E. NEW BUSINESS

ITEM E2 – CONDITIONAL USE PERMIT
PC RESOLUTION 2022-14
APPLICANT: HARVEST ALASKA, LLC

Conditional Use Permit
Anadromous Waters Habitat Protection District
Staff Report

KPB File No.	**2022-14**
Planning Commission Meeting:	**April 11, 2022**
Applicant	**Harvest Alaska LLC**
Mailing Address	**3800 Centerpoint Dr Suite 1400**
	Anchorage, AK 99503
Legal Description	**T 12N R 11W SEC 25 SEWARD MERIDIAN AN 0001865 US SURVEY 1865 THAT PORTION OF SEC 25 LYING WITHIN USS 1865 MOQUAWKIE INDIAN RESERVATION** **T 12N R 11W SEC 25 SEWARD MERIDIAN AN 0001865 US SURVEY 1865 THAT PORTION OF SEC 25 LYING WITHIN USS 1865 MOQUAWKIE INDIAN RESERVATION**
Physical Address	**None**
KPB Parcel Number	**211-070-02**

Project Description

Pursuant to KPB 21.18, a Conditional Use Permit is sought for the construction of a 250-300 foot root wad diversion structure within the 50-foot Habitat Protection District of the Chuitna River, as established in KPB 21.18.040.

Background Information

The applicant operates the Beluga Pipeline (BPL), a 16-inch gas pipeline located on the West Side Cook Inlet. During a routine fly-over in late summer 2020, the applicant discovered a 150-ft section of exposed pipe at the Chuitna River crossing. The previously buried pipe has washed out over time as the flow path of the Chuitna River has shifted. This appears to be the result of a large log jam blocking the original flow path, creating an oxbow over the pipeline.

To correct the current exposure and prevent future issues, the applicant proposes removing the log jam and reactivating the original channel, constructing a diversion structure to divert any remaining flow from the oxbow back to the main channel, armoring the pipeline and restoring depth of cover. The diversion structure would be composed of root wads, logs collected adjacent to the oxbow and from other sources, sand/gravel, and salvaged native vegetation (willow and alder). The root wad structure would be constructed to mimic natural conditions to entrap sediment and provide enhanced fish habitat. Following this effort, the applicant proposes monitoring the project area to evaluate its stability over time and identify any additional interventions that may prevent future pipeline exposures.

Project Details within the 50-foot Habitat Protection District

1. Approximately 2,425 cubic yards of sediment will be excavated from the historic channel to redirect the flow of water away from the exposed pipeline.

2. A temporary diversion structure will also be installed to direct any remaining flows away from the pipeline and toward the newly excavated channel. This temporary structure will be removed once the project is complete.
3. After de-watering, the pipeline will be armored with approximately 400 biodegradable bags of Seacrete, and then backfilled with the sediment excavated from the historic channel.
4. Root wads will be sourced from existing log jams and used to construct an approximately 250-300 foot-long root wad revetment that will be backfilled with on-site sand and gravel.
5. The surface of the revetment structure will be covered with vegetative mat and replanted with willow and alders harvested from nearby gravel bars.

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 transportation and utility infrastructure 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 installation of the root wad diversion will prevent future exposure of the pipeline.
7. Vegetative mat will be placed on top of the root wad diversion and staked with live alder and willow plantings.
8. Pursuant to KPB 21.06.081(D)(3), the proposed work will occur on the applicant's property and shall not have an adverse effect on adjoining properties.
9. Kenai Peninsula Borough Planning Commission Resolution 2015-35 defines water-dependent as:
   "…a use or structure located on, in or adjacent to water areas because the use requires access to the waterbody. The definition is applicable to facilities or activities that must be located at or near the shoreline and within the 50-foot buffer. An activity is considered water dependent if it is dependent on the water as part of the intrinsic nature of its operation. Examples of water dependent facilities may include, but are not limited to, piers, boat ramps, and elevated walkways."
10. While utility services are not a water-dependent use as described in Resolution 2015-35, they are listed as a permissible Conditional Use under KPB 21.18.081(B)(5).
11. The River Center found the application complete and scheduled a public hearing for April 11, 2022.
12. Agency review was distributed on March 28, 2022. No comments or objections have been received from resource agencies to date.
13. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on March 28, 2022. A total of 2 mailings were sent. Comments not received.
14. Pursuant to KPB 21.11.020, public notice was published in the Peninsula Clarion on March 31, 2022 and April 7, 2022.
15. 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 Chuitna River.

2. The root wad revetment 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 one calendar year 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 1-4 and Findings 6-7 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 1-7, 9-14 appear to support this standard.**
3. The development of the use or structure shall not physically damage the adjoining property; **Finding 8 appear to support this standard.**
4. The proposed use or structure is water-dependent; **Findings 9-10 appear to support this standard.**
5. Applicant's or owner's compliance with other borough permits and ordinance requirements. **Finding 15 appears to support this standard.**

Attachments

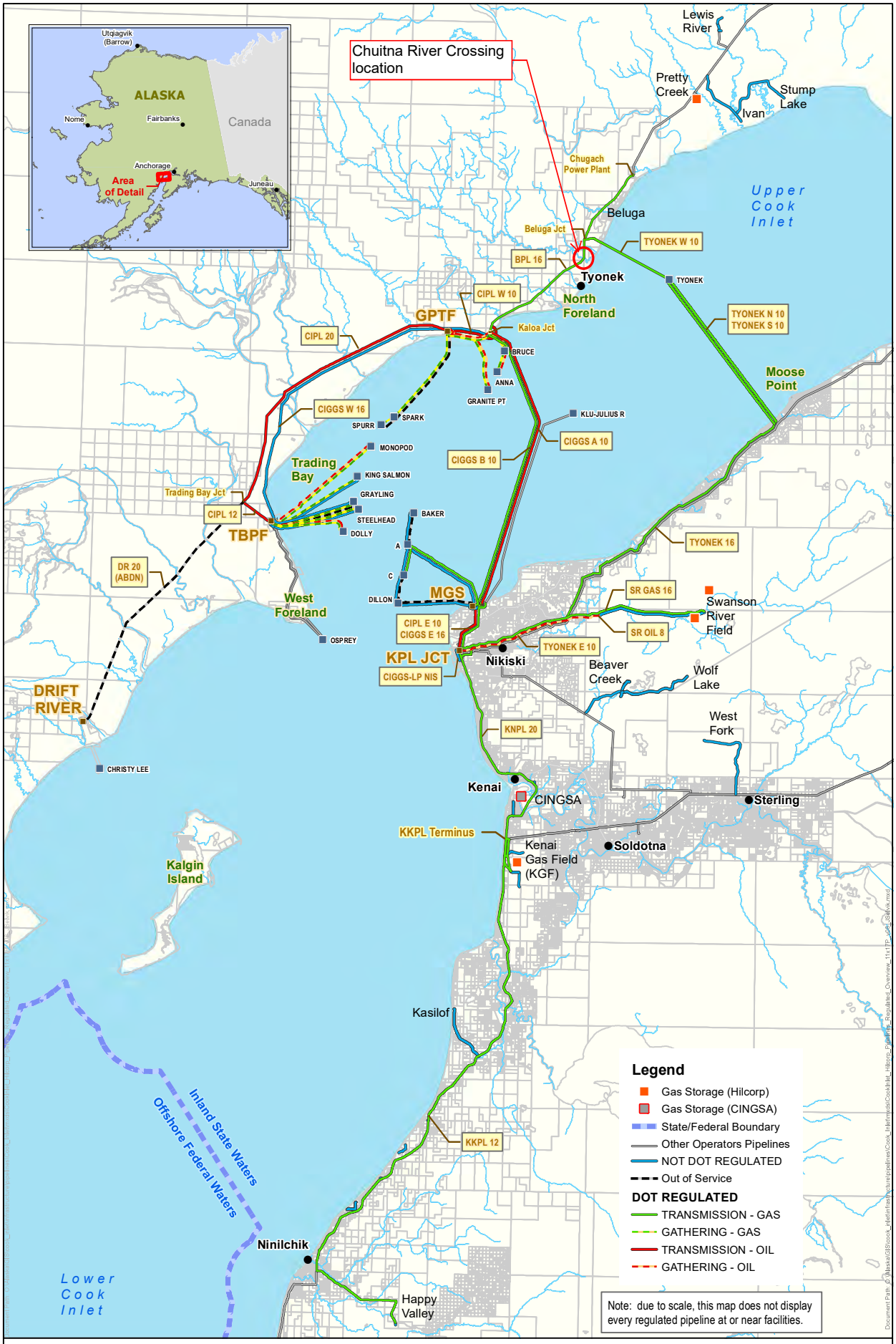
Vicinity Maps
Multi-Agency Application
ADFG Permit 20-V-0205AIII
Draft Resolution 2022-14

Recommendation

Based on the findings, staff finds that the proposed project meets the five general standards of KPB 21.18.081 and recommends that the Planning Commission grant a Conditional Use Permit for the proposed project details subject to conditions set forth in 2022-14.

