

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2021-26  
KENAI RECORDING DISTRICT**

**A resolution granting modification to a conditional land use permit for a material site to allow for additional excavation are on property described as the East ½, the East ½ of the West ½, and the Northwest ¼ of the Northwest ¼, of Section 16, Township 5 North, Range 8 West, Seward Meridian, Alaska, excluding the Sterling Highway right-of-way**

- WHEREAS,** the KPB Planning Commission approved PC Resolution 2017-08 on March 27, 2017, which established a conditional land use permit for material extraction on KPB tax parcel ID# 065-081-18; and
- WHEREAS,** on June 22, 2021, the applicant, Cook Inlet Region, Inc., submitted an application to modify the existing conditional land use permit by expanding the area for excavation by 61-acres south of the Sterling Highway within KPB Parcel 065-081-18; and
- WHEREAS,** KPB Chapter 21.29.090 provides for the modification of material site permits when changes in operations approved in the original permit are proposed; and
- WHEREAS,** notice of the application was mailed on June 22, 2021, to the 255 landowners or leaseholders of the parcels within one-half mile of the subject parcels pursuant to KPB 21.25.060; and
- WHEREAS,** public notice of the application was published in the July 1, 2021, & July 8, 2021, issues of the Peninsula Clarion; and
- WHEREAS,** public notice was sent to the postmaster in Sterling requesting that it be posted at the post office; and
- WHEREAS,** a public hearing of the Planning Commission was held on July 12, 2021.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That the Planning Commission makes the following findings of fact pursuant to KPB 21.25 and 21.29:

**Findings of Fact**

1. *Procedural Findings.*
  - A. KPB 21.25 allows for land in the rural district to be used as a sand, gravel or material site once a permit has been obtained from the Kenai Peninsula Borough.
  - B. KPB 21.29 governs material site activity within the rural district of the Kenai Peninsula Borough.
  - C. On March 27, 2017, the planning commission passed resolution 2017-08, which approved a conditional land use permit to Cook Inlet Region, Inc., for material extraction on KPB tax parcel #065-081-18.
  - D. On June 22, 2021, Cook Inlet Region, Inc., submitted to the KPB Planning Department an application to modify its existing conditional land use permit for parcel #065-081-18 to add an additional 61-acre excavation area.
  - E. A public hearing of the planning commission was held on July 12, 2021, and notice of the application was mailed on June 22, 2021, to the 255 landowners or leaseholders of the parcels within one-half mile of the subject parcels. Public notice was sent to the postmaster in Sterling requesting that it be posted at the Post Office. Public notice of the application was scheduled for publication in the July 1, 2021, & July 8, 2021, issues of the Peninsula Clarion.
  - F. Compliance with the mandatory conditions in KPB 21.29.050, as detailed in the following findings, necessarily means that the application meets the standards contained in KPB 21.29.040.
2. *Parcel boundaries.* KPB 21.29.050(A)(1) provides that all boundaries of the subject parcel shall be staked at sequentially visible intervals where parcel boundaries are within 300 feet of the excavation perimeter.
  - A. Permit condition number 1 requires the placement of stakes. Borough staff has inspected the proposed site. With the original permit, the property boundaries near

