

E. NEW BUSINESS

2. Conditional Use Permit; PC Resolution 2026-16

Applicant: Alaska Department of Transportation

**Request: Replacing a culvert & adding fill within the 50-Foot
Habitat Protection District of an unnamed stream**

**Location: MP 4 Kenai Spur Highway
Ridgeway Area**

Staff Responsible: Planner Morgan Aldridge



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

**Department of Transportation
and Public Facilities**

DESIGN & ENGINEERING SERVICES
PRELIMINARY DESIGN & ENVIRONMENTAL

PO Box 196900
Anchorage, Alaska 99519-6900
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Toll Free: 800.770.5263
TDD: 907.269.0473

January 23, 2026

Project: Kenai Spur Highway Rehabilitation, Sports Lake Road to Swires Road – Phase II
Project No.: CFHWY00253

Kenai River Center
514 Funny River Road
Soldotna, AK 99669

Re: Multi-Agency Permit Application

To Whom it May Concern:

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 requesting renewed authorization to conduct work within 50 feet of and below ordinary high water (OHW) of the waterbodies listed in Table 1. The proposed project is located within Sections 6-8 and 17, Township 5 North, Range 10 West, on USGS Quad Map KEN C-3, Seward Meridian; between latitude 60.5165° N, longitude 151.0815° W and latitude 60.5524° N, longitude 151.1062° W; between the cities of Soldotna and Kenai, Alaska (Figure 1).

Table 1 – Waterbodies in Project Area

Stream Name	ADF&G AWC Code	Location	River Mile	Anadromous Species and Use
Unnamed Stream 2	N/A	MP 3.5	0.5	N/A; Uncatalogued resident fish stream
Unnamed Stream 3	244-30-10010-2031	MP 4.0	0.5	Rearing habitat for coho and chinook

Work below OHW is in support of the project to complete phase II of the Kenai Spur Highway Rehabilitation project.

The purpose of the application is to request approval to complete the work originally permitted by Conditional Use Permit RC# 12880. Previously issued permits are listed in Table 2, most of which are still valid. However, the Conditional Use Permit RC# 12880 has expired.

“Keep Alaska Moving”

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been carried out by DOT&PF pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated April 13, 2023, and executed by FHWA and DOT&PF.

Table 2 – Previously Issued Project Permits

Permit Name	Permit Number	Issuing Authority	Issue Date	Expiration Date	Notes
Conditional Use Permit – Kenai Spur Hwy Rehab Ph II	12880	Kenai Peninsula Borough	2-14-22	EXPIRED 10-31-2025	Culvert Replacement & Stream Realignment - Unnamed Stream #244-30-10010-2031
Fish Habitat Permit	FH22-V-0015	ADF&G Amendment 1	8-21-24	Lifetime of Structure	Culvert Replacement & Stream Realignment – Unnamed Stream #244-30-10010-2031
Nationwide Permit 23 – Approved Categorical Exclusions	POA-2012-00863	U.S. Army Corps of Engineers	11-14-24	3-14-26	Fill & Excavate in Wetlands and Waters of the U.S.
Fish Habitat Permit	FH24-V-0178	ADF&G	8-6-24	12-31-26	Horizontal Directional Drilling for Utilities
Habitat Protection District	12363	Kenai Peninsula Borough	7-16-24	12-31-26	Utility Relocation & Vegetation Clearing

Project Description

The proposed project was designed and will be constructed in two phases, based on right-of-way (ROW) acquisition needs, and each phase is permitted separately. Phase I, completed in 2020, rehabilitated Kenai Spur Highway (KSH) from Eagle Rock Place (MP 5.15) to Swires Road (MP 8.1) and was permitted under KRC Permit No. 11825. Phase II will rehabilitate from Sports Lake Road (MP 2.4) to Robin Drive (MP 5.2); this authorization request is intended to cover Phase II only.

Phase II of the proposed work would (Figures 2a-2c):

- Reconstruct the KSH between Sports Lake Road and Robin Drive to facilitate two travel lanes in either direction with a center two-way left turn lane
- Upgrade or relocate the existing pedestrian pathway
- Improve drainage, including
 - Installation of a new ditch line
 - Extend or replace cross and approach culverts and end treatments
- Extend or replace in-stream fish culverts and end treatments
- Replace or install new guardrail, guardrail end treatments, and fencing
- Upgrade or install new signage and striping
- Clear and grub vegetation
- Revegetate with grasses that require minimal maintenance and discourage moose
- Relocate utilities
- Vertically re-align the highway in select locations

Purpose and Need

The purpose of the proposed project is to extend the service life of the facility, enhance transportation capacity, and enhance the overall safety of the KSH. The KSH is a rural principal arterial in the Kenai Peninsula Borough, linking the communities of Kenai and Soldotna. Crash

rates for the KSH exceed statewide averages. Current population and traffic projections indicate the level of service will deteriorate below acceptable levels within the next 20 years.

Project Progress

In preparation for the Phase II rehabilitation project, DOT&PF completed vegetation clearing throughout much of the project area in 2020, excluding the Habitat Protection District and a few parcels that had not yet been acquired by ROW. The project's Phase II utility relocation agreements were delayed due to Build America Buy America compliance complications. Utility relocations and roadway construction are now anticipated to begin in March 2026.

There have been minor changes to the excavation and fill quantities below OHW for the culverts at Unnamed Stream 2 and Unnamed Stream 3. These changes are due to calculation refinements only and are not a result of design changes since the last project update was sent to your office in August 2024. The fish passage culvert at Unnamed Steam 3 is still proposed at 162 inches in diameter, in order to better match the bank full width of the stream and to support improved fish passage when compared to the originally proposed 108-inch culvert. The culvert at Unnamed Stream 2 is still proposed at 72 inches in diameter. The proposed length, location, and alignment of both culverts also remain as described in the August 2024 update (see the attached Supplemental Information document for measurements). In addition, there have been no changes to wetland excavation and fill quantities since the August 2024 update.

Prior to the expiration of the original Conditional Use Permit, this project was certified for advertising and subsequently publicized for bid. A construction contractor was selected and the contract to build the project was awarded. Regarding the updated construction timeline, the contractor expects to begin work in March 2026, and the estimated project completion date is November 2028.

Impact Summary

The proposed project would excavate 317 cubic yards (CY) of native material and permanently place 892 CY of fill material and riprap within 0.20 acres below OHW at Unnamed Stream 3 (AWC 244-30-10010-2031) and Unnamed Stream 2 (uncatalogued resident fish stream). An additional 491 CY of riprap would be placed within the new Unnamed Stream 3 culvert to simulate natural stream conditions and to meet Tier 1 fish passage criteria. Refer to Tables 3 and 4 in the attached supplemental information document for a summary of the excavation and fill quantities for this project.

In addition, the proposed project would require the excavation of 337 CY of native material and the permanent placement of approximately 21,412 CY of embankment fill material and riprap within 1.42 acres of wetlands. Refer to Table 5 in the attached supplemental information document for a summary of the excavation and fill quantities required in wetlands. All disturbed areas would be stabilized, reconstructed, and revegetated as appropriate.

If you have any questions or require additional information, I can be reached by phone at 907-269-0530 and by email at maureen.orr@alaska.gov.

Sincerely,



Maureen Orr
Environmental Impact Analyst

Enclosures:

Kenai River Center Multi-Agency Permit Application
Supplemental Information Sheets
Figure 1: Location and Vicinity Map
Figures 2a-2c: Typical Sections
Figures 3a-3e: Wetland Locations
Figures 4a-4d: Project Impacts
Figures 5a-5d: Culvert Replacement Details

cc: Alex Reed, P.E., DOT&PF Central Region, PD&E Section Chief
Aaron Hunting, P.E., DOT&PF Central Region, Engineer
Heidi Zimmer, DOT&PF Central Region, Regional Environmental Manager

Multi-Agency Permit Application

Kenai Peninsula Borough

River Center

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

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

Fees Received: \$ _____

Cash

Check # _____

CREDIT CARDS NOT ACCEPTED
FOR APPLN FEES

PROPERTY OWNER:

Name: Alaska DOT&PF
Mailing: PO Box 196900
Anchorage, AK 99519-6900
Phone: 907-269-0551
Email: maureen.orr@alaska.gov

AGENT: (if applicable)

Name: NA
Mailing: _____
Phone: _____
Email: _____

PROJECT LOCATION:

KPB Parcel ID: NA
Physical Address: Kenai Spur Hwy MP 2.4-5.2
Subdivision: NA
Lot: NA Block: NA Addition/No.: NA

WATERBODY INFORMATION:

Waterbody: See attached supplemental information
River Mile: _____
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# 12880**

Please select all activities that apply to your project:

<input checked="" type="checkbox"/> Bank Stabilization	<input type="checkbox"/> Fish & Wildlife Management	<input checked="" type="checkbox"/> Road Construction
<input type="checkbox"/> Boat Launch	<input type="checkbox"/> Floating Dock	<input type="checkbox"/> Structure (Accessory)
<input type="checkbox"/> Bridge	<input type="checkbox"/> Fuel Storage Green Infrastructure	<input type="checkbox"/> Structure (Residential)
<input type="checkbox"/> Coir Logs	<input type="checkbox"/> In-Stream Structures (Weir)	<input type="checkbox"/> Spruce Tree Revetment
<input checked="" type="checkbox"/> Culvert	<input type="checkbox"/> Oil & Gas	<input type="checkbox"/> Stream Crossing
<input type="checkbox"/> ELP Structures	<input type="checkbox"/> On-Site Utilities	<input type="checkbox"/> Utility Line/Easement
<input type="checkbox"/> Equipment Stream Crossing	<input checked="" type="checkbox"/> Prior-Existing Structure	<input checked="" type="checkbox"/> Veg Mat
<input checked="" type="checkbox"/> Excavation, Dredging, and/or Fill	<input checked="" type="checkbox"/> Revegetation	<input type="checkbox"/> Vegetation Removal
<input type="checkbox"/> Fence Installation	<input type="checkbox"/> Root Wads	<input type="checkbox"/> Water Withdrawal
		<input type="checkbox"/> Other: <small>See cover letter and supplemental info.</small>

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

See cover letter and supplemental information.

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 \$ NA Other Activities \$ NA
Habitat Restoration & Protection \$ NA Green Infrastructure \$ NA

PROJECT QUESTIONS:

1. Start date: March 2026 End date: November 2028 Estimated Days of Construction: Up to 640 days
 2. Is any portion of the work already complete? If yes, please describe: _____ Yes No
 See cover letter and supplemental information.

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.): \$ NA

Excavation, Dredging, and Fill:

9. Will material be excavated or dredged from the site? Yes No
 a. Type of material(s): See supplemental information
 b. Area to be dredged below OHW or MHW:
 Length: _____ (ft) Width: _____ (ft) Depth: _____ (ft) Total Cubic Yards: 317
 c. Area to be excavated above OHW or MHW:
 Length: _____ (ft) Width: _____ (ft) Depth: _____ (ft) Total Cubic Yards: _____
 d. Location materials will be deposited: See supplemental information

10. Will any material (including soils, debris, and/or overburden) be used as fill? Yes No
 a. Type of material(s): See supplemental information
 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: _____
 d. Area to be filled below OHW or MHW:
 Length: _____ (ft) Width: _____ (ft) Depth: _____ (ft) Total Cubic Yards: 1,383

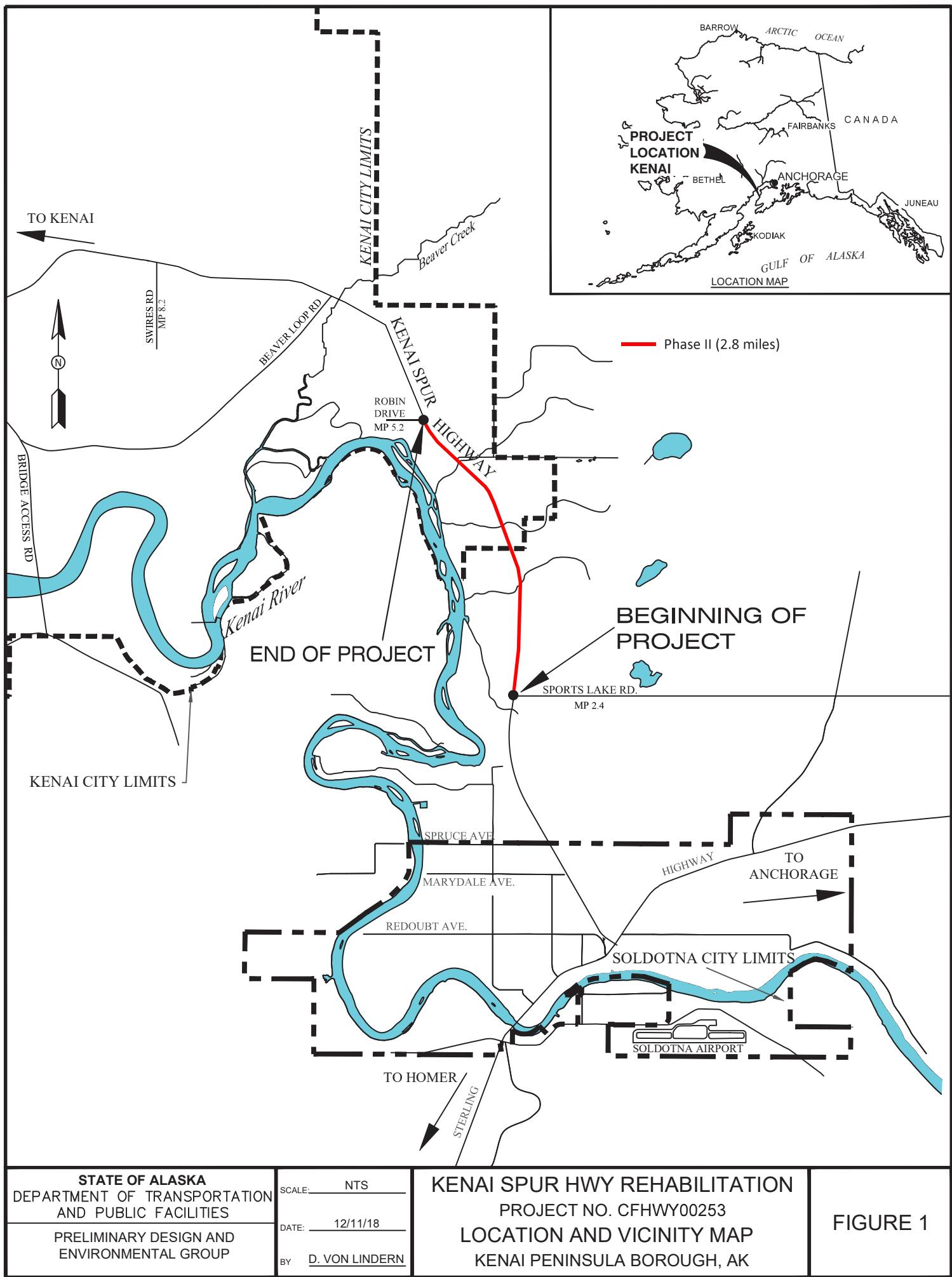
Motorized Equipment:

