

# MATANUSKA-SUSITNA borough

Vern Halter, Mayor

Roger Anderson – Land Development Community  
David Palmer – Pilots, Airport Owners, Private Airports  
Randy Durham – Pilots, Airport Owners, Private Airports  
Jim Kelley – Pilots, Airport Owners, Private Airports  
Bernie Willis – Resident within One Mile of Airport

Kelsey Anderson – Staff  
Kim Sollien – Staff



Michael Brown, Borough Manager

PLANNING & LAND USE DEPARTMENT  
Alex Strawn, Planning & Land Use Director  
Kim Sollien, Planning Services Manager  
Jason Ortiz, Development Services Manager  
Fred Wagner, Platting Officer

## Aviation Advisory Board Agenda Regular meeting September 16, 2021 3:00 p.m. – 5:00 p.m. Microsoft Teams Meeting

Ways to participate in Aviation Advisory Board meetings:

### TELEPHONIC TESTIMONY:

- TEAMS LINK HERE: [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_N2Y1YW11ZjktNGE1Ni00ZGVlTGzYmltMDI1MGMwYTI4ZmRj%40thead.v2/0?context=%7b%22Tid%22%3a%22870c68b8-580c-4b1b-a27e-a44623e37916%22%2c%22Oid%22%3a%2285e1364c-e305-469a-94dc-29b34ddf25c5%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_N2Y1YW11ZjktNGE1Ni00ZGVlTGzYmltMDI1MGMwYTI4ZmRj%40thead.v2/0?context=%7b%22Tid%22%3a%22870c68b8-580c-4b1b-a27e-a44623e37916%22%2c%22Oid%22%3a%2285e1364c-e305-469a-94dc-29b34ddf25c5%22%7d)
- Dial 1-907-290-7880; Conference ID: 166 274 671#
- State your name for the record, spell your last name, and provide your testimony.

I. CALL TO ORDER

II. ROLL CALL – DETERMINATION OF QUORUM

III. APPROVAL OF AGENDA

IV. PLEDGE OF ALLEGIANCE

V. APPROVAL OF MINUTES

A. May 20, 2021, Regular Meeting Minutes

VI. AUDIENCE PARTICIPATION (*three minutes per person, for items not scheduled for public hearing*)

VII. STAFF/AGENCY REPORTS & PRESENTATIONS

- A. Kelsey Anderson on MSB planning and land use map
- B. Introduction of the new member of the board, Randy Durham

VIII. UNFINISHED BUSINESS

- A. The Mat-Su Borough and the city of Palmer are now working together to jointly review the Palmer Airport avigation easement and jointly develop a solution to the issue of the trees in the Matanuska River Park identified as obstructions. It is anticipated that this will ultimately result in an update to the avigation easement.

IX. NEW BUSINESS

- A. Introduction of Aviation Advisory Board Resolution Serial No. AAB21-01 to recommend the MSB Assembly repeal MSB Code 17.10, *Overly District*
- B. Matanuska Electric Association, Fishhook to Pittman project update from the Chair or MEA staff (TBD)

X. MEMBER COMMENTS

XI. NEXT MEETING DATE

- A. December TBD

XII. ADJOURNMENT

**Disabled persons needing reasonable accommodation in order to participate at a Planning Commission Meeting should contact the borough ADA Coordinator at 861-8432 at least one week in advance of the meeting.**

# MATANUSKA-SUSITNA BOROUGH

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Roger Anderson – Land Development Community  
David Palmer – Pilots, Airport Owners, Private Airports  
Vacant – Pilots, Airport Owners, Private Airports  
Jim Kelley – Pilots, Airport Owners, Private Airports  
Bernie Willis – Resident within One Mile of Airport

Kelsey Anderson - Staff



Michael Brown, Borough Manager

PLANNING & LAND USE DEPARTMENT  
Alex Strawn, Planning & Land Use Director  
Kim Sollien, Planning Services Manager  
Jay Magers, Development Services Manager  
Fred Wagner, Platting Officer

*Assembly Chambers of the  
Dorothy Swanda Jones Building  
350 E. Dahlia Avenue, Palmer*

## **Aviation Advisory Board Minutes REGULAR MEETING MSB DSJ, CONFERENCE ROOM 110, Palmer, AK May 20, 2021 6:00 p.m.**

Ways to participate in Aviation Advisory Board meetings:

IN PERSON. Should you wish to testify in person, please adhere to the 6-foot distance between yourself and others. It is required to wear a mask for anyone entering or attending meetings in MSB facilities.

TELEPHONIC TESTIMONY:

- TEAMS LINK HERE: [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_N2NhZjVjNzYtMGFmZi00YjhLTg4NGQtNjliMmEyZjRkNTlm%40thread.v2/0?context=%7b%22Tid%22%3a%22870c68b8-580c-4b1b-a27e-a44623e37916%22%2c%22Oid%22%3a%222799fa17-415a-4e11-a1b9-3818c75cb165%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_N2NhZjVjNzYtMGFmZi00YjhLTg4NGQtNjliMmEyZjRkNTlm%40thread.v2/0?context=%7b%22Tid%22%3a%22870c68b8-580c-4b1b-a27e-a44623e37916%22%2c%22Oid%22%3a%222799fa17-415a-4e11-a1b9-3818c75cb165%22%7d)
- Phone Call: Dial 1-907-290-7880; Conference ID #763-441-367
- State your name for the record, spell your last name, and provide your testimony.

I. CALL TO ORDER 6:01 pm David Palmer

II. ROLL CALL – DETERMINATION OF QUORUM

- A. Members present: David Palmer, James Kelley, Roger Anderson, Bernie Willis
- B. Staff present: Kim Sollien, Kelsey Anderson
- C. Guest speakers: None

III. APPROVAL OF AGENDA

- A. Motion to approve by Mr. Willis with the addition of new business, Section IX, subsection B of the agenda, brought by Mr. Palmer. Mr. Anderson, 2<sup>nd</sup>. Mr. Kelley seconded. All in favor.

IV. PLEDGE OF ALLEGIANCE

V. APPROVAL OF MINUTES

A. March 4, 2021, Regular Meeting Minutes

Motion to approve by Mr. Palmer. Mr. Willis seconded. All in favor.