- proposed excavation areas in the original permit were flagged.
3. **Buffer zone.** KPB 21.29.050(A)(2) provides that a buffer zone shall be maintained around the excavation perimeter or parcel boundaries.
    - A. Permit condition number 2 requires that the permittee maintain the following buffers for each excavation area identified on the site plan that will provide visual and noise screening to adjacent properties:
      - 50 feet of undisturbed natural vegetation with additional 6-foot earthen berms around the expanded 61-acre excavation area.
  4. **Processing.** KPB 21.29.050(A)(3) provides that any equipment which conditions or processes material must be operated at least 300 feet from the parcel boundaries.
    - A. The original permit site plan indicates a 4.8-acre processing area that is located greater than 300 feet from the parcel boundaries. Borough staff will regularly monitor the material site to ensure compliance with this setback requirement.
  5. **Water source separation.** KPB 21.29.050(A)(4) provides that all permits shall be issued with a condition that prohibits any material extraction within 100 horizontal feet of any water source existing prior to original permit issuance. Excavation within the water table shall not be within 300 feet of a water source. There shall be no dewatering by either pumping, ditching or some other form of draining without an exemption from the planning commission. In the event an exemption is granted, the contractor must post a bond for liability for potential accrued damages.
    - a. The site plan shows no wells within 300 feet of an excavation area.
    - b. Borough staff will regularly monitor the material site to ensure compliance with the two-foot vertical separation from the water table requirement.
  6. **Excavation in the water table.** KPB 21.29.050(A)(5) provides that excavation in the water table greater than 300 horizontal feet of a water source may be permitted with the approval of the planning commission.
    - a. This modification does not seek and exemption to excavate within the water table.
  7. **Waterbodies.** KPB 21.29.050(A)(6) provides that an undisturbed buffer shall be left and no earth material extraction activities shall take place within 100 linear feet from a lake, river, stream, or other water body, including riparian wetlands and mapped floodplains. In order to prevent discharge, diversion, or capture of surface water, an additional setback from lakes, rivers, anadromous streams, and riparian wetlands may be required.
    - a. There are no water bodies within 100 feet of the proposed extraction.
  8. **Fuel storage.** KPB 21.29.050(A)(7) provides that fuel storage for containers larger than 50 gallons shall be contained in impermeable berms and basins capable of retaining 110 percent of storage capacity to minimize the potential for uncontained spills or leaks. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.
    - a. Borough staff will regularly monitor the material site to ensure compliance with this condition.
  9. **Roads.** KPB 21.29.050(A)(8) provides that operations shall be conducted in a manner so as not to damage borough roads.
    - a. The original permit indicates that the material site haul route is Deniigi Way and Kenai Keys Road to Sterling Highway. The modified site plan also indicates a new secondary access directly to Sterling Highway. The permittee must provide dust suppression to the portion of the haul route that is located on site.
  10. **Subdivision.** KPB 21.29.050(A)(9) provides that any further subdivision or return to acreage of a parcel subject to a conditional land use or counter permit requires the permittee to amend their permit.
    - a. Borough planning staff reviews all subdivision plats submitted to the Borough to ensure compliance with this requirement.
  11. **Dust control.** KPB 21.29.050(A)(10) provides that dust suppression is required on haul roads within the boundaries of the material site by application of water or calcium chloride.
    - a. If Borough staff becomes aware of a violation of this requirement, action will be taken to ensure compliance.
  12. **Hours of operation.** KPB 21.29.050(A)(11) provides that rock crushing equipment shall not be operated between 10:00 p.m. and 6:00 a.m.
    - a. If Borough staff becomes aware of a violation of this requirement, action will be taken to ensure compliance.
  13. **Reclamation.** KPB 21.29.050(A)(12) provides that reclamation shall be consistent with the reclamation plan approved by the planning commission. The applicant shall post a bond to cover the anticipated reclamation costs in an amount to be determined by the planning director. This bonding requirement shall not apply to sand, gravel or material sites for which an exemption from state bond requirements for small operations is applicable pursuant to AS 27.19.050.
    - a. No modification of the reclamation plan was proposed. As in the original permit, the permittee shall reclaim the site as described in the reclamation plan for this parcel with the addition of the requirements contained in KPB 21.29.060(C3) and as approved by the planning commission.
    - b. Borough staff will inspect the material site once the reclamation has been completed to ensure compliance with the reclamation plan.
  14. **Other permits.** KPB 21.29.050(A)(13) provides that permittee is responsible for complying with all other federal, state and local laws applicable to the material site operation, and abiding by related permits.

- a. Any violation federal, state or local laws, applicable to the material site operation, reported to or observed by Borough staff will be forwarded to the appropriate agency for enforcement.
15. *Voluntary permit conditions.* KPB 21.29.050(A)(14) provides that conditions may be included in the permit upon agreement of the permittee and approval of the planning commission.
  - a. In addition to the 50-foot vegetation buffer, 6-foot earthen berms will be placed around the 61-acre expanded extraction area.
16. *Signage.* KPB 21.29.050(A)(15) provides that for permitted parcels on which the permittee does not intend to begin operations for at least 12 months after being granted a conditional land use permit, the permittee shall post notice of intent on parcel corners or access.
  - a. Borough staff will regularly monitor the material site to ensure compliance with this condition.