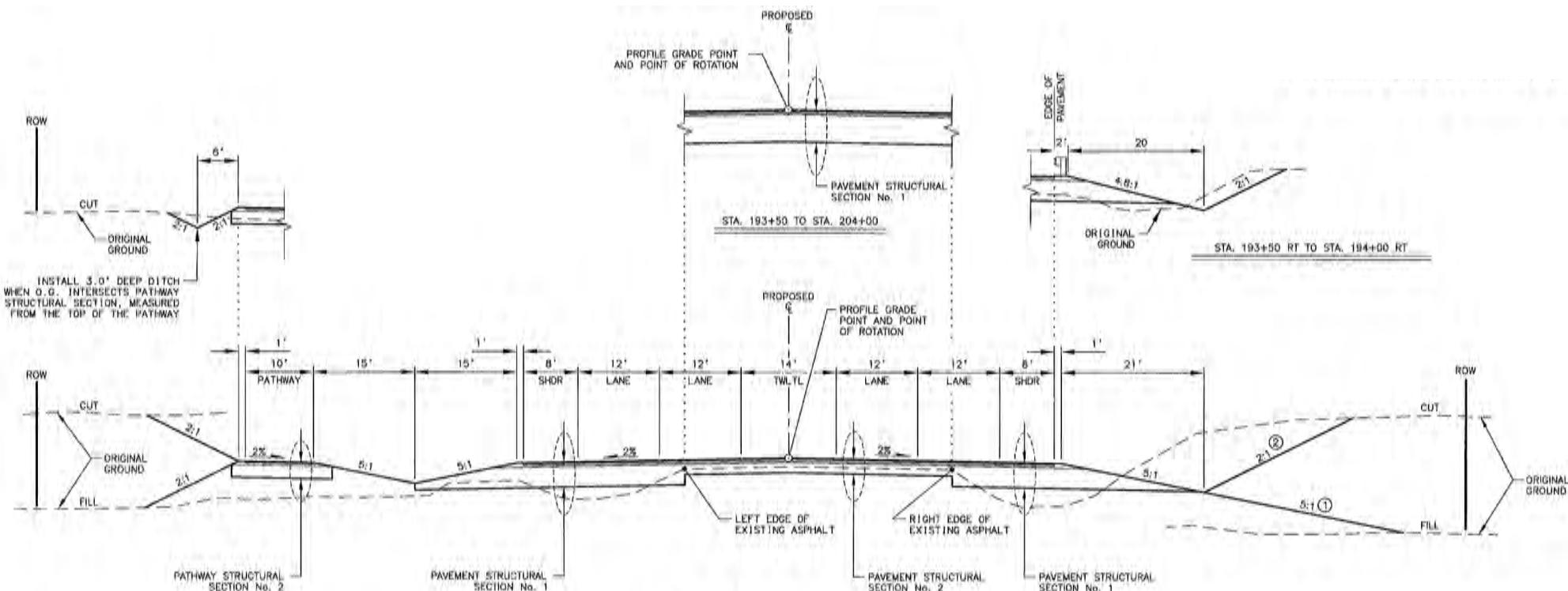
11. Will you be using motorized equipment for this project? If yes, please list all equipment: Yes No
See supplemental information
 a. Will you be crossing a stream or waterbody? Yes No
 b. How long will equipment be used below OHW or MHW? See supplemental information

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.

Owner Signature (required)**Date****Agent Signature (if applicable)****Date**





KENAI SPUR HIGHWAY

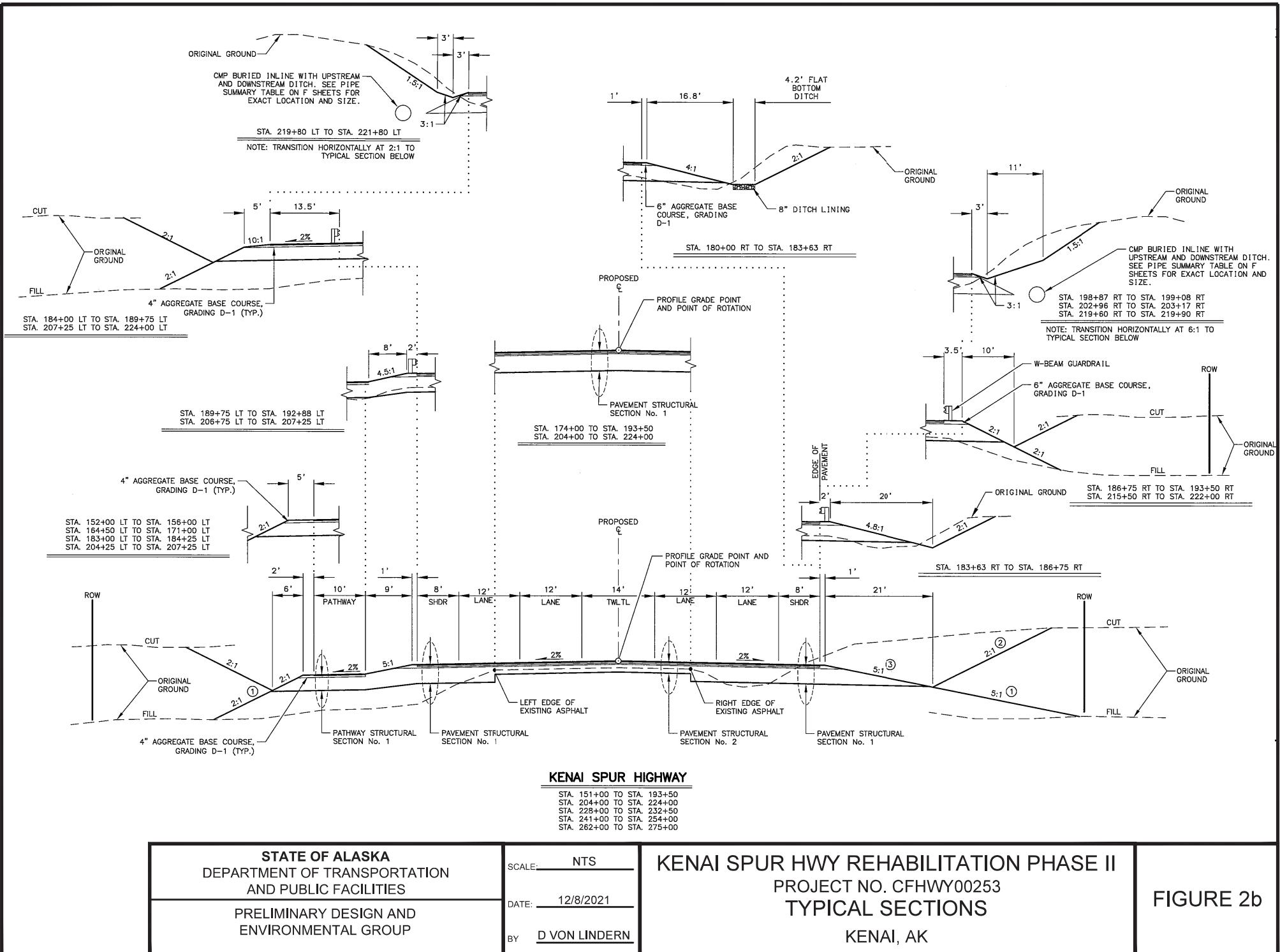
STA. 193+50 TO STA. 204+00
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 STA. 232+50 TO STA. 241+00
 STA. 251+00 TO STA. 262+00

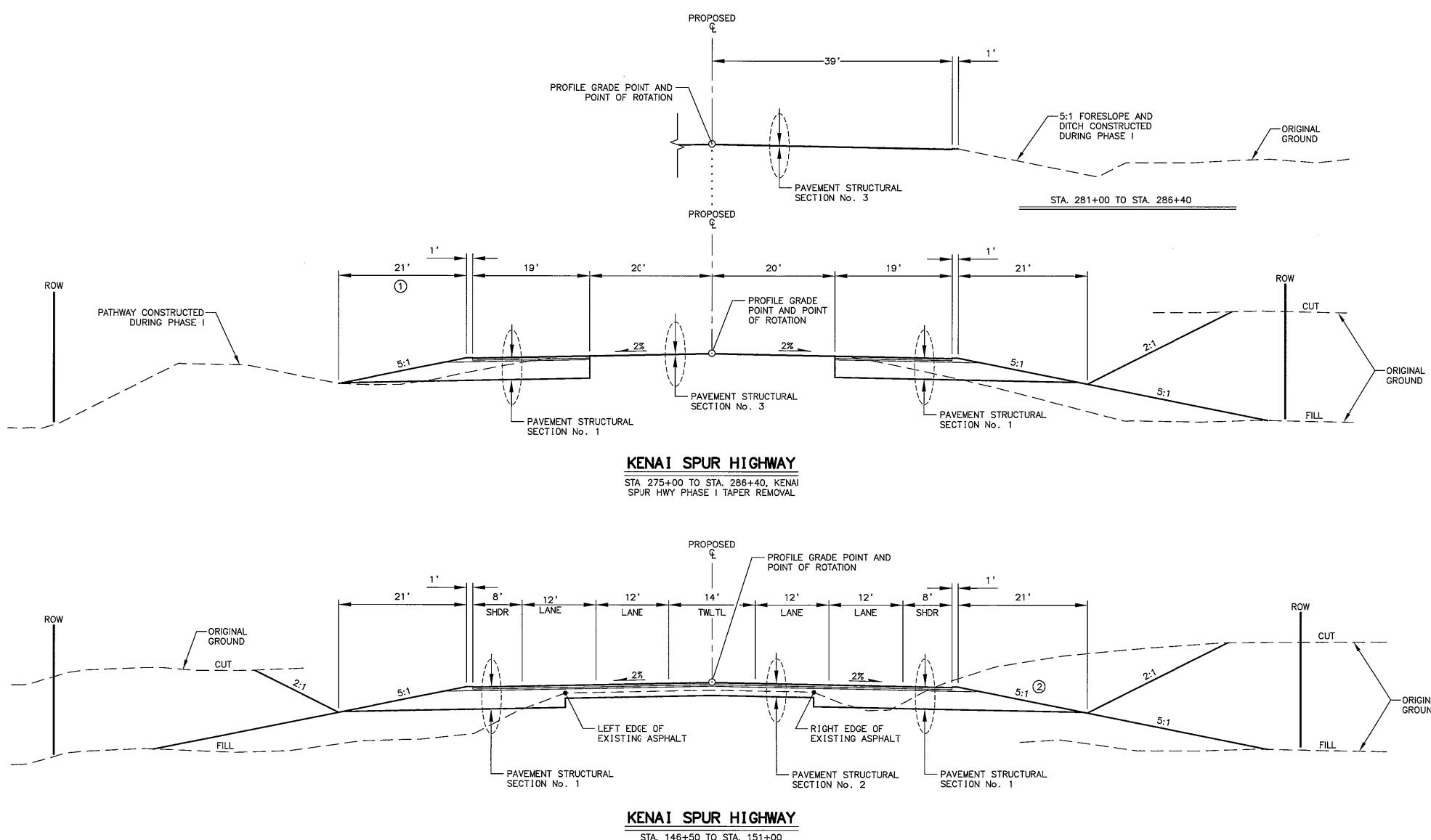
STATE OF ALASKA
 DEPARTMENT OF TRANSPORTATION
 AND PUBLIC FACILITIES
 PRELIMINARY DESIGN AND
 ENVIRONMENTAL GROUP

SCALE: NTS
 DATE: 12/8/2021
 BY: D VON LINDERN

KENAI SPUR HWY REHABILITATION PHASE II
 PROJECT NO. CFHWY00253
 TYPICAL SECTIONS
 KENAI, AK

FIGURE 2a





STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
PRELIMINARY DESIGN AND
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KENAI SPUR HWY REHABILITATION PHASE II
PROJECT NO. CFHWY00253
TYPICAL SECTIONS
KENAI, AK

