

E. NEW BUSINESS

4. Conditional Use Permit; PC Resolution 2022-41

Request: To replace a bridge within the 50' Habitat Protection District of the Trail Lake, near Crown Point.

Multi Agency Permit Application



514 Funny River Road, Soldotna, AK 99669 • (907) 714-2460 • KenaiRivCenter@kpb.us

Applicant Information:

Name: Brian Lindamood (ARRC)
Owner? ☒ Yes ☐ No
Mailing: P.O. Box 107500
Anchorage, AK 99510
Phone: 907-265-3095
Email: LindamoodB@akrr.com

Agent Information: (if applicable)

Name: Jeanette Holt (ARRC)
Mailing: P.O. Box 107500
Anchorage, AK 99510
Phone: 907-265-2440
Email: HoltJ@akrr.com

Project Location:

KPB Parcel ID: NA
Physical Address: 60.4352 N, 149.3725 W
Waterbody Name: Trail River
River Mile: NA Riverbank: ☐ Right
looking downstream ☐ Left

Subdivision: NA
Lot: _____ Block: _____ Addn/No.: _____
Directions to site: From Seward, drive north
on Seward Highway approximately 24.7 miles
to existing ARRC bridge over Trail River outlet from Trail Lake.

Permit Fees: (please select the applicable permit fees)

- ☐ \$100 - ADNR State Parks Permit ☐ \$300 - KPB Conditional Use Permit
☐ \$50 - KPB Habitat/Floodplain Permit ☒ \$300 - KPB Floodway Development Permit

Project Description:

☒ New Project

OR

☐ Extension

☐ Amendment

to RC# _____

Provide a detailed description of your project and all related activities, use additional pages if needed. Include the following information for all existing and proposed structures:

- **Project location & dimensions**
- **Waterbody description & proximity**
- **Proximity to OHW and/or HTL**
- **Construction methods/equipment**
- **Filling/dredging/excavation:**
 - type, volume, area, location
- **Fuel Storage:** location, quantities
- **Vegetation Removal:** location, amount, type

Alaska Railroad (ARRC) proposes to reconstruct its existing bridge and raise the track elevation over Trail River, south of Moose Pass.

The proposed bridge is 360 feet in length, open top deck bridge resting on 13 bents (12, 30-ft steel spans), with a low chord elevation of 474.93 feet.

Riprap armoring (approx. 450 cy) will be placed around new sheet pile bulkheads and extend along the embankment to the north of the north abutment. The tracks

will be raised to the north and south of the bridge to meet the proposed bridge grade (approx. 2,500 feet). This elevation change will result in a

track raise of approx. three feet at the bridge and one foot at the Crown Point Mine Road crossing, requiring an upgrade to the at-grade crossing at

MP 25.46, just south of the bridge. Minor grading and vegetation clearing near the crossing may be necessary. See attachments for details.

KPB Tax Credit: (skip this section if your project is prior existing, only applicable to NEW projects)

Please provide your estimated project cost(s) below. Do not include grants or other funding assistance:

Elevated Light Penetrating Structure(s) \$ _____
Bank or Habitat Restoration & Protection \$ _____
Other Activities \$ _____

Project Questions:

Note: Use Ordinary High Water (OHW) for non-tidal waters, and Mean High Tide (MHT) for tidal waters.

1. Start date: Fall 2023 End date: Summer 2024 Estimated Days of Construction: 120
2. Is the project located within 50 feet of OHW or HTL a waterbody? ☒ Yes ☐ No
3. Does any portion of the project extend **below** the OHW or HTL of the stream or waterbody? ☒ Yes ☐ No
4. Does any portion of the project cantilever or extend **over** the OHW of the waterbody? ☒ Yes ☐ No
5. Will anything be placed below OHW or HTL of the waterbody? ☒ Yes ☐ No
6. Will material be extracted or dredged from the site? ☒ Yes ☐ No
7. Including areas below OHW or HTL, what is the total area (in acres) that will be excavated or dredged?
Total Area: 0.4a (0.08a below OHW) Type of Material: In-situ materials
Location you will depositing fill: Removed from site by contractor or stockpiled in ARRC uplands
8. Will any material (including soils, debris, and/or overburden) be used as fill? ☒ Yes ☐ No
Type of material: Riprap Amount: 340cy (120cy below OHW) Permanent ☒ or Temporary ☐
Will fill be placed below OHW or HTL: ☒ Yes ☐ No
9. List all motorized equipment to be used in this project, including access route to site, any stream or waterbody crossings, and (if applicable) how long equipment will be used below OHW or HTL: All proposed work will be within the ARRC right-of-way. No vehicular access will occur within the bed or banks of the waterway. Work will be conducted from the existing track and adjacent uplands
10. Is any portion of the work already complete? ☐ Yes ☒ No
If yes, describe: NA

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.

If applying for a tax credit: I certify that I have not begun construction of the project on this the property and that the proposed project will be constructed in a manner consistent with KPB 5.12 Real Property and Personal Property Taxes, KPB 5.14 Habitat Protection Tax Credit, and other applicable ordinances.

Brian Lindamood Digitally signed by Brian Lindamood
Date: 2022.09.27 09:04:21 -08'00'

Applicant Signature (required)



Agent Signature (if applicable)

9/27/2022

Date

9/27/2022

Date

MP 25.7, Trail River Bridge Replacement, Project Description

Alaska Railroad (ARRC) proposes to reconstruct its existing bridge and raise the track elevation over Trail River at approximately 60.4352 N, 149.3725 W, approximately four miles south of Moose Pass, Alaska. The project will replace an aging and deteriorated bridge approaching the end of its useful life and is prone to flooding. The purpose of this project is to enhance the stability of the track infrastructure, protect critical state infrastructure, improve safety for the ARRC and its customers, and maintain the integrity of the railroad.

Existing Facility

The existing bridge is an open deck timber trestle, approximately 360 feet long (24, 15-ft spans). It sits on 25 bents with five piles each. In addition, approx. 165 remnant timber piles remain at or below the waterline from previous railroad bridges. The existing bridge's low chord elevation is 473.06 feet. For survey reference, the OHW for Trail River is estimated to be 469.5 feet, and the modeled 100-year flood event elevation is 474.9 feet.

