

DESK PACKET

(MATERIALS SUBMITTED AFTER 6/1126)

2. **Conditional Use Permit; PC Resolution 2026-34**
Applicant/Owner: Wearly Catching Silvers, LLC
Request: To place a cabin on a gravel parking pad within the 50'
Habitat Protection District of the Kenai River
Parcel ID 05525312
Physical Address: 45439 Catching Silvers Drive
Soldotna Area



INITIAL FLOODPLAIN DEVELOPMENT PERMIT

6/15/2026

RC Number: 13825

Issued: 6/15/2026

Expires: 6/22/2029

Dustin Wearly
1132 N 780 W
Clinton, UT 84015

Dear Applicant:

Pursuant to KPB Chapter 21.06, Floodplain Management, this is the floodplain development permit for your proposed project. Please review the entire document, as you are responsible for meeting all terms and conditions contained herein, and all development must remain in compliance with these regulations as long as they are located in the regulatory floodplain.

There may be additional documentation required after your project is complete; see "Required Documentation" below. Any required documentation must be submitted prior to the expiration date shown above for your project to be in compliance.

Project Location

KPB Parcel ID: 05525312
Legal Description: T 5N R 10W SEC 7 SEWARD MERIDIAN KN 2005058 RIVERWOOD SUB
2000 ADDN TRACT A1
Physical Address: 45439 Catching Silvers Dr

Floodplain Determination

Map Panel: 02122C-0240F
Effective Date: 2/28/2025
Flood Zone(s): Floodway, AE
Base Flood Elevation: 31.4 feet, NAVD 88

Project Description

Applicant requests to install a gravel pad with the placement of up to 68 cubic yards of gravel. A cabin will be placed on a portion of the pad. The structure can be constructed up to 40 foot by 18 foot.

Permit Conditions

The proposed project and associated activities must comply with the following conditions in addition to all standards detailed in KPB Chapter 21.06. Development that occurs in the regulatory floodplain that does not comply with these conditions or the provisions of KPB 21.06 is prohibited and constitutes a violation subject to enforcement under KPB 21.50. Each day a violation continues is a separate violation. In addition, this permit is only valid if all other federal, state and local permits are secured and if the project remains in full compliance with the regulations of those agencies.

- Placement of gravel and structure must be compliant with the Conditional Use Permit approved by the Kenai Peninsula Borough (KPB) Planning Commission.
- The structure may not be larger but may be constructed smaller as long as within the approved location by the KPB Planning Commission.
- The project and placement of the structure shall minimize the impact to the KPB 50-foot Habitat Protection District (HPD).
- The first habitable floor of the structure must be constructed at or above the Base Flood Elevation.
- Portions of the structure below the Base Flood Elevation may only be utilized for parking or storage and if enclosed must contain compliant flood openings.
- Fill must not be placed to create ponding or direct waterflow onto neighboring properties or rights-of-way.
- An Elevation Certificate will be required once the structure is completed.
- All machinery and utilities servicing the structure shall be flood resistant and elevated to the Base Flood Elevation.

Additional permit conditions are below as well as more information regarding those listed above.

You are not permitted to conduct work in the regulatory floodway. Should your project activities extend into the regulatory floodway, you will be in violation of this permit. Any work in the regulatory floodway requires that a No-Rise Analysis meeting FEMA-mandated guidelines be submitted. The analysis must demonstrate that your project will not increase the Base Flood Elevation or alter the conveyance of the waterway, and must be certified by a professional engineer or architect licensed and registered in the State of Alaska.

The first habitable floor of any new or substantially-improved residential structure must be elevated to or above the Base Flood Elevation. KPB Floodplain Administration strongly recommends elevating the first habitable floor to two feet above the Base Flood Elevation.

Basements and crawlspaces that are below grade on all sides are prohibited in the regulatory floodplain. Fully enclosed areas that are not entirely below grade but which are below the Base Flood Elevation are also prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters.

Designs for meeting this requirement must either be certified by a professional engineer or architect,

licensed and registered in the State of Alaska, or must meet or exceed the following criteria:

- a) A minimum of two openings, having a total net area of not less than one square inch for every square foot of enclosed area must be provided, one on each of at least two walls;
- b) The bottom of these openings must be no higher than one foot above grade;
- c) Openings may be equipped with screens, louvers, or other coverings or devices provided they permit the automatic entry and exit of floodwaters, and;
- d) Enclosed areas below the Base Flood Elevation cannot be finished or used for human habitation and may only be used for parking vehicles, limited storage, and access to the building. Open areas below the Base Flood Elevation must remain clear of unanchored objects.