**SECTION 2.** That the material site operations are described and shall be conducted as follows:

- A. A portion of KPB Tax Parcel Number 065-081-18. The expanded material site area overall within the parcel is approximately 131.7 acres.
- B. The East ½, the East ½ of the West ½, and the Northwest ¼ of the Northwest ¼, of Section 16, Township 5 North, Range 8 West, Seward Meridian, Alaska, excluding the Sterling Highway right-of-way.
- C. The applicant, Cook Inlet Region, Inc., proposes to: 1. Extract gravel and sand from the subject parcel; 2. Reclaim the site to a stable condition upon depletion of material.

**SECTION 3.** That the existing permit conditions are hereby replaced by the following:

**PERMIT CONDITIONS**

1. The permittee shall cause the boundaries of the subject parcel to be staked at sequentially visible intervals where parcel boundaries are within 300 feet of the excavation perimeter.
2. The permittee shall maintain the following buffers around the excavation perimeter or parcel boundaries as shown in the approved site plan:
 

Northern, southern, eastern, and western boundaries - 50 feet of undisturbed natural vegetation. The addition of a 6-foot earthen berm around the perimeter for the 61-acre expanded extraction area.

These buffers shall not overlap an easement.
3. The permittee shall maintain a 2:1 slope between the buffer zone and pit floor on all inactive site walls. Material from the area designated for the 2:1 slope may be removed if suitable, stabilizing material is replaced within 30 days from the time of removal.
4. The permittee shall not allow buffers to cause surface water diversion which negatively impacts adjacent properties or water bodies.
5. The permittee shall not operate any equipment which conditions or processes material within 300 feet of the property boundaries.
6. The permittee shall not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
7. The permittee shall maintain a 2-foot vertical separation from the seasonal high water table.
8. The permittee shall maintain an undisturbed buffer, and no earth material extraction activities shall take place within 100 linear feet from a lake, river, stream, or other water body, including riparian wetlands and mapped floodplains.
9. The permittee shall ensure that fuel storage containers larger than 50 gallons shall be contained in impermeable berms and basins capable of retaining 110 percent of storage capacity to minimize the potential for uncontained spills or leaks. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.
10. The permittee shall conduct operations in a manner so as not to damage borough roads as required by KPB 14.40.175, and will be subject to the remedies set forth in KPB 14.40 for violation of this condition.
11. The permittee shall notify the planning department of any further subdivision or return to acreage of this property. Any further subdivision or return to acreage may require the permittee to amend this permit.
12. The permittee shall provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.
13. The permittee shall reclaim the site as described in the reclamation plan for this parcel and as approved by the planning commission.
14. The permittee shall post a bond to cover the anticipated reclamation costs in an amount to be determined by the planning director. This bonding requirement does not apply to sand, gravel or material sites for which an exemption from state bond requirements for small operations is applicable pursuant to AS 27.19.050.
15. The permittee is responsible for complying with all other federal, state and local laws applicable to the material site operation, and abiding by related permits. These laws and permits include, but are not limited to, the borough's flood plain, coastal zone, and habitat protection regulations, those state laws applicable to material sites individually, reclamation, storm water pollution and other applicable Environmental Protection Agency (EPA) regulations, clean water act and any other U.S. Army Corp of Engineer permits, any EPA air quality regulations, EPA and ADEC

water quality regulations, EPA hazardous material regulations, U.S. Dept. of Labor Mine Safety and Health Administration (MSHA) regulations (including but not limited to noise and safety standards), and Federal Bureau of Alcohol, Tobacco and Firearm regulations regarding using and storing explosives.

16. The permittee shall operate in accordance with the application and site plan as approved by the planning commission. If the permittee revises or intends to revise operations so that they are no longer consistent with the original application, a permit modification is required in accordance with KPB 21.29.090.
17. This conditional land use permit is subject to review by the planning department to ensure compliance with the conditions of the permit. In addition to the penalties provided by KPB 21.50, a permit may be revoked for failure to comply with the terms of the permit or the applicable provisions of KPB Title 21. The borough clerk shall issue notice to the permittee of the revocation hearing at least 20 days but not more than 30 days prior to the hearing.
18. The modification does not change the effective date of the permit. The conditional land use permit is valid for five years from the effective date of the original permit. A written request for permit extension must be made to the planning department at least 30 days prior to permit expiration, in accordance with KPB 21.29.070.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
Blair J. Martin, Chairperson  
Planning Commission

ATTEST:

\_\_\_\_\_  
Ann Shirnberg  
Administrative Assistant

PLEASE RETURN  
Kenai Peninsula Borough  
Planning Department  
144 North Binkley St.  
Soldotna, AK 99669

## Taylor, Bryan

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**From:** Eric F. Rosenberg <ERosenberg@rosenberg-fayne.com>  
**Sent:** Thursday, July 1, 2021 9:08 AM  
**To:** Taylor, Bryan  
**Subject:** <EXTERNAL-SENDER>Fwd: Commnets on 065-081-18

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Can you confirm receipt.

