

**Resolution PC 21-18: Amending
Timber Salvage Sales Terms**

(Pages 3 - 8)

**Resolution PC 21-20: Amending MSB
17.23 To Exempt Pipeline and
Conveyor Structures From Setback
Requirements**

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**Resolution PC 21-21: Amending MSB
17.67.030, Exemptions**

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HANDOUTS

Resolution PC 21-18

Karol Riese

From: J Stras <jstras@mtaonline.net>
Sent: Friday, August 13, 2021 1:51 PM
To: msbpcd1@gmail.com; chesbro@mtaonline.net; cjvague@gmail.com; celder357@gmail.com; sjg@shanwil.com; sassanm@denalibrewing.com; Alex Strawn
Cc: Planning; Eric Phillips; Tam Boeve; Emerson Krueger; Alex Strawn
Subject: comments on PC resolution 21-18
Attachments: comment to PC re reso 21-18 081321.docx

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

PO Box 766
Talkeetna, AK 99676
August 13, 2021

To: Planning Commission
Mat-Su Borough

Re: Resolution 21-18 Public Comment

Dear Planning Commissioners,

I request that the PC postpone consideration of its Resolution 21-18 and return this legislative proposal to repeal of MSB 28.60.070 and MSB 28.60.080 (i.e., Traffic Safety Plan ("TSP") and Timber Transport Permit ("TTP"), respectively) and the amendments to MSB 23.20 back to staff for further work.

There are many important, fundamental questions and concerns that need to be addressed before this legislation moves forward, which I explain below. This is a fairly long letter, but the problems I discuss are legitimate... and I believe the proposal can be fixed accordingly and re submitted to the Planning Commission at a later date.

Here is a summary of the changes I think should be made in the legislative proposal, including 21-18 and most importantly, the draft Assembly Ordinance. After the summary, I elaborate on each point and explain my rationale and why it is important.

Overview Summary

I don't think it would be difficult to rework the proposal:

- Keep in effect the public safety provisions of 28.60.070 and 080 and establish a sunset clause to end the "repeal" and return 070 and 080 to it is currently.
- In code, exempt the NRMUs from the forest health salvage sales except for lands designated as Commercial Forest Land within those units. Do not exempt Commercial Forest Land from fair market determination, or from five year timber sale implementation schedule rules. Allow removal of hazard trees threatening structures, trails, and places where people congregate in other NRMU land designations.
- Unequivocally and in code, protect the RSA taxpayer (after completion of the harvest operation) from having to pay to go back and fix RSA roads damaged as a result of timber transport operations.

Require timber operator to maintain roads, including dust control, during transport operations. Since you are looking at code anyway, this would be a good opportunity to do this.

Details

I will first address my concerns with the proposed repeal of the Traffic Safety Plan (28.60.070) and Timber Transport Permit code (28.60.080).

1. This is a matter that affects transportation and roads. Both the Local Road Service Area Advisory Board (LRSAAB) and the Transportation Advisory Board (TAB) are Borough boards established to offer input to decision makers on matters such as this. Both of these Boards should have been consulted about the proposed repeal of TSP and TTP code prior to its going to the Planning Commission. The Planning Commission should be the last stop before the Assembly.
2. Repeal of 28.60.070 and 28.60.080 is a “throw the baby out with the bath water” scenario. Both 070 and 080 contain important public health and safety requirements that would be lost if this code was repealed.

These regulations were established for good reason in 2005 and 2006. NPI LLC was buying timber from the borough for chipping and export from Port Mackenzie. One particularly egregious example, the Montana Creek residents were having to deal with speeding trucks, to the extent that one truck hauling a load of chips tipped over going around a curve. There were also school bus conflicts, including schedule disruptions.

The Borough has a new set of problems today, but that doesn't mean the old ones will disappear.

Among the public benefits contained in the existing code are requirements for the timber harvest operator:

- to determine overlapping school bus routes and schedules so that timber transport operations can be halted during those times, for safety reasons and so as not to disrupt the school bus schedule,
- to determine “walk to school” and “pedestrian” trails and crossings so that speed limits can be reduced and extra care exercised, and
- to employ dust control measures or perform maintenance on the roads as needed.

