CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

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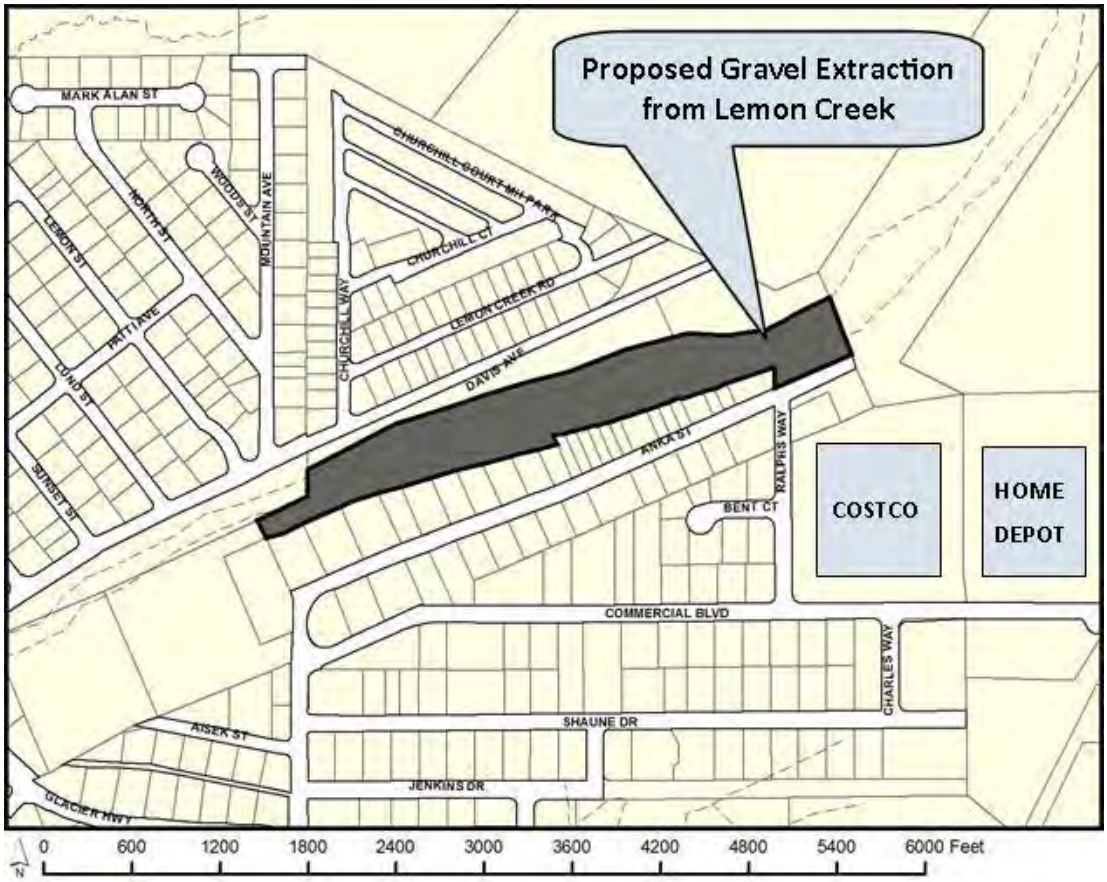
DATE:	February 7, 2019
TO:	Planning Commission
FROM:	Teri Camery, Senior Planner Community Development Department
CASE NO.:	USE2018 0024
PROPOSAL:	A Conditional Use Permit to extract up to 350,000 cubic yards of gravel from the Lemon Creek streambed over a ten year period

GENERAL INFORMATION

Applicant:	SECON
Property Owner:	Colaska Inc.
Property Address:	2025 Anka Street
Legal Description:	Mendota Park, Parcel 2
Parcel Code No.:	5B1201310041
Site Size:	415,994 sq. ft. (9.55 acres)
Comprehensive Plan Future Land Use Designation:	Rural Reserve and Industrial
Zoning:	Rural Reserve and Industrial
Utilities:	CBJ water and sewer available; not needed on-site at streambed
Access:	Anka Street
Existing Land Use:	Vacant Lemon Creek streambed
Surrounding Land Use:	North - Davis Avenue; D- 10 and D-15 residential South - Anka Street; Industrial East - Lemon Creek; CBJ Gravel Pit; Industrial West - Lemon Creek; Rural Reserve

VICINITY MAP



ATTACHMENTS

Attachment 1 Development Permit Application
Attachment 2 Conditional Use Permit Application
Attachment 3 Pre-Application Report
Attachment 4 Requested condition changes
Attachment 5 Project Narrative
Attachment 6 Site Plans
Attachment 7 Seismic Monitoring Reports
Attachment 8 Alaska Department of Fish and Game Fish Habitat Permit
Attachment 9 U.S. Army Corps of Engineers Permit
Attachment 10 Alaska Department of Environmental Conservation Certificate
Attachment 11 Agency Comments:
a. Alaska Department of Fish and Game
b. Alaska Department of Fish and Game trip report
c. Alaska Department of Environmental Conservation

d. Capital City Fire & Rescue
e. CBJ Assessor Office

Attachment 12 USE2012 0019 Notice of Decision
Attachment 13 Appeal Decision
Attachment 14 1-28-19 applicant email response
Attachment 15 1-29-19 applicant response to public comment
Attachment 16 Public Comments: McKerney, Blackwell

PROJECT DESCRIPTION

The applicant, SECON, requests a Conditional Use Permit to extract up to 350,000 cubic yards of gravel from the lower Lemon Creek streambed over a ten year period. The development has been previously permitted as USE2006-00054 and USE2012 0019 from 2007 to the present.

BACKGROUND

Lemon Creek was mined extensively in the project area throughout the 1980s by the previous owner, Mr. Ralph Horecny. The parcel is the remaining fraction of USMS 609, a patented placer mining claim. The area has a history of placer mining from 1879 through the early 1900s. Gravel extraction in Lemon Creek first began during World War II. Gravel has continued to accumulate since this time from eroding banks upstream. The applicant, SECON, also owns extensive property in upper Lemon Creek (Hidden Valley) and states that several acres of land have been eroded from this area and deposited downstream during high water flows. The Project Narrative, Attachment 5, provides more extensive background information including photos.

The proposed gravel extraction area has been specifically identified as a deposition zone in the 2004 Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis, which was prepared for the CBJ Engineering Department by Inter-Fluve, Inc. The analysis recommends mining in this zone, with appropriate habitat mitigation, as one of three measures to reduce flood potential. The other two measures are removal of the Juneau Redi-Mix Bridge, which has been completed, and stabilization of exposed and eroding banks in the upper reaches. The full report may be found online at http://www.juneau.lib.ak.us/engineering/lemoncreek.php.

The current gravel extraction operation was first approved as USE2006-00054 on June 26, 2007. USE2008-00053 modified the permit to utilize new access points and a steel access ramp to the creek instead of building a causeway. USE2006-00054 expired on June 28, 2012. USE2012 0019, approved on December 18, 2012, approved extraction of 240,000 cubic yards of gravel over a six year period. This permit expired on December 18, 2018. The USE2012 0019 Notice of Decision has been included in Attachment 12.

USE2012 0019 was appealed. The CBJ Assembly upheld the Planning Commission's decision in a

final decision dated June 12, 2013, included in Attachment 13.

SECON also has a gravel extraction operation in upper Lemon Creek, known as Hidden Valley, which was approved as USE2016 0004 on May 10, 2016. This permit is valid for ten years and does not have any limits on yearly or cumulative extraction amounts.

An agency review period was conducted from December 20, 2018, through January 11, 2019. Agency comments will be addressed later in this report.

ANALYSIS

This review requires an evaluation of conformance with the Conditional Use Permit requirements in CBJ Land Use Code 49.15.330, as well as the Land Use Code Sand and Gravel Section, 49.65.200.

The sand and gravel code section has been written to apply to upland sand and gravel mining, not streambed mining, therefore CBJ Engineering has concluded that most sections do not apply to the proposed development. To verify conformance and reduce redundancy, staff will briefly reference sand and gravel code sections in the context of the standard Conditional Use Permit review. Section 49.65.210, Contents of Sand and Gravel Application, will be addressed at the end of the report under Finding Number One, regarding whether the application is complete.

Project Site –
The project site is a privately-owned streambed with a small adjoining upland access area at the end of Anka Street. The 9.55 acre parcel is the remaining fraction of the original USMS 609, a patented placer mining claim. The streambank on the southern boundary paralleling Anka Street is quite steep, while the northern banks in this area are slightly more gradual. The project area is identified in the 2004 Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis as a deposition zone where gravel accumulates, as opposed to other stretches of the creek that contribute to the material load through erosion. (See http://www.juneau.org/engineering/lemoncreek/Lemon-Creek-Study-Final-Report-11-29-04.pdf)

The site is bordered on the south and east by industrial zoning districts, including units with caretaker residences, and to the north and west by D-10 and D-15 zoning.

Project Design –
The applicant has described the current extraction method in the project narrative, Attachment 5, and in site plans, Attachment 6. The method of extraction follows the previous Conditional Use Permit approval, which involves extracting from the same gravel bars each season, because the extracted areas are replenished with gravel each year when the creek is at flood stage.

Resource agencies support this method, because it preserves habitat by not disturbing new, vegetated gravel bars. SECON intends to continue this practice as much as practicable but cannot commit to mining exactly the same gravel bars each year through the project lifetime because the location of the gravel bars in the stream could change.

SECON is requesting a 10 year gravel permit to extract up to 350,000 cubic yards of material, versus the 6 years or 5 years with lesser amounts of material as authorized by previous Conditional Use Permits. The project narrative lists the amount of gravel that has been extracted from the area per year since permits were first granted. These amounts range from a low of 5,500 cubic yards in 2014 to a maximum of 20,095 cubic yards in 2016. These amounts are variable according to demand for gravel and conditions in the creek during the limited time window of the operation. The timing is established according to Alaska Department of Fish and Game (ADFG) Fish Habitat Permit restrictions, as described in Attachments 8 and 11(a). The permit restricts mining operations to December 1 through March 15 each year, during low water flows, to minimize impacts to salmon.

SECON's request to extract 350,000 cubic yards of material over 10 years amounts to an average of 35,000 cubic yards per year, significantly higher than the highest yearly extraction amount to date. SECON is allowed by ADFG to operate in the creek for a maximum of 40 days during the timing window; however SECON's typical extraction time for active mining is 7-10 days, as shown in Attachment 14. In their email response, SECON has offered to limit the period of active mining to 20 days, which does not include the time working within the creek for set-up and take down procedures. A consideration of days of operation will be evaluated further in the neighborhood harmony section of this report.

Review of previous USE permit conditions –
SECON has requested modification of many of the USE2012 0019 conditions listed in the Notice of Decision (NOD), Attachment 12. SECON's specific requests are included in Attachment 4.

CDD has reviewed each condition with CBJ Engineering to determine which changes may be accommodated and if the remaining conditions are still necessary. Following is an explanation and response to each condition from the NOD.

Annual Grading Permit, Bank Protection, and Seismic Monitoring –

1. *The operator shall stockpile about 50 cubic yards of broken rap, equivalent to Class I rip-rap, near the project area to address emergencies if the flow becomes redirected towards the bank. If the rock is not used it may be sold when the project ends.*

SECON has requested that the riprap be stored at their Aggpro Yard on Concrete Way or at their Hidden Valley Quarry. The intent of the condition is to have rock on hand in the event of an emergency if Lemon Creek suddenly shifts course and begins to erode banks. After further

discussions with CBJ Engineering and SECON, staff recommends a change to the condition as follows:

> **The operator shall stockpile about 50 cubic yards of broken rap, equivalent to Class I rip-rap, near the project area to address emergencies if the flow becomes redirected towards the bank, unless a licensed engineer confirms in writing that storing rip-rap offsite is sufficient to address bank stabilization emergencies adjacent to the project area.**

2. *Prior to issuance of the first year's grading permit and approval of the first year's mining plan, the operator shall submit a bond of $30,000, sufficient to repair any serious bank damage.*

SECON has not requested changes to this condition, and CBJ Engineering does not recommend any adjustments to the bond amount.

3. *One month before the commencement of each mining season, the applicant shall submit a mining plan. The mining plan shall be processed by the Engineering Department as an annual grading permit. Such plan shall include:*
   a. *Estimation of material to be removed*
   b. *Map of area to be worked (showing property lines)*
   c. *Map showing proposed culverts, access roads, bank stabilizations, berm details (including height, location, material composition and removal plan) stream relocations and other proposed features*
   d. *Methods for protecting Lemon Creek from oil, fuel and hydraulic fluid (including leaks from heavy equipment)*
   e. *Prior to the commencement of mining, the applicant shall verify property line location and delineate offset distance to the extraction area.*

SECON has requested changing the wording of the first sentence to state, "At least one month prior to" the commencement of each mining season, rather than "One month before". They also request deletion of the bank stabilization note in Item C and removal of Item E.

CBJ Engineering accepts the change to "at least one month prior". However the bank stabilization item needs to remain. SECON has argued that the Corps of Engineers addresses this, however CBJ has an interest in ensuring that the issue is covered for protection of property. In addition, Item E is necessary to ensure that excavation does not occur within the required property buffers. Property lines are fixed, therefore this activity can be done prior to mining.

4. *The top of excavation slopes shall be prohibited within 10' of any banks or the property lines.*

SECON has not requested changes and CBJ Engineering concurs that this condition needs to continue.

5. *The applicant shall directly hire, or pay permit inspection fees to provide for periodic inspection of the mining area by an appropriately licensed engineer and/or hydrologist*.

CBJ Engineering does not accept SECON's requested change to hire/employ an engineer or hydrologist if any structure designs/changes of the existing banks are required for mining activities. The wording of the existing condition does not prohibit SECON from using its own employees if those employees are licensed, and the condition is necessary for ensuring routine compliance.

6. *Periodic inspections shall be made as determined by the engineer and/or hydrologist, sufficient to monitor the operation. Such periodic inspections shall include visits during or after high water events.*

SECON requests deletion of this condition and requests requiring inspection only if damage occurs. CBJ Engineering recommends that the condition remain to ensure routine compliance.

7. *Inspection reports shall be submitted to the Engineering Department for each 10,000 cubic yards of material removed from the stream, and those reports shall include the following information:*
   a. *Volume of material removed*
   b. *Map of area worked*
   c. *Verification of compliance with mining plan*
   d. *Report of bank destabilizations*
   e. *Opinion whether bank/property line setbacks are adequately protecting adjacent properties*
   f. *Bank protection/stabilization measures if merited*

SECON requests deletion of Item E. CBJ Engineering does not support this deletion, because the item is necessary to ensure due diligence with protecting neighboring properties.

8. *An inspection report shall be submitted at the end of the mining season which includes all items in numbers 4-7. The report shall be submitted to the Engineering Department and to the Community Development Department within one month of the end of the mining season, or April 15.*

No changes are requested and CBJ Engineering recommends continuing the condition.

9. *The applicant/operator shall confine all excavations to within existing rip-rap banks. Prior to proceeding with annual excavations, the applicant must find and stake adjacent*

rip-rap banks.

10. *The applicant/operator shall protect the structural integrity of existing stream banks and rip-rap banks. A no-disturbance zone of at least 10 feet horizontal distance from adjacent rip-rap and banks is required. (This condition is necessary because rip-rap boundaries may or may not correlate with property boundaries, as noted in the earlier requirement to mine 10 feet from property boundaries.)*

SECON requests combining conditions 9 and 10 to reduce redundancy, as follows:

The applicant/operator shall protect the structural integrity of existing stream banks and rip-rap banks. The applicant/operator shall confine all excavations to within existing rip-rap banks. Prior to proceeding with annual excavations, the applicant must find and stake adjacent rip-rap banks. A no-disturbance zone of at least 10 feet horizontal distance from adjacent rip-rap and banks is required. (This condition is necessary because rip-rap boundaries may or may not correlate with property boundaries, as noted in the earlier requirement to mine 10 feet from property boundaries.)

CBJ Engineering accepts this change.

11. *The applicant shall protect all vegetated slopes and maintain a similar non-disturbance zone identified above, unless a site-specific engineering analysis indicates otherwise.*
12. *All cut-slopes shall be less than 2 horizontal to 1 vertical unless a site-specific engineering analysis proves that a steeper slope protects adjacent properties.*
13. *Excavated areas within the creek bed must be clearly marked with warning signs. Excavated slopes must be graded to a gentle slope of 4 horizontal to 1 vertical before signs are removed. These measures shall be integrated into the annual grading permit.*
14. *The approved access points at 1721 Anka Street, 1791 Anka Street, and Ralph's Way shall be inspected each year to verify that no changes have been made to the embankment due to heavy creek flows during the previous year. Alterations to the proposed access will require approval by the Community Development Department and the CBJ Engineering Department.*

No changes are requested to conditions 11-14.

15. *Prior to the issuance of a grading permit, the applicant shall provide a vibration control plan that includes the maximum safe threshold for seismic activity at the nearest adjacent residential structure to the operation, as established by a licensed engineer.*

After discussions with SECON, CBJ Engineering has agreed to drop "as established by a licensed engineer" because the maximum safe threshold for seismic activity has been established. Seismic activity reports are included in Attachment 7.

16. *During extraction activity, the site shall be monitored by the applicant for seismic activity at the nearest adjacent residential property or at a location agreed upon by the project engineer and adjacent property owners, during each day of operation.*
17. *The applicant shall submit seismic activity reports at the end of each month of mining activity to the CBJ Engineering Department.*
18. *If seismic activity exceeds the threshold established in Condition #15, the applicant shall cease operations and notify the CBJ Engineering Department and CBJ Community Development Department. The applicant shall not continue with operations until alternative methods that do not exceed the threshold have been identified by the applicant and approved by CBJ Engineering.*

Project Expiration and Dates and Times of Operation –

19. *Gravel operations shall take place between December 1 and March 15. No in-water work shall be allowed between March 16 and November 30 with the following exception: In-stream work to connect the excavated sections of the creek shall be allowed for one 7 day period between May 15 and June 15. The applicant shall provide notice to CBJ Engineering and the Alaska Department of Fish and Game before work commences.*
20. *Operating hours shall be 7 a.m. to 6 p.m. on weekdays and 9 a.m. to 6 p.m. on Saturdays. Operations shall not be allowed on Sundays.*
21. *Gravel extraction shall be limited to 40 days per year.*

No changes are requested to conditions 16- 21, and CBJ Engineering supports continuing these conditions. However in the project narrative, SECON has stated that hours of operation would be 7:00 a.m. to 7:00 p.m. daily. As described in the following section, staff will recommend continuing the hours of operation listed in the previous permit as Condition 20, which states that, "Operating hours shall be 7 a.m. to 6 p.m. on weekdays and 9 a.m. to 6 p.m. on Saturdays. Operations shall not be allowed on Sundays."

Furthermore, SECON has offered to limit active extraction to 20 days per year, per the email response in Attachment 14, to reduce impacts on neighboring property.

22. *The permit shall expire after six years or extraction of 210,000 cubic yards of gravel, whichever comes first.*

SECON is requesting a 10 year permit for extraction of 350,000 cubic yards, the subject of this review. CBJ Engineering supports this request. However, the need for more frequent evaluation of impacts may dictate a shorter permit period. This issue will be addressed further in the Neighborhood Harmony section.

23. *The extraction amount shall not exceed 35,000 cubic yards per year.*

No change is proposed to the yearly amount, and CBJ Engineering supports the condition.

Truck Traffic and Street Maintenance –

24. *Truck traffic from the development shall be routed only through the Anka Street/Glacier Highway intersection.*

SECON has not proposed any changes and CBJ Engineering supports the condition.

25. *Truck traffic and heavy equipment operation associated with gravel extraction is strictly prohibited from the Davis Avenue side of the river.*

SECON has not proposed any changes and CBJ Engineering supports the condition.

26. *Prior to leaving the excavation area, the transport truck bed, with the tailgate locked, shall be raised to a minimum twenty degree angle for a timed 5 minutes to allow excess water to escape. Tilt time may be reduced if water escapement occurs sooner based on the project engineer's visual assessment and approval.*

SECON has requested deleting the 5 minute requirement because each truck drains at different rates. In further discussions, SECON explained that obtaining full drainage is nearly impossible. Staff explained the intention of the condition, which is to prevent icy conditions on the roadway, and SECON explained that sanding trucks could be available to address any unavoidable conditions. Staff recommends re-wording the condition, as follows:

Prior to leaving the excavation area, the transport truck bed, with the tailgate locked, shall be raised to a minimum twenty degree angle for a time sufficient to obtain reasonable drainage and to prevent water and ice on the roadway. The applicant shall provide sanding along the truck route to address icy road conditions that may occur during the period of operation.

27. *The applicant shall protect catch basins along the route from sediment infiltration by use of manufactured Catch Basin filters.*
28. *The applicant shall inspect the traveled route a minimum of twice daily for escaped material from the haul.*
29. *The applicant shall sweep and clean the roadway at the end of each day if any water or material has escaped, or if a major spill occurs.*
30. *The applicant shall immediately respond to any additional clean-up requests during the operation from the project engineer, CBJ or ADOT.*
31. *The applicant shall construct a rockery lane for debris removal from truck tires prior to entering Anka Street.*

SECON has not proposed any changes to conditions 27-31, and CBJ Engineering supports these conditions.

Habitat Protection –

32. *No sediment migration from the truck or ramp shall be allowed in the waterway.*

SECON has not proposed any changes and CBJ Engineering supports the condition.

33. *Prior to commencement of mining and prior to gravel bar coverage with snow and ice, the applicant shall field stake the exact excavation configuration and setbacks from flowing water.*
34. *The applicant shall place any large woody debris encountered during excavation activities at the surface of the floodplain, upstream or adjacent to the excavation area to encourage gravel bar formation and/or side channel creation. The woody material shall be partially buried to anchor the material during high flows.*

SECON has requested deletion of Conditions 33 and 34 because "ADFG manages the streambank setbacks" and "ADFG manages woody debris in their permit." Staff does not support removal of the conditions, because these conditions are necessary to ensure that the development meets the CBJ Habitat Standard, 49.70.950(7) regarding protection of streams, as addressed in the following section.

35. *There shall be no on-site fueling or equipment maintenance performed within 100 feet of the creek banks. This includes fueling or maintenance of portable equipment such as generators and pumps.*

SECON has not proposed any changes and CBJ Engineering supports this condition.

36. *There shall be no on-site storage of fuel or other chemicals.*

SECON has not proposed any changes and CBJ Engineering supports the condition.

Accepted modifications to these conditions, with renumbering, are included in the final staff recommendation. These conditions are in accordance with the CBJ Land Use Code Sand and Gravel Sections 49.65.230(4-6) and the CBJ Habitat Standard, 49.70.950(c)(7)

Traffic, Parking, and Circulation –
Excavation materials will be transported in 10 and 20 yard trucks which will leave the site at one of three access points, 1721 Anka Street, 1791 Anka Street, or Ralph's Way. Material will be trucked a short distance on Glacier Highway to Concrete Way and then continue south to U.S. Survey 204, where it will be stockpiled on industrial zoned property leased by SECON. Material

will be taken directly from that location to specific job sites as needed. Staff recommends repeating the previous condition, already integrated into the application, that allows routing only at the Anka Street/Glacier Highway intersection. Truck traffic and heavy equipment operation will also be prohibited from the Davis Avenue side of the creek to ensure public safety in this residential area.

The applicant will continue using a clear span bridge from the listed access points to transport gravels out of the riverbed. CBJ Engineering supports continuing the previous condition:

> *The approved access points at 1721 Anka Street, 1791 Anka Street, and Ralph's Way shall be inspected each year to verify that no changes have been made to the embankment due to heavy creek flows during the previous year. Alterations to the proposed access will require approval by the Community Development Department and the CBJ Engineering Department.*

No comments were received from the Alaska Department of Transportation and Public Facilities or from the CBJ Streets Division. Previous conditions regarding ongoing street clean-up efforts, as listed in the previous Notice of Decision in conditions 24-31, will be continued with the minor modifications previously described, including sanding roads as necessary.

In the project narrative, on page 15, SECON estimates 250 round-trip truckloads per day (500 one way or Average Daily Trips) for approximately 14 days, moving between the mining site and the Aggpro lot on Concrete Way. CBJ Code 49.40.300 establishes the standards for a traffic impact analysis (TIA). Section 49.40.300(2) states that a development projected to generate fewer than 250 Average Daily Trips (ADT) shall not be required to have a traffic impact analysis. A development greater than 250 ADT but fewer than 500 ADT shall require a traffic impact analysis if the Community Development Director "determines that an analysis is necessary based on the type of development, its location, the likelihood of future expansion, and other factors found relevant by the director".

The Community Development Director has determined that a traffic impact analysis is not necessary, because the traffic follows an established truck route that does not go through residential neighborhoods, because project conditions ensure that the development will not create unsafe road conditions, and because the period of active mining is limited to 20 days per year, per the conditions described in the next section.

These conditions are in accordance with the CBJ Land Use Code Sand and Gravel Section 49.65.230(5).

