E. NEW BUSINESS

8. Conditional Use Permit; PC Resolution 2025-12
Applicant: State of Alaska DOT
Request: To replace & upgrade a culvert along an unnamed anadromous stream that is a tributary to the Snow River, along the Seward Highway
Location: 22635 Seward Highway
Bear Creek Area
(Staff Person: Planner Morgan Aldridge)

Multi-Agency Permit Application
Kenai Peninsula Borough
River Center

Fees Received: $_____
☐ Cash
☐ Check #_____
CREDIT CARDS NOT ACCEPTED FOR APPLN FEES

514 Funny River Road
Soldotna, Alaska 99669
KenaiRivCenter@kpb.us

Phone: (907) 714-2460
Fax: (907) 260-5992

PROPERTY OWNER:

Name: AK DOT&PF
Mailing: 4111 Aviation Avenue
Anchorage, AK, 99519
Phone: 907-269-0530
Email: maureen.orr@alaska.gov

AGENT: (if applicable)

Name: HDR Inc., Greg Hartman
Mailing: 583 E. 36th Ave. Suite 500,
Anchorage, AK, 99503-4169
Phone:
Email: greg.hartman@hdrinc.com

PROJECT LOCATION:

KPB Parcel ID: See Project Documentation
Physical Address: Seward Highway MP 14
Subdivision:
Lot: _____ Block: _____ Addition/No.: _____

WATERBODY INFORMATION:

Waterbody: Snow River
River Mile: 4.5 & 5.7
Riverbank: ■ Left ☐ Right *(looking downstream)*

PERMIT FEES: ☐ $50 - Staff Permit **OR** ☐ $300 - Conditional Use or Floodway Analysis

PROJECT: ☐ New Project **OR** ☐ Extension/Amendment to **RC#** _____

Please select all activities that apply to your project:

- ☐ Bank Stabilization
- ☐ Boat Launch
- ☐ Bridge
- ☐ Coir Logs
- ■ Culvert
- ☐ ELP Structures
- ☐ Equipment Stream Crossing
- ■ Excavation, Dredging, and/or Fill
- ☐ Fence Installation
- ■ Fish & Wildlife Management
- ☐ Floating Dock
- ☐ Fuel Storage Green Infrastructure
- ☐ In-Stream Structures (Weir)
- ☐ Oil & Gas
- ☐ On-Site Utilities
- ☐ Prior-Existing Structure
- ☐ Revegetation
- ☐ Root Wads
- ■ Road Construction
- ☐ Structure (Accessory)
- ☐ Structure (Residential)
- ☐ Spruce Tree Revetment
- ☐ Stream Crossing
- ☐ Utility Line/Easement
- ☐ Veg Mat
- ■ Vegetation Removal
- ☐ Water Withdrawal
- ☐ Other: _____

PROJECT DESCRIPTION: *Provide a detailed description of your project, attach additional pages if necessary.*

See attached project description.

COST-SHARE: Is this project funded by the ADFG-USFWS Cost-Share Program? ☐ Yes ■ No

KPB TAX CREDIT PROGRAM: KPB provides a tax credit as partial reimbursement for new habitat protection and restoration projects within 150 feet of anadromous streams. If you would like to pre-qualify for this credit, please provide your estimated project cost(s) below. Do not include grants or other funding assistance:

Elevated Light-Penetrating Structures $ _____ Other Activities $ _____
Habitat Restoration & Protection $ _____ Green Infrastructure $ _____

PROJECT QUESTIONS:

1. Start date: April 2026 End date: October 2027 Estimated Days of Construction: 430; see project description for more
2. Is any portion of the work already complete? If yes, please describe: ☐ Yes ☒ No

3. Is your project located on land or waters of an Alaska State Park? ☐ Yes ☒ No

If yes, you must fill out an Alaska State Parks application at: dnr.alaska.gov/parks/permit

Ordinary High Water (OHW) and Mean High Water (MHW):

4. Is the project located within 50 feet of OHW or MHW a waterbody? ☒ Yes ☐ No
5. Does any portion of the project extend below the OHW or MHW of the waterbody? ☒ Yes ☐ No
6. Does any portion of the project cantilever or extend over the MHW of the waterbody? ☐ Yes ☒ No
7. Will anything be placed below OHW or MHW of the waterbody? ☒ Yes ☐ No

Regulatory Floodplains:

8. Is the property where the project is taking place near or within a regulatory floodplain? ☐ Yes ☒ No
   a. Is this project within or adjacent to a regulatory floodway? ☐ Yes ☒ No
   b. Is this project within or adjacent to a coastal high hazard zone? ☐ Yes ☒ No
   c. For new buildings and/or additions, list all project costs (labor, materials, etc.): $

Excavation, Dredging, and Fill:

9. Will material be excavated or dredged from the site? ☒ Yes ☐ No
   a. Type of material(s): Existing soil
   b. Area to be dredged below OHW or MHW:
      Length: (ft) Width: (ft) Depth: (ft) Total Cubic Yards: See attachment
   c. Area to be excavated above OHW or MHW:
      Length: (ft) Width: (ft) Depth: (ft) Total Cubic Yards: See attachment
   d. Location materials will be deposited:
10. Will any material (including soils, debris, and/or overburden) be used as fill? ☒ Yes ☐ No
    a. Type of material(s): See attachment
    b. Is this fill permanent or temporary? ☒ Permanent ☐ Temporary
    c. Area to be filled above OHW or MHW:
       Length: (ft) Width: (ft) Depth: (ft) Total Cubic Yards: See attachment
    d. Area to be filled below OHW or MHW:
       Length: (ft) Width: (ft) Depth: (ft) Total Cubic Yards: See attachment

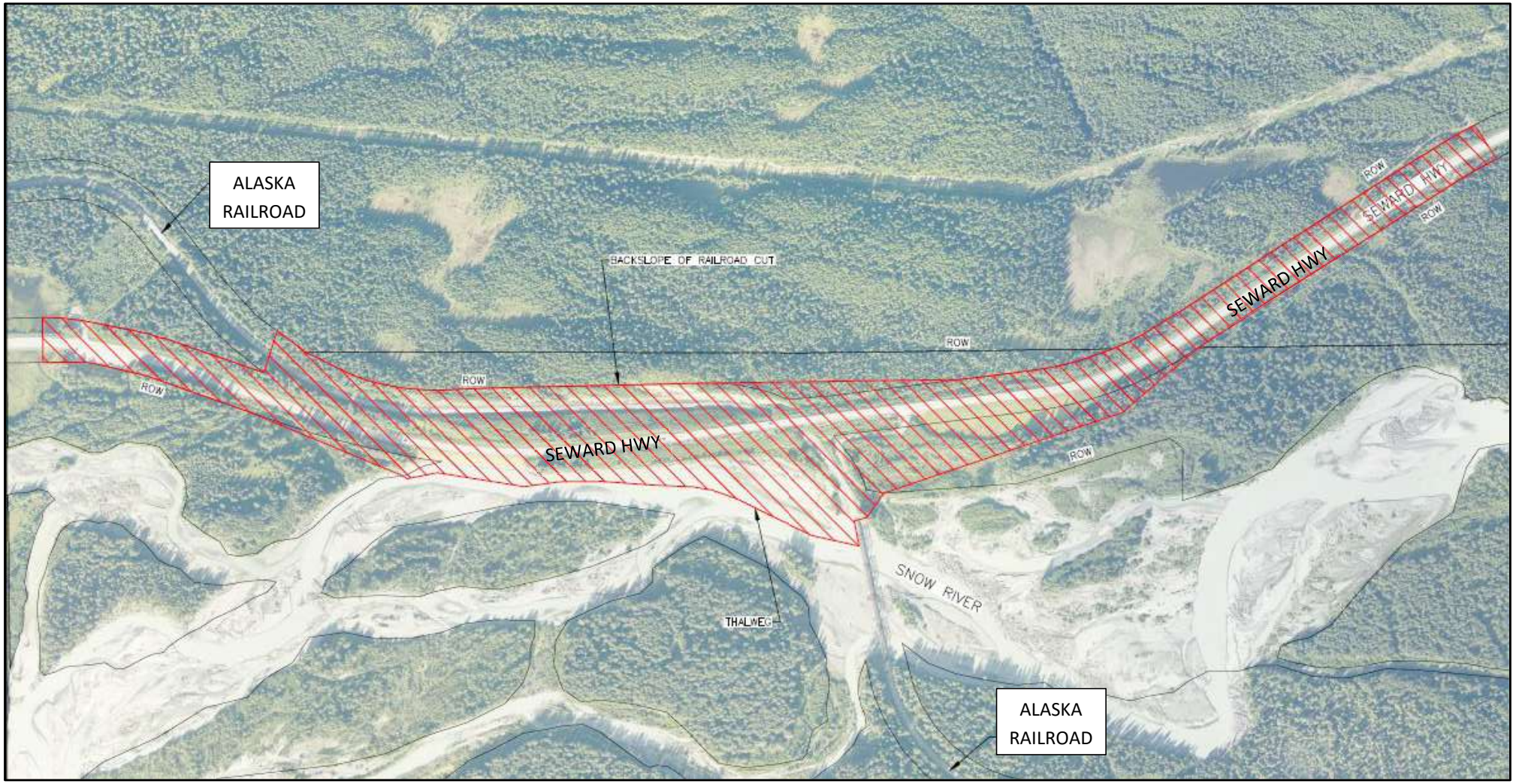
Motorized Equipment:

11. Will you be using motorized equipment for this project? If yes, please list all equipment: ☒ Yes ☐ No
    Excavator, haul truck, grader, compactor, paver, roller, semitrailers, loaders
    a. Will you be crossing a stream or waterbody? ☐ Yes ☒ No
    b. How long will equipment be used below OHW or MHW?

SIGNATURE & CERTIFICATION:

This application is hereby made requesting permit(s) to authorize the work described in this application form. I certify the information in this application is complete and accurate to the best of my knowledge and that my site plans or drawings are attached. If applying for a tax credit, I certify that I have not begun construction of the project and that the project will be constructed to the standards in KPB 5.12 Real Property and Personal Property Taxes, KPB 5.14 Habitat Protection Tax Credit, and other applicable federal, state, and local regulations.

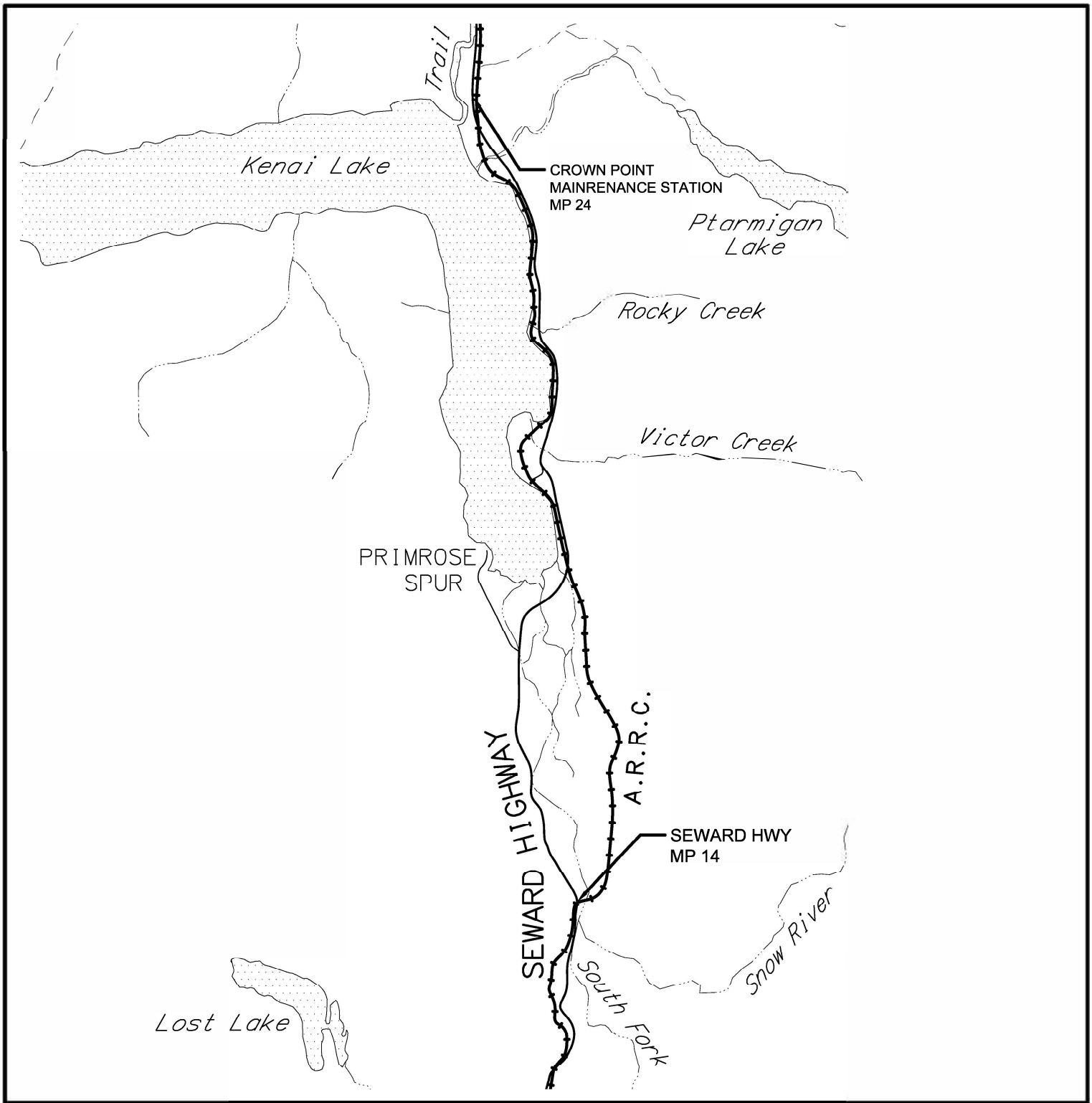
Maureen Orr Digitally signed by Maureen Orr Date: 2025.06.20 12:25:32 -08'00'		Hughes, Christopher Digitally signed by Hughes, Christopher DN: E=Chris.Hughes@hdrinc.com, CN="Hughes, Christopher", OU=Users, OU=Anchorage-East 36th Avenue, OU=Alaska, OU=United States, OU=Offices, DC=Intranet, DC=hdr Date: 2025.06.20 15:24:48-08'00'	
Owner Signature *(required)*	**Date**	**Agent Signature** *(if applicable)*	**Date**

