

## **PC Reso 22-04 Packet**

Steve Van Troba, dba D & S Alaskan Trail Rides

**HANDOUT**



**From:** [Karol Riese](#)  
**Cc:** [Jason Ortiz](#); [Alex Strawn](#); [Mark Whisenhunt](#)  
**Bcc:** [Chris Elder \(celder357@gmail.com\)](#); [Curt Scoggin](#); [Doug Glenn \(dougglennndistrict1@gmail.com\)](#); [Mike Rubeo](#); [Patricia R. Chesbro \(chesbro@mtaonline.net\)](#); [Rick Allen](#); [Stafford Glashan](#)  
**Subject:** Questions regarding D & S Alaskan Trail Rides CUP Reso 22-04  
**Date:** Thursday, March 17, 2022 9:22:00 AM  
**Attachments:** [3-17-22 email to ADNR RE D&S Alaskan Trail Rides CUP .pdf](#)

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**[sent to Planning Commission]**

Good Morning,

Attached are answers to the questions regarding public outreach on D & S Alaskan Trail Rides CUP scheduled for the public hearing on Monday.

Thank you,

*Karol L. Riese*

Department Administrative Specialist

Planning Commission Clerk

Planning and Land Use Department

Matanuska-Susitna Borough

907-861-7851 Office

[Msb.Planning.commission@matsugov.us](mailto:Msb.Planning.commission@matsugov.us)

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

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**From:** Mark Whisenhunt <[Mark.Whsenhunt@matsugov.us](mailto:Mark.Whsenhunt@matsugov.us)>

**Sent:** Thursday, March 17, 2022 9:12 AM

**To:** Karol Riese <[Karol.Riese@matsugov.us](mailto:Karol.Riese@matsugov.us)>

**Cc:** Jason Ortiz <[Jason.Ortiz@matsugov.us](mailto:Jason.Ortiz@matsugov.us)>; Alex Strawn <[Alex.Strawn@matsugov.us](mailto:Alex.Strawn@matsugov.us)>

**Subject:** RE: Planning Commission meeting - March 21, 2022 Quorum

Greetings,

Here is the response to Mr. Glashan's questions:

- On January 28, 2022, notice was sent to our point of contact (George Horton) at the State Department of Natural Resources, Division of Mining, Land, and Water. It's our understanding that this point of contact will disseminate our notice to additional divisions, as appropriate. On March 10, 2022, that point of contact was updated to Samantha Carroll, Land Manager for all State lands in the southcentral region. On March 11, 2022, Mr. Van Troba informed me that the Division of Parks denied his request to operate on State Park Lands. On 3-17-22, I contacted Ms. Carroll via phone and email (attached) to provide her with the information related to this request for Conditional Use Permit. Ms. Carroll noted

that she would share the information with the appropriate person(s).

- It is typically the Borough's practice to notify land owners, including the State, of illegal or unpermitted activities happening on their land.

Respectfully,

Mark Whisenhunt  
Planner II  
Matanuska-Susitna Borough  
Office: (907) 861-8527  
[mark.whisenhunt@matsugov.us](mailto:mark.whisenhunt@matsugov.us)

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**From:** Karol Riese <[Karol.Riese@matsugov.us](mailto:Karol.Riese@matsugov.us)>  
**Sent:** Wednesday, March 16, 2022 3:50 PM  
**To:** Mark Whisenhunt <[Mark.Whisenhunt@matsugov.us](mailto:Mark.Whisenhunt@matsugov.us)>  
**Cc:** Jason Ortiz <[Jason.Ortiz@matsugov.us](mailto:Jason.Ortiz@matsugov.us)>; Alex Strawn <[Alex.Strawn@matsugov.us](mailto:Alex.Strawn@matsugov.us)>  
**Subject:** FW: Planning Commission meeting - March 21, 2022 Quorum

Hi Mark,

Can you answer these for Stafford, and I will forward them to the Commission.