Noise –
The project will generate a substantial volume of noise from hydraulic excavators and dump trucks operating within the streambed. The noise is likely to echo and possibly be amplified due

to the topographic features of the Lemon Creek valley. All homes and businesses whose main dwellings and offices face the creek along the adjoining properties may be affected. The Rivers Edge Condominium development is likely to be the most affected, as these residences have been designed to face the creek and enjoy its amenities.

As noted previously, the applicant has proposed operating hours of 7 a.m. to 7 p.m. daily, which is an increase from previously approved hours. Staff recommends continuing the previous permit condition which states that "Operating hours shall be 7 a.m. to 6 p.m. on weekdays and 9 a.m. to 6 p.m. on Saturdays. Operations shall not be allowed on Sundays." These hours meet the standard established in CBJ Code 42.20.095, Disturbing the Peace. This condition is in accordance with CBJ Land Use Code Sand and Gravel Section 49.65.230(1).

Public Health or Safety –
The adjacent Rivers Edge Condominium development includes a trail along the edge of Lemon Creek. Although the streambed is privately-owned, many people living in this development and in the surrounding residential areas utilize this section of Lemon Creek as a recreational area, particularly during times of low water flow. The mining proposal, with excavated areas up to ten feet deep, has the potential to be a significant public safety hazard without appropriate warning measures.

The application does not address public safety issues, however SECON supports continuation of the previously approved condition regarding signage, as follows:

> *Excavated areas within the creek bed must be clearly marked with warning signs. Excavated slopes must be graded to a gentle slope of 4 horizontal to 1 vertical before signs are removed. These measures shall be integrated into the annual grading permit.*

This condition is in accordance with CBJ Land Use Code Sand and Gravel Section 49.65.230(3) and 49.65.235(2). Other conditions prohibit truck traffic in the Davis Avenue residential area and address unsafe road conditions that may result from icing.

In the project narrative, SECON explains that Lemon Creek continues to have a high level of erosion. Yearly gravel extraction significantly lowers the flood risk to the area from gravel accumulation and protects adjacent properties. The 2004 Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis also supports the need for mining in this area to reduce the flood risk. This is demonstrated by the evidence that after 9 seasons of active mining, SECON continues to mine the same area as it is replenished naturally year to year.

If the creek bed is allowed to naturally rise with gravel accumulation in the absence of mining, increased flooding and river bank scouring is likely to occur in the area over time. Gravel extraction therefore appears to address a potential safety and property damage risk.

Habitat –
Habitat regulations under review in this proposal include the following:

> **49.70.950(d) Habitat**. *Rivers, streams and lakes shall be managed so as to protect natural vegetation, water quality, important fish or wildlife habitat, and natural waterflow.*

(Streambed activities are exempt from the 50 foot habitat setback regulation, therefore Code Section 49.70.950(f) does not apply.)

Resource agencies support the current method of gravel extraction, described in Attachment 5, which utilizes ramps to access gravel bars rather than diverting the creek to one side of the channel as in the original proposal. The current method typically mines the same gravel bars each year, because the material is replenished in the excavated area during high flows. This preserves vegetated gravel bars in other areas that provide habitat benefits. However SECON will move to new gravel bars if the gravel does not naturally replenish itself in previously excavated sites.

Previous Conditional Use Permit reviews have emphasized the importance of retaining large woody debris in the channel to provide habitat and some level of continuous restoration from the activity. Staff recommends continuing the previously approved condition on this issue to ensure conformance with the habitat standard, as follows:

> *The applicant shall place any large woody debris encountered during excavation activities at the surface of the floodplain, upstream or adjacent to the excavation area to encourage gravel bar formation and/or side channel creation. The woody material shall be partially buried to anchor the material during high flows.*

The development has obtained the required Section 401 Certificate of Reasonable Assurance from the Alaska Department of Environmental Conservation, provided in Attachment 10. The ADEC permit conditions address spill prevention and response, operational windows consistent with ADFG, sedimentation issues, toxic materials, and more. Lemon Creek is one of five ADEC-classified impaired waterbodies within CBJ.

In Attachment 11(c), ADEC responded that the ADEC Division of Water, Non-Point Source section had no issues with the Conditional Use Permit, and that the application was been forwarded to DEC's Solid Waste and Stormwater sections. These divisions did not provide further comments.

To ensure conformance with the CBJ Habitat Standard, staff recommends continuing the following measures as project conditions:

1) *There shall be no on-site fueling or equipment maintenance performed within 100 feet of the creek banks. This includes fueling or maintenance of portable equipment such as generators and pumps.*
2) *There shall be no on-site storage of fuel or other chemicals.*

The CBJ Wetlands Review Board (WRB) has reviewed past gravel extraction permits and provided comment. However a WRB meeting could not be held in January due to lack of a quorum, and the February WRB meeting date of February 21, 2019 was too late for the February 19 Planning Commission meeting.

Property Value or Neighborhood Harmony –
The subject parcel is zoned partially Rural Reserve and primarily Industrial. The parcel is bordered by residential areas to the north and west and by industrial zoning and associated industrial developments to the south and east. CBJ has a gravel pit within one quarter mile of the mining site, while SECON has mining operations farther up the Lemon Creek Haul Road in Hidden Valley, approved as USE2016 00004 for a ten year period ending on May 10, 2026.

Anka Street already receives heavy industrial and truck traffic from these existing operations, therefore traffic from the proposal is expected to blend in with the flow during the short period, estimated at 10-20 days, of active operations. Truck traffic is expressly prohibited on Davis Avenue in the adjacent residential area.

The residential areas to the north, particularly those developments which face the creek such as Rivers Edge condos, will experience the most notable neighborhood harmony impacts from the mining proposal, as a consequence of being adjacent to an industrial area and as the closest structures to the gravel bars that are extracted each year. The primary impacts will be from the noise of heavy equipment operating within the stream. A variety of retail, restaurant, storage, and industrial uses operate along the Anka Street south bank, and many of these developments have added caretaker units, placing residential development in the center of an established industrial area.

The subject property is part of a patented placer mining claim within Rural Reserve and Industrial. Residential areas that border industrial areas are frequently subject to greater levels of noise and disturbance than other areas. The operation will continue to create a significant amount of noise and vibration for neighboring residences and buildings, and many property owners have asserted that the mining activity has caused property damage. During the second Conditional Use Permit review, USE2012-0019, the Planning Commission approved the following conditions to address property damage concerns:

> 15. Prior to the issuance of a grading permit, the applicant shall provide a vibration control plan that includes the maximum safe threshold for seismic activity at the nearest adjacent residential structure to the operation, as established by a licensed engineer.

16. During extraction activity, the site shall be monitored by the applicant for seismic activity at the nearest adjacent residential property or at a location agreed upon by the project engineer and adjacent property owners, during each day of operation.
17. The applicant shall submit seismic activity reports at the end of each month of mining activity to the CBJ Engineering Department.
18. If seismic activity exceeds the threshold established in Condition #15, the applicant shall cease operations and notify the CBJ Engineering Department and CBJ Community Development Department. The applicant shall not continue with operations until alternative methods that do not exceed the threshold have been identified by the applicant and approved by CBJ Engineering.

In accordance with these conditions, SECON has provided CDD with seismic activity reports each season which document that the vibration activity is well below established thresholds that would cause damage. These reports are provided in Attachment 7. Seismic monitoring has taken place at the nearest adjacent residential structure according to approved conditions. In addition, the project conditions reviewed in previous sections requiring extensive mapping and staking to ensure that extraction occurs a minimum of 10 feet away from both property lines and from property banks. These distances are listed and measured separately for maximum protection to property, since banks and property lines do not always exactly match.

As noted previously, staff recommends the continuation of previous conditions regarding truck traffic and hours of operation, below, to reduce neighborhood impacts. These restrictions include the following:

1) *Truck traffic from the development shall be routed only through the Anka Street/Glacier Highway intersection.*
2) *Truck traffic and heavy equipment operation associated with gravel extraction is strictly prohibited from the Davis Avenue side of the river.*
3) *Operating hours shall be 7 a.m. to 6 p.m. on weekdays and 9 a.m. to 6 p.m. on Saturdays. Operations shall not be allowed on Sundays.*

The previous permit authorized gravel extraction for up to 40 days per year. In an effort to minimize impacts to the neighborhood, SECON has offered to reduce operations to 20 days per year. Specifically, this limitation is for the period of active mining in the creek; the limitation does not include set-up and take down operations within the creek. The condition is therefore revised as follows:

4) Active gravel extraction within the creekbed shall be limited to 20 days per year. This limitation specifically exempts activities within the creek necessary for set-up, take-down, pauses for weather-related days, and related activities.

SECON has requested a 10 year period for extraction of 350,000 cubic yards of gravel. Previous

USE permits authorized activity for five and six year periods. Staff recommends a five year permit, allowing extraction of up to 35,000 cubic yards of material each season. A five-year permit would allow the Community Development Department and the Planning Commission to re-evaluate project impacts and conditions on a more frequent basis to ensure the protection of habitat, protection of adjoining property, and mitigation of neighborhood harmony issues. Conditions are therefore proposed as follows:

5) The permit shall expire after five years.
6) Extraction shall be limited to 35,000 cubic yards each mining season.

The CBJ Assessor provided comments included in Attachment 11(e). The Assessor noted the truck traffic from the operation and stated that "Over a long term, surrounding property values could be adversely affected not to mention irritated property owners and customers using those roads for access." Staff noted that the development uses an established truck route through an Industrial area. The Assessor replied, "Despite being a truck route, it is also the route to Costco, Home Depot, and several other commercial businesses….That's a lot of travel on that stretch of road and has to affect other drivers. That being said, I am not opposed to the extension, particularly since it will be resolving a potential flood issue and benefit the creek for its primary use for the salmon."

Residential homes adjacent to industrial zones and caretaker residences within industrial zones may be reasonably expected to accommodate industrial activities, provided that those activities have appropriate limitations to mitigate impacts. According to the proposed conditions, the development is restricted to 20 days of active mining each season, hours and days of operation are limited, truck routes are specified, and property buffers and seismic monitoring provide assurance against property damage. With these restrictions, staff concludes that the development will not substantially decrease the value of or be out of harmony with property in the neighboring area. In addition, the development may protect property values by lowering the creekbed and reducing the flood hazard and bank erosion in the area, with the proper mitigation measures supported by CBJ Engineering. As noted in the Background Section, the Lemon Creek Watershed Analysis recommends mining in this zone, with appropriate habitat mitigation, as one of three measures to reduce the potential for flooding.

These conditions are in accordance with the CBJ Land Use Code Sand and Gravel Section 49.65.230(5).

CONFORMITY WITH ADOPTED PLANS

2013 Juneau Comprehensive Plan

The 2013 Comprehensive Plan Map H designates this portion of the Lemon Creek streambed as a combination of Medium Density Residential and Light Industrial, because the boundary line between the two appears to roughly follow the middle of the streambed. Medium Density

Residential is defined as:

> *These lands are characterized by urban or suburban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses.* (CBJ 49.25.300).

Light Industrial is defined as:

> *Land to be developed for heavy commercial or light industrial uses such as small to medium-scale food processing, printing and other business services; wholesale trade; research and development laboratories; light manufacturing processes; metal fabrication; warehousing; trucking; animal kennels; crematoria; indoor and outdoor storage; care, boat, and heavy equipment sales; and repair and maintenance activities. Residential units should be limited to caretaker units where the occupant works directly for or owns the business for which the occupant is caretaking.*

Resource extraction and trucking is listed under the Comprehensive Plan definition for Heavy Industrial, which includes all heavy industrial uses, instead of the light industrial uses in the definition above. Therefore, gravel extraction does not strictly comply with the 2013 Comprehensive Plan designation. However, the proposal has many conditions designed to protect adjacent properties from bank erosion. The time of year, hours of operation, and total number of days of operation have been significantly restricted in the proposed conditions. Another condition prohibits truck traffic and heavy equipment use on Davis Avenue. Staff concludes that these restrictions significantly reduce the impact of the operation on the adjacent neighborhood, and therefore the development falls within the intent of the Comprehensive Plan for this area.

In addition, Chapter Seven notes that "gravel resources, essential to construction, are limited to relatively small areas of the borough that are also frequently subject to development pressures" and specifically notes Lemon Creek as one of the most extensive sand and gravel deposits. The chapter further states that,

> *As growth and development continue in the Mendenhall Valley and Lemon Creek areas, pressure for closing existing pits may grow, primarily because gravel extraction operations produce noise, dust, heavy truck traffic, run-off and other impacts that often conflict with surrounding land uses. As this resource is necessary for all types of development, and given the inherent conflict of this heavy industrial use to less intense neighboring uses, it is important to take steps to avoid or minimize land use conflicts.*

Policy 7.16 states:

> *To conserve known gravel deposits and to protect them from conflicting land uses.*

The proposed gravel extraction substantially conforms to these policies by allowing gravel extraction to proceed with conditions to protect habitat; to reduce noise and traffic impacts by reducing the hours, days, and time of year of operation; and with project conditions designed to ensure that the development does not damage surrounding properties.

Chapter Five of the Comprehensive Plan discusses industrial development and the need for industrial properties. Policy 5.11 states:

> *To encourage the location and growth of locally-based basic sector industries that provide year-round, full-time employment and provide tax revenues that support public services.*

Implementing action 5.11-1A4 states:

> *Create heavy industrial zoning areas appropriate for the basic industry sector, including fisheries, mining support services, forest products, and others.*

Policy 5.13 states:

> *To support the extraction and processing of mineral resources in an environmentally-sound manner, giving property recognition of the unique values of this community.*

The development is consistent with these policies.

Comprehensive Plan Policy 10.4 states:

> *To minimize conflicts between residential areas and nearby recreational, commercial, or industrial uses that would generate adverse impacts to existing residential areas through appropriate land use locational decisions and regulatory measures.*

Followed by Implementing Action:

> ***10.4 - IA2*** *Maintain and consider enhancing Title 49 Land Use Code requirements for buffering and screening between residential and commercial/industrial uses and careful review of site development plans.*

Proposed conditions on the development provide buffers from surrounding banks and property lines and restrict hours and days of operation to minimize conflicts with surrounding uses.

Lemon Creek Area Plan
The Lemon Creek Area Plan was adopted on January 8, 2018, with Ordinance 2017-0034.

The plan acknowledges the two mining operations in the upper and lower Lemon Creek stream beds in Chapter 6, the Natural Resources and Recreation chapter. Goal One of this chapter states:

Protect, restore, and maintain the area's natural resources.

The action relevant to the proposed project states:

Implement Stormwater Best Management Practices (BMPs) to reduce pollutants in area streams and wetlands.

Measures to protect water quality and reduce pollutants in Lemon Creek from the proposed operation are addressed in the terms of the applicant's ADEC Permit, included as Attachment 10. This permit addresses sedimentation, turbidity measurements, spill prevention, and pollutants.

Goal Two of Chapter 6 states:

Promote responsible resource extraction.

Actions stemming from this goal include:

- *Ensure that resource extraction addresses neighborhood harmony concerns.*
- *Provide greater scrutiny to ensure compliance of water standards and erosion control.*
- *Enforce conditions to limit negative impacts of activity on the surrounding areas, such as dust control, street sweeping, and cover loads.*
- *Protect resource extraction as a critical industry and educate the public on its benefits to the community, such as lower development costs and flood protection.*

Recommended project conditions for the development include restrictions on hours of operation, days per week of operation, total number of days per mining season of operation, buffering and staking requirements from neighboring properties, seismic monitoring, covered loads, reduction of pollutants, maintenance of woody debris to promote stream habitat, and other measures address these goals and actions.

Goal One of Chapter 4, Neighborhoods and Housing, states:

Create and sustain viable, safe and diverse neighborhoods that work together.

The first action under this goal states:

Maximize compatibility between residential and non-residential uses by ensuring

appropriate buffers and distance.

Chapter Five, Transportation and Infrastructure, lists as Goal number four:

Reduce the impacts of industrial and commercial uses in the Lemon Creek area.

Relevant actions under this goal include:

- *Reduce impacts of dust by enforcing the application of dust control methods on industrial and commercial lots.*
- *Reduce impacts of dust on surrounding uses, bicyclists, and pedestrians by requiring and enforcing dust control methods on industrial and commercial vehicles.*

As noted previously, proposed conditions are designed to reduce impacts from the development as much as possible with restrictions on operating times, monitoring measures, and water quality and stream habitat protection measures.

2015 Juneau Economic Development Plan
The 2015 Juneau Economic Development Plan is incorporated into the Comprehensive Plan in CBJ Code 49.05.200(b)(1)(N). The proposed development does not specifically address any of the eight economic development initiatives identified in the plan. However, the development indirectly addresses one of the economic development planning concepts and practices listed in Chapter Two, as follows:

> *Land availability - an adequate supply of appropriately zoned land is available for commerce and industry, as well as residential development. This includes access to the land needed to support commercial, industrial, and other development. This also includes zoning that supports neighborhood- based small business growth that creates jobs and provides services which area residents and the community need. This type of small business development and growth also supports quality of life and walkable mixed-use neighborhoods.*

The proposed development supports small business growth and industrial use.

AGENCY COMMENTS

Agency comments have been addressed throughout the report in relevant sections, and included in Attachments 11(a)-(e). A summary of agency comments is listed below:

CBJ Assessors Office. The CBJ Assessors Office notes potential impacts to property value over time and the disruptive nature of truck traffic but does not oppose the development because of flood and habitat benefits. These comments are described in the Neighborhood Harmony section of this report.

Capital City Fire and Rescue. "No issues."

CBJ Engineering. "We are good with the proposal." CBJ Engineering also reviewed each of the original project conditions with consideration of the applicant's requests for modification. This review is included on Pages 5 through 11 of this report.

Alaska Department of Fish and Game. ADFG comments describe the timing window and also include a trip report. These comments have been addressed in the Habitat section of this report.

Alaska Department of Environmental Conservation. **"**The Department of Environmental Conservation, Division of Water, Non-Point Source section has no issues with the Conditional Use Permit application from Colaska dba Secon for gravel extraction in lower Lemon Creek. This application has been forwarded to DEC's Solid Waste and Stormwater sections." ADEC comments have been addressed in the Habitat section of this report. No additional comments were received from the listed ADEC sections.

PUBLIC COMMENTS

At this writing, two public comments have been received and are included in Attachment 16. The first commenter expressed strong opposition to the development and shared concerns regarding ADFG's and ADEC's ability to adequately protect water quality and fish habitat. The commenter describes notable declines in the salmon run on the creek and states that habitat restoration should take priority over short-term economic benefit. The commenter, who lives above a commercial development across the street from the creek in the industrial zone, also describes how disruptive the activity is and the roadway hazards from the truck traffic.

The second commenter, representing the Riverfront Marine Condo Association on Anka Street, is also opposed to the development. The commenter is concerned about cracked sheet rock and a sloughing riverbank which the Association attributes to the extraction.

SECON has responded to the first commenter in a letter, Attachment 15. SECON has described the permitting approvals required for the development and the active involvement of ADFG. SECON also notes the reduction in flood risk.

FINDINGS

CBJ 49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses; and,

3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ 49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ 49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested conditional use permit complete?

Yes. We find the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15. Furthermore, the application meets all requirements of the CBJ Code Habitat Standard, 49.70.950(c)(7) and CBJ Code 49.65.210, Contents of Sand and Gravel application, including the following: a graphic and legal description of the property (requirement 1); a topographic map and cross section with finished contours (requirements 2-4); a map of ingress and egress points for trucks and other equipment (requirement 5); a plan showing buildings and structures (requirement 6); a narrative describing the operation (requirement 7). These application requirements have been included as Attachments 1-6.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The requested Conditional Use Permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 14.500 for the Industrial and Rural Reserve zoning districts.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the February 8, 2019, and February 18, 2019, issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

4. Will the proposed development materially endanger the public health or safety?

No. As described in the previous analysis, no available evidence indicates that the proposed development will materially endanger the public health or safety. With acceptance of the proposed conditions requiring warning signs and a 4:1 slope along excavated areas, potential threats to public safety will be adequately addressed. In addition, the development may protect public health and safety by reducing flood risks.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

No. As described in the previous analysis, heavy equipment operating in the stream will generate substantial noise for properties facing the creek. However, proposed conditions limit daily hours of operation and prohibit operation on Sundays. Extraction will be limited to 20 days per year. Traffic flow will blend in with existing industrial traffic on main roads and will not go through residential areas. Buffering requirements and seismic monitoring ensures that the development will not damage property. The mining development may benefit surrounding properties by reducing the flood hazard. With these restrictions, the proposed development will not substantially decrease the value of or be out of harmony with property in the neighboring area.

Residential homes adjacent to industrial zones, and caretaker residences within industrial zones, may be reasonably expected to accommodate industrial activities, provided that those activities have appropriate limitations to mitigate impacts. According to the proposed conditions, the development is restricted to 20 days of active mining each season, hours and days of operation are limited, truck routes are specified, and property buffers and seismic monitoring provide assurance against property damage. With these restrictions, staff concludes that the development will not substantially decrease the value of or be out of harmony with property in the neighboring area. In addition, the development may protect property values by lowering the creekbed and reducing the flood hazard and bank erosion in the area, with the proper mitigation measures supported by CBJ Engineering. As noted in the Background Section, the Lemon Creek Watershed Analysis recommends mining in this zone, with appropriate habitat mitigation, as one of three measures to reduce flood potential.

6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Yes. The development is a heavy industrial use in an area designated as Medium Density Residential/Light Industrial in the Comprehensive Plan. However with the recommended conditions which limit the hours and days of operation and prohibit truck traffic in the adjacent residential area, the project meets the intent of the Comprehensive Plan. Moreover, the project complies with Comprehensive Plan policies 5.13, 7.16, and 10.4 regarding extraction of mineral resources in an environmentally-sound manner and minimizing conflicts with adjacent land uses. The development conforms with Lemon Creek Area Plan goals of responsible resource extraction, protection and maintenance of natural resources, and reducing impacts from commercial and industrial uses. These goals are addressed with conditions on hours and days of operation, truck routes, habitat protection measures, seismic monitoring, and property buffers. Lastly, the development conforms with the 2015 Juneau Economic Development Plan by supporting small business growth and industrial use.

Per CBJ 49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. Will the proposed development comply with the Juneau Coastal Management Program?

Yes. As described in the previous analysis, the proposed development complies with the Juneau Coastal Management Program because the mining method, with recommended conditions, minimizes the impact on vegetated gravel bars, replaces large woody debris to create habitat, minimizes pollutants, and protects water quality.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit for gravel extraction from the Lemon Creek streambed. The approval is subject to the following conditions:

Annual Grading Permit, Bank Protection, and Seismic Monitoring –

1. The operator shall stockpile about 50 cubic yards of broken rap, equivalent to Class I rip-rap, near the project area to address emergencies if the flow becomes redirected towards the bank, unless a licensed engineer confirms in writing that storing rip-rap offsite is sufficient to address bank stabilization emergencies adjacent to the project area.
2. Prior to issuance of the first year's grading permit and approval of the first year mining plan, the operator shall submit a bond of $30,000, sufficient to repair any serious bank damage.

3. At least one month prior to the commencement of each mining season, the applicant shall submit a mining plan. The mining plan shall be processed by the Engineering Department as an annual grading permit. Such plan shall include:
   a. Estimation of material to be removed
   b. Map of area to be worked (showing property lines)
   c. Map showing proposed culverts, access roads, bank stabilizations, berm details (including height, location, material composition and removal plan) stream relocations and other proposed features
   d. Methods for protecting Lemon Creek from oil, fuel and hydraulic fluid (including leaks from heavy equipment)
   e. Prior to the commencement of mining, the applicant shall verify property line location and delineate offset distance to the extraction area.
4. The top of excavation slopes shall be prohibited within 10' of any banks or the property lines.
5. The applicant shall directly hire, or pay permit inspection fees to provide for periodic inspection of the mining area by an appropriately licensed engineer and/or hydrologist.
6. Periodic inspections shall be made as determined by the engineer and/or hydrologist, sufficient to monitor the operation. Such periodic inspections shall include visits during or after high water events.
7. Inspection reports shall be submitted to the Engineering Department for each 10,000 cubic yards of material removed from the stream, and those reports shall include the following information:
   a. Volume of material removed
   b. Map of area worked
   c. Verification of compliance with mining plan
   d. Report of bank destabilizations
   e. Opinion whether bank/property line setbacks are adequately protecting adjacent properties
   f. Bank protection/stabilization measures if merited
8. An inspection report shall be submitted at the end of the mining season which includes all items in numbers 4-7. The report shall be submitted to the Engineering Department and to the Community Development Department within one month of the end of the mining season, or April 15.
9. The applicant/operator shall protect the structural integrity of existing stream banks and rip-rap banks. The applicant/operator shall confine all excavations to within existing rip-rap banks. Prior to proceeding with annual excavations, the applicant must find and stake adjacent rip-rap banks. A no-disturbance zone of at least 10 feet horizontal distance from adjacent rip-rap and banks is required. (This condition is necessary because rip-rap boundaries may or may not correlate with property boundaries, as noted in the earlier requirement to mine 10 feet from property boundaries.)
10. The applicant shall protect all vegetated slopes and maintain a similar non-disturbance zone identified above, unless a site-specific engineering analysis indicates otherwise.

