



**PLANNING COMMISSION STAFF REPORT  
CONDITIONAL USE PERMIT USE2024 0004  
HEARING DATE: JULY 23, 2024**

(907) 586-0715

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www.juneau.org/community-development

155 Heritage Way • Juneau, AK 99801

**DATE:** July 11, 2024

**TO:** Mandy Cole, Chair, Planning Commission

**BY:** Teri Camery, Senior Planner, CFM

**THROUGH:** Jill Lawhorne, Director, AICP

**PROPOSAL:** A Conditional Use Permit to continue an existing gravel mining operation in the Lemon Creek streambed.

**STAFF RECOMMENDATION:** Approval with conditions

**KEY CONSIDERATIONS FOR REVIEW:**

- Three previous Conditional Use Permits (CUP) have been issued; gravel extraction has occurred each winter season since 2007.
- CBJ, state agencies, and the applicant agree with project conditions and have no concerns.
- The applicant has consistently complied with project conditions.

**GENERAL INFORMATION**

<b>Property Owner</b>	COLASKA Inc. DBA SECON
<b>Applicant</b>	COLASKA Inc. DBA SECON
<b>Property Address</b>	2025 Anka Street
<b>Legal Description</b>	Mendota Park Parcel 2
<b>Parcel Number</b>	5B1201310041
<b>Zoning</b>	Rural Reserve (RR) and Industrial (I)
<b>Land Use Designation</b>	Rural Reserve (RR) and Industrial (I)
<b>Lot Size</b>	9.55 acres
<b>Water/Sewer</b>	N/A
<b>Access</b>	Anka Street
<b>Existing Land Use</b>	Vacant Lemon Creek streambed
<b>Associated Applications</b>	FZD20240002 Flood Zone Development

**ALTERNATIVE ACTIONS:**

1. **Amend:** require additional conditions, or delete or modify the recommended conditions.
2. **Deny:** deny the permit and adopt new findings for items 1-6 below that support the denial.
3. **Continue:** to a future meeting date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

**ASSEMBLY ACTION REQUIRED:**

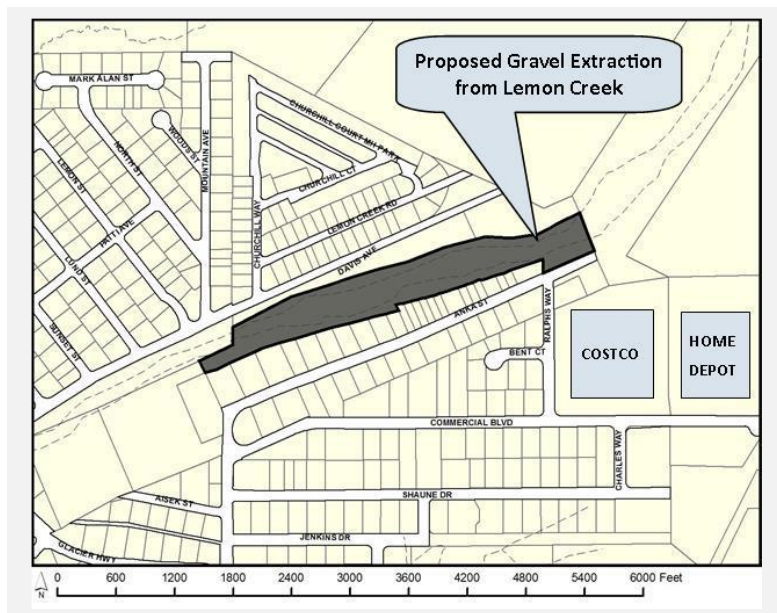
Assembly action is not required for this permit.

**STANDARD OF REVIEW:**

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
  - 49.15.330
  - 49.65.200
  - 49.70.400
  - 49.80

**The Commission shall hear and decide the case per 49.15.330(a) Conditional Use Permit.** A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedures is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites. The commission may attach to the permit those conditions listed in subsection (g) of this section as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.

## SITE FEATURES AND ZONING



### SURROUNDING ZONING AND LAND USES

North (D-10; D-15)	Davis Avenue residential
South (I)	Anka Street
East (I)	Lemon Creek; CBJ Gravel Pit
West (RR)	Lemon Creek

### SITE FEATURES

Anadromous	Lemon Creek
Flood Zone	Special Flood Hazard Area AE
Hazard	No
Hillside	No
Wetlands	No
Parking District	No
Historic District	No
Overlay Districts	No

## BACKGROUND INFORMATION

### Project Description –

The applicant, SECON, requests a CUP to extract up to 350,000 cubic yards of gravel from the lower Lemon Creek streambed over a ten year period. Annual gravel extraction amounts will range from 20,000 cubic yards to a maximum of 35,000 cubic yards each season. Proposed hours of operation are from 7 a.m to 6 p.m. daily, with an operating season of December 1 through March 15 each winter season.

### Background –

The application includes a detailed history of mining operations in Lemon Creek (Attachment A, pp 1-3). 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 owns extensive property upstream and states that several acres of land have eroded and deposited downstream during high water flows.

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>.

#### **SECON Lemon Creek Gravel Extraction Permits**

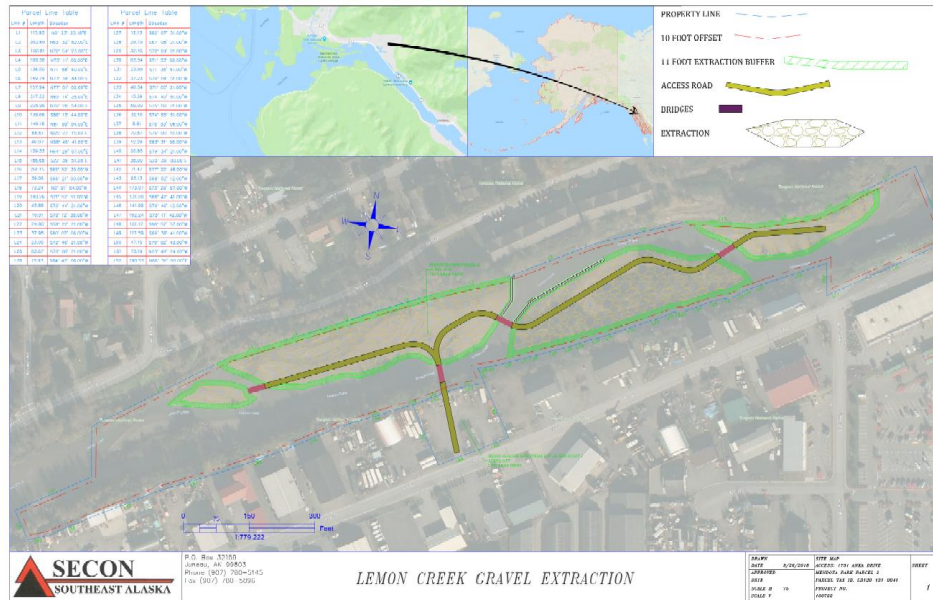
<b>Date</b>	<b>Item</b>	<b>Summary</b>
	<b>Lower Lemon Creek</b>	
6/26/2007	USE2006-0054	First Lower Lemon Creek Gravel Extraction permit; granted for five years
11/25/2008	USE2008-0053	Modification to USE2006-0054 regarding the access points and access ramp
12/18/2012	USE2012-0019	Second Lower Lemon Creek Gravel Extraction permit; granted for five years. This permit was appealed by an adjacent resident. The CBJ Assembly upheld the Planning Commission's decision in a final decision dated 6/12/13, included in Attachment D.
2/22/2019	USE2018-0024	Third Lower Lemon Creek Gravel Extraction permit; granted for five years, expired 2/22/24
	<b>Hidden Valley (Upper Lemon Creek)</b>	
5/10/2016	USE2016-0004	Hidden Valley streambed gravel extraction; ten year approval, expires 5/10/26
4/14/2020	USE2019-0022	Hidden Valley quarry; ten year approval, expires 4/14/30

#### **ZONING REQUIREMENTS**

The development requires a CUP (CBJ 49.15.330) per the Land Use Code Table of Permissible Uses, 49.25.300 Section 14.500, Sand and Gravel Operations, for the Industrial and Rural Reserve Zoning districts. The development also requires conformance with CBJ 49.65.200, Sand and Gravel.

The development has no structures, therefore zoning setbacks and height requirements are not applicable.

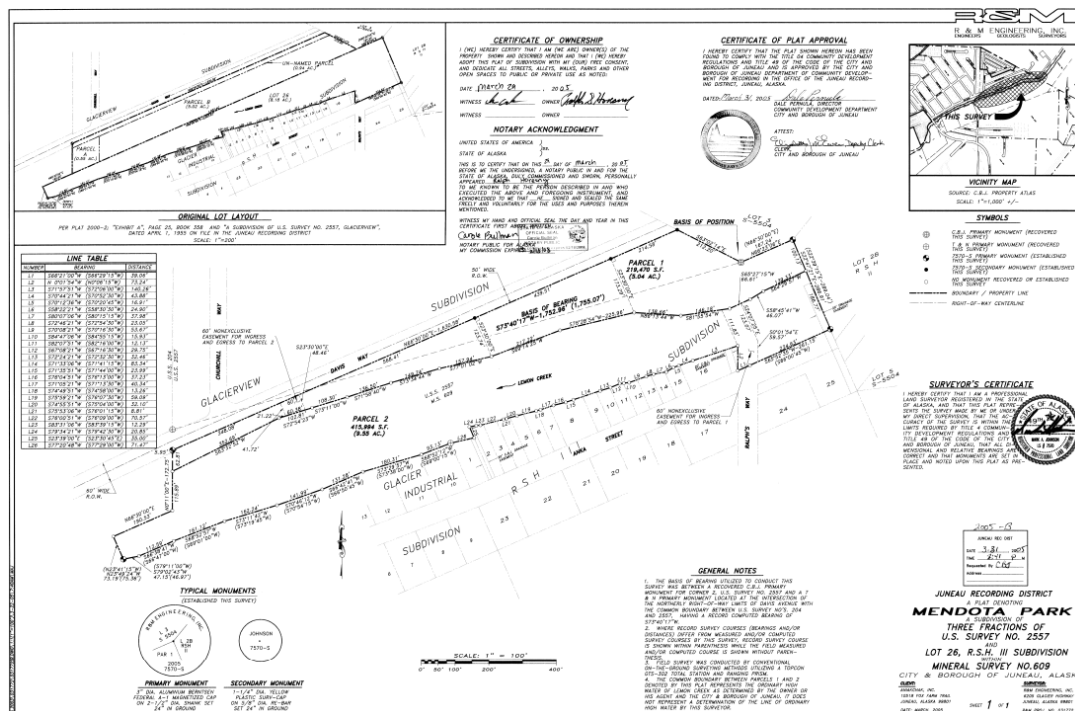
#### **SITE PLAN**



### CONDITIONAL USE PERMIT ANALYSIS 49.15.330

## Project Site and Design

The project site is a privately-owned streambed with a small adjoining upland access area at the end of Anka Street, as shown in the plat:





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. The streambank on the southern boundary paralleling Anka Street is quite steep, while the northern banks are more gradual.