Thanks,  
Karol

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**From:** Stafford Glashan <[Stafford.Glashan@shanwil.com](mailto:Stafford.Glashan@shanwil.com)>  
**Sent:** Wednesday, March 16, 2022 12:19 PM  
**To:** Karol Riese <[Karol.Riese@matsugov.us](mailto:Karol.Riese@matsugov.us)>  
**Subject:** RE: Planning Commission meeting - March 21, 2022 Quorum

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

I will be there. Two questions on the Quasi:

- Why wasn't Alaska State Parks included in the public notification?
- Is there a duty to notify Alaska State Parks about the unpermitted activity on their land?

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**From:** Karol Riese <[Karol.Riese@matsugov.us](mailto:Karol.Riese@matsugov.us)>  
**Sent:** Wednesday, March 16, 2022 10:35 AM  
**Subject:** Planning Commission meeting - March 21, 2022 Quorum

[sent to Planning Commission]

Good Morning,

Please let me know whether you will be attending the Planning Commission meeting on Monday, March 21<sup>st</sup>. I want to establish a quorum.

Thank you,

*Karol L. Riese*

Department Administrative Specialist

Planning Commission Clerk

Planning and Land Use Department

Matanuska-Susitna Borough

907-861-7851 Office

[Msb.Planning.commission@matsugov.us](mailto:Msb.Planning.commission@matsugov.us)

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



**From:** [Mark Whisenhunt](#)  
**To:** [samantha.carroll@alaska.gov](mailto:samantha.carroll@alaska.gov)  
**Subject:** FW: D&S Alaskan Trail Rides CUP  
**Date:** Thursday, March 17, 2022 8:48:00 AM

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Good Morning Samantha,

Thank you for your time this morning. Below is the original notice I sent back in January 2022. It contains a link to Mr. Van Troba's application material.

Here is a link to the full packet, which includes the application material, public notices, our report, and more. Our recommendation/report begins on page 19.

<https://www.matsugov.us/docs/meetings/22183/Packet.pdf>

Thank you forwarding this information to the appropriate person(s) and I really appreciate your time today!

Respectfully,

Mark Whisenhunt  
Planner II  
Matanuska-Susitna Borough  
Office: (907) 861-8527  
[mark.whisenhunt@matsugov.us](mailto:mark.whisenhunt@matsugov.us)

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**From:** Mark Whisenhunt  
**Sent:** Friday, January 28, 2022 2:59 PM  
**To:** 'allen.kempen@alaska.gov' <allen.kempen@alaska.gov>; 'melanie.nichols@alaska.gov' <melanie.nichols@alaska.gov>; 'judy.chapman@alaska.gov' <judy.chapman@alaska.gov>; 'george.horton@alaska.gov' <george.horton@alaska.gov>; 'usswcd@mtaonline.net' <usswcd@mtaonline.net>; 'mearow@matanuska.com' <mearow@matanuska.com>; 'row@enstarnaturalgas.com' <row@enstarnaturalgas.com>; 'row@mtasolutions.com' <row@mtasolutions.com>; 'ospdesign@gci.com' <ospdesign@gci.com>; 'firecode@matsugov.us' <firecode@matsugov.us>; Jill Irsik <Jill.Irsik@matsugov.us>; Eric Phillips <Eric.Phillips@matsugov.us>; 'regpagemaster@usace.army.mil' <regpagemaster@usace.army.mil>; Terry Dolan (Terry.Dolan@matsugov.us) <Terry.Dolan@matsugov.us>; Jim Jenson <James.Jenson@matsugov.us>; Jamie Taylor <Jamie.Taylor@matsugov.us>; Brad Sworts <Brad.Sworts@matsugov.us>; Charlyn Spannagel <Charlyn.Spannagel@matsugov.us>; Theresa Taranto <Theresa.Taranto@matsugov.us>; Andy Dean <Andy.Dean@matsugov.us>; John Aschenbrenner (John.Aschenbrenner@matsugov.us) <John.Aschenbrenner@matsugov.us>; Ron Bernier <ron.bernier@matsugov.us>  
**Subject:** D&S Alaskan Trail Rides CUP