VI. AUDIENCE PARTICIPATION (*three minutes per person, for items not scheduled for public hearing*)

A. None.

VII. STAFF/AGENCY REPORTS & PRESENTATIONS

A. Kim Sollien on Aviation Overlay Districts

Ms. Sollien offered an overview of the issue regarding Aviation Overlay Districts as they pertain to Privately- Owned Restricted Use Airports. At this time, Borough Code does not define the overlay size for this type of airport. (There are currently hundreds of airports that fall under this category.)

Members of the Board asked Ms. Sollien and Ms. Anderson to write a resolution that would rescind this overlay regulation from MSB Code and would place the FAA airport GIS layer in the MSB Parcel Viewer so MSB residents have easy access to the information regarding airport locations.

B. Kelsey Anderson on HDL comment summary for Palmer Airport Runway (if any are available)

Ms. Anderson shared a letter from the Borough Manager, Michael Brown, dated May 7, 2021 regarding the Palmer Airport Runway extension. Mr. Brown recognized the importance of a functional and safe airport, and has given his support to working together with the City of Palmer and the Warren “Bud” Woods Municipal Airport to find solutions to the problem. Members of the Board reviewed the letter and were in favor of its message.

VIII. UNFINISHED BUSINESS

A. None.

IX. NEW BUSINESS

A. Vacancy in the board. Members discussed trying to recruit for more interest due to open board seats at the end of the year.

B. MEA Fishhook to Pittman Power Improvement Project Study is currently underway and Mr. Palmer has been asked to sit on the Focus Group. He will be asking the MEA project managers to give the Aviation Advisory Board a presentation of recommended routes and alternatives at the next meeting.

X. MEMBER COMMENTS

A. None.

XI. NEXT MEETING DATE

A. Propose next quarterly meeting date: Board decided next meeting will take place 1-2 weeks prior to the MEA presentation on alternatives for Fishhook-Pittman power line placement. Meeting date was not set, but meeting time will be 3pm.

XII. ADJOURNMENT

A. Meeting adjourned at 7:20 pm.

**Disabled persons needing reasonable accommodation in order to participate at a Planning Commission Meeting should contact the borough ADA Coordinator at 861-8432 at least one week in advance of the meeting.**

RECEIVED

JUL 15 2021

CLERKS OFFICE



**AGENCY REPORT**

*(Due 11 Days Prior to the Meeting)*

*(There is 7 minutes allotted for your presentation to the Assembly)*

OFFICIAL USE ONLY

Date Received: 7/15/21

Meeting Date: 8/3/21

Clerk Approved:

*[Signature]*

Meeting Date Requested: August 3<sup>rd</sup> 2021

Name of Speaker: Chris Wilson

Organization/Board Name: Parks, Recreation, and Trails Advisory Board.

Contact Number: 907-232-5812

Please check one of the following that applies:

Governmental Agency:  Have Received a Grant from the Borough:

Borough Board:  Recognized Community Council:  None Apply:

Subject Matter:

Palmer Municipal Airport Avigation Easement Study

Requested Action by the Assembly (if applicable): Approve Resolution 19.06

encourage the City of Palmer to Utilize the land to the South of the Runway

- Documentation is attached for inclusion in the Assembly Packet.
- Twenty-five copies of prepared statement or other pertinent documentation will be provided to the Clerk's Office by noon the day of the Assembly meeting.

**BOROUGH CLERK'S OFFICE**

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-8683 • Fax (907) 861-7845

*if they need to expand, and to protect the unique character of this well loved and valuable asset.*

## PRTAB Presentation to Assembly

- I. Introduction and purpose statement.
- II. Reference and review of PRTAB Resolution 19-06 and review of current information provided.
- III. Presentation: PRTAB Questions and Comments
  - What is the plan for the future commercial use of the Palmer Airport?
  - Cost estimate for runway expansion to the south
  - Explanation needed for the discrepancy of space comparing expansion of 500' threshold to the north vs 2200' need for southern expansion.
  - Request for funds to study environmental, social and economic impact of northern threshold expansion as suggested and described by HDL.
  - Request for funds to study collateral impact to the forest and habitat by a professional forester and arborist if tree removal or other mitigation options are implemented at MSRP.
  - What will be the impact to users of the sports fields at the west side of the park boundary if the large trees and significant vegetation is removed? i.e. wind
  - What is the current status of the runway easement? -confirmation needed if easement on file is valid and binding.
  - Further exploration needed into potential conflict with the Land and Water (?) conservation grant if recreational value of MSRP is negatively affected.
  - Shifting runway threshold 500' to the north and it's impact to the safety of the users at MSRP and it's 44 campsites that lie within the easement.
  - Request for further public process and communications between stakeholders. (Reference: Resolution 19-06).
  - Request for consideration of other option beside northern threshold expansion.
  - Further consideration and exploration of suggestions outlined in resolution 19-06.

Dear Assembly,

Topping trees is never the right solution for the health of any trees. Fifteen years ago, I signed an oath as a Certified Arborist to be a voice for the trees. Cutting hundreds of huge cottonwood trees in MatSu River Park (to say nothing of all the other trees that will be disturbed in the demolition) needs to involve tree and bird professionals before any decision is made by the Assembly.

I attended a meeting with the airport manager and asked what would happen if they weren't allowed to cut the cottonwood trees and was told "nothing". Please do not allow the trees to be topped and or cut! Let us continue to enjoy the beauty of the MatSu River Park as we have for years.

Rooting for healthy trees,

Nickel LaFleur  
PN-6157CA



Matanuska-Susitna Borough  
Parks, Recreation, and Trails Advisory Board  
Re: Avigation Easement Report

July 13, 2021

I have read the current Avigation Easement Report, the packet this board has received, and scanned the documentation presented. As a Borough resident with a home under the flight approach path of the Palmer Airport, and a regular user of the Mat River Park trails in winter and the off tourist season, I am concerned with the situation at hand and will be contacting my Assemblyman, Tim Hale, prior to the next Assembly meeting, on this issue. I will also be contacting many others, since folks tend to ignore calls to public notification, IF there is any notification.