Eric F. Rosenberg  
Rosenberg & Fayne  
5400 Kenilworth Avenue  
Riverdale, Maryland 20737  
301-864-2900  
301-864-2903--fax  
301-980-5598--mobile  
erosenberg@rosenberg-fayne.com

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Begin forwarded message:

**From:** "Eric F. Rosenberg" <ERosenberg@rosenberg-fayne.com>  
**Date:** June 30, 2021 at 9:03:57 AM AKDT  
**To:** btaylor@kpb.com  
**Cc:** Rick Scheifelbien <rick@anchorconstruction.info>, Meatzbart@aol.com, Christine Price <4rosenbergs@gmail.com>  
**Subject:** Commnets on 065-081-18

Chairman Blair Martin  
Kenai Peninsula Borough Peninsula Planning Board

Re: 065-081-18  
Cook Inlet Region, inc

Dear Chairman Martin:

I am writing you with regard to the proposal to allow CIR to expand the gravel pit directly in eye sight and down from the commercial property I own and operate at 3235 Moonshine Drive, Soldotna, Alaska 99669. This project is in Full view of my commercial property and not a single person though to reach out which is deep concerning to me how this process is being undertaken.

This expansion is a poor idea for the following reason and needs to be rejected outright.

1. My property elevation is 292 feet and would look directly into the Pit in violation of 21.29 and is a visual disturbance that cannot be abated. No one has taken the time to evaluate these issues prior to an expansion request which is disturbing at best but shows putting profits over people. I trust my rights, are equal to those of others and if that is accurate, there can be no way to approve the expansion without suggesting, there is favoritism to CIR. Are you not troubled by the lack of preparation? How hard would it have been to travel to affected areas beforehand and talk to us. It tells me that someone is rushing or undue influence is in play. I am interested in the influence CIR has over the board or its independence but before I go asking these questions, I will allow you time to respond.

2. My property can already hear the the traffic from Sterling Highway. A gravel pit will amplify the sounds and there is no noise abatement that can be done to rectify this. Has the audio calculation been done pursuant to the federal MSHA guidelines? Again, why hasn't anyone asked for the effects of the noise. Are you concerned about the PIT noise to residents or the river and wildlife or has that been overlooked. Again, is this profits over people? When is someone going to come and do the audio testing or is that not a requirement?

3. I can tell you from personal experience that any ground disturbance within .75 miles of the river causes major wash outs on the bluff. Are you concerned what a washout or an environmental hazard could cause and damage the River. What environmental studies have been done on the issues of noise, accidents, and traffic. The Kenai River is famous and in pristine condition, why is the Board willing to take a chance on a project so close to the River and risk it. I am worried that there is something else going on that we would approve a project so close to our most Prized River. Please do not let a quick dollar influence the decision to risk Nature. Does the board want to over look the River and what it means to Alaska? What is the point of expanding the road to Kenai if you are going to risk destroying the River? What is being done to prevent environmental issues? There are others areas to get gravel that can benefit CIR, please vote to have them use their other subsidies.

I ask that you reject this project as it cannot be done with any acceptable risk and my Rights are Equal to others and there is no way to follow the statutory requirements. What about my neighbors and the issues that they have?

Should this project not be rejected I will file an Injunction in Federal Court for the Environmental Concerns and in State Court for breaches of my right to Quiet Enjoyment so I would ask that you pass this along to the Project Manager who didn't think to even contact the folks most affected in Soldotna let alone Sterling.

Please don't allow Profits to Come before People..

I am available anytime to discuss this further.

I can be reached at 301-980-5598.