The applicant will use excavators, scrapers, loaders, and bulldozers to sever the sands and gravels from the creek. Pages 11-14 of the application describe this process. Severed materials will be loaded into trucks to 5772 Concrete Way, Aggpro's Yard, through established truck routes.

The applicant requests a 10-year gravel permit to extract up to 350,000 cubic yards of material, with annual amounts ranging from 20,000 cubic yards to a maximum of 35,000 cubic yards. Page 10 of the application provides yearly extraction amounts from 2009-2023, noting that a total of 211,720 cubic yards of gravel have been extracted from the same project site over 14 years. These figures confirm that the site replenishes itself from upstream erosion and in the absence of mining the creekbed would soon fill with gravel and flood surrounding residential and industrial/commercial areas.

Previous CUPs for the proposed site have been authorized for five years. In addition, SECON has a CUP valid for 10 years for the Hidden Valley (upper Lemon Creek) streambed, USE20160004, and a CUP valid for 10 years for a rock quarry in Hidden Valley, USE20190022.

The first two CUPs generated significant public and agency comment, while the last CUP, USE20180024, had minimal comment. Detailed project conditions have been developed through previous reviews to address the concerns of the surrounding residential neighborhood, and to address habitat issues, traffic impacts, and roadway impacts. CDD and CBJ Engineering review the permit conditions on-site with the applicant each year prior to the start of mining, and these conditions have been continuously met. In addition, CBJ staff have received few or no complaints from the public during seasonal mining operations in the past several years, which indicate that previous concerns have been largely addressed. With continuation of the project conditions developed from past reviews, staff recommends that the permit be issued for 10 years.

**Condition:** The permit shall be valid for 10 years.

## **Traffic**

Gravel will be loaded into 10 and 20 yard trucks from 1791 Anka Drive to 5772 Concrete Way, Aggpro's Yard. Specifically, the route is 1791 Anka Drive to Commercial Drive, Commercial Drive to Glacier Highway, and Glacier Highway to Concrete Way, an established truck route. Access to the stream is also allowed, though rarely used, from 1721 Anka Street and Ralph's Way. Access is developed with either temporary fill into the creek (authorized with ADFG and U.S. Army Corps of Engineers permits), or a clear span bridge. Staff recommends continuing the previously approved conditions regarding access points and periodic inspections of these access points.

Staff also recommends repeating previous conditions that allow routing only at the Anka Street/Glacier Highway intersection, and the prohibition of truck traffic and heavy equipment operation on the Davis Avenue side of the creek. These conditions ensure public safety in this residential area.

Previous CUP reviews established conditions to address gravel spills on city and state roads, icing (which occurs when water from excavated gravel drains from trucks), and sedimentation. These conditions were developed by CBJ Streets, CBJ Engineering, and the Alaska Department of Transportation (ADOT/PF). In the

current view, CBJ Streets and ADOT/PF did not comment on the proposal, while CBJ Engineering has recommended that past conditions carry forward. Staff recommends continuing these conditions.

The applicant estimates 250 round-trip truckloads per day from the site. CBJ Code 49.40.300 establishes the standards for a traffic impact analysis (TIA).

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 recommended conditions.

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

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

**Condition:** 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.

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

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

**Condition:** 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.

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

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

**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.

**Vehicle Parking & Circulation** - The development does not require parking. SECON offices are located across the street from the development at 1836 Anka Street. Circulation has been addressed in the traffic section.

**Condition:** None.

**Noise** - The project will generate a significant volume of noise from hydraulic excavators and dump trucks

operating within the streambed. The noise may echo and amplify from 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 may be the most affected, because these residences face the creek and enjoy its amenities.

The applicant has proposed hours of operation from 7 a.m to 6 p.m. daily, with an operating season of December 1 through March 15 each winter season, in compliance with the ADFG Fish Habitat Permit timing window. Previous Notices of Decision have established hours of operation of 7 a.m to 6 p.m. on weekdays, 9 a.m. to 6 p.m. on Saturdays, and no operation on Sundays. These hours meet the standard established in CBJ Code 42.20.095, Disturbing the Peace. To reduce impacts on the surrounding neighborhood, staff recommends that these previously approved hours of operation be continued.

**Condition:** 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.

**Lighting** - No lighting is proposed for the development.

**Condition:** None.

**Vegetative Cover & Landscaping** - There is no vegetative cover requirement for the Rural Reserve district. The vegetative cover requirement for the Industrial zoning district is five percent. This requirement is not applicable to the Lemon Creek streambed.

**Condition:** None.

**Habitat** - Lemon Creek is an anadromous stream and one of five impaired waterbodies in CBJ, as determined by the Alaska Department of Environmental Conservation (ADEC). The development is exempt from CBJ Code 49.70.330, Anadromous Habitat Protections, because it meets the exemption criteria as a *“[use] which must be in or adjacent to the stream or lake in order to function.”*

The applicant has described the extraction method in the project narrative. The method of extraction follows previous approvals, 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.

The applicant has a Fish Habitat Permit from ADFG (FH14-1-0104), and from the U.S. Army Corps of Engineers to allow fill in the creek for the temporary access road. Both permits are included in the application on pages 25-31. 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. 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. SECON has agreed 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.

ADFG provided the following comments regarding the development:

ADF&G issued permit amendment FH14-I-0104A to SECON for gravel extraction on lower Lemon Creek in 2024 and plans to issue a new Fish Habitat Permit to SECON on an annual basis for lower Lemon Creek gravel extraction going forward. Stipulation 33 in the grading permit states "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." Although it is already implied, we recommend specifying that large woody debris is not to be placed or buried in the berms themselves due to the risk of debris being pulled out during high flows, which could then pull out the berm.

Staff recommends continuation of habitat conditions established in previous permits with a modification regarding woody debris per ADFG comments.

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

**Condition:** 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.

**Condition:** 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. Woody debris shall not be placed or buried in berms.

**Condition:** On-site fueling or equipment maintenance performed within 100 feet of the creek banks is prohibited. This includes fueling or maintenance of portable equipment such as generators and pumps.

**Condition:** On-site storage of fuel or other chemicals is prohibited.

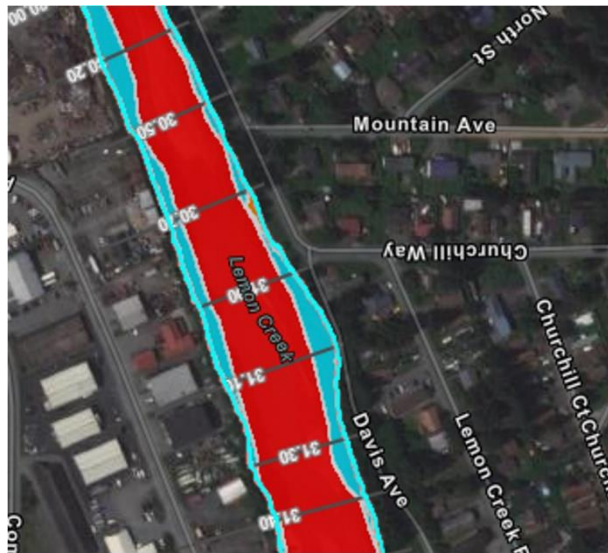
**Condition:** The extraction amount shall not exceed 35,000 cubic yards per mining season.

**Drainage and Snow Storage** - Waterflow issues have been addressed in the Habitat and Public Safety sections of this report. Snow storage is not applicable.

**Condition:** None.

**Flood Zone** – The development is within an AE Special Flood Hazard Area as shown. A Floodplain Development Permit is required.





The development conforms with the applicable floodplain development standards of CBJ 49.70.400. No permanent fill or structures will be placed in the floodway. The 2004 Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis recommended streambed gravel extraction as one of several measures to reduce flood risk in the area. The applicant has applied for a Floodplain Development Permit (FZD20240002), which is ready for issue upon approval of this CUP. The floodplain permit will be valid for the same time period as the CUP.

**Condition:** Conditional Use Permit approval is contingent on approval of the Floodplain Development Permit, FZD20240002.

### **Public Health, Safety, and Welfare –**

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 use 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. Staff recommends continuation of the previously approved condition regarding warning signs on the site, and a requirement that excavated slopes be graded at a slope of 4:1 before signs are removed.

When gravel extraction was first proposed for the area, adjacent residents raised concerns that extraction could destabilize the banks and potentially undermine building foundations. Some residents argued that vibration from the operation was causing cracks in their homes. Detailed conditions have been developed in past reviews to address these concerns, including:

- Stockpiling rip-rap to address emergencies.
- A vibration monitoring plan to verify that vibration from the operation is below safe thresholds.
  - Yearly vibration monitoring reports confirm that SECON has operated well below the threshold that may cause building damage.

