006 flood and the railway below the bridge was completely washed out, caused in part by a natural constriction at the head of Canyon Falls and exacerbated by the old concrete pylons from the former bridge. I have attached a 2006 photo, which illustrates the flood issues pertaining to the constriction and old pylons on this critical railroad bridge asset.

Thank you and please contact me if you need any additional information in support of the information I have presented in this letter.

Sincerely,

David Wick