Eric F. Rosenberg

Eric F. Rosenberg  
Rosenberg & Fayne LLP  
5400 Kenilworth Avenue  
Riverdale, Maryland 20737  
Telephone: (301) 864-2900  
Facsimile: (301) 864-2903

[ERosenberg@rosenberg-fayne.com](mailto:ERosenberg@rosenberg-fayne.com)  
[www.rosenberg-fayne.com](http://www.rosenberg-fayne.com)



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## Taylor, Bryan

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**From:** Mark and Cindy <mrhceh@gci.net>  
**Sent:** Wednesday, July 7, 2021 10:23 PM  
**To:** Taylor, Bryan; Hibbert, Brent; Derkevorkian, Richard; Bjorkman, Jesse; Cox, Tyson; Elam, Bill; Carpenter, Kenn; Johnson, Brent; lchesle@kpb.us; Dunne, Willy; Pierce, Charlie  
**Cc:** Niki Pereira; cindy Hamlin E; stutzer@gci.net  
**Subject:** <EXTERNAL-SENDER> Land Use Permit for Material Extraction - Sterling Highway mile 79.5  
**Attachments:** Gravel Pit 2021.docx

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Kenai Peninsula Borough Planning Commission Chairman, Assembly Members, and Mayor:

Thank you for notifying us by US Postal Service mail, at our primary residence in Anchorage, regarding the Cook Inlet Region, Inc. application to modify an approved conditional land use permit for material extraction near our recently constructed home in Sterling. The information in the letter has taken us by surprise as we were never informed, nor given any opportunity to comment about the original land use permit that was granted in this area for material extraction.

For the past 28 years, we have enjoyed recreating on the property at West Hills Court and the beautiful surrounding area. So much so that we decided to build a home on the property and make it part of our retirement plan. Construction on our home at West Hills Court was completed in March 2018 and we have been residing there on a part-time basis for vacations, weekends and holidays year round. Upon my retirement in September 2022, our plan was to downsize from our home in Anchorage and relocate to our home in Sterling. Your public notice letter has come as a shock to us. An expansion of a material extraction project (gravel pit) near our home will threaten our financial investment and disrupt our dream of a safe, quiet, peaceful retirement.

We have many questions and concerns about this short-notice request to expand the "material extraction" site. Two weeks notice for public comment is unfair and insufficient. Have there been any studies performed regarding noise, air quality, water/well disruption, roadway degradation, traffic hazards, impact on wildlife, fisheries, the river? Why is an Alaska Native corporation harvesting gravel from this beautiful, pristine area? Isn't there another area with less impact on people, fish, wildlife, the river? One of CIRI's values includes "honor - do the right thing the right way. Honor is the heartbeat of the company." This project doesn't align with honor and isn't prudent stewardship of Alaska resources?

We join our Bing's Landing Subdivision neighbors (see attachment) and strongly object to the application to modify (expand) the land use permit for material extraction for the parcel number 065-081-18. Please consider our concerns and please be prepared to respond to our questions at the upcoming public hearing scheduled July 12, 2021 at 7:30pm via Zoom.

Thanks for your time and attention to this important matter.

Respectfully submitted,  
Cindy E. Hamlin and Mark R. Hughes  
32177 West Hills Court  
Sterling, AK 99672



## Taylor, Bryan

---

**From:** Claire Lewis <siwela.claire@gmail.com>  
**Sent:** Thursday, July 8, 2021 11:42 AM  
**To:** Taylor, Bryan  
**Cc:** Aeschliman, Melanie; Elam, Bill; ray@longlivethekings.com; krpga1@gmail.com; ben@krsa.com; shannon@krsa.com; Planning Dept.; kakillian@att.net  
**Subject:** <EXTERNAL-SENDER>Fwd: Kenai Borough Planning 7/12/21 Meeting Agenda Parcel Number 065-081-18

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**Subject: Kenai Borough Planning 7/12/21 Meeting Agenda Parcel Number 065-081-18**

July 8, 2021

Brian Taylor, Borough Planner  
Kenai Peninsula Borough  
144 N. Binkley St.  
Soldotna, AK, 99669

Dear Brian,

This is a request to delay the planned agenda item at the Borough Planning meeting scheduled Monday, July 12th at 1930. My husband and I received our notification on 6/24/21 in the mail, since our home is in Anchorage, yet we own two undeveloped acres in the Bings Landing Subdivision. Our lots are within a ½ mile of the planned gravel/ "material extraction" from 61+ acres. The time line of 2 ½ weeks from when we received our letter, is not enough time to voice concerns for this planned development by CIRI.