- A bond sufficient to repair any serious bank damage.
  - CBJ Engineering recommends that this bond be increased from the current \$30,000 to \$75,000.
- Submission of a yearly detailed mining plan to the CBJ Engineering Department
- Prohibition of mining within 10 feet of banks or property lines.
- Periodic inspections by a licensed engineer and/or hydrologist.
- Inspection reports for each 10,000 cubic yards of gravel extracted.
- Additional conditions regarding protection of vegetated slopes.

Staff recommends continuation of these conditions, including the increased bond amount.

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. As previously noted, mining in this area is known to reduce the flood risk. This is demonstrated by the evidence that after 15 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 riverbank scouring is likely to occur in the area over time. Gravel extraction therefore appears to address a potential safety and property damage risk.

Public safety issues associated with truck traffic routes and road conditions have been addressed in the traffic section of this report.

**Condition:** 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.

**Condition:** 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 \$75,000, sufficient to repair any serious bank damage.

**Condition:** 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.

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

**Condition:** 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.

**Condition:** 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.

**Condition:** 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

**Condition:** An inspection report shall be submitted at the end of the mining season which includes all items in the preceding four conditions. 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.

**Condition:** 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.)

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

**Condition:** 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.

**Condition:** 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.

**Condition:** 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.

**Condition:** 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.

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

**Condition:** If seismic activity exceeds the threshold established in the condition above, 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.

**Property Value or Neighborhood Harmony –** The subject parcel is adjacent to D-10 and D-15 residential areas to the north and west, and to associated industrial developments to the south and east. The CBJ Engineering and Public Works Department has a gravel pit within one quarter mile of the mining site, while the applicant has two mining operations further upstream, as noted in the Background section.

Anka Street already receives heavily industrial and truck traffic from existing operations, therefore traffic from the proposal is expected to blend in with the flow during the short operating period of 20 days or less per season. Truck traffic is 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. These residents are adjacent to an industrial area and live in the closest structures to the gravel bars that are extracted each year. 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, which again place residential development in the center of an established industrial area. The primary impacts will be from the noise of heavy equipment operating within the stream.

The subject property is part of a patented placer mining claim within the Rural Reserve and Industrial zoning districts. 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. In the past, property owners asserted that the mining activity caused property damage. Vibration monitoring conditions were first established during the review of the second CUP, USE20120019 and have been continued in the Public Safety section of this report. The applicant has operated well below vibration thresholds that cause building damage.

Per conditions noted in previous sections, gravel extraction is limited to 20 days per year from December 1 through March 15 each winter season, with a maximum extraction amount of 35,000 cubic yards. Recommended hours of operation are limited to 7 a.m. to 6 p.m. on weekdays, 9 a.m. to 6 p.m. on Saturdays. Operations are not allowed on Sundays. All of these conditions minimize neighborhood impacts. The CBJ Assessor commented, "Since this is a renewal and not a new gravel extraction project, I don't think it would have a negative impact to property values if it continues."

**Condition:** No additional conditions. Conditions that address Neighborhood Harmony and property value are included in the Public Safety and Traffic sections of this report.



## **AGENCY REVIEW**

CDD conducted an agency review comment period between March 7 and March 22, 2024 and received the following responses:

<b>Agency</b>	<b>Summary</b>
Alaska Department of Fish and Game (ADF&G)	ADF&G issued permit amendment FH14-I-0104A to SECON for grave extraction on lower Lemon Creek in 2024 and plans to issue a new Fish Habitat Permit to SECON on an annual basis for lower Lemon Creek gravel extraction going forward. Stipulation 33 in the grading permit states “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.” Although it is already implied, we recommend specifying that large woody debris is not to be placed or buried in the berms themselves due to the risk of debris being pulled out during high flows, which could then pull out the berm.
CBJ Assessor	Since this is a renewal and not a new gravel extraction project, I don’t think it would have a negative impact to property values if it continues.
CBJ Engineering and Public Works	In consideration of the conditions in the Notice of Decision, I recommend that the bond amount described in condition #2 [of the previous Notice of Decision] be increased to \$75,000.00. Engineering supports the other previously listed conditions.
Capital City Fire and Rescue	No concerns from fire.
CBJ Streets and Fleets	Streets does not have any concerns.
CBJ Building Division	No issues from Buildings.

## **PUBLIC COMMENTS**

CDD conducted a public comment period between June 13, 2024 and July 1, 2024. Public notice was mailed to property owners within 500 feet of the proposed development, and a public notice sign was posted two weeks prior to the hearing. No public comments have been received at this writing.

## **CONFORMITY WITH ADOPTED PLANS**

The proposed development is in general conformity with the 2013 Juneau Comprehensive Plan, the 2015 Juneau Economic Development Plan, and the 2018 Lemon Creek Area Plan.

<b>PLAN</b>	<b>Chapter</b>	<b>Page No.</b>	<b>Item</b>	<b>Summary</b>
<b>2013 Juneau Comprehensive Plan</b>	5	p. 59	Policy 5.13	To support the extraction and processing of mineral resources in an

PLAN	Chapter	Page No.	Item	Summary
				environmentally-sound manner, giving property recognition of the unique values of this community.
	7	p. 96	Policy 7.16	To conserve known gravel deposits and protect them from conflicting land uses
	10	p. 132	Policy 10.4	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.
<b>2015 Juneau Economic Development Plan</b>	Five	p. 66	Initiative One	Enhance essential infrastructure.
<b>2018 Lemon Creek Area Plan</b>	Five	p. 84	Goal Four	Reduce the impacts of industrial and commercial uses in the Lemon Creek Area.
	Six	p. 86	Goal Two	Promote responsible resource extraction.

#### **SAND AND GRAVEL ANALYSIS CBJ 49.65.200**

##### ***CBJ 49.65.200 – Extraction permit required.***

Sand and Gravel extraction requires a Conditional Use Permit.

##### ***CBJ 49.65.210 – Contents of application.***

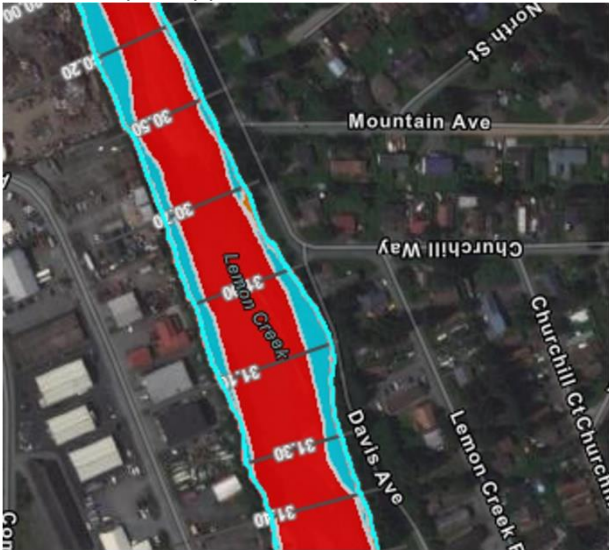
The application, Attachment, A includes a project narrative and site plans from the applicant responding to the criteria listed below. Conditions will be addressed in section CBJ 49.65.230, Commission Action on Application, and CBJ 49.15.430, Conditional Use Analysis.

Code Reference	Summary	Complies
<b>CBJ 49.65.210(1)</b> A graphic and legal description of the property.	The application includes the plat and legal description.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Code Reference	Summary	Complies
<b>CBJ 49.65.210(2)</b> A topographic map showing the existing topography, vegetation, drainage features, ground water level, structures, significant natural and artificial conditions of the land, on-site and off-site geophysical hazards which may affect or be affected by the proposed operation, proposed structures, roads, stockpiling, and operation.	The site plans include all the features listed.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>CBJ 49.65.210(3)</b> A topographic map and a typical cross section showing the proposed finished contour on the land, vegetation, drainage features, limits of overburden clearing, structures, and significant natural and artificial conditions of the property which will exist upon completion of the site restoration plan.	The site plans show a typical cross section with the required features. Restoration work consisting of removing berms is completed seasonally. Extraction voids will naturally fill with gravel as upstream areas continue to erode throughout the year.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>CBJ 49.65.210(4)</b> Topographic mapping required in subsections (2) and (3) of this section for areas having a slope of less than five percent shall show spot elevation: at all breaks in grade, drainage channels or swales and at selected points not more than 100 feet apart in all directions. For areas having a slope of greater than five percent, contours shall be shown at an interval of no more than five feet where the ground slope is regular; however, contour intervals of not more than two feet may be required where necessary to adequately show irregular land features or drainage details.	The site plans provide topography and drainage documentation.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>CBJ 49.65.210(5)</b> The plan shall include a map showing Ingress and Egress points for trucks and other equipment.	Plans demonstrate that the streambed is accessed from Anka Street. Traffic follows Anka Street and Glacier Highway.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Code Reference	Summary	Complies
<b>CBJ 49.65.210(6)</b> The plan shall include a map showing all buildings and structures to be located on the site.	There are no existing or proposed structures on the project site	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<b>CBJ 49.65.210(7)(A)</b> A site drainage plan.	The streambed has natural drainage. Site plans show extraction areas, and the project narrative provides additional explanation.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>CBJ 49.65.210(7)(B)</b> A method of securing the area, including installation of gates at access points, posting, and fencing.	The Lemon Creek streambed has many access points. It is not possible to completely secure the area. Warning signs will be posted in the extraction area.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>CBJ 49.65.210(7)(C)</b> Methods to be used to minimize noise pollution and visual blight.	Noise pollution has been addressed by limiting the days, hours, and season of operation as described in the following sections.  No on-site lighting is proposed.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>CBJ 49.65.210(7)(D)</b> The proposed hours and days of operation during the year.	The applicant has proposed hours of operation from 7 a.m to 6 p.m. daily, with an operating season of December 1 through March 15 each winter season, in compliance with the Alaska Department of Fish and Game (ADFG) Fish Habitat Permit timing window. Active gravel extraction within the creekbed is limited to 20 days per year.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>CBJ 49.65.210(7)(E)</b> The estimated amount and general type of material present and to be removed from the site.	The Lemon Creek streambed gravel replenishes throughout the year due to upstream erosion. An estimate of material material present is therefore not applicable.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<b>CBJ 49.65.210(7)(F)</b> The results of test holes which show the water table level, if any, and the general type and location of materials to be removed.	Test hole information is not applicable to streambed mining.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<b>CBJ 49.65.210(7)(G)</b> The date by which it is anticipated the extraction and processing operation will be completed.	The Lemon Creek streambed gravel replenishes throughout the year due to upstream erosion. In the absence of streambed gravel mining, the streambed will fill and surrounding areas will flood. Because of this, there is no date by which extraction will be completed.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A