Proposed Facility

The proposed bridge is 360 feet in length, open top deck bridge resting on 13 bents (12, 30-ft steel spans), with a low chord elevation of 474.93 feet. Riprap armoring (approx. 450 cy) will be placed around new sheet pile bulkheads and extend along the embankment to the north of the north abutment. The tracks will be raised to the north and south of the bridge to meet the proposed bridge grade (approx. 2,500 feet). This elevation change will result in a track raise of approx. three feet at the bridge and one foot at the Crown Point Mine Road crossing, requiring an upgrade to the at-grade crossing at MP 25.46, just south of the bridge. Minor grading and vegetation clearing near the crossing may be necessary.

Proposed Construction Method

ARRC proposes to reconstruct the existing bridge on the ARRC mainline track once high-season passenger and freight activity tapers off. ARRC does not intend to construct or place any temporary work bridge, temporary piles or bents, or temporary work pads to facilitate this construction.

ARRC and their construction contractor will also remove remaining piles. If piles cannot be removed completely, they will be cut off approximately at grade with the Trail River substrate below OHW.

Pile driving with both vibratory and impact hammers are necessary to install the steel sheet pile bulkheads and bridge bents. There are 13 bents with 3, 24" piles per bent (39 total piles) to be installed and secured in place with concrete.

Riprap armoring will be placed around each bulkhead and extend along the embankment to the north of the north abutment. Total quantity of riprap placed for this project is approx. 450 cy, of which approx. 250 cy (0.09 acres) placed below ordinary high water (OHW).

The tracks north and south of the bridge will be removed and the embankment will be rebuilt in compacted lifts to reach the proposed track grade. During crossing reconstruction, a temporary crossing will allow vehicles to access residences along Crown Point Mine Road throughout construction. Total quantity of in-situ material excavated for this project is approx. 2,353 cy, of which 250 cy removed from below OHW.

Environmental and Regulatory Considerations

The bridge spans Trail River, a Water of the U.S. (WOUS) subject to US Army Corps of Engineers (USACE) jurisdiction. Trail River is listed as an anadromous (salmon-bearing) waterway (AWC Code 244-30-10010-2225),

and as such is subject to Alaska Department of Fish & Game's (ADFG) authority. This waterway is located within the Kenai Peninsula Borough (KPB) and has been mapped for flood zones by the Federal Emergency Management Agency. It is not listed as a navigable waterway by US Coast Guard (USCG); therefore, not subject to USCG approval for bridges over navigable waterways.

The proposed work would occur under Nationwide Permit 3, Maintenance of Existing Facilities. ARRC and its Contractor will not disturb any more than the minimum area necessary, with respect to the ordinary high water (OHW), to complete the proposed bridge reconstruction. No temporary fill will be placed in WOUS. Permanent fill within the WOUS will be riprap around abutments and on the embankment on the north side of Trail River and adjacent to Lower Trail Lake. Approximately 2,353 cy (approx. 250 cy (below OHW) of in-situ material, including organics and gravels, will be excavated to install the riprap armoring. The Contractor must obtain all permits required by law to dispose of unused material.

A Multi-Agency Permit application is included for submittal to the KRC. This permit application is expected to be conveyed to ADFG, AK State Parks, and KPB Floodplains administrators. A Title 16 Fish Habitat Permit application is included as part of this package.

A courtesy letter to the US Army Corps of Engineers for authorization under NWP No. 3 – Maintenance, with no PCN required is included as part of the package.

All proposed work will be within the ARRC right-of-way. No vehicular access will occur within the bed or banks of the waterway. Work will be conducted from the existing track and adjacent uplands. No Temporary Land Use Permit is anticipated with ADNDR at this time.

A Storm Water Pollution Prevention Plan (SWPPP) will be prepared for this project and Construction General Permit obtained.

See attached Cultural Resources Documentation for Section 106 compliance.

Mitigation

ARRC proposes to provide mitigation for potential impacts to Trail River by removing the current piles and support structure for the existing bridge. Additionally, ARRC proposes to remove approx. 165 remnant piles at substrate grade (below OHW).

Schedule

The necessary track and bridge raise requires that the entire bridge be replaced at once, not incrementally between train traffic. The amount of time to do this work (estimated up to 120-days) is not feasible between May and October because ARRC operates up to eight trains per day over this bridge. The proposed project may begin in fall 2023 with the in-water work window being January 2024 thru April 2024. Additional work items such removal on remnant piles by divers, track raise, and at-grade crossing upgrades will be completed concurrently or later with the entire project being completed in summer 2024.

Br 25.7 Cultural Resources Documentation

Section 106 compliance to improve the grade crossing at Crown Point Mine Road and complete track work is achieved using the *Program Comment to Exempt Consideration of Effects to Rail Properties Within Rail Rights-of-Way* issued by the Advisory Council on Historic Preservation on August 17, 2018 (83 FR 42920, August 24, 2018, and amended 84 FR 31075, June 28, 2019). The project meets the following exempted activities:

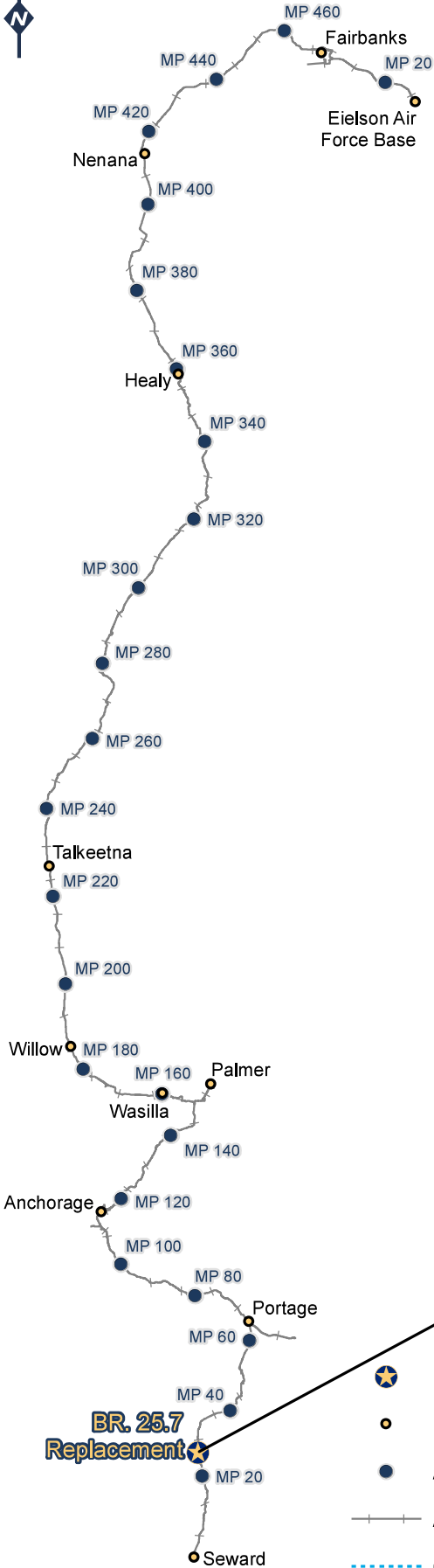
- Appendix A.II.A.1: Track and trackbed maintenance, repair, replacement, and upgrades within the existing footprint (i.e., existing subgrade, subballast, ballast, and rails and crossties (track)). These activities must not include alterations to the trackbed that would result in a substantial visual change (i.e., elevation or alignment) in the relationship between the trackbed and the surrounding landscape or built environment.
- Appendix A.II.E.2. Replacement of at-grade railroad and rail transit crossings on existing railroads, rail transit lines, and roadways, including components such as crossing signs, gates, warning devices and signage, highway traffic signal pre-emption, road markings, paving and resurfacing, and similar safety features.
- Appendix A.II.G.1: Placement of riprap and similar bank stabilization methods to prevent erosion affecting bridges and waterways.