11. All cut-slopes shall be less than 2 horizontal to 1 vertical unless a site-specific engineering analysis proves that a steeper slope protects adjacent properties.
12. Excavated areas within the creek bed must be clearly marked with warning signs. Excavated slopes must be graded to a gentle slope of 4 horizontal to 1 vertical before signs are removed. These measures shall be integrated into the annual grading permit.
13. The approved access points at 1721 Anka Street, 1791 Anka Street, and Ralph's Way shall be inspected each year to verify that no changes have been made to the embankment due to heavy creek flows during the previous year. Alterations to the proposed access will require approval by the Community Development Department and the CBJ Engineering Department.
14. Prior to the issuance of a grading permit, the applicant shall provide a vibration control plan that includes the maximum safe threshold for seismic activity at the nearest adjacent residential structure to the operation.
15. During extraction activity, the site shall be monitored by the applicant for seismic activity at the nearest adjacent residential property or at a location agreed upon by the project engineer and adjacent property owners, during each day of operation.
16. The applicant shall submit seismic activity reports at the end of each month of mining activity to the CBJ Engineering Department.
17. If seismic activity exceeds the threshold established in Condition 15, the applicant shall cease operations and notify the CBJ Engineering Department and CBJ Community Development Department. The applicant shall not continue with operations until alternative methods that do not exceed the threshold have been identified by the applicant and approved by CBJ Engineering.

Project Expiration and Dates and Times of Operation -

18. Gravel operations shall take place between December 1 and March 15. No in-water work shall be allowed between March 16 and November 30 with the following exception: In-stream work to connect the excavated sections of the creek shall be allowed for one 7 day period between May 15 and June 15. The applicant shall provide notice to CBJ Engineering and the Alaska Department of Fish and Game before work commences.
19. Operating hours shall be 7 a.m. to 6 p.m. on weekdays and 9 a.m. to 6 p.m. on Saturdays. Operations shall not be allowed on Sundays.
20. Active gravel extraction within the creekbed shall be limited to 20 days per year. This limitation specifically exempts activities within the creek necessary for set-up, take-down, pauses for weather-related days, and related activities.
21. The permit shall expire after 5 years or extraction of 210,000 cubic yards of gravel, whichever comes first.
22. The extraction amount shall not exceed 35,000 cubic yards per mining season.

Truck Traffic and Street Maintenance -

23. Truck traffic from the development shall be routed only through the Anka Street/Glacier

Highway intersection.

24. Truck traffic and heavy equipment operation associated with gravel extraction is strictly prohibited from the Davis Avenue side of the river.
25. Prior to leaving the excavation area, the transport truck bed, with the tailgate locked, shall be raised to a minimum twenty degree angle for a time sufficient to obtain reasonable drainage and to prevent water and ice on the roadway. The applicant shall provide sanding along the truck route to address icy road conditions that may occur during the period of operation.
26. The applicant shall protect catch basins along the route from sediment infiltration by use of manufactured Catch Basin filters.
27. The applicant shall inspect the traveled route a minimum of twice daily for escaped material from the haul.
28. The applicant shall sweep and clean the roadway at the end of each day if any water or material has escaped or if a major spill occurs.
29. The applicant shall immediately respond to any additional clean-up requests during the operation from the project engineer, CBJ, or ADOT.
30. The applicant shall construct a rockery lane for debris removal from truck tires prior to entering Anka Street.

Habitat Protection -

31. No sediment migration from the truck or ramp shall be allowed in the waterway.
32. Prior to commencement of mining and prior to gravel bar coverage with snow and ice, the applicant shall field stake the exact excavation configuration and setbacks from flowing water.
33. The applicant shall place any large woody debris encountered during excavation activities at the surface of the floodplain, upstream, or adjacent to the excavation area to encourage gravel bar formation and/or side channel creation. The woody material shall be partially buried to anchor the material during high flows.
34. There shall be no on-site fueling or equipment maintenance performed within 100 feet of the creek banks. This includes fueling or maintenance of portable equipment such as generators and pumps.
35. There shall be no on-site storage of fuel or other chemicals.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications.

To be completed by Applicant

PROPERTY LOCATION

Physical Address
2025 Anka ~~Drive~~ Street

Legal Description(s) (Subdivision, Survey, Block, Tract, Lot)
Mendota Park ~~Subdivision~~, Parcel 2

Parcel Number(s)
Parcel 2 5B1201310041

☐ This property located in the downtown historic district
☐ This property located in a mapped hazard area, if so, which _____

LANDOWNER/ LESSEE

Property Owner	Contact Person
Colaska dba Secon	Michael Short
Mailing Address	**Phone Number(s)**
P.O. Box 32159, Juneau AK 99803	(907) 780-5145
E-mail Address	
MShort@colaska.com	

LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits

I am (we are) the owner(s)or lessee(s) of the property subject to this application and I (we) consent as follows:

A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.
B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.

X _____ Landowner/Lessee Signature _____ Date

X _____ Landowner/Lessee Signature _____ Date

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.

APPLICANT If the same as OWNER, write "SAME"

Applicant	Contact Person
SAME	
Mailing Address	**Phone Number(s)**
E-mail Address	

X _____ Applicant's Signature _____ 12/11/18 Date of Application

----------DEPARTMENT USE ONLY BELOW THIS LINE----------

Intake Initials	
Case Number	**Date Received**
USE 2018 0024	12/6/18

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

To be completed by Applicant

PROJECT SUMMARY

Lemon Creek Gravel Extraction

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

- ○ Accessory Apartment – Accessory Apartment Application (AAP)
- ◉ Use Listed in 49.25.300 – Table of Permissible Uses (USE)

Table of Permissible Uses Category: 14.400

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL? ◉ YES – Case # USE20120019 ○ NO

UTILITIES PROPOSED WATER: ☐ Public ☐ On Site SEWER: ☐ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 415994 square feet Total Area of Existing Structure(s) 0 square feet

Total Area of Proposed Structure(s) 0 square feet

EXTERNAL LIGHTING

Existing to remain ◉ No ○ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

Proposed ◉ No ○ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

ALL REQUIRED DOCUMENTS ATTACHED

☑ **Narrative including:**

- ☑ Current use of land or building(s)
- ☑ Description of project, project site, circulation, traffic etc.
- ☑ Proposed use of land or building(s)
- ☑ How the proposed use complies with the Comprehensive Plan

☑ **Plans including:**

- ☑ Site plan
- ☐ Floor plan(s)
- ☐ Elevation view of existing and proposed buildings
- ☐ Proposed vegetative cover
- ☐ Existing and proposed parking areas and proposed traffic circulation
- ☑ Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)

If this is a modification or extension include:

- ☐ Notice of Decision and case number
- ☐ Justification for the modification or extension
- ☐ Application submitted at least 30 days before expiration date

----------DEPARTMENT USE ONLY BELOW THIS LINE----------

ALLOWABLE/CONDITIONAL USE FEES

	Fees	Check No.	Receipt	Date
Application Fees	$ 1,000			
Admin. of Guarantee	$			
Adjustment	$			
Pub. Not. Sign Fee	$ 50 00			
Pub. Not. Sign Deposit	$ 100 00			
Total Fee	$ 1,150			

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received
USE 20180024	12/6/18

Attachment 2 - Conditional Use Permit Application

CITY AND BOROUGH OF
JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

Project name

Case Number: PAC2018 0071

Applicant: Michael Short, SEACON

Property Owner: Colaska dba SEACON

Property Address: 2020 Anka Drive

Parcel Code Number:

Site Size: 415,994 Square Feet

Zoning: I

Existing Land Use: Lemon Creek sand and gravel extraction (USE12-19)

Conference Date:	10/10/2018
Report Issued:	10/16/2018

List of attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
Michael Short	Applicant	mshort@colaska.com
Allison Eddins	Planning	allison.eddins@juneau.org
Autumn Sapp	General Engineering	autumn.sapp@juneau.org

Conference Summary

Questions/issues/agreements identified at the conference that weren't identified in the attached reports. The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

Colaska (dba SEACON) is requesting a renewal of their existing Conditional Use Permit (USE20120019). USE12-19 is a Conditional Use Permit to extract 210,000 cubic yards of gravel from the Lemon Creek streambed over a six year period. This permit is set to expire at the end of 2018. Colaska is seeking a new Conditional Use Permit that would permit gravel extraction over a 10 year period. This new proposal is not changing from USE12-19. Colaska would like for staff to consider re-wording and/or combining some of the 36 conditions of approval for USE12-19. The requested changes are below:

Condition # 1 - The operator shall stockpile about 50 cubic yards of broken rip rap, equivalent to Class I rip rap, **near the project area (the applicant would like to store the rip rap at Agpro on Concrete Way)** to address emergencies if the flow becomes redirected towards the bank. If the rock is not used it may be sold when the project ends.

Condition # 3 – **One month (reword to say At least one month before)** before the commencement of each mining season, the applicant shall submit a mining plan. The mining plan shall.....

Condition # 5 – The applicant shall directly hire or pay permit inspection fees to provide for periodic inspection of the mining area by an appropriately **licensed engineer and/or hydrologist.** (Seacon preforms daily inspections, not by a licensed engineer or hydrologist, and this information is prepared for a report to DEC at the end of the season. Can this daily inspection information satisfy this condition?)

Condition # 7 – Inspection reports shall be submitted to Engineering Department for **each 10,000 cubic yards** of material removed.... **(Could this change to every 15,000; or a report for the first 10,000 and then one final report?)**

Condition # 17 – The applicant shall submit seismic activity reports **at the end of each month of mining activity** to the CBJ Engineering Department. **(Could this change to the "end of each 40 days of mining activity", to coincide with Condition # 21?)**

Condition # 34 – The applicant shall place any large woody debris encountered during excavation activities at the surface of the floodplain, upstream or adjacent to the excavation area..... **(ADFG requires this, too. Can this condition be deleted?)**

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

1. Development Permit Application
2. Conditional Use Permit Application
3. Grading Permit Application

Additional submittal requirements:

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report.

2. A project narrative explaining which Conditions Colaska would like staff to consider amending/deleting and why amending/deleting these conditions is in the best interest of the project and the public.
3. Submit with the permit application the materials that were prepared for the pre-application meeting. These materials contained all the information required in CBJ 49.65.210.

Fee estimates

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

1. Conditional Use Permit fee is $1,000
2. Public Notice Sign fee and deposit is $150

For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/cdd.

Submit your completed application

You must submit your application(s) in person with payment to:

City/Borough of Juneau
Permit Center
230 S. Franklin Street,
Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715
Fax: (907) 586-4529
Web: www.juneau.org/cdd

SECON
SOUTHEAST ALASKA

17321 139 Avenue NE
Woodinville, Washington 98072
Office (425) 827-3193
Fax (425) 576-5113

P.O. Box 32159
Juneau, Alaska 99803
Office (907) 780-5145
Fax (907) 780-5896

P.O. Box 7035
Ketchikan, Alaska 99901
Office (907) 225-6491
Fax (907) 225-6492

Thursday, November 16, 2017

Ms. Allison Eddins
City & Borough of Juneau
230 S. Franklin Street
4th Floor Marine View Building
Juneau, Alaska 99801

RE: Lemon Creek Gravel Extraction
Application for Conditional USE Permit
Review of current USE Permit 2012 0019

To Ms. Eddins,

Secon is requesting the following conditions be review and/or modified of the permit USE2012 0019. The following ~~red strike~~ is verbiage that needs deleting. The blue are corrections or changes to the permit. *ITALICS* is explanations of the changes.

PLANNING COMMISSION
NOTICE OF DECISION
Date: December 19, 2012
File No.: USE2012 0019

Application For:	A Conditional Use Permit to extract ~~240,000~~ 350,000 cubic yards of gravel from the Lemon Creek streambed over a ~~six~~ ten year period
Legal Description:	Mendota Park Parcel 2
Property Address:	Lemon Creek Streambed, No Access
Parcel Code No.:	5-B12-0-131-004-1
Hearing Date:	December 18, 2012

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated ~~December 6, 2012~~, and approved the extraction of ~~210,000~~ 350,000 cubic yards of gravel from the Lemon Creek streambed over a ~~six~~ ten year period to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

Annual Grading Permit, Bank Protection, and Seismic Monitoring -

1. ~~The operator shall stockpile about 50 cubic yards of broken rap, equivalent to Class I riprap, near the project area to address emergencies if the flow becomes redirected towards the bank. If the rock is not used it may be sold when the project ends~~. 50 cubic yards of Class I riprap shall be available to address emergencies either from Appro Yard or Hidden Valley Quarry. *SECON HAS SEVERAL HUNDRED IF NOT THOUSANDS OF CUBIC YARDS OF ROCK AT HIDDEN VALLEY QUARRY AT ANY TIME.*

2. Prior to issuance of the first year's grading permit and approval of the first year mining plan, the operator shall submit a bond of $30,000, sufficient to repair any serious bank damage.

3. ~~One month before the~~ At least on month prior to commencement of each mining season, the applicant shall submit a mining plan. The mining plan shall be processed by the Engineering Department as an annual grading permit. Such plan shall include:

a. Estimation of material to be removed

b. Map of area to be worked (showing property lines)

c. Map showing proposed culverts, access roads, ~~bank stabilizations~~, berm details (including height, location, material composition and removal plan) stream relocations and other proposed features. *THIS PERMIT DOES NOT ALLOW ACTIVITIES WITHIN 10 FEET OF BANKS. THE BERM IS AUTHORIZED AND REGULATED BY THE ARMY CORPS OF ENGINEERS.*

d. Methods for protecting Lemon Creek from oil, fuel and hydraulic fluid (including leaks from heavy equipment). *THIS IS ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION JURISDICTION.*

~~e. Prior to the commencement of mining, the applicant shall verify property line location and delineate offset distance to the extraction area.~~ *THIS IS NOT SOMETHING THAT CAN BE SUBMITTED MONTHS PRIOR TO MINING.*

4. The top of excavation slopes shall be prohibited within 10' of any banks or the property lines.

~~5. The applicant shall directly hire, or pay permit inspection fees to provide for periodic inspection of the mining area by an appropriately licensed engineer and/or hydrologist.~~ Secon will hire/employee an engineer or hydrologist if any structure designs/changes of the existing banks are required for mining activates.

6. ~~Periodic inspections shall be made as determined by the engineer and/or hydrologist, sufficient to monitor the operation. Such periodic inspections shall include visits during or after high water events.~~ An inspection and survey report by an engineer is required if any damage occurs to the existing banks from mining activities.

7. Inspection reports shall be submitted to the Engineering Department for each ~~10,000~~ 15,000 cubic yards of material removed from the stream, and those reports shall include the following information:

a. Volume of material removed

b. Map of area worked

c. Verification of compliance with mining plan

d. Report of bank destabilizations

~~e. Opinion whether bank/property line setbacks are adequately protecting adjacent properties~~

f. Bank protection/stabilization measures if merited

8. An inspection report shall be submitted at the end of the mining season, which includes all items in numbers 4 6-7. The report shall be submitted to the Engineering Department and to the Community Development Department within one month of the end of the mining season, or April 15.

9. ~~The applicant/operator shall confine all excavations to within existing rip-rap banks. Prior to proceeding with annual excavations, the applicant must find and stake adjacent rip-rap banks.~~

10. The applicant/operator shall protect the structural integrity of existing stream banks and rip-rap banks. The applicant/operator shall confine all excavations to within existing rip-rap banks. Prior to proceeding with annual excavations, the applicant must find and stake adjacent rip-rap banks. A no-disturbance zone of at least 10 feet horizontal distance from adjacent rip-rap and banks is required. ~~(This condition is necessary because rip-rap boundaries may or may not correlate with property boundaries, as noted in the earlier requirement to mine 10 feet from property boundaries.)~~

11. The applicant shall protect all vegetated slopes and maintain a similar non-disturbance zone identified above, unless a site-specific engineering analysis indicates otherwise.

12. All cut-slopes shall be less than 2 horizontal to 1 vertical unless a site-specific engineering analysis proves that a steeper slope protects adjacent properties.

13. Excavated areas within the creek bed must be clearly marked with warning signs. Excavated slopes must be graded to a gentle slope of 4 horizontal to 1 vertical before signs are removed. These measures shall be integrated into the annual grading permit.

14. The approved access points at 1721 Anka Street, 1791 Anka Street, and Ralph's Way shall be inspected each year to verify that no changes have been made to the embankment due to heavy creek flows during the previous year. Alterations to the proposed access will require approval by the Community Development Department and the CBJ Engineering Department.

15. Prior to the issuance of a grading permit, the applicant shall provide a vibration control plan that includes the maximum safe threshold for seismic activity at the nearest adjacent residential structure to the operation, as established by a licensed engineer.

16. During extraction activity, the site shall be monitored by the applicant for seismic activity at the nearest adjacent residential property or at a location agreed upon by the project engineer and adjacent property owners, during each day of operation.

17. The applicant shall submit seismic activity reports at the end of each month of mining activity to the CBJ Engineering Department.

18. If seismic activity exceeds the threshold established in Condition #15, the applicant shall cease operations and notify the CBJ Engineering Department and CBJ Community Development

Department. The applicant shall not continue with operations until alternative methods that do not exceed the threshold have been identified by the applicant and approved by CBJ Engineering.

Project Expiration and Dates and Times of Operation -

19. Gravel operations shall take place between December 1 and March 15. No in-water work shall be allowed between March 16 and November 30 with the following exception: In-stream work to connect the excavated sections of the creek shall be allowed for one 7 day period between May 15 and June 15. The applicant shall provide notice to CBJ Engineering and the Alaska Department of Fish and Game before work commences.

20. Operating hours shall be 7 a.m. to 6 p.m. on weekdays, and 9 a.m. to 6 p.m. on Saturdays. Operations shall not be allowed on Sundays.

21. Gravel extraction shall be limited to 40 days per year.

22. The permit shall expire after ~~six~~ ten years or extraction of ~~210,000~~ 350,000 cubic yards of gravel, whichever comes first. *REQUESTING A TEN YEAR PERMIT.*

23. The extraction amount shall not exceed 35,000 cubic yards per year.

Truck Traffic and Street Maintenance -

24. Truck traffic from the development shall be routed only through the Anka Street/Glacier Highway intersection.

25. Truck traffic and heavy equipment operation associated with gravel extraction is strictly prohibited from the Davis Avenue side of the river.

26. Prior to leaving the excavation area, the transport truck bed, with the tailgate locked, shall be raised to a minimum twenty degree angle ~~for a timed 5 minutes~~ to allow excess water to escape. Tilt time may be reduced if water escapement occurs sooner based on the project engineer's visual assessment and approval. *EACH TRUCK DRAINS AT DIFFERENT RATES, SOMETIMES THERE IS VERY LITTLE WATER LOADED. THE WAY THIS IS WROTE EACH TRUCK HAS TO STOP REGARDLESS IF THERE IS WATER IN THE LOAD OR NOT.*

27. The applicant shall protect catch basins along the route from sediment infiltration by use of manufactured Catch Basin filters.

28. The applicant shall inspect the traveled route a minimum of twice daily for escaped material from the haul.

29. The applicant shall sweep and clean the roadway at the end of each day if any water or material has escaped, or if a major spill occurs.

30. The applicant shall immediately respond to any additional clean-up requests during the operation from the project engineer, CBJ or ADOT.

31. The applicant shall construct a rockery lane for debris removal from truck tires prior to entering Anka Street.

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Habitat Protection -

32. No sediment migration from the truck or ramp shall be allowed in the waterway.

33. ~~Prior to commencement of mining and prior to gravel bar coverage with snow and ice, the applicant shall field stake the exact excavation configuration and setbacks from flowing water.~~ *(ADFG MANAGES THE STREAMBANK SETBACKS.)*

34. ~~The applicant shall place any large woody debris encountered during excavation activities at the surface of the floodplain, upstream or adjacent to the excavation area to encourage gravel bar formation and/or side channel creation. The woody material shall be partially buried to anchor the material during high flows.~~ *(ADF&G MANAGES WOODY DEBRIS IN THEIR PERMIT)*

35. There shall be no on-site fueling or equipment maintenance performed within 100 feet of the creek banks. This includes fueling or maintenance of portable equipment such as generators and pumps.

36. There shall be no on-site storage of fuel or other chemicals.

Sincerely,

Michael Short
Engineering Manager
Secon

SECON
SOUTHEAST ALASKA

Lemon Creek Gravel Extraction

CBJ Conditional Use Application

Figure 1 Lemon Creek - Mendota Park, Parcel 2

Michael Short

10/1/2018

Lemon Creek Gravel Extraction

Proposal to extract gravels from Lemon Creek.

Attachment 5 - Project Narrative

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SOUTHEAST ALASKA

Lemon Creek

Lemon Creek delta is located about 4.7 miles Northwest of Juneau Alaska. The drainage basin that feeds Lemon Creek has an area of approximately 15,730 acres. Lemon Creek's head waters originate from two glaciers, Ptarmigan Glacier and Lemon Creek Glacier. Lemon Creek is roughly 8 miles in length and terminates 4.6 miles Northwest of Juneau into Gastineau Channel.

The terminus of Lemon Glacier has an elevation of about 2,200 feet. There are a series of falls from the glacier within the first mile dropping Lemon Creek to the valley floor at an elevation of 1,360 feet. To reach Gastineau Channel 7 miles away, Lemon Creek has an average slope of 3.68%. Which means that for every one hundred feet in distance traveled Lemon Creek must lose 3.68 feet in elevation. For comparison from Glacier Highway bridge to Gastineau Channel the average slope is 0.54%.

The glaciated alluvial gravels in Hidden Valley are continuing the natural erosion process that has been going on since the last ice age. The banks and streambed are continuing to erode during high water events. The eroded alluvial material is carried downward until the stream's velocity slows and can no longer transport the sediment load where it is then deposited. This area of deposition is lower Lemon Creek were the elevation drop of the stream lessens and the velocity of the water slows.

SECON has already lost several acres of real estate in Hidden Valley from Lemon Creek changing its channel during high water flows. The channel has changed yearly and is aggressively eroding the banks on both sides of the valley.

With lower Lemon Creek hemmed in with developed properties, the creek has only one restricted area to deposit its sediment load, in the confines of stream's armored banks. Once the stream bed has filled in to the top of its armored banks it will return to a meandering braided stream, depositing at will creating an alluvial fan of sedimentary sand and gravels.

History of Lemon Creek

This area has a history of placer mining from 1870's to the early 1900's. John Lemon prospected and placer mined this creek in the 1870's hence the naming of the creek. Placer claims were filed and recorded in the area starting in 1884. Mining continued for many years although it was not very productive.

Logging with a sawmill operation was active in the Lemon Creek area until the 1980's.

Figure 2 Lemon Creek lower drainage 1948

As can be seen in the photo above, in 1948 there was very little development in Lemon Creek.

Figure 3 Lemon Creek 1962

By 1962 there was development occurring at Lemon Creek.

Figure 4 The community of Lemon Creek 1984

Gravel extraction in Lower Lemon Creek for aggregate started during World War II. The mining of gravel occurred in several events until mid-1980. The method of gravel severance during this period was to divert Lemon Creek to one side of the creek bed, and extract the gravels creating a long severance pit of where the streambeds use to be.

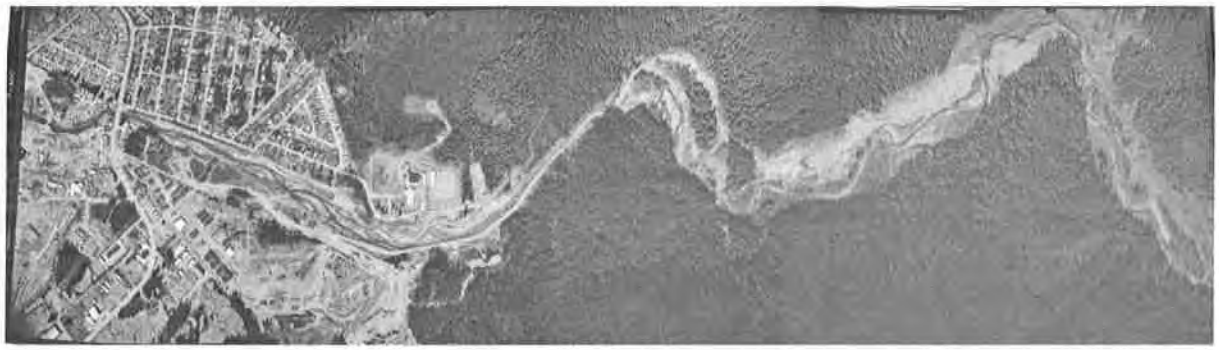


Figure 5 Lemon Creek 1988

In 2009, gravel extraction resumed between the Glacier Highway Bridge and the State Penitentiary in the lower reaches for flood control and aggregates for local use. This has been a great benefit to keeping the streambed manageable, from flowing over its sides due to sedimentation.

Figure 6 Lemon Creek looking west (left photo) at 1840 Anka Street then 180° and looking east (right photo), December 2017

Proposal

Secon is proposing to extract gravel from property owned in Lower Lemon Creek. Mendota Park, Parcel 2 is part of the Patent Lands with a survey number of M.S. 609. This tract of land is located on the floor of the valley spanning Lemon Creek, separating various residential zoned properties and the Lemon Creek Industrial Zone. Mendota Park, Parcel 2 is zoned Industrial and Rural Reserve.

Secon is requesting a Conditional Use Permit for this gravel severance for a duration of 10 years.