In short, the City took the FAA's money. Now, they are on the hook. However, the airport has to 'sell' everyone on the future, one that includes expanding their capacity for large, mostly jet driven planes -Note: Alaska Airlines retired their MD-80s in 2008, yet the Airport plans to bring on a company with this old plane as their lead dog. The airport is trapped between neighborhoods, a small city, a river, etc. Now, they want to take down between 106 and 276 stately cottonwoods, "not a clear cut", to achieve this wonder of planning.

The problems are:

- they have no surgical plan for simply removing seriously diseased or dying trees with the guidance of a licensed tree specialist.
- the addition of jet traffic is a serious noise and safety issue that demands public notice and discussion in the areas of impact within and outside the City of Palmer.
- the FAA has noted, post 2018 earthquake, acceptable landing of Boeing 737s and C-17 Globemasters, nullifying the airport's argument on runway needs.
- access to larger wildfire fighting planes is minutes away out of Anchorage, also nullifying their argument. The DNR is not going to move.
- a livable community depends upon access to local parks, trails, and other amenities blithely ignored by the City of Palmer.
- the borough residents impacted by these plans need Public Notification on the Avigation plan.

Users of the Mat River Park trails, like myself, are not part of the statistics collected because we do not have to pay for the privilege of using the ski/walk trails, as we do with the state system. Actually, considering how poorly the City of Palmer is designed with low income folks in mind, free access is a good thing. However, if that park did not have significant users we would not be maintaining such a wonderful ski loop minutes from work and living.

I have spoken to quite a few people in the last week about this issue. Several are pilots. One, a United Airlines captain, who is a Palmer resident. They sided with the park trees and found the airport arguments wanting. I am an old airline brat who grew up riding the cockpit jumpseat coast to coast and, eventually, over the pole to Alaska. I love the thrum of DC-3 engines. But, 276 trees in a gem of a park are not a good trade off in order to 'save the airport'. Just say 'No!'.

Thank you,

Brooke Heppinstall Kroenung, Borough resident since 1974.  
2963 N. Kroenung Rd.  
Palmer, AK 99645

**PALMER MUNICIPAL AIRPORT  
AVIGATION EASEMENT STUDY  
FREQUENTLY ASKED QUESTIONS**

April 5, 2021

***What is an avigation easement?***

An avigation easement is a property right acquired from a landowner, which protects the use of airspace above a specified height and imposes limitations on use of the land subject to the easement.

***Why is one needed?***

There is a two-fold purpose for an avigation easement: one is to preserve the right to remove obstructions and limit development on the ground to heights that do not cause an issue for safe landings and take-offs; the other is to protect the investment made in constructing the runway, by ensuring that the runway threshold does not have to be displaced, as vegetation grows, and development occurs.

When public airports receive federal funds for improvement projects, the airport must agree to abide by FAA requirements, such as providing for safety for both pilots and people on the ground, including obtaining rights from adjacent properties when needed. In general, uses that interfere with pilot visibility and instrumentation, including manmade structures or natural growth that penetrate specified heights, must be removed. An avigation easement provides the rights to do so.

***What is wrong with what we have?***

The current easement only includes the west half of the approach within the Matanuska River Park and fails to provide a safe approach to the runway. The need to provide a safe approach has already resulted in the threshold of Runway 16 being displaced 500 feet, shortening the available landing length.

In 2016, an aeronautical survey was completed for the airport. The aeronautical survey included an airspace analysis of the terrain, vegetation, and manmade structures that surround the airport to determine whether there were any safety issues to air traffic. In some cases, objects identified in an airspace analysis can remain and approach procedures can be adjusted to reflect their presence. However, when objects are located near the runway ends and significantly impact the approach and departure from the runway, the conflicts have to be mitigated by removing the object or relocating the runway threshold.

After the completion of the aeronautical survey, an Obstacle Action Plan was developed for all objects deemed to pose a hazard to air traffic at the Palmer Airport. The plan identified certain objects, such as Lazy Mountain, that can remain and other objects, such as trees, that need to be mitigated. Over the course of the past five years, the city has undertaken an effort to remove trees at each runway end. Few obstacles remain besides trees in the Matanuska River Park.

***Can the airport be modified to accommodate the Park?***

To answer this, we need to know the needs of the airport. Palmer Municipal Airport recently completed an aviation activity forecast to determine the "critical aircraft" in use at the Airport. The critical aircraft is defined as the most demanding aircraft with 500 operations (take-offs or landings) or more annually. The study identified the Convair 580, used by the Division of Forestry for aerial firefighting, as the critical aircraft. Per FAA's guidance, the Convair 580 requires 6,060 feet for safe take-off and landing

**PALMER MUNICIPAL AIRPORT  
AVIGATION EASEMENT STUDY  
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April 5, 2021

procedure. Therefore, the full 6,009 feet of Runway 16/34 is necessary and the threshold for Runway 16 should be relocated back to the runway end.

Options for modifying the Airport to accommodate the Park could include shifting the runway to the south, relocating the Airport completely, or shortening the runway even further.

*Shifting the runway south:*

Moving the runway to avoid current and future airspace penetrations within the park would require shifting the runway 2,200 feet to the south (see the attached figures). This shift would include:

- Acquisition of additional land for the Airport
- Re-routing approximately 1-mile of Outer Springer Loop (owned by the State of Alaska Department of Transportation)
- Increases in traffic and airport noise for Borough residents to the south of the Airport
- Conversion of active farmland and portions of the golf course to airport use
- Acquisition and/or relocation of multiple residences

*Relocating the airport completely:*

Relocating an airport in modern times has significant challenges, not the least of which is finding a suitable and publicly acceptable location. Although Wasilla's airport was relocated in the 1990s, the Mat-Su has changed significantly since that happened, with very few, if any, suitable areas available that would not pose similar, although likely more significant, impacts than those identified above.

*Shortening the runway:*

Shortening the runway sufficiently to avoid current and future airspace penetrations and provide for aviation safety does not meet the need of the Airport and its users and could result in significant cost.