If the completed structure includes an enclosed space below the Base Flood Elevation, the property owner must sign and record a Non-Conversion Agreement with the property title. This agreement commits to keeping the enclosed area in compliance with the above requirements. Documentation that this agreement has been recorded must be submitted to the KPB Floodplain Administrator before the final Floodplain Development Permit can be issued.

All new construction and substantial improvements must be constructed using methods and practices that minimize flood damage and with materials and utility equipment that are resistant to flood damage.

All new structures and additions must be properly anchored to stabilize them against flood forces, including: floatation, collapse, lateral movement, erosion, and scour. In areas of shallow flooding and low flood velocities, normal construction practices suffice. Additional anchoring measures are required for structures located in faster flood waters, or structures that are pre-fabricated buildings. Examples of anchoring techniques include: reinforcing walls, using deeper footings, over-the-top or frame ties to ground anchors, using extra bolts or rods to connect the frame to the foundation, etc.

It is strongly recommended that utilities be installed outside the regulatory floodplain if possible. In-ground utility installation may be allowed, but must maintain the prior-existing grade, unless specifically approved to change the grade. Any utility poles or supports must be properly installed and anchored to withstand pressure from flood waters so that they do not float or shift during flood events. All components must be properly floodproofed to prevent water from entering or accumulating within the components.

All electrical, heating, ventilation, plumbing, and air-conditioning equipment, as well as other service facilities that provide service to the structure, must be elevated to or above the Base Flood Elevation or designed by a professional engineer or architect, licensed and registered in the State of Alaska, to prevent water from entering or accumulating within the components during flooding conditions.

Any new sanitary sewage system or well must be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into floodwaters. Tanks must have structural components capable of resisting the effects of buoyancy.

Any well casing top must be at or above the Base Flood Elevation and have a water tight seal. If it is below the Base Flood Elevation, a dome type cap with conduit seal for the wire must be used to ensure a water tight seal. Onsite septic, holding tanks, and water wells must be approved by the Alaska Department of Environmental Conservation (ADEC):

Alaska Department of Environmental Conservation
43335 Kalifornsky Beach Rd. - Suite 11
Soldotna, AK 99669-9792
(907) 262-5210/FAX (907) 262-2294

All fuel storage tanks shall be elevated above the Base Flood Elevation or made watertight and anchored to resist floatation, collapse, and lateral movement. The tank must also be installed within an impervious containment basin of a size sufficient to contain 110 percent of storage capacity plus 1 foot of freeboard.

No trees, fill or other material may be stockpiled in the regulatory floodplain.

Clearing may not increase runoff and erosion to such levels that it may significantly damage the floodplain function, riparian habitat or wetlands.

Fill may be placed on the property as indicated in the project description. Any fill placed on the property must allow for proper drainage and prevent runoff onto neighboring properties or rights-of-way. If placed around existing or proposed structure(s), the drainage path should direct waters away from the structure(s). Material must be properly sloped to reduce ponding on the property and neighboring properties. Fill must not be placed within the 50 foot Habitat Protection District, if applicable, unless the proper permits have been issued.

Required Additional Documentation

This permit constitutes authorization to proceed with the development activities described above. Your project is not in full compliance with KPB floodplain development regulations, however, until you have submitted the following documentation to confirm that your project was built as permitted and your final Floodplain Development Permit is issued. After construction is complete, you must submit

- a) an Elevation Certificate for each enclosed structure, and
- b) if there are any enclosed spaces below the BFE, documentation confirming that you have signed and recorded with the Borough Clerk a Non-Conversion Agreement acknowledging that enclosed spaces below the BFE will never be finished for human habitation and will only be used for storage, parking and/or access.

All required documentation must be submitted prior to the expiration of this permit.

Advisories

Federal regulation 44 CFR §59 states that this floodplain development permit is valid until the expiration

date above, provided that work on this project begins within 180 days of the issue date. If work does not begin within 180 days, this permit will expire at the end of that period and you will be required to resubmit your application.