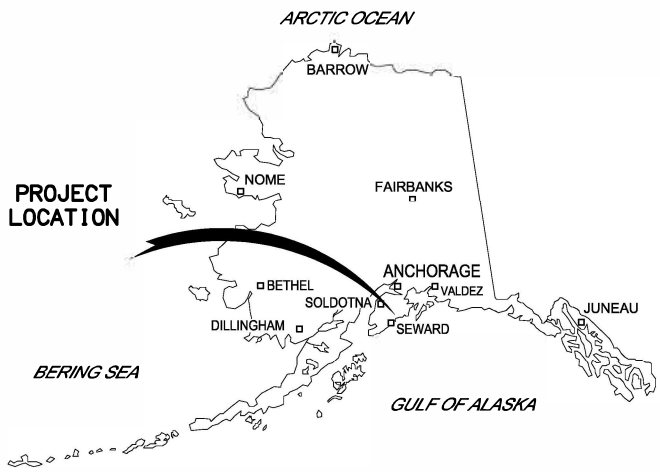


Project area

Parcel/ROW line

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES PRELIMINARY DESIGN AND ENVIRONMENTAL	**Seward Highway MP 14 Railroad Crossing Reconstruction** PROJECT NO. 0311037 / CFHWY00947	**FIGURE 2** **PROJECT AREA**





STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

FIGURE 1
SEWARD HWY MP 14 RAILROAD CROSSING RECONSTRUCTION
PROJECT NO. 0311037 / CFHWY00947

VICINITY AND LOCATION MAP

Project Description to Support the Kenai Peninsula Borough Multi-Agency Permit Application

Alaska Department of Transportation and Public Facilities

Seward Highway MP 14 Railroad Crossing Reconstruction
CFHWY00947

June 20, 2025

1. Introduction

The Alaska Department of Transportation and Public Facilities (DOT&PF) has assumed the responsibilities of the Federal Highway Administration under 23 U.S.C.327 and is proposing to reconstruct the separated-grade railroad crossing on the Seward Highway near Mile Post (MP) 14 (Project). The Project will accommodate a planned Alaska Railroad Corporation (ARRC) project that is proposing to raise the elevation of their nearby Snow River bridge, which will require an increase to the track elevation where it crosses underneath the Seward Highway. The project extent runs from Seward Highway MP 13.5 to MP 14.7 (Figures 1 and 2).

The Snow River (244-30-10010-2250) runs adjacent to the Seward Highway in this location. Every one to three years, the river experiences significant flooding caused by a glacial outburst, or Jokulhlaup, from the Snow Glacier above the Seward Highway. These flooding events threaten the railroad bridge just east of Seward Highway at MP 14. To mitigate this threat, ARRC is raising the bridge over the Snow River, resulting in the need to raise the highway overpass to allow for the railroad to pass at the Project location. This project description was written to support the Project's Kenai Peninsula Borough Multi-Agency Permit Application for replacing two culverts that convey water to Snow River.

1.1. Project Overview

The proposed reconstruction project is replacing two existing culverts beneath the Seward Highway to support road improvements. Construction would occur between April 2026 and October 2027. The total number of construction days will be approximately 430, depending on the Contractor's schedule. Daily work hours would be up to the Contractor's discretion.

The Project would replace the culvert listed in the Alaska Department of Fish and Game Anadromous Waters Catalogs, anadromous waters catalog stream (AWC stream; 244-30-10010-2250-3024; 60.29176389, -149.33910833) and an adjacent perennial stream non listed in the Alaska Department of Fish and Game Anadromous Waters Catalog (non-AWC stream; 60.28238889, -149.34275000). Both culvert locations are within Section 5M, Township T2N, Range R1E, Seward Meridian, USGS Quadrangle Seward B-7 SE.

The AWC stream is listed in the AWC for coho salmon (*Oncorhynchus kisutch*; presence and rearing). The AWC stream flows into Snow River approximately 0.21 miles downstream of the existing culvert. The non-AWC stream is conveyed directly into Snow River from its existing culvert. Snow River is listed in the AWC for coho salmon (spawning, rearing, and presence); sockeye salmon (*O. nerka*; spawning and presence), and Dolly Varden (*Salvelinus malma*; presence).

The 24-inch diameter culvert in the non-AWC stream would be replaced with a 36-inch diameter drainage culvert. The existing 7-foot diameter culvert in the AWC stream would be replaced with a 13-foot diameter steel fish passage culvert. The new culverts would be placed and constructed in the dry outside of their respective stream's OHW.

2. Existing Conditions

2.1. Non-AWC stream

The non-AWC stream flows beneath the Seward Highway in the existing 24-inch drainage culvert. The wetted width of the non-AWC stream is between 3 and 10 feet. The gradient of the stream within the culvert is 8.8 percent. The inlet to the existing culvert is mostly submerged or buried which causes ponding upstream of the culvert. The existing culvert outlet is perched approximately 3 feet above the Snow River channel and is armored with riprap. Observations from June 2024 identified minimal flow being conveyed through the culvert while water was seeping through the embankment under the pipe and daylighting in the Snow River Floodplain. Damage to the existing culvert's outlet is indicative of flooding from Snow River. A waterfall downstream of the culvert acts as a barrier to fish passage.

2.2. AWC Stream (244-30-10010-2250-3024)

The AWC stream flows through the existing 7-foot diameter drainage culvert beneath the Seward Highway. The width of the stream and its substrate size are unknown. A minor amount of substrate lines the inside of the culvert and appears to have been washed into the culvert. The outlet and inlet are placed on top of the streambed rather than partly buried like a stream simulation pipe; thus, flow is narrower inside the pipe than the natural channel. Although the pipe is in good condition and is large enough to convey the flow, the culvert is being replaced because it does not presently meet fish passage culvert design standards.

3. Proposed Design

There will be no in-water work included in the installation of either culvert. During construction of both culverts, the existing pipe would remain in use until the new pipe is ready for flow. A dam would be constructed at the upstream most point of each newly constructed stream reach to prevent the existing flow from entering the new reach until construction is completed. This location is identified as where the new reach meets the existing stream in Attachment A. The following motorized equipment would be used for the Project: excavator, haul truck, grader, compactor, paver, roller, semitrailer, and loader. Equipment would not cross any streams or waterbodies.

The installation of the new pipes will be accomplished using a half-width construction method. First, the roadway embankment will be lowered to accommodate one-way traffic on the upstream side of the roadway, while the downstream half of the proposed culvert would be installed. Then the downstream side of the roadway embankment will be temporarily constructed to accommodate traffic while the upstream half of the proposed culvert is installed.

If excavated material is usable, it may be used as fill for new culvert construction. If excavated material is not usable, Selected Material, Type C will be used for new culvert construction. Any excavated material not used as fill would be hauled offsite to a Contractor-furnished disposal site.

When the new culverts are installed the existing stream channel would be diverted in a way that minimizes sediment movement downstream of the site. The new stream segments would be washed with the minimum amount of water necessary to wash fines into the creek bed as determined by the Project engineer. This would be done until water flowing from the Project area runs clear. After the initial sediment pulse is removed, the damn separating the existing and new stream channel would be slowly removed to mitigate a large pulse of water being sent through the new channel. This would all be done from the bank. The old culvert would be replaced when all of the stream flow is successfully diverted through the new culvert. The old stream segment dewatered by the new flow diversion would be monitored for fish. An ADF&G Aquatic Resource Permit would be obtained for the Project that would allow fish to be moved from the dewatered area and placed in the nearest upstream pool. After the existing culverts are dry, they would be removed with a similar half-width method to keep a one-lane traffic flow operating at all times.

All construction would occur from stream banks. No tracked vehicles would cross the streams. No piles would be placed below OHW. Pumps would not be used for dewatering. Temporary silt fences would be used to mitigate runoff and sedimentation into nearby streams. Disturbed areas would be topped with 4 inches of weed-free soil and revegetated with a native mix. Banks would be recontoured to mimic existing conditions. Cross sections of each culvert are provided in Attachment A.

3.1. Non-Anadromous Perennial Stream

A 140-foot long, 36-inch diameter steel drainage culvert would replace the existing 24-inch drainage culvert at the perennial stream. The new drainage culvert would be placed beneath Seward Highway 15 feet south of the existing culvert (Attachment A, P4-1) and continue to convey water into Snow River. The alignment of the proposed culvert will be shifted perpendicular to the road to reduce the slope of the crossing from 8.8 percent to 3.0 percent. The culvert as designed meets DOT&PF design guidelines for drainage culverts along highways, as the 50-year storm event does not cause the headwater-to-diameter ratio of the culvert to go beyond 1.5.

Aprons and riprap collars will be placed at both the inlet and outlet of the culvert. The collars and upstream apron would be composed of Class II riprap. The upstream apron would extend 6 feet upstream from the culvert inlet. The outlet apron would consist of Class III riprap from the culvert outlet to the stream channel due to the steep slope necessary for the culvert outlet apron (2:1). From the toe of the bank, a 10-foot-long pad will be placed at the end of the apron on the channel bottom to prevent a scour hole from developing on the downstream end of the apron. The apron was designed to resist destabilization from glacial outburst events in Snow River. Excavation and fill quantities for the non-AWC stream culvert are provided in Table 1 and Table 2, respectively. Approximately 425.4 cy of material would be excavated above OHW for the non-AWC stream. Approximately 465.1 cy of material would be filled above OHW for the non-AWC stream, and 39.3 cy would be filled below OHW for the diversion dams. Lengths and widths of different excavation or fill materials may overlap. See Attachment A for details on excavation and fill locations.

Table 1 Non-AWC stream Excavation

Project Component	Location	Material	Length Excavated (ft)	Width Excavated (ft)	Depth Excavated (ft)	Total Excavated (cy)
Downstream Apron	Above OHW[a]	Native Material/Selected Material, Type C	19.8	9	3	16.3
Downstream Culvert Segment[b]	Above OHW	Varies[b]	Varies[b]	Varies[b]	Varies[b]	409.1
Total	Above OHW	N/A	N/A	N/A	N/A	425.4

Note: ft = feet; N/A = Not Applicable

[a] Construction would be done in the dry. This area would be under OHW after flow is diverted to the new reach

[b] Downstream approximately 25-feet of culvert and apron

[c] Varies, see Project Drawings (Attachment A)

Table 2 Non-AWC stream Fill

Project Component	Location	Material	Length Filled (ft)	Width Filled (ft)	Depth Filled (ft)	Total Filled (cy)
Downstream Apron	Below OHW[a]	Class III Riprap (apron)	19.8	9	3	16.3
Downstream Culvert Segment[a]	Above OHW	Native Material/Selected Material, Type C	N/A	N/A	N/A	389.8
Downstream Culvert Segment[a]	Above OHW	Class III Riprap (apron)	31.9	9	3	27.6
Downstream Culvert Segment[a]	Above OHW	Class II Riprap (Collar)	12.9	9	1.5	5.2
Downstream Culvert Segment[a]	Above OHW	Structural Fill	20.4	Varies[b]	Varies[b]	18.5
36-inch Culvert	Above OHW	36-in Culvert	23.11	3	3	7.7
Diversion to Keep New Reach Dry	Below OHW	Supersack	30.0	2.9	3.5	11.3
Diversion to New Stream Reach	Below OHW	Native Excavated Material	30.0	3.0	3.5	11.7
Total	Above OHW	N/A	N/A	N/A	N/A	465.1
Total	Below OHW	N/A	N/A	N/A	N/A	39.3

Note: ft = feet; N/A = Not Applicable
[a] Construction would be done in the dry. This area would be under OHW after flow is diverted to the new reach
[b] Downstream approximately 25 feet of culvert and apron
[c] Varies, see Project Drawings (Attachment A)

3.2. AWC Stream (244-30-10010-2250-3024)

A 140-foot long, 13-foot diameter steel fish passage culvert (Attachment A, P11-2) would replace the existing culvert at the AWC stream. This design meets the needs for fish passage design guidelines and is sized to be stable for the 100-year flood event. The proposed culvert would be situated 25 feet north of the existing crossing and remain in the same drainage as the existing stream. The slope of the culvert is 0.5 percent, which matches the stream slope near the culvert and the floodplain as a whole. The proposed culvert would be embedded 5.2 feet at the thalweg, with a channel formed inside the culvert that leads up to banks at the culvert edges, raising the embedment further to 7 feet. The embedment material inside the culvert would cover the streambed surface and extend two feet deep. The streambed mix would be composed of 30 percent Class I riprap, 30 percent D-1 base course, and 40 percent ditch lining. A second layer would begin 2 feet below the streambed surface and extend an additional 3.2 feet deep. This layer would be composed of ditch lining.