The airport was developed by Palmer, with funding from FAA, to service a wide variety of aircraft, from small to large. Although small aircraft make up the majority and don't require the full length of Runway 16, medium to large aircraft accounted for 20% of airport operations in 2019. In fact, in 2017, the Large Aircraft Apron was doubled in size specifically to accommodate parking of large planes, and the planned Taxiway N project (construction anticipated in 2022) will be designed to accommodate large aircraft traffic and provide access to large, undeveloped lots in the southwest corner of the airport. Larger aircraft commonly using the runway include the Douglas DC-3, Canadair CL215, Convair 580, Dehavilland DHC-8, and the Avro RJ85; a new operator on the airport expects to add the Douglas MD80 to this list. Although pilots can choose to operate on shorter runways than the length necessary by FAA guidance, it is Palmer's intent and duty to use the existing infrastructure to provide safe operating conditions for pilots and the public as much as practicable, not to shorten the runway and force pilots to make a choice about safety.

Shortening the runway would severely limit Palmer's ability to attract large aircraft tenants, as well as higher-speed aircraft that require similar runway lengths. These tenants provide tax revenue and jobs to Borough residents. Shortening the runway would also likely cause some existing tenants to relocate. One such tenant is the Division of Forestry, who employs 14 permanent full-time positions, 65

**PALMER MUNICIPAL AIRPORT  
AVIGATION EASEMENT STUDY  
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permanent seasonal positions, and roughly 60 temporary positions. As there is no other suitable airport in the Mat-Su, Forestry's aerial firefighting operations would need to relocate, likely to Kenai or Fairbanks, taking several jobs with them. In addition, relocating the aerial firefighting base would increase response times for Mat-Su area wildfires, risking additional loss of life and property from catastrophic wildfire events like the recent McKinley and Sockeye Fires. In fact, the current threshold on Runway 16, which was displaced in the 1980s to avoid conflicts with trees in the Park, already limits which air tankers Forestry uses, and has contributed to the decision of potential tenants to not locate commercial jet and other larger aircraft operations and their associated employment and other economic benefits to Palmer and the Mat-Su.

However, some private developments for higher-speed and larger aircraft have already started or are planned in the near future and include millions of dollars in investments. If the runway were to be shortened now, many of these developments would stop at a significant cost of lost revenue to the Borough and Palmer and lost jobs to area residents, not to mention the investment losses to these private companies, as well as the loss of goodwill for the Borough and Palmer.

Furthermore, Palmer and the FAA have invested significant funds in constructing and maintaining a 100-foot-wide, 6,008-foot-long runway and its associated taxiways, including a \$7.8M project in 2017 to repave this runway, expand the Large Aircraft Apron, and make other miscellaneous improvements. Shortening the runway would cause the FAA to discontinue any funding for the unused portion of the runway and taxiways, and maintenance costs would fall solely on Palmer. With fewer tenants and associated revenue, it is unlikely that Palmer would be able to maintain the paved surfaces, eventually rendering them useless and a hazard. However, as a condition of the FAA funding, Palmer has agreed to maintain, operate, and make available for public use these FAA-funded improvements. If Palmer were to not meet this requirement, FAA could demand repayment of the grant funds and withhold funding of any future projects.

***This sounds like a Palmer problem, not a Borough problem.***

Though the airport is owned and operated by the City of Palmer, it is a facility that serves people throughout the Mat-Su. Examples of the many regional operations that the airport supports include:

- Division of Forestry's Mat-Su Area Office and regional aerial firefighting base
- Everts Air Cargo maintenance operations (formerly Ravn)
- Flight schools
- Aircraft mechanics/aircraft parts and other small businesses that serve the aviation community
- Rendezvous point for fixed-wing and rotor-wing medical evacuations

Anything that happens at the airport also has an impact on the Borough's tax base. Not only is the land south of the airport primarily residential properties that contribute significant tax dollars to the Borough, but the Borough collects over \$98,600 annually in property assessments from businesses on the airport. With planned development of larger operations, this will only continue to increase.

The airport also provides an important element of the regional emergency response and recovery in a disaster scenario. Following the November 2018 earthquake, the Anchorage and Merrill Field Air Traffic Control Towers were evacuated, and the airports closed. The FAA's Alaska Air Traffic Service contacted

**PALMER MUNICIPAL AIRPORT  
AVIGATION EASEMENT STUDY  
FREQUENTLY ASKED QUESTIONS**

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Palmer Airport as a potential divert location. With no tower to be a safety concern, Palmer Airport was inspected and reopened almost immediately, with the capability of handling large aircraft including Boeing 737s and even the military's C-17 Globemaster, if needed. A shorter runway that accommodates the tall trees in the Park would not allow this important option. In fact, the displaced threshold already limits these large aircraft to which direction is safest to land.

This example shows the importance of the Airport as an emergency landing location; however, it also shows its potential role in recovery from a disaster that cuts off land-based travel between Anchorage and the Mat-Su. With one or more of the Knik River bridges damaged, for example, emergency equipment and supplies can be airlifted to Palmer using large civilian or military aircraft, then trucked throughout the Mat-Su as needed. There is no other airport north of Anchorage and south of Fairbanks that can support such an operation. Shortening the runway to accommodate the tall trees in the Park, or even maintaining the displaced threshold, is not in the best interest of the residents of the Mat-Su for disaster response and recovery.

***Palmer says there is an easement, but is there really?***

Runway 16/34 was extended to its current length in 1986. In August of that year, the Borough granted Palmer an avigation easement and right-of-way "for the free and unobstructed passage of aircraft in and through the air space above" the parcel of land described in the easement document "at any height above the approach surfaces and transitional surfaces of the Palmer Municipal Airport" (Attachment). The easement goes on to describe the approach surface and its dimensions, "extending outward and upward on a slope of 34 to 1" and "symmetrically located with respect to the extended landing strip centerline," and representing the area on a figure. (Although the easement uses a 34:1 slope, the current required approach slope is steeper, at 20:1.)

However, two questions surround the easement. First, the easement document goes on to describe the tract of land included in the easement "more particularly," but only describes the land lying west of the Section line/runway centerline. Therefore, Palmer has conservatively assumed that the easement is only on the west half, and not the entire easement area that was likely intended. Secondly, there is question as to whether the easement was legally executed. The easement was executed by the Borough Manager, with no record of Borough Assembly approval, at a time when Borough code allowed the Manager to only execute easements when it provided a service or utilities to Borough facilities. This question was first raised in 1987 when Palmer attempted to remove trees in the airspace; however, the executed and notarized easement remains on file in the Recorder's Office.