ARRC has reviewed the Alaska Heritage Resource Survey (AHRS) to identify potentially historic properties within or near the project site. No previously recorded or known archaeological sites were found in or near the project site. The following properties are in or near the project site:

- SEW-00029 – Alaska Railroad. This entry relates to the railroad infrastructure as a whole. The proposed project would continue to preserve the continuity and integrity of the rail system and does not represent an alteration that would diminish the integrity of the resources as a whole.
- SEW-00148 – Seward-Moose Pass Trail. This is in the overall vicinity but will not be impacted or disturbed by the project.
- SEW-00415 – Homestead Entry Survey #197. This is in the overall vicinity but will not be impacted or disturbed by the project.
- SEW-01350 – Alaska Railroad MP 25.7 Trail River Bridge. This bridge will be replaced by the project.
- SEW-01291 – DOT&PF Seward Highway Bridge. This bridge has been replaced in the last 10 years.
- SEW-01557 – DOT&PF Seward Highway. MP 0-37 is considered the non-interstate portion and determined not eligible for listing in the National Register (02-25-2019).

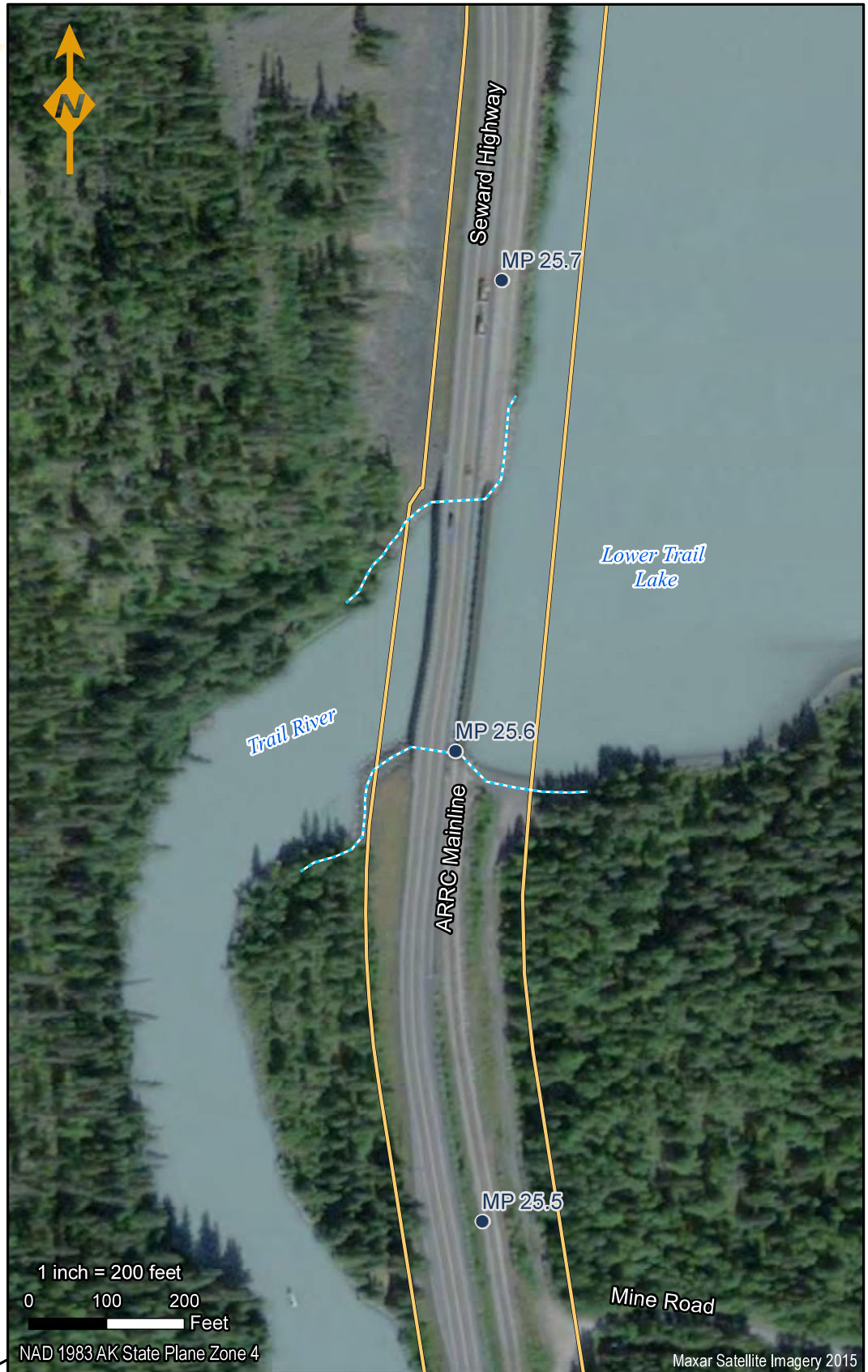
Section 106 compliance for the removal and replacement of MP 25.7 Trail River Bridge is addressed by ARRC's existing Memorandum of Agreement (MOA) with the Alaska State Historic Preservation Office (SHPO) and FRA for Mitigation of Impacts to Bridge 233.3 and Other Timber Bridges. This MOA was originally signed 1.16.2007 and Amendment 1 was authorized on 7.14.2016 to extend the MOA until 7.2026. ARRC continues to make progress on the Mitigation Stipulations outlined in the MOA and continue to update SHPO and FRA in an annual report. The design of this replacement bridge is considered a standard design as described in Mitigation Stipulation 2.4.