The proposed fish passage culvert will have riprap collars and aprons at both the inlet and outlet. The collars would be composed of Class II riprap and the aprons will consist of the streambed mix inside the culvert, as well as Class II riprap banks. Both aprons will match the channel geometry inside the culvert with the riprap banks bordering the channel on either side (Attachment A). The inlet apron will extend 13 feet upstream of the culvert inlet, and the outlet apron will extend 76.6 feet downstream of the culvert outlet. The outlet apron will tie into the existing stream channel downstream of the present culvert crossing. The proposed culvert was evaluated for resistance to buoyant forces in the fully inundated inlet condition and buoyancy was determined to not be an issue due to the weight of the infill. Excavation and fill quantities for the AWC stream are provided in Table 3 and Table 4, respectively. Approximately 4,350.6 cy of material would be excavated above OHW for the AWC stream. Approximately 4,399.1 cy of fill material would be used for the AWC Stream above OHW and 51.1 cy of fill below OHW. Lengths and widths of different excavation or fill materials may overlap. See Attachment A for details on excavation and fill locations. Due to the irregular dimensions of many of the quantities measured, the cross-sectional area (width*depth) has been reported for the shape, with specific width and depth measurements varying along the shape.

Table 3 AWC Stream Excavation

Project Component	Location	Material	Length Excavated (ft)	Width (ft)	Cross Section Area (ft^2)	Depth Excavated (ft)	Total Excavated (cy)
Upstream Apron	Above OHW[a]	Native Material/Selected Material, Type C	13.0	Varies[b]	33.4	Varies[b]	16.1
Culvert	Above OHW[a]	Native Material/Selected Material, Type C	140.0	Varies[b]	225.9	Varies[b]	1171.1

Downstream Apron	Above OHW[a]	Native Material/Selected Material, Type C	76.6	Varies[b]	51.88	Varies[b]	147.2
Culvert	Above OHW	Native Material/Selected Material, Type C	140.0	Varies[b]	581.7	Varies[b]	3,016.2
Total	Above OHW	N/A	N/A	N/A	N/A	N/A	4,350.6

Note: ft = feet; ft^2 = square feet; cy = cubic yards; N/A = Not Applicable

[a] Construction would be done in the dry. This area would be under OHW after flow is diverted to the new reach

[b] Varies, see Project Drawings (Attachment A)

Table 4 AWC Stream Fill

Project Component	Location	Material	Length Filled (ft)	Width (ft)	Cross Section Area (Width*Depth) (ft^2)	Depth Filled (ft)	Total Filled (cy)
Upstream Apron	Above OHW[a]	Streambed Material	13.0	Varies[b]	25.6	Varies[b]	12.3
Upstream Apron	Above OHW[a]	Class II Riprap	13.0	Varies[b]	3.0	1.52	4.4
Upstream Apron	Above OHW[a]	Topsoil and Seed	13.0	Varies[b]	22.4	Varies[b]	10.8
Upstream Collar	Above OHW[a]	Native Material/Selected Material, Type C	140.0	Varies[b]	N/A	Varies[b]	494.6
Upstream Collar	Above OHW[a]	Streambed Material	140.0	Varies[b]	35.5	Varies[b]	183.8
Upstream Collar	Above OHW[a]	Ditch Lining	140.0	Varies[b]	25.4	Varies[b]	131.7
Upstream Collar	Above OHW[a]	Structural Fill	140.0	Varies[b]	69.6	Varies[b]	361.0
Downstream Apron	Above OHW[a]	Streambed Material	76.6	Varies[b]	27.4	Varies[b]	77.7
Downstream Apron	Above OHW[a]	Class II Riprap	76.6	Varies[b]	3.0	3.0	51.1
Downstream Collar	Above OHW[a]	Class II Riprap	3.0	Varies[b]	26.3	Varies[b]	5.8
Upstream Apron	Above OHW	Streambed Material	76.6	Varies[b]	1.03	Varies[b]	5.8

Upstream Apron	Above OHW	Class II Riprap	76.6	Varies[b]	3.0	0.5	8.5
Upstream Apron	Above OHW	Topsoil and Seed	13.0	Varies[b]	16.4	Varies[b]	7.9
Upstream Collar	Above OHW	Class II Riprap	3.0	Varies[b]	61.9	Varies[b]	13.8
Culvert	Above OHW	Native Material/Selected Material, Type C	140.0	Varies[b]	581.7	Varies[b]	1,778.8
Culvert	Above OHW	Culvert	140.0	Varies[b]	13	13	876.3
Culvert	Above OHW	Structural Fill	140.0	Varies[b]	69.6	Varies[b]	361.0
Downstream Collar	Above OHW	Class II Riprap	3.0	Varies[b]	61.9	Varies[b]	13.8
Diversion to Keep New Reach Dry	Below OHW	Supersack	74.0	2.9	10.15	3.5	27.8
Diversion to New Stream Reach	Below OHW	Native Excavated Material	60.0	3.0	10.5	3.5	23.3
Total	Above OHW	N/A	N/A	N/A	N/A	N/A	4,399.1
Total	Below OHW	N/A	N/A	N/A	N/A	N/A	51.1

Note: ft = feet; ft^2 = square feet; cy = cubic yards; N/A = Not Applicable

[a] Construction would be done in the dry. This area would be under OHW after flow is diverted to the new reach

[b] Varies, see project drawings (Attachment A)

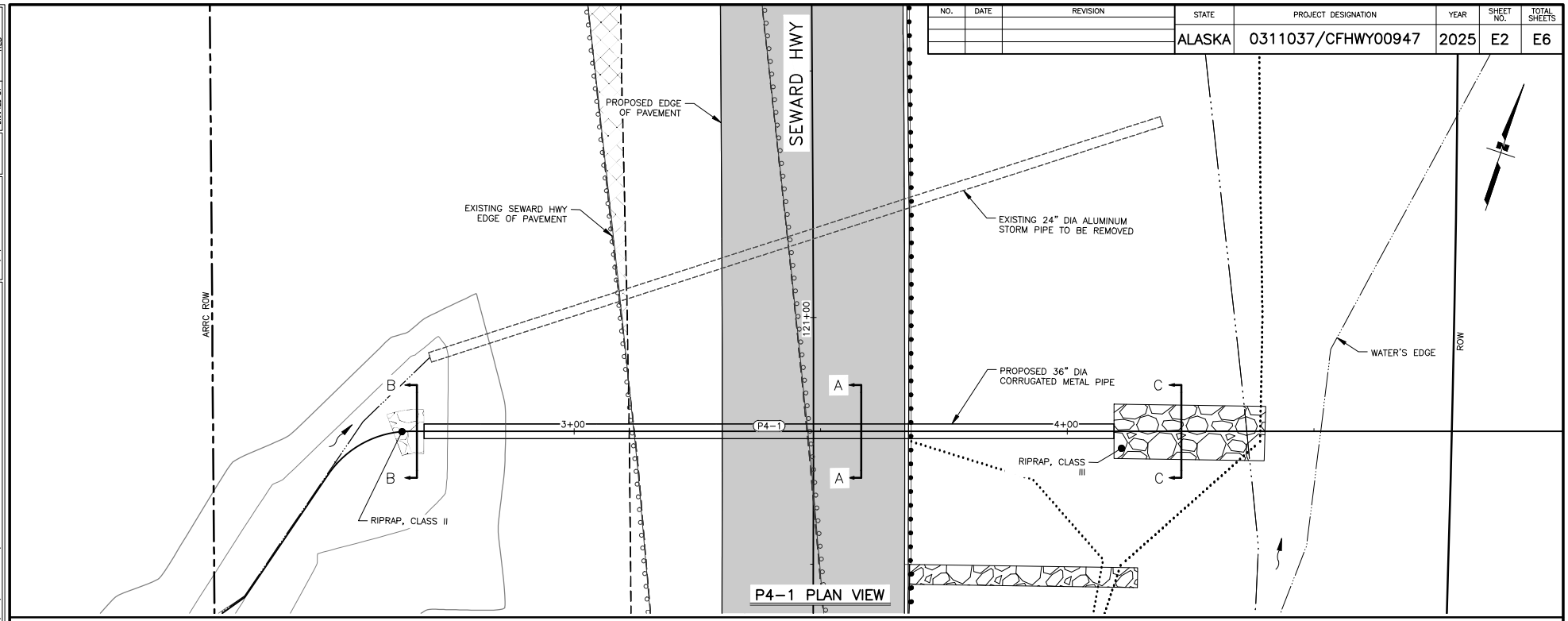
4. Mitigation Measures

DOT&PF would implement the following mitigation measures to mitigate or avoid impacts to nearby resources:

- The contractor shall wash equipment (including all tracked equipment, excavation equipment, and excavation hauling equipment) prior to mobilization to mitigate the potential for invasive species
- Fill materials shall be clean and free of contaminants and materials shall be obtained from noxious weed-free material sites.
- The contractor will prepare and submit a final stream diversion and dewatering plan to the project engineer for approval.
- Fish remaining onsite within any dewatered areas will be captured and relocated to the closest pool upstream of the construction area prior to completely dewatering the site.

An Aquatic Resource Permit will be acquired in accordance with ADF&G procedures prior to construction activities.

- Stream bottoms outside of culverts and aprons will consist of native, in-situ materials.
- High-pressure water will be sprayed on all culvert and apron infill material to thoroughly wash fines into the streambed and riprap prior to diverting the stream into the newly constructed channel
- Reshaped stream channels will have bank faces that are uneven, protrude into the channel, and will be rough in appearance.
- Staging areas and disposal of materials generated from excavations will not occur in mapped waters of the United States.
- Fueling will not occur within or adjacent to stream beds or wetlands.
- The contractor will follow applicable best management practices for the work being performed in accordance with the Alaska Pollution Discharge Elimination System Construction General Permit. The contractor will be required to prepare a project-specific Erosion and Sediment Control Plan and a Stormwater Pollution Prevention Plan (SWPPP) for IPEC approval prior to construction. The SWPPP will identify additional best management practices as needed.
- As part of the SWPPP, the contractor shall minimize erosion and sedimentation of all waterways by implementing control measures as areas are disturbed by construction.



P4-1 CENTERLINE PROFILE

PIPE SUMMARY

PIPE	SIZE (IN)	LENGTH (FT)	INLET STATION	INLET OFFSET	INLET INVERT ELEV. (FT)	OUTLET STATION	OUTLET OFFSET	OUTLET INVERT ELEV. (FT)	% GRADE	REMARKS
P4-1	36	139.94	120+76.93	78.99' LT	502.3	120+76.93	60.94' RT	498.1	3.00%	

NOTES

1. FOLLOW MANUFACTURERS INSTALLATION SPECIFICATIONS IN ALL CULVERT INSTALLATIONS.
2. MINIMIZE DISTURBANCE TO THE VEGETATIVE MAT AROUND CULVERT ENDS, BUT CLEAR AND GRADE AS NEEDED TO ENSURE PROPER DRAINAGE.
3. FOR SECTION VIEW A–A, DETAILS, SEE SHEET E4.