***The Park is the only Borough park with positive revenue, and Palmer wants to clear cut it!***

Palmer is NOT interested in clear-cutting the Park. Palmer IS interested in partnering with the Borough to manage penetrations of the airspace while preserving the Park. This will involve selectively removing trees that are so tall that they penetrate the airspace. However, it does not mean that all of the trees in the Park need to be removed.



**PALMER MUNICIPAL AIRPORT  
AVIGATION EASEMENT STUDY  
FREQUENTLY ASKED QUESTIONS**

April 5, 2021

***Isn't the Park protected by 4(f)/6(f)?***

Yes, because the Matanuska River Park is a publicly owned resource, it is protected under Section 4(f) of the Department of Transportation (DOT) Act of 1966. Also, some elements of the Park were made possible through grant funds administered by the Land and Water Conservation Fund (LWCF) Grant Program; therefore, the Park is also protected by Section 6(f). However, neither of these regulations categorically protect the Park from an additional easement or selective tree removal. The laws do prevent the FAA from funding a project that results in a "conversion of use" without other mitigating actions to offset the impact. In this case, an avigation easement that allows Palmer to maintain the airspace above the Park would be considered a conversion of use, from parkland to managed airspace, and the processes provided in Section 6(f) of the LWCF Act and Section 4(f) of the DOT Act will need to be followed.

Section 6(f) of the LWCF Act contains strong provisions to protect Federal investments and the quality of assisted resources. The law is firm but flexible and allows for easements and other "conversions" through an evaluation and approval by the Secretary of the Interior. The Borough and Palmer can work together in consultation with the state grants administrator regarding the conversion of use request, mitigation measures, and conversion requirements. Once the Borough and Palmer determine acceptable mitigation options, an impact evaluation and an alternative evaluation by the Department of the Interior National Park Service (NPS) can be completed. After the Borough concurs with the easement and mitigation measures, written consent of State Parks can be obtained, and NPS approval of the land conversion/transfer can take place.

Section 4(f) provides for consideration of park and recreation lands, wildlife and waterfowl refuges, and historic sites during transportation project development. The law, now codified in 49 U.S.C. §303 and 23 U.S.C. §138, applies only to the U.S. DOT, and Section 4(f) applies to projects that receive funding from or require approval by an agency of the U.S. DOT, such as the FAA. The analysis and consultation process to assess impacts to a publicly owned park are similar to those outlined under Section 6(f), except that the FAA would develop an impact evaluation assessing the overall conversion of use. The Borough, Palmer, and FAA would meet to outline mitigation options to offset impacts to the Park as a result of the avigation easement. FAA would finalize the commitment to mitigate the impacts through an FAA Section 4(f) impact finding.

***Who is paying for all this?***

The FAA provides federal funding to airports such as Palmer, who serve a vital role in the nations system of integrated airports. Palmer is able to apply for a grant to fund acquisition of an avigation easement and necessary mitigation for impacts to the Park in association with the easement. An FAA grant would pay for 93.75% of the overall project cost; Palmer would be responsible for providing 6.25% in matching funds to complete this project.

***How many trees are we talking about?***

The attached graphics provide the best information available today. Tree heights were measured in 2015. Based on that data the number of trees that need to be removed is approximately 106. However, the trees have likely grown since the 2015. Using information obtained from the Oregon Wood

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Innovation Center, we estimate the trees may have grown as much as 10 feet since the 2015 survey. Based on this, approximately 276 trees may need to be removed today to accommodate the full runway length.

***Can Palmer do anything to make up for losing the trees in the Park?***

Yes. In fact, Palmer would be required to mitigate impacts to the Park. The Borough's Matanuska River Park Master Plan, adopted in 2014, identifies the overall vision for the Park and what needs exist in order to make that vision happen. The Master Plan states that the Borough wishes to "work with the City of Palmer to minimize park impacts from future airport expansion while supporting air transportation safety." Although no airport expansion is proposed, this easement and necessary mitigation presents an opportunity for the Borough to demonstrate the spirit of cooperation envisioned by this goal. Furthermore, the project is an opportunity for the Borough to enhance the park user's safety by cooperating with the airport and to enhance the park user's experience by completing mitigation.

Projects identified in the Master Plan that could be considered in the mitigation, include but are not limited to.

- Extension and enhancement of the Riverfront Trail.
- Development of a riverfront attraction to potentially include a large waterfront pavilion for public events/rental, a recreation facility with decks and a rooftop view area, a nature center with rental cabins, a kayak or boat launch, and/or other options that take full advantage of the site views and attracts residents and visitors.
- Preserving the old-growth forest area in the north and eastern portions of the Park, including proactively addressing runoff, drainage, and erosion; rationalizing the existing network of trails into a sustainable, low impact single track trail network; and supplementing the low impact trails with a main Forest Loop Trail configured as a "figure eight" with access spurs to support intensive year-round use.
- Constructing river access and interpretive signs that engage residents in appreciating Palmer's historical river connections, including the Dena'ina and Ahtna trade route between the interior and saltwater, and George Palmer's trading post across the river.
- Enhancing connectivity between the lower and upper camping levels with trail and stairs.
- Constructing a winter trailhead.
- Constructing additional trails, including ADA accessible pathway.

This list isn't intended to restrict the Borough's proposals for mitigation, and other projects could be considered. However, any mitigation will need to be agreed upon by the FAA for funding, and by the FAA and NPS as appropriate to offset the "conversion of use" impacts.

***What does the city need to know from the Borough to move forward?***

First, that the Borough is willing to discuss and negotiate an aviation easement within the boundary of the Matanuska River Park. Second, mitigation alternatives that would be acceptable to the Borough so they can be evaluated in accordance with a future NEPA document.