Hours of operation would be from 7:00 AM to 7:00 PM. With the operating season being March to November.

There is no way of knowing the quantity of gravels that will be severed from this site on an annual basis. The Lemon Creek Site has produced roughly 10,000 cubic yards per year for the first several years, which has increased to just under 20,000 cubic yards per year.

The first couple of years of operations in extracting gravels from Lemon Creek, Secon did not use all of the extracted material and had gravels carried over to the next year. Currently the gravels severed from Lemon Creek are consumed within eight months from extraction. As the markets adjust to the supply of local gravels, the sales and interest in their use has increased. If the area is available as determined by AKDF&G and sales will support the volume, Secon could easily extract 35,000 cubic yards of material on an annual basis.

Figure 7 Excavator preparing the site.

Secon would use excavators, scrappers, loaders and dozers to sever the sands and gravels from the alluvial reaches in Hidden Valley. The severed materials would be loaded into conveyance units of either end dumps or articulated trucks for transportation to a processing area out of the flood plain of Lemon Creek.

Goals to be achieved in gravel extraction.

1. Slow the high rate of erosion throughout the Hidden Valley area.
    a. In 2010 Lemon Creek eroded several new areas including developed Secon property.
    b. Secon has previously requested permission to deposit Rip Rap on the stream banks to stop erosion of property.
2. Extract sand and gravel for local private and public improvements.

Benefits that may be achieved.

1. Stable stream channel.
2. Vegetation can reclaim the stream banks.
3. Much slower erosion of banks.
4. Habitat for indigenous fish.
5. Reduces flood potential by keeping eroded sands and gravels from transporting to the lower Lemon Creek reaches.
6. With less active erosion, the turbidity may be less during high water events.

The rate of erosion overall is not slowed in Lemon Creek. The extraction of several small sites of gravel will not change the fluvial process of Lemon Creek drainage basin. The nature and composition of the sands and gravels that make up the alluvial deposit in Lemon Creek drainage basin along with the flow and velocity of the Lemon Creek are not transformed by this operation. The volume of water flowing in Lemon Creek is a product of the rainfall, seasonal snowmelt and glacier melt. The velocity of Lemon Creek is the result of elevation change to reach Gastineau Channel. The composition of the sands and gravels are the results of continental building, namely erosion and glaciation. These sands and gravels will continue to erode and be transported to Gastineau Channel while Lemon Creek is in its youthful nature of its existence.

Some of the areas identified in CBJ's Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis Figure 3 can be managed through extraction.

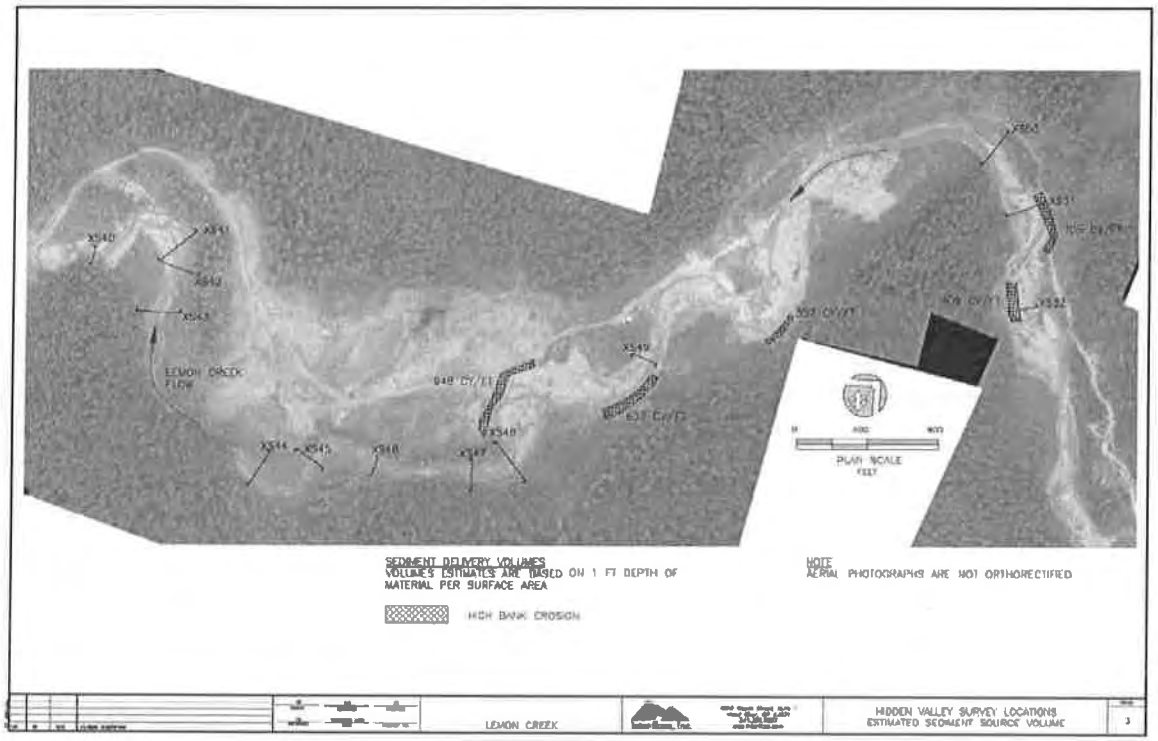


Figure 8 - Inter-Fluve, Inc. Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis Figure 3

This basin has glacier and continental eroded gravel deposits throughout the valley. However, the Lemon Creek's bed load of alluvial gravels can be reduced below the extraction sites. The gravels can be captured in the severed voids from the gravel extraction thus removing the gravels from being carried farther downstream to be deposited in the lower reaches of Lemon Creek. As can be documented in the Lemon Creek Gravel Extraction the eroded alluvial gravels that are carried by Lemon Creek are deposited in the voids created from the severed gravels.

The creek flows to the point of least resistance during flooding. When the velocity slows the bed load sediments are deposited due to the volume change from the increased depth of served void. Once the void is filled the creek will return to a braided channel state. Gravel reaches will form in a braided channel where the velocity slows at the edges of the stream on the inside of curves.

When Lemon Creek fills in the severed voids not all the area is equally filled. There are minor areas that are not returned to the elevation prior to the extraction. These areas at times can form either a minor stream or an eddy. If the minor streams are a stable environment, over time they can become viable habitat for fish. AKDF&G, through their issued Habitat Permit, will set back the gravel severance from that area in the form of a buffer zone. Thus, it becomes part of the ecological habitat of Lemon Creek.

Ownership and Legal Description

The legal description of the property where the severance will occur is Mendota Park Subdivision, Parcel 2. COLASKA Inc. dba SECON has sole ownership.

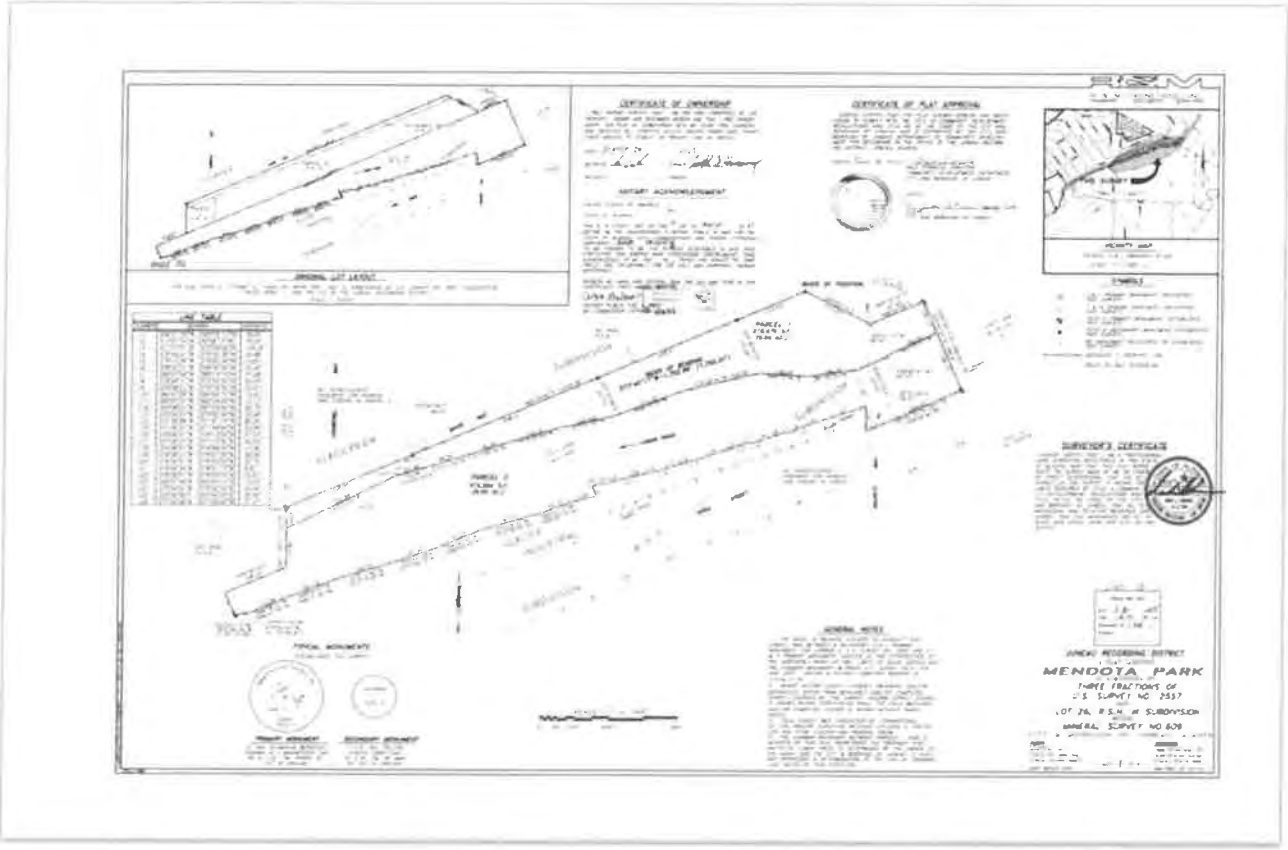


Figure 9 Plat 2005-13

LOCATION; FEATURES; TOPOGRAPHY

The property address is 2025 Anka Street in the City and Borough of Juneau, Alaska.

The parcel containing the proposed severance site is 9.55 acres in size. The parcel is irregular in shape and once was part of U.S.M.S. 609, a patented placer mining claim that straddles the streambed of Lemon Creek.

Access to the severance site is from 1791 Anka Drive.

The elevated bank is sloped down to Lemon Creek. If Lemon Creek flows along the southern bank a bridge is install to access the first gravel reach. The sloped access road is stopped shy of the Lemon Creek and several feet in elevation above the water. Thus enabling the placement of the bridge abutments and maintain sufficient space between the bottom of the bridge and Lemon Creek.

If a gravel reach is along the southern bank, the access road is sloped out on to the reach.

Figure 10 Secon's property at 1791 Anka Drive.

MAP OF MENDOATA PARK WITH APPROXIMATE PROPERTY BOUNDARIES

Lemon Creek traverses the lower flats dividing the land into different use areas. On the north side are various Residential zoning and on the south side is Industrial zoning.

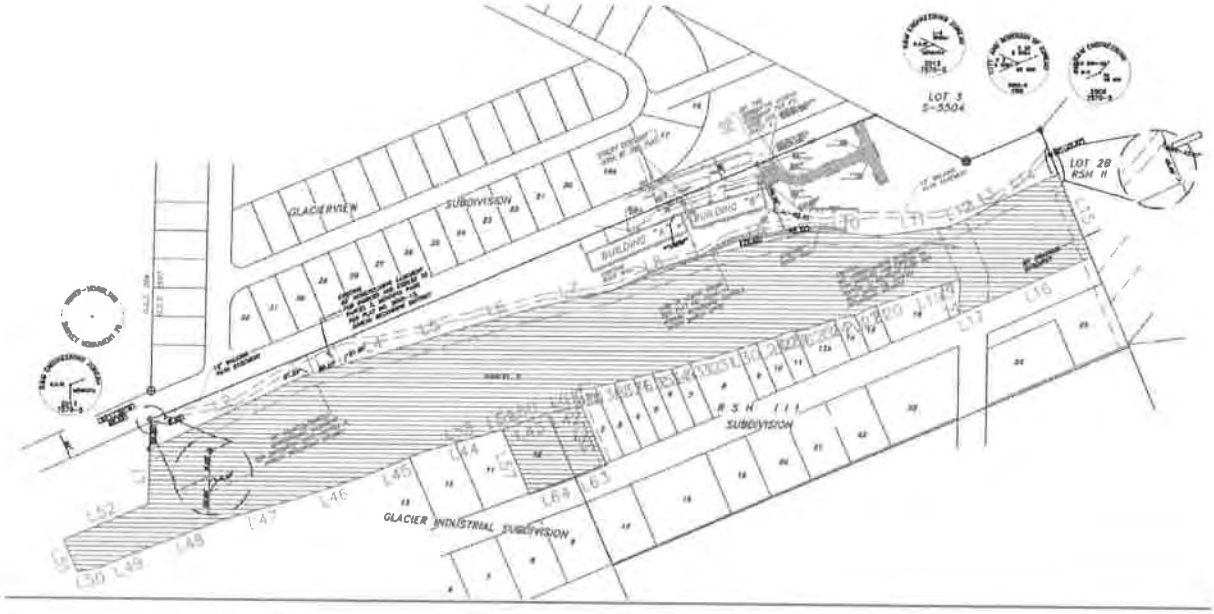


Figure 11

ZONING

The areas where the severance will occur are zoned Rural Reserve and Industrial.

Figure 12

CURRENT USE

Gravel extracted from this property since 2009 with Conditional Use Permit 2006 000054.

2009 – 10,000 cubic yards

2010 - 10,000 cubic yards

2011 – 0 cubic yards

2012 – 10,000 cubic yards

Gravel extracted from this property since 2012 with Conditional Use Permit 2012 0019.

2013 – 10,000 cubic yards

2014 – 5,500 cubic yards

2015 – 16,515 cubic yards

2016 – 20,095 cubic yards

2017 – 19,172 cubic yards

2018 – 17,341 cubic yards

To date 118,623 cubic yards have been extracted from Lemon Creek.

The dimensions of 118,623 cubic yards is 100 feet wide by 6 feet high and approximately 1 mile long. Lemon Creek is about one mile in length from 1791 Anka Drive to Egan Highway Bridge.

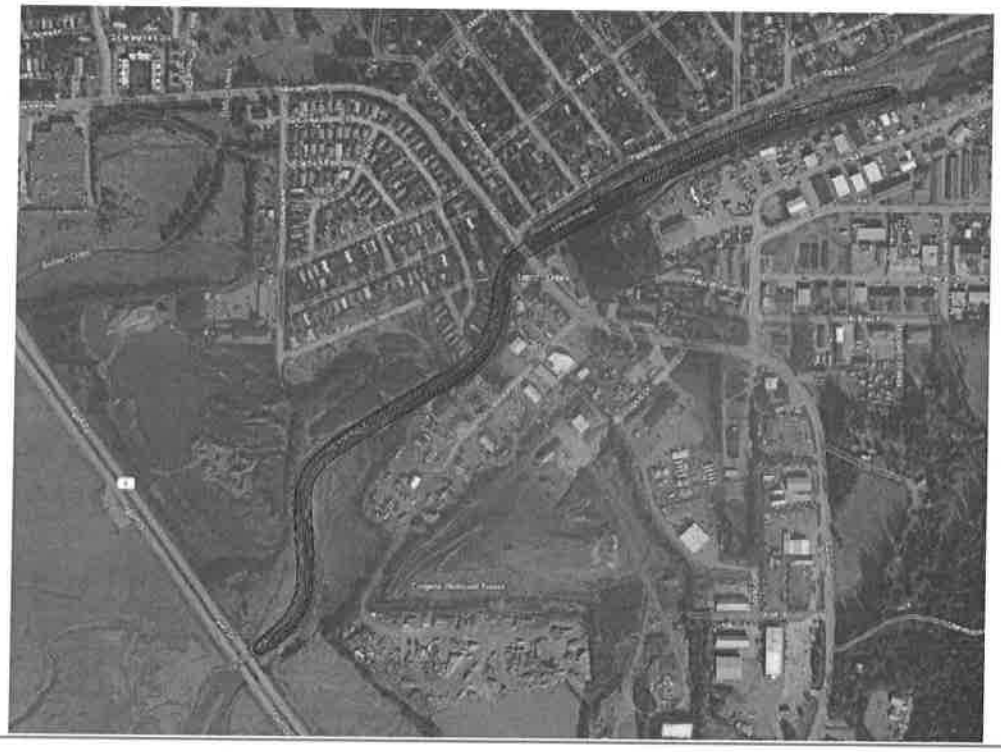


Figure 13

METHOD OF MINING

Prior to severance of materials ADF&G Habitat Division will be notified. The extraction site will be survey with a Habitat Biologist to determine what areas can be zoned for extraction. The site will be staked for property offset and buffer zone setback identified by the biologist.

Image 1 - Severance Zone 1 diagram

Figure 14

These exposed gravel reaches are not fish habitat, even if the areas are submerged during spawning and the fish are able to lay eggs in the sands. They are dry for extended periods of time throughtout the year and during the winter can freeze to several feet in depth.

Once the severance zone boundaries are staked temporary berms will be installed on the up-stream side of the excavation in a effort to keep Lemon Creek from entering the severance area during elevated flows. The temporary berms are left inplace once the severane area is finished for the season. If Lemon Creek floods, the berm will be washed into the severance pit.

GRAVEL SEVERANCE

The mined gravels will be severed in either of two ways:

1. The gravels will be excavated and loaded into the conveyance unit in one operation.

Figure 15

2. Excavate the gravels into a surge stockpile next to the extraction pit. The stockpile is located next to the excavator. It is no more than two truckloads in size. The purpose of the surge pile is for gravels to have the opportunity to drain most of the water before being loaded into the conveyance unit. Once loaded the gravels will be hauled to the wash plant site and stockpiled.

Figure 16

Durning the extraction process a dozer will be deployed. With the blade a large area and be swepted of snow into berms. It also facilitates the the breaking up of the frozen ground with its ripper.

Figure 17

As can be seen in the figures the severance pit is full of water. This water is turbid and has suspended solids from all the extraction disturbance. It is critical to keep any inflow of water from the extraction pit. As long as the pit is excavated the water will stay in the severed site. If external inflows of water are allowed to enter the seveance pond the turbid waters of the extraction pond will eventually escape and enter Lemon Creek. From Secons experience in extracting gravels from Lemon Creek, if there is a problem with the turbid waters trying to leave the severance pond the answer is simply to setback 10 feet and start a new severance. The new severance will tend to create a hydraulic depression in the previous severance pit. This tends to keep the waters of the previous severance pond depressed and from over flowing to Lemon Creek.

Figure 18

During the gravel extraction the severance zone pit is isolated from Lemon Creek. Once the severance zone is exhausted of gravels the berm will be left in place. The severance pit suspended soilds and turbidity will begin to settle.

Historically the severance ponds have after one to two months, been clearer than Lemon Creek as it breaches the severance ponds. There is a notable difference between Lemon Creek and the quite stillness of the severance ponds as far as turbidity.

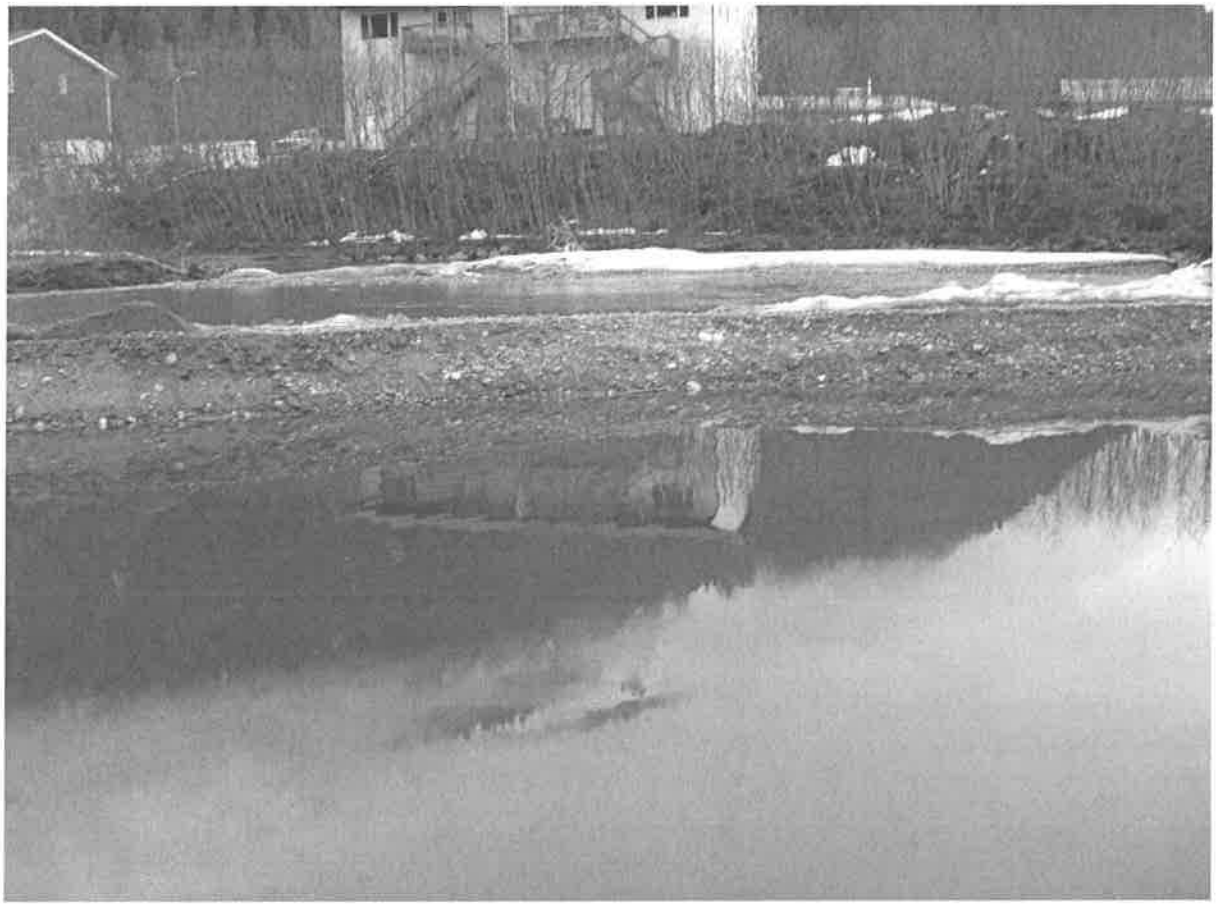


Figure 19

TRAFFIC

End dump trucks haul the severed gravels to 5772 Concrete Way, Aggpro's Yard. The route is 1791 Anka Drive to Commercial Drive, Commercial Drive to Glacier Highway, Glacier Highway to Concrete Way. This is a CBJ designated truck route.

Secon estimates 250 truckloads per day approximately 14 days.

Secon contracts a street sweeping contractor to maintenance the streets if any sand and gravel spillage occurs. The sweeping contractor cleans the haul route at the end of each day.

RESOURCES

The equipment used to extract gravels from the exposed reaches will be any combination of the following:

- Large Excavator
- Large Dozer
- Large Loader
- 10 cubic yard end dumps
- 20 cubic yard end dumps
- 20 cubic yard side dumps
- Articulated Trucks

The conveyance units will haul the severed gravels to a wash plant and then processed through a screen plant into different products. These products will be temporarily stockpiled at this location before being conveyed either to a project or to Aggpro for marketing.

Products made from the mined gravels.

1. Concrete aggregate
2. Concrete Sand
3. Asphalt Blend Sand
4. Washed Rock
5. Sand
6. Chips for winter sanding

The wash plant will be setup above the seasonal high water elevation. A water collection sump would be created. The plant would be in operation starting in the spring when temperatures stay above freezing and shut down in the fall when the temperatures start freezing once again.

No fueling of equipment will take place below ordinary high water.

RESTORATION

The bridge and abutments will be removed. Embanked berms and fills will be removed from Lemon Creek flood plain. Severance voids will be allowed to naturally be filled in by Lemon Creek.