NO.	DATE	REVISION

STATE	PROJECT DESIGNATION	YEAR	SHEET NO.	TOTAL SHEETS
ALASKA	0311037/CFHWY00947	2025	E2	E6

DESIGNED BY: JST
DRAWN BY: KLH
CHECKED BY:
SCALE: 1" = 10'
DATE TIME: 6/6/2025 3:21 PM

DRAWING LOCATION
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PS&E JUN '25

HDR ENGINEERING INC.
582 E 36TH AVE STE 500
ANCHORAGE, AK 99503-4169
(907) 644-2000
CERT. OF AUTH. AECC569

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

SEWARD HIGHWAY MP 14 RAILROAD CROSSING RECONSTRUCTION

PIPE 4–1 PLAN AND PROFILE

NO.	DATE	REVISION

STATE	PROJECT DESIGNATION	YEAR	SHEET NO.	TOTAL SHEETS
ALASKA	0311037/CFHWY00947	2025	E3	E6

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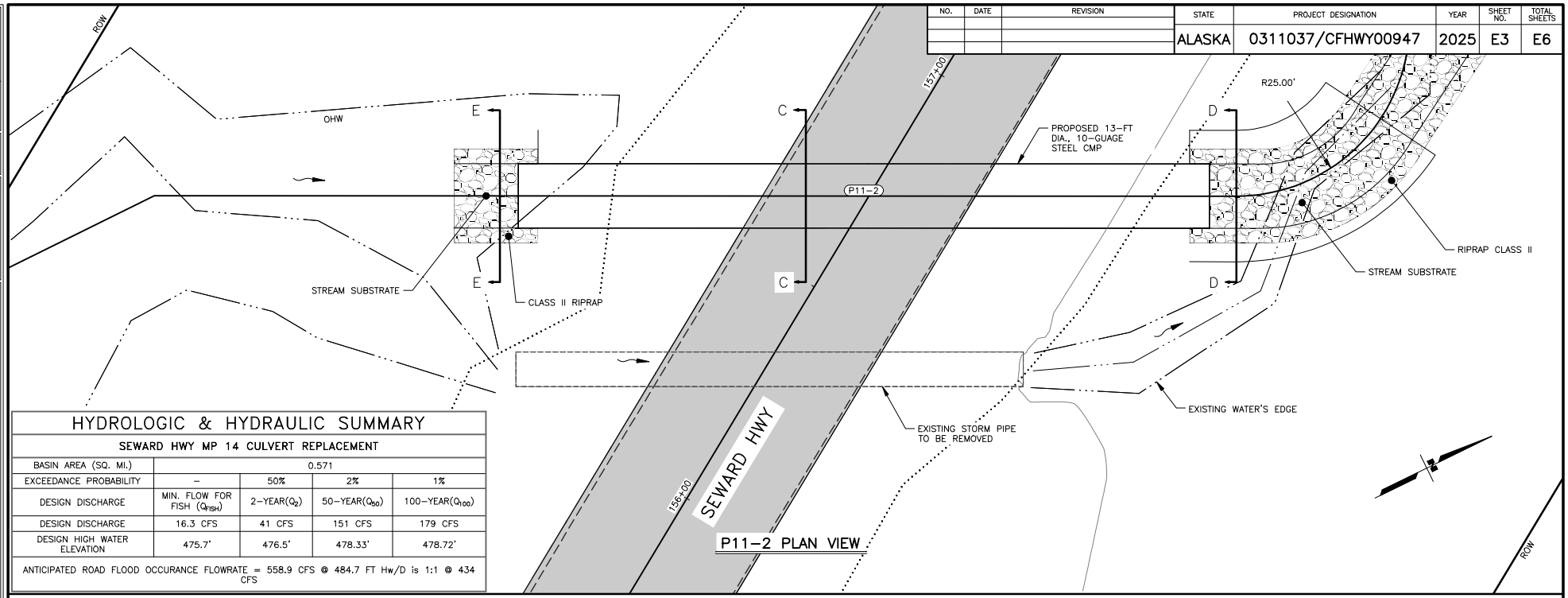


P11-2 PLAN VIEW

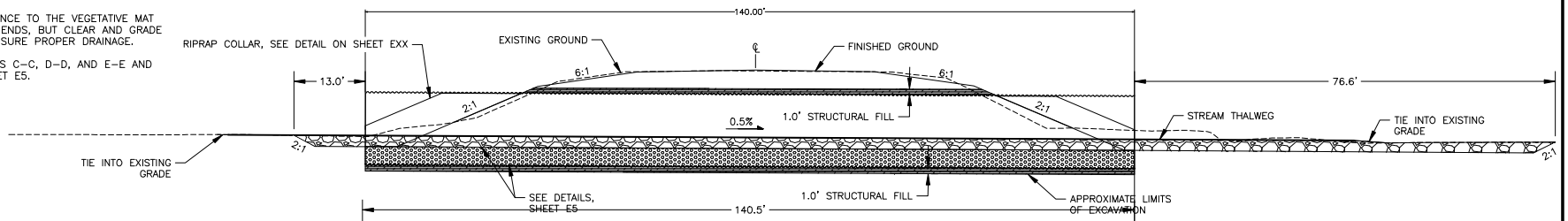
HYDROLOGIC & HYDRAULIC SUMMARY

SEWARD HWY MP 14 CULVERT REPLACEMENT

BASIN AREA (SQ. MI.)	0.571			
EXCEEDANCE PROBABILITY	–	50%	2%	1%
DESIGN DISCHARGE	MIN. FLOW FOR FISH (Q_{FISH})	2-YEAR(Q_2)	50-YEAR(Q_{50})	100-YEAR(Q_{100})
DESIGN DISCHARGE	16.3 CFS	41 CFS	151 CFS	179 CFS
DESIGN HIGH WATER ELEVATION	475.7'	476.5'	478.33'	478.72'
ANTICIPATED ROAD FLOOD OCCURANCE FLOWRATE = 558.9 CFS @ 484.7 FT Hw/D is 1:1 @ 434 CFS				

NOTES

1. FOLLOW MANUFACTURERS INSTALLATION SPECIFICATIONS IN ALL CULVERT INSTALLATIONS.
2. MINIMIZE DISTURBANCE TO THE VEGETATIVE MAT AROUND CULVERT ENDS, BUT CLEAR AND GRADE AS NEEDED TO ENSURE PROPER DRAINAGE.
3. FOR SECTION VIEWS C–C, D–D, AND E–E AND DETAILS, SEE SHEET E5.



PIPE SUMMARY

PIPE	SIZE (IN)	LENGTH (FT)	INLET STATION	INLET OFFSET	INLET INVERT ELEV. (FT)	OUTLET STATION	OUTLET OFFSET	OUTLET INVERT ELEV. (FT)	% GRADE	REMARKS
P11-2	156	140.00	156+34.84	60.86' LT	469.1	157+07.06	59.07' RT	468.4	0.50%	

P11-1 CENTERLINE PROFILE

STATE OF ALASKA PS&E JUN '25 PROFESSIONAL ENGINEER

HDR ENGINEERING INC.
582 E 36TH AVE STE 500
ANCHORAGE, AK 99503-4169
(907) 644-2000
CERT. OF AUTH. AECC569

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

SEWARD HIGHWAY MP 14 RAILROAD CROSSING RECONSTRUCTION

PIPE 11-2 PLAN & PROFILE

NO.	DATE	REVISION	STATE	PROJECT DESIGNATION	YEAR	SHEET NO.	TOTAL SHEETS
			ALASKA	0311037/CFHWY00947	2025	E4	E6

DESIGNED BY: JST
DRAWN BY: KLH
CHECKED BY:
SCALE: 1" = 2'
DATE: 6/6/2025
TIME: 3:21 PM
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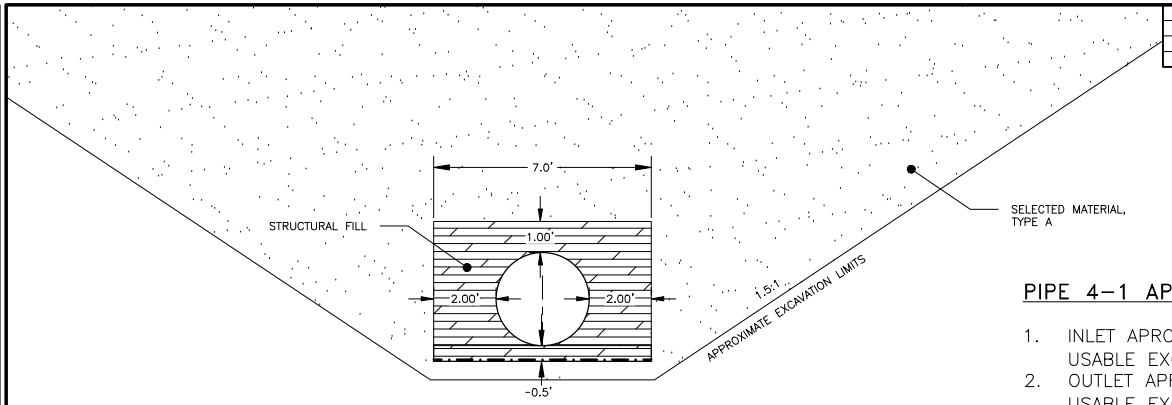
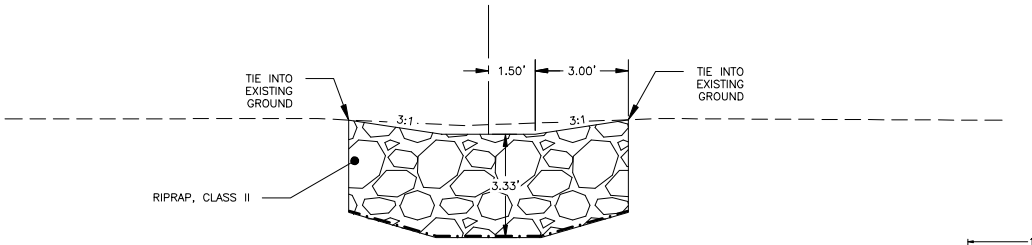


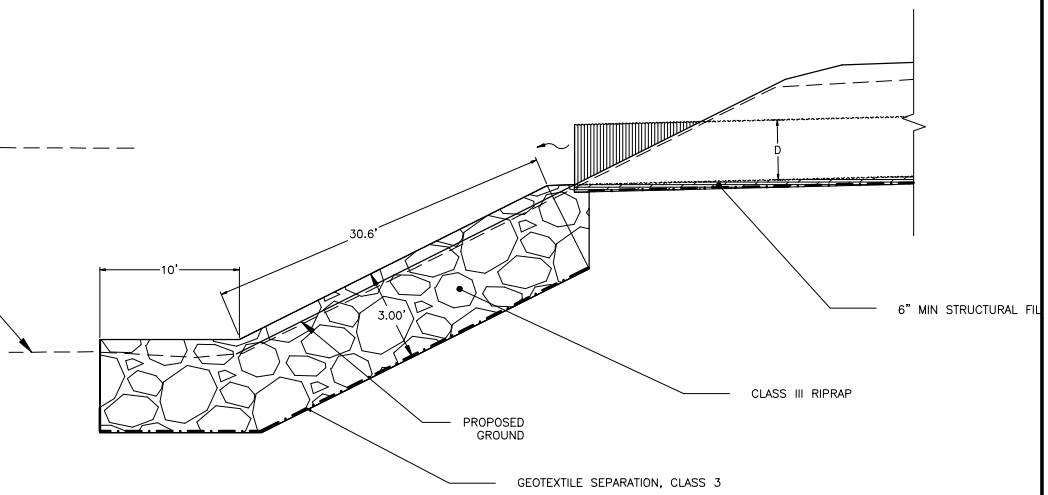
SECTION A–A PIPE 4–1 CULVERT DETAIL

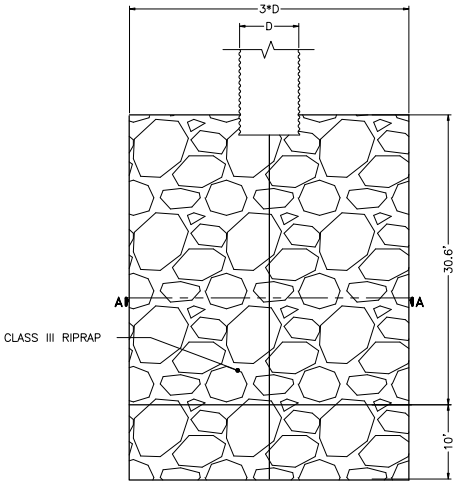
PIPE 4–1 APRON NOTES:

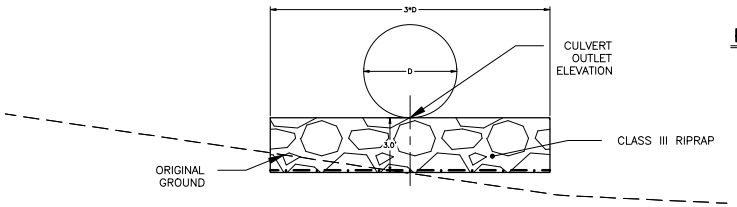
1. INLET APRON MATERIAL SHALL CONSIST OF RIPRAP CLASS II WITH ALL VOIDS FILLED WITH USABLE EXCAVATION (SEE DOT STANDARD SPECIFICATION 611–2.01).
2. OUTLET APRON MATERIAL SHALL CONSIST OF RIPRAP CLASS III WITH ALL VOIDS FILLED WITH USABLE EXCAVATION (SEE DOT STANDARD SPECIFICATION 611–2.01).