WARREN "BUD" WOODS PALMER MUNICIPAL AIRPORT

CITY OF PALMER  
 PALMER MUNICIPAL AIRPORT  
 PALMER, ALASKA  
 DRAWN BY: COB ENGINEER, CL  
 CHECKED: TAA DATE: FEB 2022  
 JOB #: 2022 SHEET #: 001



This indenture, made this 7 day of August, 1986, by and between the Matanuska-Susitna Borough of Palmer, Alaska, part of the first part, hereinafter with its heirs, executors, administrators, successors and assigns, referred to as the "Grantor", and the City of Palmer, party of the second part, and its assigns:

**WITNESSETH:** That the Grantor for and in consideration of the sum of One Dollar (\$1.00), the receipt and sufficiency of which are hereby acknowledged, hereby grants, bargains, sells and conveys unto the City of Palmer and its assigns, for use by the public, a perpetual easement and right-of-way for the free and unobstructed passage of aircraft in and through the air space above the following described parcel of land at any height above the approach surfaces and transitional surfaces of the Palmer Municipal Airport: Tract No. 1, Sherrod Park Survey, Plat 71-84 and situated in the U.S. Government Lots 1 and 2 and the SE 1/4 NE 1/4, Section 33, T16N, R2E, Seward Meridian, Palmer Recording District, Third Judicial District, State of Alaska.

The approach surfaces of the Palmer Municipal Airport are inclined planes beginning at lines level with and 200 feet outward from the end of each landing strip, and extending outward and upward on a slope of 34 to 1 for a horizontal distance of 1700 feet measured along the extended centerline of the landing strip. The approach surface is symmetrically located with respect to the extended landing strip centerline, and has a total width of 500 feet at the end adjacent to the landing strip, flaring uniformly to a total width of 1010 feet at the outward end. The transitional surfaces of the Palmer Municipal Airport are inclined planes with a slope of 7 to 1 measured outward and upward in a vertical plane at right angles to the centerline of the landing strip. The transitional surfaces, symmetrically located on either side of the landing strip, extend outward and upward from lines on either side of the landing strip which are parallel to and level with the landing strip centerline and at a horizontal distance of 200 feet therefrom. The location of the above described tract of land with respect to said surfaces is described more particularly as follows:

Beginning at the southeast corner of said Tract No. 1, which is 30.00 feet northerly of the one-quarter corner common to Sections 33 and 34; thence North along the one-quarter line 894.00 feet; thence West 430.00 feet; thence S8°31'51"E to the southerly boundary of Tract No. 1 which is the northerly right-of-way of the Old Glenn Highway 904.00 feet; thence East along said right-of-way 295.90 feet to the Point of Beginning. Said area contains 7.45 acres, more or less.

W-0480 REC 167

The easement and rights hereby granted include the continuing right to clear and keep clear the above land of any and all obstructions infringing upon or extending above said surfaces, and for this purpose to cut and remove trees, underbrush and soil, and to demolish and remove buildings or any other structures or obstructions infringing upon or extending above said surfaces, together with the right of ingress to and egress from and passage on and over said land for the purpose of effecting and maintaining such clearance; reserving to the Grantor during the term of said agreement, such use, rights and privileges in said land as may be executed and enjoyed without interference with or abridgment of the rights hereby granted.

The Grantor covenants and agrees with the City of Palmer to warrant and defend said easement and rights to the City of Palmer and its assigns against the lawful claims and demands of all persons whatsoever.

The attached drawing of the Palmer Municipal Airport is attached and made a part of this instrument and is marked "Exhibit A".

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year first above written.


*Gary Thurlow*  
Gary Thurlow, Manager  
Matanuska-Susitna Borough

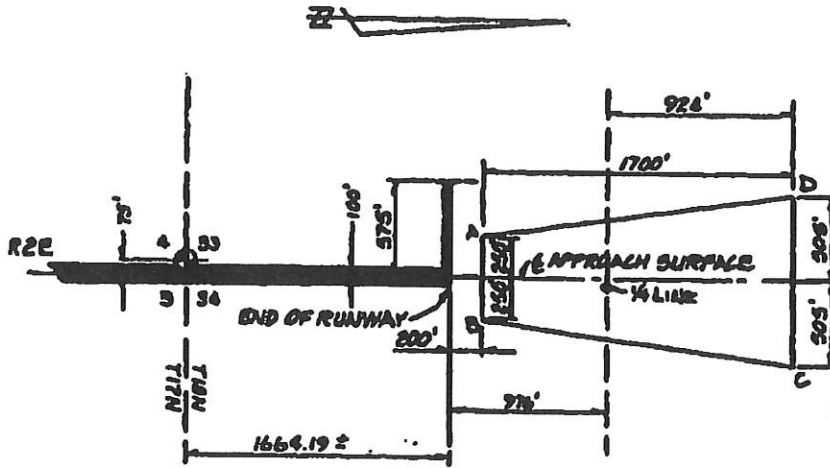
STATE OF ALASKA }  
THIRD JUDICIAL DISTRICT } ss:

This certifies that on this 7 day of August, 1986, before me the undersigned, a Notary Public in and for the State of Alaska, residing at Palmer, Alaska, personally appeared Gary Thurlow, to me personally known to be the individual described in and who executed the foregoing instrument and he acknowledged to me that he executed the same freely and voluntarily, for the uses and purposes therein.

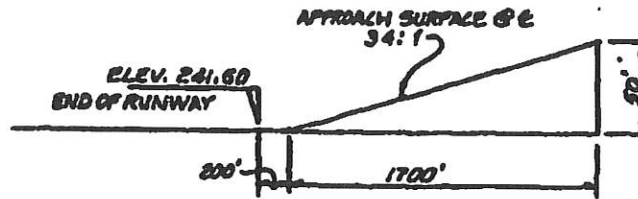
Witness my hand and official seal the day and year in this certificate first above written.

*[Signature]*  
Notary Public in and for Alaska  
My Commission Expires: 6-1-87





PLAN  
SCALE: 1" = 800'



PROFILE  
SCALE: HORIZ. 1" = 800'  
VERT. 1" = 80'

EXHIBIT "A"

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT AND HAS BEEN ESTABLISHED BY ACCEPTABLE SURVEYING TECHNIQUES.