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



HARVEST ALASKA

Map Date: 7/7/2020

Hilcorp Alaska, LLC
DOT Regulated Pipelines Overview
Cook Inlet, Alaska

0 2 4 6 8 10 Miles

N

HPC PODS CENTERLINE: BELUGA 16" PIPELNE CENTERLINE

GN

BPL 16" Chuitna River Crossing
Drone Imagery with 2012 QSI Imagery Background

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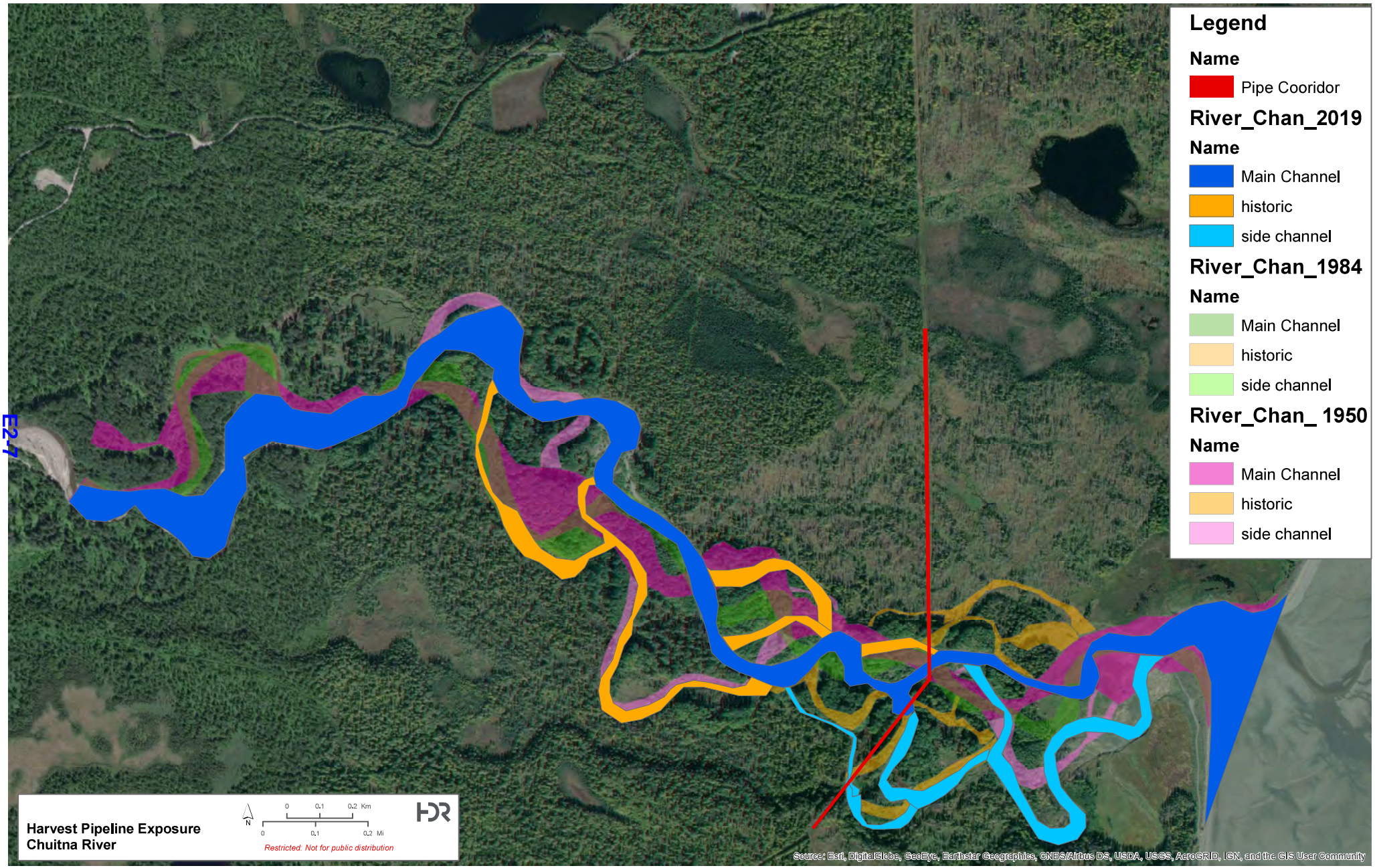
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Main Channel
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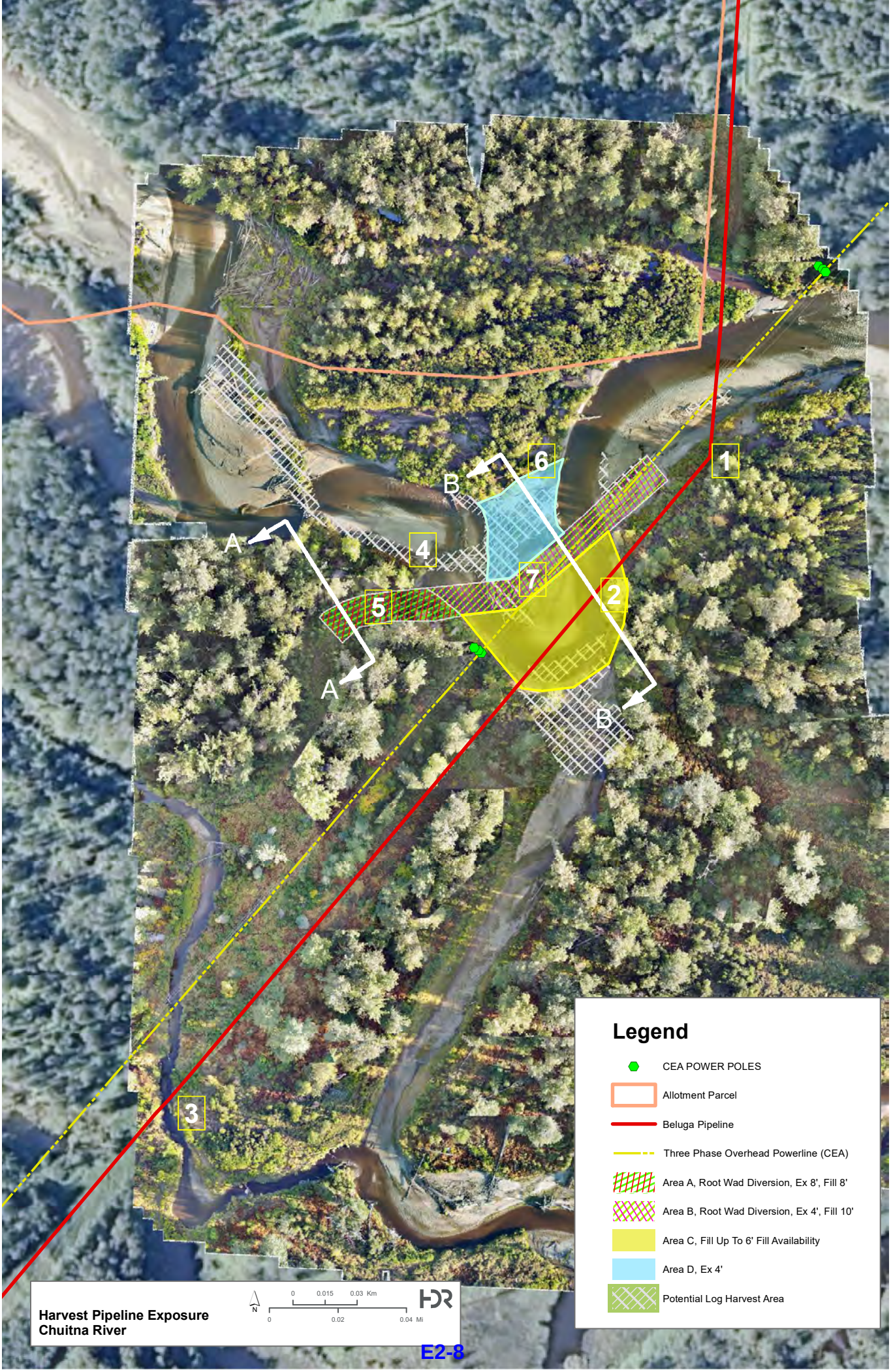
E2.1
Harvest Pipeline Exposure
Chuitna River
N
0 0.1 0.2 Km
0 0.1 0.2 Mi
Restricted: Not for public distribution
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community


1
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A
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B
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Legend
CEA POWER POLES
Allotment Parcel
Beluga Pipeline
Three Phase Overhead Powerline (CEA)
Area A, Root Wad Diversion, Ex 8', Fill 8'
Area B, Root Wad Diversion, Ex 4', Fill 10'
Area C, Fill Up To 6' Fill Availability
Area D, Ex 4'
Potential Log Harvest Area
Harvest Pipeline Exposure
Chuitna River
N
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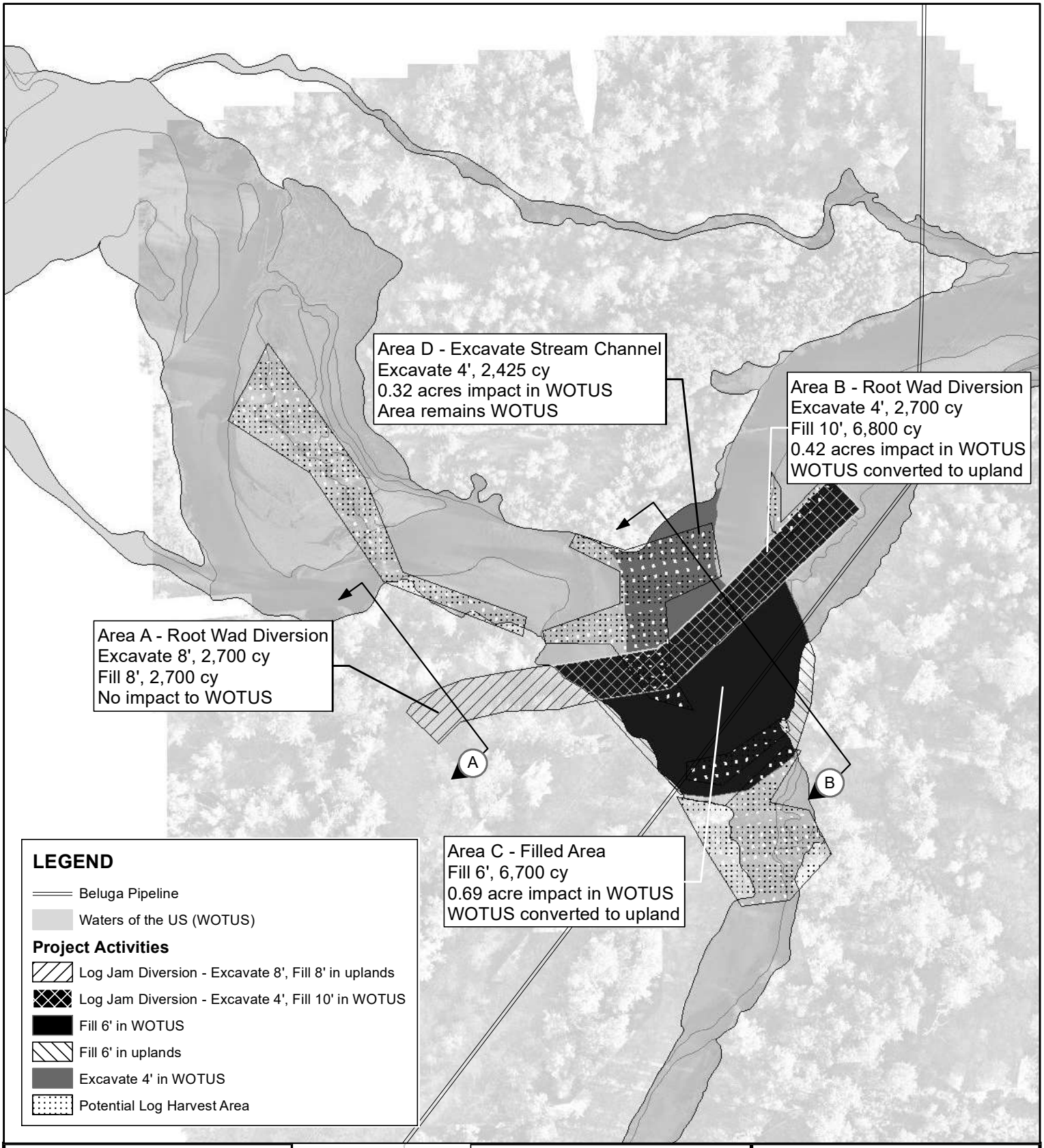
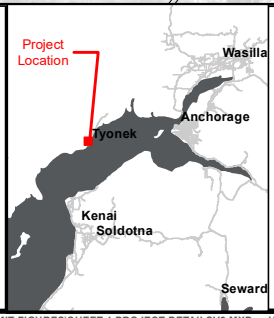
0 0.02 0.04 Mi
HDR



