



# MATANUSKA-SUSITNA BOROUGH

## Planning and Land Use Department

### Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822 • Fax (907) 861-8158

Email: [permitcenter@matsugov.us](mailto:permitcenter@matsugov.us)

**RECEIVED**

By Mark Whisenhunt at 1:52 pm, May 17, 2022

### APPLICATION FOR A CONDITIONAL USE PERMIT FOR EARTH MATERIALS EXTRACTION – MSB 17.30

*Carefully read instructions and applicable borough code. Fill out forms completely. Attach information as needed. Incomplete applications will not be processed.*

*THIS APPLICATION IS FOR MATERIALS EXTRACTION THAT **DOES NOT** OCCUR WITHIN FOUR FEET OF THE SEASONAL HIGH WATER TABLE. IF YOUR PLAN INCLUDES EXTRACTION WITHIN FOUR FEET OF THE SEASONAL HIGH WATER TABLE YOU MUST COMPLETE THE APPLICATION SPECIFIC TO THAT PURPOSE.*

**Application fee must be attached, check one:**

\_\_\_\_\_ \$500 for Administrative Permit (Less than two years **or** less than 7,000cy annually)

\_\_\_\_\_ \$1,000 for Conditional Use Permit (More than two years **and** more than 7,000cy annually)

*Prior to the public hearing, the applicant must also pay the mailing and advertising fees associated with the application. Applicants will be provided with a statement of advertising and mailing charges. Payment must be made prior to the application presentation before the Borough Planning Commission.*

**Subject Property:** Township: \_\_\_\_\_, Range: \_\_\_\_\_, Section: \_\_\_\_\_, Meridian: \_\_\_\_\_

MSB Tax ID# \_\_\_\_\_

SUBDIVISION: \_\_\_\_\_ BLOCK(S): \_\_\_\_\_, LOT(S): \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_

FACILITY / BUSINESS NAME: \_\_\_\_\_

**Ownership:** A written authorization by the owner must be attached for an agent or contact person, if the owner is using one for the application. Is authorization attached?  **Yes**  **No**  **N/A**

**Name of Property Owner**

**Name of Agent / Contact for application**

\_\_\_\_\_  
Mailing: \_\_\_\_\_

\_\_\_\_\_  
Mailing: \_\_\_\_\_

\_\_\_\_\_  
Phone: Hm \_\_\_\_\_ Fax \_\_\_\_\_

\_\_\_\_\_  
Phone: Hm \_\_\_\_\_ Fax \_\_\_\_\_

Wk \_\_\_\_\_ Cell \_\_\_\_\_

Wk \_\_\_\_\_ Cell \_\_\_\_\_

E-mail \_\_\_\_\_

E-mail \_\_\_\_\_

**Description** What type(s) of material is being extracted? \_\_\_\_\_

Total acreage area of all parcels on which the activity will occur: \_\_\_\_\_

Total acreage area of earth material extraction activity: \_\_\_\_\_

Total cubic yards extraction per year: \_\_\_\_\_

Total projected cubic yards to be extracted: \_\_\_\_\_

What is the estimated final year extraction will occur? \_\_\_\_\_

**Required information**

1. Attach a plan of sufficient detail to demonstrate compliance with the requirements of MSB 17.28.050 and MSB 17.28.060.

<b>Plan of Operation</b>	<b>Attached</b>
Provide seasonal start and end dates	
Provide days of the week operations will take place.	
Provide hours of operation.	
Estimated end date of extraction	
Estimated end date of reclamation	
Describe all other uses occurring on the site	
Describe methods used to prevent problems on adjacent properties, such as lateral support (steep slopes), water quality, drainage, flooding, dust control and maintenance of roads; how will the operation monitor the seasonal high water table to stay at least four feet above it	
Provide quantity estimates and topographical information such as cross section drawings depicting depth of excavation, slopes and estimated final grade	

2. Submit a site plan. Drawings must be detailed and **drawn to scale**. Drawings under seal of an engineer or surveyor are recommended but not required.

<b>SITE PLAN REQUIREMENTS</b>	<b>Attached</b>
Identify location of permanent and semi-permanent structures on the site for verification of setback requirements. Include wells and septic systems.	
Depict buffer areas, driveways, dedicated public access easements, and noise buffers (such as fences, berms or retained vegetated areas), and drainage control such as ditches, settling ponds etc.	
Identify wetlands and waterbodies on site and within one mile	
Identify existing surrounding land uses within one mile	
Identify surrounding property ownership (i.e. public vs. private) within one mile of exterior boundaries	
Show entire area intended for gravel/material extraction activity and the boundary of the lot(s) containing the operation. Identify areas used for past and future phases of the activity. Identify phases of proposed mining activities including a map showing the area to be mined, a description of the topography and vegetation, approximate time sequence for mining at particular locations, and general anticipated location of semi-permanent equipment such as conveyor belts, crushers, dredges, batch plants, etc.	

Road and access plan that includes anticipated routes and traffic volumes. If the level of activity exceeds the minimum levels specified in MSB 17.61.090, traffic standards, a traffic control plan consistent with state regulations may be required	
Visual screening measures that include a detailed description of the type of visual screening to be utilized. Visual screening may include, but is not limited to, berms, natural vegetation, solid fences, walls, evergreen hedges or other means as approved by the commission	
Noise mitigation measures that include a description of measures to be taken by the applicant to mitigate or lessen noise impacts to surrounding properties. Measures shall include, but not be limited to, hours of operation of noise-producing equipment, erecting noise barriers (i.e., berms a minimum of 10 feet in height) between noise-producing equipment and adjacent uses, location of noise-producing equipment (i.e., below grade in excavated pit areas), and measures to utilize equipment with noise reduction features	
Proposed lighting plan	
Other (as required by MSB Planning Department)	

3. Submit a reclamation plan including the following:

Reclamation Plan	Attached
Provided timeline for reclamation at particular locations and that is in compliance with MSB 17.28.067	
Provide copy of reclamation financial assurance filed with the State of Alaska (If exempt, provide qualifying documents for exemption)	

4. Submit documentation of compliance with borough, state and federal laws:

COMPLIANCE WITH BOROUGH, STATE AND FEDERAL LAWS	Applied for (list file #)	Attached (list file #) or N/A
Mining license as required by the Alaska State Department of Revenue, pursuant to A.S.42.65		
Mining permit as required by the Alaska State Department of Natural Resources (ADNR) if extraction activities are to take place on state land		
Reclamation plan as required by ADNR, pursuant to A.S. 27.19		
Notice of intent (NOI) for construction general permit or multi-sector general permit and storm water pollution prevention plan, and other associated permits or plans required by the Environmental Protection Agency (EPA) pursuant to the National Pollutant Discharge Elimination System (NPDES) requirements		LOI
United States Army Corps of Engineers permit pursuant to Section 404 of the Clean Water Act, 33 U.S.C. 1344, if material extraction activity is to take place within wetlands, lakes and streams.		
Other (Such as, driveway / access permits. List as appropriate.) Bogard Rd access established via ADOT Approval to Construct #28866.		

**OWNER'S STATEMENT:** I am owner or authorized agent of the following property:

MSB Tax account #(s) \_\_\_\_\_ and, I hereby apply for approval of conditional use permit for earth material extraction activities on the property as described in this application.

I understand all activity must be conducted in compliance with all applicable standards of MSB 17.28, MSB 17.30 and with all other applicable borough, state and federal laws, including but not limited to, air quality, water quality, and use and storage of hazardous materials, waste and explosives, per MSB 17.30.055.


I understand that other rules such as local, state and federal regulations, covenants, plat notes, and deed restrictions may be applicable and other permits or authorizations may be required. I understand that the borough may also impose conditions and safeguards designed to protect the public's health, safety and welfare and ensure the compatibility of the use with other adjacent uses.

I understand that it is my responsibility to identify and comply with all applicable rules and conditions, covenants, plat notes, and deed restrictions, including changes that may occur in such requirements.

I understand that this permit may transfer to subsequent owners of this land and that it is my responsibility to disclose the requirements of this status to operators on this property, and to the buyer when I sell the land. Additionally, I agree to comply with 17.30.120 Transfer of Conditional Use Permit, in the event this permit is transferred to a subsequent property owner.

I grant permission for borough staff members to enter onto the property as needed to process this application and monitor compliance. Such access will at a minimum, be allowed when the activity is occurring and, with prior notice, and at other times necessary to monitor compliance.

The information submitted in this application is accurate and complete to the best of my knowledge.

	John Sommer	5 / 12 / 2022
Signature: Property Owner	Printed Name	Date

SAME		
Signature: Agent	Printed Name	Date





RECEIVED  
By Mark Whisenhunt at 1:52 pm, May 17, 2022

**CONDITIONAL USE PERMIT: FRONTIER PLAZA SUBDIVISION  
EARTH MATERIALS EXTRACTION  
PLAN OF OPERATION / SITE DEVELOPMENT PLAN**

**Legal Description & Property Summary:**

This property is privately owned by AK Frontier Rentals, LLC at the intersection of East Bogard Road and East Seldon Road in Wasilla, Alaska. Its legal description was previously Township 18N, Range 1E, Section 31, Lot A4, Seward Meridian.

The Subject Properties, under the former street address of 4534 East Seldon Road (and former MSB Tax ID: 18N01E31A004), recently underwent the platting process to be subdivided - acquiring the name, *Frontier Plaza Subdivision*. Official platting is recorded in February of 2021 as PL 2021-15.