FIGURE 2c

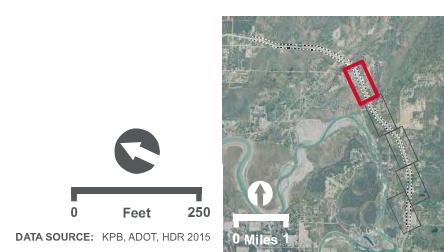


LEGEND

- Study Area Boundary
- Mapped Wetland
- Mapped Waterbody
- Culvert
- Data Collection Points
- Determination Form Upland
- Determination Form Wetland
- + Observation Point Upland
- + Observation Point Wetland

Wetland and Waterbody Mapping Types

U Upland



STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES	SCALE: <u>NTS</u>
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	BY <u>D VON LINDERN</u>

KENAI SPUR HWY REHABILITATION PHASE II
PROJECT NO. CFHWY00253
WETLAND LOCATIONS
KENAI, AK

FIGURE 3a



LEGEND

- Study Area Boundary
- Mapped Wetland
- Mapped Waterbody
- Culvert
- Determination Form Upland
- Determination Form Wetland
- + Observation Point Upland
- + Observation Point Wetland

Wetland and Waterbody Mapping Types

PEM1C	Seasonally flooded emergent wetland
PEM1F	Semi-permanently flooded emergent wetland
PSS1/EM1B	Saturated broad-leaved deciduous scrub-shrub and emergent wetland
U	Upland

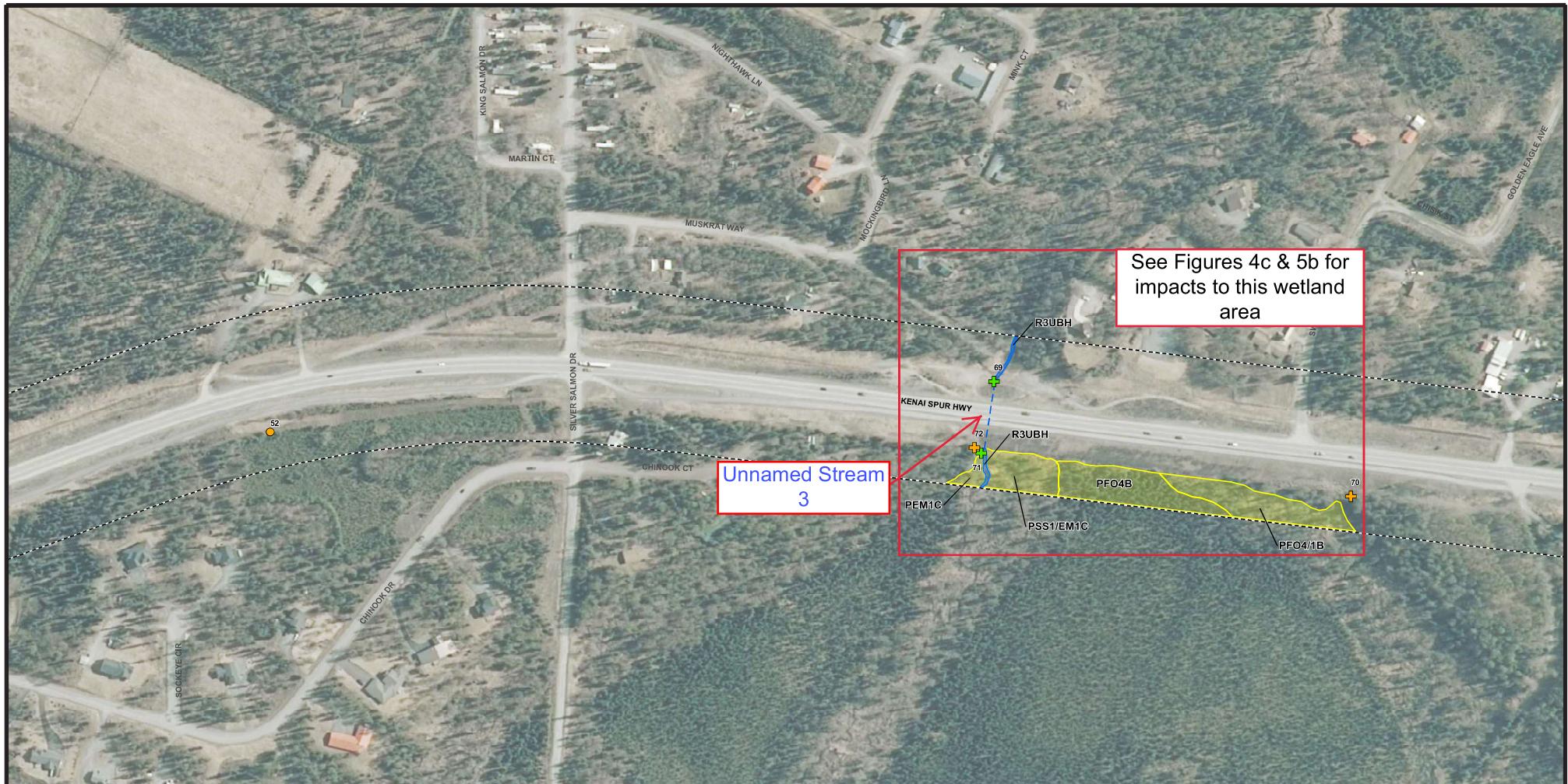
DATA SOURCE: KPB, ADOT, HDR 2015



STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES	SCALE: <u>NTS</u>
PRELIMINARY DESIGN AND ENVIRONMENTAL GROUP	DATE: <u>12/8/2021</u>
	BY <u>D VON LINDERN</u>

KENAI SPUR HWY REHABILITATION PHASE II
PROJECT NO. CFHWY00253
WETLAND LOCATIONS
KENAI, AK

FIGURE 3b

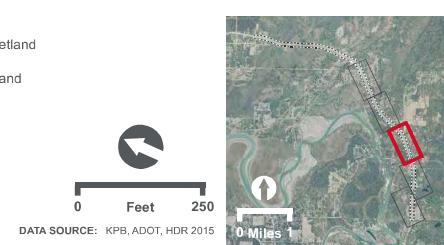


LEGEND

- Study Area Boundary
- Mapped Wetland
- Mapped Waterbody
- Culvert
- Determination Form Upland
- Determination Form Wetland
- Observation Point Upland
- Observation Point Wetland

Wetland and Waterbody Mapping Types

PEM1C	Seasonally flooded emergent wetland
PF04/1B	Saturated needle-leaved evergreen and broad-leaved deciduous forested wetland
PF04B	Saturated needle-leaved evergreen forested wetland
PS1/EM1C	Seasonally flooded broad-leaved deciduous scrub-shrub and emergent wetland
R3UBH	Permanently flooded river channel with an unconsolidated bottom
U	Upland



DATA SOURCE: KPB, ADOT, HDR 2015

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES	SCALE: <u>NTS</u>
PRELIMINARY DESIGN AND ENVIRONMENTAL GROUP	DATE: <u>12/8/2021</u>
	BY <u>D VON LINDERN</u>

**KENAI SPUR HWY REHABILITATION PHASE II
PROJECT NO. CFHWY00253
WETLAND LOCATIONS
KENAI, AK**

FIGURE 3c



LEGEND

- Study Area Boundary
- Mapped Wetland
- Mapped Waterbody
- Culvert
- Data Collection Points
- Determination Form Upland
- Determination Form Wetland
- Observation Point Upland
- Observation Point Wetland

Wetland and Waterbody Mapping Types

PEM1F	Semi-permanently flooded emergent wetland
PSS1/EM1C	Seasonally flooded broad-leaved deciduous scrub-shrub and emergent wetland
R3UBH	Permanently flooded river channel with an unconsolidated bottom
U	Upland



DATA SOURCE: KPB, ADOT, HDR 2015

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES	SCALE: NTS
PRELIMINARY DESIGN AND ENVIRONMENTAL GROUP	DATE: 12/8/2021
	BY D VON LINDERN

KENAI SPUR HWY REHABILITATION PHASE II
PROJECT NO. CFHWY00253
WETLAND LOCATIONS
KENAI, AK

FIGURE 3d

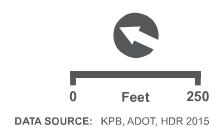


LEGEND

- Study Area Boundary
- Mapped Wetland
- Mapped Waterbody
- Culvert
- Determination Form Upland
- Determination Form Wetland
- + Observation Point Upland
- + Observation Point Wetland

Wetland and Waterbody Mapping Types

- PEM1/SS1B Saturated emergent and broad-leaved deciduous scrub-shrub wetland
- PEM1B Saturated emergent wetland
- PSS1/EM1F Semi-permanently flooded broad-leaved deciduous scrub-shrub and emergent wetland
- PSS3/1B Saturated broad-leaved evergreen and broad-leaved deciduous scrub-shrub wetland
- U Upland



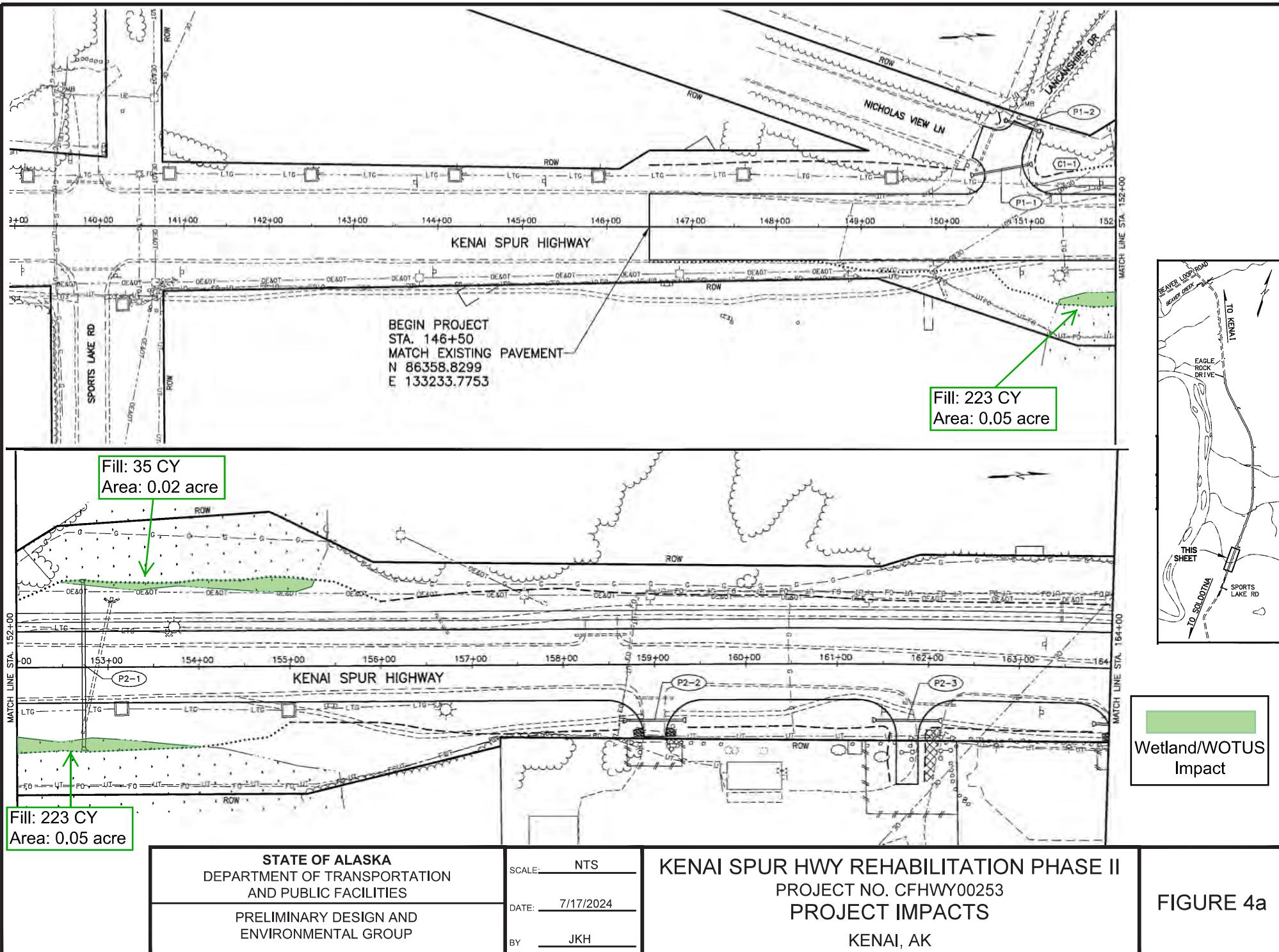
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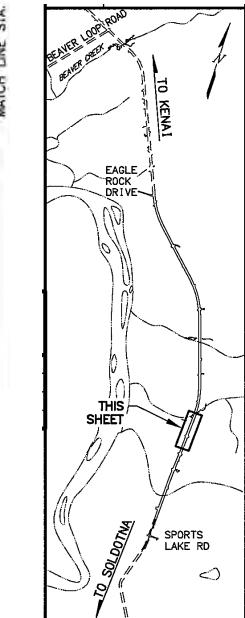
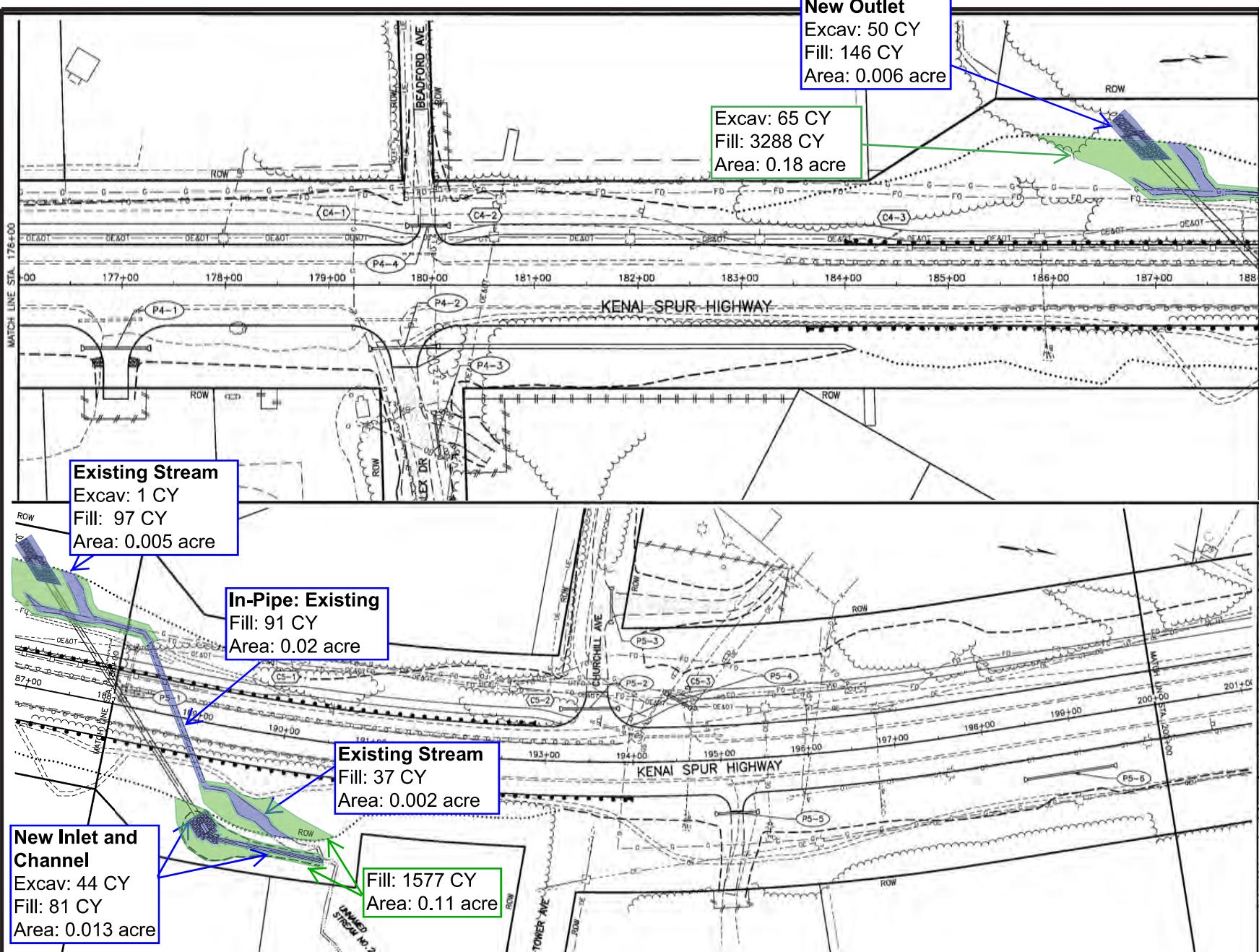
STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES	SCALE: <u>NTS</u>
PRELIMINARY DESIGN AND ENVIRONMENTAL GROUP	DATE: <u>12/8/2021</u>
	BY <u>D VON LINDERN</u>