This is not a complete list, but demonstrates that important public safety considerations would be left behind if 28.60.070 and 28.60.080 are repealed.

Staff, in drafting the PC Resolution 21-18, argues that whatever requirements 070 and 080 aren't covered by state laws can be put into a timber sale contract. I have heard these assurances in the past and have never seen any of these types of public health and safety measures actually appear in a contract.

I recommend that borough staff take a careful look at 070 and 080 to identify the important public health and safety requirements and ensure that these rules remain in place and in code.

The July 6th summary memo from Emerson Krueger and Eric Phillips to the Planning Commission (“July 6th memo”), describes an unusual and challenging situation. But emergencies don't last forever, and therefore, any proposed code changes be subject to a sunset clause.

Effect on RSA Taxpayer

I also have concerns about the burden logging transport operations often place on the RSA taxpayer. Timber hauling trucks tear up roads and, when it is not raining or snowing, create a lot of dust. Most of our roads are gravel, so this can be real public health issue. The RSA taxpayers should not have to pay for employing dust control measures made necessary by the timber hauling trucks, and they should not have to foot the bill to repair roads damaged by the timber hauling operation. The Borough should take this opportunity to strengthen code in order to protect the RSA taxpayer.

The proposed Assembly Ordinance, the WHEREAS at the bottom of page 2 says that road maintenance concerns “can” be adequately addressed. Of course it “can” be, but will it? As noted above, the answer is “not likely.” The language protecting the RSA taxpayer needs to be clear, unequivocal and mandatory and it should be put directly in code rather than in the contract.

Proposed amendments to MSB 23.20, Forest Management

I have several fundamental concerns and questions about the proposed amendments to 23.20.

1. Under the proposed 23.20.167 TIMBER SALVAGE ON BOROUGH LAND DUE TO FOREST HEALTH, the nature, scale, and scope of timber harvests would be basically unrestricted.

This is primarily because the exceeding broad definition of Forest Land, which encompasses any borough land that is forested, regardless of land classification. Per MSB 23.05.150, *“Forest land” means any borough land stocked or having forest trees of any size and not currently developed for non-forest use, regardless of whether presently available or accessible for commercial purposes.*

For example, the July 6th summary memo from Emerson Krueger and Eric Phillips to the Planning Commission (“July 6th memo”), states: “In order to avoid conflicts between timber salvage areas and public recreation, proposed salvage areas will not overlap existing designated recreation areas.”

However, the proposed new MSB 23.20.167(A) states: “The Borough may conduct salvage sales of timber from Borough-owed forestland [sic].....”. There is no qualification in the proposed code that limits which forest land on which a harvest may occur.

Regardless of the assurance within the July 6th memo saying that salvage harvests would not overlap designated Recreation areas, this broad definition of forest land in the proposed code would prevail over that assurance, rendering it meaningless.

This legislation has few guardrails to guide the implementation of a forest health salvage program. It is an open-ended program, with wide discretion given in determining what qualifies as promoting forest health.

- We don’t know what the limits are, for example where cutting will not occur except to remove individual hazard trees that threaten structures or places where people congregate.
- We don’t know if salvage sales will be limited to removing dead or defective trees, leaving healthy trees to remain.

- We don't know if a sale harvest area would be clear cut (including healthy trees), and if so, it should count against Annual Allowable Cut, not exempted from it as the proposed code would do.
 - We don't know what guidance or rules would be in place to regenerate the forest (i.e., scarification or planting seedlings) post-forest health harvest as required by FRPA.
 - We don't know the scale or structure of the proposed forest health salvage sales or how they will be integrated with other types of timber sales or what effect they might have on other uses and values of the forest (e.g., recreational use).
2. The existing code for salvage sales, at 23.20.165(D), contains an exemption from Annual Allowable Cut or Sustained Yield requirements only for lands that are not commercial forests within a Natural Resource Management Unit (NRMU).

However, the proposed code, 23.20.267, contains no such exemption, meaning that commercial forest harvests within NRMUs would be exempt from AAC and Sustainable Yield rules. That would mean that our NRMUs forests would not be managed sustainably.