DRAWN BY LJ

LEGEND

8-017632

CHECKED BY JM

SCALE AS SHOWN

DATE 8-26

JOB NO. 2576

RECORDED-EX-165  
PALMER REC.  
DISTRICT

AUG 11 3 09 PM '66

REQUESTED BY  
ADDRESS

SUSITHA BORDEN Co  
BOX 2  
PALMER, ALASKA 99645

 Datum Engineering & Surveying, Inc.  
P.O. Box 600  
Palmer, Alaska 99645





**Legend**

**Full Length Runway**

- Tree (2015)
- 106 Approach Surface Penetrations
- Full Length Runway Approach
- - - Full Length Runway RPZ
- Existing Avigation Easement







**MATANUSKA-SUSITNA BOROUGH  
PARKS, RECREATION AND TRAILS ADVISORY BOARD  
RESOLUTION SERIAL NO. 19-06**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PARKS, RECREATION AND TRAILS ADVISORY BOARD, SUPPORTING A JOINT EFFORT BETWEEN THE CITY OF PALMER AND THE MATANUSKA-SUSITNA BOROUGH TO ENSURE THE SAFETY OF BOTH PILOTS, PASSENGERS AND VISITORS TO THE MATANUSKA RIVER PARK CAMPGROUND.

---

WHEREAS, the Matanuska River Park Campground is a the only positive revenue generating facility for the Matanuska-Susitna Borough Recreation Division, generating approximately \$53,000.00 in revenue in 2019; and

WHEREAS, the Matanuska River Park Campground has overnight campers as well as providing day use of trails and pavilions; and

WHEREAS, the Matanuska River Park Campground attracted visitors from forty-four different states, six Canadian Provinces and twenty-two foreign countries; and

WHEREAS, a new online reservation system has recently been implemented, which should continue to increase revenue; and

WHEREAS, there was a new trail constructed with funding from the 2016 Recreation Bond, as well as an existing trail system which is accessed through the park; and

WHEREAS, there has been no estimate of the number of or height of trees to be removed as part of the potential avigation easement expansion; and

WHEREAS, the City of Palmer has sufficient land to expand the runway on City of Palmer property without impacting the use, enjoyment, atmosphere or revenue stream of the Matanuska River Park Campground;

NOW, THEREFORE, BE IT RESOLVED, that the Parks, Recreation and Trails Advisory Board encourages the City of Palmer to explore expanding the runway on City owned lands, to ensure the safety of pilots, passengers and visitors to the Matanuska River Park Campground.

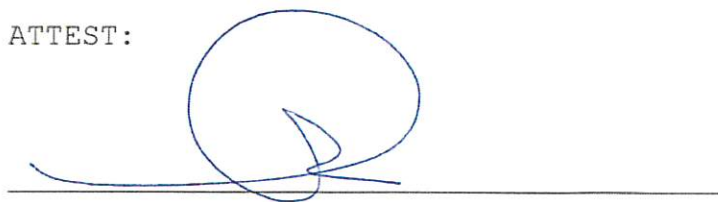
NOW, THEREFORE, MAY IT ALSO BE RESOLVED, that a member of the Parks, Recreation and Trails Advisory Board be seated at the monthly project oversight meetings conducted by the City of Palmer, along with Borough staff.

ADOPTED by the Matanuska-Susitna Borough Parks, Recreation and Trails Advisory Board this 9<sup>th</sup> day of December, 2019.



Ed Strabel, Chairperson

ATTEST:



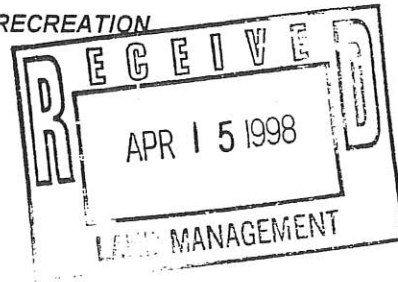
Leda Borys, Recreation and Library Services Division  
Administrative Specialist

TONY KNOWLES, GOVERNOR

3601 C STREET, SUITE 1200  
ANCHORAGE, ALASKA 99503-5921  
PHONE: (907) 269-8700  
FAX: (907) 269-8907

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PARKS AND OUTDOOR RECREATION



RECEIVED

APR - 9 1998

MATANUSKA SUSITNA BOROUGH  
ADMINISTRATION/PERSONNEL

April 7, 1998

Re: Land and Water Conservation Fund Grant Program  
02-00279 Matanuska River Park  
02-00333 Mat-Su Community Park Pavilions

COPY

Michael J. Scott  
Borough Manager  
Matanuska-Susitna Borough  
350 East Dahlia Avenue  
Palmer, AK 99645

Dear Mr. Scott

Our letter to the Matanuska-Susitna Borough dated 4/2/98 regarding the referenced Land and Water Conservation Fund grant projects contained an inaccuracy. The letter indicated there was LWCF money in the Matanuska River Park project site beginning in 1981. Therefore, we should have been notified of an avigation easement to the City of Palmer before it was issued in 1986.

In actuality, there was LWCF money in the park in 1981, but only part of the current boundary was under 6(f)(3) protection in 1986 when the easement was granted. The portion of the park that contains the existing avigation easement was not within the 6(f)(3) boundary at that time.

Full disclosure regarding the existing easement should have occurred at the time of application by the Borough for a second grant for the park in 1985. This grant, approved in 1987, placed the area that included the existing easement within 6(f)(3) protection. Based upon file documents, the State was not aware of the easement until 1998.

In 1988, the Borough entered into an Agreement with the City of Palmer to allow the City to cut and remove trees in the easement area - within the then existing 6(f)(3) boundary. Based on a Borough memo dated 2/25/98, "a number of trees in and outside the airspace easement were cut down according to a 1990 letter from the City of Palmer to the Federal Aviation Agency".



Michael Scott  
April 7, 1998  
Page 2

Trees were apparently cut within the 6(f)(3) boundary after the second grant was awarded. We need to open a dialogue to determine what if any impact cutting the trees had on the recreational usefulness of the site. This action will need to be reviewed for a 6(f)(3) determination.

Concerns regarding the proposed avigation easement stand as stated in our previous letter. Our apologies for any confusion caused as a result of the erroneous information in our 4/2/98 letter.