PROJECT DETAILS

Beluga Pipeline Log Jam Removal and Pipeline Maintenance Project



0 50 100 200 Feet

APPLICANT: Harvest Alaska, LLC

FILE NO: POA-1989-00589

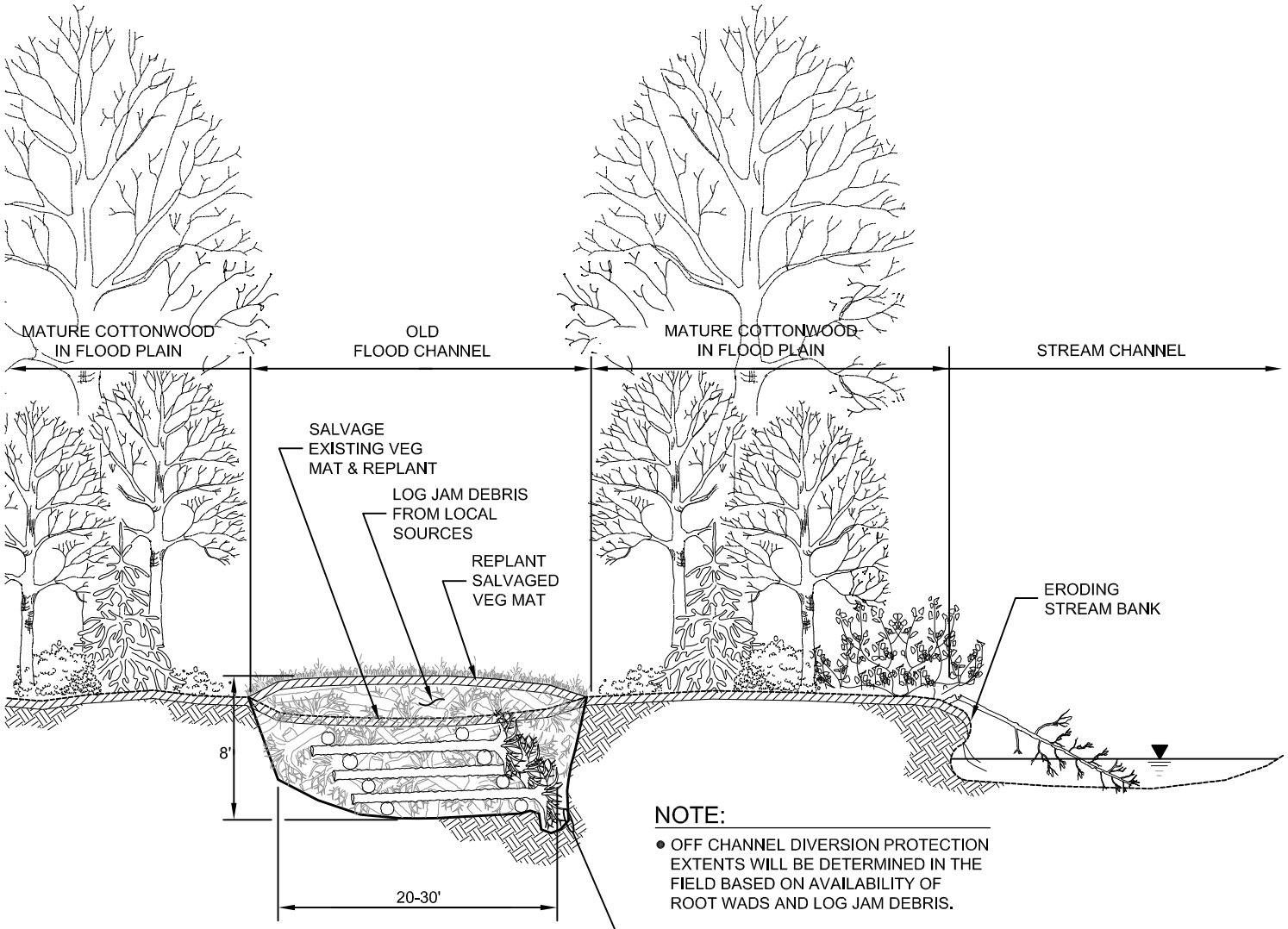
WATERWAY: Chuitna River

LOCATION: Tyonek, Alaska
Section 25, T. 12 North, R. 11 West, Seward Meridian

LATITUDE: 61.0953° North LONGITUDE: 151.1355° West

SHEET 1

PATH: O:\460362 HILCORP\255315 HILCORP - KALOTSA\GIS\WORKING\MS\PERMIT FIGURES\SHEET 1 PROJECT DETAILSV2.MXD - USER: MSALWAY - DATE: 5/11/2021



- REMOVE EXISTING VEG MAT
- EXCAVATE TRENCH
- CONSTRUCT ROOT WAD REVETMENT LATTICE
- BACKFILL WITH EXISTING LOG JAM DEBRIS
- BACKFILL WITH FLOOD PLAIN SAND & GRAVELS
- REPLACE VEG MAT

NOTE:

- OFF CHANNEL DIVERSION PROTECTION EXTENTS WILL BE DETERMINED IN THE FIELD BASED ON AVAILABILITY OF ROOT WADS AND LOG JAM DEBRIS.
- ROOT WAD REVETMENT STRUCTURE PLACED AT RIGHT ANGLES TO EXISTING STREAM BANK. BACK FILL WITH TANGLED LOG JAM DEBRIS AND BACK FILL WITH EXCAVATED MATERIAL.
- CONSTRUCT ROOT WAD REVETMENT STRUCTURE AS DESCRIBED IN THE ADF&G STREAM BANK REVEGETATION PROTECTION GUIDE FOR ALASKA 2005

VIEWED LOOKING UPSTREAM
NOT TO SCALE

SECTION A

Beluga Pipeline Log Jam Removal and Pipeline Maintenance Project

APPLICANT: Harvest Alaska, LLC

FILE NO: POA-1989-00589

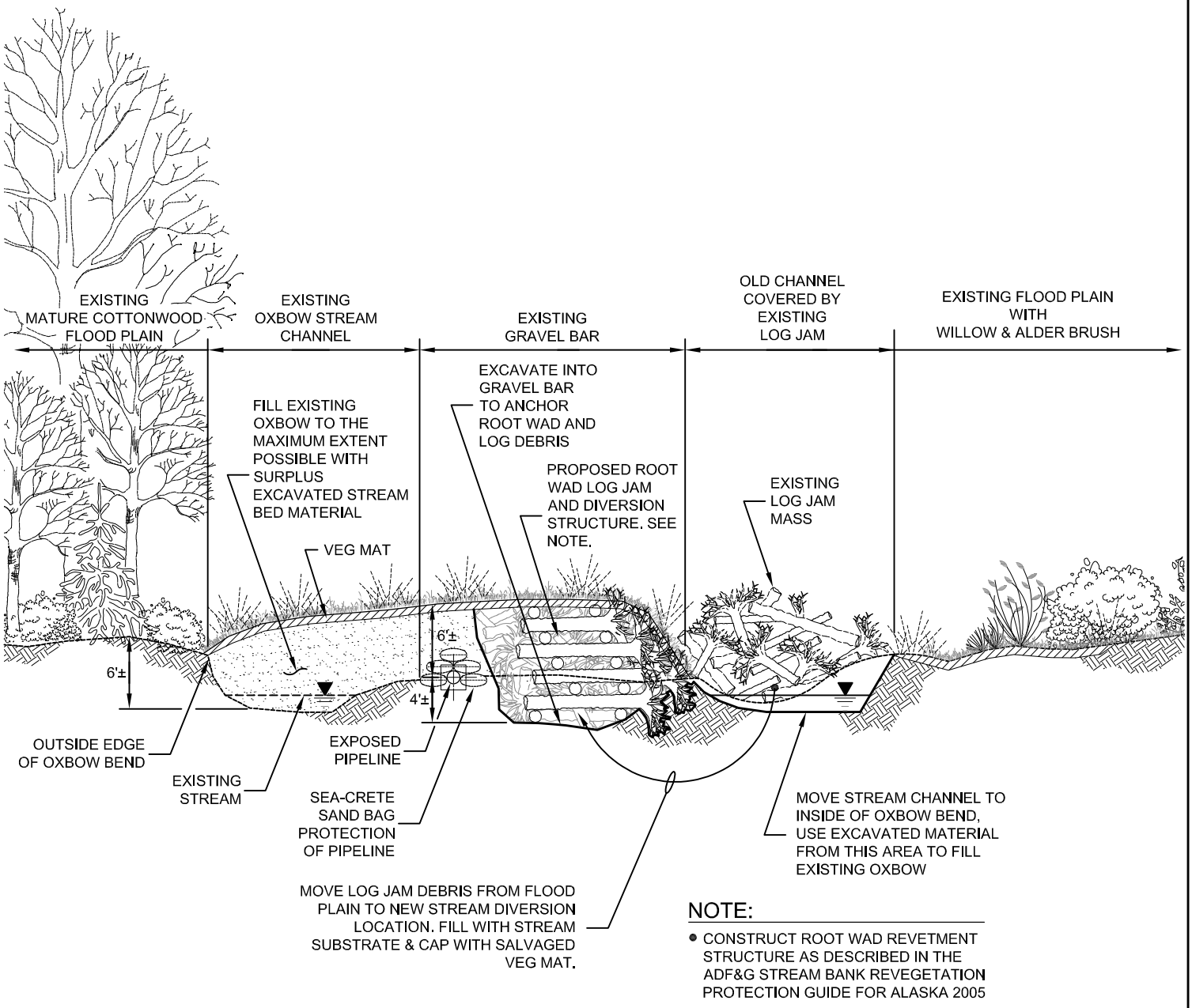
WATERWAY: Chuitna River

LOCATION: Tyonek, Alaska
Section 25, T. 12 North, R. 11 West, Seward Meridian

LATITUDE: 61.0953° North LONGITUDE: 151.1355° West

SHEET 2

PATH: O:\460362 HILCORP\255315 HILCORP - KALOTSA\GIS\WORKING\MS\PERMIT FIGURES\SHEET 2 SECTION A-A.MXD - USER: MSALWAY - DATE: 4/12/2021



NOTE:

- CONSTRUCT ROOT WAD REVETMENT STRUCTURE AS DESCRIBED IN THE ADF&G STREAM BANK REVEGETATION PROTECTION GUIDE FOR ALASKA 2005

VIEWED LOOKING UPSTREAM
NOT TO SCALE

SECTION B

Beluga Pipeline Log Jam Removal and Pipeline Maintenance Project

APPLICANT: Harvest Alaska, LLC

FILE NO: POA-1989-00589

WATERWAY: Chuitna River

LOCATION: Tyonek, Alaska
Section 25, T. 12 North, R. 11 West, Seward Meridian

LATITUDE: 61.0953° North LONGITUDE: 151.1355° West

SHEET 3

PATH: O:\460362 HILCORP\255315 HILCORP - KALOTSA\GIS\WORKING\MS\PERMIT FIGURES\SHEET 3 SECTION B-B.MXD - USER: MSALWAY - DATE: 4/12/2021

Beluga Pipeline
Chuitna River Log Jam Removal and Pipeline Maintenance
Project Description

February 2022 – Revision 4

Harvest Alaska, LLC
3800 Centerpoint Dr. Suite 1400
Anchorage, Alaska 99503

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Attachment 1 Beluga Pipeline Log Jam Removal and Pipeline Maintenance Project Sheets 1-3

ACRONYMS AND ABBREVIATIONS

ADF&G	Alaska Department of Fish and Game
ADNR	Alaska Department of Natural Resources
AHRS	Alaska Heritage Resources Survey
BIA	Bureau of Indian Affairs
BPL	Beluga Pipeline
CIRI	Cook Inlet Region, Inc.
DMLW	Division of Mining, Land and Water
Harvest	Harvest Alaska, LLC
KPB	Kenai Peninsula Borough
KRC	Kenai River Center
NWP	Nationwide Permit
ROW	right-of-way
SHPO	State Historic Preservation Office
TNC	Tyonek Native Corporation
TWUA	temporary water use authorization
USACE	United States Army Corps of Engineers

1.0 Introduction

Harvest Alaska, LLC (Harvest) operates the Beluga Pipeline (BPL), a 16-inch gas pipeline located on the West Side Cook Inlet, between Kaloa Junction and Beluga Junction (Figure 1). During a routine fly-over in late summer 2020, Harvest discovered a 150-ft section of exposed pipe at the Chuitna River crossing (Figure 2). The previously buried pipe has washed out over time as the flow path of the Chuitna River has shifted. This appears to be the result of a large log jam blocking the original flow path, creating an oxbow over the pipeline (Photo 1). The exposed pipe is located within Section 25, Township 12N, Range 11W, Seward Meridian.

Photo 1. Exposed Beluga Pipeline in Chuitna River; photo taken facing east on July 17, 2020. Blue arrow depicts the original river channel.

The Chuitna River flows within a broad, flat floodplain and has shifted numerous times due to flooding, sediment deposition, and log jams. Figure 3 depicts historic channels the Chuitna River has taken over the past 70 years based on aerial imagery. At the time of installation, the pipeline was buried 10 feet below ground surface at the main stream crossing and had less depth of coverage moving to the south where the current channel runs and the exposure is located.

To correct the current exposure and prevent future issues, Harvest proposes removing the log jam and reactivating the original channel, constructing a diversion structure to divert any remaining flow from the oxbow back to the main channel, armoring the pipeline and restoring depth of cover. The diversion structure

would be composed of root wads, logs collected adjacent to the oxbow and from other sources, sand/gravel, and salvaged native vegetation (willow and alder). The root wad structure would be constructed to mimic natural conditions to entrap sediment and provide enhanced fish habitat. Harvest would inspect then armor the exposed segment of pipeline during project implementation. This effort is described in more detail in Section 2.0.