SECTION B–B PIPE 4–1 PROPOSED CULVERT INLET







SECTION B–B PIPE 4–1 PROPOSED CULVERT OUTLET PLAN AND PROFILE

PIPE 4–1 PROPOSED CULVERT OUTLET DOWN DRAIN DETAIL

STATE OF ALASKA
PROFESSIONAL ENGINEER
PS&E JUN '25

HDR ENGINEERING INC.
582 E 36TH AVE STE 500
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STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

SEWARD HIGHWAY MP 14 RAILROAD CROSSING RECONSTRUCTION

PIPE 4–1 CROSS–SECTION DETAILS

NO.	DATE	REVISION

STATE	PROJECT DESIGNATION	YEAR	SHEET NO.	TOTAL SHEETS
ALASKA	0311037/CFHWY00947	2025	E5	E6

DRAWING LOCATION
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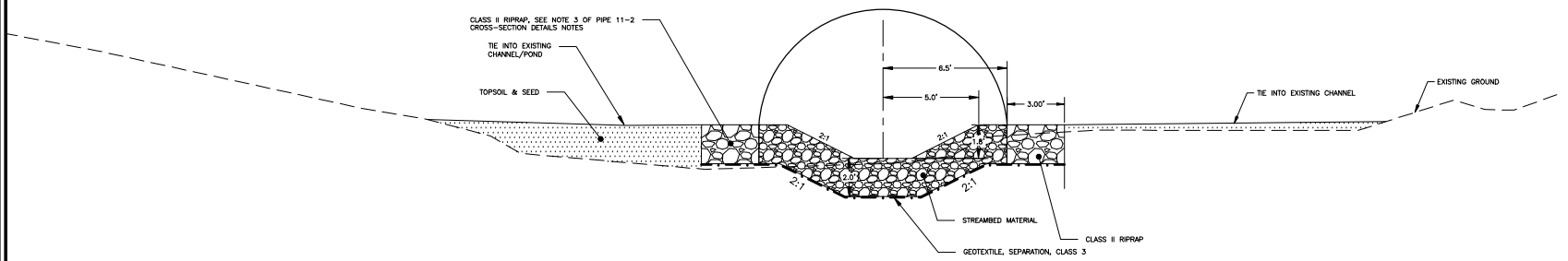
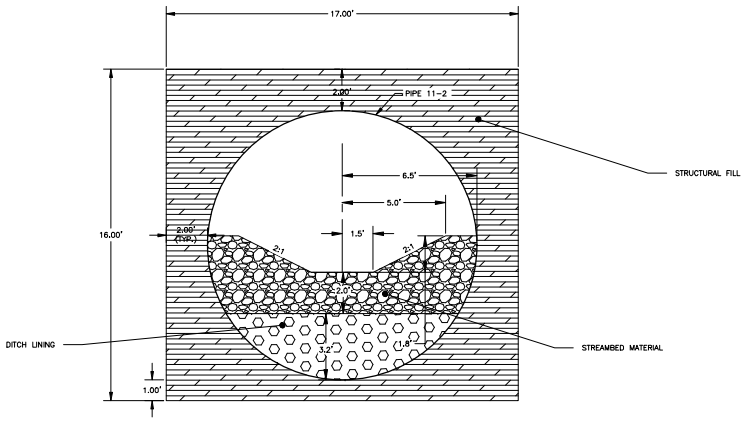
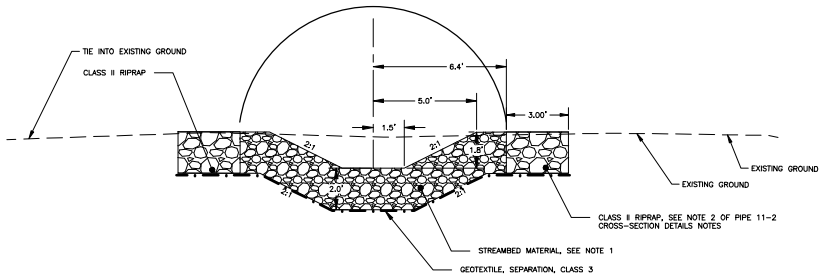
DATE 6/6/2025 TIME 3:21 PM | SCALE 1" = 2' | DESIGNED BY JST | CHECKED BY GCH | DRAWN BY CLB



SECTION E–E PIPE 11–2 PROPOSED CULVERT INLET



SECTION C–C PIPE 11–2 CULVERT DETAIL



SECTION D–D PIPE 11–2 PROPOSED CULVERT OUTLET

PIPE 11–2 CROSS–SECTION DETAILS NOTES:

1. STREAMBED MATERIAL SHALL CONSIST OF 30% RIPRAP CLASS I, 30% D–1 BASE COURSE, AND 40% DITCH LINING, WITH ALL VOIDS FILLED WITH USABLE EXCAVATION (SEE DOT STANDARD SPECIFICATIONS 610–2.01, 611–2.01, AND 703–2.03).
2. MIX STREAM SUBSTRATE COARSE AND FINE MATERIALS THOROUGHLY. MIX BEFORE PLACEMENT AND COMPACT IN LIFTS. SEE SPECIFICATIONS FOR ADDITIONAL PLACEMENT REQUIREMENTS.
3. APRON BANKS SHALL CONSIST OF RIPRAP CLASS II WITH ALL VOIDS FILLED WITH USABLE EXCAVATION (SEE DOT STANDARD SPECIFICATION 611–2.01).
4. CONSTRUCT CHANNEL LEAVING A NON–UNIFORM, ROUGH SURFACE. WASH FINE MATERIALS INTO COARSE MATERIALS UNTIL BED IS SEALED AND WATER POOLS ON SURFACE. ADDITIONAL SUB 2" FINES MAY BE REQUIRED DURING THIS PROCESS.
5. STREAM SHALL NOT BE RE–DIVERTED INTO CULVERT UNTIL ENGINEER HAS APPROVED THAT BED MATERIALS ARE SUFFICIENTLY SEALED.

STATE OF ALASKA PS&E JUN '25 PROFESSIONAL ENGINEER

HDR ENGINEERING INC.
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STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

SEWARD HIGHWAY MP 14 RAILROAD CROSSING RECONSTRUCTION

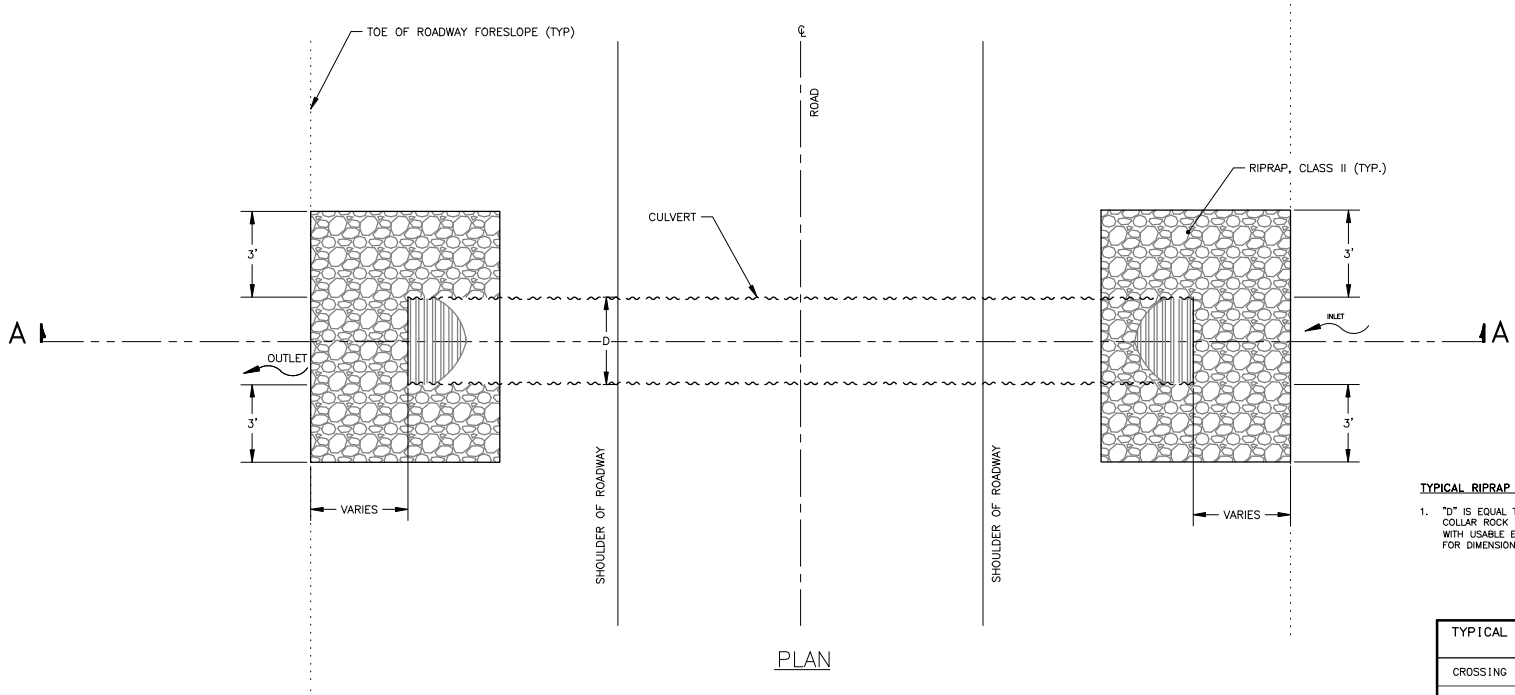
PIPE 11–2 CROSS–SECTION DETAILS

NO.	DATE	REVISION

STATE	PROJECT DESIGNATION	YEAR	SHEET NO.	TOTAL SHEETS
ALASKA	0311037/CFHWY00947	2025	E6	E6

DRAWING LOCATION
C:\USERS\TSPAIC\DC\ACCDOCS\HDR\10396931_MP_14_SEWARD_HWY_RR_XING_2024\PROJECT FILES\HDR\CAD\PRODUCTION\00947_EXX_DETAILS CULVERTS.DWG

DATE 6/6/2025 TIME 3:21 PM | SCALE 1" = 2' | DESIGNED BY | DRAWN BY | CHECKED BY | QA/QC BY | PIC

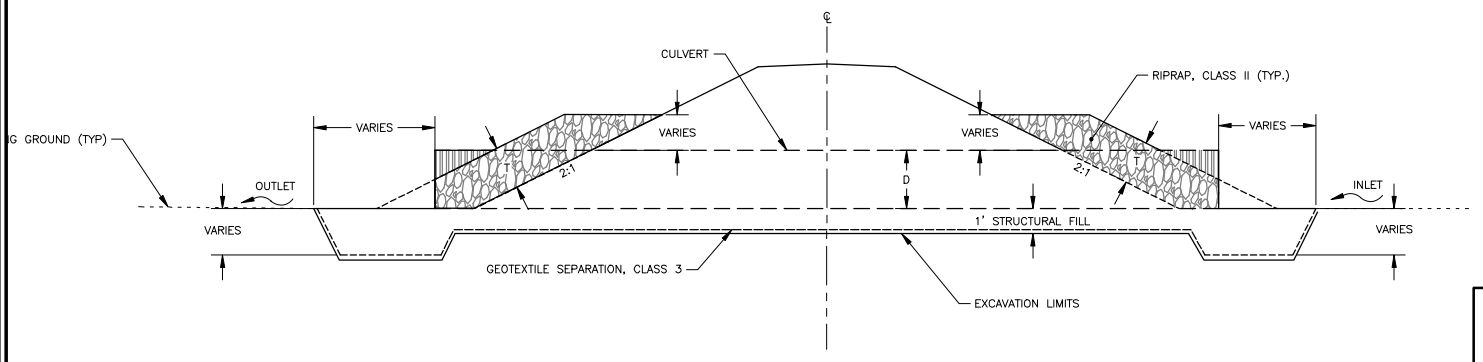


PLAN

TYPICAL RIPRAP COLLAR NOTES:

1. "D" IS EQUAL TO NOMINAL DIAMETER OF THE CULVERT. TYPICAL RIPRAP COLLAR ROCK SHALL CONSIST OF CLASS II RIPRAP WITH ALL VOIDS FILLED WITH USABLE EXCAVATION (SEE DOT STANDARD SPECIFICATIONS 611-2.01). FOR DIMENSIONS THAT VARY, SEE DETAIL B AND C ON THIS SHEET.

TYPICAL RIPRAP COLLAR TABLE		
CROSSING	X	T
P4-1	2.0	3.0'
P11-2	2.0	3.0'



SECTION A–A

A ## TYPICAL RIPRAP COLLAR
SCALE: NTS

HDR ENGINEERING INC.
582 E 36TH AVE STE 500
ANCHORAGE, AK 99503-4169
(907) 644-2000
CERT. OF AUTH. AECC569

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

SEWARD HIGHWAY MP 14 RAILROAD CROSSING RECONSTRUCTION

TYPICAL RIPRAP COLLAR DETAILS

NO.	DATE	REVISION	STATE	PROJECT DESIGNATION	YEAR	SHEET NO.	TOTAL SHEETS
			ALASKA	0311037/CFHWY00947	2025	T5	T16

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DRAWN BY: ---
CHECKED BY: ---
SCALE: 1" =1'
TIME: 6/20/2025 10:39 AM
DATE:
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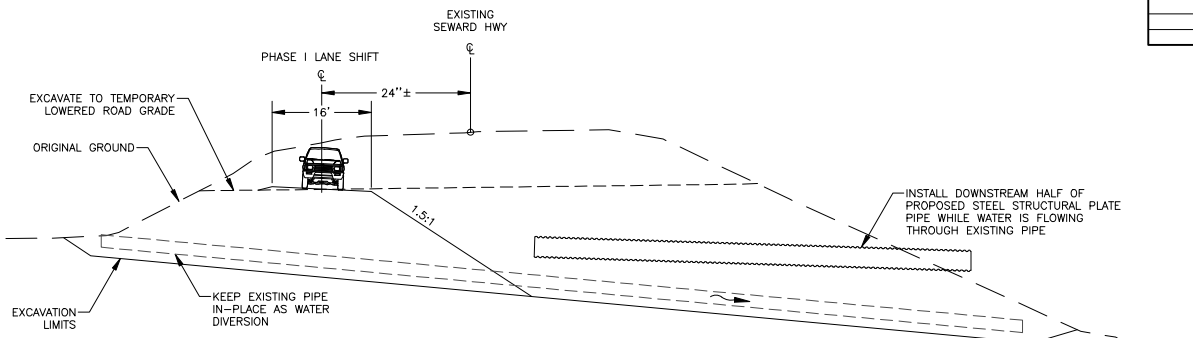
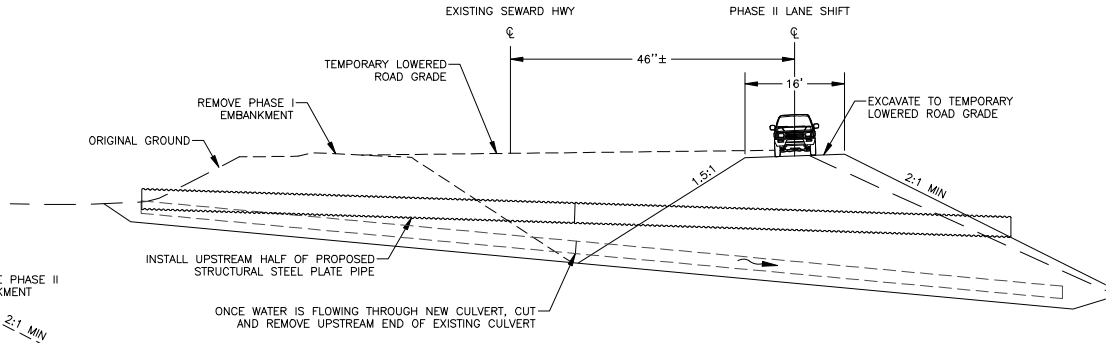