Code Reference	Summary	Complies
<b>CBJ 49.65.210(7)(H)</b> A schedule for completion of necessary site restoration work.	The restoration plan consists of removing any bridges, abutments, and/or berms from the streambed in accordance with ADFG and U.S. Army Corps of Engineers permits. Extraction voids will naturally fill in. This work is typically completed seasonally. A schedule is not required because gravel extraction is expected to continue indefinitely.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>CBJ 49.65.210(7)(I)</b> Operating procedures for control of airborne particulates and other pollutant emissions from the site and equipment used at the site that may affect areas beyond the site boundaries.	The applicant anticipates minimal airborne particulates due to the nature of saturated streambed mining materials and the weather during time of year when work is allowed, which has precipitation over 50% of the time. If conditions are dry, the haul route from the site to Aggpro will be watered down if necessary to keep dust under control.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>CBJ 49.65.210(7)(J)</b> The identification of any geophysical hazards which may affect or be affected by the proposed operation. A statement of the possible impact of the hazard on the operation and of the operation on the hazard including methods of reducing the impact shall be included.	<p>The project site is in an AE Special Flood Hazard Area. A Floodplain Development Permit is required. The applicant has applied for the permit (FZD20240002), and the permit is ready for issue upon approval of this CUP.</p> 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>CBJ 49.65.210(7)(K)</b> The date of establishment of the operation and history of adjacent land development.	The date of establishment of the operation and the history of adjacent land development is described in the Background section of this report, and in the applicant's Project Narrative.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>CBJ 49.65.210(7)(L)</b> Such additional relevant information as the Commission or Department may request.	The Department has not requested additional information.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

**CBJ 49.65.215 – Staff action on application.**

The proposed development was first permitted in 2007. The development is compatible with adjacent roads, utilities, and public services with appropriate conditions as addressed in the following sections.

CBJ Engineering has no concerns affecting streets and traffic, or the water table. The proposed operation is compatible with present and future development of the neighborhood, roads, utilities and public services in the surrounding area with appropriate conditions. Provisions for dealing with traffic, noise, dust, aesthetic deterioration, drainage, geophysical hazards, and water pollution have also been addressed with conditions. The development is therefore in conformance with CBJ 49.65.215(a) and (b).

**CBJ 49.65.230 – Commission Action on Application.**

The Commission may grant the permit, but shall first consider each of the following areas (as listed below) and may impose restrictions as may be necessary to protect the public health, safety, and welfare.

Topic and Code Reference	Summary	Condition	Recommended Condition
<b>CBJ 49.65.230(1)</b> The hours, days, and times of year of operation.	<p>The applicant has proposed hours of operation from 7 a.m to 6 p.m. daily, with an operating season of December 1 through March 15. Active gravel extraction within the creekbed is limited to 20 days per year.</p> <p>Consistent with past approvals and to reduce impacts on the surrounding residential neighborhoods and to be consistent with ADG, staff recommends reduced hours as noted.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p><b>Condition:</b> 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.</p> <p><b>Condition:</b> 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.</p>
<b>CBJ 49.65.230(2)</b> Screening, whether natural or artificial, to reduce or eliminate adverse visual, audible, or other impacts of the operation.	Screening is not possible for gravel extraction within the streambed.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<b>Condition:</b> None.

Topic and Code Reference	Summary	Condition	Recommended Condition
<b>CBJ 49.65.230(3)</b> Measures to protect the public from the dangers of the operation or site, to prevent casual or easy access to the area, or to prevent the operation or area from being an unprotected attractive nuisance.	The Lemon Creek streambed has many access points. Securing the area is not possible. Warning signs will be posted in the extraction area, and excavated areas will be graded to a 4:1 slope.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<b>Condition:</b> 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.
<b>CBJ 49.65.230(4)</b> Final and working slope ratios of the face of any extraction area to the extent necessary to protect abutting public and private property, and to protect the future beneficial uses of the property as described in the applicant's plan for development and restoration.	The restoration plan consists of removing any bridges, abutments, and/or berms from the streambed in accordance with ADFG and U.S. Army Corps of Engineers permits. Excavated areas are graded to a 4:1 slope after each mining season. Voids are refilled naturally as gravel deposits from upstream erosion.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<b>Condition:</b> None.
<b>CBJ 49.65.230(5)</b> Measures to protect private and public property adjoining the operation and to guarantee orderly and safe traffic circulation both on the public streets and within the permit application area.	Detailed conditions have been developed in the three past reviews to protect private and public property adjoining the operation, and to address traffic impacts. Staff recommends continuation of those conditions.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<b>Condition:</b> 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 flow during the previous year. Alterations to the proposed access will require approval by the Community Development Department and the CBJ Engineering Department.  <b>Condition:</b> Truck traffic from the development shall be routed only through the Anka Street/Glacier Highway intersection.

Topic and Code Reference	Summary	Condition	Recommended Condition
			<p><b>Condition:</b> Truck traffic and heavy equipment operation associated with gravel extraction is strictly prohibited from the Davis Avenue side of the river.</p> <p><b>Condition:</b> 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.</p> <p><b>Condition:</b> The applicant shall protect catch basins along the route from sediment infiltration by use of manufactured Catch Basin filters.</p> <p><b>Condition:</b> The applicant shall inspect the traveled route a minimum of twice daily for escaped material from the haul.</p> <p><b>Condition:</b> 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.</p> <p><b>Condition:</b> The applicant shall immediately respond to any additional clean-up requests during the operation from the project engineer, CBJ, or ADOT.</p> <p><b>Condition:</b> The applicant shall construct a rockery lane for debris removal from truck tires prior to entering Anka Street.</p>



Topic and Code Reference	Summary	Condition	Recommended Condition
			<p><b>Condition:</b> 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.</p> <p><b>Condition:</b> 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.</p> <p><b>Condition:</b> The applicant shall submit seismic activity reports at the end of each month of mining activity to the CBJ Engineering Department.</p> <p><b>Condition:</b> If seismic activity exceeds the threshold established in the condition above, 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.</p>
<b>CBJ 49.65.230(6)</b> Measures which will ensure adequate drainage or collection and storage of surface waters to protect surrounding property, eliminate dangers to	This section is not applicable to streambed mining.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<b>Condition:</b> None.

Topic and Code Reference	Summary	Condition	Recommended Condition
the public, or to protect the future beneficial use of the property as described in the applicant's plan for development and restoration.			
<b>CBJ 49.65.230(7)</b> Measures to protect the water level and water quality.	Detailed conditions have been developed in past reviews to protect water quality. Staff recommends continuation of those conditions.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<b>Condition:</b> 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: <ul style="list-style-type: none"> <li>a. Estimation of material to be removed</li> <li>b. Map of area to be worked (showing property lines)</li> <li>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</li> <li>d. Methods for protecting Lemor Creek from oil, fuel and hydraulic fluid (including leaks from heavy equipment)</li> <li>e. Prior to the commencement of mining, the applicant shall verify property line location and delineate offset distance to the extraction area.</li> </ul>
<b>CBJ 49.65.230(8)</b> Measures to minimize or eliminate airborne particulates, visual blight, noise, and other adverse environmental effects.	The applicant will use water and sweeping as a measure to minimize airborne particulates. A mobile spill kit is readily available for an emergency.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	<b>Condition:</b> None.

Topic and Code Reference	Summary	Condition	Recommended Condition
<b>CBJ 49.65.230(9)</b> Restoration measures and schedule.	The restoration measures are discussed in the previous section and noted in the Project Narrative. No additional measures appear to be necessary.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	<b>Condition:</b> None.
<b>CBJ 49.65.230(10)</b> Other measures designed to protect the public health, safety, and welfare, including preservation of neighboring property.	<p>Items 1-9 above list recommended conditions regarding hours of operation and noise limitations to protect the public health, safety, and welfare including preservation of neighboring property.</p> <p>Previous CUPs have authorized permits for five years. The applicant has requested a ten year permit. Project conditions have significantly mitigated impacts to the neighborhood from the development, and the applicant has consistently complied with these conditions. Staff recommends a ten year permit.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<b>Condition:</b> The permit shall be valid for ten years.
<b>CBJ 49.65.230(11)</b> Present development and past history of the neighboring property.	Present development and past history of the neighboring property has been discussed in the background section of this report. No additional measures appear to be necessary.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	<b>Condition:</b> None.

**CBJ 49.65.235 – Mandatory conditions of permit.**

Unless specifically waived by the Commission, the requirements of this article shall be a condition of all permits issued. The Commission may not waive or modify any of the following requirements except upon a finding that the requirement would serve no useful purpose. Such finding must be supported by substantial evidence in the record of the hearing before the Commission:

- (1) A strip of land at the existing topographic level, and not less than 15 feet in width, shall be retained at the periphery of the site wherever the site abuts a public way. This periphery strip shall not be altered except as authorized for access points. This section does not alter the applicant's duty to maintain subjacent support.***
- (2) If the bank of any extraction area within the permit area is above the high water line or water table, it shall be left upon termination of associated extraction operations with a slope no greater than the angle of repose for unconsolidated material of the kind composing it, or such other angle as the Commission may prescribe. If extraction operations cause ponding or retained water in the***

***excavated area, the slope of the submerged working face shall not exceed a slope of 3:1 from the edge of the usual water line to a water depth of seven feet. This slope ratio may not be exceeded during extraction operations unless casual or easy access to the site is prevented by a fence, natural barriers, or both.***

Mandatory Condition (1) has been added to the conditional list as required, with the understanding that the site does not abut a public way, and therefore the condition is not applicable. Mandatory Condition (2) has also been added, and is consistent with other project conditions.