Following this effort, Harvest proposes monitoring the project area to evaluate its stability over time and identify any additional interventions that may prevent future pipeline exposures.

2.0 Description of Project Activities

Harvest submitted initial permit applications for this project in December 2020 and, since that time, has submitted several updates of proposed activities to the stakeholders. Some of the permitted activities have already been conducted, as described in Section 2.1, and the remaining proposed activities and schedule have been modified/updated to account for challenges in project execution.

2.1 Completed Project Activities

- Initial Log Jam Removal – Starting on August 30, 2021, Harvest performed an initial log jam removal to begin reactivation of the original river channel. This work was successfully conducted without the use of heavy equipment, mainly utilizing chainsaws and winches.

- In River Work Attempt – Due to an unusually long and heavy rainy season, Harvest was not able to attempt the main in river work until early winter once river flows had stabilized. On November 29, 2021, Harvest unsuccessfully made a first attempt to execute the project. The winter conditions at that time proved to be significantly more challenging than anticipated.

2.2 Schedule

Harvest proposes completing the remaining work during the 2022 "Fish Window" of May 15th – July 15th, if possible, depending on flow conditions (low flow conditions are preferred). If project timing is delayed into winter season and conditions allow, Harvest may need to conduct winter construction. Monitoring will be performed annually thereafter to evaluate the continued effectiveness of the diversion structure and identify conditions that may lead to future line exposures.

2.3 Site Access

There are several options for access to the exposed pipe location. Harvest may use the existing pipeline right-of-way (ROW) from Beluga Junction (travel south from Beluga Junction to the exposed pipe location, refer to Figure 1). Outreach with Tyonek Native Corporation has indicated that there are existing access roads from the north end of the Tyonek runway to the river. This would serve as an alternative access route.

2.4 Log Jam Removal, Channel Reactivation, and Temporary Diversion

Figure 4, Area D shows the main location identified for log jam removal, the majority of which was completed late summer 2021. Once the log jam is removed, this channel will be excavated to reactivate the original flow path of the river. This work will be conducted using excavators, winches, and chainsaws and will be performed to prevent any fish entrapments and to promote fish habitat and passage.

If necessary, a temporary diversion structure will be deployed to redirect any remaining flow from the oxbow to the newly reactivated river channel. Any substantial water remaining in the oxbow will be transferred back into the main river system. Please see Section 4.0 Dewatering for details. Before any dewatering event, a survey will be conducted, and all identified fish will be manually transferred to the main river system. Fish screens will be used on all intake hoses.

Once the permanent diversion structure is complete all temporary structures will be removed.

2.5 Pipeline Inspection, Repair, and Armoring

Harvest will conduct an inspection of the exposed section of pipeline and make any repairs as required. Once pipeline integrity has been confirmed, sandbags will be positioned to serve as armoring for the pipeline as shown in Attachment 1 Sheet 2. Harvest estimates the use of approximately 22 cubic yards of sand in 50-pound sandbags (an estimated 400 sandbags). The approximate footprint will be 2 feet wide by 150 feet long. Dewatering may be required to provide access to the pipeline to perform this work.

2.6 Log Harvesting & Diversion Structure Construction

Figure 4 shows the proposed activities associated with log removal and construction of a diversion structure. The following notes are associated with the numbers shown on the figure. Attachment 1 Sheets 1-3 show the design details and cross sections for the proposed diversion structure.

1. The bend in the pipeline just northeast of the exposure site is the approximate location where the pipeline burial depth changes from 10 feet deep (for the stream crossing) to shallower depth. The shallower burial has resulted in the pipeline exposure as the river erodes into the floodplain gravels to the south.
2. The exposure site cuts across a tight bend that is in the process of eroding south.
3. There is a side channel south of the exposure site that is already receiving significant flows. Any log jam located at the beginning of this channel should not be disturbed to avoid increasing flow over the pipeline farther to the south.
4. Harvest would collect logs from as many log jams as possible along the river near the project area, excluding from the Native Allotment Parcel north of the project area and as shown conceptually on Figure 4, for use as erosion protection. Additional logs and vegetative material may be sourced from other nearby upland sites, if needed.
5. Harvest would dig a trench back from the bluff on the south side of the bend immediately upstream, construct a root wad revetment lattice, fill with log jam debris, backfill with excavated sand and gravel, and replace the vegetative mat (Attachment 1 Sheet 2). This would allow the stream to continue to erode the outside of this bend until it gets to this off channel protection. Allowing the river to erode and increase the radius of this bend would help dissipate the stream's power and further protect the diversion structure downstream. This option constructs this trench in a recently abandoned channel, thereby avoiding cutting trees that are already providing erosion protection.
6. Harvest would excavate to re-establish the partially blocked channel on the inside of the oxbow immediately north of the exposure site.
7. Harvest would construct a root wad log jam and diversion structure to cut off the exposure site oxbow (Attachment 1 Sheet 3). The root wad revetment structure would allow capture of additional floating debris and sediment to create additional protection and provide enhanced fish habitat along the streambank. Harvest would fill the structure with log jam debris, backfill with excavated sand and gravel, and top the structure with vegetative mat and replanted willow and alder harvested from the gravel bars. As proposed, the portion of the diversion structure located within the river channel

would cover an area of approximately 0.42 acres and would require an estimated 6,800 cubic yards of material placement.

The logs would be moved using an excavator, winches, and chainsaws. Logs would be temporarily placed outside of the riverbed after they were removed from the stream. Harvest proposes using two excavators to minimize the amount of in-water work and stream crossings that would be needed to construct the diversion structure by keeping the excavators on the riverbank and gravel bars as much as practicable. Once the stream diversion is complete, Harvest would use material from the excavated stream channel and adjacent gravel bar to cover the exposed pipeline.

3.0 Fuel Storage

Fuel will be required for this project. Approximately 300 gallons of diesel fuel will be stored in a tracked fuel tank or on a spill guard for heavy equipment refueling. In addition, 55 gallons of gasoline will be supplied in the field to fuel gas-powered tools.

All fuel and hazardous liquids will be stored in secondary containment capable of capturing the full liquid volume, plus 10 percent, and will be positioned more than 100 feet from any water body. All containers will be clearly marked with manufacturer's labels or in permanent ink with its contents. At least one spill kit capable of cleaning up a 5-gallon fuel spill will be maintained at the work site throughout the project and on each piece of heavy equipment. Secondary containment (e.g., duck ponds, drip pans) will be placed under vehicles and heavy equipment when topping off fluids and when left parked. All fluid transfers will be monitored for the duration of the transfer, and no liquid transfers or fueling will be conducted within 500 feet of streams. Garbage, trash, and other wastes will be stored in covered containers and disposed of at an approved site in accordance with local, state, and federal regulations.

4.0 Dewatering

Depending on river levels at the time of execution and the efficacy of channel reactivation, the use of a temporary diversion structure and dewatering may be necessary to remove water from the oxbow and allow access to the pipeline for inspection and armoring. Dewatering will be performed in accordance with the Alaska Pollutant Discharge Elimination System (APDES) Statewide Oil and Gas Pipelines General Permit and comply with the APDES Permit requirements and the *Harvest Pipeline System Cook Inlet Area Best Management Practice Plan for Discharges and Disposals under Alaska Department of Environmental Conservation General Permit for Statewide Oil and Gas Pipelines* (BMP Plan). Dewatering will also be conducted in accordance with the Temporary Water Use Authorization (TWUA) obtained from the Alaska Department of Natural Resources (ADNR).

A 4-inch pump, 6-inch pump, or a combination of the two, will be used to dewater and maintain access to the pipeline. Dewatering efforts are expected to last up to 240 hours. Maximum pump rates are 1,500 gal per minute (gpm) for the 6-inch pump and 580 gpm for the 4-inch pump. Assuming both pumps run at maximum rate for 24 hours per day, a maximum daily withdrawal amount of 2,995,200 gallons (gal) is proposed. An estimated project maximum of 29,952,000 gal is proposed, based on maximum pump rates for ten 24-hour days. Dewatering discharge will occur within or adjacent to the ROW.

There are no ADEC-identified contaminated sites or contaminated groundwater plumes within 1,500 ft. of the proposed location.

4.1 Location of Discharge

Depending on the location, dewatering discharge will be routed back into the main river system or to freshwater forested/shrub wetlands adjacent to the oxbow which will eventually drain back into the main river system.

4.2 Discharge Flow Rates

Maximum anticipated discharge flow rate: 2,995,200 gallons per day

Average anticipated discharge flow rate: 500-50,000 gallons per day (based on actual typical project discharge volumes)

Total anticipated discharge: 29,952,000 gallons (maximum total estimated discharge based on two pumps running at maximum capacity for 24 hours a day for 10 days)

Discharge velocity at end of pipe: Maximum 17 feet per second

4.3 Dewatering Monitoring

Excavation dewatering discharges will be monitored and sampled in accordance with requirements outlined in Table 6 of the APDES Permit, Effluent Limits and Monitoring Requirements for Excavation Dewatering (Discharge 004):

Table 6: Effluent Limits and Monitoring Requirements for Excavation Dewatering (Discharge 004)

Parameter (Units)	Effluent Limits	Monitoring Requirements		
		Frequency	Location	Sample Type
Flow Volume [1] (gpd)	Report	Daily	Effluent	Estimate or Measured
pH [2] (S.U.)	6.5 - 8.5	Weekly	Effluent	Grab
SS [3] (mL/L)	0.2	Weekly	Effluent	Grab
Turbidity (NTU)	Report	Weekly	Upgradient [4]	Grab
Turbidity (NTU) No Mixing Zone	5 NTU above ambient [5]	Weekly	Effluent	Grab
Turbidity (NTU) Mixing Zone	5 NTU above ambient [6]	Weekly	Downgradient	Grab
Oil and Grease Visual [7]	No Discharge	Daily	Effluent	Visual
TAH [8] (µg/L)	Report	Once per event	Effluent	Grab
TAqH [8] (µg/L)	Report	Once per event	Effluent	Grab

Notes:

1. Record daily flow measurements, or estimates, in daily log. Report daily maximum for the month on the DMR and total monthly volumes in the comments section.
2. The effluent limit for pH shall be between 6.5 and 8.5. Report maximum and minimum for each month.
3. As measured using Imhoff Cone.
4. If measurement of upgradient and downgradient receiving water turbidity is not possible, then turbidity limits are not applicable. Report "Not Applicable" (N/A) for all turbidity measurements and provide comment as to why receiving water turbidity measurement is not possible.
5. If a mixing zone is not authorized, effluent turbidity may not exceed 5 NTU above ambient conditions when the ambient turbidity is 50 NTU or less. When the ambient condition is greater than 50 NTU, effluent shall not to exceed more than a 10 % increase up to a maximum increase of 15 NTU. For lake waters, turbidity may not exceed 5 NTUs above ambient turbidity. Report downgradient turbidity on DMR for information only.
6. If mixing zone is authorized, turbidity may not exceed 5 NTU above ambient conditions 500 feet downstream of the discharge when the ambient turbidity is 50 NTU or less. When the ambient condition is greater than 50 NTU, effluent shall not to exceed more than a 10 % increase up to a maximum increase of 15 NTU. For lake waters, turbidity may not exceed 5 NTUs above ambient turbidity. Report effluent turbidity on DMR for information only.
7. Observed daily while discharging. Maintain daily log and provide to DEC upon request.
8. An observation of a sheen triggers monitoring for TAH and TAqH. Permittee must collect one sample per event when an observation of a sheen has occurred.

The Pipeline General Permit – Monthly Tracking Log Excavation Dewatering included in Appendix A will be completed to document the monitoring requirements listed in the table above. The completed, signed forms will be retained in accordance with APDES Permit requirements (3 years).