In fact, the proposed new code does not account at all for the purpose and provisions of the NRMU Plan, adopted by the Assembly in 2010 and amended in 2019. The NRMU Plan has large focus on Forest Management, but also substantively includes other values and uses of our forests, including Recreation and Tourism, Agriculture, Water Resources, Wildlife and Habitat, Green Infrastructure, Gravel and other materials, Wetlands and Riparian areas, and Cultural Resources. [[This is the "Plan" that staff incorrectly refers to as the Borough's Forest Management Plan in the second WHEREAS statement of the draft PC Reso 21-18]].

Staff's proposed addition of a new "forest health" salvage section, 23.20.167, does not address the land classifications/designations contained in the NRMU Plan. The plan was painstakingly developed and broadly supported.

Unfortunately, the way the proposed code is written, "forest health" can be declared and timber sold for harvest, regardless of land classification, regardless of five year timber implementation requirements, regardless of fair market value, and for commercial forest land, regardless of annual allowable cut rules (as noted in 2. above).

This may not be what staff intended, but that the way the proposed code is currently written. And that is another reason why the PC should send this back for more work.

I encourage staff to limit, unequivocally and in code, harvests within NRMUs to Forest Management Lands and limit cutting in all other land classifications within the NRMUs to hazard trees threatening structures or to protect areas where people congregate.

3. The Borough is required by law, via the Alaska Forest Resources and Practices Act, to manage its forests sustainably. The Annual Allowable Cut (AAC) calculations are used to comply with that requirement. Central to the AAC calculation is the timber base (total volume or acreage of operable forest). I have these questions because the proposed code change does not recognize the NRMUs. My questions are:
- How has the total commercial standing timber volume base changed as a result of the spruce bark beetle infestation?

- How would the base be changed as a result of the salvage program?
 - Since forest health salvage sales would be exempt from AAC rules, how does the borough intend to comply with the state's sustainability requirement?
4. Would the forest land on which the borough has completed a salvage harvest be converted to another use? Or would an attempt be made to regenerate the forest?
 5. The birch leafminer is endemic to our forests. It does not kill the tree and it comes and goes year to year. On our own Talkeetna property, we have had the leafminer on our birch in the past, but we haven't seen it here this year. I do not believe birch leafminer represents legitimate justification for a forest health salvage sale.
 6. If roughly 50% of borough forest land is dead, dying, over-mature or otherwise defective, as stated in the packet's cover memorandum of July 6th, how does this comport with normal, non-salvage commercial timber sales and what are the implications on the sustainability of the borough's forest land?

Conclusion

The proposal, and most importantly the draft Assembly Ordinance that the PC is being asked to approve via in Resolution 21-18, is fraught with a range of fundamental problems, which I have tried to explain.

I urge the Planning Commission to return Resolution 21-18 to staff, so they can do the necessary work as suggested above.

Thank you for this opportunity to comment.

Sincerely,
John Strassenburgh

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Karol Riese

Resolution PC 21-20

From: Tracy McDaniel
Sent: Thursday, August 12, 2021 3:40 PM
To: SJG@shanwil.com
Cc: Karol Riese
Subject: FW: August 16, 2021 Planning Commission Meeting

Please see my response below. I had your email address wrong. Thank you, Tracy

Tracy K. McDaniel, SR/WA
Asset Manager
907.861.7864 (direct)

From: Tracy McDaniel
Sent: Thursday, August 12, 2021 3:02 PM
To: 'SIG@shanwil.com' <SIG@shanwil.com>
Cc: Karol Riese <Karol.Riese@matsugov.us>
Subject: RE: August 16, 2021 Planning Commission Meeting

Commissioner Glashan,

To answer your question, the definitions of "Structure" in MSB 17.55.004, excludes "utility boxes and other incidental structures related to utility services." The definition of "utility services, means the generation, transmission, or distribution of electricity, gas, communications, and municipal water and sewer systems." Therefore, utilities are exempt from the setback requirements.