At present, East Frontier Plaza Drive is constructed and entirely paved between East Bogard Road and North Northgate Place. Utilities are installed along the road shoulder within utility easements and junction boxes are extended for future development; these include underground distribution of natural gas, electricity, and data lines. Lot pads are prepared within several of the subdivision parcels, two of which are currently sold and pending development in the near term. Lots that remain unimproved and requiring material haul out to complete pad preparation are listed below.

**SUBJECT PROPERTIES**

MSB Tax ID No.:	Subdivision Lot:	Street Address No.:	Disturbance Area (acre):
8102B01L002	Lot 3, Block 1	4637	[mined] ~ 1.5
8102B01L003	Lot 2, Block 1	4563	[stockpiled] ~ 1.5
8102B02L001	Lot 1, Block 2	4612	[mined] ~ 2.25
8102B02L002	Lot 2, Block 2	4552	[stockpiled] ~ 1.4

Seasonal and daily anticipated dates of site activity related to material extraction are provided below. Actual operations for material extraction work would likely be intermittent through the year and scheduled to meet demands of the project(s) being supplied.

**Extraction Season, General Work Scheduling:**

<b>Start of Extraction (Est.):</b> MAY 2022	<b>End Date of Extraction (Est.):</b> DEC 2030
<b>Seasonal Start Date:</b> April 1st	<b>Seasonal End Date:</b> November 15th
<b>Work Week:</b> Monday – Saturday	<b>Workday (Hrs):</b> 7 AM – 6 PM
<b>End Date of Reclamation (Est.):</b> DEC 2030	

The operating contractor for lot/road construction and concurrent gravel material extraction under this proposed Conditional Use Permit (CUP) is Tutka, LLC. Generally, the work can be designated in two phases for the purpose of this permit.

**Phase One** - will consist of extracting and preparing gravel from the *mined* lots.

**Phase Two** - will follow with sale and haul out of *stockpiled* gravel as needed.

See **Figure SD01** and **Figure SD02** for details.

### Other Uses On-Site:

**Gravel and rock is specifically to be sourced from Block 1, Lot 3**, then screened and stockpiled on the adjacent Lot 2 (west). **Similarly, gravel and rock would be sourced from Block 2, Lot 1** with screening and stockpiling on the adjacent Lot 2 (also west). This will allow for processing materials without trucks needing to cross E Frontier Plaza Drive. Lots 1 & 4 of Block 1 are sold and pending future commercial property use. Construction of East Frontier Plaza Drive concluded last fall (2021) with placement of asphalt pavement over the length of the road surface. The sale and development of remaining lots within the subdivision would proceed as gravel extraction is completed. No conflicting uses are planned within or adjacent to the proposed gravel materials extraction.

### Methods to Prevent Problems on Adjacent Properties:

**Site Drainage (Subject Property):** During mining-related activities on the affected lots, ground conditions on site will consist of a permeable gravel surface that will allow for infiltration of storm water. Per the Rational Equation, the runoff coefficient for an undeveloped gravel lot is low (< 0.30).

Temporary berms will be established using clearing and grubbing or gravel at the limits of excavation / stockpiling for each affected lot. Additional shallow trenching will be constructed adjacent to the berms as needed should storm water need additional time for infiltration within the property boundaries.

**Site Drainage (Right-of-Way):** On completion of East Frontier Plaza Drive to meet Borough standards, storm water runoff from the road surface will sheet flow to roadside ditching, where it is expected to be retained and infiltrate on-site. In addition, a gravel-filled infiltration trench is also constructed at the lowest elevation of the subdivision (see attached *Site Map*, at the southeast corner of Block 2, Lot 1).

**Water Table:** No wetlands or water bodies intersect the Frontier Plaza Subdivision or the lots subject to mining. Local topography also isolates the subdivision hydrologically from Anderson Lake to the north. No additional wetlands surround the property that could receive storm water runoff from the mining areas or the subdivision. Groundwater disposition within the surrounding parcels/lots is documented per nearby well logs (see table below). Gravel extraction on the Subject Property would extend less than 25 feet below ground surface (BGS). At this depth, excavation will still remain significantly above the static water level, estimated to be at least an additional 25 feet below the planned floor of excavation. Throughout construction of E Frontier Plaza Drive (2018-2021), and during installation of utilities to date, groundwater has not been observed on site.

### WELL LOG DATA – GROUNDWATER CONDITIONS

Nearby Property	Well Log No.:	Well Dist. (ft)/Dir.:	Water Depth (ft) (BGS):
2951 N Northgate Pl	58316	~ 460 / W	78
4721 E Bogard Rd	11352	~ 480 / SE	52
2991 N Tait Dr	29230	~ 1,500 / W	70
4161 E Seldon Rd	54634	~ 1,900 / W	82
4641 E Frontier Plaza Dr	83163	Adjacent (Lot 4, Block 1)	91

**Water Quality:** Tutka's heavy equipment operations will handle petroleum, oil, and lubricants (POLs) according to a Hazardous Material Control Plan (HMCP) standard to their construction projects. This plan addresses proper containment of fuels and oils as well as response procedures for spills due to equipment failure. In the event of a spill, spill reporting is addressed according to ADEC reporting requirements under AS 46.03.755 and 18 AAC 75.300.

A single *Provisional*, or *Temporary Drinking Water Protection Area* (DWPA - a 1,000-foot radius perimeter) surrounding the public water system at Alaska Brain Center intersects the southern boundary of proposed mining at Block 2, Lot 1. No impact to this *Provisional* DWPA is anticipated due to excavation planned on this lot. Planned excavation is both at the DWPA’s outermost boundary and will remain significantly above the water table – a vertical distance estimated at greater than 25-feet, as noted under the “Water Table” section. An open pit gravel mine is not in the proposed scope of work. Excavation/mining from this lot has a planned finished grade intended to serve as a building pad for subsequent development.

Water System Name	PWSID	Contact Name
Alaska Brain Center	AK2220251	Kim Sandmann
Address	Phone #	Email
4551 E Bogard Rd, Wasilla	907-373-6500	ksandmann@akbraincenter.com

**Dust Control:** Exposed soil that is actively being worked will be wetted by water truck to reduce nuisance level dust conditions caused by dry soils and high winds.

**Maintenance of Roads:** Street sweeping will be performed on E Frontier Plaza Drive commensurate with gravel hauling activities to remove sediment track out from paved road surfaces.

### Quantity Estimates and Topographical Information:

Topographical information including the original ground and proposed plat arrangement were evaluated on review by the MSB Platting Board in 2019. Excavation of mineral resources for the purposes of this Conditional Use Permit will be according to construction of the anticipated final roadway grades designed for East Frontier Plaza Drive, connected approaches and lots will be graded consistent with the profile. A copy of the Final Plat is attached for reference.

Material exported is expected to **be less than 42,000 cubic yards (CY)** over the course of this permit at potentially **greater than 7,000 cubic yards per year**.

## SITE PLAN REQUIREMENTS

Site Plan information is discussed briefly below and also included in maps attached at the end of this document.

### Verification of Setback Requirements:

All setback requirements are addressed in the Final Plat for this property. No permanent or semi-permanent structures are currently located on site; when lots are separately developed for commercial businesses, they will be constructed in compliance with setback requirements and well and septic system separation minimums.

The 25-ft setback, required per MSB 17.28.070, will be observed with regard to the lots identified for mining/material extraction.

### Road and Access Plan:

Gravel mined from Block 1, Lot 3 will be processed on Lot 2 (west adjacent in Block 1).

Gravel mined from Block 2, Lot 1 will be processed on Lot 2 (west adjacent in Block 2).

Gravel will be hauled out from each respective Lot 2 onto E Frontier Plaza Drive, via a permitted approach, travel west onto N Northgate Place and finally outward onto E Seldon Road.

See **Figure SD02** for haul routes. Peak daily haul activity is estimated at 3,000 tons exported. Based on this estimate, haul traffic would account for 240 trips per day (120 round trips). Vehicle traffic in support of mining activity could be up to an additional 30 trips per day (i.e, for fueling, supervision, maintenance, etc...). The “peak hour” of traffic entering or exiting the site is estimated to be between approx. 10:00 A.M. and 11:00 A.M. Trips during “peak hour” are therefore estimated at 25 trips per hour. Tutka will have sufficient off-street (gravel lot area) available for company personnel vehicles and all heavy civil mining equipment parking to prevent the use of public Rights-of-Way.

**DRIVEWAY PERMIT STATUS**

<b>Subdivison Lot:</b>	<b>Street Address:</b>	<b>Permit No.:</b>
Lot 2, Block 1	4563	Issued - D27252
Lot 3, Block 1	4637	Application Pending
Lot 1, Block 2	4612	Application Pending
Lot 2, Block 2	4552	Issued - D27254

**Noise Mitigation Measures:**

Excavation and gravel processing work (crushing/screening, and stockpiling) will consist of utilizing a combination of excavator, dozer, loader, and dump trucks. Tutka also anticipates the use of a crusher on site for material production. It will be a newer model crusher with current noise reduction features. Heavy equipment is routinely checked and serviced as needed so that their backup alarms and white noise alarms remain operational. Exhaust mufflers are appropriately maintained to ensure that they are effective according to the manufacturer’s design. The required perimeter berm would also reduce the impacts from noise to surrounding properties. In areas on each lot actively being worked for gravel extraction where the natural relief does not provide sufficient noise barrier, Tutka will build a berm from clearing and grubbing or gravel with a minimum 10-foot height where it can be safely constructed.

**Lighting Standards:**

Use of additional trailer-mounted lighting during seasonal low light conditions (when needed to comply with safety requirements) would be restricted to the working hours listed under *General Work Scheduling*, above. When in use, exterior lighting will be located and shielded to direct the light towards the ground, in order to minimize light spillage onto adjacent properties and upward into the night sky. When illumination or other fixtures are mounted higher than 20 feet for 150 watts or more will have downward direction shielding.