4.4 Best Management Practices

Harvest will employ the following Best Management Practices (BMPs) from the Harvest Pipeline System Cook Inlet Area BMP Plan as needed to monitor for contaminants, dissipate flow velocity, and prevent erosion and sedimentation:

- **BMP 2 – Inlet Screening/Filtering –** Harvest may use inlet suction screening/filtration to reduce the potential for debris and sediment in the pump and effluent. The pump intake will be kept off the bottom of the feature being pumped. A shallow sump may be excavated to serve as the pump intake location.
- **BMP 3 – Visual Inspection –** Harvest will inspect and monitor discharges/disposals for visual signs of potential contamination (e.g., sheen or product) prior to discharge/disposal. If sheen is observed, trained personnel will evaluate it to determine if it is biogenic or petroleum based using ADEC's *Visible Oil Sheen SOP* (Attachment 5), included as Appendix A in *Listing Methodology for Determining Water Quality Impairments from Petroleum Hydrocarbons, Oils and Grease.*

  https://dec.alaska.gov/water/wqsar/waterbody/docs/PetroHydroListingmethology.pdf
  If the sheen is determined to be petroleum-based, Harvest will initiate the internal spill notification process and applicable external notifications as soon as practicable upon the observation of any oil sheen or product in the groundwater to be discharged/disposed. Work will also cease until the sheen or product can be removed and additional treatment measures can be evaluated.
- **BMP 4 – Energy Dissipaters/Diverters –** Harvest will place energy dissipaters and/or diverters under the hose at the discharge location to dissipate the flow velocity and prevent erosion at the discharge point.
- **BMP 5 – Snow Berm –** If there is adequate snow, a snow berm in the shape of a horseshoe or "V" may be constructed to accommodate infiltration and to slow return flow.
- **BMP 6 – Sediment Filter Bag –** Water may be discharged through a hose with a sediment filter bag attached to the end to prevent sediments from being introduced into the environment. Harvest will maintain function of the sediment bag by regularly visually inspecting the bag for collected sediments. Sediments collected in the bag will be placed on the excavated soil pile to be replaced in the excavations after pipeline work has been completed.
- **BMP 7 – Wattles/Straw Bales –** Reusable interlocking wattles (e.g., Dura Wattles) or straw bales may be placed on the ground surface around the perimeter of the discharge/disposal point(s) to serve as a sediment barrier and reduce surface flow velocities. The wattles, if used, will be placed at locations to intercept potential surface flow (e.g., swales and other drainage pathways). The discharge area will be inspected for evidence of erosion or sediment transport and additional wattles will be placed or their locations adjusted as needed. Discharge points may also be relocated to minimize the potential for erosion based on site observations during the discharge.
- **BMP 8 – Sorbent Pads/Boom –** If sheen or product is identified within the effluent to be discharged/disposed (see BMP 3) it will be contained or removed with the use of sorbent pads or boom prior to being discharged/disposed. Sorbent boom may also be placed around the pump intake area.

- **BMP 9 – Oil Water Separator/Settling Tank –** Water to be discharged/disposed may be pumped into a portable holding tank (e.g., Fol-Da Tank), prior to discharge. If used, the pump head emptying the tank will be located below the water surface and above the bottom of the tank. The tank will serve as an oil-water separator (if necessary) and/or settling tank to reduce the amount of suspended solids prior to discharge. Any visible product or sheen in the tank will be removed with sorbent pads, boom, and/or skimming.

- **BMP 12 – Regulate Effluent Release –** The rate of effluent discharge/disposal will be regulated and reduced, if needed, to prevent sediment, erosion, and thermokarst issues.

Any indication of contamination in the water (i.e., sheen, odor, foam) will require either (1) that water is containerized and transported for disposal (i.e., no discharge will occur) OR (2) water will be treated through a granular activated carbon (GAC) canister, captured in a temporary tank, and sampled for total aromatic hydrocarbons (TAH) and total aqueous hydrocarbons (TAqH). If TAH and TAqH results indicate the water is clean, it may then be discharged to the ground. The following BMPs will be employed to treat water that has hydrocarbon sheen:

- **BMP 10 – Portable Temporary Storage Bladders, Drums, Tanks, or Containers –** Water to be discharged/disposed may be pumped into a portable bladder, drum, tank, or container prior to discharge. If used, the pump head will be located below the water surface and above the bottom of the bladder, tank or container. The container will serve as an oil water separator (if necessary) and settling tank to reduce the amount of suspended solids prior to discharge. Any visible product or sheen will be removed with sorbent pads and boom. These devices may also be used to capture fluids and/or chemicals that require appropriate disposal offsite.
- **BMP 18 – Granulated Activated Carbon Canister –** Water that is observed to contain a petroleum-based sheen may be run through a GAC canister, which absorbs and removes petroleum hydrocarbons. The GAC unit will consist of a canister (e.g., 5-gallon bucket or 55 gallon drum) containing GAC. Water will be treated by running it through the GAC canister. Treated water will be visually inspected and tested for compliance with water quality standards for TAH and TAqH prior to discharge/disposal. Flow rates and amount of water to be treated will be dependent upon the total volume of water to be treated, the canister size, and hydrocarbon concentration in water to be treated.

5.0 Contaminated Sites

There are no known contaminated sites near the Chuitna River crossing. The nearest known contaminated site is at the Kodiak Lumber Mill in Tyonek, approximately 3.75 miles from the project location. If contamination is identified during excavation activities, it will be treated as a new discovery and will be reported in accordance with Harvest's spill reporting procedures.

6.0 Impacts to Wetlands

The Chuitna River flows within a broad, flat floodplain and has shifted along numerous channels over time due to flooding, sediment deposition, and large log jams. Harvest proposes to reactivate an old channel, which has been partially blocked by a large log jam and sediment deposition, in order to bypass the oxbow that has developed over the existing gas pipeline. Table 1 provides a summary of project impacts.

Table 1. Summary of Project Impacts

Area[1]	Description	Fill Type	Impact to Waters of the U.S. (acres)	Estimated Fill Quantity (cy)	Details
A	Off-channel log protection berm	Logs, sand and gravel	---	2,700	Excavate 8 feet / fill 8 feet; no impact to wetlands
B	On-channel log protection berm	Logs, sand and gravel	0.42 (converted to upland)	6,800	Excavate 4 feet (2,700 cy), fill 10 feet (6,800 cy); 0.42 acres stream/wetlands convert to uplands
C	Fill active oxbow (to the extent local material is available)	Sand and gravel, seacrete sandbags directly adjacent to pipeline	0.69 (converted to upland)	6,700	Fill 6 feet (6,700 cy); 0.69 acres stream/wetlands convert to upland
D	Excavate stream channel	NA	0.32 (restore stream flow in this location)	NA	Excavate 4 feet (2,425 cy); 0.32 acres would be returned to an active stream channel

[1] Areas are identified on Sheet 1 in Attachment 1.

Avoidance and Minimization

The proposed project avoids and minimizes impacts to wetlands to the extent practicable, while allowing implementation of protective measures for the existing gas pipeline:

- The diversion structure will be sized as small as possible to effectively bypass the oxbow in which the exposed pipe is located.
- Constructing the diversion structure with natural, locally sourced material will allow for pipeline protection while providing enhanced fish habitat along the streambank.
- The Chuitna River meanders throughout the broad floodplain; the project area is underlain by gravels and sand causing abandoned channels to transition to uplands once flow is diverted under natural processes.
- Harvest will coordinate with ADF&G to select construction timing that minimizes impact to fish and fish habitat during construction while allowing for implementation during low flows to the extent practicable.
- Harvest will monitor the area annually, and in particular after high flow events, to evaluate the effectiveness of the log diversion structure at protecting the pipeline and perform maintenance as needed.

Mitigation

Upon completion of the project, the area would have a natural appearance with minimal long-term evidence of disturbance from the project. The project does not occur in rare or difficult to replace wetlands or within designated critical habitat under the Endangered Species Act, and no long-term individual or cumulative adverse impacts are anticipated. Waters of the U.S. will not be converted to impervious or unnatural appearing developed areas, and only 0.02 acre of special aquatic site would be converted to natural appearing upland (remaining 1.09 acres would be waterbody converted to upland). Because the project has been designed to mimic natural conditions and involves converting waters of the U.S. into natural appearing uplands in a dynamic environment, no compensatory mitigation is proposed.

7.0 Cultural Resources

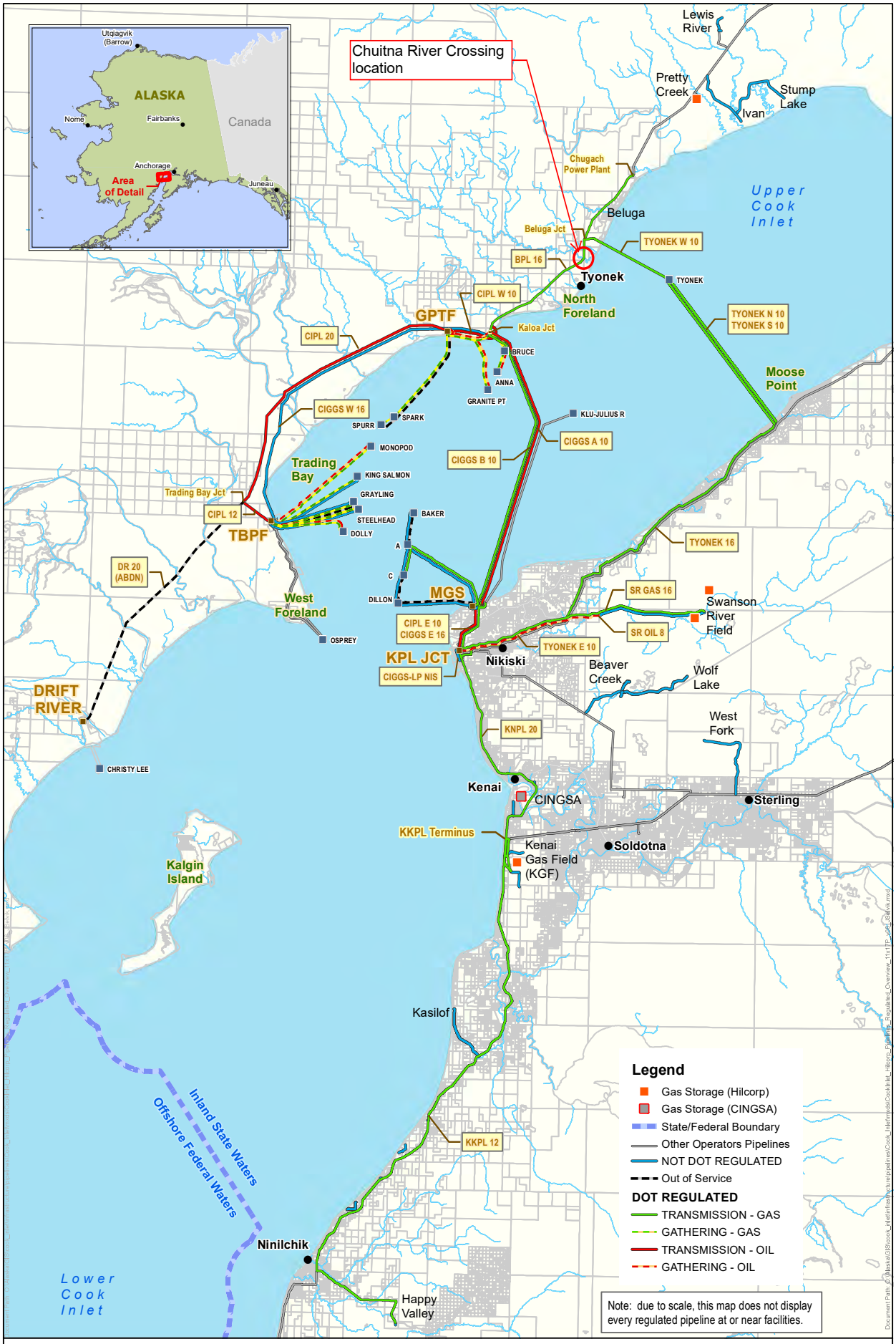
Harvest contracted Charles M. Mobley & Associates to perform a records review in January 2021 of known cultural resources in the project vicinity. The nearest identified cultural feature in the Alaska Heritage Resources Survey (AHRS) system is over 1,000 feet away. The boundary of the Chuitna Archaeological District (TYO-132) is located approximately 400 feet northeast of the project area, although the nearest recorded archaeological feature within the district is over 1,000 feet distant. There is low probability of occurrence of cultural resources within the active Chuitna River floodplain, where most of the proposed work will be conducted. The U.S. Army Corps of Engineers (USACE) permit application process included consultation with the State Historic Preservation Office (SHPO) and local/tribal governments; no cultural resource issues were identified during USACE consultation.