KPB Chapter 21.06 states that all proposed construction or development in the flood hazard areas of the Kenai Peninsula requires that a floodplain development permit be secured prior to beginning any work. "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials. This also includes "substantial improvement" of existing structures, which is defined as improvements that total in value more than 50% of the structures pre-improvement value. Structures that are substantially improved or that suffer substantial damage (damage in excess of 50% of the structure's pre-damage value) must be brought into full compliance with current floodplain development regulations, regardless of when they were originally constructed.

All encroachments in the regulatory floodway, including fill, new construction, substantial improvements, and other development are prohibited unless certification by an engineer or architect, licensed and registered in the State of Alaska, is provided demonstrating, through hydrologic and hydraulic analyses, that these encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge. This certification is known as a conveyance calculation or a "no-rise" certification and must be submitted and verified before a floodplain development permit will be issued.

The permittee named above is responsible for the actions of the contractors, agents, and any other persons who perform work to accomplish the approved plan. For any activity that deviates from the approved plan, the permittee shall notify the River Center and obtain written approval before beginning the activity.

Compliance with the conditions and stipulations of all other necessary local, state and federal permits is required. The permittee is solely responsible for obtaining all necessary local, state, and federal permits before beginning work.

Flood information used to issue this permit is based on the regulatory Flood Insurance Rate Maps (FIRMs) for the Kenai Peninsula Borough. This permit does not imply the referenced project areas will or will not be free from flooding or damage. Larger floods can and will occur on rare occasions. This information does not create liability on the part of the Borough, its officers or employees, or the Federal Insurance Administration, for any damage that results from reliance on this information.

The KPB does not make any decisions or determinations regarding private disputes. It is the landowner's responsibility to know if their project complies with any additional private requirements. If within a Homeowners Association (HOA), it is recommended to contact the HOA for additional requirements and procedures. Private covenants, conditions, and restrictions are a civil matter and enforcement will not be done by the KPB.

Appeals

In accordance with KPB 21.20.250, you may appeal this decision within 15 days of the date of decision notice. Appeals must be filed with the Borough Clerk and by paying the filing, transcription, and records preparation fees in the amounts listed on the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees. Unless the borough and the appellant agree otherwise, or the hearing officer orders otherwise, the appellant must pay the borough for the preparation of the record and transcripts of the proceedings. The borough will notify the appellant of the total cost. The appellant must pay the fee for the record and transcript preparation within thirty days of the borough's notice of cost, otherwise the appeal may be dismissed.

Please contact me with any questions or modifications to the permitted project activities at 907-714-2460 or jhindman@kpb.us.

Sincerely,



Julie Hindman
Planner



FLOODPLAIN DEVELOPMENT PERMIT

6/15/2026

RC Number: 13825

Issued: 6/15/2026

Expires: Lifetime of Structure as Permitted

Dustin Wearly
1132 N 780 W
Clinton, UT 84015

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Floodplain Determination

Map Panel: 02122C-0240F
Effective Date: 2/28/2025
Flood Zone(s): Floodway, AE
Base Flood Elevation: 31.4 feet, NAVD 88

Project Description

Applicant requests to place ELP structures along the water and install a revetment project along a portion of the property. The ELP will include a 20 foot by 8 foot platform and a small set of upland stairs to provide access. The spruce tree revetment will be 63 feet along the property.

Permit Conditions

The proposed project and associated activities must comply with the following conditions in addition to all standards detailed in KPB Chapter 21.06. Development that occurs in the regulatory floodplain that does not comply with these conditions or the provisions of KPB 21.06 is prohibited and constitutes a

violation subject to enforcement under KPB 21.50. Each day a violation continues is a separate violation. In addition, this permit is only valid if all other federal, state and local permits are secured and if the project remains in full compliance with the regulations of those agencies.

Project activities may not cause an increase in the Base Flood Elevation or alter the course of a waterway. If your project causes a rise in the Base Flood Elevation or alters the waterway such that other properties are affected, you may be held liable for any damage.

No trees, fill or other material may be stockpiled in the regulatory floodplain.

Clearing may not increase runoff and erosion to such levels that it may significantly damage the floodplain function, riparian habitat or wetlands.

Elevated Light-Penetrating (ELP) structures must be designed and installed to meet the standards in KPB 21.18.071(A)(2). The structure must have a de minimus footprint, may not impede the flow of water, may not cause a rise in the Base Flood Elevation, will not encroach into the active channel, and will cause no change to the original bank cross section.