Our current Anchorage home is on well and septic and water preservation is dear to our neighbors and us. We live within a ½ mile of a past gravel excavation that took place in the 1970's, in the now neighborhood called Westpark Subdivision. It is unknown if our well water is linked to the 7+acre aquifer that was exposed during the 1970s gravel mining in Westpark; yet, many reports and data collection exist due to this aquifer exposure and wells impacted. In the 1970s, 2 private wells noticed sediment and contamination that occurred within weeks of gravel excavation in Westpark. When the gravel excavation went below the water table, disturbing the clay/soil/ and sand layers, their clear well water turned, brown, silty and sandy within weeks of excavation. I understand the developer did not intend harm to drinking water, yet it happened.

When my husband and I met 4 years ago with other Bings Landing neighbors, we expressed concern for the potential impact to well water to the CIRI, Kenaitze Tribe, and Foster Brother representatives (all reaping the benefit of money from the most recent gravel excavation). Our concern for impact to well water with "material excavation"/gravel has **Not** changed.

The meeting delay request, is so all stakeholders concerned by this development have time to gather information and voice concerns. I have cc:d key members of the Borough and other Kenai River water stewards in this letter. Presumably, these below members do not drink water from the Kenai River; however, their enjoyment of the Kenai River via fishing guide services and preservation of the river is at risk of impactation by noise, erosion of the embankment, and other known side effects when this proposed extensive gravel excavation takes place nearby.

We cannot personally afford to legally fight CIRI on their proposed development, but the Kenai Borough can and should be observant of existing home/Well owners, land owners, and Kenai River users, (all tax payers to the Borough), and take time to listen to concerns before bulldozing the issue forward. Again, we ask the meeting be delayed, and necessary time outside the busy summer season, be given to concerned citizens impacted by the proposed development.

Respectfully,

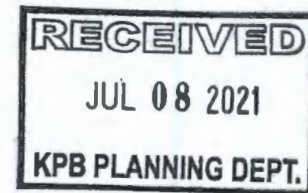
Claire and Dan Lewis

Land owners of Bings Landing Sub Part 1 Lot 1 and 6, Blk 3  
907-306-6978

cc: Melanie Aeschliman, Planning Director, Kenai Borough  
Bill Elam, Assembly Representative, Bings Landing  
Ray Debardeleben, President of Kenai River Professional Guide Association/KRPGA  
Ben Mohr, Director of Kenai River Sports Fishing Association/ KRSA  
Shannon Martin, KRSA

and **Ken Sterling, Bings homeowner (whose 7/8 submitted letter we support!!)**

July 8, 2021



Melanie Aeschliman, Planning Director  
Brian Taylor, Borough Planner  
Kenai Peninsula Borough  
144 N. Binkley St.  
Soldotna, AK. 99669

Cc: Jeremy Brantley  
PO Box 1444  
Soldotna, AK. 99669

We, some residents of the Bing's Landing subdivision, are writing to you to ask for a postponement of agenda item E.9 on July 12<sup>th</sup>, Conditional Land Use Permit Modification, Parcel ID #06508118.

The first permit issued several years ago was highly contested by surrounding residents. After many meetings with CIRI and Foster Construction where our concerns were placated then never fully addressed, the borough planning commission forged ahead and released the permit. Now CIRI has come back with plans to grow the gravel pit.

We have MANY concerns with the borough process and timeline from permit application to public notice and, finally, permit approval. This permit application was filed on June 22, 2021. Public notice started hitting mailboxes near the end of June and into the first of July. The planning commission meeting to address the permit is July 12, 2021. The brief timing of this, from application to approval, is no small matter! We are the residents saddled with the impact of this for many years. It's rare you will find a lawyer among us. We are common citizens who have worked hard, and many have put their life savings into where we live and our preferred way of living in this quiet, pristine area. WE CANNOT MOUNT A PROPER RESPONSE TO THESE ASSAULTS ON OUR WAY OF LIVING IN LESS THAN THREE WEEKS!!!