Any potential work outside the existing disturbed railroad right-of-way (staging and temporary access) will take place primarily from existing paved or hard-packed transportation right-of-way. These activities, if required, have no potential to affect historic properties.



0 0.02 0.04 Miles

- Project Location
- Place Name
- ARRC Milepost
- ARRC Centerline
- Ordinary High Water
- ARRC Property Boundary



Alaska Railroad Corporation
327 W. Ship Creek Avenue
Anchorage, AK 99501

Alaska Railroad Corporation Milepost 25.7 Bridge Replacement

Location
Lower Trail Lake/Trail River
Trail River Watershed (HUC 1902030210)
SEC 13, T4N, R1W, SM
60.43571°, -149.3723°

Prepared by:

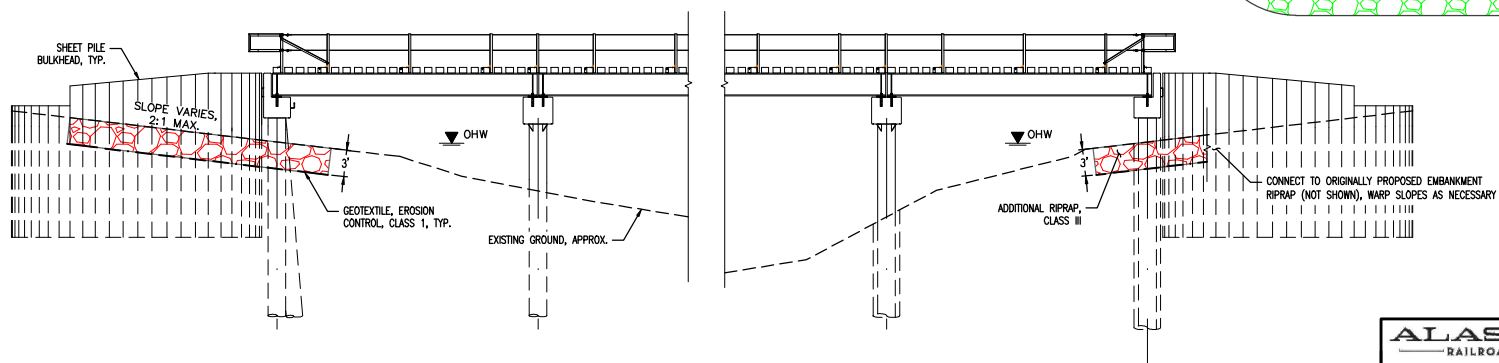
Michael Baker
INTERNATIONAL

Figure 1
Project Vicinity

7/20/2020




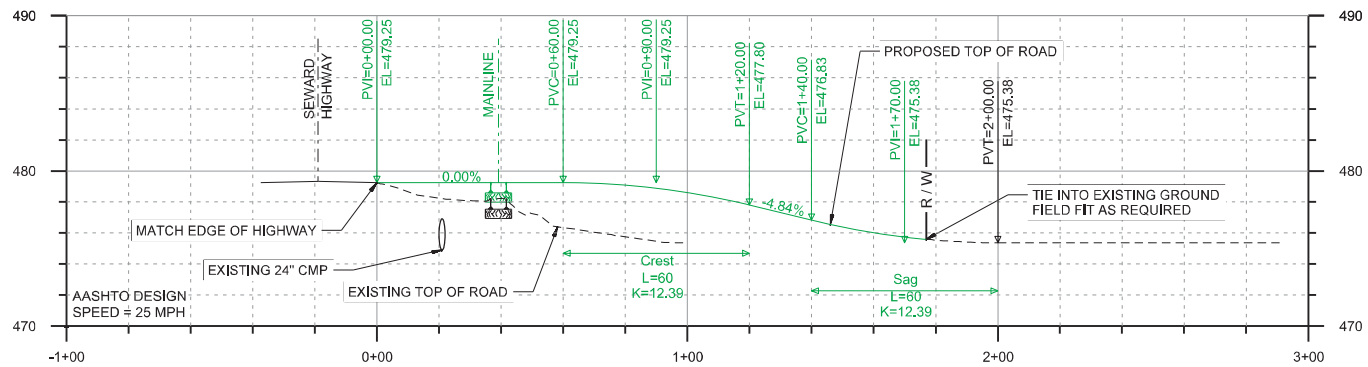
PLAN
N.T.S.



SECTION A-A
N.T.S.

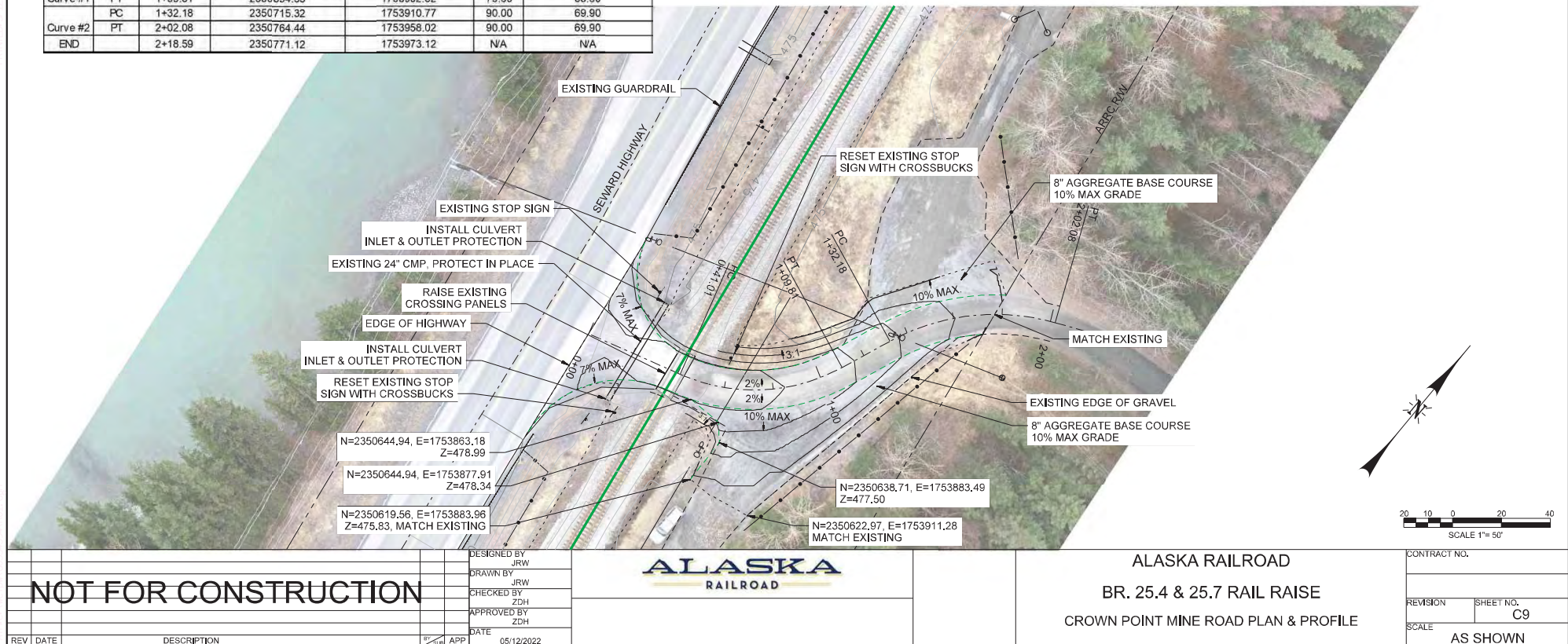
					ALASKA RAILROAD CORPORATION PO BOX 107500, ANCHORAGE, AK 99510-7500
					327 W SHIP CREEK AVE ANCHORAGE, AK 99501 (907) 265-2300
REV.	DATE	BY		REVISION	