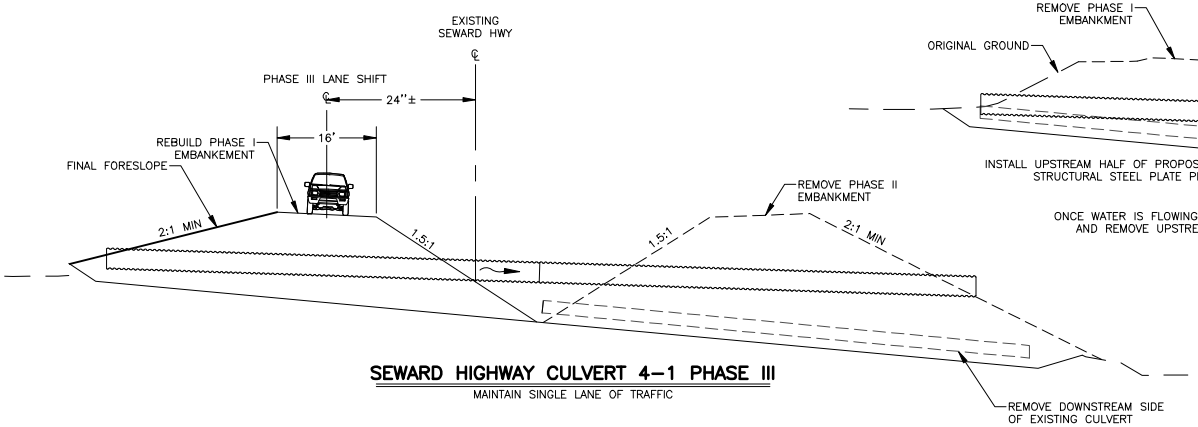
SEWARD HIGHWAY CULVERT 4-1 PHASE I
MAINTAIN SINGLE LANE OF TRAFFIC

NOTES:

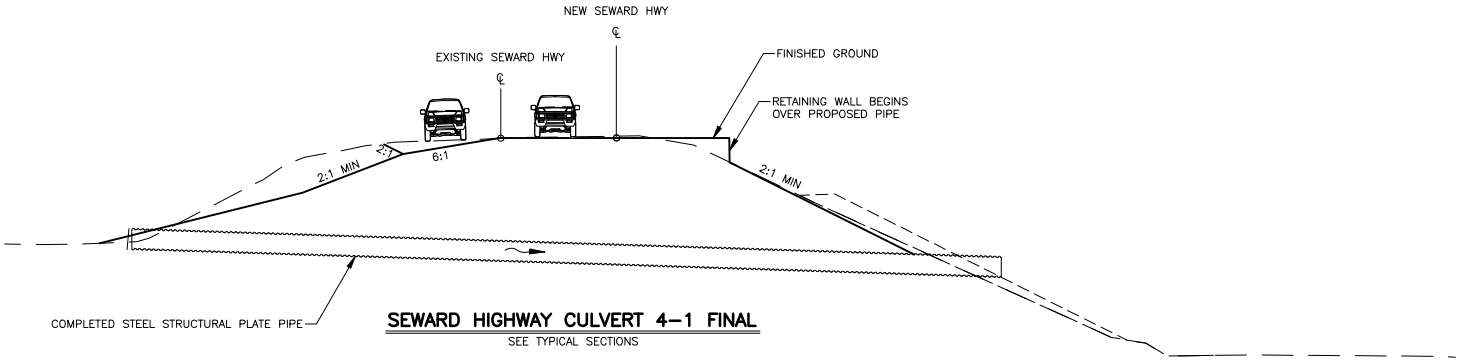
1. THESE TRAFFIC CONTROL DETAILS APPLY TO THE P4-1 CULVERT. THESE DETAILS ARE FOR ILLUSTRATIVE PURPOSES ONLY, AND ARE NOT A CONTRACT DOCUMENT.
2. DE-WATER WORK AREA PRIOR TO BEGINNING EXCAVATION.



SEWARD HIGHWAY CULVERT 4-1 PHASE II
MAINTAIN SINGLE LANE OF TRAFFIC



SEWARD HIGHWAY CULVERT 4-1 PHASE III
MAINTAIN SINGLE LANE OF TRAFFIC



SEWARD HIGHWAY CULVERT 4-1 FINAL
SEE TYPICAL SECTIONS

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

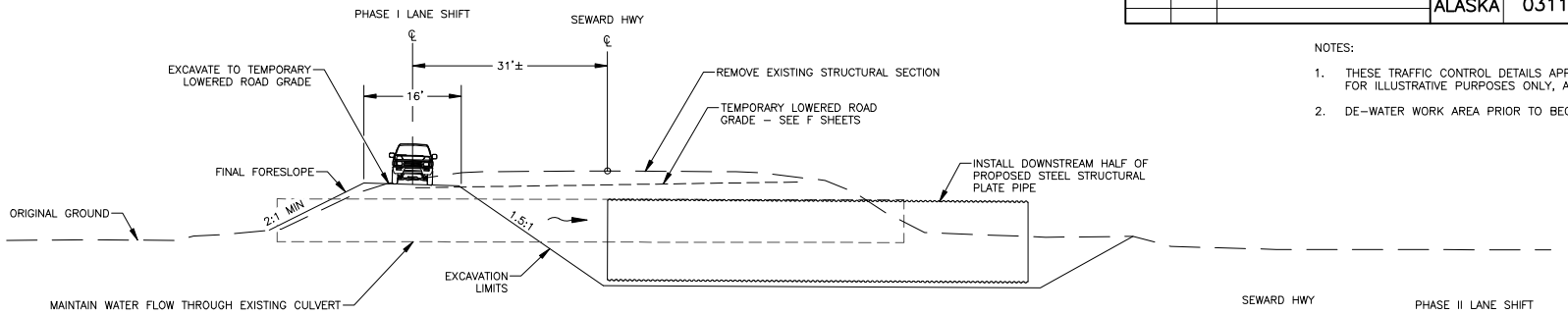
SEWARD HIGHWAY MP 14 RAILROAD CROSSING RECONSTRUCTION

TRAFFIC CONTROL PLANS PIPE 4-1

NO.	DATE	REVISION	STATE	PROJECT DESIGNATION	YEAR	SHEET NO.	TOTAL SHEETS
			ALASKA	0311037/CFHWY00947	2025	T12	T16

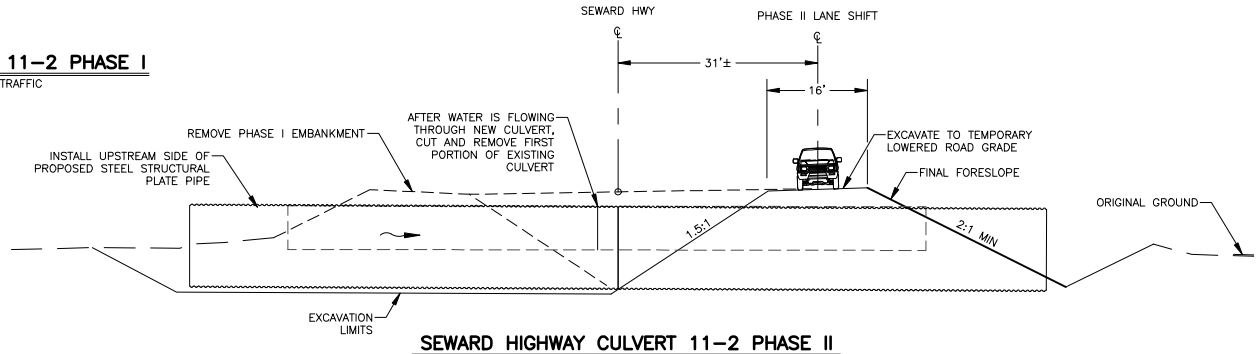
NOTES:

1. THESE TRAFFIC CONTROL DETAILS APPLY TO THE P11–2 CULVERT. THESE DETAILS ARE FOR ILLUSTRATIVE PURPOSES ONLY, AND ARE NOT A CONTRACT DOCUMENT.
2. DE–WATER WORK AREA PRIOR TO BEGINNING EXCAVATION.