**Visual Screening Measures:**

Easternmost Lot 4 within the subdivision is excavated down to final elevation and graded at approximately one percent slope until further development. This completed lot provides a distance buffer between the proposed excavation (and subsequent gravel extraction) and road traffic along Bogard Road / Seldon Road. Ditches and easements are maintained between the adjacent roadways and the subject property as shown on the Final Plat.

As noted under, *Methods to Prevent Problems on Adjacent Properties* (pg 2), berms will be constructed at the perimeter of the lots to be mined/stockpiled. Also, as excavation of Lots 1 and 2 progress, screening equipment can be nestled into a lower position, temporarily allowing surrounding gravel berms to act as a visual/auditory buffer (until berm gravel is hauled off when site work is concluded). Additional visual buffers (fencing) would not be feasible within the property’s topographical setting as the surrounding terrain is presently significantly lower than the areas to be mined. A wall would have to be higher than is reasonable to visually isolate activities from road traffic or adjacent properties.

### Wetlands and Waterbodies:

**On Site:** No wetlands or waterbodies are present on subdivision property.

**Within One Mile:** Anderson Lake (north ~1,400 feet); Kings Lake (northwest ~2,700 feet); Mud Lake (southwest ~4,500 feet); Cottonwood Lake (south ~ 1 mile)

**Wetlands Within One Mile:** Kettle (south ~2,800 feet); Spring Fen (south ~3,800 feet); Spring Fen (southeast ~3,500 feet)

All wetlands and waterbodies are sufficiently outside the influence of material extraction operation to take place within the subdivision. They're separated geographically by roadways, residential housing, and wooded areas.

### Surrounding Land Uses:

Land uses extending outward from the subdivision perimeter are summarized below:

**Surrounding Property Uses:** Existing property use nearby lots considered here for materials extraction include:

To the North: E Seldon Rd, Mixed commercial/residential property, An undeveloped (wooded) lot, Anderson Lake

To the Northeast: An MEA power substation followed by commercial properties (i.e., Performance Air Motive and business properties in the Crossroads Center)

To the East: Mann Family Dental will construct a building on Lot 4 of Block 1 beginning this month. There's a commercial rental parking lot (at intersection) just north of the Valley Country Store (gas station), beyond which is the Cottonwood Shores residential subdivision

To the Southeast: Additional residential housing within the Cottonwood Shores subdivision

To the South: Commercial properties with frontage along Bogard Road (N to S) consist of an RV parking rental area followed by a car detailing business and another commercial shop and equipment yard. Moving Inward east along East Stoney Hollow Drive is an undeveloped lot followed by the Wasilla Korean Baptist Church, and then a single family residential property.

To the West: Northern Alpine Septic's commercial building is at the intersection of North Northgate Place and East Seldon Road while the Northgate Alaska Church owns all property out to North Tait Drive.

### Area Intended for Gravel/Material Extraction Activity:

**Extraction of gravel and rock is specifically to be sourced from subdivision Block 1 [Lot 3] and Block 2 [Lot 1]. Gravel screening would be set up on Block 1 [Lot 2] and Block 2 [Lot 2].** Material extraction from these subdivision lots is integral to final development of those properties.

## RECLAMATION PLAN

### Timeline for Reclamation at Particular Locations (per MSB 17.28.067):

Reclamation of the proposed mining lots within the subdivision will be accomplished sequentially as those lots approaching finished grade are opened up for development. The end use of the proposed lots will largely preclude the need for site reclamation. Ground surface elevations will be lowered, as discussed in the *Site Development Plan*, until reaching a grade similar to the adjacent East Frontier Plaza Drive. Each mined lot as completed in turn, will then be offered for sale and further development according to the new owners. Final slopes will be graded such that they attain a maximum 50 percent slope or the natural stabilized angle of repose and will be blended with the surrounding undisturbed topography wherever conditions and future development allow.

For example, reclamation/stabilization may be completed with site paving for road approaches, driveways, parking areas and building pads/sidewalks. Depending on the new owner's needs, exposed gravel surfaces may also receive topsoil and seed accordingly.

Tutka provided a Letter of Intent (LOI) to the ADNR Material Sales Program office that declares Tutka's intent to mine for gravel to predetermined elevations in preparation of lot/building pad development and anticipated soil disposition following removal of gravel material. (see attached e-mail correspondence) This LOI is pending assignment of a case number by ADNR. When one is provided it will be forwarded on to the MSB Planning Department for their records.

On conclusion of mining activities, Tutka will ensure that no junk vehicles, junk vehicle parts, or trash remain on the lots.

#### **Copy of Reclamation Financial Assurance (unless exempt, then qualifying documents):**

All mining activity will take place on private property. The scope of proposed mining activities on the subject property is exempt from the requirement for Reclamation Financial Assurance, specifically an Alaska Mining License does not apply (see below).

### **COMPLIANCE WITH BOROUGH, STATE, AND FEDERAL LAWS**

#### **Mining License:**

Tutka's proposed mining operations on the subdivision property are not subject to an Alaska Mining License as the materials to be extracted are included within the exclusion of "quarry rock, sand and gravel, and/or marketable earth exclusively" (ADNR, Instructions for the Alaska Mining Application, 0405-661i, 03-01-15).





THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

**Department of Natural Resources**

DIVISION OF MINING, LAND & WATER  
Southcentral Regional Land Office

550 West 7th Avenue, Suite 900C  
Anchorage, Alaska 99501-3577  
Main: 907.269.8503  
TTY: 711 or 800-770-8973  
Fax: 907.269.8913

April 7, 2022

Tutka, LLC  
2485 E Zak Circle, Suite A  
Wasilla, AK 99654

**RECEIVED**

By Mark Whisenhunt at 1:52 pm, May 17, 2022

Re: LAS 34036 – Letter of Acceptance for Non-State Land Reclamation Letter of Intent

Dear Tutka, LLC,

The Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Southcentral Regional Land Office (SCRO), received your Letter of Intent (LOI) for the reclamation of 4 acres after extracting 42,000 cubic yards of sand and gravel. According to the application, the subject site is located on private lands of AK Frontier Rentals, LLC within Section 31 of Township 18 North, Range 1 East, Seward Meridian.

Thank you for submitting a LOI for gravel extraction activities. After reviewing the LOI we have determined that the LOI is complete as submitted. The proposed reclamation measures are appropriate provided that the operation is conducted in a manner that will prevent unnecessary and undue degradation of land and water resources, and the operation shall be reclaimed using current reclamation methods so that the site is left in a stable and safe condition. No financial assurance is required for activities under a LOI.

Although the proposed gravel extraction is exempt under the provision for small operations, an annual reclamation statement needs to be filed with this office at the end of the year. This statement should disclose the total acreage and volume of material mined in the current year, the total acreage reclaimed, and the specific reclamation methods used to comply with AS 27.19.020 (Reclamation Standards). Please submit this statement to SCRO no later than December 31, 2022. If a statement is not submitted, subsequent operations, regardless of size, will no longer be exempt from a mining reclamation plan and bonding.

This acceptance letter does not alleviate the necessity to obtain authorizations required by other agencies and entities for this activity. If you have any questions, please feel free to contact Amber-Lynn Taber at (907) 269-8560 or at [amber.taber@alaska.gov](mailto:amber.taber@alaska.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Carroll".

Samantha Carroll  
Regional Manager, Southcentral Regional Land Office

## Kyle Johnson

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**From:** Taber, Amber-Lynn (DNR) <amber.taber@alaska.gov> on behalf of Taber, Amber-Lynn (DNR)  
**Sent:** Friday, February 11, 2022 10:17 AM  
**To:** Kyle Johnson  
**Cc:** John Sommer  
**Subject:** RE: Frontier Plaza Sub.: ADNR Gravel Mining LOI

**RECEIVED**

By Mark Whisenhunt at 1:52 pm, May 17, 2022

Good morning Kyle,

Thank you for the thorough information. I will get this processed for you here shortly. Please let me know if you have any questions or concerns but otherwise I will be in touch again soon.

All the best,

*Amber-Lynn Taber*

Natural Resource Specialist – Material Sales Program  
Alaska Department of Natural Resources  
Southcentral Regional Land Office  
550 W. 7<sup>th</sup> Ave. Ste. 900C  
Anchorage, AK 99501  
P: 907-269-8560 F: 907-269-8913  
[amber.taber@alaska.gov](mailto:amber.taber@alaska.gov)

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**From:** Kyle Johnson <[kyle@tutkallc.com](mailto:kyle@tutkallc.com)>  
**Sent:** Friday, January 28, 2022 3:55 PM  
**To:** Taber, Amber-Lynn (DNR) <[amber.taber@alaska.gov](mailto:amber.taber@alaska.gov)>  
**Cc:** John Sommer <[john@tutkallc.com](mailto:john@tutkallc.com)>  
**Subject:** Frontier Plaza Sub.: ADNR Gravel Mining LOI

**CAUTION:** This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

### Frontier Plaza Subdivision - Gravel Mining LOI

Good Afternoon Amber,

Thank you for your preliminary input regarding gravel mining within the Frontier Plaza Subdivision. I've attached a completed *Letter of Intent* package from Tutka for ADNR's records. The plan for this mining operation is to extract gravel down toward the anticipated grade for further development as I'd previously identified. As extraction/mining meets that finished grade, the disturbed ground will have achieved readiness for post-mining land use, which will be incompatible with natural revegetation and therefore reclamation to the standard of AS 27.19.020 will not be feasible. I've included a *Consent Statement & Notification* from AK Frontier Rentals per the *Letter of Intent* (Section 6) to declare this intended use.