CURRENT PERMITS HELD BY SECON

Fish Habitat Permit FH15-I-0141

US Army Corps of Engineers, Alaska District Permit: POA-2014-547

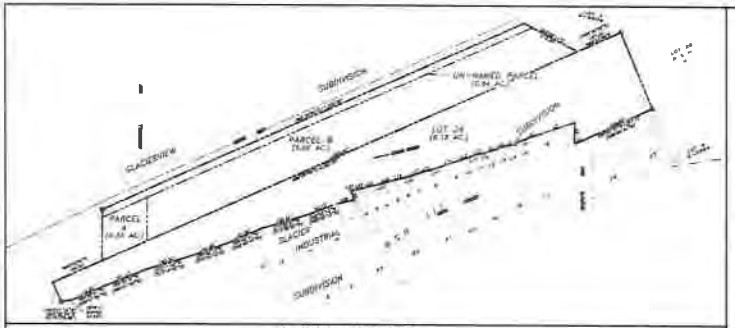
Alaska Department of Environmental Conservation - Division of Water - Wastewater Discharge Authorization Program, Section 401 Reasonable Assurance

ATTACHMENTS:

- Plat of Hidden Valley Subdivision
- Site Plans
- Fish Habitat Permit
- US Army Corps of Engineers Permit

Attachment 6 - Site Plans

R&M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS



ORIGINAL LOT LAYOUT

PER PLAT 2000-2; "EXHIBIT A", PAGE 25, BOOK 358 AND "A SUBDIVISION OF U.S. SURVEY NO 2557, GLACIERVIEW", DATED APRIL 1, 1955 ON FILE IN THE JUNEAU RECORDING DISTRICT

SCALE: 1"=200'

CERTIFICATE OF OWNERSHIP

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY (OUR) FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

DATE March 28, 2005

WITNESS _____ OWNER _____

WITNESS _____ OWNER _____

NOTARY ACKNOWLEDGMENT

UNITED STATES OF AMERICA)
STATE OF ALASKA) ss

THIS IS TO CERTIFY THAT ON THIS 28 DAY OF March, 2005, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED _____ TO ME (KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT __HE__ SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES

CERTIFICATE OF PLAT APPROVAL

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE TITLE 04 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU DEPARTMENT OF COMMUNITY DEVELOPMENT FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA

DATED: March 31, 2005

DALE PERNULA DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT
CITY AND BOROUGH OF JUNEAU

ATTEST:
CLERK
CITY AND BOROUGH OF JUNEAU

VICINITY MAP

SOURCE: C.B.J. PROPERTY ATLAS
SCALE: 1"=1 000' +/-

SYMBOLS

- C.B.J. PRIMARY MONUMENT (RECOVERED THIS SURVEY)
- T & N PRIMARY MONUMENT (RECOVERED THIS SURVEY)
- 2570-S PRIMARY MONUMENT (ESTABLISHED THIS SURVEY)
- 2570-S SECONDARY MONUMENT (ESTABLISHED THIS SURVEY)
- NO MONUMENT RECOVERED OR ESTABLISHED THIS SURVEY
- BOUNDARY / PROPERTY LINE
- RIGHT-OF-WAY CENTERLINE

LINE TABLE

NUMBER	BEARING	DISTANCE
L1	S66°21'00"W (S88°29'13"W)	39.06'
L2	N 5°07'54"W (N10°06'15"W)	73.24'
L3	S11°57'31"W (S17°06'00"W)	140.26'
L4	S70°44'21"W (S73°52'30"W)	43.88'
L5	S70°13'39"W (S75°21'45"W)	16.81'
L6	S58°27'21"W (S58°30'30"W)	24.90'
L7	S80°07'08"W (S80°15'15"W)	37.94'
L8	S17°48'21"W (S17°54'30"W)	33.05'
L9	S70°08'21"W (S70°16'30"W)	53.83'
L10	S64°47'08"W (S64°55'15"W)	15.83'
L11	S82°07'21"W (S82°16'00"W)	12.13'
L12	S67°08'21"W (S67°16'30"W)	29.75'
L13	S72°24'21"W (S72°32'30"W)	32.46'
L14	S71°33'08"W (S71°41'15"W)	83.24'
L15	S71°33'51"W (S71°44'00"W)	23.89'
L16	S76°04'51"W (S76°13'00"W)	37.23'
L17	S71°05'21"W (S71°13'30"W)	49.34'
L18	S74°48'21"W (S74°56'30"W)	13.38'
L19	S75°59'21"W (S76°07'30"W)	58.06'
L20	S74°55'51"W (S75°04'00"W)	52.10'
L21	S75°53'08"W (S76°01'15"W)	8.81'
L22	S76°00'21"W (S76°08'00"W)	70.31'
L23	S82°31'08"W (S82°39'15"W)	12.20'
L24	S79°34'21"W (S79°42'30"W)	20.95'
L25	S21°39'00"E (S21°30'45"E)	15.00'
L26	S77°28'48"W (S77°29'00"W)	71.47'

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

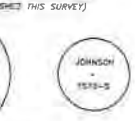
STATE OF ALASKA
19th
JOHN A. JOHNSON
JUNE 15 | 2005

2005-13

TYPICAL MONUMENTS

(ESTABLISHED THIS SURVEY)

PRIMARY MONUMENT
3" DIA. ALUMINUM BERNTSEN FEDERAL A-1 MAGNETIZED CAP ON 2-1/2" DIA. SHANK SET 24" IN GROUND



SECONDARY MONUMENT
1-1/4" DIA. YELLOW PLASTIC SURV-CAP ON 5/8" DIA. RE-BAR SET 24" IN GROUND

SCALE: 1" = 100'
0' 50' 100' 200' 400

GENERAL NOTES

1. THE BASIS OF BEARING UTILIZED TO CONDUCT THIS SURVEY WAS BETWEEN A RECOVERED C.B.J. PRIMARY MONUMENT FOR CORNER 2, U.S. SURVEY NO 2557 AND A T & N PRIMARY MONUMENT LOCATED AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LIMITS OF DAVIS AVENUE WITH THE COMMON BOUNDARY BETWEEN U.S. SURVEY NO'S. 204 AND 2557, HAVING A RECORD COMPUTED BEARING OF S73°40'17"W.
2. WHERE RECORD SURVEY COURSES (BEARINGS AND/OR DISTANCES) DIFFER FROM MEASURED AND/OR COMPUTED SURVEY COURSES BY THIS SURVEY, RECORD SURVEY COURSE IS SHOWN WITHIN PARENTHESIS WHILE THE FIELD MEASURED AND/OR COMPUTED COURSE IS SHOWN WITHOUT PARENTHESIS.
3. FIELD SURVEY WAS CONDUCTED BY CONVENTIONAL ON-THE-GROUND SURVEYING METHODS UTILIZING A TOPCON GTS-302 TOTAL STATION AND RANGING PRISM.
4. THE COMMON BOUNDARY BETWEEN PARCELS 1 AND 2 DEPICTED BY THIS PLAT REPRESENTS THE ORDINARY HIGH WATER OF LEMON CREEK AS DETERMINED BY THE OWNER OR HIS AGENT AND THE CITY & BOROUGH OF JUNEAU. IT DOES NOT REPRESENT A DETERMINATION OF THE LINE OF ORDINARY HIGH WATER BY THIS SURVEYOR.

JUNEAU RECORDING DISTRICT
A PLAT DENOTING
MENDOTA PARK
A SUBDIVISION OF
THREE FRACTIONS OF
U.S. SURVEY NO. 2557
AND
LOT 26, R.S.H. III SUBDIVISION
WITHIN
MINERAL SURVEY NO.609
CITY & BOROUGH OF JUNEAU, ALASKA

CLIENT:
ANMARCHAE, INC.
1818 FOR FARM TRAIL
JUNEAU, ALASKA 99801
DATE: MARCH, 2005

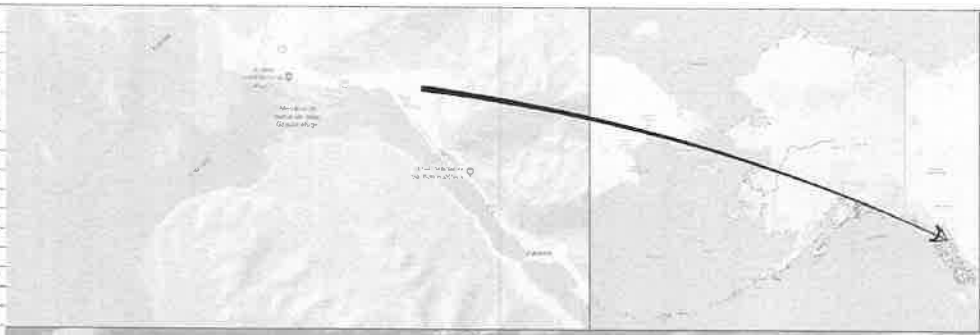
SURVEYOR:
R&M ENGINEERING, INC.
8205 GLACIER HIGHWAY
JUNEAU, ALASKA 99801
FAX (907) 789-2537

SHEET 1 OF 1

Attachment 6 - Site Plans

Parcel Line Table		
Line #	Length	Direction
L1	[illegible]	[illegible]
L2	[illegible]	[illegible]
L3	[illegible]	[illegible]
L4	[illegible]	[illegible]
L5	[illegible]	[illegible]
L6	[illegible]	[illegible]
L7	[illegible]	[illegible]
L8	217.22	N69° 14' 25.00"E
L9	[illegible]	[illegible]
L10	139.66	[illegible]
L11	[illegible]	N51° 55' 54.00"E
L12	[illegible]	N69° 27' 18.00"E
L13	[illegible]	[illegible]
L14	[illegible]	[illegible]
L15	[illegible]	S22° 39' 31.26"E
L16	[illegible]	[illegible]
L17	[illegible]	S64° 21' 00.00"W
L18	[illegible]	[illegible]
L19	[illegible]	[illegible]
L20	[illegible]	S70° 44' 21.00"W
L21	[illegible]	S70° 12' 16.00"W
L22	[illegible]	[illegible]
L23	[illegible]	[illegible]
L24	[illegible]	S27° 46' 21.00"W
L25	[illegible]	[illegible]
L26	[illegible]	[illegible]

Parcel Line Table		
Line #	Length	Direction
L27	2.93	[illegible]
L28	28.75	[illegible]
L29	32.49	S67° 14' 21.00"W
L30	83.74	[illegible]
L31	23.99	S71° 35' 51.00"W
L32	31.23	S75° 04' 51.00"W
L33	10.34	[illegible]
L34	10.28	S74° 45' 51.00"W
L35	58.99	[illegible]
L36	23.16	S74° 55' 51.00"W
L37	6.41	S75° 03' 06.00"W
L38	72.53	[illegible]
L39	12.29	S63° 31' 00.00"W
L40	22.81	S79° 34' 21.00"W
L41	35.00	S33° 13' 00.00"E
L42	71.47	S77° 20' 48.00"W
L43	93.13	S68° 32' 12.00"W
L44	178.97	[illegible]
L45	137.28	[illegible]
L46	143.39	S70° 48' 12.00"W
L47	102.24	[illegible]
L48	151.12	S64° 02' 52.00"W
L49	112.59	[illegible]
L50	47.13	[illegible]
L51	73.19	[illegible]
L52	150.53	[illegible]



PROPERTY LINE

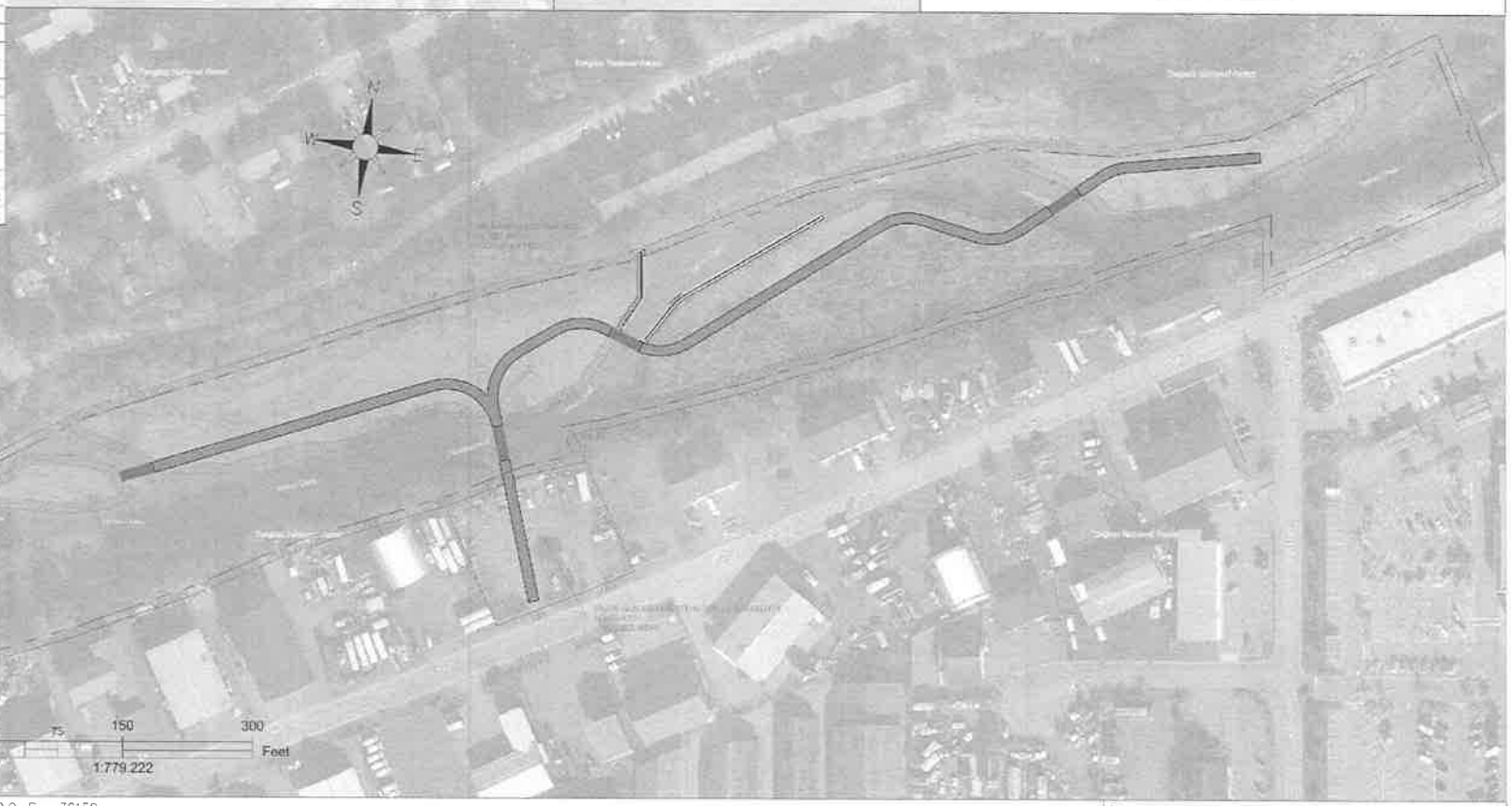
10 FOOT OFFSET

11 FOOT EXTRACTION BUFFER

ACCESS ROAD

BRIDGES

EXTRACTION

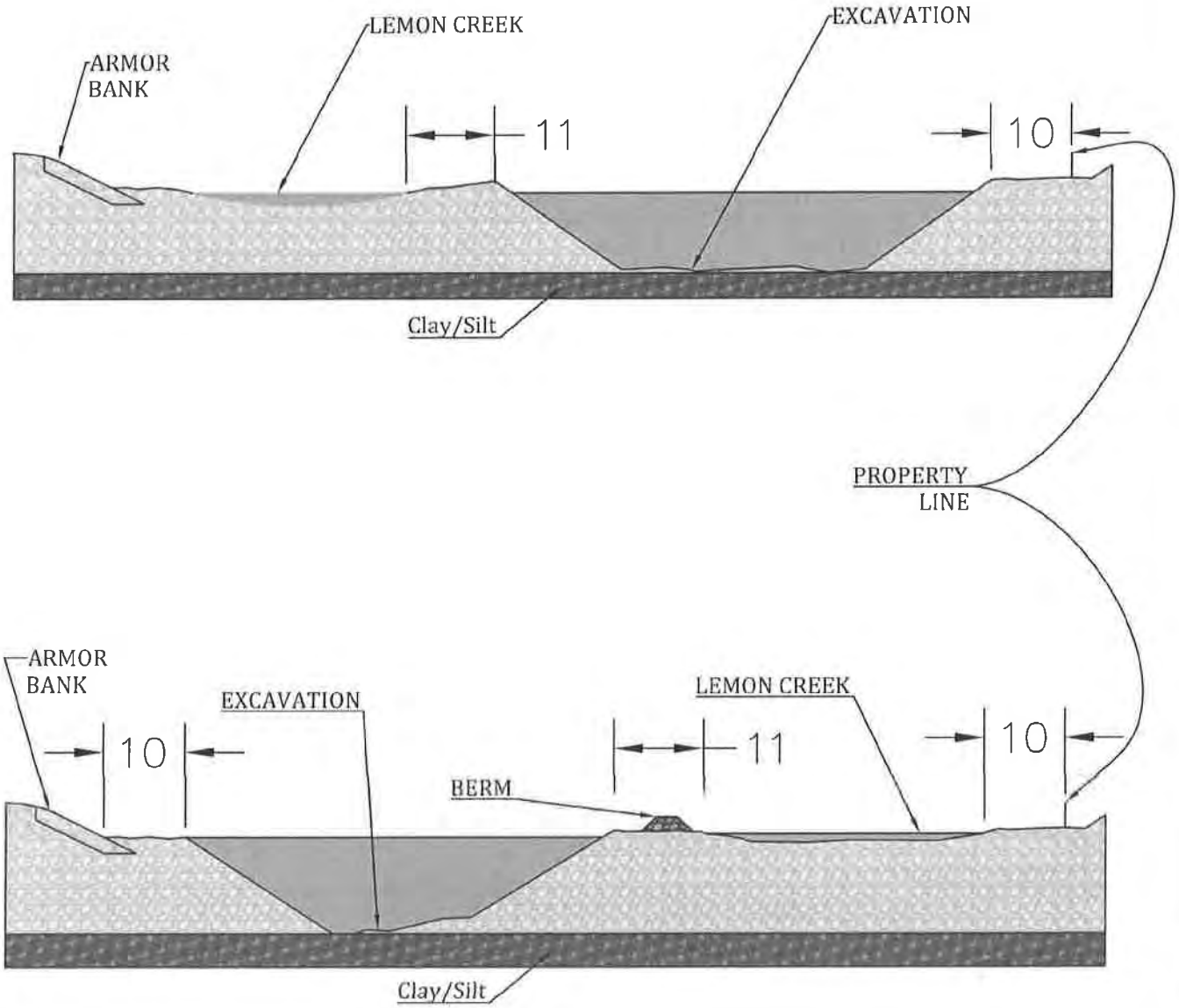


SECON
SOUTHEAST ALASKA

P.O. Box 32159
Juneau, AK 99803
Phone (907) 780-5145
Fax (907) 780-5896

LEMON CREEK GRAVEL EXTRACTION

DRAWN	SITE MAP	SHEET
DATE 9/26/2018	ACCESS: 1791 ANKA DRIVE	
APPROVED	MENDOTA PARK PARCEL E	
DATE	PARCEL TAX ID. 5B120-131-0041	
SCALE H 76	PROJECT NO.	1
SCALE V	1007EE	



SECON
SOUTHEAST ALASKA
1836 Anka Drive
Juneau, AK 99801
(907) 780-5145
P.O. Box 32159
Juneau, AK 99803

LEMON CREEK GRAVEL EXTRACTION

DETAIL

CROSS SECTION

REVISION:

Sheet 2

Drawn by: 9/21/2018 Project Number: 100722

Scale: 20:1

SECON
SOUTHEAST ALASKA

17321 139 Avenue NE
Woodinville, Washington 98072
Office (425) 827-3193
Fax (425) 576-5113

P.O. Box 32159
Juneau, Alaska 99803
Office (907) 780-5145
Fax (907) 780-5896

P.O. Box 7035
Ketchikan, Alaska 99901
Office (907) 225-6491
Fax (907) 225-6492

Ms. Teri Camery 1/29/2019
City and Borough of Juneau
155 S. Seward Street
Juneau, Alaska 99801

RE: Lemon Creek Gravel Extraction Application 2019
Seismic Reports
Operational years 2014 to 2018

To Ms. Camery,

I have attached the summary reports from 2013 to 2018.

The data collected falls into a range of frequency of between 5Hz and 120Hz. At these frequencies the upper threshold for Peak Particle Velocity is 0.75 inches/second. Above this threshold

None of the data collect approached to CBJ's limit threshold, with the highest data point less than 0.2 in/sec or 26.7% of the threshold. The bulk of the data is below 0.1 in/sec or 13.3% of the threshold.

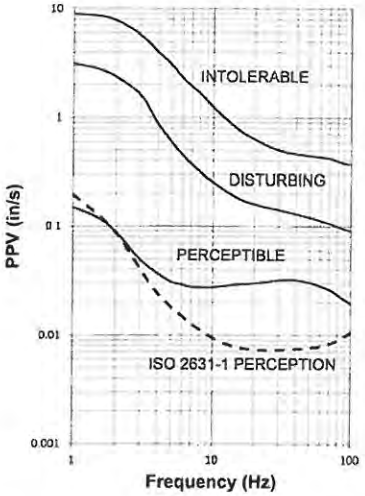
Below are graphs form USBM RI 8507 criteria.

Table 1. Common Values of Ambient Vibrations in Buildings

Activity	Typical Vibration Amplitudes (in/sec)
Occupants walking, closing doors, other daily activities	0.02 - 0.05
Occupants running or jumping	0.05 - 0.20
Daily commuter-train traffic next to historic museum	0.03 - 0.07
Occupied floor above loading dock and trash compactor	0.03 - 0.16
Moving furniture into office in an office building	0.10 - 0.14
Moving tables and chairs after an event in historic museum	0.10 - 0.15

Table 2. Damage Thresholds as Reported in USBM RI 8507

Conditions Observed	Typical Peak Particle Velocity (in/sec)
Threshold damage (hairline cracking in plaster, opening of old cracks, etc.)	2 - 3 Never at < 0.5
Minor damage (hairline cracking in masonry, breaking of windows)	4 - 5 Never at < 1.0
Major structural damage (cracking or shifting of foundations or bearing walls)	>5



If any question or clarifications are need please contact me.

Thank you.

Sincerely,

Michael Short
Engineering Manager
Secon

Cc: Teri Camery, Senior Planner, CBJ
Tim Dudley, General Manager, Secon

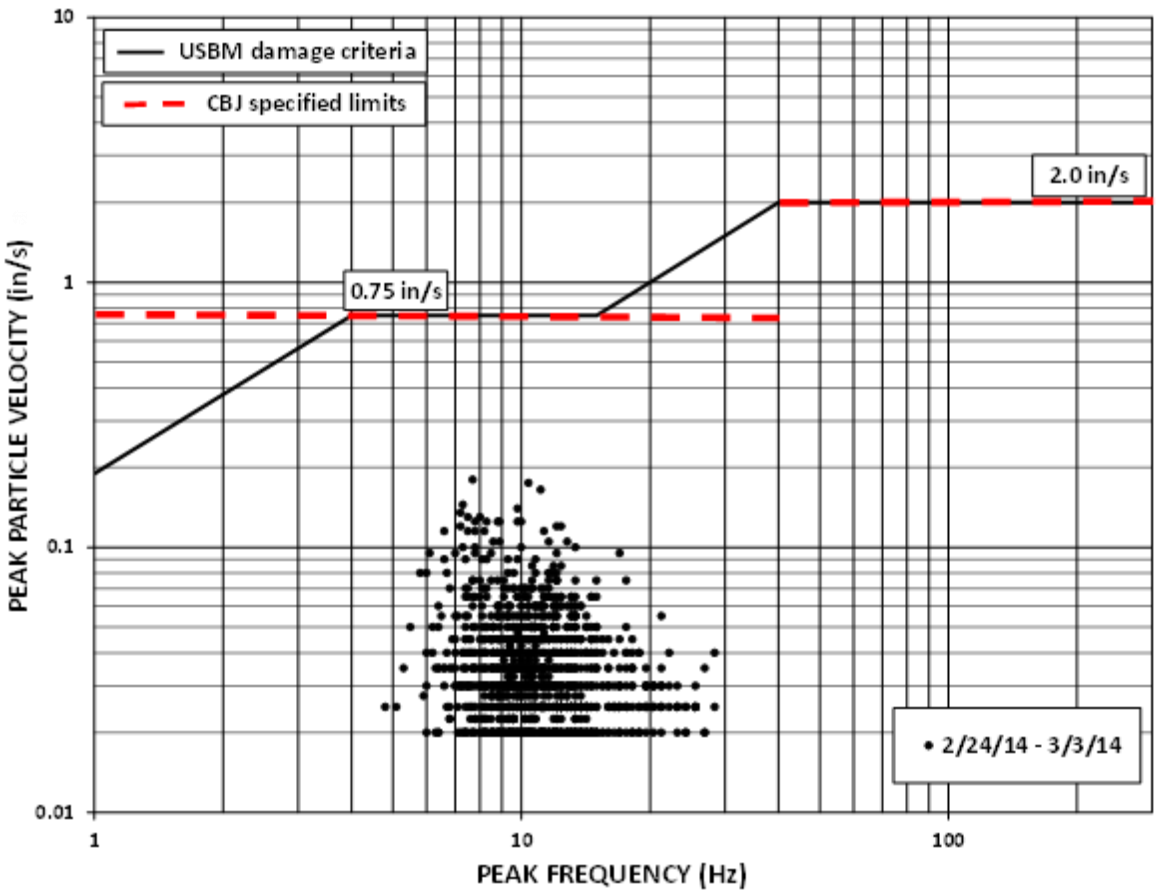


Figure 4. *Peak particle velocity (PPV) versus frequency. Points on plot represent data recorded by seismographs placed at condo buildings (within 15 ft) during equipment operations. All values are below the CBJ specified limits and the USBM damage criteria.*

SUMMARY

Vibration monitoring was performed February 24 through March 3, 2014 at the Riveredge Condo Building A during Lemon Creek gravel extraction activities. All vibration amplitudes recorded were well below the minimum CBJ specified limits and were well within safe levels for the protection of structures as proposed by the USBM RI 8507 criteria.

construction industry for blasting and construction-based vibrations. The red-dashed line represents the limits specified by the CBJ for this project.