**CBJ 49.65.240 – Guarantee.**

CBJ Engineering has recommended an increase in the bond from the previous \$30,000 to \$75,000. The bond amount has been added as a condition.

**FINDINGS**

**Conditional Use Permit Criteria** – 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?***

**Analysis:** The application submitted substantially conforms to the requirements of CBJ Chapter 49.15.330, Conditional Use, and CBJ Code 49.65.200, Sand and Gravel.

**Finding: Yes.** The application is complete.

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

**Analysis:** The permit is listed at CBJ 49.25.300 Section 14.500, Sand and Gravel Operations, for the Rural Reserve and Industrial zoning districts.

**Finding: Yes.** The proposed development is appropriate according to the Table of Permissible Uses.

***3. Will the proposed development comply with CBJ 49.65.200, Sand and Gravel, and other requirements of this chapter?***

**Analysis:** No further analysis needed.

**Finding: Yes.** With the recommended conditions, the proposed development will comply with Title 49.

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

**Analysis:** No further analysis needed.

**Finding: No.** With the recommended conditions, the requested CUP in the Industrial and Rural Reserve zoning districts will not materially endanger the public health or safety.

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

**Analysis:** No further analysis needed.

**Finding: No.** With recommended conditions, the requested CUP in the Rural Reserve and Industrial zoning districts will not substantially decrease the value or be out of harmony with the property in the neighboring area.

**6. *Will the proposed development be in general conformity with the Land Use Plan, Thoroughfare Plan, or other officially adopted plans?***

**Analysis:** No further analysis needed.

**Finding: Yes.** The proposed development, with the recommended conditions, will be in general conformity with the 2013 Juneau Comprehensive Plan, 2016 Juneau Economic Development Plan, and 2018 Lemon Creek Area Plan.

**RECOMMENDATION**

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit. The permit would allow continuation of gravel mining operation in 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 \$75,000, 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 14, 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 be valid for 10 years.
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 and Floodplain –**

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. On-site fueling or equipment maintenance performed within 100 feet of the creek banks is prohibited. This includes fueling or maintenance of portable equipment such as generators and pumps.
35. On-site storage of fuel or other chemicals is prohibited.
36. Conditional Use Permit approval is contingent on approval of the Floodplain Development Permit, FZD20240002.

**Mandatory conditions per CBJ 49.65.235**

37. A strip of land at the existing topographic level, and not less than 15 feet in width, shall be retained at the periphery of the site wherever the site abuts a public way. This periphery strip shall not be altered except as authorized for access points. This section does not alter the applicant's duty to maintain subjacent support.
38. If the bank of any extraction area within the permit area is above the high water line or water table, it shall be left upon termination of associated extraction operations with a slope no greater than the angle of repose for unconsolidated material of the kind composing it, or such other angle as the Commission may prescribe. If extraction operations cause ponding or retained water in the excavated area, the slope of the submerged working face shall not exceed a slope of 3:1 from the edge of the usual water line to a water depth of seven feet. This slope ratio may not be exceeded during extraction operations unless casual or easy access to the site is prevented by a fence, natural barriers, or both.

**STAFF REPORT ATTACHMENTS**

Item	Description
Attachment A	Application Packet
Attachment B	Abutters Notice and Public Notice Sign Photo
Attachment C	Agency Comments
Attachment D	Appeal Decision 6/12/13





# DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications. This form and all documents associated with it are public record once submitted.

To be completed by Applicant	<b>PROPERTY LOCATION</b>		
	Physical Address <b>2025 Anka Street</b>		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) <b>Mendota Park Parcel 2</b>		
	Parcel Number(s) <b>5B1201310041</b>		
	<input type="checkbox"/> This property is located in the downtown historic district <input type="checkbox"/> This property is located in a mapped hazard area, if so, which _____		
	<b>LANDOWNER/ LESSEE</b>		
	Property Owner <b>Colaska dba Secon</b>	Contact Person <b>Maureen Hansen, PE</b>	
	Mailing Address <b>PO Box 32159, Juneau, AK 99803</b>	Phone Number(s) <b>907-780-5145</b>	
	E-mail Address <b>mhanzen@colaska.com</b>		
	<b>LANDOWNER/ LESSEE CONSENT</b> Required for Planning Permits, not needed on Building/ Engineering Permits. Consent is required of all landowners/ lessees. If submitted with the application, alternative written approval may be sufficient. Written approval must include the property location, landowner/ lessee's printed name, signature, and the applicant's name.  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 the City and Borough of Juneau officials/employees to inspect my property as needed for purposes of this application.  _____ Landowner/Lessee (Printed Name) Title (e.g.: Landowner, Lessee)  X _____ Landowner/Lessee (Signature) Date  _____ Landowner/Lessee (Printed Name) Title (e.g.: Landowner, Lessee)  X _____ Landowner/Lessee (Signature) Date  NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours. We will make every effort to contact you in advance, but may need to access the property in your absence and in accordance with the consent above. Also, members of the Planning Commission may visit the property before a scheduled public hearing date.		
<b>APPLICANT</b> If same as LANDOWNER, write "SAME"			
Applicant (Printed Name) <b>SAME</b>		Contact Person	
Mailing Address		Phone Number(s)	
E-mail Address			
X _____ Applicant's Signature		<b>1-12-2024</b> Date of Application	

USE24-00

2/7/2024

DEPARTMENT USE ONLY BELOW THIS LINE

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

	Intake Initials
Case Number	Date Received

Attachment A - Application Packet  
Attachment A - Application Packet



# 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: 14400

#### IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☒ YES – Case # USE2018-0024

☐ 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) \_\_\_\_\_ square feet

Total Area of Proposed Structure(s) \_\_\_\_\_ square feet

#### EXTERNAL LIGHTING

Existing to remain  
Proposed



Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures  
Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

#### ALL REQUIRED DOCUMENTS ATTACHED

##### Native 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)

##### ☐ 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	\$ <u>1,600.00</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>50.00</u>			
Pub. Not. Sign Deposit	\$ <u>100.00</u>			
Total Fee	\$ <u>1,750.00</u>			

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

**USE24-004**

Date Received

**2/7/2024**

Attachment A - Application Packet  
Attachment A - Application Packet

## **Allowable/Conditional Use Permit Application Instructions**

Allowable Use permits are outlined in CBJ 49.15.320, Conditional Use permits are outline in CBJ 49.15.330

**Pre-Application Conference:** A pre-application conference is required prior to submitting an application. There is no fee for a pre-application conference. The applicant will meet with City & Borough of Juneau and Agency staff to discuss the proposed development, the permit procedure, and to determine the application fees. To schedule a pre-application conference, please contact the Permit Center at 586-0770 or via e-mail at [permits@juneau.org](mailto:permits@juneau.org).

**Application:** An application for an Allowable/Conditional Use Permit will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

1. **Forms:** Completed Allowable/Conditional Use Permit Application and Development Permit Application forms.
2. **Fees:** Fees generally range from \$350 to \$1,600. Any development, work, or use done without a permit issued will be subject to double fees. All fees are subject to change.
3. **Project Narrative:** A detailed narrative describing the project.
4. **Plans:** All plans are to be drawn to scale and clearly show the items listed below:
  - A. Site plan, floor plan and elevation views of existing and proposed structures
  - B. Existing and proposed parking areas, including dimensions of the spaces, aisle width and driveway entrances
  - C. Proposed traffic circulation within the site including access/egress points and traffic control devices
  - D. Existing and proposed lighting (including cut sheets for each type of lighting)
  - E. Existing and proposed vegetation with location, area, height and type of plantings
  - F. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.)

**Document Format:** All materials submitted as part of an application shall be submitted in either of the following formats:

1. Electronic copies in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf (other formats may be preapproved by the Community Development Department).
2. Paper copies 11" X 17" or smaller (larger paper size may be preapproved by the Community Development Department).

**Application Review & Hearing Procedure:** Once the application is determined to be complete, the Community Development Department will initiate the review and scheduling of the application. This process includes:

**Review:** As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the permit request the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department also sends all applications out for a 15-day agency review period. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

**Hearing:** All Allowable/Conditional Use Permit Applications must be reviewed by the Planning Commission for vote. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting.

**Public Notice Responsibilities:** Allowable/Conditional Use requests must be given proper public notice as outlined in CBJ 49.15.230:

**The Community Development Department** will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, CDD will mail notices to all property owners within 500-feet of the project site.

**The Applicant** will post a sign on the site at least 14 days prior to the meeting. The sign shall be visible from a public right-of-way or where determined appropriate by CDD. Signs may be produced by the Community Development Department for a preparation fee of \$50, and a \$100 deposit that will be refunded in full if the sign is returned within seven days of the scheduled hearing date. If the sign is returned between eight and 14 days of the scheduled hearing \$50 may be refunded. The Applicant may make and erect their own sign. Please contact the Community Development Department for more information.

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## **INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**



# Lemon Creek Gravel Extraction

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CBJ Conditional Use Application



Figure 1 Lemon Creek - Mendota Park, Parcel 2

Maureen Hansen, PE

1/9/2024

## Lemon Creek Gravel Extraction

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Proposal to extract gravels from Lemon Creek.

Attachment A - Application Packet

Attachment A - Application Packet

## Introduction

Secon proposes to extract gravel over a 10 year period from lower Lemon Creek in the Mendota Park Parcel 2. We expect annual gravel extraction to range from 20,000 CY to a maximum of 35,000 CY.