This permit application comes at the beginning of our busiest season for us common folks! It's summer. The fish are coming in. Families are coming in. Many of us travel around our state to enjoy the short summer we experience up here. Even the planning commission takes time off from its' duties in the summer to do the very thing we are trying to do. We write this letter to you on Thursday before the upcoming meeting on Monday. It took us this long to get a few of our ducks in a row just to mount a request for a postponement. We are asking you to postpone this until AT LEAST August. September would be better as that moves us more out of the busy summer season.

Our concerns related to the permit you originally extended to CIRI for the original gravel pit were brushed aside; the noise, the dust, the water table issues, etc. It is our understanding that

residents surrounding the big gravel pit south of us (used to facilitate roadwork) are having well and water problems. We are in the process of verifying that information. This was one of our biggest concerns. If true, the borough is complicit in approving material extraction sites without allowing enough time for testing, environmental and other impact studies, nor the requirement thereof.

We Alaskans hate zoning and regulation. However, when our elected and appointed official's side with business in a way that excludes or minimizes the impact to residential and recreational users, we must address it. This issue happens all over the Kenai Peninsula Borough and in other non-incorporated areas of Alaska.

There is plenty of gravel in areas that are not adjacent to residential and pristine designated recreational areas. We understand they are more expensive to utilize, but something must give here. We, the taxpayers of this borough, need more of an opportunity to have a voice in what happens around us.

In addition to all the above-mentioned issues, this upcoming meeting is not even available for face-to-face public comment. It is now only open to phone or zoom as an option. Many of us do not have capability for zoom meetings. Hearing our voices over the phone reduces the impact of our testimony as you do not have the capability to see our facial expressions. Just because the meeting room was occupied the night of the planning commission meeting does not excuse you from making accommodations for the public to address you personally.

We are imploring you to give this permit application more time before approving it. The borough's rules do not give sufficient time to mount a defense against one of the biggest corporation's in Alaska. It's time to decide who you serve, the small taxpayers, or the big corporations?

Please postpone this meeting at least one month, if not two!

Ken Killian  
Bing's Landing Subdivision  
Sterling, Alaska  
907-232-6188

Bing's Landing Subdivision  
Sterling, Alaska

Name Lisa Smith Signature \_\_\_\_\_  
Lisa Smith

Address  
37220 Steelhead Circle  
Sterling, AK 99672


Phone 801-372-4479 Email \_\_\_\_\_  
bdlisa@gmail.com

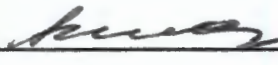
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Address  
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Phone \_\_\_\_\_ Email \_\_\_\_\_  
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Name Yulia Vasilyeva Signature   
Address 32123 W Hills Ct. Sterling AK  
Phone 925-588-4144 Email u.little@sbctobal.net

Name Alexei Vassiliev Signature   
Address 32123 W Hills Ct Sterling AK  
Phone 408-772-0406 Email avassiliev@sbctobal.net

Name \_\_\_\_\_ Signature \_\_\_\_\_

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Phone \_\_\_\_\_ Email \_\_\_\_\_

Name Tim and Denise Martin Signature Denise Martin  
Address 37865 ~~Babcock~~ Steelhead Ct  
Phone (907) 2607564 Email tmartin@verizon.net

Name John & Linda Halsen Signature John Halsen  
Address 32151 Rapier Ave  
Phone 907-252-1707 Email mechalsen@gmail.com

Name ROBERT PEREIRA Signature Rob Pereira  
Address 37195 STEELHEAD CIR STERLING AK 99672  
Phone (907) 830-0888 Email fishcrazy@comcast.net

Name Niki Pereira Signature Niki Pereira  
Address 37195 Steelhead Cir. Sterling, AK 99672  
Phone 907-830-6543 Email nikinuk@qci.net

Name \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

Name \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

Name Charles K. Clasby Signature Charles K. Clasby  
Address 32167 West Hills Ct. Sterling, AK 99672  
Phone 907-230-0516 Email Calman.CK@gmail.com

Name Karol Schiefelbein Signature Karol Schiefelbein  
Address 37105 Steelhead Circle Sterling, AK 99672  
Phone 907-260-3577 Email Karol3510@hotmail.com

Name Richard Schiefelbein Signature Richard Schiefelbein  
Address 37105 Steelhead Circle Sterling, AK  
Phone 907-260-3577 Email Kick-A-Packer Construction, Inc.