Elevated Light-Penetrating (ELP) structures must be properly anchored using “duck bill” earth anchors and removed seasonally. Please note that any ELP structures stored in the floodplain must still be securely and continuously anchored to resist flotation, collapse, or lateral movement during flood and ice-jam events.

The legs of Elevated Light-Penetrating (ELP) walkways and platforms may not be placed below Ordinary High Water, and must be placed on the bank. Note that a legally installed structure may become illegal due to naturally-occurring erosion or channel migration. The ELP and bank should be regularly evaluated to determine if the ELP should be moved back to keep legs out of the water and to remain in compliance.

The bank restoration project approved under this permit is within a special flood hazard area. Project features will be constructed within the current stream bank profile and will not encroach into the active channel such that the reconstructed areas will have the same cross section as the current shoreline and stream bank condition. No change to the original bank cross section will be made. Any planting required for the project will be appropriate for the bank and will not increase the assumed bank roughness used in modeling that created the floodway.

Installation and maintenance of the restoration project must follow the best management practices outlined in “Streambank Revegetation and Protection: A Guide for Alaska” published by the Alaska Department of Fish and Game. Copies of this manual are available at the River Center or online at <https://www.adfg.alaska.gov/index.cfm?adfg=streambankprotection.main>.

Required Additional Documentation

No additional documentation is required to complete the permitting process. River Center staff may request to perform a final inspection after work is complete.

Advisories

Federal regulation 44 CFR §59 states that this floodplain development permit is valid until the expiration date above, provided that work on this project begins within 180 days of the issue date. If work does not begin within 180 days, this permit will expire at the end of that period and you will be required to resubmit your application.

KPB Chapter 21.06 states that all proposed construction or development in the flood hazard areas of the Kenai Peninsula requires that a floodplain development permit be secured prior to beginning any work. "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials. This also includes "substantial improvement" of existing structures, which is defined as improvements that total in value more than 50% of the structures pre-improvement value. Structures that are substantially improved or that suffer substantial damage (damage in excess of 50% of the structure's pre-damage value) must be brought into full compliance with current floodplain development regulations, regardless of when they were originally constructed.

All encroachments in the regulatory floodway, including fill, new construction, substantial improvements, and other development are prohibited unless certification by an engineer or architect, licensed and registered in the State of Alaska, is provided demonstrating, through hydrologic and hydraulic analyses, that these encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge. This certification is known as a conveyance calculation or a "no-rise" certification and must be submitted and verified before a floodplain development permit will be issued.

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Please contact me with any questions or modifications to the permitted project activities at 907-714-2460 or jhindman@kpb.us.

Sincerely,

A handwritten signature in blue ink that reads "Julie Hindman". The signature is written in a cursive, flowing style.

Julie Hindman
Planner



ALASKA DEPARTMENT OF NATURAL RESOURCES

Division of Parks and Outdoor Recreation

Special Use Permit (11 AAC 18.010) - KRSMA Multiagency

ASP Number: 2603746 (State Assigned – Alaska State Park, Permit Number)

By the applicant signing the initial application, the applicant is accepting the terms and conditions of this permit.

APPLICANT INFORMATION

Full Name: Dustin Wearly

Company/Organization Name (if applicable): _____

Mailing Address: 1132 N 780 W

City: Clinton State: UT Zip Code: 84015

Email Address: dustinwearly@gmail.com

Phone (include area code): 801-564-5536

REQUESTED ACTIVITY:

Spruce Tree Revetment ~64 feet (full length of waterfront property)

See RC MAP below.

PERMIT AUTHORIZATION (for State use only, permit not valid unless signed by Authorized Officer)

☒ Permit authorized as requested in application section above OR

☐ Permit authorized with the following changes to the requested activities:

The Director of DPOR has reviewed this application in the context of:

☒ The applicable Management Plan: Kenai River Comprehensive Management Plan Adopted (date): Dec 1997

☐ No Management Plan applies.

11 AAC 18.025(c) and the following:

☒ (1) Park facilities and natural and cultural resources will not be adversely affected;

☒ (2) The state park is protected from pollution;

☒ (3) Public use values of the state park will be maintained and protected; and

☒ (4) The public safety, health, and welfare will not be adversely affected.

Reviewing the management plan – if one applies – and 11 AAC 18.025(c), the Director of DPOR has determined that this permit and the activities associated under this permit are consistent with 11 AAC 18.025 and 11 AAC 18.030. By the Authorized Officer (AO) signing below affirms this decision. Therefore, the permit is granted, subject to any special stipulations outlined below.