## Lemon Creek Drainage

The 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 where the elevation drop of the stream lessens and the velocity of the water slows.

SECON has 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.



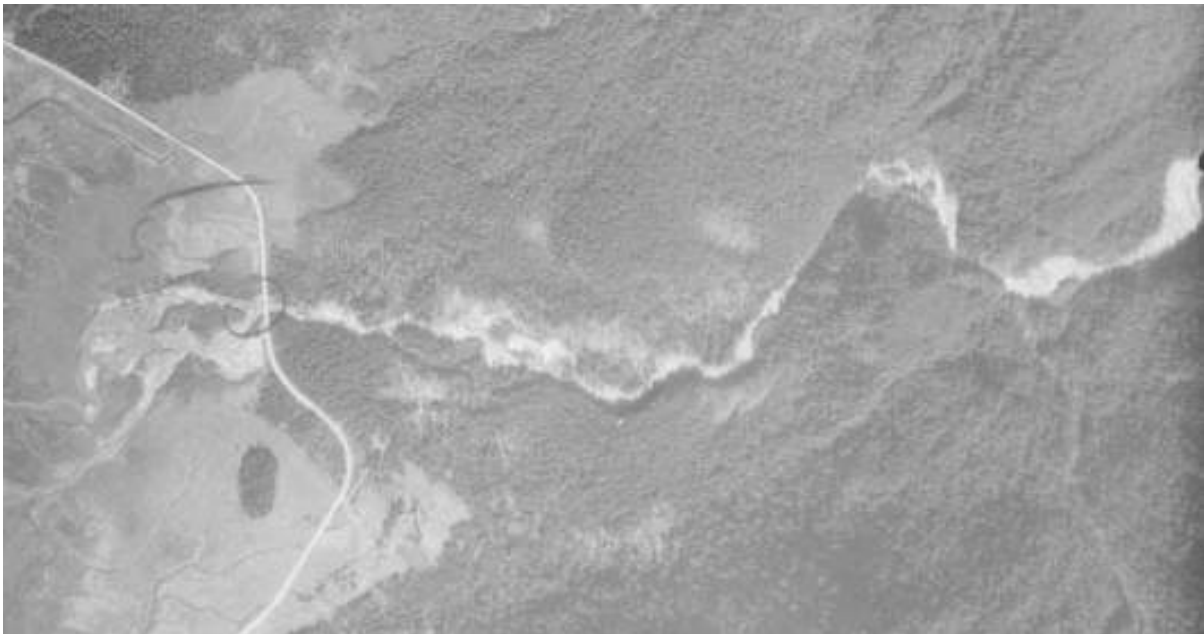


Figure 2 Lemon Creek lower drainage 1948

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 requesting a Conditional Use Permit for gravel severance over a duration of 10 years from property owned in Lower Lemon Creek. The Lemon Creek property, 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 has mined this property for the past 16 years under prior Conditional USE permits USE2018-0024, USE2012-0019, & USE2006-000054. Permit conditions have been met successfully during this time and merit an extension of permitted time from five to ten years similar to other permits in area. The time extension would also reduce administrative costs for all parties involved.

Hours of operation would be from 7:00 AM to 6:00 PM. With the operating season being Dec 1 to March 15.

There is no way of determining 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 and Secon did not use all the extracted material and had gravels carried over to the next year.

The gravels severed from Lemon Creek has increased to approximately 20,000 cubic yards per year and 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 ADF&G and sales will support the volume, Secon could easily extract 35,000 cubic yards of material on an annual basis and we propose this annual maximum amount.



Figure 7 Excavator preparing the site.

Secon would use excavators, scrapers, loaders and dozers to sever the sands and gravels from the alluvial reaches in Lemon Creek. 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.

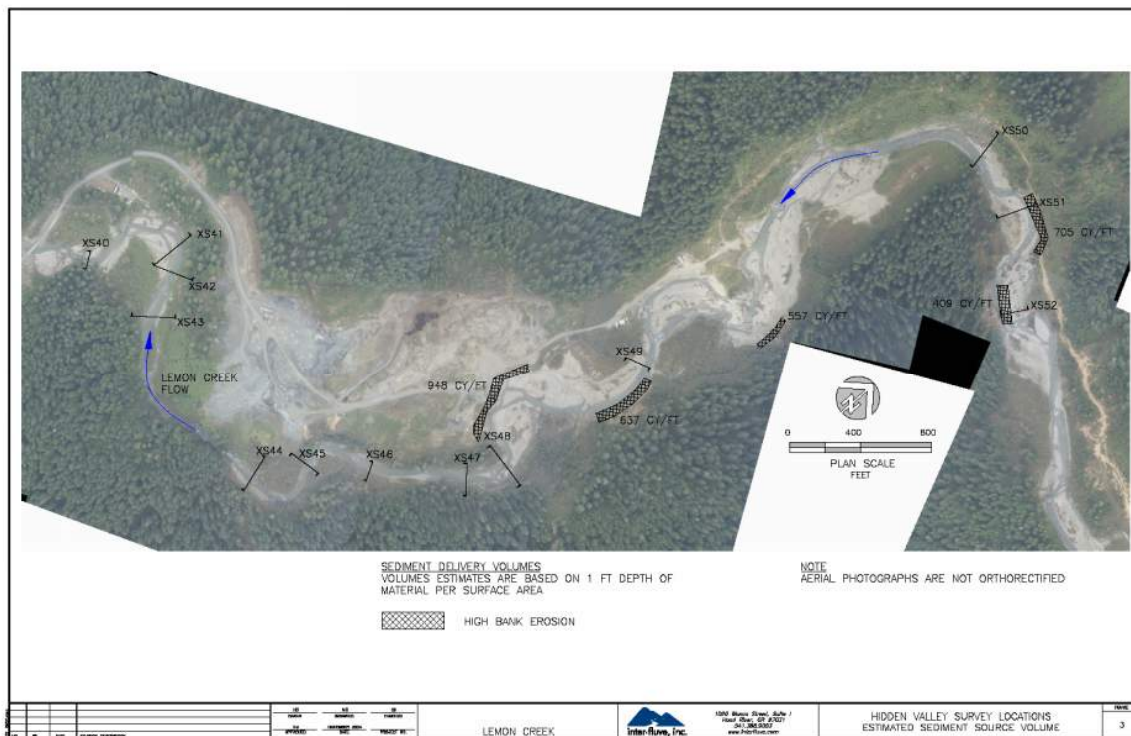


Figure 8 - Inter-Fluve, Inc. Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis Figure 3

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. ADF&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.

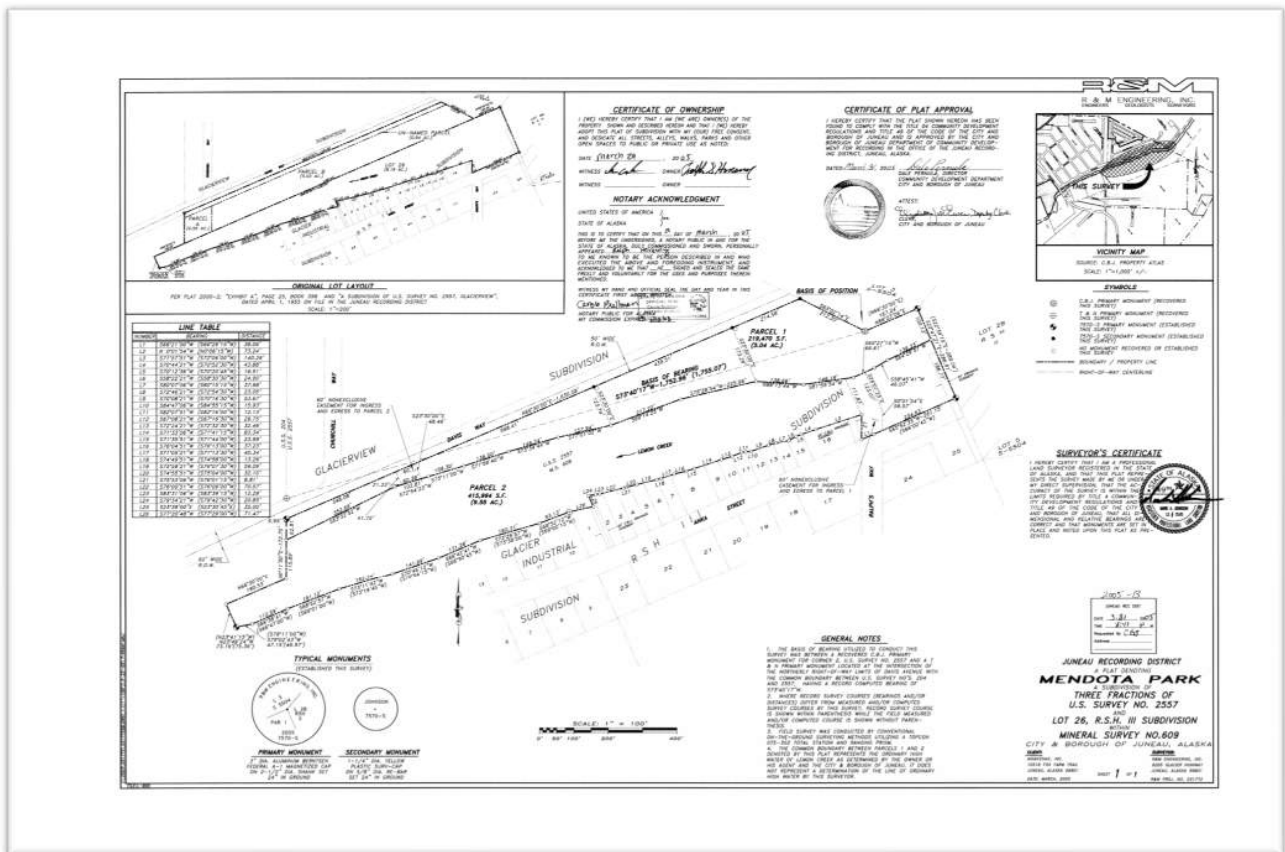


Figure 9 Plat 2005-13



### **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 installed 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.