Name Kathleen G. Fogle Signature Kathleen G. Fogle  
Address 37065 Steelhead Circle Sterling AK 99672  
Phone 916-539-1342 Email Kgfogle1951@gmail.com

Name Ken Killian Signature Ken Killian  
Address 37468 SAMSEL Rd STERLING AK 99672  
Phone 907-232-6188 Email KAKILLIAN@ATT.NET

Name \_\_\_\_\_ Signature \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_ Email \_\_\_\_\_



**Subject:** Land Use Permit for Material Extraction - Sterling Highway mile 79.5  
**Date:** Wednesday, July 7, 2021 at 10:22:31 PM Alaska Daylight Time  
**From:** Mark and Cindy  
**To:** btaylor@kpb.us, bhibbert@kpb.us, rderkevorkian@kpb.us, jbjorkman@kpb.us, tysoncox@kpb.us, belam@kpb.us, kcarpenter@kpb.us, bjohnson@kpb.us, lchesle@kpb.us, wdunne@kpb.us, cpierce@kpb.us  
**CC:** Niki Pereira, cindy Hamlin E, stutzer@gci.net  
**Attachments:** Gravel Pit 2021.docx

Kenai Peninsula Borough Planning Commission Chairman, Assembly Members, and Mayor:

Thank you for notifying us by US Postal Service mail, at our primary residence in Anchorage, regarding the Cook Inlet Region, Inc. application to modify an approved conditional land use permit for material extraction near our recently constructed home in Sterling. The information in the letter has taken us by surprise as we were never informed, nor given any opportunity to comment about the original land use permit that was granted in this area for material extraction.

For the past 28 years, we have enjoyed recreating on the property at West Hills Court and the beautiful surrounding area. So much so that we decided to build a home on the property and make it part of our retirement plan. Construction on our home at West Hills Court was completed in March 2018 and we have been residing there on a part-time basis for vacations, weekends and holidays year round. Upon my retirement in September 2022, our plan was to downsize from our home in Anchorage and relocate to our home in Sterling. Your public notice letter has come as a shock to us. An expansion of a material extraction project (gravel pit) near our home will threaten our financial investment and disrupt our dream of a safe, quiet, peaceful retirement.

We have many questions and concerns about this short-notice request to expand the "material extraction" site. Two weeks notice for public comment is unfair and insufficient. Have there been any studies performed regarding noise, air quality, water/well disruption, roadway degradation, traffic hazards, impact on wildlife, fisheries, the river? Why is an Alaska Native corporation harvesting gravel from this beautiful, pristine area? Isn't there another area with less impact on people, fish, wildlife, the river? One of CIRI's values includes "honor - do the right thing the right way. Honor is the heartbeat of the company." This project doesn't align with honor and isn't prudent stewardship of Alaska resources?

We join our Bing's Landing Subdivision neighbors (see attachment) and strongly object to the application to modify (expand) the land use permit for material extraction for the parcel number 065-081-18. Please consider our concerns and please be prepared to respond to our questions at the upcoming public hearing scheduled July 12, 2021 at 7:30pm via Zoom.

Thanks for your time and attention to this important matter.

Respectfully submitted,  
Cindy E. Hamlin and Mark R. Hughes  
32177 West Hills Court  
Sterling, AK 99672

Name Mary L. Bailey Signature Mary L. Bailey  
Address PO Box 1265 Sterling AK 99672  
Phone 907-301-8941 Email 9467772@hotmail.com

Name Roxie Little Signature Roxie Little  
Address 37455 Samuel Sterling AK 99672  
Phone 262-6288 Email lesrox3@gmail.com

Name David Skieens Signature D  
Address PO Box 421 Sterling AK 99672  
Phone 907 242 1343 Email dskieens@gmail.com

Name \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_

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Name \_\_\_\_\_ Signature \_\_\_\_\_

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Name \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

Name Penny Hershberger Signature [Signature]  
Address 37060 Steelhead Circle, Sterling, AK 99672  
Phone 330-827-1022 Email p/hersh60@gmail.com

Name Linda Hershberger Signature [Signature]  
Address 37060 Steelhead Circle Sterling AK 99672  
Phone 330 827 1024 Email lchersh65@gmail.com

Name \_\_\_\_\_ Signature \_\_\_\_\_  
Address \_\_\_\_\_  
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