		CAPITAL PROJECTS		
		P.O. BOX 107500 ANCHORAGE, ALASKA 99510-7500		
PROJECT :				
TRAIL RIVER BRIDGE REPLACEMENT				
TITLE:				
RIPRAP ARMORING FIGURE				
AFE NO.		YEAR	SHEET NO.	TOTAL SHEETS
—		2022	1	1



- Notes:
1. Reference AKDOT&PF's SSHC for temporary traffic control measures adjacent to proposed work and coordinate with the Department to receive Lane Closure Permit (LCP)'s as needed. LCP's are required to have along with approved traffic control plans.

CURVE DATA - CROWN POINT MINE ROAD					
CURVE	POINT	NORTHING	EASTING	RADIUS	CURVE LENGTH
POB	0+00.00	2350638.85	1753813.77	N/A	N/A
Curve #1	PC	0+41.01	2350650.02	75.00	68.80
	PT	1+09.81	2350694.53	75.00	68.80
Curve #2	PC	1+32.18	2350715.32	90.00	69.90
	PT	2+02.08	2350764.44	90.00	69.90
END	2+18.59	2350771.12	1753973.12	N/A	N/A



NOT FOR CONSTRUCTION

DESIGNED BY
JRW
DRAWN BY
JRW
CHECKED BY
ZDH
APPROVED BY
ZDH
DATE
05/12/2022

ALASKA
RAILROAD

ALASKA RAILROAD
BR. 25.4 & 25.7 RAIL RAISE
CROWN POINT MINE ROAD PLAN & PROFILE

CONTRACT NO.
REVISION
SHEET NO.
C9
SCALE
AS SHOWN

ARRC – Bridge 25.7 Replacement Project Site Photographs



Photo 1. Looking west at Bridge 25.7, Trail Lake.



Photo 2. Looking north at Bridge 25.7, Trail Lake

**ARRC – Bridge 25.7 Replacement Project
Site Photographs**



Photo 3. Looking north from the southeast corner of Bridge 25.7, Trail Lake.



Photo 4. Looking north from the southwest corner of Bridge 25.7, Trail Lake.

**ARRC – Bridge 25.7 Replacement Project
Site Photographs**



Photo 5. Crossing at 25.46



FH# _____
(Office Use Only)

FISH HABITAT PERMIT APPLICATION

Alaska Department of Fish and Game - Habitat Section

[Office Locations](#)

A. APPLICANT

Name: Brian Lindamood (ARRC)

Mailing Address: P.O. Box 107500 Anchorage, AK 99510

Email Address: LindamoodB@akrr.com

Phone: 907-265-3095 Alt Phone: _____

AGENT / POINT OF CONTACT:

Name: Jeanette Holt (ARRC)

Mailing Address: P.O. Box 107500 Anchorage, AK 99510

Email Address: HoltJ@akrr.com

Phone: 907-265-2440 Alt Phone: 907-444-8830

B. PROJECT DESCRIPTION:

Alaska Railroad (ARRC) proposes to reconstruct its existing bridge and raise the track elevation over Trail River, approximately four miles south of Moose Pass, Alaska. The proposed bridge is 360 feet in length, open top deck bridge resting on 13 bents (12, 30-ft steel spans), with a low chord elevation of 474.93 feet. Riprap armoring (approx. 450 cy) will be placed around new sheet pile bulkheads and extend along the embankment to the north of the north abutment. The tracks will be raised to the north and south of the bridge to meet the proposed bridge grade (approx. 2,500 feet). This elevation change will result in a track raise of approx. three feet at the bridge and one foot at the Crown Point Mine Road crossing, requiring an upgrade to the at-grade crossing at MP 25.46, just south of the bridge. Minor grading and vegetation clearing near the crossing may be necessary.

C. PROJECT TIME FRAME: Fall 2023 to Summer 2024

D. PROJECT LOCATION:

Water body name: Trail River

[Anadromous stream number:](#) 244-30-10010-2225

Latitude & longitude in decimal degrees: 60.4352 N, 149.3725 W

Section 01 W Township 13 Range 04 N Meridian SM USGS Quad D-6

E. WATER BODY CHARACTERISTICS:

Water body width: Varies Water body depth: Varies
Substrate type (Boulder, cobble, gravel, sand, mud): Mud, silt
Stream gradient: Varies

PLEASE COMPLETE THE APPLICABLE SECTIONS BELOW:

A list of best practices for many commonly authorized activities can be found at our [Habitat Permits Website](#).

F. IN-WATER WORK:

Will you place a structure or any fill below [ordinary high water](#)? ☒ Yes ☐ No

Will you remove material from below ordinary high water? ☒ Yes ☐ No

Type and amount: 250 cubic yards of in-situ material

Will you alter the bed or banks of the water body? ☒ Yes ☐ No

How? 450 cubic yards (250 cy below OHW) of riprap at abutments and north embankment

Will you use tracked or wheeled equipment below ordinary high water? ☐ Yes ☒ No

What type? N/A

Will you drive piles below ordinary high water? ☒ Yes ☐ No

How many and what type? 39, 24" steel pipe piles

Pile installation method: ☒ vibratory hammer ☒ impact hammer ☐ drilled

☐ other: _____

Will you divert the stream around the work area? ☐ Yes ☒ No

How long will the stream be diverted? N/A

How will you divert the stream? N/A

Will you be placing a coffer dam or silt fencing to isolate the work area? ☐ Yes ☒ No

Will you dewater the work area with a pump? ☐ Yes ☒ No

Who will trap fish and remove them from the work area? N/A
Capture and relocation of fish will require an [Aquatic Resource Permit](#) from the ADF&G Division of Sport Fish.