KENAI SPUR HWY REHABILITATION PHASE II
PROJECT NO. CFHWY00253
WETLAND LOCATIONS
KENAI, AK

FIGURE 3e



UNNAMED STREAM 2



Impact Below OHW
Wetland Impact

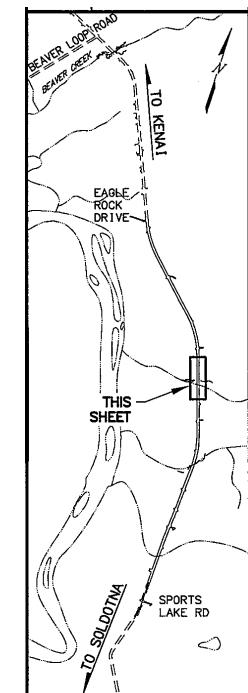
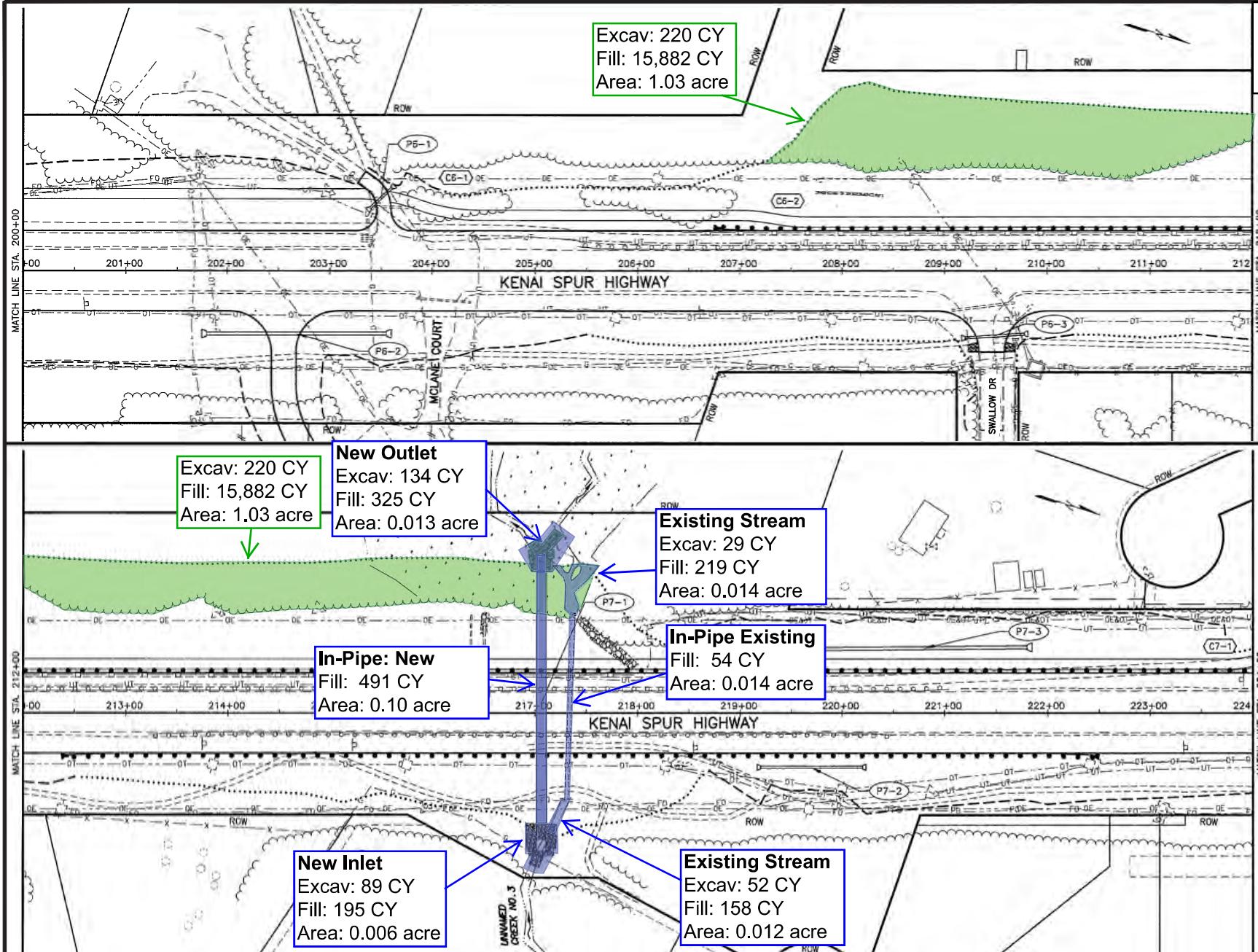
STATE OF ALASKA
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PRELIMINARY DESIGN AND
ENVIRONMENTAL GROUP

SCALE: NTS
DATE: 7/17/2024
BY JKH

KENAI SPUR HWY REHABILITATION PHASE II
PROJECT NO. CFHWY00253
PROJECT IMPACTS
KENAI, AK

FIGURE 4b

UNNAMED STREAM 3



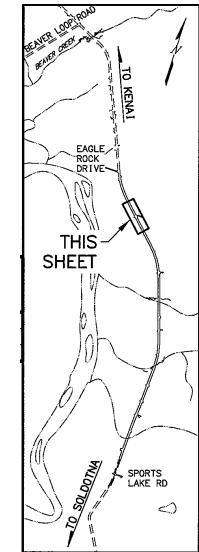
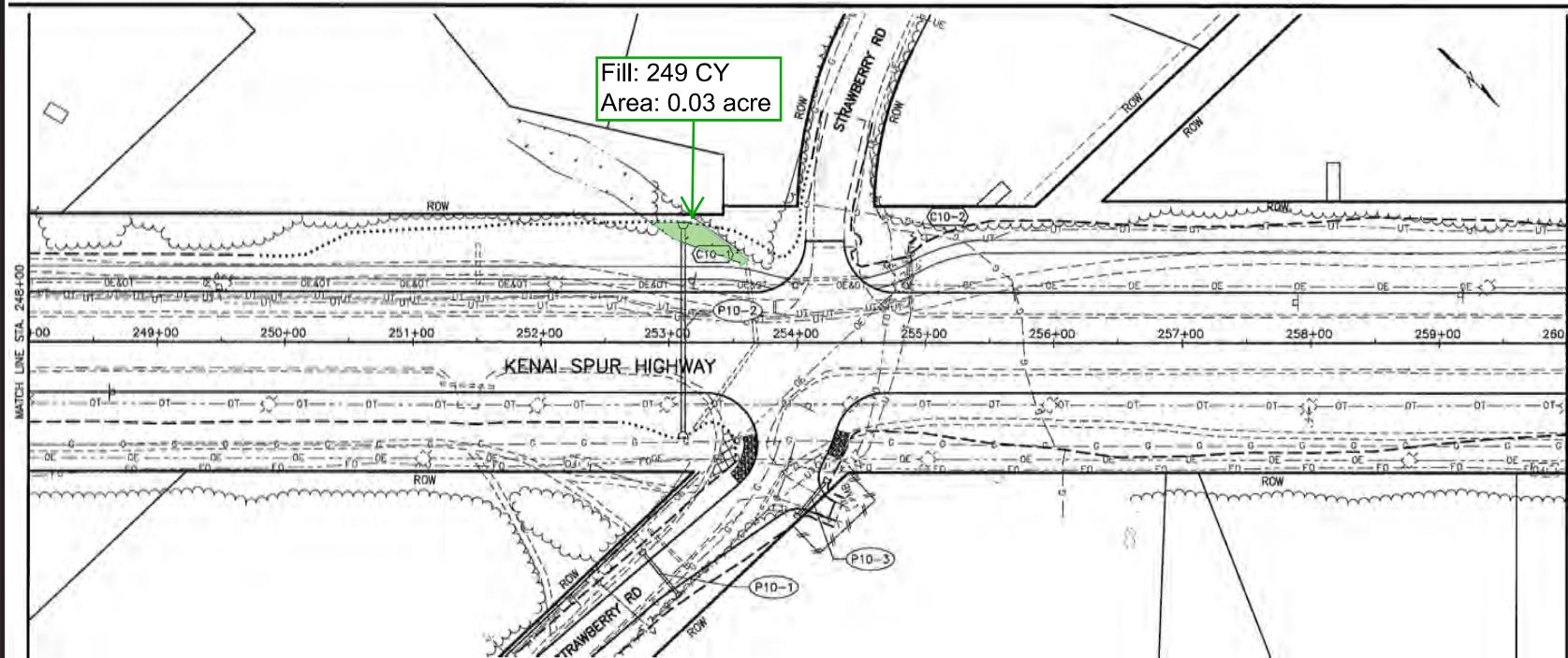
Impact Below
OHW
Wetland Impact