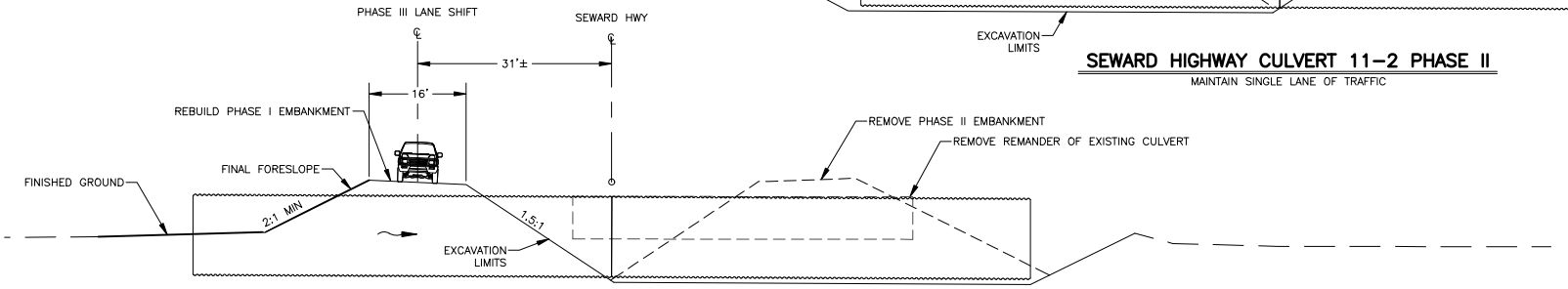
SEWARD HIGHWAY CULVERT 11–2 PHASE I

MAINTAIN SINGLE LANE OF TRAFFIC



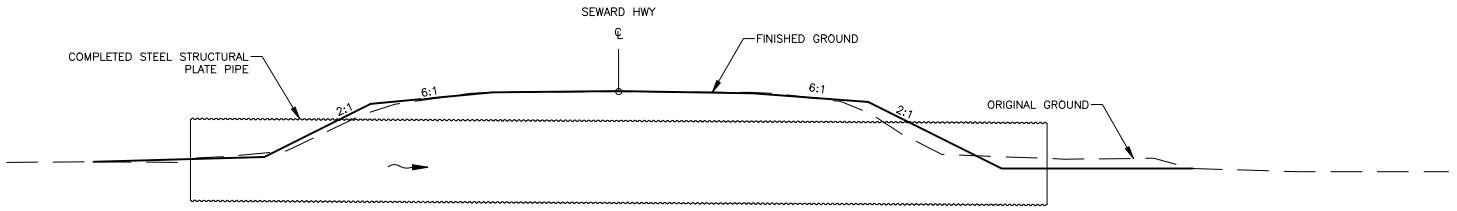
SEWARD HIGHWAY CULVERT 11–2 PHASE II

MAINTAIN SINGLE LANE OF TRAFFIC



SEWARD HIGHWAY CULVERT 11–2 PHASE III

MAINTAIN SINGLE LANE OF TRAFFIC



SEWARD HIGHWAY CULVERT 11–2 FINAL

SEE TYPICAL SECTIONS IN PLANS

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

SEWARD HIGHWAY MP 14 RAILROAD CROSSING RECONSTRUCTION

TRAFFIC CONTROL PLANS PIPE 11–2

DRAWING LOCATION
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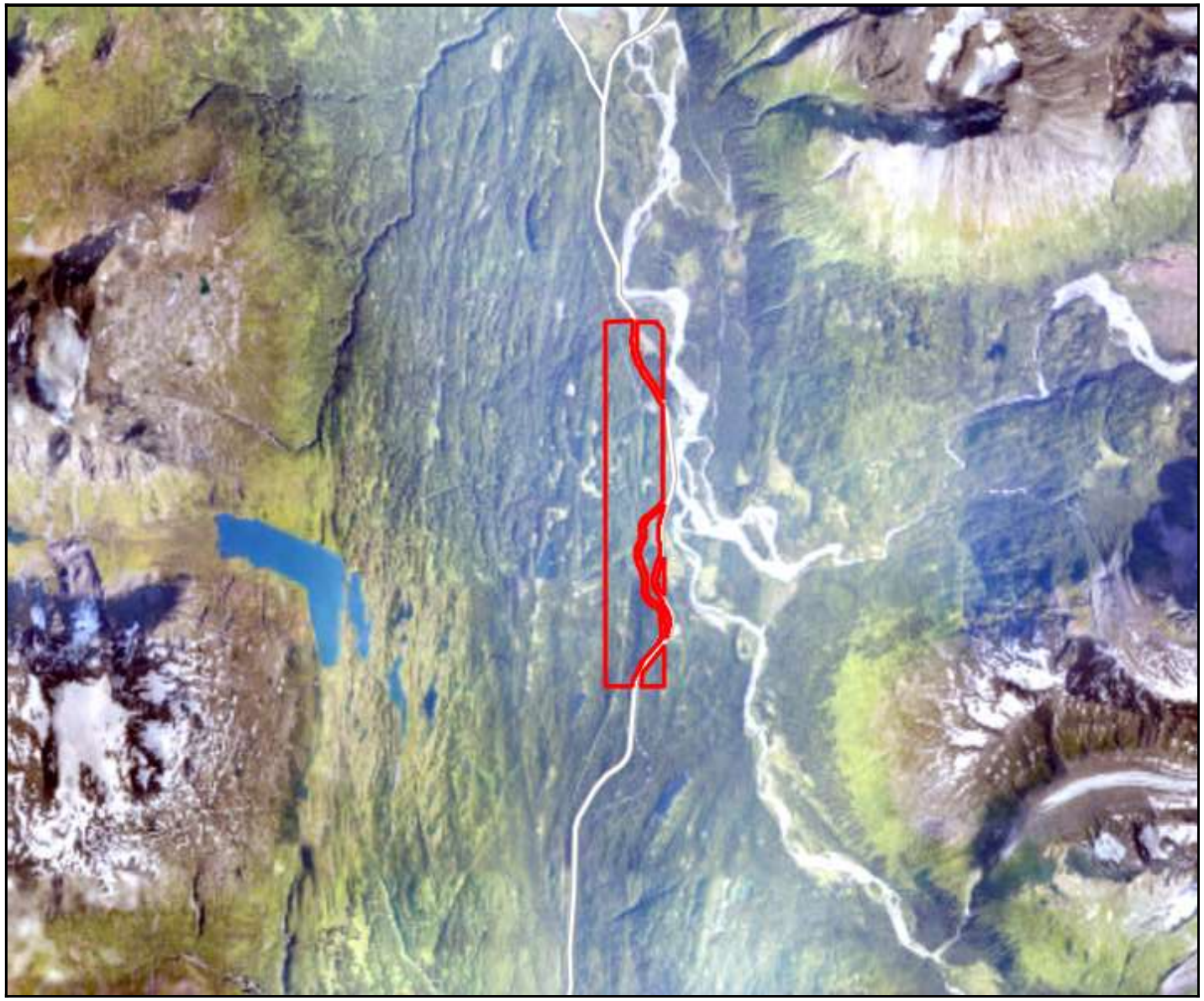
DESIGNED BY ---
CHECKED BY ---
DRAWN BY ---

SCALE 1" =1'

DATE 6/20/2025 TIME 10:39 AM

KENAI PENINSULA BOROUGH
Planning

Conditional Use Permit
Project Overview and Vicinity Map



0 3.5 7 mi

ADOT culvert replacement

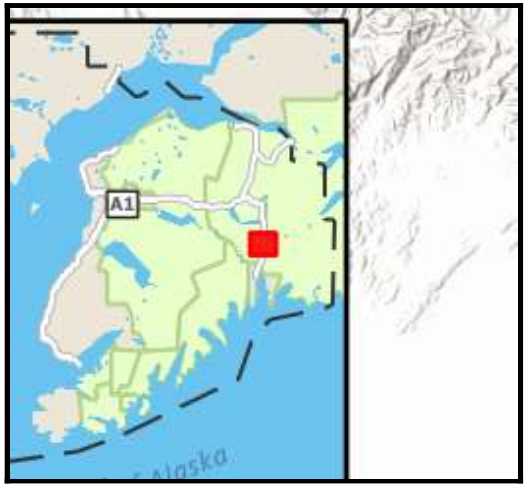
Project Area

KPB Parcel(s):

12534009

Project Description:

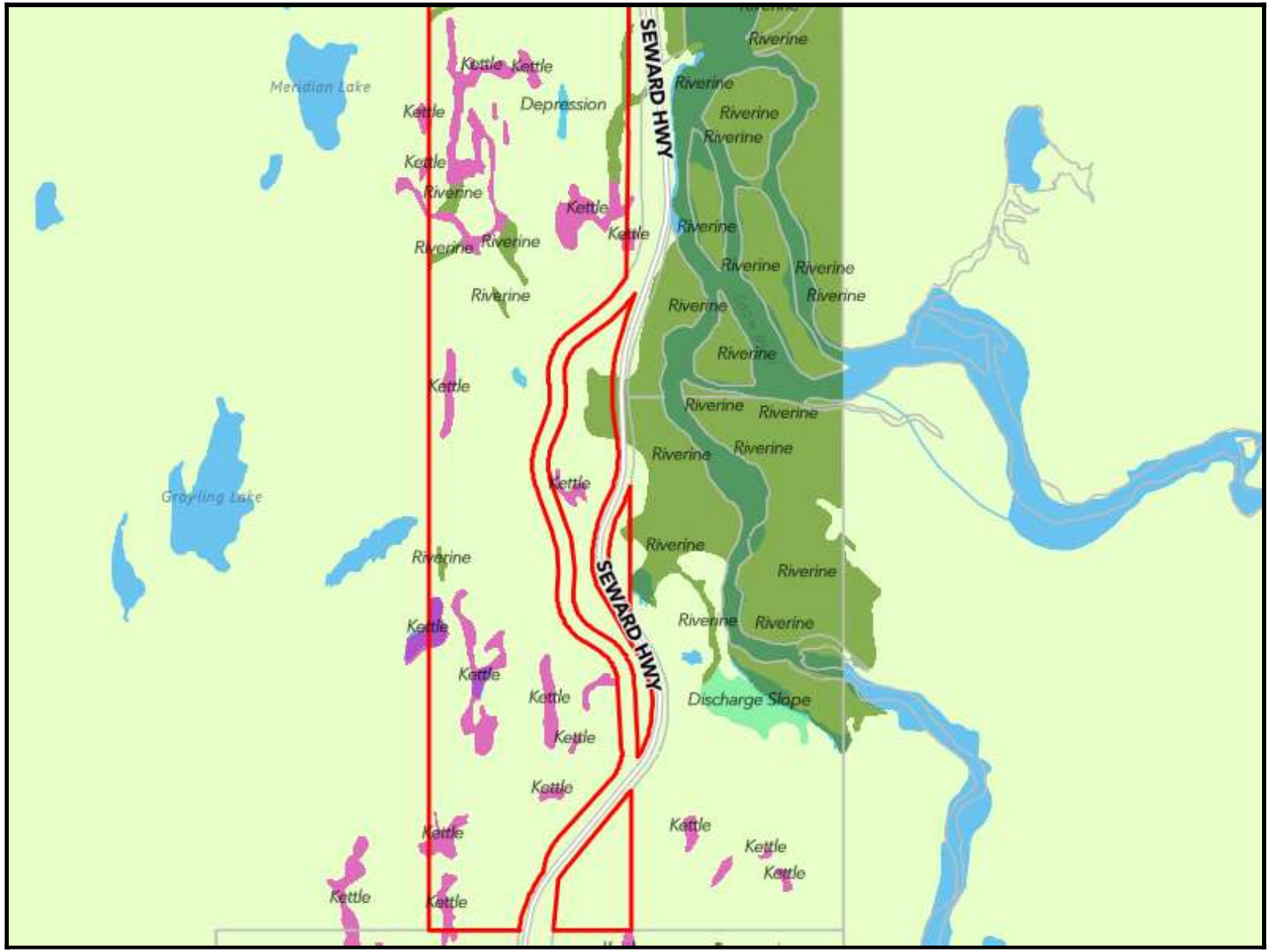
Vicinity: Bear Creek



Map created by Aldridge, Morgan
Monday, June 23, 2025

KENAI PENINSULA BOROUGH
Planning

Wetlands Map
ADOT culvert replacement



Project Area

KPB Parcel(s):

12534009

Landcover Features

KWF Wetlands Assessment

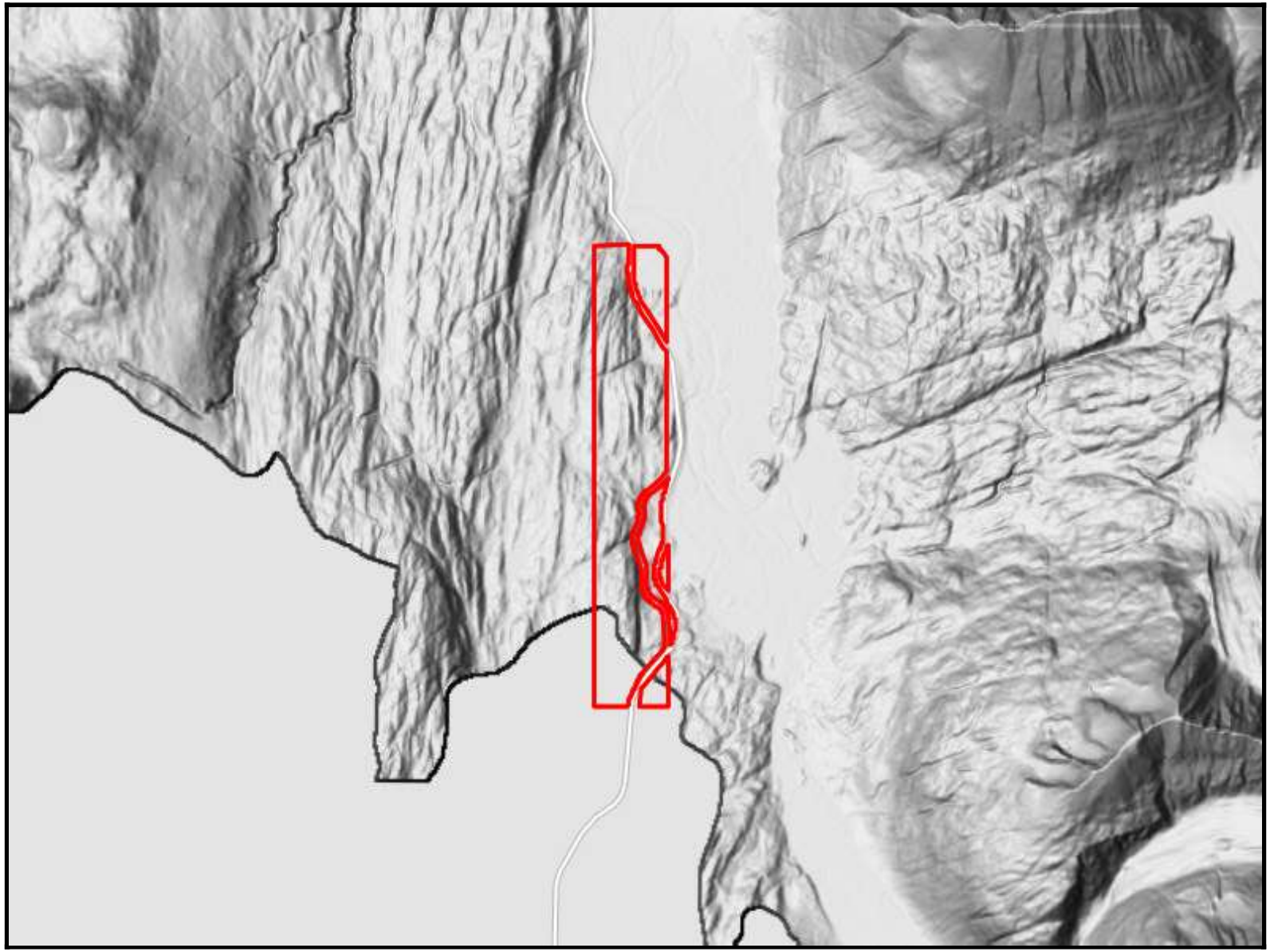
- Disturb
- Depression
- Discharge Slope
- Drainageway
- Floating Island
- Headwater Fen
- Kettle
- Lake
- Lakebed
- Late Snow Plateau
- Riverine
- Tidal
- Wetland / Upland Complex

Map created by Aldridge, Morga
Monday, June 23, 2025

0 0.5 1 mi

KENAI PENINSULA BOROUGH
Planning

Terrain Map
Culvert replacement
ADOT



Project Area

KPB Parcel(s):

12534009

Map created by Aldridge, Morga
Monday, June 23, 2025

0 2 4 mi

Conditional Use Permit
Anadromous Waters Habitat Protection District
Staff Report

PC Res No.	**2025-12**
Planning Commission Meeting:	**Monday, July 14, 2025**
Applicant	**State of Alaska Department of Transportation and Public Facilities**
Mailing Address	**4111 Aviation Avenue** **Anchorage, AK 99519**
Legal Description	**T 2N R 1E SEC 6 SM SW W1/2 OF SEC 6 7 & 18**
Physical Address	**22635 SEWARD HWY**
KPB Parcel Number	**12534009**

Project Description

A Conditional Use Permit is sought pursuant to KPB 21.18 for the construction of the separated-grade railroad crossing on the Seward Highway near Mile Post (MP) 14. The existing 7-foot diameter culvert on the AWC stream would be replaced with a 13-foot diameter steel fish passage culvert. The proposed fish passage culvert will have riprap collars and aprons at both the inlet and outlet, all within the 50-foot Habitat Protection District of the Unnamed Stream, as established in KPB 21.18.040.