G. **STREAM CROSSINGS:**

What type of vehicles or equipment will cross the stream or lake?

N/A

How many crossings (one-way) will be required? N/A

Will you build ice bridges for winter crossing? ☐ Yes ☒ No

H. **WATER WITHDRAWAL:**

Pump intake size (inches): N/A Maximum pumping rate (gpm): N/A

Total daily amount (gal): N/A Total seasonal amount (gal): N/A

Water withdrawal from fish-bearing water bodies will require appropriate intake screening to avoid impacts to fish. Screening criteria can vary by location depending on the species of fish and life stages present at the time of withdrawal. Contact the [Habitat Section](#) for more information on intake screens. Intake screening specifications (attach photos if available):

N/A

Please attach plans, specifications, aerial photographs, site rehabilitation plans, or other information in support of your application. Submit your completed application by postal mail, email, or in person at the appropriate [Habitat Section office](#).

I certify all information provided in my application and supporting documents is true and complete to the best of my knowledge.

Applicant Signature

9/27/2022

Date

September 26, 2022

U.S. Army Corps of Engineers-Alaska District
Kenai Regulatory Field Office
44669 Sterling Highway, Suite B
Soldotna, Alaska 99669-7915

Subject: ARRC MP 25.7, Trail River Replacement

To whom it may concern:

The Alaska Railroad Corporation (ARRC) is proposing to reconstruct its existing bridge and raise the track elevation over Trail River at approximately 60.4352 N, 149.3725 W, approximately four miles south of Moose Pass, Alaska. The project will replace an aging and deteriorated bridge approaching the end of its useful life and is prone to flooding. The purpose of this project is to enhance the stability of the track infrastructure, protect critical state infrastructure, improve safety for the ARRC and its customers, and maintain the integrity of the railroad.

The proposed bridge is 360 feet in length, open top deck bridge resting on 13 bents (12, 30-ft steel spans), with a low chord elevation of 474.93 feet. Riprap armoring (approx. 450 cy) will be placed around new sheet pile bulkheads and extend along the embankment to the north of the north abutment. The tracks will be raised to the north and south of the bridge to meet the proposed bridge grade (approx. 2,500 feet). This elevation change will result in a track raise of approx. three feet at the bridge and one foot at the Crown Point Mine Road crossing, requiring an upgrade to the at-grade crossing at MP 25.46, just south of the bridge. Minor grading and vegetation clearing near the crossing may be necessary. Additionally, ARRC proposes to remove approx. 165 remnant piles at substrate grade (below OHW).

ARRC proposes to conduct the proposed work authorized under Nationwide Permit (NWP) 3, Maintenance with no PCN required. ARRC will abide by all requirements of NWP 3. If you have any questions or comments, please feel free to contact me at (907) 265-2440.

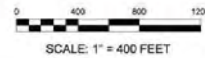
Sincerely,



Jeanette Holt

Attachments:

- Project Description
- Cultural Resources Documentation
- Figures
- Photo Page



CONTROL POINT LIST

Point	Northing	Easting	Elevation	Description
126	2349093.98	1754096.83	485.55	PK IN TIE
206	2349593.05	1754017.98	495.50	600 IN TIE
2037	2349710.76	1754008.93	484.58	5/8" RBAR W YPC
2039	2348853.10	1753947.78	484.45	5/8" RBAR W YPC
416	2350395.26	1753891.33	479.86	PK IN TIE
101	2350576.08	1753821.89	480.22	PK IN ASPH
572	2351083.35	1753783.13	475.69	PK IN TIE
1956	2351471.24	1753757.48	475.55	5/8" RBAR W YPC
869	2351848.53	1753820.61	474.80	5/8" RBAR W YPC
962	2352322.34	1753858.34	476.05	set pk in tie
1092	2352915.87	1753804.90	475.68	PK IN TIE
1170	2353415.22	1753762.59	475.87	PK IN TIE
2043	2353909.77	1753854.42	474.33	5/8" RBAR W YPC
1288	2354202.35	1753876.88	475.48	PK IN TIE
1405	2354775.71	1754237.58	475.38	PK IN TIE
1486	2355205.57	1754463.53	475.87	PK IN TIE
1559	2355692.60	1754392.09	476.46	PK IN TIE
1644	2356259.93	1754222.02	477.35	PK IN TIE
1678	2356496.51	1754253.72	477.55	PK IN TIE
1679	2357143.05	1754375.59	474.94	PK IN TIE
1749	2357545.35	1754451.36	474.02	600 IN TIE
2045	2357625.27	1754479.67	473.31	5/8" RBAR W YPC
1818	2358080.86	1754549.98	476.64	PK IN TIE
100	2350580.89	1753825.35	479.98	BASE OPUS