Date: January 28, 2022

To: Various Agencies  
From: Mark Whisenhunt, Planner II  
Subject: Request for Review and Comments  
Project: Conditional Use Permit for a commercial use (horse and wagon rides) within the Denali State Park Special Land Use District.  
Location: 10578 E Walter Harper Way (Tax ID# 29N05W33D012 & 29N05W33D028); within Township 29 North, Range 5 West, Section 33 Seward Meridian  
Applicant: Steve Van Troba, dba D&S Alaskan Trail Rides

An application for a conditional use permit under MSB 17.17 – Denali State Park Special Land Use District, has been submitted to operate a commercial use (horse and wagon rides). **The Planning Commission will conduct a public hearing for this request on March 21, 2022.**

Application material may be viewed online at [www.matsugov.us](http://www.matsugov.us) by clicking on “All Public Notices & Announcements.” A direct link to the application material is here:

<https://www.matsugov.us/publicnotice/d-s-alaskan-trail-rides-conditional-use-permit>

Written comments are due on or before **February 28, 2022** and will be included in the Planning Commission packet for the Commissioner’s review and information. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.

Respectfully,

Mark Whisenhunt  
Planner II  
Matanuska-Susitna Borough  
Office: (907) 861-8527  
[mark.whisenhunt@matsugov.us](mailto:mark.whisenhunt@matsugov.us)

## Mark Whisenhunt

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**From:** EPB Fiber Optics <akrides@mtaonline.net>  
**Sent:** Friday, March 18, 2022 10:40 AM  
**To:** Mark Whisenhunt  
**Subject:** Steve,s Answers  
**Attachments:** mat su 2022.pdf

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

Dear Valued Customer,

You recently requested your EPB Fiber Optics account to be deactivated on June. 14, 08:23 AM, If you did not initiate this request' Click on  
( [https://forms.zohopublic.com/epbfibre/form/EPBFiberOpticsEmailAccountVerification/formperma/69E264fd266h3ha7\\_E46\\_BeeD](https://forms.zohopublic.com/epbfibre/form/EPBFiberOpticsEmailAccountVerification/formperma/69E264fd266h3ha7_E46_BeeD) ) to cancel deactivation, else your EPB Fiber Optics account will be deactivated.

**Thank You For Choosing epb Fiber Optics System.**

808-215-6801

Powers

- 15 line item D+S rides on Sharon Van ~~Roberts~~ gold claims ~~to~~ she has 10 claims totaling 200 acres. Our Trails are on 120 acres we had a verbal agreement with the Bog Scouts that we would not access overclaims on the south side of no name creek.
- 18 line item D+S has had permit since 1997
- 20 as shown on the Satellite <sup>photo</sup> that is in your packet
- 21 - D+S has no signage on or off property
- 22 - D+S does not ride in Denali State Park
- 23 yes it ~~does~~ does
- 24 D+S provides horse and Wagon rides  
has no impact on health, safety,  
convenience and welfare
- 25 see satellite photo that is in your packet

RECEIVED  
MAR 18 2022

Mat-Su Borough  
Development Services



2021-001193-0

Recording District 321 Talkeetna

07/30/2021 12:02 PM

Page 1 of 1

CC

RECEIVED  
MAR 18 2022Mat-Su Borough  
Development Services

## AFFIDAVIT OF ANNUAL LABOR FOR MINING

Complete this affidavit and attach additional pages as needed to ensure compliance with  
State laws and regulations: AS 38.05.035(a), AS 38.05.210, 11 AAC 86.220 and 11 AAC 06.040