As shown in Figure 4, all ground vibrations recorded during gravel excavation activities fell below the USBM safe criteria and CBJ specified limits. In accordance with the recommendations and findings of the USBM, maintaining ground vibration amplitudes below this line, as measured at structures near construction activities, will ensure cracking cannot occur in the weakest materials in structures (e.g. drywall).

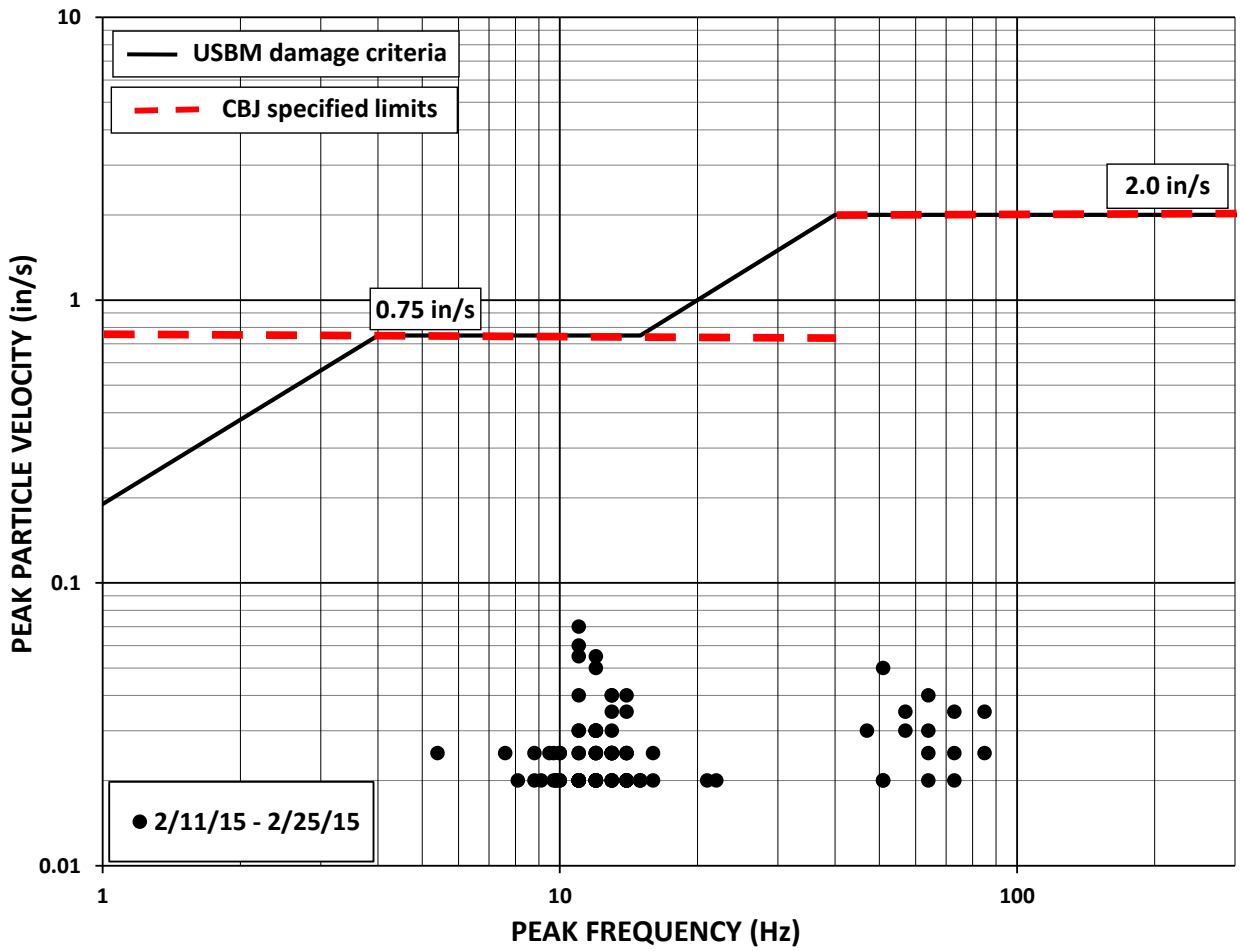


Figure 4. *Peak particle velocity (PPV) versus frequency. Points on plot represent data recorded by seismographs placed at condo buildings (within 16 ft) during equipment operations. All values are below the CBJ specified limits and the USBM damage criteria.*

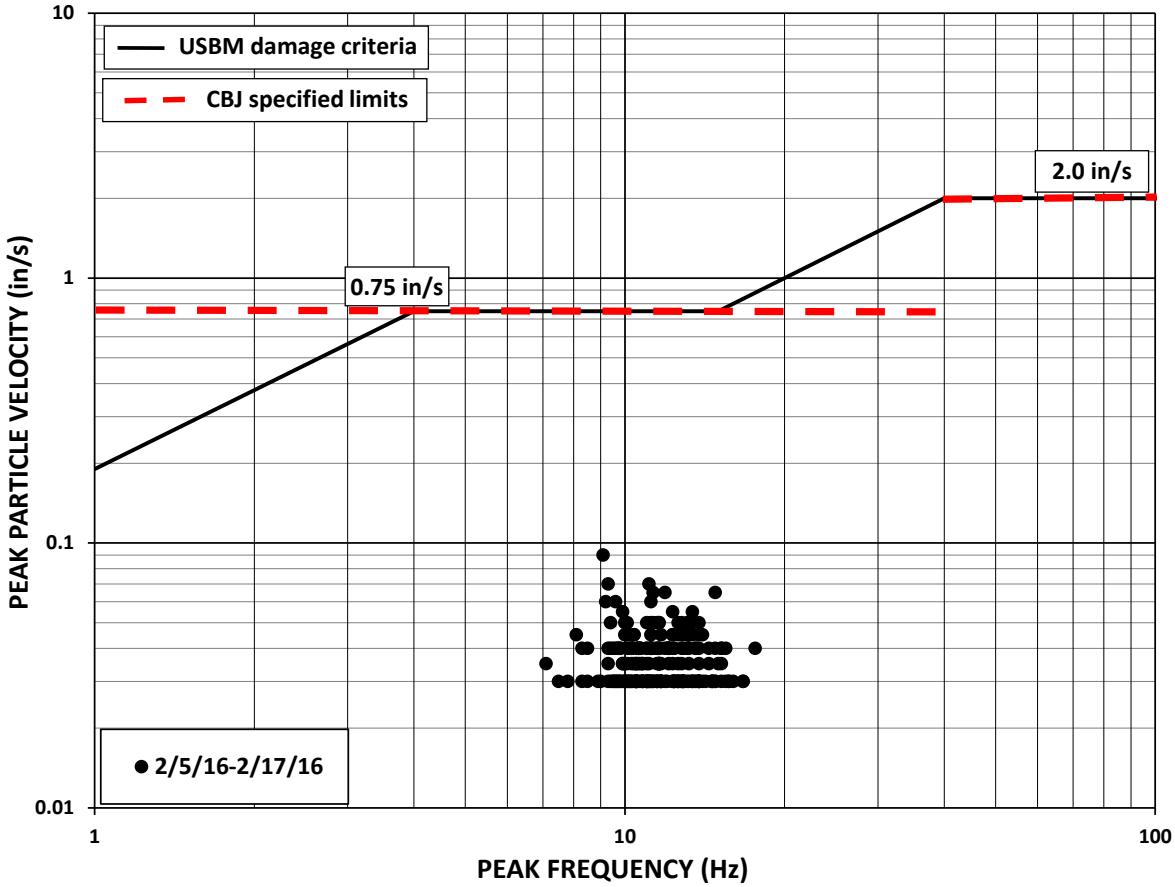


Figure 4. *Peak particle velocity (PPV) versus frequency. Points on plot represent data recorded by seismographs placed at condo buildings (within 17 ft) during equipment operations. All values are below the CBJ specified limits and the USBM damage criteria.*

SUMMARY

Vibration monitoring was performed February 5th, 8th – 13th, and 16th - 17th, 2016 at the Riveredge Condo Building A during Lemon Creek gravel extraction activities. All vibration amplitudes recorded were well below the minimum CBJ specified limits and were well within safe levels for the protection of structures as proposed by the USBM RI 8507 criteria.

Kristen Kolden 2/18/2016

Kristen Kolden
Vibration Specialist

President, Alaska Seismic & Environmental, LLC

As shown in Figure 2, all ground vibrations recorded during gravel excavation activities fell below the USBM safe criteria and CBJ specified limits. In accordance with the recommendations and findings of the USBM, maintaining ground vibration amplitudes below this line, as measured at structures near construction activities, will ensure cracking cannot occur in the weakest materials in residential structures (e.g. drywall).

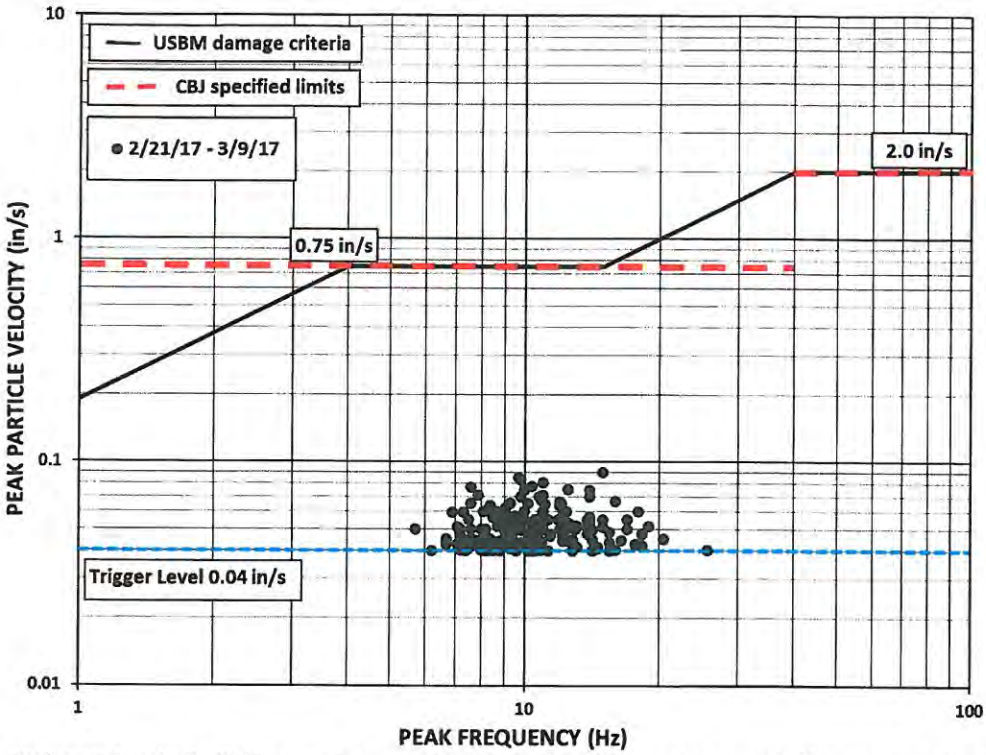


Figure 2. *Peak particle velocity (PPV) versus frequency. Points on plot represent data recorded by seismographs placed at condo buildings (within 15 ft) during equipment operations. All values are below the CBJ specified limits and the USBM damage criteria.*

SUMMARY

Vibration monitoring was performed February 21st – March 9th, 2017 at the Riveredge Condo Buildings during Lemon Creek gravel extraction activities. All vibration amplitudes recorded were well below the minimum CBJ specified limits and were well within safe levels for the protection of structures as proposed by the USBM RI 8507 criteria.

Kristen Kolden 3/13/2017

Kristen Kolden
Vibration Specialist

President, Alaska Seismic & Environmental, LLC

As shown in Figure 2, all ground vibrations recorded during gravel excavation activities fell below the USBM safe criteria and CBJ specified limits. In accordance with the recommendations and findings of the USBM, maintaining ground vibration amplitudes below this line, as measured at structures near construction activities, will ensure cracking cannot occur in the weakest materials in residential structures (e.g. drywall).

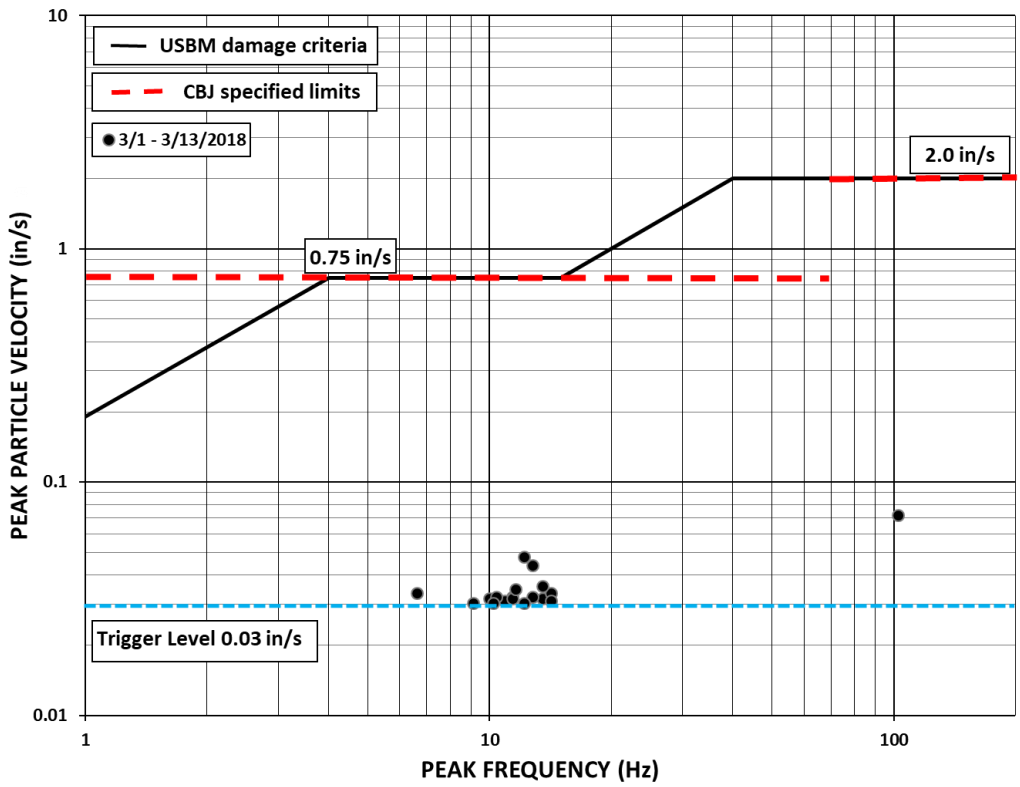


Figure 2. *Peak particle velocity (PPV) versus frequency. Points on plot represent data recorded by seismographs placed at condo buildings (within 15 ft) during equipment operations. All values are below the CBJ specified limits and the USBM damage criteria.*

SUMMARY

Vibration monitoring was performed March 1st and March 13th, 2018 at the Riveredge Condo Buildings during Lemon Creek gravel extraction activities. All vibration amplitudes recorded were well below the minimum CBJ specified limits and were well within safe levels for the protection of structures as proposed by the USBM RI 8507 criteria.

Kristen Kolden 3/16/2018

Kristen Kolden
Vibration Specialist

President, Alaska Seismic & Environmental, LLC

THE STATE of ALASKA
GOVERNOR SEAN PARNELL

Department of Fish and Game
DIVISION OF HABITAT
Southeast Region Office
802 3rd Street
Douglas, AK 99824-5412
P.O. Box 110024
Juneau, Alaska 99811-0024
Main: 907.465.4105
Fax: 907.465.4759

FISH HABITAT PERMIT FH14-I-0104

ISSUED: September 9, 2014

Mr. Michael Short
Engineering Manager
SECON
P.O. Box 32159
Juneau, Alaska 99803

RE: Sand and Gravel Extraction
Lemon Creek (Stream No. 111-40-10100)
Sec 34, T 40 S, R 66 E, CRM (Juneau B-2)
Coordinates: 58.3600° N, 134.4885° W (WGS84)

Dear Mr. Short:

Pursuant to AS 16.05.871(b), the Alaska Department of Fish and Game (ADF&G), Division of Habitat has reviewed your proposal to mine sand and gravel in Lemon Creek.

Background
ADF&G issued Fish Habitat Permit FH06-I-0128 for sand and gravel mining on August 2, 2007, and amended the permit on January 7, 2009 to improve equipment access to Lemon Creek. Habitat biologists worked with SECON to monitor the activity for six years. The activity did not negatively impact fish passage or impair fish habitat or water quality in Lemon Creek. The permit expired on June 15, 2014.

Project Description
SECON will mine about 10,000 cubic yards of sand and gravel annually from about 9½ acres of patented streambed in Lemon Creek between December 1 and March 15. The project manager will provide Habitat Division a three day prior to mining email notice so that habitat biologists can meet with the operator to stake mine limits and restrict excavation to areas not used the previous season by spawning salmon. SECON personnel will accompany habitat biologists on site during mining as they document activity, measure water quality and remove rearing juvenile salmonids from dewatered areas.

SECON will access the mine at 1721 Anka Drive, 1791 Anka Drive, or at Ralph's Way, by placing riprap on the streambank and aggregate on a gravel bar to support a fabric and aggregate covered steel bridge that spans the active channel. The fabric on the bridge directs turbid dump truck runoff back into the extraction zone. The operator will place aggregate on gravel bars to support fabric and aggregate covered steel bridges when necessary to cross active channels.

SECON will maintain an 11 ft buffer between the edge of the extraction zone and active Lemon Creek channels. The excavator operator will remove snow and ice from the extraction zone and place it on the buffer, on gravel bars outside of mine limits, or in the active channel downstream of the mine, to prevent ice dam formation and flooding that may compromise buffer integrity.

The excavator operator will remove sand and gravel from the extraction zone, placing the material in dump trucks for transport to the sort yard. The operator will leave debris in place that could breach the buffer if removed. Secon will remove bridges and aggregate from Lemon Creek after sand and gravel extraction is complete. Work generally takes about one week.

Anadromous Fish Act
Lemon Creek has been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a). Stream No. 111-40-10100 provides habitat for Dolly Varden char, chum salmon, and coho salmon. Adult chum and coho salmon migrate into Lemon Creek to spawn from mid-July through early November. Dolly Varden char and rearing juvenile coho salmon may be found in the area year-round. Chum salmon fry and coho salmon smolts migrate downstream from late-March through mid-June.

In accordance with AS 16.05.871(d), project approval is given subject to the project description above and the terms of this permit.

Terms
You shall remediate any obstruction to free fish passage to the satisfaction of ADF&G.

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 Division of Habitat 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 the responsibility of the Division of Habitat. Therefore, it is recommended you consult the Division of Habitat immediately when any deviation from the approved plan is being considered.

For the purpose of inspecting or monitoring compliance with any condition of this permit, you shall give an authorized representative of the state free and unobstructed access, at safe and reasonable times, to the permit site. You shall furnish whatever assistance and information as the authorized representative reasonably requires for monitoring and inspection purposes.

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

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The Division of Habitat reserves the right to require mitigation measures to correct disruption to fish and game created by the project and which was a direct result of the failure to comply with this permit or any applicable law.

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

This permit decision may be appealed in accordance with the provisions of AS 44.62.330-630.

Please direct any questions to Jackie Timothy at (907) 465-4275 or email jackie.timothy@alaska.gov.

Sincerely,
Cora Campbell
Commissioner

By Jackie Timothy
Southeast Regional Supervisor

Email cc:

Al Ott, ADF&G Habitat, Fairbanks
All, ADF&G Habitat, Juneau
Dan Teske, ADF&G/SF, Juneau
Dave Harris, ADF&G/CF, Juneau
James Rypkema, DEC, Anchorage
Steve Brockmann, USFWS, Juneau
Randy Vigil, USACE, Juneau
HCD, NMFS, Juneau
Teri Camery, CBJ, Juneau

DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 22270
JUNEAU, AK 99802-2270

December 8, 2017

Regulatory Division
POA-1983-20-M5

Mr. Michael Short
SECON, Southeast Alaska
Post Office Box 32159
Juneau, Alaska 99803

Dear Mr. Short:

Enclosed is the signed Department of the Army (DA) permit modification, file number POA-1983-20-M5, Lemon Creek. This is the 5th permit modification of the original permit. Also enclosed is a Notice of Authorization that should be posted in a prominent location near the authorized work.

If changes to the plans or location of the work are necessary for any reason, plans must be submitted to us immediately. Federal law requires approval of any changes before construction begins.

Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

Also enclosed is a Notification of Administrative Appeals Options and Process and Request for Appeal form regarding this DA Permit Modification (see section labeled "Initial Proffered Permit").

Please contact me via email at Randal.P.Vigil@usace.army.mil, by mail at the address above, by phone at (907) 790-4490, if you have questions.

Sincerely,

Randal P. Vigil
Project Manager

Enclosures

DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 22270
JUNEAU, AK 99802-2270

December 8, 2017

Regulatory Division
POA-1983-20-M5

DEPARTMENT OF THE ARMY
PERMIT MODIFICATION

Department of the Army permit number POA-193-20-N, Lemon Creek, was issued to Mr. Ralph Horecny on February 20, 2008, to place fill below the ordinary high water mark (OHW) in Lemon Creek to serve as water diversion dikes and to construct temporary access to the riverbed.

On April 16, 2008, the permit was transferred to Colaska Incorporated, DBA SECON.

On December 22, 2008, the permit was modified to rescind the placement of fill below OHW of Lemon Creek to construct a temporary access ramp from the intersection of Anka Street and Ralph's Way down to the creek bed. The permitted was authorized to provide access to the creek bed via two portable access ramps placed respectively at 1721 and 1791 Anka Street, with the lower end of each ramp supported by up to approximately 30 cubic yards of material placed into approximately 450 square feet of waters of the United States. The permittee was also authorized to place two "Jump Ramps" to span the thalweg, including placement of up to ten cubic yards of material for approaches for each jump ramp.

On February 21, 2013, the permit was modified to extend the time limit for completing the work authorized.

The project site is located within Section 34, T. 40 S., R. 66 E., Copper River Meridian; USGS Quad Map Juneau B-2; Latitude 58.359° N., Longitude 134.488° W.; on Parcel 2, Mendota Park Subdivision, U.S.S. 204, Plat #2005-13, adjacent to Anka Street, in Juneau, Alaska.

In accordance with your request, General Condition No. 1 of the permit is hereby amended to read as follows:

The time limit for completing the work authorized ends on **December 31, 2022**. If you find that you need more time to complete the authorized activity, please submit your request for a time extension to the Corps of Engineers for consideration at least one month before permit expiration.

All other conditions under which the subject authorization was made remain in full force and effect.

This authorization and the enclosed modified plans should be attached to the original permit. Also enclosed is a Notice of Authorization that should be posted in a prominent location near the authorized work.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Randal P. Vigil
Project Manager

This notice of authorization must be conspicuously displayed at the site of work.

United States Army Corps of Engineers
Lemon Creek

A permit to: **place fill below ordinary high water in Lemon Creek to serve as water diversion dikes and to construct temporary access to the riverbed**

at: **Parcel 2, Mendota Park Subdivision, U.S.S. 204, Plat #2005-13, adjacent to Anka Street, in Juneau, AK**

has been issued to: **Colaska, Incorporated DBA SECON**

on: **December 8, 2017**, **and expires on:** **December 31, 2022**.

Address of Permittee: **PO Box 32159, Juneau, AK 99801**.

Permit Number:

POA-1983-20-M5

FOR: ***District Commander***
Randal P. Vigil
Project Manager
REGULATORY DIVISION

ENG FORM 4336, Jul 81 (33 CFR 320-330) EDITION OF JUL 70 MAY BE USED (Proponent: CECW-O)

THE STATE of ALASKA
GOVERNOR BILL WALKER

Department of Environmental Conservation

DIVISION OF WATER
Wastewater Discharge Authorization Program

555 Cordova Street
Anchorage, Alaska 99501-2617
Main: 907.269.6285
Fax: 907.334.2415
www.dec.alaska.gov/water/wwdp

January 17, 2018

SECON Southeast Alaska (SECON)
Attention: Michael Short, Engineering Manager
P.O. Box 32159
Juneau, AK 99803

Re: SECON, Lemon Creek Horceny Gravel Mine Berm
POA-1983-20-M5, Lemon Creek (Revised CRA)

Dear Mr. Short:

In accordance with Section 401 of the Federal Clean Water Act of 1977 and provisions of the Alaska Water Quality Standards, the Department of Environmental Conservation (DEC) is reissuing the enclosed Certificate of Reasonable Assurance (CRA) for placement of dredged and/or fill material in waters of the U.S., including wetlands and streams, associated with the placement of clean gravel fill for the purpose of installing berms in Lemon Creek to divert the creek waters around a gravel mining operation, located in Juneau, Alaska. Note, this is a revised CRA from the previously issued certificate dated December 26, 2017.