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
PRELIMINARY DESIGN AND
ENVIRONMENTAL GROUP

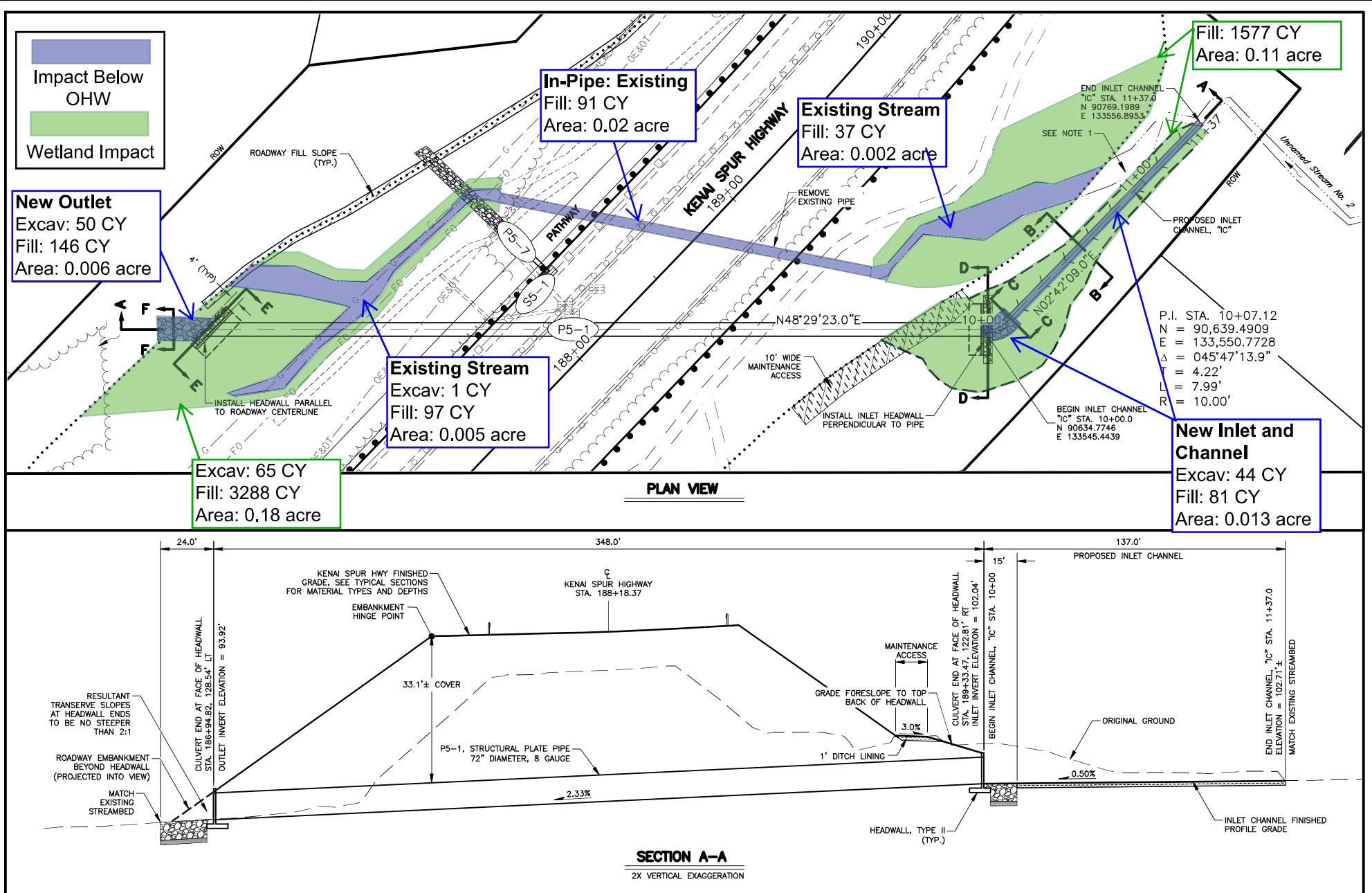
SCALE: NTS
DATE: 7/17/2024
BY: JKH

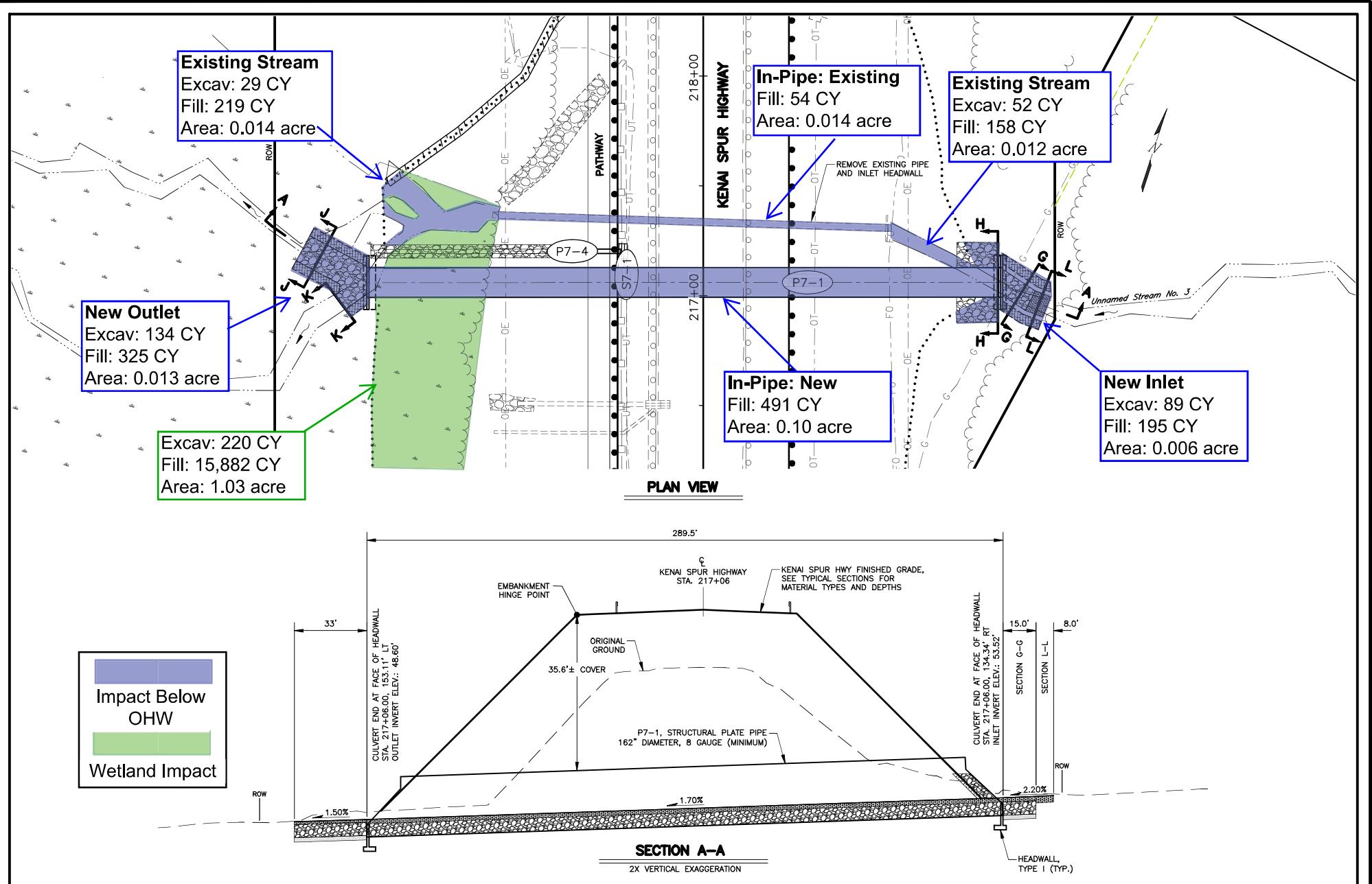
KENAI SPUR HWY REHABILITATION PHASE II
PROJECT NO. CFHWY00253
PROJECT IMPACTS
KENAI, AK

FIGURE 4c



<p>STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES</p> <p>PRELIMINARY DESIGN AND ENVIRONMENTAL GROUP</p>	<p>SCALE: NTS DATE: 7/17/2024 BY: JKH</p>	<p>KENAI SPUR HWY REHABILITATION PHASE II PROJECT NO. CFHWY00253 PROJECT IMPACTS KENAI, AK</p>	<p>FIGURE 4d</p>
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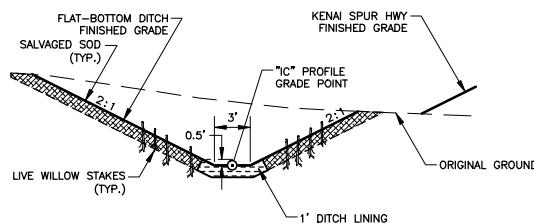


STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
PRELIMINARY DESIGN AND
ENVIRONMENTAL GROUP

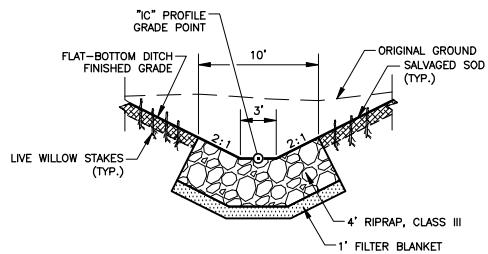
SCALE: NTS
DATE: 7/17/2024
BY: JKH

KENAI SPUR HWY REHABILITATION PHASE II
PROJECT NO. CFHWY00253
UNNAMED STREAM 3 DETAILS
KENAI, AK

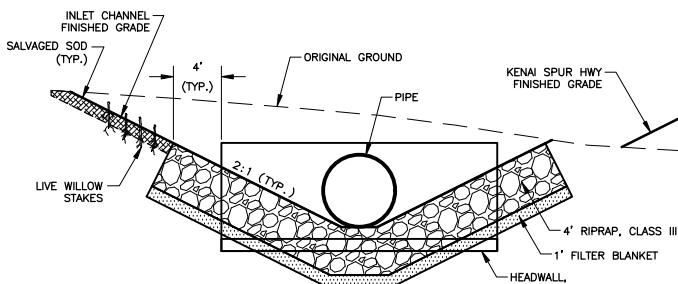
FIGURE 5b



UNNAMED STREAM NO. 2
INLET CHANNEL, SECTION B-B



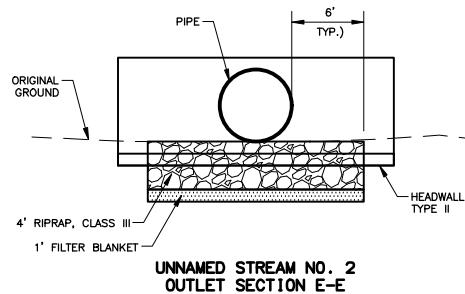
UNNAMED STREAM NO. 2
INLET SECTION C-C



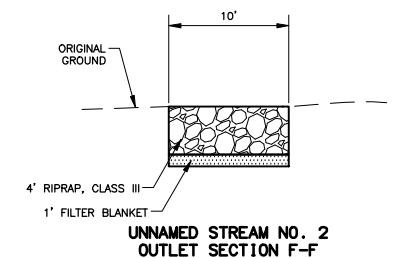
UNNAMED STREAM NO. 2
INLET SECTION D-D

NOTES:

1. SEE L SHEETS FOR LIVE WILLOW STAKE PLANTING REQUIREMENTS.
2. AFTER PLACEMENT OF RIPRAP, FILL RIPRAP Voids IN THE STREAM CHANNEL WITH SELECTED MATERIAL, TYPE A. USE WATER PRESSURE, METAL TAMPING RODS, AND SIMILAR HAND OPERATED EQUIPMENT TO FORCE MATERIAL INTO ALL SURFACE AND SUBSURFACE Voids BETWEEN THE ROCKS, AND THE ROCKS AND STRUCTURE.



UNNAMED STREAM NO. 2
OUTLET SECTION E-E

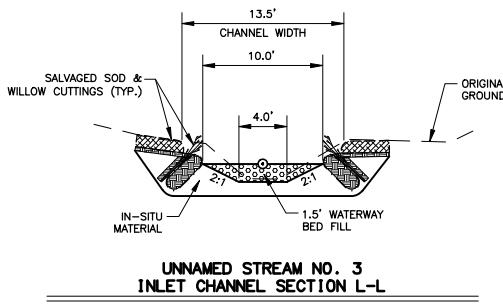
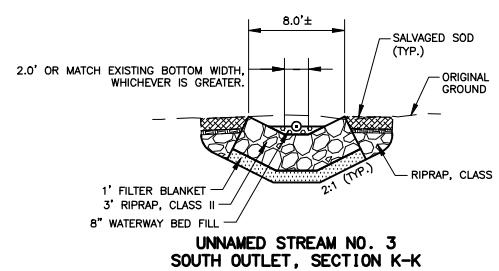
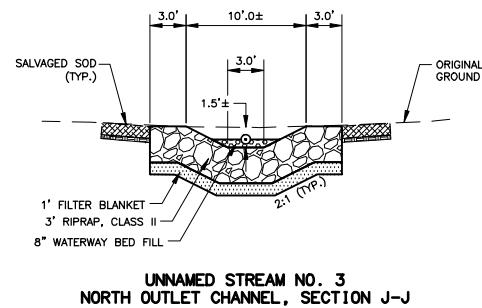
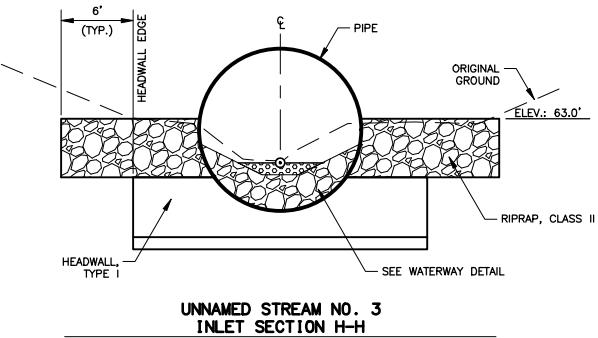
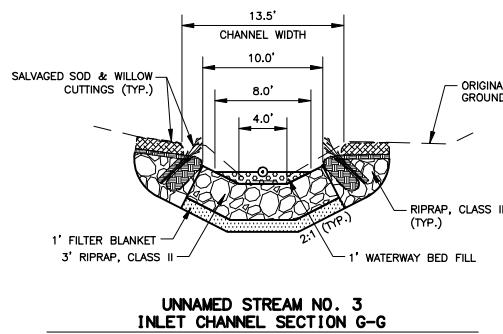
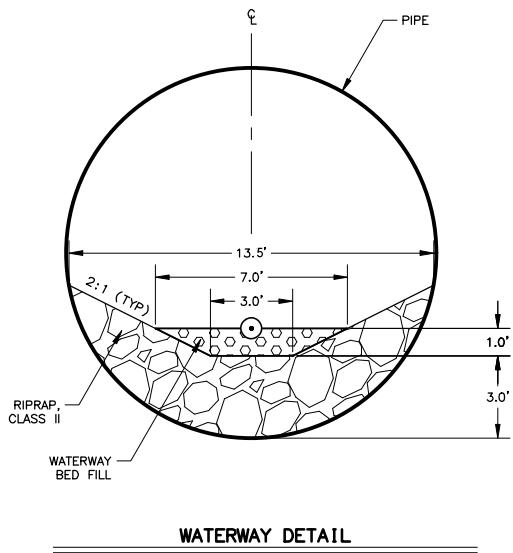