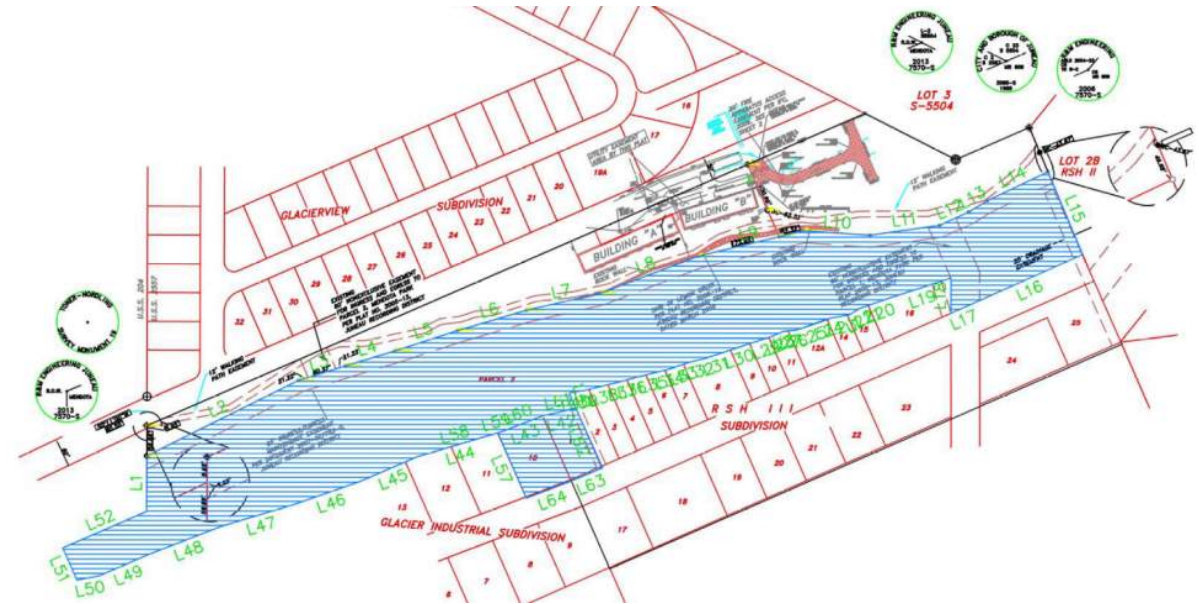


Figure 11

## 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

Gravel extracted from this property since 2019 with Conditional Use Permit 2018 0024.

2019 – 15,112 cubic yards

2020 – 14,985 cubic yards

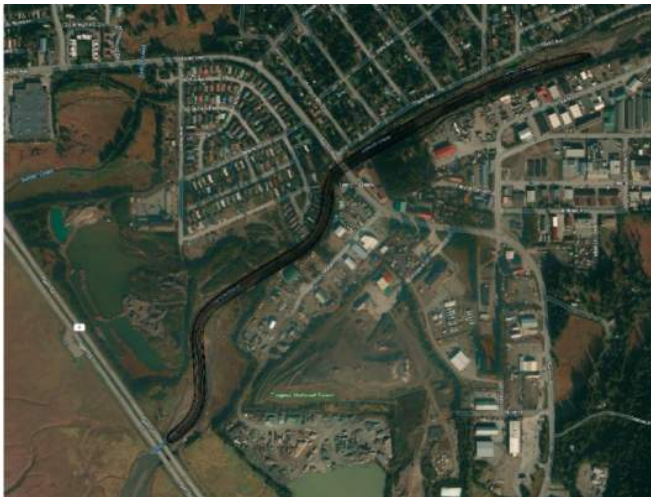
2021 – 22,000 cubic yards

2022 – 19,000 cubic yards

2023 – 22,000 cubic yards

To date 211,720 cubic yards have been extracted from Lemon Creek over the past 15 years.

The dimensions of 211,720 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 surveyed 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 13

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 throughout 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.



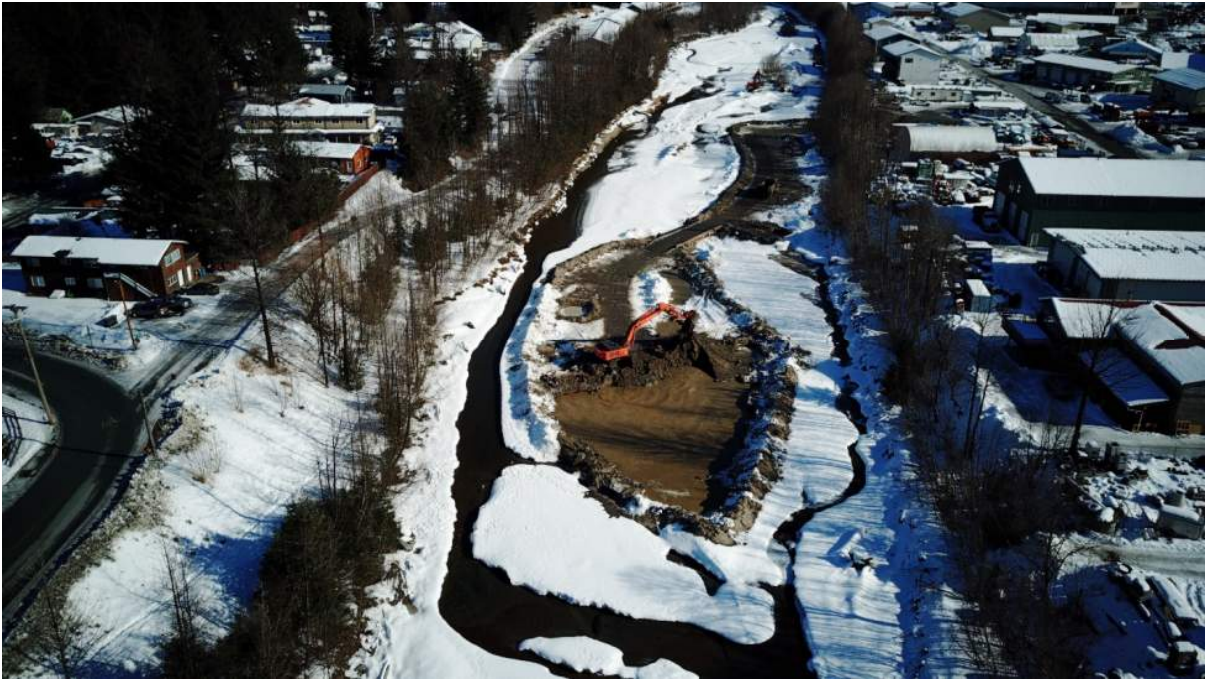


Figure 14

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 15



During 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 16

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 severance 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 17

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 solids 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 18

### **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 FH14-I-0141

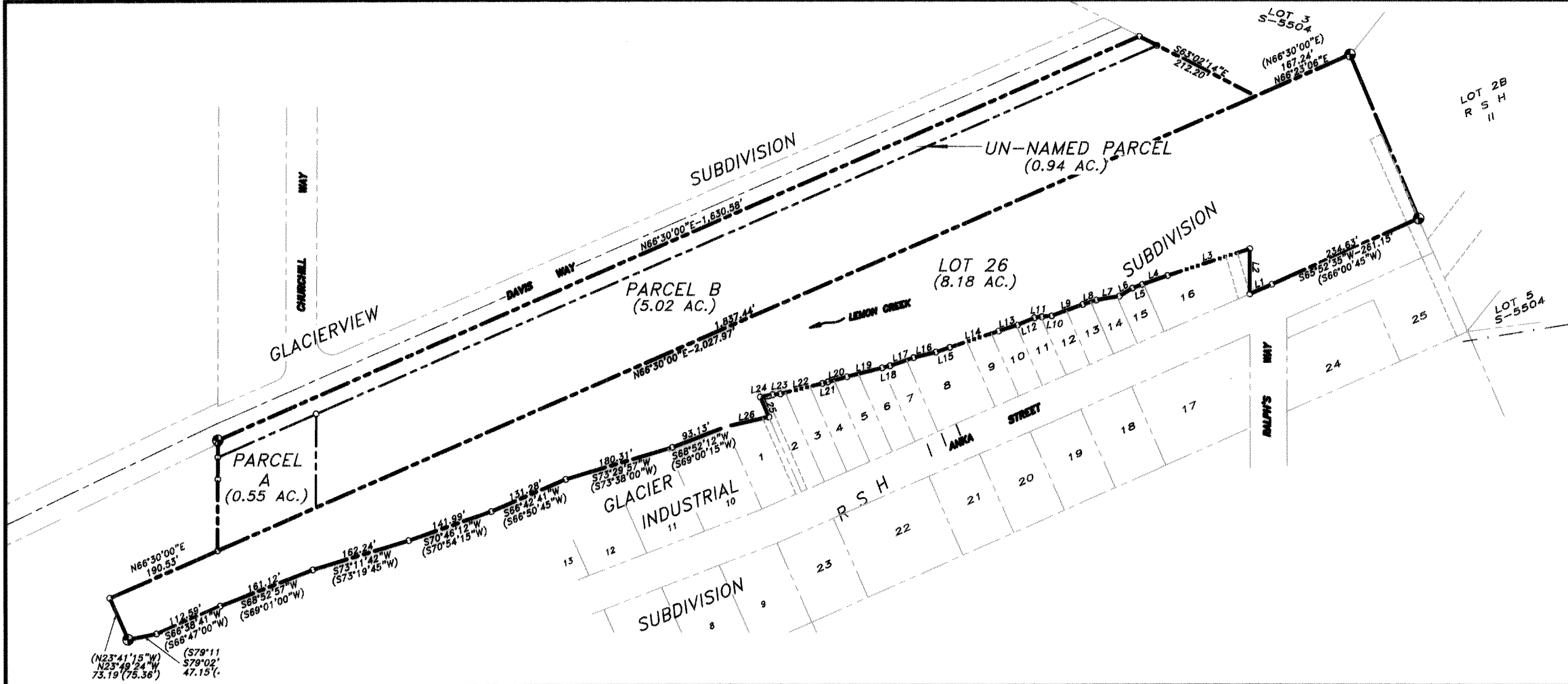
US Army Corps of Engineers, Alaska District Permit: POA-1983-20