Application Fee: \$100 Permit Fee: \$100 (per 11 AAC 05.170 and Director's Order)

Permit Term: Lifetime of structure/project as permitted

Leah Goodrich Digitally signed by Leah Goodrich
Date: 2026.06.16 13:23:24 -08'00'

6/16/2026

Authorized Officer Signature

Date Issued



ALASKA DEPARTMENT OF NATURAL RESOURCES
Division of Parks and Outdoor Recreation
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Date: 2026.06.16 13:23:24 -08'00'

6/16/2026

Authorized Officer Signature

Date Issued

PROJECT QUESTIONS:

1. Start date: 7/1/26 End date: _____ Estimated Days of Construction: ☐ Yes ☒ No

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: dir.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.): \$ unknown

Excavation, Dredging, and Fill:

9. Will material be excavated or dredged from the site? ☐ Yes ☒ No

a. Type of material(s): _____

b. Area to be dredged below OHW or MHW:

Length: _____ (ft) Width: _____ (ft) Depth: _____ (ft) Total Cubic Yards: _____

c. Area to be excavated above OHW or MHW:

Length: _____ (ft) Width: _____ (ft) Depth: _____ (ft) Total Cubic Yards: _____

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): pit run dirt/gravel, D1 gravel, type P paper

b. Is this fill permanent or temporary? ☒ Permanent

c. Area to be filled above OHW or MHW: ☐ Temporary

Length: 20 (ft) Width: 30 (ft) Depth: 3 (ft) Total Cubic Yards: 67

d. Area to be filled below OHW or MHW:

Length: _____ (ft) Width: _____ (ft) Depth: _____ (ft) Total Cubic Yards: _____

Motorized Equipment:

11. Will you be using motorized equipment for this project? If yes, please list all equipment: ☒ Yes ☐ No

dump truck & bobcat

a. Will you be crossing a stream or waterbody? ☐ Yes ☒ No

b. How long will equipment be used below OHW or MHW? est. less than 1 week

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 KPBS 5.12 Real Property and Personal Property Taxes, KPBS 5.14 Habitat Protection Tax Credit, and other applicable federal, state, and local regulations.

[Signature]
Owner Signature (required)

MAY 28, 2026
Date

Agent Signature (if applicable)

Date

**Multi-Agency Kenai River Special Use Permit Stipulations
Alaska State Parks**

- 1. Tracked and Wheeled Equipment.** There shall be no tracked or wheeled equipment in the Kenai River. All work must be conducted at low water when the work area is completely dewatered under an issued Special Use Permit.
- 2. Pilings and Walkway Supports.** No permanent pipes or pilings shall be driven into the streambed of the Kenai River. No pilings or walkway supports shall be placed below the ordinary high-water line or in the riverbed. Walkways can cantilever no more than 12 inches over the water.
- 3. Spruce Tree Revetment.** Spruce tree revetment must follow the contour of the existing bank and be placed in an undulating fashion to provide fish habitat.
 - (a) Spruce trees installed shall be held in place using duck-billed earth anchors and cable driven into the riverbank. The trees shall overlap 1/2 to 1/3 the length of the trees (in shingle fashion) with the trunk ends facing upstream. Limbs and branches shall not be removed from the trees prior to installation.
 - (b) Duck-billed earth anchors shall be driven into the riverbed to anchor the spruce trees. If the cabled spruce tree revetments are not maintained and deteriorate, all cables and anchors that remain below ordinary high water must be removed.
- 4. Dock Materials.**
 - (a) No wood materials shall be treated with preservatives containing creosote or pentachlorophenol. Any other wood preservative shall be applied through pressure treatment rather than surface painting.
 - (b) Flotation materials must be made of substances that will not absorb water or sink. If Styrofoam is used, a durable outer containment liner shall be used to encapsulate the Styrofoam.
- 5. Seasonally Removed.** The stairs, walkways, and floating dock with gangway must be removed each season between October 31 to April 15.
- 6. Authorized Officer.** The Authorized Officer (AO) for the State of Alaska (State), Department of Natural Resources (DNR), Division of Parks and Outdoor Recreation (DPOR), is the Deputy Director or designee. The AO reserves the right to modify these stipulations or use additional stipulations as deemed necessary. The Permittee will be advised before any such modifications or additions are finalized.
- 7. Suspension and Revocation of this permit by the State.** Failure to abide by any part of this use permit, to comply with any of the general or special stipulations, or the willful violation of any state regulation may result in immediate suspension or revocation of this permit and may result in the denial of future permits.
- 8. Revocable at will.** This permit may be revoked at any time at the discretion of the director or his/her designee without compensation to the Permittee or liability to the State.
- 9. Preferential Rights.** No preferential rights to additional services of a proprietary interest right in the lands are attached to this permit.
- 10. Indemnification.** The Permittee shall indemnify, hold harmless, and defend the State, its officers, agents, and employees from liability of any nature or kind, including costs and expenses for or on account of all legal actions or claims of any character whatsoever resulting from injuries or damages sustained by any person or persons or property as a result of any error, omission, or negligent act of the Permittee relating to this permit.
- 11. Repair of Damage.** The Permittee shall be liable for the repair of any damage to land, facilities, or resources resulting from the activities of the Permittee, his/her agents, employees, or clients.
- 12. Lawful Operations / Documentation.** This permit authorizes activities only on the specific park lands and waters listed on this permit. It does not grant permission to use private, federal, native, municipal, or other lands not listed on this permit. The Permittee is responsible for ensuring all activities occur within the authorized areas and for complying, at their own expense, with all applicable laws. This includes obtaining all required local, state, and federal licenses, permits, tags,