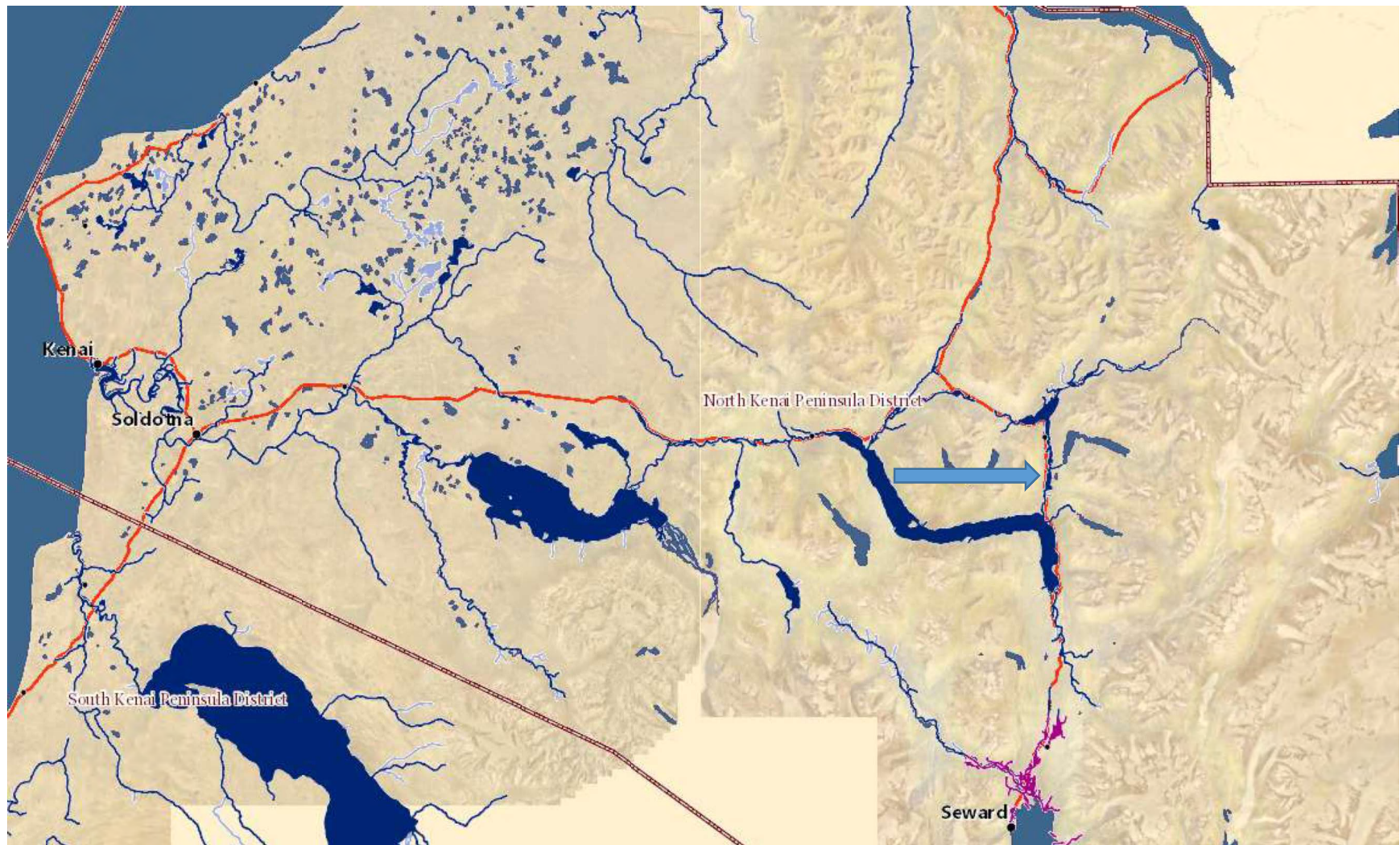
NOTES

- HORIZONTAL AND VERTICAL DATUM IS ALASKA STATE PLANE COORDINATE SYSTEM ZONE 4, NAD83(2011), GEOID12B ORTHOMETRIC HEIGHTS BASED ON OPUS PROCESSING OF CONTROL POINT 100.
- CONTROL POINT 100 IS NOT SHOWN IN PLAN ABOVE.

LEGEND

- CONTROL POINT, SEE POINT LIST
- APPROXIMATE LOT LINES PER KPB GIS

						DESIGNED BY				ALASKA RAILROAD BR. 25.4 & 25.7 RAIL RAISE SURVEY CONTROL	CONTRACT NO.	
						DRAWN BY						
						CHECKED BY					REVISION	SHEET NO.
						APPROVED BY						C3
						DATE	08/17/2022				SCALE	NONE
REV	DATE	DESCRIPTION				BY	APP					







**Conditional Use Permit
Anadromous Waters Habitat Protection District
Staff Report**

KPB File No.	2022-41
Planning Commission Meeting:	November 14, 2022
Applicant	Alaska Railroad Corporation
Mailing Address	327 W Ship Creek Ave Anchorage, AK 99501
Legal Description	T 4N R 1W SEC 13 SEWARD MERIDIAN SW 0880002 ALASKA STATE LAND SURVEY 86-176 TRACT A EXCEPT ASLS 86-6
Physical Address	MP 25.7 of the Seward Highway
KPB Parcel Number	12516022

Project Description

A Conditional Use Permit is sought pursuant to KPB 21.18 for the construction of a bridge within the 50-foot Habitat Protection District of the Trail Lake, as established in KPB 21.18.040.

Background Information

The existing railroad bridge was built in 1920 and has deteriorated due to age and environmental stresses. The Alaska Railroad proposes to replace the bridge and expand it to meet current line capacity. The new bridge will meet the FEMA floodplain standards.

Project Details within the 50-foot Habitat Protection District

1. Replacing the bridge at the railroad crossing with a new bridge, which will be 360 feet long
2. Placement of approx. 450 cubic yards of rip rap
3. Removal of 165 bents that will not be used (from former bridge), addition of 13 bents for new bridge
4. Installation of sheet pile abutment on each end of bridge, measuring 30 feet long and 35 feet wide

General Standards

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

1. The use or structure will not cause significant erosion, sedimentation, damage within the habitat protection district, an increase in ground or surface water pollution, and damage to riparian wetlands and riparian ecosystems; **Conditions 1-3 appear to support this standard.**
2. Granting of the conditional use shall be consistent with the purposes of this chapter, the borough comprehensive plan, other applicable chapters of the borough Code, and other applicable planning documents adopted by the borough; **Findings 1-4, 8-15 appear to support this standard.**
3. The development of the use or structure shall not physically damage the adjoining property; **Finding 8 appears to support this standard.**
4. The proposed use or structure is water-dependent; **Findings 4 and 9 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.**