DEC regulations provide that any person who disagrees with this decision may request an informal review by the Division Director in accordance with 18 AAC 15.185 or an adjudicatory hearing in accordance with 18 AAC 15.195 – 18 AAC 15.340. An informal review request must be delivered to the Director, Division of Water, 555 Cordova Street, Anchorage, AK 99501, within 15 days of the permit decision. Visit http://dec.alaska.gov/commish/ReviewGuidance.htm for information on Administrative Appeals of Department decisions.

An adjudicatory hearing request must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, PO Box 111800, Juneau, AK 99811-1800, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived.

By copy of this letter we are advising the U.S. Army Corps of Engineers of our actions and enclosing a copy of the certification for their use.

Sincerely,

James Rypkema
Program Manager, Storm Water and Wetlands

Enclosure: 401 Certificate of Reasonable Assurance

cc: (with encl.)
Randal Vigil, USACE, Anchorage
Jackie Timothy, ADF&G
TJ Mason, SECON
USFWS Field Office Juneau
Mark Douglas, EPA Operations, Anchorage

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CERTIFICATE OF REASONABLE ASSURANCE

In accordance with Section 401 of the Federal Clean Water Act (CWA) and the Alaska Water Quality Standards (18 AAC 70), a Certificate of Reasonable Assurance, is reissued to SECON, attention: Michael Short, at P.O. Box 32159, Juneau, AK 99801, for placement of dredged and/or fill material in waters of the U.S. including wetlands and streams in association with the placement of clean gravel fill for the purpose of installing berms in Lemon Creek to divert the creek waters around a gravel mining operation, located in Juneau, Alaska. Note, this is a revised CRA from the previously issued certificate dated December 26, 2017.

Up to 210,000 cubic yards of sand and gravel would be removed from the bed of Lemon Creek. Access to the creek bed would be accomplished via two portable access ramps placed respectively at 1721 and 1791 Anka Street, with the lower end of each ramp supported by up to approximately 30 cubic yards of material placed into approximately 450 square feet of waters of the United States. The permittee shall also place two "jump ramps" to span the thalweg, including placement of up to ten cubic yards of material for approaches for each ramp.

Five 48-in diameter, up to 40-ft long culverts will be temporarily installed for the creek to pass through while mining occurs. All materials used in building the structure will be stored above the ordinary high water when not in use. The culverts will be pulled from the river every year by March 15th and reinstalled at the beginning of the next mining season. Clean gravel fill will be placed on the culverts to create a roadbed. Approximately 50 cubic yards of riprap will be placed on the sides of the access ramp to prevent erosion. A total of approximately 327 cubic yards of fill material would cover 0.04 acres on the access ramp. This ramp will be the only access to Lemon Creek for mining gravel.

SECON proposes a series of eight small individual berms (10 ft wide, 3 ft high, and 1,575 ft in length) that would prevent waters from entering the area where gravel extraction is occurring. With these berms properly installed the applicant will operate equipment outside of the flowing waters of Lemon Creek. The berms would be composed of approximately 1,750 cubic yards of fill material excavated from the creek bed and would cover approximately 0.36 acres. Up to 100 cubic yards of woody debris hard points would be added to provide fish habitat in the excavated area once the gravel extraction has been completed.

DEC will, in its discretion, treat an application for a permit under Section 404 of the Clean Water Act as an application for a short-term variance from applicable water quality standards. The applicant has requested a short-term variance under 18 AAC 70.200 for the construction and removal of a temporary ramp, the construction and removal of temporary berms in Lemon Creek, and release of sediment-laden water at the conclusion of a season's mining activity. The agent has requested short-term variances for seven discrete activities for an annual total of 432 hours (18 days) during a 105 day operating period each year, or approximately 17% of the time. During that period any one variance from the water quality standard will not exceed 96 hours or 4% of the time.

For each period of seasonal operation (December 1 to March 15) the following short-term variances from the water quality standards are granted:

a) One variance, for a period not to exceed 96 hours for the construction of a temporary ramp to access the creek;

b) Four variances, each variance for a period not to exceed 48 hours for the construction of one set of parallel berms (two berms total) to create an area for equipment to operate outside of the flowing water, for a total of eight berms (a total of 192 hours);

c) One variance, for a period not to exceed 96 hours for the removal of a temporary ramp to access the creek; and

d) One variance, for a period not to exceed 48 hours for the redirection of creek flow into the new excavation.

Between each variance the applicant shall allow Lemon Creek to return to its natural condition before proceeding with the activity granted in the next variance.

A state issued water quality certification is required under Section 401 because the proposed activity will be authorized by a U.S. Army Corps of Engineers permit (POA-1983-20-M5) and a discharge of pollutants to waters of the U.S. located in the State of Alaska may result from the proposed activity. Public notice of the application for this certification was given as required by 18 AAC 15.180 in the Corps Public Notice POA-1983-20-N posted from November 1, 2006 to December 1, 2006.

The proposed activity is located within Section 34, T. 40 S., R. 66 E., Copper River Meridian; Latitude 58.359° N., Longitude -134.488° W.; in Juneau, Alaska.

The Department of Environmental Conservation (DEC) reviewed the application and certifies that there is reasonable assurance that the proposed activity, as well as any discharge which may result, will comply with applicable provisions of Section 401 of the CWA and the Alaska Water Quality Standards, 18 AAC 70, provided that the following additional measures are adhered to.

1. Reasonable precautions and controls must be used to prevent incidental and accidental discharge of petroleum products or other hazardous substances. Fuel storage and handling activities for equipment must be sited and conducted so there is no petroleum contamination of the ground, subsurface, or surface waterbodies.
2. During construction, spill response equipment and supplies such as sorbent pads shall be available and used immediately to contain and cleanup oil, fuel, hydraulic fluid, antifreeze, or other pollutant spills. Any spill amount must be reported in accordance with Discharge Notification and Reporting Requirements (AS 46.03.755 and 18 AAC 75 Article 3). The applicant must contact by telephone the DEC Area Response Team for Southeast Alaska (907) 465-5340 during work hours or 1-800-478-9300 after hours. Also, the applicant must contact by telephone the National Response Center at 1-800-424-8802.
3. Construction equipment shall not be operated below the ordinary high water mark if equipment is leaking fuel, oil, hydraulic fluid, or any other hazardous material. Equipment shall be inspected and recorded in a log on a daily basis for leaks. If leaks are found, the equipment shall not be used and pulled from service until the leak is repaired.

4. All work areas, material access routes, and surrounding wetlands involved in the construction project shall be clearly delineated and marked in such a way that equipment operators do not operate outside of the marked areas.
5. Excavated or fill material, including overburden, shall be placed so that it is stable, meaning after placement the material does not show signs of excessive erosion. Indicators of excess erosion include: gullying, head cutting, caving, block slippage, material sloughing, etc. The material must be contained with siltation best management practices (BMPs) to preclude reentry into any waters of the U.S., which includes wetlands.
6. Fill material (including excavated material) must be clean sand, gravel or rock, free from petroleum products and toxic contaminants in toxic amounts.
7. All excavation/dredging shall be conducted so as to minimize the amount of material and suspended sediments that enter the Lemon Creek. Appropriate Best Management Practices (BMPs) will be employed to minimize sediment loss and turbidity generation during dredging.
8. Gravel fill material or riprap imported to the creek for creation of the ramp or berms shall be free of trash or debris, and free of toxic materials in toxic amounts.
9. The period of seasonal operation shall take place between December 1 and March 15. No in-water work shall be allowed between March 16 and November 30 with the following exception: in-stream work to connect the excavated sections of the creek shall be allowed for one two-day period between May 15 and June 15.
10. The applicant shall submit to DEC one week after receipt of this certification, and by November 1 in subsequent years, a copy of the mining plan required by Condition 3 in the City and Borough of Juneau (CBJ) Conditional Use Permit Number USE2006-000054. The applicant shall include with the mining plan water pollution control and mitigation measures.
11. The applicant shall comply with Conditions 7, 8, 9, 10, 12, and 13 of the CBJ and submit to the DEC a copy of the inspection reports required by Condition 9 and the end of season mining report required by Condition 10.
12. If dewatering is to occur during material extraction, methods shall be implemented to filter or settle out suspended sediments from wastewater resulting from dewatering activities prior to its direct or indirect discharge into any natural body of water. Prior to dewatering, contact DEC (Shannon DeWandel, 269-0103), for the possible necessity of obtaining a DEC dewatering permit.
13. The applicant shall notify the DEC three days prior to any ramp or berm construction or removal.
14. The applicant shall comply with the water quality standards (18 AAC 70), except the periods of short-term variance granted in this certificate. Specifically, the applicant shall comply with the water quality standard for turbidity and sediment. The water may not exceed 5 nephelometric turbidity units (NTU) above the natural conditions when the natural turbidity is 50 NTU or less, and may not have more than 10% increase in turbidity when the natural turbidity is more than 50 NTU, not to exceed a maximum increase of 25 NTU. The water may have no measurable increase in concentration of settable solids above natural conditions, as measured by the volumetric Imhoff cone.

15. The applicant, or qualified person hired by the applicant, shall take turbidity and settable solids measurements once per day each day of operation approximately 500 feet upstream of the project site at a location representative of the natural conditions of Lemon Creek. The sampling site shall be in the main flow of the creek, with the sample taken as close in time of the downstream sampling as possible. Sampling shall begin at the start of operations through the completion of seasonal operations. Sampling shall take place during the first short-term variance but does not need to occur during the subsequent periods of short-term variance, unless the Department determines further monitoring is necessary. Sampling shall be conducted in accordance with accepted analytical procedures, as described in 18 AAC 70. The sampling results and a map showing the sampling locations shall be submitted weekly to the DEC during the period of seasonal operation (as described in number 9 above).

16. The applicant, or a qualified person hired by the applicant, shall take turbidity and settable solids measurements once per each day of the operation downstream of the project site at a location representative of the water quality, not to exceed 250 feet downstream of the downstream most end of the project site. The sampling site shall be in the main flow of the creek, with the sample taken during the period of active operation. Sampling shall begin at the start of operations through the completion of seasonal operations. Sampling shall take place during the first short-term variance but does not need to occur during the subsequent periods of short-term variance, unless DEC determines further monitoring is necessary. Sampling shall be conducted in accordance with accepted analytical procedures as described in 18 AAC 70. The sampling results and a map showing the sampling location shall be submitted weekly to the DEC during the period of seasonal operation (as described in number 9 above).

17. During operations, if there is overflow due to insufficient capacity of bermed channels, or if there is breaching of the berms, then gravel hauling operations shall cease until corrective actions are taken and reported to DEC.

18. The applicant shall not use any chemical coagulant or flocculant to reduce turbidity or suspended sediment.

19. Compliance with this Certificate of Reasonable Assurance is subject to annual review. DEC will use in its review the applicant's compliance with the alternative measures of this Certificate. If the applicant does not comply with the alternative measures of this Certificate DEC will, in its discretion, revoke this Certificate.

20. Documents, reports, and notifications required under this Certificate are to be sent to the following address:

    State of Alaska
    Department of Environmental Conservation
    Division of Water
    Compliance and Enforcement Program
    555 Cordova Street
    Anchorage, Alaska 99501
    Email: dec-wqreporting@alaska.gov
    Phone: 907-269-4114

This certification expires five (5) years after the date the certification is signed. If your project is not completed by then and work under U.S. Army Corps of Engineers Permit will continue, you must submit an application for renewal of this certification no later than 30 days before the expiration date (18 AAC 15.100).

Date: January 17, 2018

James Rypkema, Program Manager
Storm Water and Wetlands

From:	Kanouse, Kate M (DFG)
To:	Teri Camery
Cc:	Fritz, Evan (DFG); Albrecht, Gregory T (DFG); "mshort@colaska.com"
Subject:	RE: Agency Review Request for Lower Lemon Creek Gravel Extraction
Date:	Thursday, January 10, 2019 4:13:58 PM
Attachments:	FH14-I-0104 Lemon Creek Gravel Mine SECON.pdf FH18-I-0013 Lower Lemon Cr Mine Crossings_SECON.pdf 2018-05-25 Lower Lemon Creek Mine TR.pdf

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Hi Teri –

SECON has two active fish habitat permits, FH14-I-0104 for mining sand and gravel in lower Lemon Creek and FH18-I-0013 for equipment crossings necessary to complete the project (attached); neither permit expires. FH14-I-0104 restricts mining activities to December 1–March 15, when stream flow is lowest. If cold weather and low stream flows are forecasted through late-March any given year, we could consider extending the timing window to March 31 that year, if necessary.

I've attached a trip report covering SECON's 2018 activities, for your information. Habitat Biologists Evan Fritz and Greg Albrecht met with SECON staff last week to identify potential mining zones and equipment crossing locations for their 2019 operations; a trip report for that work is forthcoming and we'll send you a copy.

Thank you,
Kate

From: Teri Camery <Teri.Camery@juneau.org>
Sent: Thursday, January 10, 2019 10:20 AM
To: Kanouse, Kate M (DFG) <kate.kanouse@alaska.gov>
Subject: FW: Agency Review Request for Lower Lemon Creek Gravel Extraction

Hello Kate,

I was checking on this review this morning and realized that I sent it to Jackie Timothy rather than yourself, because I wasn't sure what her retirement date was. I'm sorry about that. ADFG comments are very important on this one, to establish timing windows and more, so I would really appreciate your time looking at this. This agency review period has a comment deadline of tomorrow, January 11, which obviously won't work. Would next Friday January 18th be okay? If not please suggest another date.

Thanks very much for your time!
Teri

Teri Camery | Senior Planner
Community Development Department ¦ City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0755

MEMORANDUM

State of Alaska

Department of Fish and Game
Division of Habitat

TO: Kate Kanouse
Acting Southeast Regional Supervisor

DATE: January 14, 2019

FILE NO: FH14-I-0104

SUBJECT: Lower Lemon Creek
Salmon Spawning Surveys
and Gravel Extraction

FROM: Evan Fritz EF
Habitat Biologist

PHONE NO: (907) 465-6646

On August 23 and September 6, 2018, I surveyed lower Lemon Creek[a] at SECON's gravel extraction site for spawning salmon and carcasses. The weather was cloudy on August 23, and clear and sunny on September 6. Visibility in Lemon Creek was 1–2 ft for each survey.

On August 23, I observed 15 chum salmon *Oncorhynchus keta* spawning near the SECON access ramp from Anka Street and unattended redds 250 ft upstream in the river left channel (Figure 1). Upstream from the SECON access ramp, I observed about 12 chum salmon spawning in a 300 ft stretch along the river right bank (Figure 2). On September 6, Habitat Biologist Jesse Lindgren and I observed 1 chum salmon near the SECON access ramp, 7 carcasses scattered throughout the mining area on both sides of Lemon Creek, and 6 redds 80–100 ft upstream of the alder island near the river left channel.

On January 3, 2019, Habitat Biologist Greg Albrecht and I met onsite with SECON employees Bill Cheeseman, TJ Mason, and Brian Maller to discuss upcoming mining operations planned for late February or March, 2019 (Figure 1). We located potential areas for gravel extraction, machinery crossings and bridge sites, avoiding known and potential successful chum salmon spawning areas. A highwater event that occurred between September and November, 2018, created a new channel upstream of the access ramp that partially diverted water away from the redds I observed near the ramp (Figures 3, 4). We discussed constructing diversion berms composed of bedload and woody debris to route water around the proposed gravel pits and into areas with incubating salmon alevins. SECON also will construct berms in areas of fast current to prevent premature breaching of the gravel pits. SECON will cross Lemon Creek in three locations with an excavator to build abutments and set flatcar bridges. Abutments at the access ramp and the lower stream crossing will be downstream of chum salmon spawning areas; SECON will construct the bridge abutments for the upper most bridge in the dry, adjacent to incubating chum salmon alevins.

---

[a] Stream No. 111-40-10100; provides habitat for chum, coho, pink salmon, and Dolly Varden char.

Channel braids that formed within the last year around the upper gravel pit have limited the area SECON will be able to mine this year. We arranged to meet again in February or March to stake buffers prior to the start of mining.

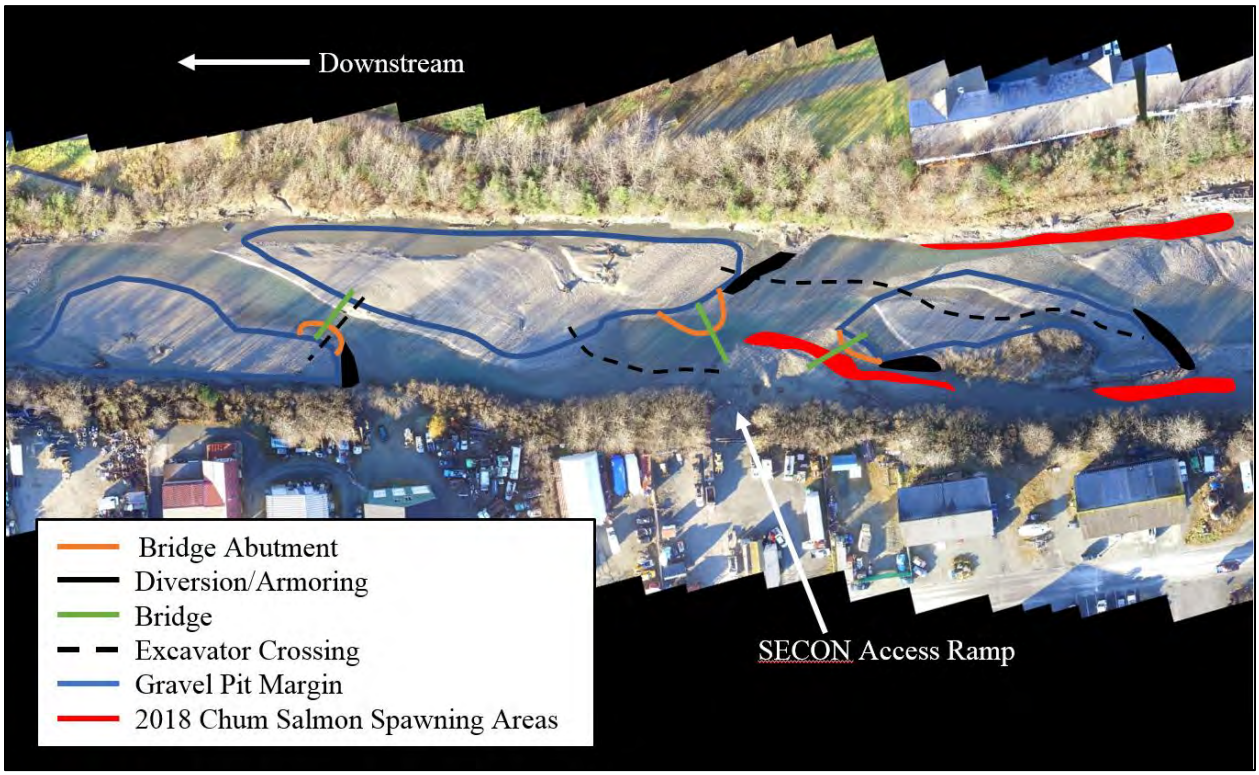

Figure 1.–November, 2018, aerial photo of SECON's lower Lemon Creek gravel mining area.

Figure 2.–Spawning chum salmon (bottom center) on the river right side of lower Lemon Creek.

Figure 3.–Looking upstream at SECON's access ramp, 8/23/2018.

Figure 4.–New channel upstream of SECON's access ramp, 1/4/2019. A root wad partially diverted water away from observed redds (center of photo).

Email cc:

Al Ott, ADF&G Habitat, Fairbanks
All Habitat staff, Douglas
Dan Teske, ADF&G SF, Douglas
Dave Harris, ADF&G CF, Location
Roy Churchwell, ADF&G WC, Location
Mike Short, SECON, Juneau
Teri Camery, CBJ, Juneau
Neil Stichert, USFWS, Juneau
Linda Speerstra, USACE, Sitka
Cindy Hartmann Moore, NMFS, Juneau

From: Pikul, Gretchen M (DEC) <gretchen.pikul@alaska.gov>
Sent: Friday, December 21, 2018 11:55 AM
To: Teri Camery
Subject: FW: Agency Review Request for Lower Lemon Creek Gravel Extraction
Attachments: APP_USE18-24.pdf

Good morning Teri,
The Department of Environmental Conservation, Division of Water, Non-Point Source section has no issues with the Conditional Use Permit application from Colaska dba Secon for gravel extraction in lower Lemon Creek.

This application has been forwarded to DEC's Solid Waste and Stormwater sections.

Thank you for the review opportunity.

Gretchen Pikul
Environmental Program Specialist
Alaska Dept. of Environmental Conservation
Division of Water, Non-Point Source Section
http://www.dec.alaska.gov/water/wqsar/index.htm

Office 907.465.5023
410 Willoughby Avenue | Juneau, AK 99811
gretchen.pikul@alaska.gov

From: Teri Camery [mailto:Teri.Camery@juneau.org]
Sent: Thursday, December 20, 2018 12:15 PM
To: Ed Foster ; 'neil_stichert@fws.gov' ; Timothy, Jackie L (DFG) ; Kanouse, Kate M (DFG) ; Greg Chaney ; Robin Potter ; Pikul, Gretchen M (DEC) ; Skagerberg, Verne R (DOT) ; Charlie Ford ; Autumn Sapp ; Dan Jager ; Dan Bleidorn
Cc: Tim Felstead
Subject: Agency Review Request for Lower Lemon Creek Gravel Extraction

Hello everyone,

We have received a Conditional Use Permit application from Secon for gravel extraction in lower Lemon Creek. The previous Conditional Use Permit, USE2012 00019, expired on December 19, 2018. SECON requests a 10 year period of operation, with mining activity conducted during the months of November to March each year. (Please note that the mining season is not March to November, as inadvertently stated in the application.)

We have extended our normal 15-day agency review period to 22 days due to the holidays. Please provide comments by Friday January 11, and please let me know if you have questions. Thanks very much for your time.

Cheers,
Teri Camery

Teri Camery | Senior Planner
Community Development Department | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building

From: Dan Jager
To: Teri Camery
Subject: RE: Agency Review Request for Lower Lemon Creek Gravel Extraction
Date: Thursday, December 20, 2018 12:25:57 PM

Hello Teri, no issues from fire.
Thanks!Dan

From: Teri Camery
Sent: Thursday, December 20, 2018 12:15 PM
To: Ed Foster; 'neil_stichert@fws.gov'; Timothy, Jackie L (DFG) (jackie.timothy@alaska.gov); 'Kanouse, Kate M (DFG)'; Greg Chaney; Robin Potter; Pikul, Gretchen M (DEC) (gretchen.pikul@alaska.gov); 'verne.skagerberg@alaska.gov'; Charlie Ford; Autumn Sapp; Dan Jager; Dan Bleidorn
Cc: Tim Felstead
Subject: Agency Review Request for Lower Lemon Creek Gravel Extraction

Hello everyone,

We have received a Conditional Use Permit application from Secon for gravel extraction in lower Lemon Creek. The previous Conditional Use Permit, USE2012 00019, expired on December 19, 2018. SECON requests a 10 year period of operation, with mining activity conducted during the months of November to March each year. (Please note that the mining season is not March to November, as inadvertently stated in the application.)

We have extended our normal 15-day agency review period to 22 days due to the holidays. Please provide comments by Friday January 11, and please let me know if you have questions. Thanks very much for your time.

Cheers,
Teri Camery

Teri Camery | Senior Planner
Community Development Department ¦ City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0755

From: Robin Potter
To: Teri Camery
Subject: RE: Agency Review Request for Lower Lemon Creek Gravel Extraction
Date: Wednesday, January 23, 2019 12:20:44 PM
Attachments: image001.png

Thanks Teri.
Re; the route. Yes, I tracked the route on our aerial maps. Despite being a truck route, it is also the route to Costco, Home Depot and several other commercial businesses. 250 truckloads per day is 500 one way trips for those trucks correct? That's a lot of travel on that stretch of road and has to affect other drivers.

This being said, I am not opposed to the extension, particularly since it will be resolving a potential flood issue and benefit the creek for it's primary use for the salmon.

Robin

Robin Potter
Robin Potter ACAA V
CBJ Assessor
155 S. Seward Rm 14
Juneau, Alaska 99801
907.586.0330
http://www.juneau.org/financeftp/assessor_main.php

From: Teri Camery
Sent: Wednesday, January 23, 2019 12:12 PM
To: Robin Potter
Cc: Mary Grant
Subject: RE: Agency Review Request for Lower Lemon Creek Gravel Extraction

---

Hello Robin,

SECON has a total operational time period of approximately 40 days, which is dictated by the timing window that the Alaska Department of Fish and Game gives them to work in the creek because of the salmon run. The actual time that they are extracting gravel is typically 10-14 days per year. I have asked SECON for a tally of the number of days they have extracted each year since the permit was first authorized 11 years ago. (The first permit was for 5 years, the second for 6 years.)

Are you aware that the truck traffic from the operation is specifically prohibited from the Davis Avenue residential area and instead must use the Anka Street established truck route? Does that information alter your opinion regarding the impact on property values?