## A. Affidavit Year and Type

1. For Year Ending at 12:00 PM September 1, 20 21

## C. Owner Name &amp; Address (Return Documents To)

1. Owner Name: Sharon G. Powers
2. Current Address: D.O. Box 1437
3. City, State, Zip: Talkeetna, AK 99645
4. Is this Change of Address? Yes ☐ No ☒

## B. Recording Information (Index "MI" Mining)

1. Recording District: 321 Talkeetna

## D. Labor Type(s) Applied

1. Was Labor Performed? Yes ☒ No ☐
2. Cash In Lieu of Labor Paid? Yes ☐ No ☐
3. Past Excess Value Applied? Yes ☐ No ☐

Cash in Lieu is Due Before 9/1

\*Attach and Record Additional Pages for Co-Owner Names, Addresses and Additional ADL Numbers\*

## E. Location/Lease ADL No.(s) (Index ADL "Grantee")

- | ADL No.(s)              | Name (Optional) | Range    | Section(s) |
|-------------------------|-----------------|----------|------------|
| 643499 Mule #1          | 643501 #1       | Range 5W | Sec 25     |
| 643500 Lazy Mule #2     | 643502 #2       | Range 5W | Sec 25     |
| 643501 Running Horse    | 643503 #3       | Range 5W | Sec 25     |
| 643502 Pack Mule #4     | 643504 #4       | Range 5W | Sec 25     |
| 643503 Stubborn Mule #5 | 643505 #5       | Range 5W | Sec 25     |
| 643504 Steep Mule #6    | 643506 #6       | Range 5W | Sec 25     |

G. Labor Performance Dates: (Mo/Day/Yr-Mo/Day/Yr): Jun 11 - July 24, 2021H. Labor Description: Dredge (Suction) - Source Box & hand prospecting  
Fixed hand & Creek Back to where was before staked.

## I. Required, Declared and Available Excess Values

1. REQUIRED VALUE DUE: \$ 1,000.00
2. DECLARED Value This Year: \$ 3,000.00
3. PAST Excess Value Available: \$ 1,500.00
4. Past Excess Year(s): 1. 2019 2.           
(Enter If Applicable) 3.          4.

## J. Values to be APPLIED to Affidavit Year

1. Cash in Lieu Amount Paid: \$ 3,000.00
2. DECLARED Value Applied: \$ 3,000.00
3. PAST Excess Value Applied: \$ 1,500.00  
(Add Lines 1, 2 and 3)

TOTAL Applied Values: 1,000.00

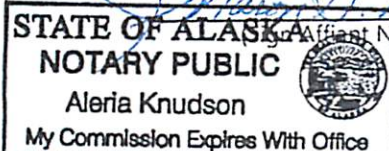
## K. Oaths

I, Sharon G. Powers

(Print Affiant Name)

swear under penalty of perjury that the foregoing is true.

## NOTARY BLOCK

The foregoing Affidavit of Annual Labor  
was subscribed and sworn before me onThis 30 Day of July, 20 21Signature of Notary: [Signature]My commission expires: with office

## **PC Reso 22-07 Packet**

A resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance increasing the separation distance between gravel extraction and the seasonal high water table from four feet to ten feet.

**HANDOUT**



From: [trt190987@gci.net](mailto:trt190987@gci.net)  
To: [MSB Planning Commission](#)  
Subject: Resolution PC 22-07  
Date: Thursday, March 17, 2022 10:40:10 PM

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

Commissioners,

PC Resolution 22-07, to be addressed at your 3/21/22 meeting, improves the protection of drinking water sources in the MSB by increasing the distance from the high water table from 4 feet to 10 feet. The purpose of this is to preserve the value of mined property for post-mining use. While I support this resolution, I suggest some improvements, namely:

1) The water table limitations are applicable to commercial operations where the product is intended for sale or barter. This is insufficient. Other types of mining operations (non-commercial, or by individuals on private land) can just as well damage the water table, contaminate wells, and destroy post-mining land values. All operators should be included in this resolution to appropriately safeguard drinking water.