Please call or e-mail if you have any questions or additional information is needed. If you're able to, please also respond acknowledging receipt so that I can include it with my submittal to the Mat-Su Borough as a component of Tutka's Conditional Use Permit for the same property.

Thank you,

*Kyle Johnson*

[kyle@tutkallc.com](mailto:kyle@tutkallc.com)

o: 907-357-2238

c: 907-671-7998



"Where Engineering Meets the Environment"

**PLANNING & LAND USE DIRECTOR'S CERTIFICATE**

I CERTIFY THAT THIS SUBDIVISION PLAT HAS BEEN FOUND TO COMPLY WITH THE LAND SUBDIVISION REGULATIONS OF THE MATANUSKA-SUSITNA BOROUGH, AND THAT THE PLAT HAS BEEN APPROVED BY THE PLATTING AUTHORITY BY PLAT RESOLUTION NUMBER \_\_\_\_\_ DATED \_\_\_\_\_ 20\_\_\_\_ AND THAT THIS PLAT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE RECORDER IN THE PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA, IN WHICH THE PLAT IS LOCATED

PLANNING AND LAND USE DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_

ATTEST: \_\_\_\_\_  
(PLATTING CLERK)

**CERTIFICATE OF PAYMENT OF TAXES**

I HEREBY CERTIFY THAT ALL CURRENT TAXES AND SPECIAL ASSESSMENTS, THROUGH \_\_\_\_\_, 20\_\_\_\_, AGAINST THE PROPERTY, INCLUDED IN THE SUBDIVISION OR RESUBDIVISION, HEREON HAVE BEEN PAID.

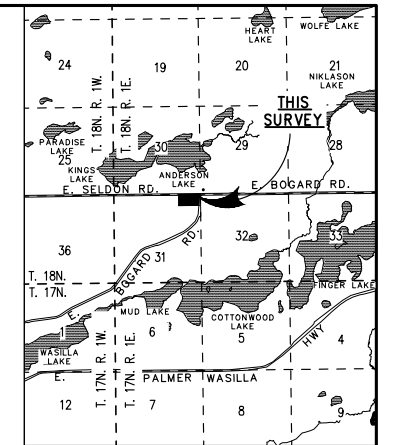
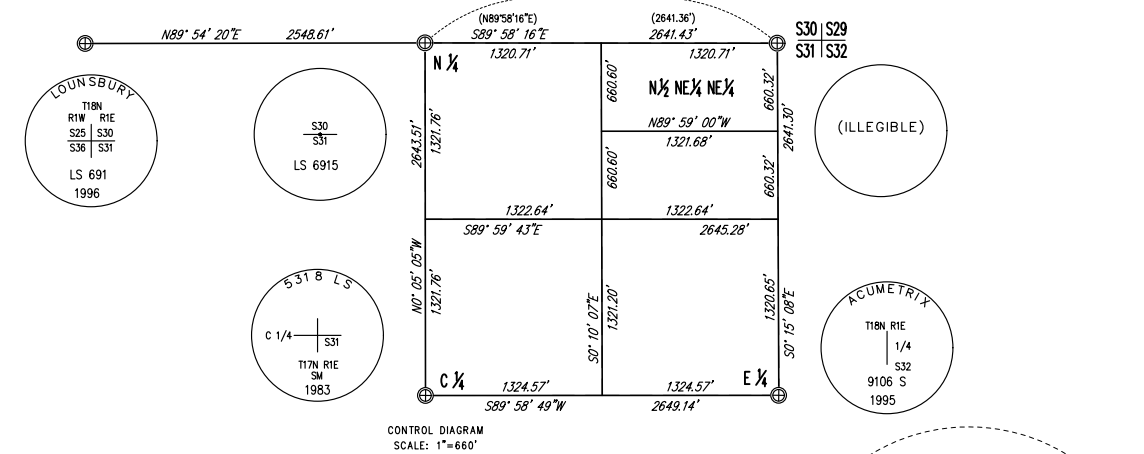
TAX COLLECTION OFFICIAL \_\_\_\_\_ DATE \_\_\_\_\_  
(MATANUSKA-SUSITNA BOROUGH)

**NOTES**

1. NO INDIVIDUAL WATER SUPPLY SYSTEM OR SEWAGE DISPOSAL SYSTEM SHALL BE PERMITTED ON THIS LOT UNLESS THE SYSTEM IS LOCATED, CONSTRUCTED, AND EQUIPPED IN ACCORDANCE WITH THE REQUIREMENTS, STANDARDS, AND RECOMMENDATIONS OF THE ALASKA STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
2. THERE MAY BE FEDERAL, STATE, AND LOCAL REQUIREMENTS GOVERNING LAND USE. THE INDIVIDUAL PARCEL OWNER SHALL OBTAIN A DETERMINATION WHETHER THESE REQUIREMENTS APPLY TO THE DEVELOPMENT OF PARCELS SHOWN ON THE PLAT TO BE RECORDED.
3. THE 17' P.U.E. RUNNING ALONG THE 33' SECTION LANE EASEMENT WAS CREATED IN BOOK 408, PAGE 479 AS AN EASEMENT TO THE MAT-SU BOROUGH. THE MAT-SU BOROUGH LATER CONVEYED THE P.U.E. TO THE STATE OF ALASKA IN BOOK 945, PAGE 266.
4. NO DIRECT ACCESS TO E. BOGARD RD. OR E. SELDON RD., UNLESS AUTHORIZED BY THE PERMITTING AGENCY.

CURVE TABLE						
CURVE #	LENGTH	RADIUS	DELTA	CHORD LENGTH	CHORD BEARING	TANGENT
C1	66.17	195.00	19°26'30"	65.85	S80° 18' 01"W	33.40
C2	86.51	255.00	19°26'14"	86.09	S80° 17' 53"W	43.67
C3	47.12	30.00	90°00'00"	42.43	S45° 01' 00"W	30.00
C4	47.12	30.00	90°00'00"	42.43	N44° 59' 00"W	30.00
C5	30.01	255.00	6°44'34"	29.99	N86° 36' 43"W	15.02
C6	22.95	195.00	6°44'34"	22.94	N86° 36' 43"W	11.49
C7	26.48	225.00	6°44'34"	26.46	N86° 36' 43"W	13.25
C8	26.48	225.00	6°44'34"	26.46	N86° 36' 43"W	13.25
C9	47.12	30.00	90°00'00"	42.43	N45° 01' 00"E	30.00
C10	47.12	30.00	90°00'00"	42.43	N44° 59' 00"W	30.00
C11	66.15	195.00	19°26'14"	65.84	S80° 17' 53"W	33.40
C12	86.53	255.00	19°26'30"	86.11	S80° 18' 01"W	43.68
C13	76.35	225.00	19°26'30"	75.98	S80° 18' 01"W	38.54
C14	76.33	225.00	19°26'14"	75.96	S80° 17' 53"W	38.54

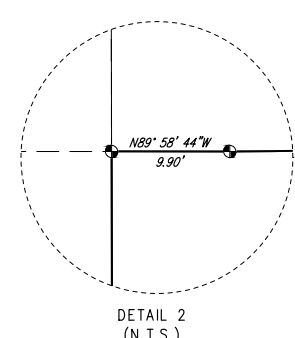
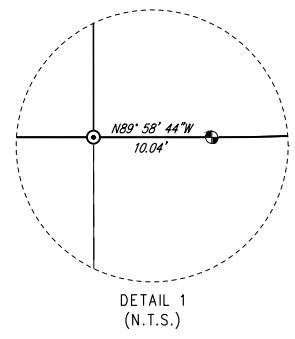
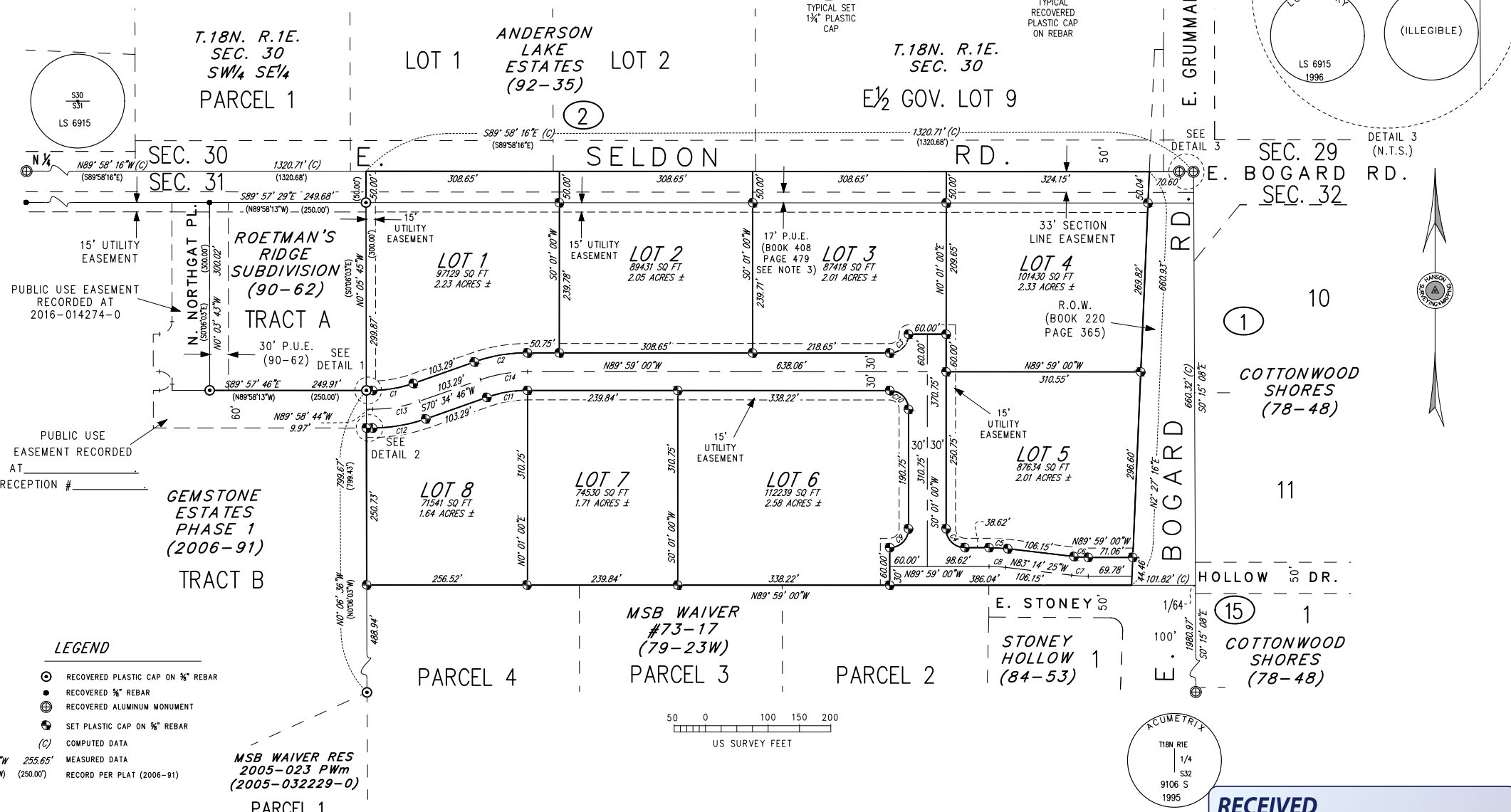
**BASIS OF BEARING**