UNNAMED STREAM NO. 2
OUTLET SECTION F-F

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES	SCALE: NTS
PRELIMINARY DESIGN AND ENVIRONMENTAL GROUP	DATE: 7/17/2024
	BY JKH

KENAI SPUR HWY REHABILITATION PHASE II
PROJECT NO. CFHWY00253
UNNAMED STREAM 2 INLET/OUTLET DETAILS
KENAI, AK

FIGURE 5c



NOTES:

1. AFTER PLACEMENT OF RIPRAP, FILL RIPRAP VOIDS IN THE CULVERT AND IN THE STREAM CHANNEL WITH SELECTED MATERIAL TYPE A. USE WATER PRESSURE, METAL TAMING RODS, AND SIMILAR HAND OPERATED EQUIPMENT TO FORCE MATERIAL INTO ALL SURFACE AND SUBSURFACE VOIDS BETWEEN THE ROCKS, AND THE ROCKS AND STRUCTURE.
2. FIELD ADJUST CHANNEL WIDTH DEFINED IN SECTION L-L TO ENSURE A SMOOTH TRANSITION INTO THE EXISTING CREEK CHANNEL.
3. SEE UNNAMED STREAM NO. 3 BANK REVEGETATION DETAILS.

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
PRELIMINARY DESIGN AND
ENVIRONMENTAL GROUP

SCALE: NTS
DATE: 7/17/2024
BY: JKH

KENAI SPUR HWY REHABILITATION PHASE II
PROJECT NO. CFHWY00253
UNNAMED STREAM 3 INLET/OUTLET DETAILS
KENAI, AK

FIGURE 5d

**Kenai River Center Multi-Agency Permit Application
Supplemental Information Document**

Project Name: Kenai Spur Highway Rehabilitation, Phase II

Project Number (Federal/State): 0221(019)/CFHWY00253

Project Description

Please see the cover letter for a detailed description of rehabilitation project activities.

The proposed project will involve work below ordinary high water (OHW) of one anadromous and one resident fish stream, described in Table 1.

Table 1 – Waterbodies in Project Area

Stream Name	ADF&G AWC Code	Location	River Mile	Anadromous Species and Use
Unnamed Stream 2	N/A	MP 3.5	0.5	N/A; Uncatalogued resident fish stream
Unnamed Stream 3	244-30-10010-2031	MP 4.0	0.5	Rearing habitat for coho and chinook

The rehabilitation would involve replacing the undersized culverts at Unnamed Streams 2 and 3 to improve hydraulic capacity, as detailed in Figures 5a-5d. The existing 48-inch diameter culvert at Unnamed Stream 2 would be removed and a new 72-inch diameter, 373-foot-long culvert would be installed approximately 50 feet to the south. At Unnamed Stream 3, the existing 36-inch culvert would be removed and replaced with a 162-inch diameter, approximately 288-foot-long culvert, which would be installed approximately 30 feet to the south.

Fill Below Ordinary High Water

Phase II will require the excavation of approximately 317 CY of material and permanent placement of approximately 1,383 CY of fill within 0.20 acre below OHW at Unnamed Streams 2 and 3, as detailed in Tables 3 and 4 and Figures 4b and 4c.

Table 3 – Excavation Below OHW

Location	Excavation (CY)						Area (Acre)
	Inlet	Outlet	New Culvert	Existing Stream	Old Culvert Removal	Total	
Unnamed Stream 2	44	50	NA	1	NA	94	0.02
Unnamed Stream 3	89	134	NA	81	NA	224	0.05
TOTAL	133	184	NA	82	NA	317	

“Keep Alaska Moving”

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been carried out by DOT&PF pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated April 13, 2023, and executed by FHWA and DOT&PF.

Table 4 – Fill below OHW

Location	Fill Placement (CY)						Area (Acre)
	Inlet	Outlet	New Culvert	Existing Stream	Old Culvert Removal	Total	
Unnamed Stream 2	81	146	NA	134	91	318	0.04
Unnamed Stream 3	195	325	491	377	54	1,065	0.16
TOTAL	276	470	491	511	145	1,383	

Unnamed Stream 3, an ADF&G catalogued anadromous fish stream (AWC 244-30-10010-2031), will be upgraded to meet Tier I fish passage criteria in accordance with the *DOT&PF/ADF&G Memorandum of Agreement for the Design, Permitting, and Construction of Culverts for Fish Passage*. The current culvert is rated as “red” for fish passage by ADF&G, meaning the crossing is assumed to be inadequate for juvenile salmonids/weak swimming fish. The fish passage report specifies the current culvert grade and constriction ratio are problematic, leading to a poor overall rating. The upgraded culvert is anticipated to improve instream habitat in addition to fish passage capabilities. The existing 36-inch diameter substrate-less culvert will be upsized to 162 inches. Approximately 491 CY of substrate will be bedded to approximately 3.8 feet in depth and placed to resemble upstream and downstream reaches. The proposed culvert gradient is designed to match the existing upstream and downstream stream gradients, to the extent possible. From the new outlet, an approximately 23-foot-long channel will be established to tie back to Unnamed Stream 3 (Figure 5b). Native vegetation will be salvaged to the maximum extent possible for use in revegetating the banks of the newly established channel.

Unnamed Stream 2 is an uncatalogued resident fish stream. The existing 48-inch diameter culvert will be upsized to a 72-inch diameter and installed approximately 50 feet to the south. To tie into the existing upstream channel, a new 137-foot channel will be installed at the inlet (Figure 5a). As with Unnamed Stream 3, native vegetation will be salvaged to the maximum extent possible for use in revegetating the banks of the newly established channel.

Fill in Wetlands

A wetland delineation and functional analysis, covering both phases of the proposed project corridor, was conducted on August 10-12, 2015 and identified 23.9 acres of jurisdictional wetlands and waterbodies present within 200 feet on either side of the current highway alignment. A majority of the wetlands identified were categorized as scrub-shrub wetlands at 11.7 acres, followed by emergent, forested, riverine, and aquatic bed wetlands at approximately 8.7 acres, 2.9 acres, 0.5 acres, and 0.1 acres, respectively. Impacts to wetlands would include the following: vegetation clearing; excavation of unsuitable native material; and the permanent placement of fill material to widen the roadway and realign the pedestrian pathway, upgrade or extend culverts, and improve drainage (Figures 4a-4d). For Phase II, approximately 337 CY of native material is

anticipated to be excavated and approximately 21,412 CY of embankment fill material and riprap is expected on 1.42 acres of wetland, as detailed in Table 5.

Table 5 – Excavation and Fill within Wetlands

Wetland Type	Cowardin Classification	Excavation (CY)	Fill (CY)	Fill Type	Area (Acre)
Forested	PFO4B	0	4,427	Type A/C Embankment Fill, Riprap	0.29
	PFO4/1B	0	6,631	Type A/C Embankment Fill, Riprap	0.45
	PSS1/EM1F	0	94	Type A/C Embankment Fill	0.02
Scrub-Shrub	PSS1/EM1C	255	7,616	Type A/C Embankment Fill, Riprap	0.43
	PSS3/1B	0	28	Type A/C Embankment Fill	0.01
	PEM1/SS1B	0	2	Type A/C Embankment Fill	0.001
Emergent	PEM1F	0	1,540	Type A/C Embankment Fill, Riprap	0.11
	PEM1C	0	429	Type A/C Embankment Fill, Riprap	0.05
	PEM1B	0	134	Type A/C Embankment Fill	0.03
Riverine	R3UBH	82	511	Type A/C Embankment Fill, Riprap	0.03
TOTAL		337	21,412		1.42

Temporary Stream Diversions and Construction Considerations

During construction, the existing culverts would be used to maintain the flow of Unnamed Streams 2 and 3; however, small dams or diversions may be required around the inlet and outlet of the upgraded culvert replacement locations to isolate the area and maintain dry working conditions. Once the flow has been established through the replacement culverts, the original culverts will be removed and backfilled to rebuild the road base. The specific method of damming or diversion, as well as the materials used, will be determined by the contractor in coordination with DOT&PF and will comply with all SWPPP and permit requirements. All materials used for the dams or diversions would be completely removed upon completion of construction.

Methods used to remove the existing culverts will also be determined by the contractor in coordination with DOT&PF. However, DOT&PF will require that no material or equipment beyond what is necessary during the removal process be placed in wetlands or waters of Unnamed Streams 2 and 3.

Descriptions of construction equipment and access are included in the response to Question 10, below. Fuel storage will be determined by the contractor; however, no fuel is anticipated to be stored on site. If a Temporary Water Use Permit is required during construction, the contractor will be responsible for obtaining the necessary authorizations.

Ground Disturbance and Stabilization

All disturbed areas will be covered in topsoil and seeded or restored with the original vegetation mat. Materials to be used for the stabilization of disturbed areas will be determined by the contractor. The DOT&PF anticipates that the contractor will use locally obtained topsoil and clean fill. Seed mix would be required to match DOT&PF specifications and the Department of Natural Resources' *A Revegetation Manual for Alaska*. While establishing the new channels at Unnamed Streams 2 and 3, existing vegetation will be salvaged in order to revegetate the banks.

Existing Conditions

The KSH is a State-owned and maintained rural principle arterial in the Kenai Peninsula Borough, linking the communities of Kenai and Soldotna. The proposed project is adjacent to numerous rural, residential, recreational, and commercial properties. The existing KSH segment between Sports Lake Road and Robin Drive consists of two 12-foot lanes with 8-foot shoulders and a detached 10-foot multi-use pathway on the west side of the highway.

Project Questions:

Question 2: Is Any Portion of the Work Already Complete?

Phase I of the Kenai Spur Highway Rehabilitation project was completed in 2020. In preparation for Phase II of the project, DOT&PF completed right-of-way (ROW) vegetation clearing during the summer of 2020, excluding the Habitat Protection District and a few parcels that had not yet been acquired. Since then, all necessary ROW has been acquired, and additional clearing is expected to take place as needed and in compliance with permit requirements. Utility work is expected to begin in March 2026.

Prior to the expiration of the original Conditional Use Permit, this project was certified for advertising and subsequently publicized for bid. A construction contractor was selected and the contract to build the project was awarded. Regarding the updated construction timeline, the contractor expects to begin work in March 2026, and the estimated project completion date is now November 2028.

Question 11: Motorized Equipment

DOT&PF anticipates the contractor will use an excavator to remove or place material within wetlands and below OHW at Unnamed Streams 2 and 3. The amount of time that equipment would operate below OHW or within wetlands would be the minimum necessary to complete the improvements. Additional equipment to complete the proposed project outside of wetlands and above OHW would likely include dozers, rollers, graders, loaders, pavers, tractor trailers, flat-bed trucks, water trucks, fuel trucks, pile hammer, dump trucks, generators, etc. Construction access would be primarily via the Kenai Spur Highway; however, specific access to Unnamed Streams 2 and 3 would be determined by the contractor in coordination with DOT&PF. The DOT&PF will

require that no material or equipment beyond what is necessary to complete the culvert replacement and extension work be placed in wetlands or waters of Unnamed Streams 2 and 3.