8.0 Permits and Authorizations

Harvest will obtain all required local, state, and federal authorizations before beginning the project. Table°1 presents required project permits and authorizations.

Table 1. List of Permits and Authorizations for Proposed Activities

Agency	Permit/Authorization	Notes
U.S. Army Corps of Engineers (USACE)	Section 404 Permit	Authorization for pipeline maintenance and diversion structure construction in waters of the U.S.
Alaska Department of Natural Resources (ADNR), Division of Mining, Land, and Water (DMLW) – Land	Pipeline Right-of-Way (ROW) ADL 225133	Authorizes pipeline maintenance inside 50-foot right-of-way (pipeline within Section 30, T12N, R10W)
ADNR DMLW	Temporary Water Use Authorization (TWUA)	Authorizes in-stream use of water and dewatering during project activities
Cook Inlet Region, Inc. (CIRI)	Subsurface Easement Agreement	Authorizes pipeline maintenance inside 50-foot right-of-way (pipeline within Section 25, T12N, R10W)
Tyonek Native Corporation (TNC)	Gas Pipeline Right-of-Way and Easement Agreement dated August 8, 2018	Authorizes pipeline maintenance inside 50-foot right-of-way (pipeline within Section 25, T12N, R10W)
TNC	Coordination for land access	Some activities require access on land outside of the pipeline right of way
Alaska Department of Fish and Game (ADF&G) Division of Habitat	Fish Habitat Permit (Permit #20-V-0205)	For debris removal, dewatering, and diversion structure construction within the Chuitna River, anadromous stream #247-20-10010
Kenai River Center (KRC)	Multi-agency Permit for Habitat Protection District (within 50 feet of Chuitna River ordinary high water) (Permit #12710)	For activities (tree clearing, log collection, dewatering, diversion construction) within 50 feet of the Chuitna River