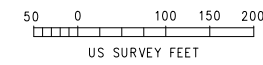
STATE OF ALASKA  
49<sup>TH</sup>  
CRAIG E. HANSON  
LS 12312  
REGISTERED PROFESSIONAL LAND SURVEYOR

I HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THE PLAT ACTUALLY EXIST AS DESCRIBED AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

REGISTERED LAND SURVEYOR



- LEGEND**
- ⊙ RECOVERED PLASTIC CAP ON 3/8" REBAR
  - RECOVERED 3/8" REBAR
  - ⊕ RECOVERED ALUMINUM MONUMENT
  - ⊙ SET PLASTIC CAP ON 3/8" REBAR
  - (C) COMPUTED DATA
  - M74°58'11"W 255.65' MEASURED DATA
  - (N89°58'13"W) (250.00') RECORD PER PLAT (2006-91)



**CERTIFICATE OF OWNERSHIP & DEDICATION**

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED ON THIS PLAN AND THAT I ADOPT THIS PLAN OF SUBDIVISION BY MY FREE CONSENT, DEDICATE ALL RIGHTS-OF-WAY TO THE MAT-SU BOROUGH AND GRANT ALL EASEMENTS TO THE USE SHOWN.

**NOTARY ACKNOWLEDGEMENT**

SUBSCRIBED AND SWORN BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_\_\_.

FOR \_\_\_\_\_

NOTARY FOR THE STATE OF ALASKA  
MY COMMISSION EXPIRES: \_\_\_\_\_

A PLAT OF  
**FRONTIER PLAZA SUBDIVISION**  
A SUBDIVISION OF  
N 1/2 NE 1/4 NE 1/4 SEC. 31  
T.18N. R.1E., S.M.

PALMER RECORDING DISTRICT  
STATE OF ALASKA  
LOCATED WITHIN  
NE 1/4 SEC. 31, T.18N. R.1E. SM, AK  
CONTAINING 18.73 ACRES MORE OR LESS

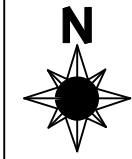
**HANSON SURVEYING & MAPPING**  
305 EAST FIREWEED AVENUE  
PALMER, ALASKA, 99645  
(907)746-7738

**RECEIVED**  
By Mark Whisenhunt at 1:52 pm, May 17, 2022





2485 E ZAK CIR, STE A  
WASILLA, AK 99654  
P: 907-357-2238 F: 907-357-2215  
WWW.TUTKALLC.COM



SITE DEVELOPMENT PLAN - PHASE 1  
MINING PLAN: 2022 TO 2030

FRONTIER PLAZA SUBDIVISION (AKA SELDON-BOGARD)  
TUTKA, LLC / AK FRONTIER RENTALS, LLC

WASILLA, AK

NOTE:  
Former MSB Tax ID #: 18N01E31A004  
Current MSB Tax ID #: 8102B01L002 & 8102B01L003  
8102B02L001 & 8102B02L002  
Imagery (Mat-Su Borough GIS 10/15/2021)

SHEET:

**SD01**

DRAWN BY:  
**KAJ**

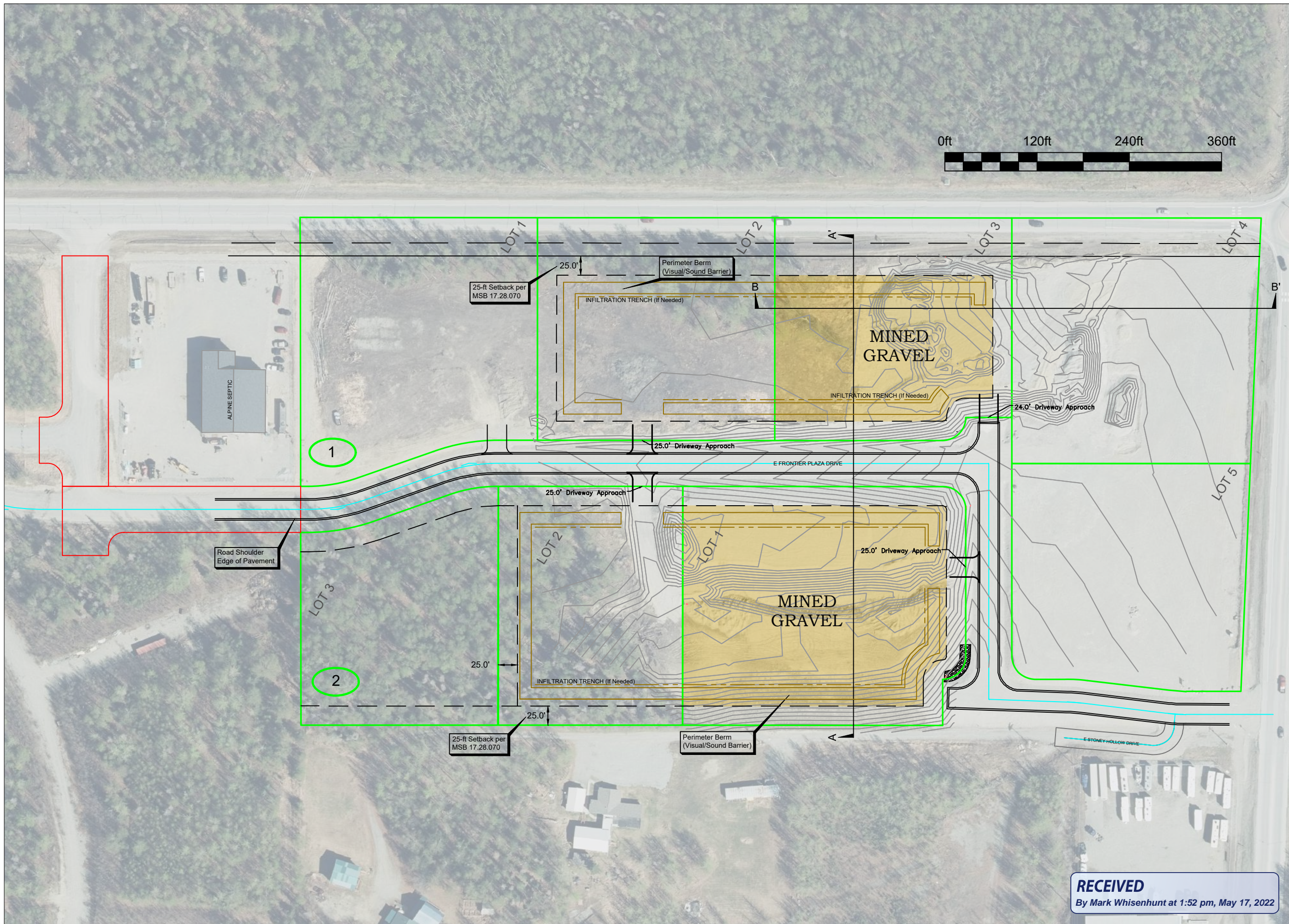
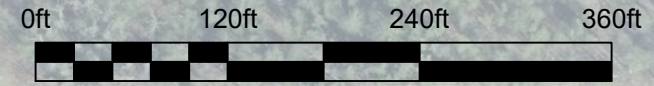
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DATE:

**5 / 06 / 2022**

JOB NUMBER:

**181011**

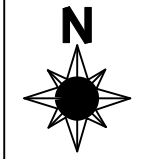


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By Mark Whisenhunt at 1:52 pm, May 17, 2022





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WASILLA, AK 99654  
P: 907-357-2238 F: 907-357-2215  
WWW.TUTKALLC.COM