Please let me know if you have additional questions. Tracy

Tracy K. McDaniel, SR/WA
Asset Manager
907.861.7864 (direct)

From: Karol Riese <Karol.Riese@matsugov.us>
Sent: Thursday, August 12, 2021 1:45 PM
To: Tracy McDaniel <Tracy.McDaniel@matsugov.us>
Subject: FW: August 16, 2021 Planning Commission Meeting

Hi Tracy,

Would you please advise of your response to the message below?

Thank you,
Karol

From: Stafford Glashan <SJG@shanwil.com>
Sent: Thursday, August 12, 2021 1:43 PM

To: Karol Riese <Karol.Riese@matsugov.us>
Subject: RE: August 16, 2021 Planning Commission Meeting

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Question for staff on PC 21-20. Shouldn't the change include all utilities such as natural gas lines?

From: Karol Riese <Karol.Riese@matsugov.us>
Sent: Monday, August 9, 2021 1:11 PM
Subject: August 16, 2021 Planning Commission Meeting

Good Afternoon,

The August 16th Planning Commission meeting packet is online. You can find it [here](#).

On the Agenda are:

- Two Quasi-Judicial Introductions for public hearing – CUP for Earth Materials Extraction Activities (MSB Land & Resource Management); and Variance to MSB 17.55 for Construction of A Single-Family Residence (Shaun Krautkremer)
- one Quasi-Judicial Public Hearing – CUP Conditional Uses (2nd Amendment)
- three Legislative Public Hearings – Amending Timber Salvage Sales Terms (MSB Natural Resource Manager – Community Development); Amending MSB 17.23 to Exempt Pipeline and Conveyor Structures from Setback Requirements (MSB Asset Manager – Community Development); and Amending MSB 17.67.030, Exemptions (MSB Planning and Land Use Department)

Under Correspondence & Information, a motion can be made to officially move to remove the start time of Quasi-Judicial Public Hearing.

As always, please advise if you will be attending the meeting and whether it will be in person or remotely. So we can establish a quorum.

Thank you,
Karol

[Matanuska-Susitna Borough - Planning Commission \(matsugov.us\)](http://matsugov.us)

Karol Riese

Resolution PC 21-21

From: Shoo Salasky <salasky@mtaonline.net>
Sent: Tuesday, August 10, 2021 10:03 PM
To: Planning
Subject: In Support of Resolution PC-2121

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Dear MS Borough Planning Commission,

This email is in support of updating the language of the temporary tall structure ordinance from 180 days to 30 days.
See below:

Resolution PC 21-21, A Resolution Of The Matanuska-Susitna Borough Planning Commission Recommending Approval Of An Ordinance Amending MSB 17.67.030, Exemptions, Under Chapter 17.67, Tall Structures Including Telecommunication Facilities, Wind Energy Conversion Systems, And Other Tall Structures (Staff: Alex Strawn, Planning And Land Use Director).

Thank you,
Sheryl Salasky
Resident of Talkeetna

Karol Riese

Resolution PC 21-21

From: Peg Foster <kpfooster45@gmail.com>
Sent: Tuesday, August 10, 2021 2:24 PM
To: Planning
Subject: Support of resolution 21-21

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Hi

We are in support of the resolution 21-21. It is very important to everyone

Thank you

Peg and Kevin Foster

Talkeetna Alaska

Karol Riese

Resolution PC 21-21

From: Joe Page <joepage52@hotmail.com>
Sent: Tuesday, August 10, 2021 6:08 PM
To: Planning
Subject: Tall structures ordinance

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

I urge your support of Resolution PC 21-21 recommending approval of an ordinance amending MSB 17.67.030, Exemptions, Under Chapter 17.67, Tall Structures Including Telecommunication Facilities, Wind Energy Conversion Systems, And Other Tall Structures.

Thank you.

Joe Page
Talkeetna, Alaska

Karol Riese

Resolution PC 21-21

From: Pam & Roger Robinson <7332ski@gmail.com>
Sent: Thursday, August 12, 2021 1:55 PM
To: Planning
Subject: Resolution PC 21-21

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

To Mat-Su Planning Commission:

We support Resolution PC 21-21 which changes the Temporary Tall Structure Ordinance.

Thank you for your consideration,
Roger and Pam Robinson
Talkeetna residents