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 critical 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. Removal of the old bents and minimal replacement of new bents reduces impact on the habitat protection district.
7. Raising the elevation of the bridge to meet current FEMA standards.
8. Pursuant to KPB 21.06.081(D)(3), the proposed work will occur on the applicant's property and shall not have an adverse effect on adjoining properties.
9. Kenai Peninsula Borough Planning Commission Resolution 2015-35 defines water-dependent as:
"...a use or structure located on, in or adjacent to water areas because the use requires access to the waterbody. The definition is applicable to facilities or activities that must be located at or near the shoreline and within the 50-foot buffer. An activity is considered water dependent if it is dependent on the water as part of the intrinsic nature of its operation. Examples of water dependent facilities may include, but are not limited to, piers, boat ramps, and elevated walkways."
10. The River Center found the application complete and scheduled a public hearing for November 14, 2022.
11. Agency review was distributed on October 26, 2022. No comments or objections have been received from resource agencies to date.
12. Notice of this project was sent to the Moose Pass Advisory Planning Commission. The APC reviewed this project at their October 8, 2022 meeting. They did not have any comments for this project.
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 October 26, 2022. A total of 1 mailing was sent.
14. Pursuant to KPB 21.11.020, public notice was published in the Peninsula Clarion on November 3, 2022 and November 10, 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 Trail Lake.
2. The bridge 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 three calendar years from the date of the permit's issuance, or the Conditional Use Permit shall expire unless the Planning Commission finds that more time is necessary to effectuate the purposes of this chapter, in which case the commission may extend the deadline for a maximum of six years from the date of issuance. Prior to its expiration date and upon written request, the Planning Director may grant a Conditional Use Permit extension for 12 months (KPB 21.18.081 (H)).
10. In addition to the penalties provided by KPB 21.18.110, and pursuant to KPB 21.50, the permit may be revoked if the permittee fails to comply with the provisions of this chapter or the terms and conditions of a permit issued under this chapter. The Borough Clerk shall provide at least 15 day's written notice to the permittee of a revocation hearing before the hearing officer (KPB 21.18.082).
11. The permittee shall comply with the terms, conditions and requirements of the Kenai Peninsula Borough Code of Ordinances Chapter 21.18, and any regulations adopted pursuant to this chapter.
12. The permittee is responsible for abiding by all other federal, state, and local laws, regulations, and permitting requirements applicable to the project (KPB 21.18.081 (G)).

Attachments

Multi-Agency Application
Draft Resolution 2022-41

Recommendation

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

Staff recommends the Planning Commission grant a Conditional Use Permit for the proposed project details subject to adopted conditions as set forth in 2022-41.

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



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 replace a bridge within the 50-foot Habitat Protection District of the Trail Lake, near Crown Point, 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 milepost 25.7 of the Seward Highway, Moose Pass, Alaska.

Petitioner: Alaska Railroad Corporation
327 W Ship Creek Ave
Anchorage, AK 99501

Public Hearing: The Kenai Peninsula Borough Planning Commission meeting will hold a public hearing on **November 14, 2022** commencing at 7:30 p.m., or as soon thereafter as business permits. The meeting is to be held in the Borough Administrative Building, 144 N. Binkley St., Soldotna, Alaska. The public may also 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, November 10, 2022.**

Mail comments to:
Donald E. Gilman River Center
514 Funny River Road
Soldotna, Alaska 99669

Fax comments to:
(907) 260-5992

Email comments to:
planning@kpb.us
KenaiRivCenter@kpb.us

For additional information contact Morgan Aldridge, maldridge@kpb.us, Donald E. Gilman River Center, (907) 714-2465.

KENAI PENINSULA BOROUGH PLANNING COMMISSION

RESOLUTION 2022-41

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT PURSUANT TO KPB 21.18 FOR THE
CONSTRUCTION OF BRIDGE WITHIN THE 50-FOOT HABITAT PROTECTION DISTRICT OF THE
TRAIL CREEK.**

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 November 3, 2022 and November 10, 2022 as provided in Section 21.11.020; and

WHEREAS, public testimony was received at the November 14, 2022 meeting of the Kenai Peninsula Borough Planning Commission;

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

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

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

1. Replacing the bridge at the railroad crossing with a new bridge, which will be 360 feet long
2. Placement of approx. 450 cubic yards of rip rap at the north end of the bridge
3. Removal of 165 bents that will not be used (from former bridge), addition of 13 bents for new
4. Installation of sheet pile abutment on each end of bridge, measuring 30 feet long and 35 feet wide

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 critical 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. Removal of the old bents and minimal replacement of new bents reduces impact on the habitat protection district..
7. Raising the elevation of the bridge to meet current FEMA standards.
8. Pursuant to KPB 21.06.081(D)(3), the proposed work will occur on the applicant's property and shall not have an adverse effect on adjoining properties.
9. Kenai Peninsula Borough Planning Commission Resolution 2015-35 defines water-dependent as:
"...a use or structure located on, in or adjacent to water areas because the use requires access to the waterbody. The definition is applicable to facilities or activities that must be located at or near the shoreline and within the 50-foot buffer. An activity is considered water dependent if it is dependent on the water as part of the intrinsic nature of its operation. Examples of water dependent facilities may include, but are not limited to, piers, boat ramps, and elevated walkways."
10. The River Center found the application complete and scheduled a public hearing for November 14, 2022.
11. Agency review was distributed on October 26, 2022. No comments or objections have been received from resource agencies to date.
12. Notice of this project was sent to the Moose Pass Advisory Planning Commission. The APC recommended reviewed this project at their October 8, 2022 meeting. The APC did not have any comments for this project.
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 October 26, 2022. A total of one mailing was sent.
14. Pursuant to KPB 21.11.020, public notice was published in the Peninsula Clarion on November 3, 2022 and November 10, 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 Trail Lake.
2. The bridge 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 three calendar years from the date of the permit's issuance, or the Conditional Use Permit shall

expire unless the Planning Commission finds that more time is necessary to effectuate the purposes of this chapter, in which case the commission may extend the deadline for a maximum of six years from the date of issuance. Prior to its expiration date and upon written request, the Planning Director may grant a Conditional Use Permit extension for 12 months (KPB 21.18.081 (H)).

10. In addition to the penalties provided by KPB 21.18.110, and pursuant to KPB 21.50, the permit may be revoked if the permittee fails to comply with the provisions of this chapter or the terms and conditions of a permit issued under this chapter. The Borough Clerk shall provide at least 15 day's written notice to the permittee of a revocation hearing before the hearing officer (KPB 21.18.082).
11. The permittee shall comply with the terms, conditions and requirements of the Kenai Peninsula Borough Code of Ordinances Chapter 21.18, and any regulations adopted pursuant to this chapter.
12. The permittee is responsible for abiding by all other federal, state, and local laws, regulations, and permitting requirements applicable to the project (KPB 21.18.081 (G)).

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

1. The use or structure will not cause significant erosion, sedimentation, damage within the habitat protection district, an increase in ground or surface water pollution, and damage to riparian wetlands and riparian ecosystems; **Conditions 1-3 appear to support this standard.**
2. Granting of the conditional use shall be consistent with the purposes of this chapter, the borough comprehensive plan, other applicable chapters of the borough Code, and other applicable planning documents adopted by the borough; **Findings 1-4, 8-15 appear to support this standard.**
3. The development of the use or structure shall not physically damage the adjoining property; **Findings 8 appear to support this standard.**
4. The proposed use or structure is water-dependent; **Findings 4 and 9 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.