Sincerely,

*Joy Bryan Dolsby*

Joy Bryan-Dolsby  
Grant Administrator

cc: The Honorable Darcie Salmon, Mayor

MATANUSKA-SUSITNA BOROUGH  
ASSEMBLY

*presented  
10-20-87  
L. Dahl*

ASSEMBLY MEMORANDUM

Meeting of: October 20, 1987

Date: 10/20/87

ITEM TITLE: Matanuska River Park - Tree Cutting Request

**PRIORITY**

Submitted by: Ric Davidge, Director Development Services  
Prepared by: Chuck Kaucic, Chief of Parks & Outdoor Recreation

The City of Palmer has requested to cut approximately 7-1/2 acres of trees off the Old Glenn Highway within the Matanuska River Park. This request is a result of an avigation easement obtained from the Borough in 1986. The purpose of this easement is to provide a safety clear zone for the northern runway approach at the Palmer Airport.

In recent conversation with Mr. Gary Thurlow, past borough manager, I learned the city grossly misrepresented the purpose of the easement to Mr. Thurlow. As a result of further research, it was also noted that Mr. Thurlow's actions were not in accordance with Borough code. Only the Assembly can permit easements of this nature. At that time, the easement request was not submitted to the Planning Commission or Assembly for approval. Therefore, this easement is invalid and not binding.

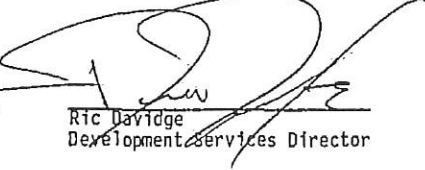
The Parks & Recreation Advisory Board at their October 7th meeting unanimously passed a motion to recommend that the city follow proper channels that would include the proper research and filing of an environmental impact statement prior to cutting any trees. There is some question whether the airport study actually included the areas outside of the airport boundary lines.

FISCAL NOTES

N/A Expenditure Required      Amount Budgeted: \_\_\_\_\_  
This item: \$ \_\_\_\_\_      Account #: \_\_\_\_\_  
TOTAL COST: \$ \_\_\_\_\_      Funds verified by: \_\_\_\_\_

RECOMMENDED ACTION:

Approved by:   
Joan Hale  
Borough Manager

  
Ric Davidge  
Development Services Director

The city has already brushed the perimeter of the proposed area and marked all of the trees that are to be felled. These actions had been accomplished without any prior borough knowledge or permission.

If any trees are to be felled, I recommend that all responsibilities be delineated. At this point, we have not been advised of the City's plans to cut the affected trees, remove the timber nor to ensure that the integrity of the park entrance is maintained.

I recommend that the City of Palmer not be permitted to cut trees within the Matanuska River Park boundaries, as the easement was not properly brought to the Planning Commission or Assembly. It is also directly inconsistent with the purposes of the Matanuska River Park.





# PALMER *Alaska*

## Avigation Easement Planning Study

The City of Palmer and the Mat-Su Borough have cooperatively restarted discussions regarding aviation safety at the Palmer Municipal Airport and how it is impacted by some of the taller trees in the Matanuska River Park. One alternative includes an expanded avigation easement that would give Palmer the right to selectively remove trees that are a hazard to aviation over a larger area of the Park in order to make the Park and the air transportation corridor above the Park safer. Prior to any agreement between the City and Borough, an extensive study, including several opportunities for public input, will need to be completed to satisfy various federal regulations that apply to an undertaking such as this. The study will include an evaluation of options to offset impacts to the Park, which will need to be acceptable to not only the Borough, but also Alaska State Parks, the National Park Service, and the Federal Aviation Administration. Palmer's desire is to partner with the Borough to manage penetrations of the airspace while preserving the Park and utilizing the full capabilities of the airport.

Palmer is in the process of obtaining a grant from the FAA to fund this study and a website will soon be established to provide information and to receive public comments. Stay tuned – more to come!

**MATANUSKA-SUSITNA BOROUGH  
AVIATION ADVISORY BOARD  
RESOLUTION SERIAL NO. AAB 21-01**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH AVIATION ADVISORY BOARD RECOMMENDING MATANUSKA-SUSITNA BOROUGH ASSEMBLY MOVE TO REPEAL MSB CODE 17.10, OVERLAY DISTRICTS.

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WHEREAS, the Aviation Advisory Board (AAB) advises the Assembly in matters pertaining to aviation in the Matanuska-Susitna valley; and

WHEREAS, the AAB Resolutions are the primary method of transmitting recommendations and observations to the Matanuska-Susitna Borough (MSB) Assembly; and

WHEREAS, the 2017 MSB Long Range Transportation Plan contains a recommendation that Airport Capacity is an important issue, and one strategy listed in the plan to ensure land use compatibility is to notify property owners of airport locations on MSB or DOT&PF maps, and proximity to an airport on plats; and;

WHEREAS, the current overlay district code has only been successfully utilized one time, Wolf Lake Aviation Activity Notice Area; and

WHEREAS, the current aviation activity notice area for privately owned, restricted use airports has no standard buffer for noticing, which requires Planning staff to assess hundreds of airports on a case-by-case basis; and

WHEREAS, the MSB Assembly has asked for Planning staff to

reduce efforts on this issue; and

WHEREAS, the Planning Department is working on a GIS mapping effort that will be available for the public and will contain a layer from the Federal Aviation Administration showing all registered airports and owner submitted non-registered airports within the Matanuska-Susitna Borough; and

WHEREAS, this public map would fulfill the Long Range Transportation Plan strategy to "notify" property owners of their proximity to an airport; and

WHEREAS, the absence of an Aviation Activity Notice Area would not change land use or adversely affect the general public, the Matanuska-Susitna Borough Aviation Advisory Board has reviewed and discussed the removal of MSB 17.10;

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Aviation Advisory Board hereby recommends the Assembly move to repeal MSB 17.10, OVERLAY DISTRICTS, from Matanuska-Susitna Borough code.

ADOPTED by the Matanuska-Susitna Borough Aviation Advisory Board this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
DAVID PALMER, AAB Chair

ATTEST:

\_\_\_\_\_  
KELSEY ANDERSON, PLANNER II