SITE DEVELOPMENT PLAN - PHASE 2  
MINING PLAN: 2022 TO 2030

FRONTIER PLAZA SUBDIVISION (AKA SELDON-BOGARD)  
TUTKA, LLC / AK FRONTIER RENTALS, LLC

WASILLA, AK

NOTE:  
Former MSB Tax ID #: 18N01E31A004  
Current MSB Tax ID #: 8102B01L002 & 8102B01L003  
8102B02L001 & 8102B02L002  
Imagery (Mat-Su Borough GIS 10/15/2021)

SHEET:

**SD02**

DRAWN BY:  
**KAJ**

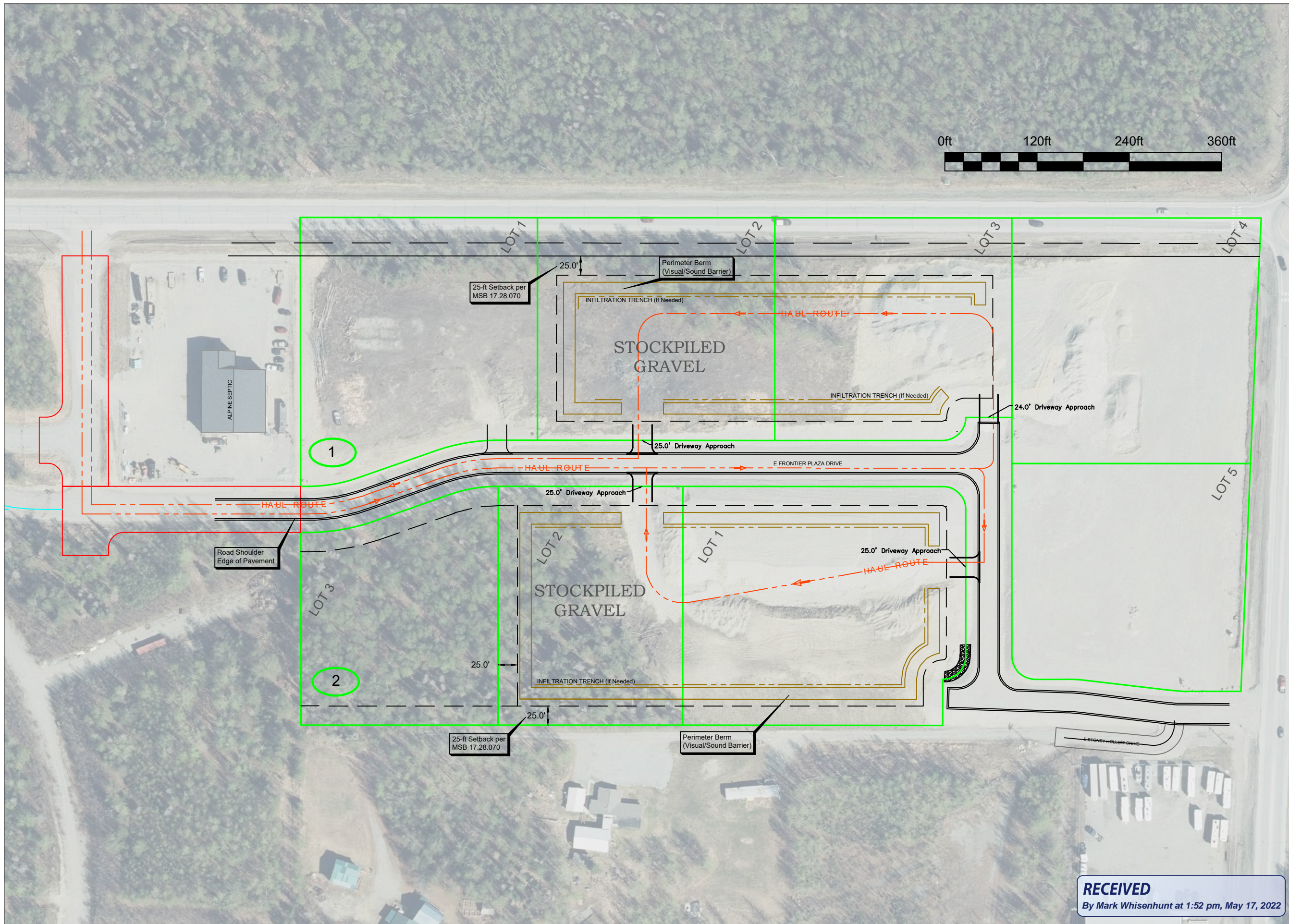
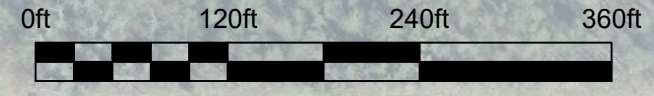
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DATE:

**5 / 06 / 2022**

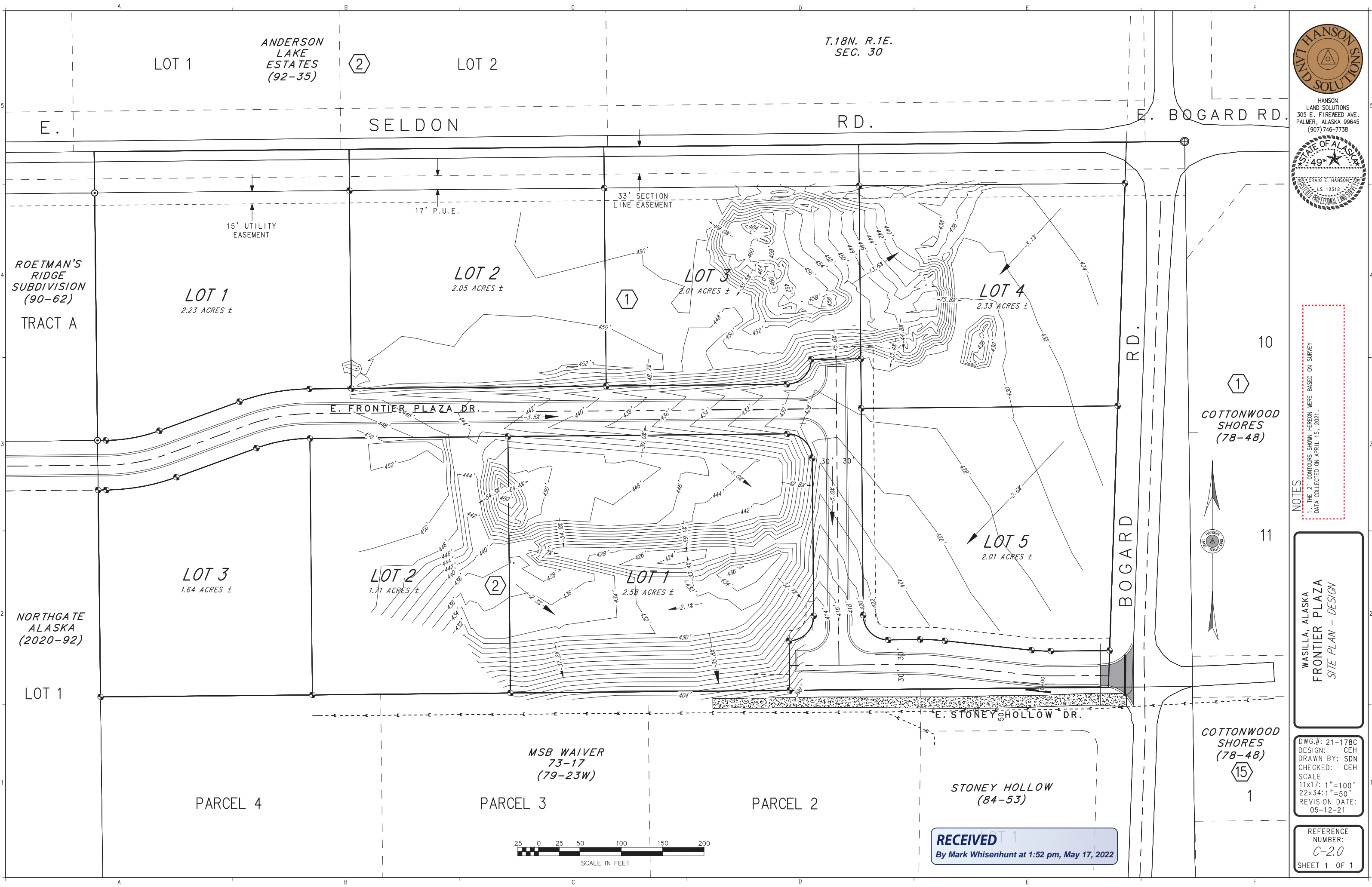
JOB NUMBER:

**181011**



**RECEIVED**  
By Mark Whisenhunt at 1:52 pm, May 17, 2022





HANSON  
LAND SOLUTIONS  
305 E. FIREWEED AVE.  
PALMER, ALASKA 99645  
(907) 746-7738



NOTES:  
1. THE 2' CONTOURS SHOWN HEREON WERE BASED ON SURVEY DATA COLLECTED ON APRIL 15, 2021.