HARVEST ALASKA

Map Date: 7/7/2020

Hilcorp Alaska, LLC
DOT Regulated Pipelines Overview
Cook Inlet, Alaska

0 2 4 6 8 10 Miles

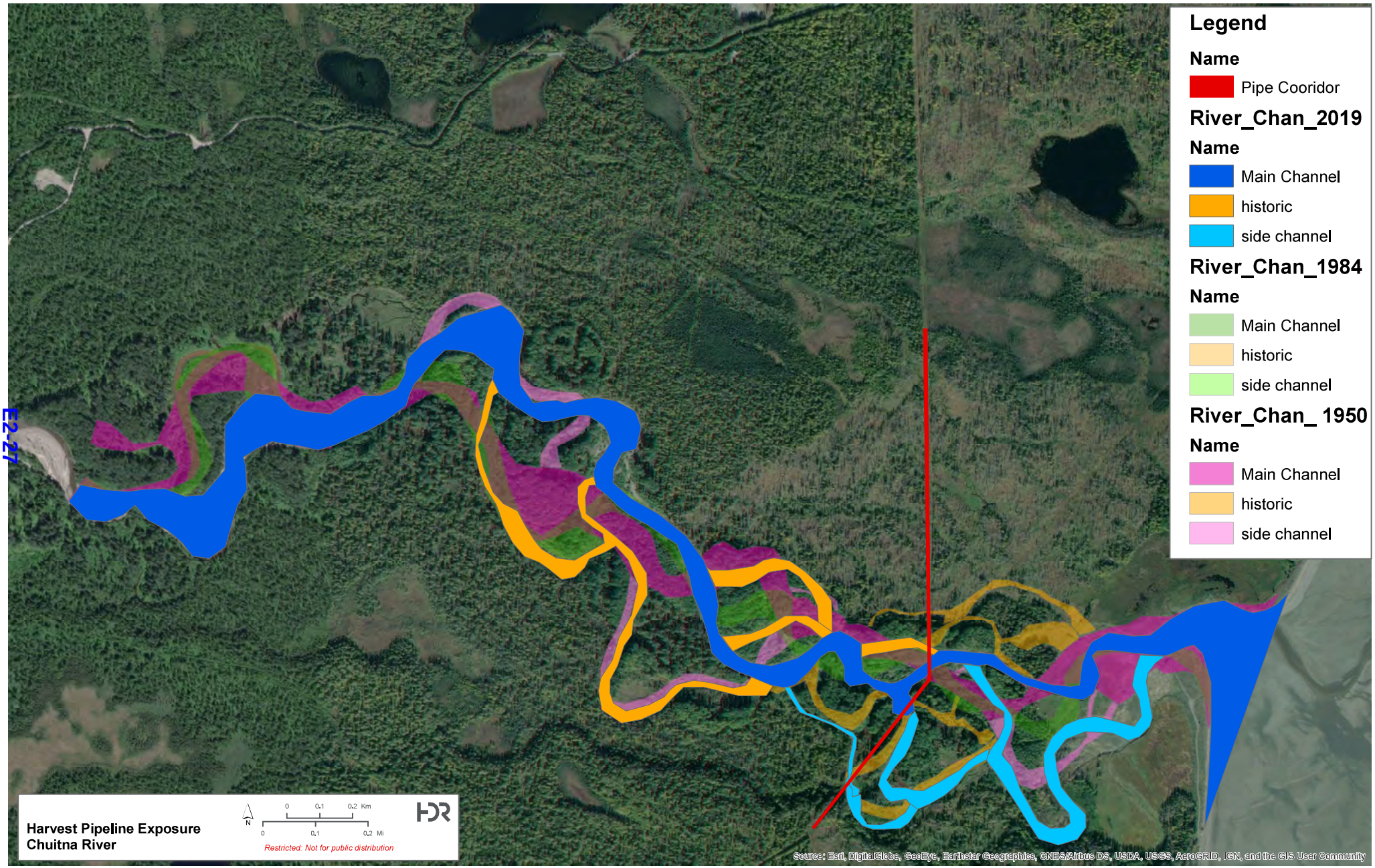
N

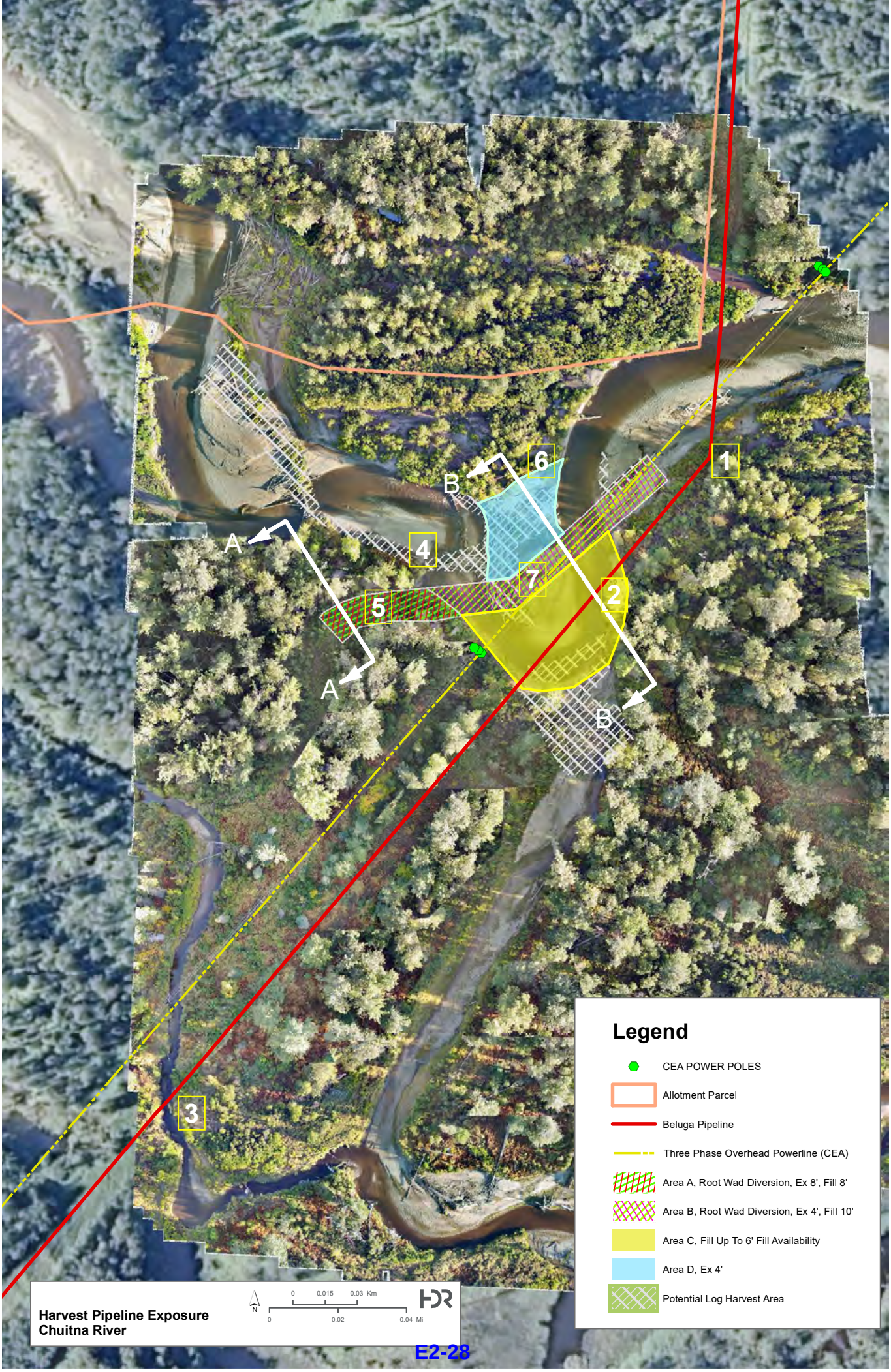
HPC PODS CENTERLINE: BELUGA 16" PIPELNE CENTERLINE

GN

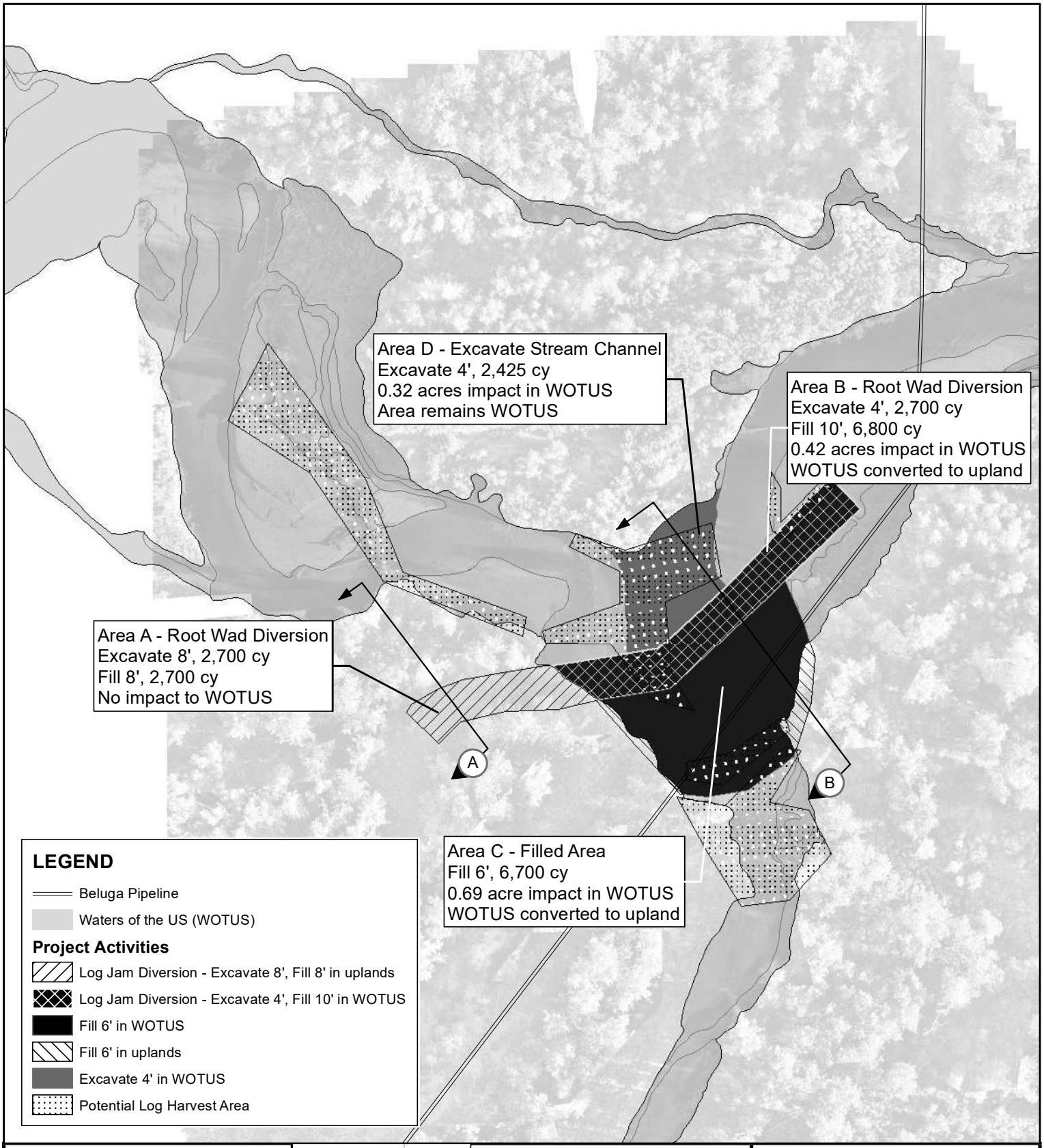
BPL 16" Chuitna River Crossing
Drone Imagery with 2012 QSI Imagery Background

0 125 250 500 Feet


Legend
Name
Pipe Cooridor
River_Chan_2019
Name
Main Channel
historic
side channel
River_Chan_1984
Name
Main Channel
historic
side channel
River_Chan_ 1950
Name
Main Channel
historic
side channel
E2-27
Harvest Pipeline Exposure
Chuitna River
0 0.1 0.2 Km
0 0.1 0.2 Mi
Restricted: Not for public distribution
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

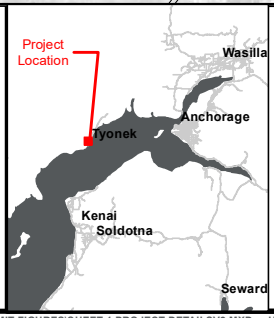

A
A
B
B
1
2
3
4
5
6
7
Legend
CEA POWER POLES
Allotment Parcel
Beluga Pipeline
Three Phase Overhead Powerline (CEA)
Area A, Root Wad Diversion, Ex 8', Fill 8'
Area B, Root Wad Diversion, Ex 4', Fill 10'
Area C, Fill Up To 6' Fill Availability
Area D, Ex 4'
Potential Log Harvest Area
Harvest Pipeline Exposure
Chuitna River
N
0 0.015 0.03 Km
0 0.02 0.04 Mi
HDR

Attachment 1
Beluga Pipeline Log Jam Removal and Pipeline Maintenance Project Sheets 1-3



PROJECT DETAILS

Beluga Pipeline Log Jam Removal and Pipeline Maintenance Project



0 50 100 200 Feet

APPLICANT: Harvest Alaska, LLC

FILE NO: POA-1989-00589

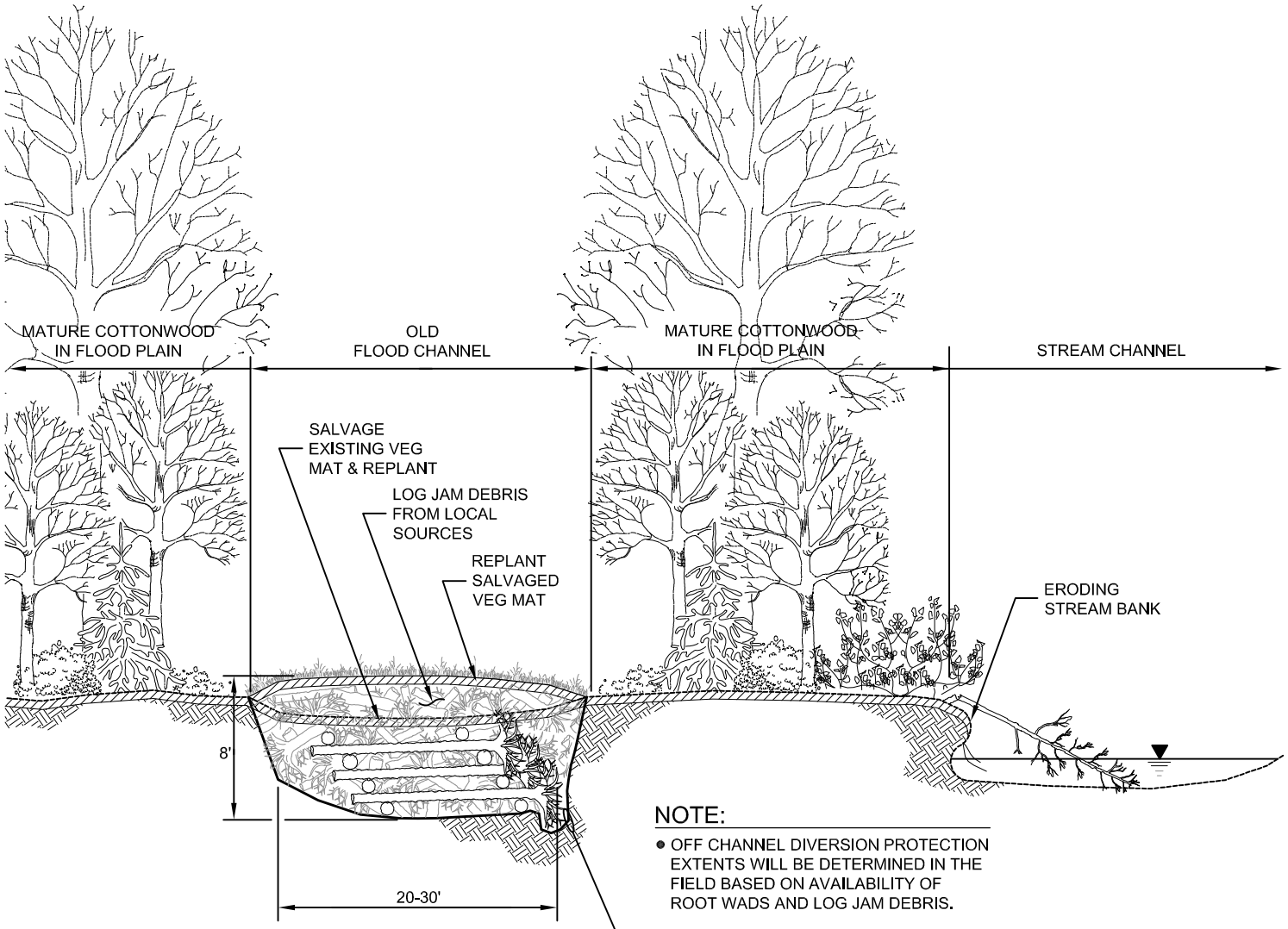
WATERWAY: Chuitna River

LOCATION: Tyonek, Alaska
Section 25, T. 12 North, R. 11 West, Seward Meridian

LATITUDE: 61.0953° North LONGITUDE: 151.1355° West

SHEET 1

PATH: O:\460362 HILCORP\255315 HILCORP - KALOTSA\GIS\WORKING\MS\PERMIT FIGURES\SHEET 1 PROJECT DETAILSV2.MXD - USER: MSALWAY - DATE: 5/11/2021



- REMOVE EXISTING VEG MAT
- EXCAVATE TRENCH
- CONSTRUCT ROOT WAD REVETMENT LATTICE
- BACKFILL WITH EXISTING LOG JAM DEBRIS
- BACKFILL WITH FLOOD PLAIN SAND & GRAVELS
- REPLACE VEG MAT

NOTE:

- OFF CHANNEL DIVERSION PROTECTION EXTENTS WILL BE DETERMINED IN THE FIELD BASED ON AVAILABILITY OF ROOT WADS AND LOG JAM DEBRIS.
- ROOT WAD REVETMENT STRUCTURE PLACED AT RIGHT ANGLES TO EXISTING STREAM BANK. BACK FILL WITH TANGLED LOG JAM DEBRIS AND BACK FILL WITH EXCAVATED MATERIAL.
- CONSTRUCT ROOT WAD REVETMENT STRUCTURE AS DESCRIBED IN THE ADF&G STREAM BANK REVEGETATION PROTECTION GUIDE FOR ALASKA 2005