**Multi-Agency Kenai River Special Use Permit Stipulations
Alaska State Parks**

- 23. Wildlife Interactions.** No wildlife species will be baited, harassed, or approached closely enough to disrupt the animal's natural activity or to endanger human life except for legal hunting and fishing.
- 24. Refuse and Waste.**
- (a) No person may bring waste or refuse from household, commercial, industrial, or construction activities into a state park for disposal.
 - (b) No person may place waste or refuse in state park water, or on land or water capable of contaminating state park water.
 - (c) Unless it is deposited in a park waste receptacle, waste or refuse created in the course of activities in a state park must be removed from the state park by those responsible for its creation.
 - (d) The provisions of this section do not apply to animal waste normally discarded by hunters, trappers, or fishermen in the course of legal hunting, trapping, or fishing, except that waste must not be left within 100 feet of a trail, road, or developed facility.
- 25. Site Disturbance.** Site disturbance shall be kept to a minimum to protect local habitats. All activities at the site shall be conducted in a manner that will minimize the disturbance of soil and vegetation and changes in the character of natural drainage systems.
- (a) Brush clearing is prohibited unless specifically authorized by this permit. If authorized, brush clearing should be kept to the minimum necessary. Removal or destruction of the vegetative mat is not authorized under this permit.
 - (b) Establishment of, or improvements to, landing areas (i.e., leveling the ground or removing or modifying a substantial amount of vegetation) is prohibited.
 - (c) Attention must be paid to prevent pollution and siltation of streams, lakes, ponds, wetlands, and disturbances to fish and wildlife habitats.
- 26. Aesthetics.** The Permittee shall protect the scenic aesthetic values of the area under this permit and the adjacent land, as far as possible, while conducting activities authorized under this permit.
- (a) Any portion of the permitted project and attached structures that collapse into the Kenai River due to natural erosion or structural deterioration shall be immediately removed.
- 27. Fuel and Hazardous Substances.** Fuel and hazardous materials/substances may not be stored at the site without prior written approval.

Appeals

An eligible person affected by this decision may appeal to the DNR Commissioner per AS 44.37.011 and 11 AAC 02. Any appeal must be received within twenty (20) calendar days after issuance of this decision under 11 AAC 02.040. An eligible person must first appeal a decision to the Commissioner before seeking relief in superior court. The Alaska Court System establishes its own rules for timely appealing final administrative orders and decisions of the department.

Appeals may be mailed or hand-delivered to the DNR Commissioner's Office, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska, 99501; or faxed to (907)-269-8918; or sent by electronic mail to dnr.appeals@alaska.gov. Appeals must be accompanied by the fee established in 11 AAC 05.160(d)(6), which has been set at \$200 under the provisions of 11 AAC 05.160 (a)-(b). A .pdf or print copy of 11 AAC 02 may be obtained by contacting DNR's Appeals Program via phone at (907) 269-3565, via email at dnr.appeals@alaska.gov, and is also available on the department's website at <https://dnr.alaska.gov/mlw/pdf/DNR-11-AAC-02.pdf>.