Background Information

The proposed reconstruction project is to replace two culverts beneath the Seward Highway. One of the streams is regulated by the Kenai Peninsula Borough. This is part of the Alaska Railroad Corporation project to raise the elevation of the Snow River Bridge, which will require an increase to the track elevation where the railroad crosses underneath the Seward Highway at MP 13.5 to 14.7. This work will allow for the ARCC project to be completed to allow for the additional flooding from the Snow River due to glacial outbursts.

Project Details within the 50-foot Habitat Protection District

ADOT is planning to replace and upgrade a culvert across the Seward Highway along an un-named anadromous stream. The culvert will be upsized from 7 foot to 13 foot and will include the placement of riprap and streambed mix at the inlet and outlet, approximately 4,399.1 cubic

yards of fill will be used above ordinary high water and approximately 51.1 cubic yards of fill below ordinary high water.

Findings of fact pursuant to KPB 21.18.081 Conditional Use Permit

1. Portions of this proposed project are within the 50-foot habitat protection district as defined by KPB 21.18.040.
2. Pursuant to KPB 21.18.081(B)(2), construction of a culvert may be approved as a conditional structure/use within the habitat protection district.
3. Pursuant to 21.18.081(D) General Standards, staff finds that the proposed project meets the five general standards.
4. Pursuant to KPB 21.18.020(A), this chapter was established to protect and preserve the stability of anadromous fish through controlling shoreline alterations and disturbances along anadromous waters and to preserve nearshore habitat.
5. Pursuant to KPB 21.18.20(B)(5), one purpose of this chapter was established to separate conflicting land uses.
6. The larger culvert will allow for better fish passage and meet the ADFG standards.
7. The culvert will allow for additional water flow during flood events.
8. Pursuant to KPB 21.06.081(D)(3), the proposed work will occur on the applicant's property and shall not have an adverse effect on adjoining properties.
9. Kenai Peninsula Borough Planning Commission Resolution 2015-35 defines water-dependent as:

   "…a use or structure located on, in or adjacent to water areas because the use requires access to the waterbody. The definition is applicable to facilities or activities that must be located at or near the shoreline and within the 50-foot buffer. An activity is considered water dependent if it is dependent on the water as part of the intrinsic nature of its operation. Examples of water dependent facilities may include, but are not limited to, piers, boat ramps, and elevated walkways."
10. The River Center found the application complete and scheduled a public hearing for Monday, July 14, 2025.
11. Agency review was distributed on July 2, 2025. No comments or objections have been received from resource agencies to date.
12. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on July 2, 2025. A total of 3 mailings were sent.
13. Pursuant to KPB 01.08.180 (B) (1) (3), public notice was posted.
14. The applicant is currently in compliance with Borough permits and ordinances.

Permit Conditions

1. Construction techniques and best management practices shall be utilized to ensure that land disturbing activities do not result in runoff or sedimentation to the Unnamed Stream.
2. The culvert must be designed and installed to meet KPB floodplain requirements.
3. The permittee shall minimize damage to all vegetation and shall revegetate all disturbed areas with native vegetation.
4. For each tree removed, two seedlings less than 5.5-feet tall of a species native to the region will be planted within the 50-foot HPD.
5. Storage or use of fuel is prohibited within 50-feet of any open water.
6. The River Center shall be notified at least 3 days prior to the start of the project.
7. If changes to the approved project described above are proposed prior to or during its siting, construction, or operation, the permittee is required to notify the River Center to determine if additional approval is required.
8. The permittee shall be held responsible for the actions of the contractors, agents, or others who perform work to accomplish the approved plan.
9. The construction or installation phase of this Conditional Use Permit must be completed within two calendar years from the date of the permit's issuance, or the Conditional Use Permit shall expire unless the Planning Commission finds that more time is necessary to effectuate the purposes of this chapter, in which case the commission may extend the deadline for a maximum of six years from the date of issuance. Prior to its expiration date and upon written request, the Planning Director may grant a Conditional Use Permit extension for 12 months (KPB 21.18.081 (H)).
10. In addition to the penalties provided by KPB 21.18.110, and pursuant to KPB 21.50, the permit may be revoked if the permittee fails to comply with the provisions of this chapter or the terms and conditions of a permit issued under this chapter. The Borough Clerk shall provide at least 15 day's written notice to the permittee of a revocation hearing before the hearing officer (KPB 21.18.082).
11. The permittee shall comply with the terms, conditions and requirements of the Kenai Peninsula Borough Code of Ordinances Chapter 21.18, and any regulations adopted pursuant to this chapter.
12. The permittee is responsible for abiding by all other federal, state, and local laws, regulations, and permitting requirements applicable to the project (KPB 21.18.081 (G)).

General Standards

Pursuant to 21.18.081(D) General Standards, the following standards shall be met before conditional use approval may be granted:

1. The use or structure will not cause significant erosion, sedimentation, damage within the habitat protection district, an increase in ground or surface water pollution, and damage to riparian wetlands and riparian ecosystems; **Conditions 1, 3, 4-5 and Findings 1-2 appear to support this standard.**

2. Granting of the conditional use shall be consistent with the purposes of this chapter, the borough comprehensive plan, other applicable chapters of the borough Code, and other applicable planning documents adopted by the borough; **Condition 11 and Findings 2-5 appear to support this standard.**
3. The development of the use or structure shall not physically damage the adjoining property; **Condition 8 and Finding 8 appear to support this standard.**
4. The proposed use or structure is water-dependent; **Findings 1, 9 appear to support this standard.**
5. Applicant's or owner's compliance with other borough permits and ordinance requirements; **Conditions 10-11 and Finding 14 appear to support this standard.**

Attachments

Multi-Agency Application
Draft Resolution 2025-12

Recommendation

Based on the findings, staff finds that the proposed project meets the five general standards of KPB 21.18.081. The Planning Commission could consider additional permit conditions to mitigate for any habitat loss if it chooses.

Staff recommends the Planning Commission grant a Conditional Use Permit for the proposed project details subject to adopted conditions as set forth in 2025-12.

Note: An appeal of a decision of the Planning Commission may be filed to the Hearing Officer, in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances, Chapter 21.20.250. An appeal must be filed with the Borough Clerk within 15 days of date of the notice of the decision using the proper forms and be accompanied by the filing and records preparation fee.

END OF STAFF REPORT

KENAI PENINSULA BOROUGH PLANNING COMMISSION

RESOLUTION 2025-12

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT PURSUANT TO KPB 21.18 FOR THE CONSTRUCTION OF A CULVERT WITHIN THE 50-FOOT HABITAT PROTECTION DISTRICT OF THE UNNAMED STREAM 244-30-10010-2250-3024.

WHEREAS, Chapter 21.18 provides for the approval of Conditional Use Permits for certain activities within the habitat protection district; and

WHEREAS, KPB 21.18.081 provides that a conditional use permit is required for construction not meeting the standards of KPB 21.18.071; and

WHEREAS, KPB 21.18.091 provides for mitigation measures by the planning department staff to address impacts to the Habitat Protection District from a proposed, ongoing, or completed project; and

WHEREAS, public notice was sent to all property owners within a 300-foot radius of the proposed activity as provided in Section 21.11.030; and

WHEREAS, public notice was posted as provided in Section 01.08.180 (B) (1) (3); and

WHEREAS, public testimony was received at the Monday, July 14, 2025 meeting of the Kenai Peninsula Borough Planning Commission;

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

That the Planning Commission makes the following findings of fact pursuant to KPB 21.18:

Section 1. Project Details Within the 50-foot Habitat Protection District

ADOT is planning to replace and upgrade a culvert across the Seward Highway along an un-named anadromous stream. The culvert will be upsized from 7 foot to 13 foot and will include the placement of riprap and streambed mix at the inlet and outlet, approximately 4,399.1 cubic yards of fill will be used above ordinary high water and approximately 51.1 cubic yards of fill below ordinary high water.

Section 2. Findings of fact pursuant to KPB 21.18.081

1. Portions of this proposed project are within the 50-foot habitat protection district as defined by KPB 21.18.040.
2. Pursuant to KPB 21.18.081(B)(2), construction of a culvert may be approved as a conditional structure/use within the habitat protection district.
3. Pursuant to 21.18.081(D) General Standards, staff finds that the proposed project meets the five general standards.
4. Pursuant to KPB 21.18.020(A), this chapter was established to protect and preserve the stability of anadromous fish through controlling shoreline alterations and disturbances along anadromous waters and to preserve nearshore habitat.
5. Pursuant to KPB 21.18.20(B)(5), one purpose of this chapter was established to separate conflicting land uses.
6. The larger culvert will allow for better fish passage and meet the ADFG standards.
7. The culvert will allow for additional water flow during flood events.
8. Pursuant to KPB 21.06.081(D)(3), the proposed work will occur on the applicant's property and shall not have an adverse effect on adjoining properties.
9. Kenai Peninsula Borough Planning Commission Resolution 2015-35 defines water-dependent as:

   "…a use or structure located on, in or adjacent to water areas because the use requires access to the waterbody. The definition is applicable to facilities or activities that must be located at or near the shoreline and within the 50-foot buffer. An activity is considered water dependent if it is dependent on the water as part of the intrinsic nature of its operation. Examples of water dependent facilities may include, but are not limited to, piers, boat ramps, and elevated walkways."
10. The River Center found the application complete and scheduled a public hearing for Monday, July 14, 2025.
11. Agency review was distributed on July 2, 2025. No comments or objections have been received from resource agencies to date.
12. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on July 2, 2025. A total of 3 mailings were sent.
13. Pursuant to KPB 01.08.180 (B) (1) (3), public notice was posted.
14. The applicant is currently in compliance with Borough permits and ordinances.

Section 3. Permit Conditions

1. Construction techniques and best management practices shall be utilized to ensure that land disturbing activities do not result in runoff or sedimentation to the Unnamed Stream.
2. The culvert must be designed and installed to meet KPB floodplain requirements.

3. The permittee shall minimize damage to all vegetation and shall revegetate all disturbed areas with native vegetation.
4. For each tree removed, two seedlings less than 5.5-feet tall of a species native to the region will be planted within the 50-foot HPD.
5. Storage or use of fuel is prohibited within 50-feet of any open water.
6. The River Center shall be notified at least 3 days prior to the start of the project.
7. If changes to the approved project described above are proposed prior to or during its siting, construction, or operation, the permittee is required to notify the River Center to determine if additional approval is required.
8. The permittee shall be held responsible for the actions of the contractors, agents, or others who perform work to accomplish the approved plan.
9. The construction or installation phase of this Conditional Use Permit must be completed within two calendar years from the date of the permit's issuance, or the Conditional Use Permit shall expire unless the Planning Commission finds that more time is necessary to effectuate the purposes of this chapter, in which case the commission may extend the deadline for a maximum of six years from the date of issuance. Prior to its expiration date and upon written request, the Planning Director may grant a Conditional Use Permit extension for 12 months (KPB 21.18.081 (H)).
10. In addition to the penalties provided by KPB 21.18.110, and pursuant to KPB 21.50, the permit may be revoked if the permittee fails to comply with the provisions of this chapter or the terms and conditions of a permit issued under this chapter. The Borough Clerk shall provide at least 15 day's written notice to the permittee of a revocation hearing before the hearing officer (KPB 21.18.082).
11. The permittee shall comply with the terms, conditions and requirements of the Kenai Peninsula Borough Code of Ordinances Chapter 21.18, and any regulations adopted pursuant to this chapter.
12. The permittee is responsible for abiding by all other federal, state, and local laws, regulations, and permitting requirements applicable to the project (KPB 21.18.081 (G)).

Section 4. Pursuant to 21.18.081(D) General Standards, the following standards shall be met before conditional use approval may be granted:

1. The use or structure will not cause significant erosion, sedimentation, damage within the habitat protection district, an increase in ground or surface water pollution, and damage to riparian wetlands and riparian ecosystems; **Conditions 1, 3, 4-5 and Findings 1-2 appear to support this standard.**
2. Granting of the conditional use shall be consistent with the purposes of this chapter, the borough comprehensive plan, other applicable chapters of the borough Code, and other

applicable planning documents adopted by the borough; **Condition 11 and Findings 2-5 appear to support this standard.**

3. The development of the use or structure shall not physically damage the adjoining property; **Condition 8 and Finding 8 appear to support this standard.**
4. The proposed use or structure is water-dependent; **Findings 1, 9 appear to support this standard.**
5. Applicant's or owner's compliance with other borough permits and ordinance requirements. **Conditions 10-11 and Finding 14 appears to support this standard.**

THIS CONDITIONAL USE PERMIT EFFECTIVE ON _____ DAY OF_____, 2025.

_____
Jeremy Brantley, Chairperson
Planning Commission

ATTEST:

_____
Ann Shirnberg
Administrative Assistant

Note: An appeal of a decision of the Planning Commission may be filed to the hearing officer, in accordance with the requirements of the KPB Code of Ordinances, Chapter 21.20.250. An appeal must be filed with the Borough Clerk within 15 days of date of the notice of the decision using the proper forms and be accompanied by the filing and records preparation fee.