VIEWED LOOKING UPSTREAM
NOT TO SCALE

SECTION A

Beluga Pipeline Log Jam Removal and Pipeline Maintenance Project

APPLICANT: Harvest Alaska, LLC

FILE NO: POA-1989-00589

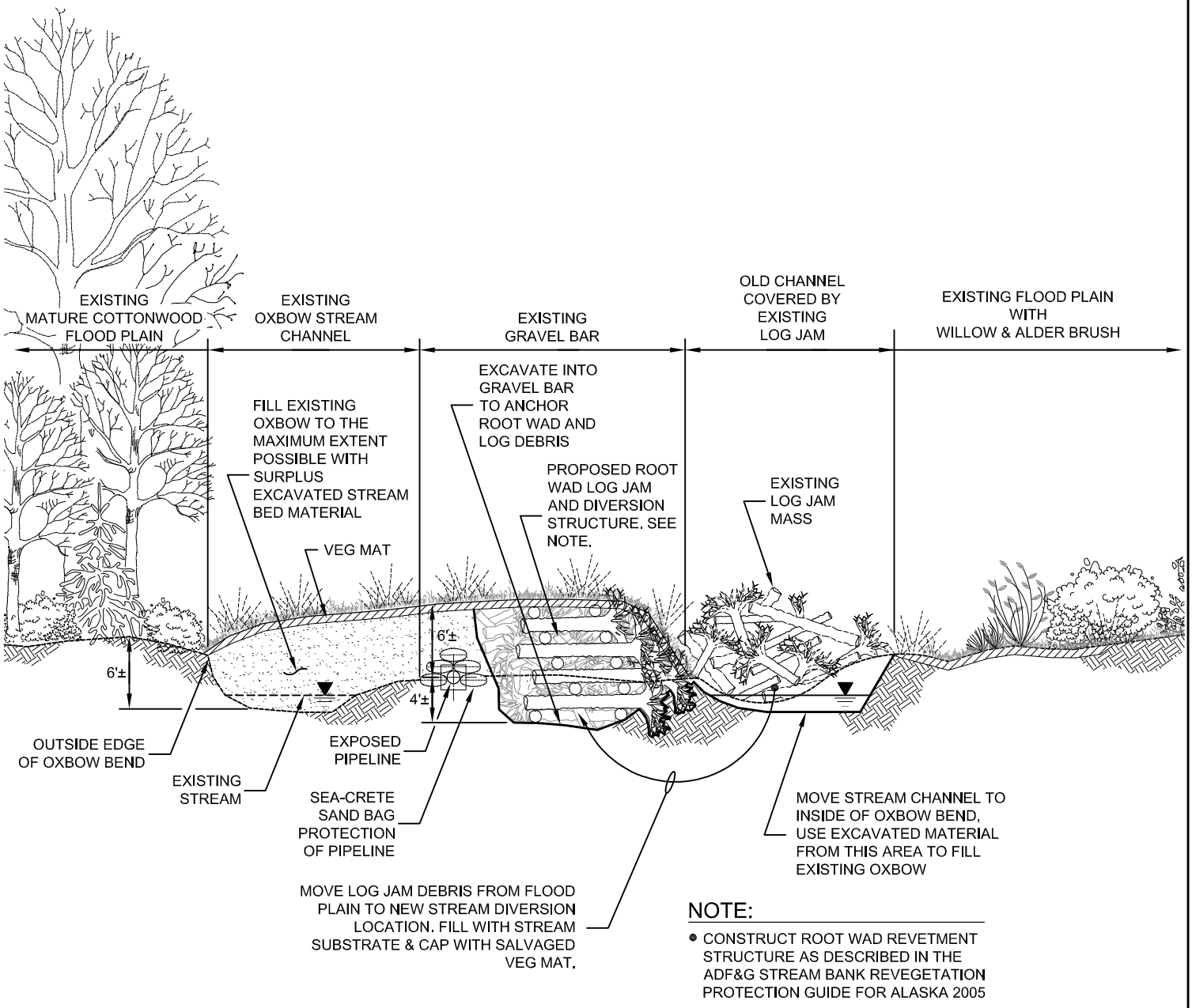
WATERWAY: Chuitna River

LOCATION: Tyonek, Alaska
Section 25, T. 12 North, R. 11 West, Seward Meridian

LATITUDE: 61.0953° North LONGITUDE: 151.1355° West

SHEET 2

PATH: O:\460362 HILCORP\255315 HILCORP - KALOTSA\GIS\WORKING\MS\PERMIT FIGURES\SHEET 2 SECTION A-A.MXD - USER: MSALWAY - DATE: 4/12/2021



NOTE:

- CONSTRUCT ROOT WAD REVETMENT STRUCTURE AS DESCRIBED IN THE ADF&G STREAM BANK REVEGETATION PROTECTION GUIDE FOR ALASKA 2005

VIEWED LOOKING UPSTREAM
NOT TO SCALE

SECTION B

Beluga Pipeline Log Jam Removal and Pipeline Maintenance Project

APPLICANT: Harvest Alaska, LLC

FILE NO: POA-1989-00589

WATERWAY: Chuitna River

LOCATION: Tyonek, Alaska
Section 25, T. 12 North, R. 11 West, Seward Meridian

LATITUDE: 61.0953° North LONGITUDE: 151.1355° West

SHEET 3

PATH: O:\460362 HILCORP\255315 HILCORP - KALOTSA\GIS\WORKING\MS\PERMIT FIGURES\SHEET 3 SECTION B-B.MXD - USER: MSALWAY - DATE: 4/12/2021

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 FH20-V-0205
Amendment III

ISSUED: March 10, 2022
EXPIRES: Lifetime of Project

Harvest Alaska, LLC
Tara Vicente
3800 Centerpoint Dr., Suite 1400
Anchorage, Alaska 99503

RE: Stream Diversion & Pipeline Protection
Chuitna River – Stream No. 247-20-10010
Section 25, T 12N, R 11W, S.M.
Location: 61.0957° N, 151.1360° W
River Center Tracking No. 12710

Dear Ms. Vicente:

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 under Fish Habitat Permit FH20-V-0205-AII to protect an exposed pipeline on an eroding river bend of the Chuitna River. Fish Habitat Permit FH20-V-0205-AII is amended, authorizing a change in the scope of work for the Beluga Pipeline Chuitna River Log Jam Removal and Pipeline Maintenance Project.

Project Description

The formerly active channel adjacent to the pipeline will be dredged to direct the flow of the Chuitna River away from the current exposed pipeline location. This work will be conducted using excavators and will be performed to minimize any fish entrapments.

Approximately 2,425 cubic yards of sediment will be excavated from the formerly active channel. A temporary cofferdam structure will be used to direct any remaining flow away from the exposed pipeline and toward the newly excavated channel. Stranded 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 temporary diversion structure will be removed from the site once project activities are complete.

Once isolated, the water in the oxbow will be withdrawn using a 1,500 gallon per minute (GPM) pump with a 6-inch intake hose and a 580 GPM pump with a 4-inch intake hose. No water withdrawal shall occur outside of the isolated diversion adjacent to the exposed pipeline. The exposed pipeline will be examined for integrity and any necessary repairs will be made. An estimated 150-feet of exposed pipeline will be armored using approximately 400 bags of Seacrete. The bags containing the Seacrete will be biodegradable.

An approximate 250-300-foot long root wad revetment will be constructed using log jam materials onsite to armor the buried pipeline and protect the bank from continued erosion. Using salvaged material from the site, a root wad revetment lattice will be installed, filled with log jam debris and then backfilled with on-site excavated sand and gravel. The top of the structure will be covered with vegetative mat and replanted willow and alder harvested from nearby gravel bars.

The supplemental information and design drawings, titled Beluga Pipeline Chuitna River Log Jam Removal and Pipeline Maintenance Project Description, submitted on February 23, 2022, as part of a River Center Multi-Agency Application, are hereby incorporated by reference into this project description.

Anadromous Fish Act

The Chuitna River has been specified as being important for the migration, spawning and rearing of anadromous fish pursuant to AS 16.05.871(a). The Chuitna River provides spawning and migration habitat for Chinook, coho, sockeye, chum and pink salmon, Dolly Varden, 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. The water intake 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 .5 feet per second at the screen surface.

2. Intake screens shall be inspected for damage (torn screen, crushed screen, screen separated from intake ends, etc.) before and after each use. Any damage observed must be repaired prior to use of the structure. The structure must always conform to the original design specifications while in use.

3. All construction activities shall be conducted so as to minimize disturbance to the riverbed and prevent the introduction of sediment, pollutants, and other material into the Chuitna River.

Permit Terms

This letter constitutes a permit amendment 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 amendment, 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 amendment 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 amendment 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 amendment. 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

cc: KRC File

By email only:

ADF&G Soldotna
AWT Soldotna
Al Ott, ADF&G Fairbanks DNR-DMLW

Donald E. Gilman River Center
514 Funny River Road, Soldotna, Alaska 99669 • (907) 714-2460 • (907) 260-5992 Fax
A Division of the Planning Department
Charlie Pierce
Borough Mayor

KENAI PENINSULA BOROUGH PLANNING COMMISSION
NOTICE OF PUBLIC HEARING

Public notice is hereby given that an application for a Conditional Use Permit has been received to install a root wad diversion structure on a parcel within the 50-foot Habitat Protection District of the Chuitna River near Beluga, Alaska. ***You have been sent this notice because you are a property owner within 300 feet of the described property.***

Pursuant to KPB 21.18.081 (B)(5) Transportation and utility infrastructure and KPB 21.18.091 Mitigation measures, projects within the 50-foot Habitat Protection District are not permitted unless a Conditional Use Permit (CUP) is approved by the Planning Commission. This project is located at T 12N R 11W SEC 25 SEWARD MERIDIAN AN 0001865 US SURVEY 1865 THAT PORTION OF SEC 25 LYING WITHIN USS 1865 MOQUAWKIE INDIAN RESERVATION, Beluga, Alaska.

Petitioner: **HARVEST ALASKA LLC**
3800 CENTERPOINT DR SUITE 1400
ANCHORAGE, AK 99503

Public Hearing: The Kenai Peninsula Borough Planning Commission meeting will hold a public hearing on April 11, 2022 commencing at 7:30 p.m., or as soon thereafter as business permits. The public may attend the meeting electronically/telephonically via Zoom. To join the meeting from a computer visit https://us06web.zoom.us/j/9077142200. To attend the Zoom meeting by telephone call toll free **1-888-788-0099 or 1-877-853-5247**. When calling in you will need the Meeting ID **907 714 2200**.

Public Comment: Anyone wishing to testify may attend the above meeting to give testimony, or may submit written comment via the methods below. **Written comments must be submitted by 1:00 pm Friday, April 8, 2022.**

Mail comments to:	Fax comments to:	Email comments to:
Donald E. Gilman River Center 514 Funny River Road Soldotna, Alaska 99669	(907) 260-5992	planning@kpb.us KenaiRivCenter@kpb.us

For additional information, contact Samantha Lopez, slopez@kpb.us, Donald E. Gilman River Center, (907) 714-2468

KENAI PENINSULA BOROUGH PLANNING COMMISSION

RESOLUTION 2022-14

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT PURSUANT TO KPB 21.18 FOR THE CONSTRUCTION OF A ROOT WAD DIVERSION STRUCTURE WITHIN THE 50-FOOT HABITAT PROTECTION DISTRICT OF THE CHUITNA RIVER

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 March 31, 2022 and April 7, 2022 as provided in Section 21.11.020; and

WHEREAS, public testimony was received at the April 11, 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. Approximately 2,425 cubic yards of sediment will be excavated from the historic channel to redirect the flow of water away from the exposed pipeline.
2. A temporary diversion structure will also be installed to direct any remaining flows away from the pipeline and toward the newly excavated channel. This temporary structure will be removed once the project is complete.
3. After de-watering, the pipeline will be armored with approximately 400 biodegradable bags of Seacrete, and then backfilled with the sediment excavated from the historic channel.
4. Root wads will be sourced from existing log jams and used to construct an approximately 250-300 foot-long root wad revetment that will be backfilled with on-site sand and gravel.
5. The surface of the revetment structure will be covered with vegetative mat and replanted with willow and alders harvested from nearby gravel bars.

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 transportation and utility infrastructure 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 installation of the root wad diversion will prevent future exposure of the pipeline.
7. Vegetative mat will be placed on top of the root wad diversion and staked with live alder and willow plantings.
8. Pursuant to KPB 21.06.081(D)(3), the proposed work will occur on the applicant's property and shall not have an adverse effect on adjoining properties.
9. Kenai Peninsula Borough Planning Commission Resolution 2015-35 defines water-dependent as:
   "…a use or structure located on, in or adjacent to water areas because the use requires access to the waterbody. The definition is applicable to facilities or activities that must be located at or near the shoreline and within the 50-foot buffer. An activity is considered water dependent if it is dependent on the water as part of the intrinsic nature of its operation. Examples of water dependent facilities may include, but are not limited to, piers, boat ramps, and elevated walkways."
10. While utility services are not a water-dependent use as described in Resolution 2015-35, they are listed as a permissible Conditional Use under KPB 21.18.081(B)(5).
11. The River Center found the application complete and scheduled a public hearing for April 11, 2022.
12. Agency review was distributed on March 28, 2022. No comments or objections have been received from resource agencies to date.
13. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on March 28, 2022. A total of 2 mailings were sent. Comments not received.
14. Pursuant to KPB 21.11.020, public notice was published in the Peninsula Clarion on March 31, 2022 and April 7, 2022.
15. 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 Chuitna River.
2. The root wad revetment 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 one calendar year 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 1-4 and Findings 6-7 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 1-7, 9-14 appear to support this standard.**
3. The development of the use or structure shall not physically damage the adjoining property; **Finding 8 appear to support this standard.**
4. The proposed use or structure is water-dependent; **Findings 9-10 appear to support this standard.**
5. Applicant's or owner's compliance with other borough permits and ordinance requirements. **Finding 15 appears to support this standard.**

THIS CONDITIONAL USE PERMIT EFFECTIVE ON _____ DAY OF_____, 2022.

_____
Blair Martin, 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.