**Kenai Spur Highway Phase II** **Project Area****KPB Parcel(s):****Project Description:**

Culvert replacement

Vicinity: Kenai

Map created by Aldridge, Morgan
Friday, February 6, 2026

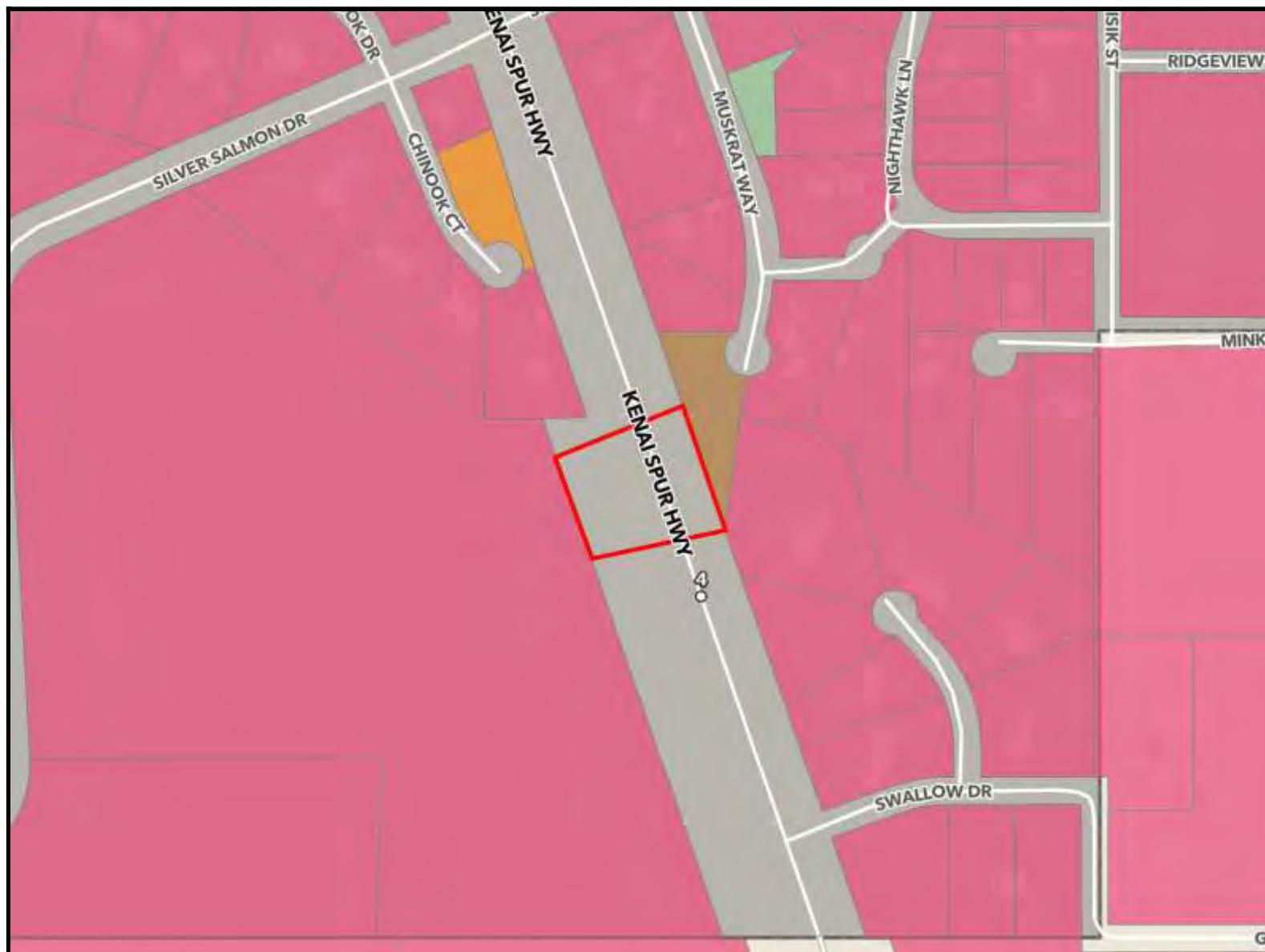
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



KENAI PENINSULA BOROUGH

Planning

Ownership Map
Kenai Spur Highway
Phase II



Project Area

KPB Parcel(s):

Parcel and PLSS

Parcel Ownership Type

Borough

Federal

Native

Native Allotment

Municipal

Private

State

Map created by Aldridge, Morgan

Friday, February 6, 2026

0 500 1000 ft

The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



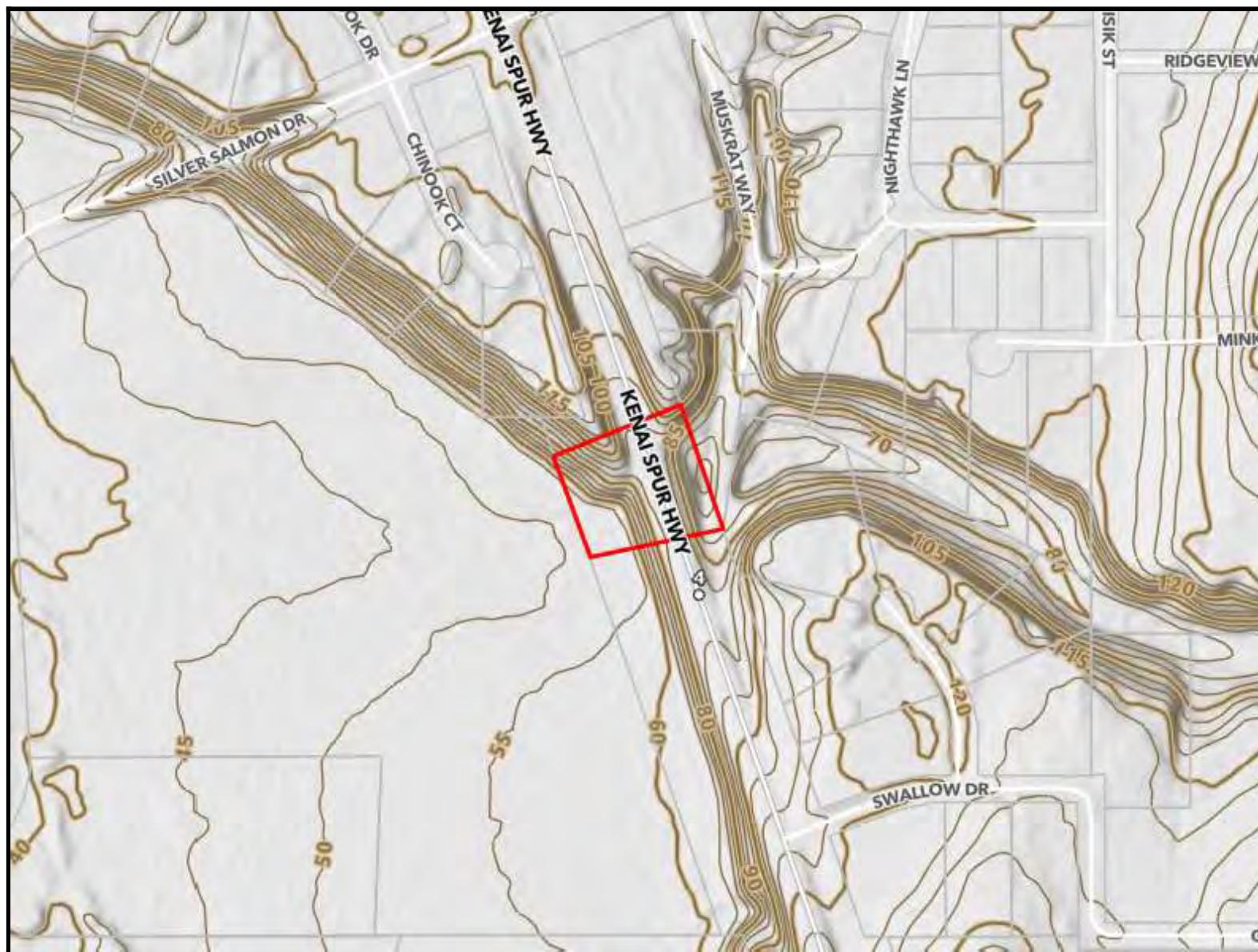
KENAI PENINSULA BOROUGH

Planning

Terrain Map

Kenai Spur Highway

Phase II



Project Area

KPB Parcel(s):

Map created by Aldridge, Morga

Friday, February 6, 2026

0 500 1000 ft

The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Conditional Use Permit
Anadromous Waters Habitat Protection District
Staff Report

PC Res No.	2026-16
Planning Commission Meeting:	Monday, February 23, 2026
Applicant	ADOT - Kenai Spur Phase II
Mailing Address	PO Box 196900
	Anchorage, AK 99519-6900
Physical Location	Kenai Spur Highway MP 4

Project Description

A Conditional Use Permit is sought pursuant to KPB 21.18 for the construction of a culvert within the 50-foot Habitat Protection District of the Unnamed (244-30-10010-2031), as established in KPB 21.18.040.

Background Information

Renewal of 2022 expired Conditional Use Permit for Phase II of the ADOT Kenai Spur Highway project. The Conditional Use permit issued expired in December and now it is back before the commission for approval again. ADOT expects this project to start in the summer of 2026. The culvert meets ADFG standards for fish passage.

Project Details within the 50-foot Habitat Protection District

Replacing a 36-inch diameter culvert with a 136 inch by 288-foot-long culvert that will be installed approximately 30 feet to the south. From the new outlet, a new 23-foot-long channel will be established to tie back into the stream. Within the HPD, 129 cubic yards of native material will be excavated and replaced with 378 cubic yards of fill and rip rap above Ordinary High Water. Additionally, 876 cubic yards of rip rap will be placed inside the culvert and voids will be filled with a mixture of sand, gravel and cobble.

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)(5), 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 purpose of the proposed project is to extend the service life of the facility, increase transportation capacity and enhance overall safety of the Kenai Spur Highway, supported by KPB 21.18.010(G).
7. The culvert has been designed to meet Tier I fish passage criteria in accordance with the *DOT&PF/ADFG Memorandum of Agreement for Designing, Permitting and Construction of Culverts for Fish Passage*, which will lead to an improvement in fish passage and fish habitat at this site, as supported by KPB 21.18.020(E).
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. Pursuance to KPB 21.18.140 ORD 2025-12, the proposed project meets the definition of water dependent.
10. The River Center found the application complete and scheduled a public hearing for Monday, February 23, 2026.
11. Agency review was distributed on February 9, 2026. 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 February 9, 2026. A total of 11 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 (244-30-10010-2031).
2. The a 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 six 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 and Finding 4 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; **Conditions 6, 11 and Findings 1-5 appear to support this standard.**
3. The development of the use or structure shall not physically damage the adjoining property; **Findings 5 and 9 appear to support this standard.**
4. The proposed use or structure is water-dependent; **Findings 1 and 10 appear to support this standard.**

5. Applicant's or owner's compliance with other borough permits and ordinance requirements;
Conditions 11, 12 and Finding 14 appear to support this standard.

Attachments

Multi-Agency Application
Draft Resolution 2026-16
Conditional Use Permit 2022-05
ADFG Permits for this location

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 2026-16.

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 2026-16

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT PURSUANT TO KPB 21.18 FOR THE CONSTRUCTION OF REPLACING A CULVERT AND ADDING FILL WITHIN THE 50-FOOT HABITAT PROTECTION DISTRICT OF THE UNNAMED STREAM (244-30-10010-2031).

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, February 23, 2026 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

Replacing a 36-inch diameter culvert with a 136 inch by 288-foot-long culvert that will be installed approximately 30 feet to the south. From the new outlet, a new 23-foot-long channel will be established to tie back into the stream. Within the HPD, 129 cubic yards of native material will be excavated and replaced with 378 cubic yards of fill and rip rap above Ordinary High Water. Additionally, 876 cubic yards of rip rap will be placed inside the culvert and voids will be filled with a mixture of sand, gravel and cobble.

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)(5), 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 purpose of the proposed project is to extend the service life of the facility, increase transportation capacity and enhance overall safety of the Kenai Spur Highway, supported by KPB 21.18.010(G).
7. The culvert has been designed to meet Tier I fish passage criteria in accordance with the DOT&PF/ADFG Memorandum of Agreement for Designing, Permitting and Construction of Culverts for Fish Passage, which will lead to an improvement in fish passage and fish habitat at this site, as supported by KPB 21.18.020(E).
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. Pursuance to KPB 21.18.140 ORD 2025-12, the proposed project meets the definition of water dependent.
10. The River Center found the application complete and scheduled a public hearing for Monday, February 23, 2026.
11. Agency review was distributed on February 9, 2026. 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 February 9, 2026. A total of 11 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 (244-30-10010-2031).
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 six 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 and Finding 4 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; **Conditions 6, 11 and Findings 1-5 appear to support this standard.**

3. The development of the use or structure shall not physically damage the adjoining property; **Findings 5 and 9 appear to support this standard.**
4. The proposed use or structure is water-dependent; **Findings 1 and 10 appear to support this standard.**
5. Applicant's or owner's compliance with other borough permits and ordinance requirements. **Conditions 11, 12 and Finding 14 appears to support this standard.**

THIS CONDITIONAL USE PERMIT EFFECTIVE ON _____ DAY OF _____, 2026.

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.

KENAI PENINSULA BOROUGH PLANNING COMMISSION

RESOLUTION 2022-05

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT PURSUANT TO KPB 21.18 FOR THE INSTALLATION OF A FISH PASSAGE CULVERT AT MP 4 OF THE KENAI SPUR HIGHWAY WITHIN THE 50-FOOT HABITAT PROTECTION DISTRICT OF UNNAMED STREAM 3 (AWC 244-30-10010-2031).

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 published in the Peninsula Clarion on February 2, 2022 and February 9, 2022 as provided in Section 21.11.020; and

WHEREAS, public testimony was received at the February 14, 2022 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

1. Reconstruct the Kenai Spur Highway between Sports Lake Road and Robin Drive to facilitate two travel lanes in either direction with a center two-way left turn lane.
2. Replace the existing 36-inch-diameter culvert with a 108-inch-diameter by 288-foot-long culvert that will be installed approximately 30 feet to the south and embedded at least 42 inches in stream substrate material.
3. From the new outlet, a new 23-foot-long channel will be established to tie back into the stream.
4. The culvert crossing has been designed to meet Tier I fish passage criteria in accordance with the *DOT&PF/ADF&G Memorandum of Agreement for Designing, Permitting, and Construction of Culverts for Fish Passage*.
5. Work in the Habitat Protection District will consist of excavating 129 cubic yards of native material and replacing with 378 cubic yards of fill and riprap above Ordinary High Water.
6. An additional 876 cubic yards of riprap will be placed inside the culvert, and riprap voids will be filled with a mixture of sand, gravel, and cobble.