Thanks very much for your time on this.
Teri

Teri Camery | Senior Planner
Community Development Department ¦ City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0755

From: Robin Potter
Sent: Wednesday, January 23, 2019 10:43 AM
To: Teri Camery
Cc: Mary Grant
Subject: RE: Agency Review Request for Lower Lemon Creek Gravel Extraction

Hi Teri,

I've read the attached application twice and have one question regarding a statement under Traffic on page 15 of the application.

"Secon estimates 250 truckloads per day approximately 14 days".

Does this mean the extraction work will only last 14 days?

250 truckloads per day will have significant impact on traffic and noise.
Over a long term, surrounding property values could be adversely affected not to mention irritated property owners and customers using those roads for access.

Robin Potter

Robin Potter ACAA V
CBJ Assessor
155 S. Seward Rm 14
Juneau, Alaska 99801
907.586.0330
http://www.juneau.org/financeftp/assessor_main.php

From: Teri Camery
Sent: Tuesday, January 22, 2019 3:36 PM
To: Robin Potter
Subject: FW: Agency Review Request for Lower Lemon Creek Gravel Extraction

Hello Robin,

I'd appreciate your comments on this application as soon as possible.

Thanks!
Teri

Teri Camery | Senior Planner
Community Development Department ¦ City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0755

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION
Date: December 19, 2012
File No.: USE2012 0019

Colaska Inc.
PO Box 32159
Juneau, AK 99803

Application For:	A Conditional Use Permit to extract 240,000 cubic yards of gravel from the Lemon Creek streambed over a six year period.
Legal Description:	Mendota Park Parcel 2
Property Address:	Lemon Creek Streambed, No Access
Parcel Code No.:	5-B12-0-131-004-1
Hearing Date:	December 18, 2012

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated December 6, 2012, and approved the extraction of 210,000 cubic yards of gravel from the Lemon Creek streambed over a six year period to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

Annual Grading Permit, Bank Protection, and Seismic Monitoring –

1. The operator shall stockpile about 50 cubic yards of broken rap, equivalent to Class I rip-rap, near the project area to address emergencies if the flow becomes redirected towards the bank. If the rock is not used it may be sold when the project ends.
2. Prior to issuance of the first year's grading permit and approval of the first year mining plan, the operator shall submit a bond of $30,000, sufficient to repair any serious bank damage.
3. One month before the commencement of each mining season, the applicant shall submit a mining plan. The mining plan shall be processed by the Engineering Department as an annual grading permit. Such plan shall include:
   a. Estimation of material to be removed
   b. Map of area to be worked (showing property lines)
   c. Map showing proposed culverts, access roads, bank stabilizations, berm details (including height, location, material composition and removal plan) stream relocations and other proposed features
   d. Methods for protecting Lemon Creek from oil, fuel and hydraulic fluid (including leaks from heavy equipment)
   e. Prior to the commencement of mining, the applicant shall verify property line location and delineate offset distance to the extraction area.
4. The top of excavation slopes shall be prohibited within 10' of any banks or the property lines.

155 So. Seward Street, Juneau, Alaska 99801-1397

5. The applicant shall directly hire, or pay permit inspection fees to provide for periodic inspection of the mining area by an appropriately licensed engineer and/or hydrologist.
6. Periodic inspections shall be made as determined by the engineer and/or hydrologist, sufficient to monitor the operation. Such periodic inspections shall include visits during or after high water events.
7. Inspection reports shall be submitted to the Engineering Department for each 10,000 cubic yards of material removed from the stream, and those reports shall include the following information:
   a. Volume of material removed
   b. Map of area worked
   c. Verification of compliance with mining plan
   d. Report of bank destabilizations
   e. Opinion whether bank/property line setbacks are adequately protecting adjacent properties
   f. Bank protection/stabilization measures if merited
8. An inspection report shall be submitted at the end of the mining season which includes all items in numbers 4-7. The report shall be submitted to the Engineering Department and to the Community Development Department within one month of the end of the mining season, or April 15.
9. The applicant/operator shall confine all excavations to within existing rip-rap banks. Prior to proceeding with annual excavations, the applicant must find and stake adjacent rip-rap banks.
10. The applicant/operator shall protect the structural integrity of existing stream banks and rip-rap banks. A no-disturbance zone of at least 10 feet horizontal distance from adjacent rip-rap and banks is required. (This condition is necessary because rip-rap boundaries may or may not correlate with property boundaries, as noted in the earlier requirement to mine 10 feet from property boundaries.)
11. The applicant shall protect all vegetated slopes and maintain a similar non-disturbance zone identified above, unless a site-specific engineering analysis indicates otherwise.
12. All cut-slopes shall be less than 2 horizontal to 1 vertical unless a site-specific engineering analysis proves that a steeper slope protects adjacent properties.
13. Excavated areas within the creek bed must be clearly marked with warning signs. Excavated slopes must be graded to a gentle slope of 4 horizontal to 1 vertical before signs are removed. These measures shall be integrated into the annual grading permit.
14. The approved access points at 1721 Anka Street, 1791 Anka Street, and Ralph's Way shall be inspected each year to verify that no changes have been made to the embankment due to heavy creek flows during the previous year. Alterations to the proposed access will require approval by the Community Development Department and the CBJ Engineering Department.
15. Prior to the issuance of a grading permit, the applicant shall provide a vibration control plan that includes the maximum safe threshold for seismic activity at the nearest adjacent residential structure to the operation, as established by a licensed engineer.
16. During extraction activity, the site shall be monitored by the applicant for seismic activity at the nearest adjacent residential property or at a location agreed upon by the project engineer and adjacent property owners, during each day of operation.
17. The applicant shall submit seismic activity reports at the end of each month of mining activity to the CBJ Engineering Department.

18. If seismic activity exceeds the threshold established in Condition #15, the applicant shall cease operations and notify the CBJ Engineering Department and CBJ Community Development Department. The applicant shall not continue with operations until alternative methods that do not exceed the threshold have been identified by the applicant and approved by CBJ Engineering.

Project Expiration and Dates and Times of Operation -

19. Gravel operations shall take place between December 1 and March 15. No in-water work shall be allowed between March 16 and November 30 with the following exception: In-stream work to connect the excavated sections of the creek shall be allowed for one 7 day period between May 15 and June 15. The applicant shall provide notice to CBJ Engineering and the Alaska Department of Fish and Game before work commences.
20. Operating hours shall be 7 a.m. to 6 p.m. on weekdays, and 9 a.m. to 6 p.m. on Saturdays. Operations shall not be allowed on Sundays.
21. Gravel extraction shall be limited to 40 days per year.
22. The permit shall expire after six years or extraction of 210,000 cubic yards of gravel, whichever comes first.
23. The extraction amount shall not exceed 35,000 cubic yards per year.

Truck Traffic and Street Maintenance -

24. Truck traffic from the development shall be routed only through the Anka Street/Glacier Highway intersection.
25. Truck traffic and heavy equipment operation associated with gravel extraction is strictly prohibited from the Davis Avenue side of the river.
26. Prior to leaving the excavation area, the transport truck bed, with the tailgate locked, shall be raised to a minimum twenty degree angle for a timed 5 minutes to allow excess water to escape. Tilt time may be reduced if water escapement occurs sooner based on the project engineer's visual assessment and approval.
27. The applicant shall protect catch basins along the route from sediment infiltration by use of manufactured Catch Basin filters.
28. The applicant shall inspect the traveled route a minimum of twice daily for escaped material from the haul.
29. The applicant shall sweep and clean the roadway at the end of each day if any water or material has escaped, or if a major spill occurs.
30. The applicant shall immediately respond to any additional clean-up requests during the operation from the project engineer, CBJ or ADOT.
31. The applicant shall construct a rockery lane for debris removal from truck tires prior to entering Anka Street.

Habitat Protection -

32. No sediment migration from the truck or ramp shall be allowed in the waterway.
33. Prior to commencement of mining and prior to gravel bar coverage with snow and ice, the applicant shall field stake the exact excavation configuration and setbacks from flowing water.
34. The applicant shall place any large woody debris encountered during excavation activities at the surface of the floodplain, upstream or adjacent to the excavation area to encourage gravel bar formation and/or side channel creation. The woody material shall be partially buried to anchor the material during high flows.
35. There shall be no on-site fueling or equipment maintenance performed within 100 feet of the creek banks. This includes fueling or maintenance of portable equipment such as generators and pumps.
36. There shall be no on-site storage of fuel or other chemicals.

Attachments: December 6 2012, memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding USE2012 0019.

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Commission, December 18, 2012.

Expiration Date: The permit will expire 18 months after the effective date, or June 18 2014, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner: Greg Chaney

Greg Chaney for Teri Camery, Planner
Community Development Department

Denise Watson for Michael Satre

Michael Satre, Chair
Planning Commission

Laurie J. Sica

Filed With City Clerk

12/20/12

Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

BEFORE THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU

MICHAEL A. DAU AND CINDY DAU, Appellants, vs. CBJ PLANNING COMMISSION, Appellee, and SECON (COLASKA, INC.), Appellee/Intervenor.	Appeal of: Notice of Decision CDD File No. USE2012-0019

DECISION ON APPEAL

I. Introduction.

Michael and Cindy Dau have appealed to the Assembly a Conditional Use Permit issued by the CBJ Planning Commission to Secon (Colaska, Inc.) to mine gravel from a patented mining claim in the streambed of Lemon Creek close to the Dau's home in Rivers Edge Condominiums. The main focus of the Dau's challenge is the noise and vibration caused by gravel mining close to their home. The appeal process is governed by the CBJ Appeals Code (CBJ 01.50), the CBJ Charter, and relevant case law from the Alaska Supreme Court.

The appeal was timely filed; the Assembly accepted the appeal and appointed Assemblymember Karen Crane as Presiding Officer; a pre-hearing conference was held with the parties at which Secon was allowed to intervene as an appellee; and a briefing schedule was set. Motions were filed by the parties and decided by the Presiding Officer regarding the final content of the record on appeal; all parties submitted briefs on schedule; and oral argument was conducted at which all parties provided

argument as to why the Commission's decision should be affirmed, modified, or reversed. The Assembly met twice in closed session to deliberate.[1]

II. Issues on Appeal.

By motion decided by the Presiding Officer, the issues on appeal were modified from Appellant's Notice of Appeal pursuant to CBJ 01.50.050(a)(2), and are set forth below:

1. The proposed mining project is not compatible with the surrounding neighborhood due to noise, intensity, and resulting property damage.

2. Evidence of vibration damage to homes from past gravel extraction activities, and resulting loss of property value, was presented at the hearing. Planning Commissioners failed to adequately consider this evidence and provided inadequate safeguards when the permit was approved.

3. Relevant public testimony was not adequately considered by Planning Commissioners.

III. Burden of Proof and Standard of Review.

CBJ 01.50.070, Standard of review and burden of proof, provides:

> (a) The appeal agency or the hearing officer may set aside the decision being appealed only if:
>
> (1) The appellant establishes that the decision is not supported by substantial evidence in light of the whole record, as supplemented at the hearing;
>
> (2) The decision is not supported by adequate written findings or the findings fail to inform the appeal agency or the hearing officer of the basis upon which the decision appealed from was made; or
>
> (3) The appeal agency or the hearing officer failed to follow its own procedures or otherwise denied procedural due process to one or more of the parties.
>
> (b) The burden of proof is on the appellant.

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[1] The Open Meetings Act does not apply to governmental bodies performing a quasi-judicial function. AS 44.62.310(d)(1).

IV. Conclusion.

The CBJ Charter, Section 3.12(f)(1), provides: "The prevailing vote of at least five members shall be required for official action." In this case, after briefing by the parties, oral argument, and two substantial sessions of deliberation on the question, the Assembly was unable to reach a prevailing vote of at least five members on a decision resolving this appeal.

Accordingly, with no official action by the Assembly to set aside or modify the Commission's decision under CBJ 01.50.070, the appeal is deemed denied.

This is a final administrative decision of the City and Borough of Juneau. It may be appealed if such an appeal is filed pursuant to the Alaska Rules of Court with the Juneau Superior Court *within 30 days* from the date it is distributed to the parties.

IT IS SO ORDERED.

Dated this 12 day of June, 2013.

ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Karen R. Crane

By: Karen Crane, Presiding Officer

Attest:

Elizabeth J. McEwen for

Laurie J. Sica, Municipal Clerk

Distributed:

6/13/2013 to Dau's + Secon + CDD staff + Assembly via email. EJM

From: SHORT, Michael (JUNSC)
To: Teri Camery
Cc: Jill Maclean
Subject: RE: information needed asap on gravel extraction
Date: Monday, January 28, 2019 11:52:39 AM
Attachments: image001.png

Teri

This is a chart of the trucking and days of operations per calendar year. On average we are actively mining 12 days per year.

Secon generally operates during the weekdays. The street is swept daily if not twice daily and cleaned-up as of any complaint by DOT or CBJ. There is 620 feet on Anka Dr. and 990 feet on Glacier Hwy that the travel public would interact with the truck traffic in accessing Costco or Home Depot.

I am surprised after hearing how much bus traffic occurs in downtown Juneau that 250 truckloads per day would be that big of a deal in an industrial zone. How is a business to do commerce? Has the real-estate value in Lemon Creek Community gone down from the gravel extraction in Lemon Creek? Are most the residential housing bordering Lemon Creek vacant? Or is it like every place else in Juneau, hard to find housing, keeping its value if not going up in re-sale value. These are just questions Secon contemplates.

It would take about 15 to 20 days for Secon to extract the upper limits of excavation from Lemon Creek. As can be seen in the table, on average it takes 12 days for extracting the gravels from Lemon Creek. This duration is dependent on what the gravel reaches are shaped like, how easy the access is to the reaches, ease of mining the reaches, what the weather is like (snowing/sleeting, icy conditions) and what areas ADF&G Habitat Biologist sets aside. So if a limit were to be imposed, 20 days/season of active mining (this does not include waiting for approval, setup/take down and/or weather days) would be appropriate.

Hopefully this answers your questions.

Thanks Teri.

Lemon Creek Gravel Extraction	Active Mining		Setup & Site Approval/Take down		No Operations (High water, Snow (unable to keep street safe), Sunday)		Total Days			
No Data 2009	10	Days					10	Days	100	Truck Loads/Day
No Data 2010	10	Days					10	Days	100	Truck Loads/Day
2011	0	Days					0	Days		Truck Loads/Day
2012	9	Days					9	Days	109	Truck Loads/Day
2014	3	Days	3	Days			6	Days	184	Truck Loads/Day
2015	7	Days	3	Days	5	Days	15	Days	236	Truck Loads/Day
2016	8	Days	3	Days	2	Days	13	Days	252	Truck Loads/Day
2017	9	Days	3	Days	6	Days	18	Days	214	Truck Loads/Day
2018	8	Days	3	Days	1	Days	12	Days	217	Truck Loads/Day
	64	**days**					**12**	**Days/Year**	**170**	**Truck Loads/Day**

Michael Short
Secon
Engineering Manager

From: Teri Camery [mailto:Teri.Camery@juneau.org]
Sent: Saturday, January 26, 2019 3:40 PM
To: SHORT, Michael (JUNSC) <mshort@colaska.com>
Cc: Jill Maclean <Jill.Maclean@juneau.org>
Subject: information needed asap on gravel extraction
Importance: High

Message sent from Internet with teri.camery@juneau.org as email address

Hello Mike,

When I spoke with you on Wednesday you stated that you would have a response to me by Thursday with a list of how many days you had operated in the creek each year of operation. We also agreed that you would consider whether you could realistically reduce your overall

number of operating days (currently allowed at 40), and other potential modifications to reduce impacts to the residential neighborhood. These measures would help support your request to increase the 5-6 year permit to 10 years.

As we have discussed, our Conditional Use Permit review time averages three months and is often longer for complex projects. We are pushing through your review in only two months to allow you time to operate this season before your March 15 operating window from ADFG closes. To ensure meeting the February 19 Planning Commission meeting date, I am working on Saturday to complete your staff report. I am happy to do that, however I also respectfully request that you support the effort to meet that tight deadline by promptly providing the information we have requested.

On that note I have an additional request. I do not see any mention in your application of ADEC permits. Please provide information on ADEC permits required, what those permits generally address, and whether the permit requirements are currently being met. This is necessary to ensure conformance with CBJ Habitat regulations. I would not want questions from the Planning Commission or the public regarding ADEC permits or water quality to delay or continue the public hearing.

Thanks very much,
Teri

Teri Camery | Senior Planner
Community Development Department ¦ City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0755

SECON
SOUTHEAST ALASKA

17321 139 Avenue NE
Woodinville, Washington 98072
Office (425) 827-3193
Fax (425) 576-5113

P.O. Box 32159
Juneau, Alaska 99803
Office (907) 780-5145
Fax (907) 780-5896

P.O. Box 7035
Ketchikan, Alaska 99901
Office (907) 225-6491
Fax (907) 225-6492

Ms. Teri Camery
City and Borough of Juneau
155 S. Seward Street
Juneau, Alaska 99801

1/29/2019

RE: Lemon Creek Gravel Extraction Application 2019
Case No.:USE20180024; Parcel No.: 5B1201310041
Response to Mary Kate McKerney Letter dated 1/28/19

Ms. Camery,

Secon thanks May Kate McKerney for expressing her opinions concerning the 2019 Lemon Creek Gravel Extraction Application via a letter submitted to the CBJ. Her letter explains her work history and frustrations with the government of Alaska; unfortunately, Ms. McKerney details hearsay rather than facts regarding historical mining and salmon populations.

Currently Secon requires approval from four different government agencies in extracting gravel from Lemon Creek: the U.S. Army Corps of Engineers Alaska, the Alaska Department of Environmental Conservation, Alaska Department of Fish and Game Division of Habitat, and the City and Borough of Juneau Community Development Department. These agencies require various reporting and permitting approval for mining activities.

ADF&G has been extensively involved in the gravel extraction process and has been collecting data on the extractions since 2009. Secon has enjoyed the opportunity to work with ADF&G in both preserving spawning habitats and developing new habitat zones from the extraction process. Secon respectfully recommends any inquiries regarding fish habitats in the Lemon Creek area be deferred to the ADF&G.

The aggradation in Lemon Creek has slowed noticeably as evidenced from the still visible past deposit bands, and numerically from the cubic yards extracted. This may not seem important now but is critical during a flood event.

SECON
SOUTHEAST ALASKA

Secon strives for safety first in all our projects. This includes employees, owners, customers, neighbors and visitors. Truck traffic is monitored by Secon's supervision and streets are maintained during the course of this project of extracting gravel from Lemon Creek. Secon is aware that its neighbors are sensitive to noise and vibrations and endeavors to reduce the impact by how the process is accomplished. This includes cautioning the operators to the equipment noise, excessive backing up and leaving trucks in reverse waiting to be loaded thus reducing the back-up alarms, and not banging equipment on the ground, and using visual signals instead of horns.

If there are any questions or concerns, please contact me at (907) 780-5145.

Thank you.

Sincerely,

Michael Short
Engineering Manager
Secon

Cc: Teri Camery, Senior Planner, CBJ
Tim Dudley, General Manager, Secon

Mary Kate McKerney
5468 Bent Court
Juneau, Alaska 99801

January 28, 2019

Teri Camery
Planner
Community Development
155 S. Seward St.
Juneau, Alaska 99801

RE: Public Comments regarding Case No. USE2018 0024, Parcel No. 5B120131310041

Dear Ms. Camery,

Thank you to CBJ for providing for a comment period and for the time it takes to go through public comments and make assessments. Please understand that none of my comments are to be taken as personal against anyone and I sincerely appreciate the opportunity to remark based on my experience.

I am strongly opposed to granting another Conditional Use Permit to extract up to 350,000 cubic yards of gravel from the Lemon Creek streambed over a ten-year period. I am not sure how long the last permit was for, but in my opinion, it should never have been issued.

Relevant Background and Experience

I worked for the Alaska Department of Environmental Conservation (ADEC) for 20 years in the Water Quality Division as a Water Quality Standards Coordinator and then as a Senior Enforcement and Compliance Officer for ten years. It is in this role that I became familiar with the Lemon Creek TMDL study and in that role that other companies who wished to use Lemon Creek for industrial purposes were denied. It is also in this role that I traveled the state evaluating the seafood industry and understand the importance of fish to the state economy.

I also am a geologist and conducted a five-year thesis study in the Circle Mining District, 130 miles SE of Fairbanks. I married a gold miner and am intimately familiar with gravel extraction for the purposes of placer mining and the regulations that curtailed these activities. Therefore, I am no stranger on the private sector side of being affected by water quality regulations, habitat destruction and sediment load concerns in fish habitat.

It was an ADEC political appointee's decision who allowed gravel mining on Lemon Creek for the last permit duration without staff input. After the Murkowski Administration cut the Alaska Department of Fish and Game's (ADF&G) Habitat Division and Coastal Zone Management Program, ADF&G no longer had the role of protecting fish habitat as it had. Political appointees in ADEC further weakened enforcement policies and the Water Quality Standards paving the way for industrial activities to take place on anadromous streams and in pristine lakes without regulatory interference. Additionally, political appointees in ADEC further worked with the legislature to reduce ADEC's enforcement capability once ADEC received Primacy removing previously held enforcement tools that included fines against the industry without court action, thus tying the ADEC's hands as never before. The then newly crafted ADEC mission statement was altered from protection and preserving to aiding and abetting industry, a huge departure from the original intent of the Clean Water Act upon which ADEC was formed in the 70's.

Consequently, ADEC and ADF&G's role to protect water quality, fish habitat and to enforce has not been reliable for many years. This is a as much a function of our system of election and transition teams who work with the

Governor's office to appoint Commissioners with private agendas for the Governor and their lobbyists. It has been a long time since ADEC had a commissioner with a background in natural science or an interest in environmental protection.

In short, Alaska municipality's (including CBJ) cannot rely on the ADF&G or ADEC to make the best decisions for habitat, fish, or water quality that is unsullied by political agenda's and a desire to aid industries who stand to gain significantly. Therefore, they must shoulder more of the responsibility to make decisions that preserve and protect fish habitat and water quality.

Fish Runs Depleted On Lemon Creek

I have lived in Alaska for 37 years and Juneau for 29. I have spent the last 16 years living one block away from Lemon Creek and the proposed gravel mining area. Years ago, Hildre Sand and Gravel set up on Lemon Creek specifically to mine the gravels. According to local knowledge, their profit was in the millions. They were eventually shut down due to the depletion of the salmon runs. With their shut-down the salmon runs started to return. Notably, the spawning area for the salmon is specifically in the area that is proposed for continued gravel mining. Beyond the bridge to the city gravel pit, few salmon can make it past that point due to rapids.

Between 2003-2005, when our commercial building was being constructed, there was noteworthy fish run activity and many seagulls on the creek during the salmon run. My husband and I have noticed a significant reduction in fish who come up Lemon Creek since then. We have spent many hours over the years walking along the creek observing activities and changes along the creek. In my view, mining the gravels and allowing non-point source discharges further down the creek should cease and desist to allow Lemon Creek to recover. The importance of habitat restoration and water quality of the creek should outweigh the short-term economic benefit to a few. There should be full disclosure on the earnings from gravel extraction and the buyers.

Lemon Creek Gravel Mining Impacts Observed From a Residential Perspective

Our commercial building located on Bent Court is one street in from Lemon Creek and the area where SECON has mined gravel. We live above our rental building so we are residents at this location and have viewed the activity from our apartment. Although the activity has only been allowed for certain durations during the year, it is bone rattling, disruptive and shakes our commercial building alarmingly to the core. For the people along the creek, on Anka and Ralph Way, it must be far worse.

In addition, although SECON is likely doing their best, a gravel mining operation so close to so many other businesses has presented a roadway hazard with fast moving heavily loaded trucks and water sloshing off onto the streets.

I am clearly not opposed to industrial activity in this area but, a few years ago, I never imagined that this kind of activity would be allowed in an anadromous fish stream and on one of the few scenic creeks easily accessible to locals, especially with the knowledge that gravel mining was previously shut down to protect the salmon runs. The proximity of the AJ Mine to town and the enjoyment of both Sheep Creek and Gold Creek by locals was one of the main reasons that project was not permitted.

I think that if gravel mining is again allowed, the city could be legally challenged based on the history and present state of Lemon Creek.

Thank you for your time and consideration of these comments.

Sincerely,

Mary Kate McKerney

Mary Kate McKerney

From: Sonie Blackwell <blackwell@alaska.net>
Sent: Monday, January 28, 2019 4:29 PM
To: PC_Comments; John
Cc: shazambs@yahoo.com
Subject: Comments on Conditional use permit to extract gravel

To who it may concern,

My name is Sonie Blackwell and I am writing on behalf of Riverfront Marine Condo Association and our property located at, 1900 block of Anka Street and adjacent to the Lemon Creek Streambed proposed project.

You see, our properties have already been impacted from the excavation that has taken place in the past, with cracked sheet rock and and a sloughing river bank. we are concerned that with the removal of more material it will allow for more erosion behind our building.

We were wondering what precautions are going to take place to keep our building from falling into the drink and what will be done so no further structural damage will occur.

Thank you for your time and consideration

Sonie Blackwell

907-209-1005

This email has been checked for viruses by AVG.
https://www.avg.com