WASILLA, ALASKA  
FRONTIER PLAZA  
SITE PLAN - DESIGN

DWG.#: 21-178C  
DESIGN: CEH  
DRAWN BY: SDN  
CHECKED: CEH  
SCALE  
11x17: 1"=100'  
22x34: 1"=50'  
REVISION DATE:  
05-12-21

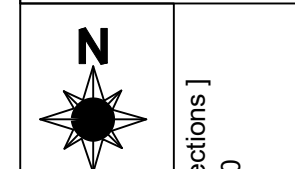
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SHEET 1 OF 1

**RECEIVED**  
By Mark Whisenhunt at 1:52 pm, May 17, 2022





2485 E ZAK CIR, STE A  
 WASILLA, AK 99654  
 P: 907-357-2238 F: 907-357-2215  
 WWW.TUTKALLC.COM

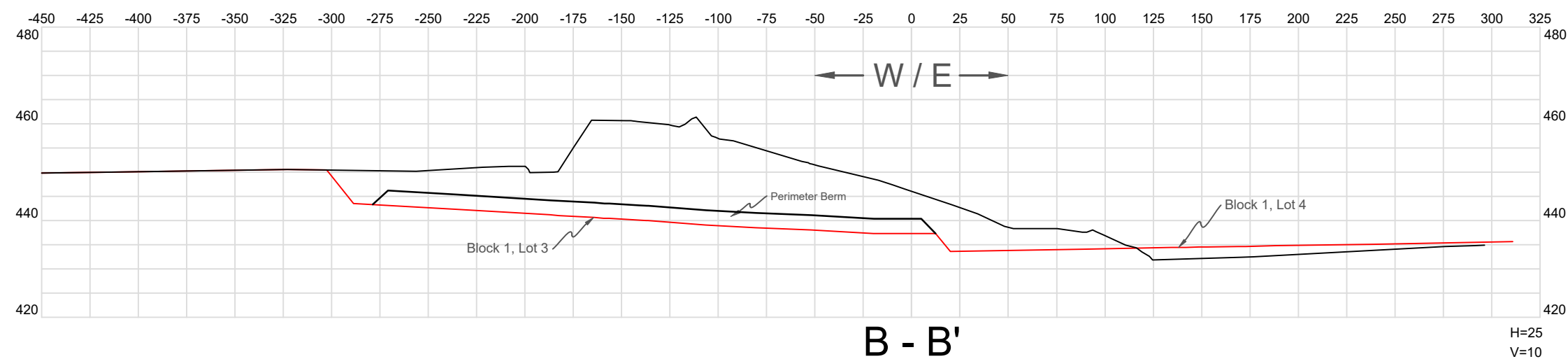
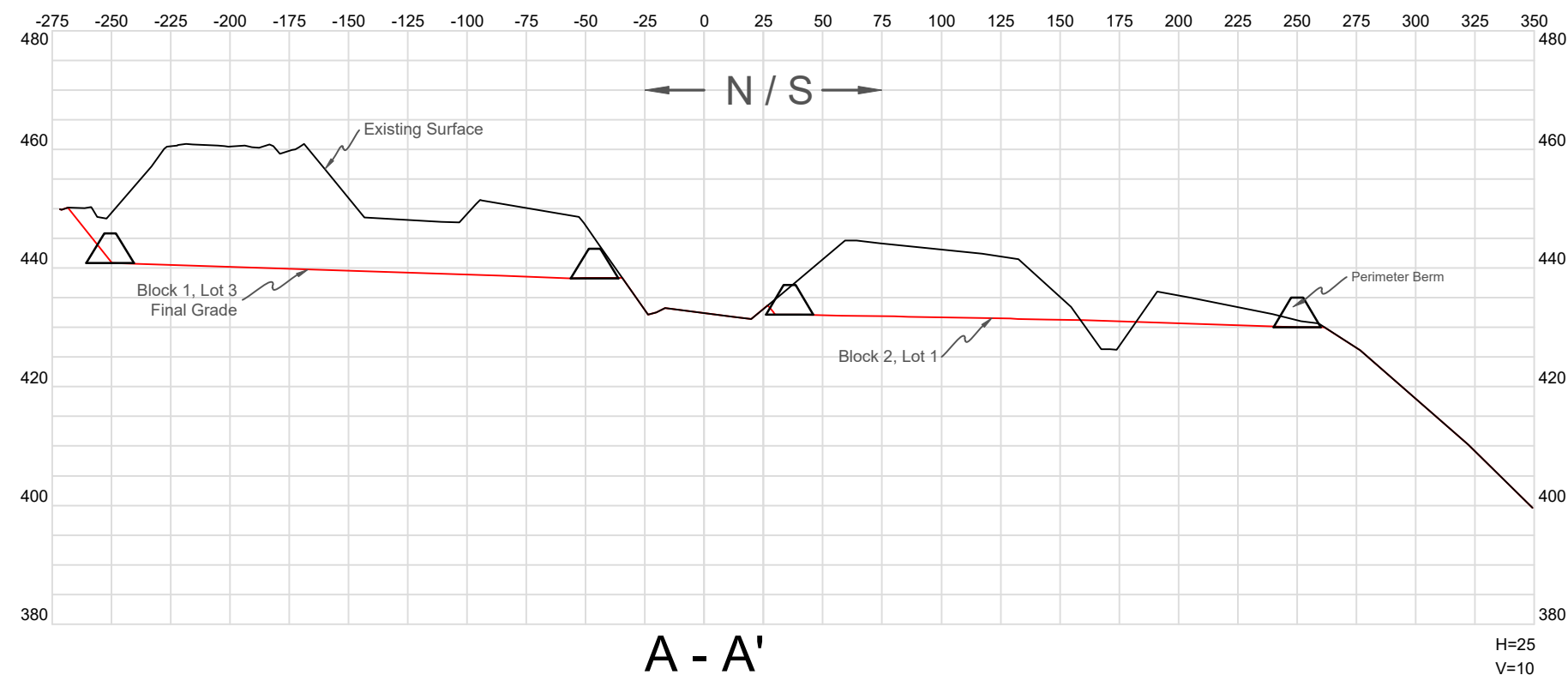


FRONTIER PLAZA SUBDIVISION (AKA SELDON-BOGARD)  
 TUTKA, LLC / AK FRONTIER RENTALS, LLC  
 WASILLA, AK

SITE DEVELOPMENT PLAN [ X-Sections ]  
 MINING PLAN: 2022 TO 2030

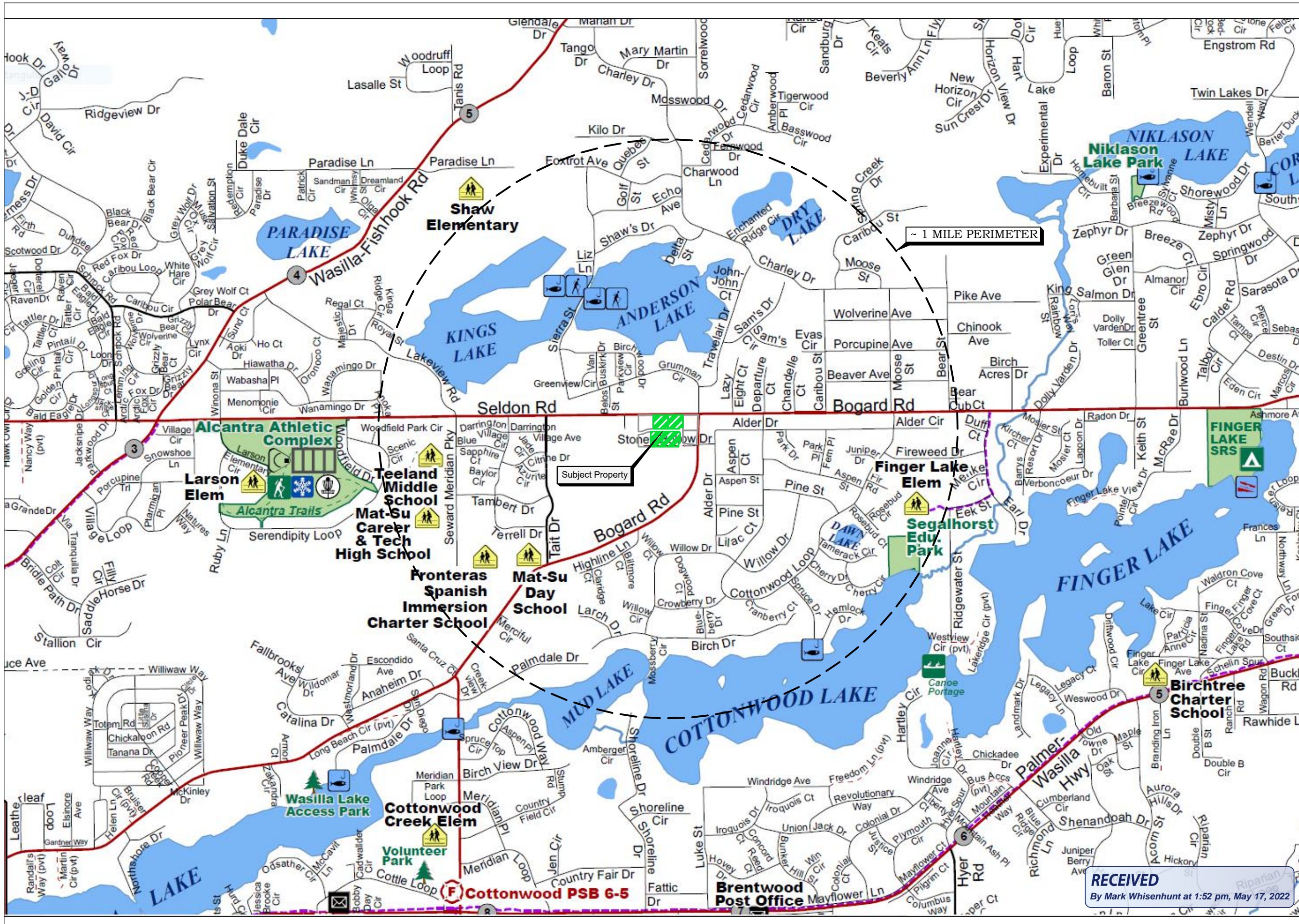
NOTE:

SHEET:	
<b>SD03</b>	
DRAWN BY:	SCALE:
KAJ	
DATE:	
2 / 14 / 2022	
JOB NUMBER:	
181011	



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 By Mark Whisenhunt at 1:52 pm, May 17, 2022





2485 E ZAK CIR, STE A  
 WASILLA, AK 99654  
 P: 907-357-2238 F: 907-357-2215  
 WWW.TUTKALLC.COM



FRONTIER PLAZA SUBDIVISION (AKA SELDON-BOGARD)  
 TUTKA, LLC / AK FRONTIER RENTALS, LLC

SITE VICINITY LAND USE  
 MINING PLAN: 2022 TO 2030

WASILLA, AK

NOTE:  
 Basemap (Matanuska-Susitna Valley Road & Recreational Map 2018)

SHEET:

**SD04**

DRAWN BY:

KAJ

SCALE:

DATE:

2 / 14 / 2022

JOB NUMBER:

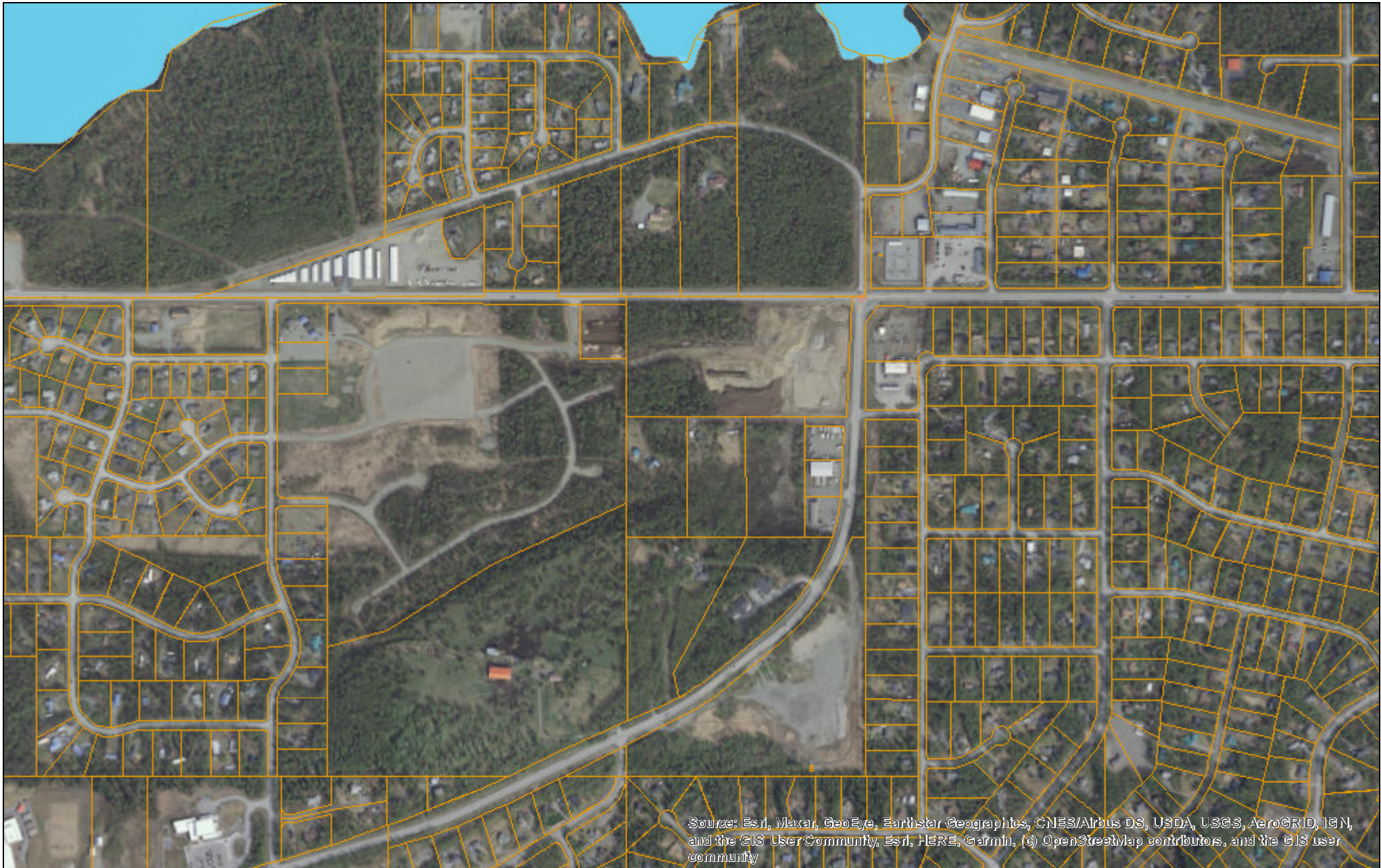
181011

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 By Mark Whisenhunt at 1:52 pm, May 17, 2022





# MSB Wetlands Viewer @ 4534 E Seldon Rd



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community



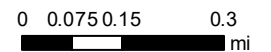
Mat-Su Borough Parcels  
CookInlet Wetlands

- LAKE
- Spring Fen

Date: 1/12/2021

**RECEIVED**  
By Mark Whisenhunt at 1:52 pm, May 17, 2022

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# Alaska DEC Contaminated Sites



Contaminated Site Locations with Cleanup Chronology Reports from Alaska DEC

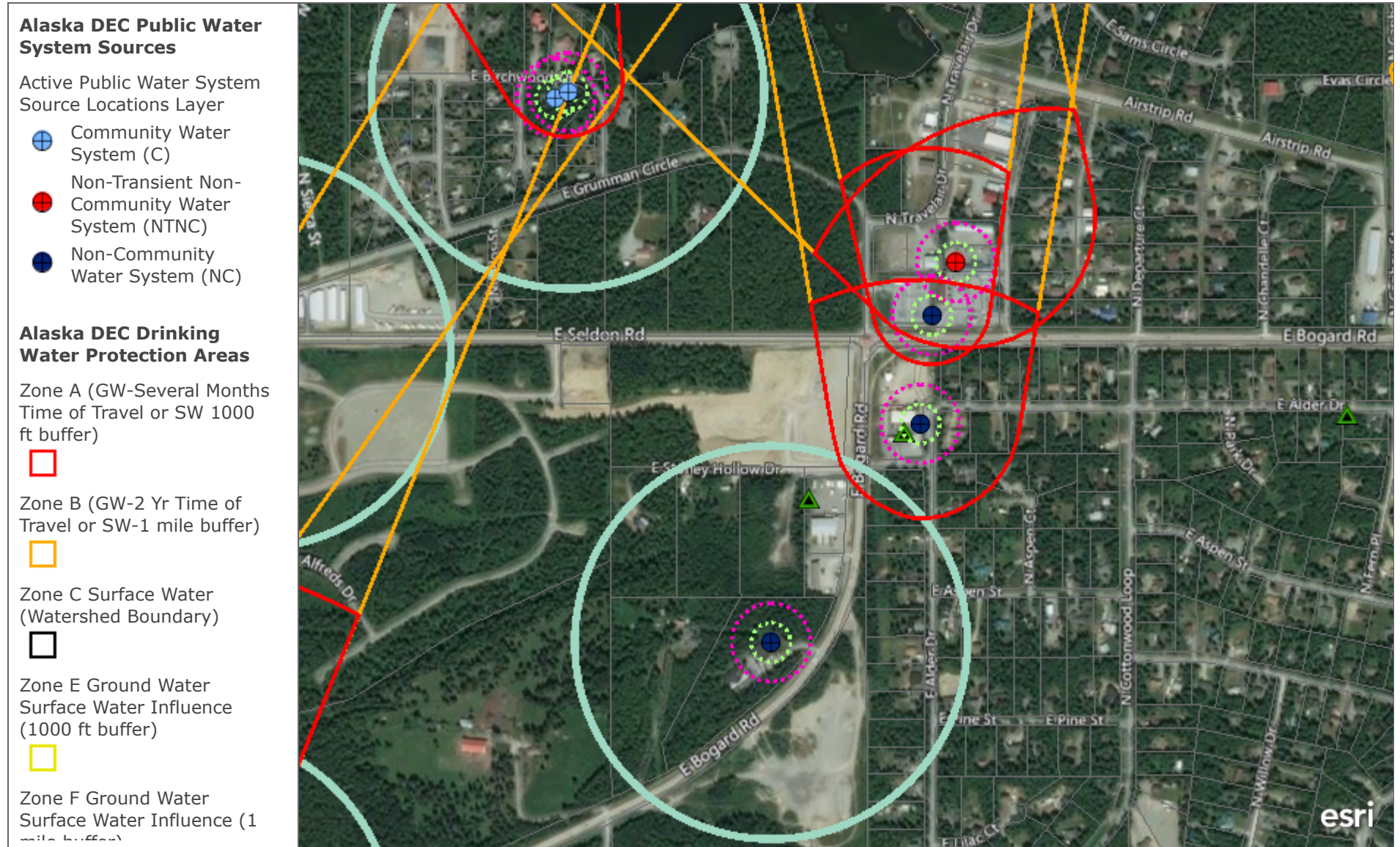
600ft

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# Alaska DEC Drinking Water Protection Areas



This map displays Public (regulated) Drinking Water Protection Areas and well/intake locations for known active public water systems. The data is continuously being revised.

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By Mark Whisenhunt at 1:52 pm, May 17, 2022

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