7. Impacts to wetlands within and adjacent to the Habitat Protection District includes: vegetation clearing; excavation of unsuitable native material; and the permanent placement of 15,522 cubic yards of material to widen the roadway and realign the pedestrian pathway.
8. Native vegetation will be salvaged to the maximum extent possible for use in revegetating the banks of the newly established channel. Any remaining disturbed areas will be covered in clean fill, topsoil and seeded to specifications found in the Department of Natural Resources' *A Revegetation Manual for Alaska*.

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)(5), Transportation and utility infrastructure may be approved as a conditional structure/use within the habitat protection district.
3. The purpose of the proposed project is to extend the service life of the facility, enhance transportation capacity, and enhance overall safety of the Kenai Spur Highway, supported by KPB 21.18.010(G).
4. The culvert crossing has been designed to meet Tier I fish passage criteria in accordance with the *DOT&PF/ADF&G Memorandum of Agreement for Designing, Permitting, and Construction of Culverts for Fish Passage*, which will lead to an improvement of fish passage and fish habitat at the site, supported by KPB 21.18.020(E).
5. Pursuant to 21.18.081(D) General Standards, staff finds that the proposed project meets the five general standards.
6. 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.
7. Pursuant to KPB 21.18.20(B)(5), one purpose of this chapter was established to separate conflicting land uses.
8. Pursuant to KPB 21.06.081(D)(3), the proposed work will occur within the ADOT right-of-way and shall not have an adverse effect on adjoining properties.
9. Pursuant to KPB 21.18.081(D)(4), the proposed use or structure is water-dependent. 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 February 14, 2022.
11. Agency review was distributed on January 15, 2022. 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 January 24, 2022. A total of 15 mailings were sent.
13. Pursuant to KPB 21.11.020, public notice was published in the Peninsula Clarion on February 2, 2022 and February 9, 2022.
14. The applicant is currently in compliance with Borough permits and ordinances.

Section 3. Permit Conditions

1. A temporary silt fence will be installed prior to ground disturbance and stream work to minimize erosion and sediment discharge to the stream during culvert installation and associated work.
2. A Storm Water Pollution Prevention Plan (SWPPP) has been developed and Best Management Practices will be implemented to minimize erosion and sedimentation of adjacent water bodies during construction.
3. Temporary stream diversions will be constructed using the method most practicable, subject to approval by ADOT&PF and resource agencies.
4. Temporary erosion and sediment control measures such as fiber rolls and temporary seeding will be used as necessary to stabilize disturbed soils until final stabilization is achieved.
5. Any temporary fill placed to facilitate installation of culverts, including stream diversions, would be removed upon project completion and revegetated.
6. All bank cuts, slopes, fills, or other exposed earthworks attributable to this project shall be stabilized to prevent erosion, both during and after construction.
7. Construction techniques and best management practices shall be utilized to ensure that land disturbing activities do not result in runoff or sedimentation to Unnamed Stream 3 (AWC 244-30-10010-2031).
8. The permittee shall minimize damage to all vegetation and shall revegetate all disturbed areas with native vegetation.
9. 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.
10. Storage or use of fuel is prohibited within 50-feet of any open water.
11. The River Center shall be notified at least 3 days prior to the start of the project.
12. 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.
13. The permittee shall be held responsible for the actions of the contractors, agents, or others who perform work to accomplish the approved plan.
14. Applicant requests that the permit be valid through October 31, 2023. 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)).
15. 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).
16. 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.
17. 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; **Findings 4, 6 and Conditions 1 - 9 appear to support this standard.**

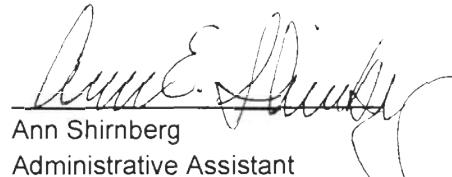
2. Granting of the conditional use shall be consistent with the purposes of this chapter, the borough comprehensive plan, other applicable chapters of the borough Code, and other applicable planning documents adopted by the borough; **Findings 1 - 4, 6, 10 - 14 appear to support this standard.**
3. The development of the use or structure shall not physically damage the adjoining property; **Finding 8 appears to support this standard.**
4. The proposed use or structure is water-dependent; **Findings 1 - 3, 6, 9 appear to support this standard.**
5. Applicant's or owner's compliance with other borough permits and ordinance requirements. **Finding 14 appears to support this standard.**

THIS CONDITIONAL USE PERMIT EFFECTIVE ON 14 DAY OF February, 2022.



Robert Ruffner, Vice 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.



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Fish and Game

HABITAT SECTION
Southcentral Region Office

514 Funny River Road
Soldotna, Alaska 99669-8255
Main: 907.714.2475
Fax: 907.260.5992

FISH HABITAT PERMIT FH22-V-0014

ISSUED: December 6, 2022

Alaska Department of Transportation and Public Facilities
ADOT&PF
Drew von Lindern
P.O. Box 196900
Anchorage, AK 99519-6900

RE: Culvert Replacement & Stream Realignment

Unnamed Stream
Section 17, T 5N, R 10W, S.M.
Kenai Spur Highway Milepost 3.5
Location: 60.5298° N, 151.0809° W
River Center Tracking No. 12880

Dear Mr. von Lindern:

Pursuant to the fishway act at AS 16.05.841, the Alaska Department of Fish and Game (ADF&G), Habitat Section, has reviewed your request for a fish presence determination for a culvert replacement and stream realignment project authorized by FH22-V-0014. Based on past field inspections it has been determined that the unnamed stream at the referenced location does not contain native fish species and a Fish Habitat Permit is no longer needed for this culvert.

Please direct questions about this permit amendment to Habitat Biologist Tony Munter at (907) 714-2478 or e-mail at tony.munter@alaska.gov.

Sincerely,

Doug Vincent-Lang

Commissioner

Tony Munter

By: Tony Munter
Kenai Peninsula Area Manager
Habitat Section

cc: KRC File

By email only:

AWT Soldotna
ADF&G Soldotna
COE – KFO
Al Ott, ADF&G Fairbanks



THE STATE
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GOVERNOR MIKE DUNLEAVY

Department of Fish and Game

HABITAT SECTION
Southcentral Region Office

514 Funny River Road
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FISH HABITAT PERMIT FH22-V-0015
Amendment 1

ISSUED: August 21, 2024
EXPIRES: Lifetime of Structure

Alaska Department of Transportation & Public Facilities
DOT&PF
Maureen Orr
PO Box 196900
Anchorage, AK 99519

RE: Culvert Replacement & Stream Realignment
Unnamed Stream – Stream No. 244-30-10010-2031
Section 8, T 5N, R 10W, S.M.
Location: 60.5372°N, 151.0850°W
River Center Tracking No. 12880

Dear Maureen Orr:

Pursuant to the Anadromous Fish Act at AS 16.05.871(b), the Alaska Department of Fish and Game (ADF&G), Habitat Section, has reviewed your request to change the scope of work authorized by Fish Habitat Permit FH22-V-0015 to upgrade the size of the new structural plate pipe at the referenced location. Fish Habitat Permit FH22-V-0015 is amended, authorizing the installation of a 162-inch diameter corrugated structural plate culvert instead of the 108-inch diameter culvert previously permitted. Your permit application and all materials, maps, and drawings are hereby adopted by reference into this permit. All terms and conditions of the original permit remain in effect.

You may appeal this permit decision relating to AS 16.05.871 in accordance with the provisions of AS 44.62.330-630.

Please direct questions about this permit amendment to Habitat Biologist Kaitlynn Cafferty at (907) 714-2481 or e-mail at kaitlynn.cafferty@alaska.gov.

Sincerely,

Doug Vincent-Lang
Commissioner



By: Kaitlynn Cafferty; Kenai Peninsula Area Manager

ecc:

KPB KRC
ADF&G SF Permitting
ADNR TWUA

C. Jaime, AWT
P. Stacey, ADF&G SF
USACE Pagemaster

A. Ott, ADF&G Hab
M. Mazzacavallo, ADF&G SF



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Fish and Game

HABITAT SECTION
Southcentral Region Office

514 Funny River Road
Soldotna, Alaska 99669-8255
Main: 907.714.2475
Fax: 907.260.5992

FISH HABITAT PERMIT FH22-V-0015

ISSUED: January 21, 2022

EXPIRES: Lifetime of Structure

Alaska Department of Transportation and Public Facilities
ADOT&PF
Drew von Lindern
P.O. Box 196900
Anchorage, AK 99519-6900

RE: Culvert Replacement & Stream Realignment

Unnamed Stream – Stream No. 244-30-10010-2031
Section 8, T 5N, R 10W, S.M.
Kenai Spur Highway Milepost 4
Location: 60.5372° N, 151.0850° W
River Center Tracking No. 12880

Dear Mr. von Lindern:

Pursuant to the anadromous fish act at AS 16.05.871(b), the Alaska Department of Fish and Game (ADF&G), Habitat Section, has reviewed your proposal to remove an existing 36-inch diameter culvert and install a 108-inch diameter, approximately 288-feet long galvanized steel corrugated pipe culvert at the referenced location.

Project Description

During construction of the new structure stream flow will remain in the existing culvert. Small dams or diversions may be used around the inlet and outlet of the upgraded culvert to isolate the area and maintain dry working conditions. The specific method of damming or diversion, as well as the materials used, will be determined by the

contractor in coordination with DOT&PF. All materials used for the dams or diversions will be completely removed from the referenced stream upon completion of construction. After installation is complete, water will be re-directed into the new culvert via the newly constructed channel immediately upstream and downstream of the upgraded culvert. When de-watering the existing channel and routing flow through the new stream channel and culvert, fish will likely need to be transported and an Aquatic Resource Permit from ADF&G, Sportfish Division (907-267-2331) may need to be obtained prior to de-watering.

The new structure will be installed approximately 30-feet south of the existing culvert and will be embedded a minimum of 42-inches in stream substrate material. The culvert will be lined with Class II riprap, and riprap voids will be filled with a mixture of sand, gravel and cobble. The substrate will be a well-graded mix and placed to create a dense, watertight seal that prevents subsurface flow within the culvert. Approximately 10-feet within each culvert end will be lined with Class III riprap and steel baffles to resist washout during large discharge events. Additionally, approximately 15-feet of the inlet and 23-feet of the outlet stream channel will be lined with Class III riprap, and riprap voids will be filled with a mixture of sand, gravel and cobble.

To tie into the existing downstream channel, an approximately 23-foot long channel will be established at the outlet of the new culvert. Native vegetation will be salvaged to the maximum extent possible for use in revegetating the banks of the newly established channel.

Figures 3c, 4c, 5b and 5c, titled Kenai Spur Hwy Rehabilitation Phase II, prepared by ADOT&PF, and submitted as additional information to an ADF&G Fish Habitat Permit Application on January 10, 2022 are hereby incorporated by reference into this project description.

Anadromous Fish Act

The unnamed stream at Kenai Spur Highway Milepost 4 has been specified as being important for the spawning, rearing, and migration of anadromous fishes pursuant to AS 16.05.871(a). The unnamed stream provides rearing and migration habitat for coho and Chinook salmon and other species of resident fish.

In accordance with AS 16.05.871(d), project approval is hereby given subject to the project description, the following stipulations, and the permit terms:

1. ADF&G, Habitat Section shall be contacted at (907) 714-2475 two weeks prior to project initiation to approve final dewatering plans.
2. The structures shall be designed, installed, and maintained for the life of the approved structure to accommodate the efficient passage and movement of fish, both upstream and downstream. You must maintain the integrity of the structure in accordance with the terms of this permit so that free fish passage is assured. You must restore any obstruction to the free fish passage to the satisfaction of ADF&G.
3. If water needs to be pumped during any stage of culvert replacement, any water intake directly accessible to fish must be enclosed and centered within a screened structure to avoid entrainment, impingement, or injury to fish while pumping water. The screen mesh size shall not exceed 1/8-inch and water velocity shall not exceed 0.5 feet per second at the screen surface.

Permit Terms

This letter constitutes a permit issued under the authority of AS 16.05.871 and must be retained on site during project activities. Please be advised that this determination applies only to Habitat Section regulated activities; other agencies also may have jurisdiction under their respective authorities. This determination does not relieve you of your responsibility to secure other state, federal, or local permits. You are still required to comply with all other applicable laws.

You are responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved project. For any activity that significantly deviates from the approved plan, you shall notify the Habitat Section and obtain written approval in the form of a permit amendment before beginning the activity. Any action that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is a Habitat Section responsibility. Therefore, it is recommended you consult the Habitat Section immediately when a deviation from the approved plan is being considered.

For the purpose of inspecting or monitoring compliance with any condition of this permit, you shall give an authorized representative of the state free and unobstructed access, at safe and reasonable times, to the project site. You shall furnish whatever

assistance and information as the authorized representative reasonably requires for monitoring and inspection purposes.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. You shall mitigate any adverse effect upon fish or wildlife, their habitats, or any restriction or interference with public use that the commissioner determines was a direct result of your failure to comply with this permit or any applicable law.

You shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or your performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

You may appeal this permit decision relating to AS 16.05.871 in accordance with the provisions of AS 44.62.330-630.

Please direct questions about this permit to Habitat Biologist Kaitlynn Cafferty at (907) 714-2481 or e-mail at kaitlynn.cafferty@alaska.gov.

Sincerely,

Doug Vincent-Lang
Commissioner

Tony Munter

By: Tony Munter
Kenai Peninsula Area Manager
Habitat Section

E-mail cc:

AWT Soldotna
ADF&G Soldotna
COE-KFO
KNWR
KPB

K. Schroeder, ADF&G DSF
Al Ott, ADF&G Fairbanks