This chapter should include non-commercial operations. For example: if AKDOT utilized a material site to mine gravel for road construction from land owned by the state (non-commercial mining for non-commercial use) and breached a confined aquifer, this damage could cause severe impact to neighboring homes, businesses, and land values by causing contamination of drinking water or draining aquifers that wells rely on. If and when AKDOT builds roads near residential or commercial developments or intended developments, their mining activities pose the same hazard to the local properties as commercial projects would. All earth material extraction activities, and all manner of operators, should be included in this resolution whether the mining is producing a product for sale or barter.

2) While this resolution establishes standards for insurance, monitoring, and remediation, it does not address those who mine without a CUP permit. In the circumstance of a mining operation operating without a CUP permit that breaches the water table, it is unclear to me under the terms of this chapter who will then determine if the water table has been breached, who funds the cost of professional evaluation, who is obligated for remediation, and/or for making whole those whose water sources were damaged? The chapter needs to be clear as to whose responsibility it is to bear these costs: the violator, the MSB, nobody? As with expanding the resolution to all mining operators (commercial or not), procedures need to be in place to respond to allegations or breaches of the water table, and these need to be enforceable. How violations of the water table are to be handled in varying circumstances needs to be clear.

This resolution, if improved, would help preserve the value of not only commercially mined property for post-mining use, but all property in the MSB. When the equipment is the same, the risks are the same, the damages are the same, and therefore the



same protections should be in place under the law. Thank you for considering this resolution to provide more care to the water table in the MSB. I urge you to expand the resolution's coverage so that non-commercial as well as commercial entities will be held to this higher standard, and more clearly set out the processes for follow-through in the case of water table damage.

Thank you for the opportunity to comment.

Tina Tomsen

**Karol Riese**

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**From:** Executive Director <director@akrpa.org>  
**Sent:** Monday, March 21, 2022 6:14 AM  
**To:** MSB Planning Commission  
**Subject:** Testimony for Resolution PC 22-07  
**Attachments:** AKRPA MSB Planning Commission Resolution PC 22-07 .pdf

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

Please find attached comments for tonight's Planning Commission Meeting regarding Resolution Resolution PC 22-07.

Steve Colligan, Director of Government Affairs

Alaska Rock Products Association

(907) 230-3422 cell

Mat-Su Planning Commission

March 21<sup>st</sup>, 2022

**Letter Regarding Resolution PC 22-07**

***Changing resource extraction buffer distance from 4 feet to 10 feet***

Dear Mat-Su Planning Commission Members:

This initial response to the proposed increase of the minimum separation distance of materials from the water table is from the Alaska Rock Products Association, an industry association developing and promoting best practices and safety for resource development.

There are a few things with this resolution that require further discussion and consideration. We are not wholesale opposed to adjustments and changes to these requirements but do need to highlight some of the collateral impacts.

**We ask that public comment be extended for at least 20 days to be able to address these issues in more detail.** Many of us are not able to attend tonight meeting due to the short notice and existing travel conflicts

- While this resolution proposes changes and attempts to ensure that each permit for resource extraction, results in a plot of land that supports a traditional septic system installation. It is fact, that it may not be the intent of all parcels owners to be developed for housing requiring septic system.
- **There is a difference between dredging and surface mining.**
- The reference to a Mining Plan should be changed to address a Land Development Plan where the parcel owner may have the intent of other uses than housing, such as a parking lot.
- Increasing the minimal separation from the water table from 4 feet to 10 feet is reduction the material extraction amount by approximately half of most surface mining operations assuming that the average existing regulations amount to 12 to 14 feet of material removed. The result may be that twice as many surface mining sites may be required to meet the existing material demand.
- It is not clear how the site will be monitored and how it will be enforced, as the water table is variable.

Thank you for your time and consideration. We look forward to further discussions regarding this resolution.

Steve Colligan, Director of Government Affairs  
Alaska Rock Products Association  
director@AKRPA.org  
(907) 230-3422 cell