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

**ATTACHMENTS:**

- Plat of Mendota Park, Parcel 2
- Site Plan and Details
- Fish Habitat Permit
- US Army Corps of Engineers Permit



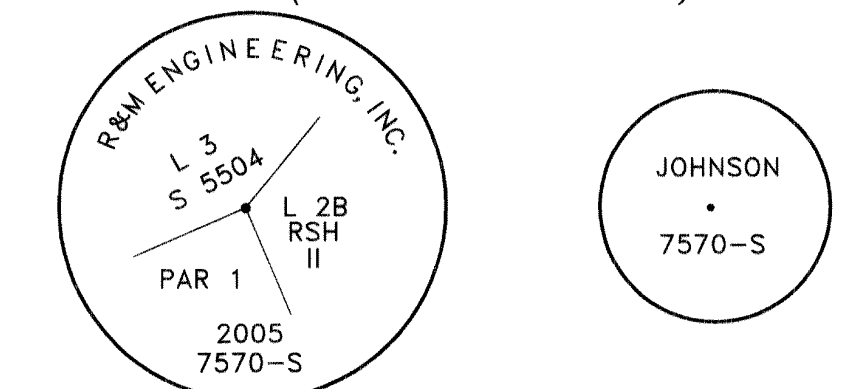


ORIGINAL LOT LAYOUT

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'

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S66°21'00"W (S66°29'15"W)	39.06'
L2	N 0°01'54"W (N0°06'15"W)	73.24'
L3	S71°57'51"W (S72°06'00"W)	140.26'
L4	S70°44'21"W (S70°52'30"W)	43.88'
L5	S70°12'36"W (S70°20'45"W)	16.91'
L6	S58°22'21"W (S58°30'30"W)	24.90'
L7	S80°07'06"W (S80°15'15"W)	37.98'
L8	S72°46'21"W (S72°54'30"W)	23.05'
L9	S70°08'21"W (S70°16'30"W)	53.67'
L10	S84°47'06"W (S84°55'15"W)	15.93'
L11	S82°07'51"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°33'06"W (S71°41'15"W)	83.34'
L15	S71°35'51"W (S71°44'00"W)	23.99'
L16	S76°04'51"W (S76°13'00"W)	37.23'
L17	S71°05'21"W (S71°13'30"W)	40.34'
L18	S74°49'51"W (S74°58'00"W)	13.26'
L19	S75°59'21"W (S76°07'30"W)	59.09'
L20	S74°55'51"W (S75°04'00"W)	32.10'
L21	S75°53'06"W (S76°01'15"W)	8.81'
L22	S76°00'51"W (S76°09'00"W)	70.57'
L23	S83°31'06"W (S83°39'15"W)	12.29'
L24	S79°34'21"W (S79°42'30"W)	20.85'
L25	S23°39'00"E (S23°30'45"E)	35.00'
L26	S77°20'48"W (S77°29'00"W)	71.47'

TYPICAL MONUMENTS  
(ESTABLISHED THIS SURVEY)



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 29, 2005  
WITNESS [Signature] OWNER [Signature]  
WITNESS \_\_\_\_\_ OWNER \_\_\_\_\_

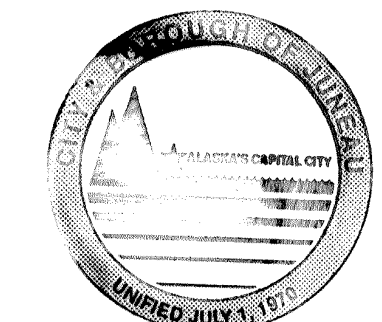
NOTARY ACKNOWLEDGMENT

UNITED STATES OF AMERICA } ss.  
STATE OF ALASKA }  
THIS IS TO CERTIFY THAT ON THIS 29 DAY OF MARCH, 2005, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED Carol Bullman,  
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.  
Carol Bullman OFFICIAL SEAL  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES 02/18/2008

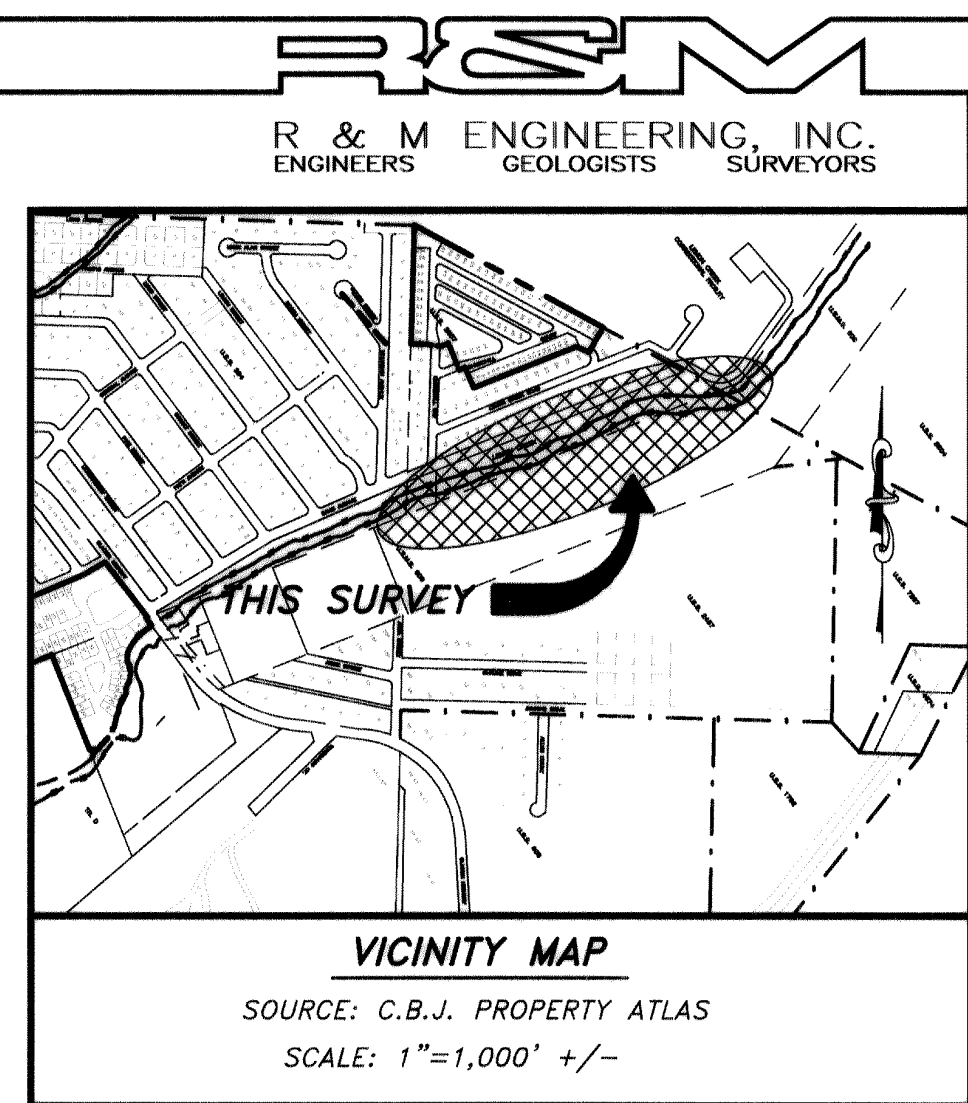
CERTIFICATE OF PLAT APPROVAL

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 [Signature]  
DALE PERNULA, DIRECTOR  
COMMUNITY DEVELOPMENT DEPARTMENT  
CITY AND BOROUGH OF JUNEAU



ATTEST:  
[Signature] Deputy Clerk  
CLERK,  
CITY AND BOROUGH OF JUNEAU

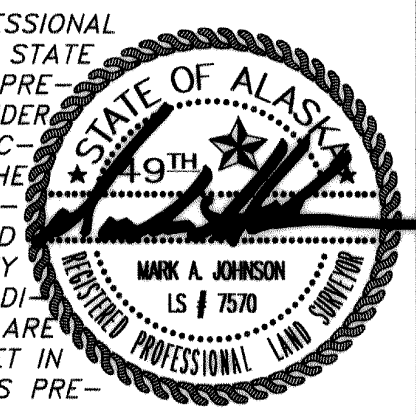


SYMBOLS

- ⊕ C.B.J. PRIMARY MONUMENT (RECOVERED THIS SURVEY)
- ⊕ T & N PRIMARY MONUMENT (RECOVERED THIS SURVEY)
- ⊕ 7570-S PRIMARY MONUMENT (ESTABLISHED THIS SURVEY)
- 7570-S SECONDARY MONUMENT (ESTABLISHED THIS SURVEY)
- NO MONUMENT RECOVERED OR ESTABLISHED THIS SURVEY
- BOUNDARY / PROPERTY LINE
- RIGHT-OF-WAY CENTERLINE

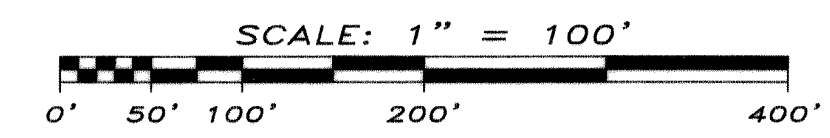
SURVEYOR'S CERTIFICATE

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.



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 DENOTED 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.



2005-13  
JUNEAU REC DIST  
DATE 3-31, 2005  
TIME 2:41 P M  
Requested By CBJ  
Address \_\_\_\_\_

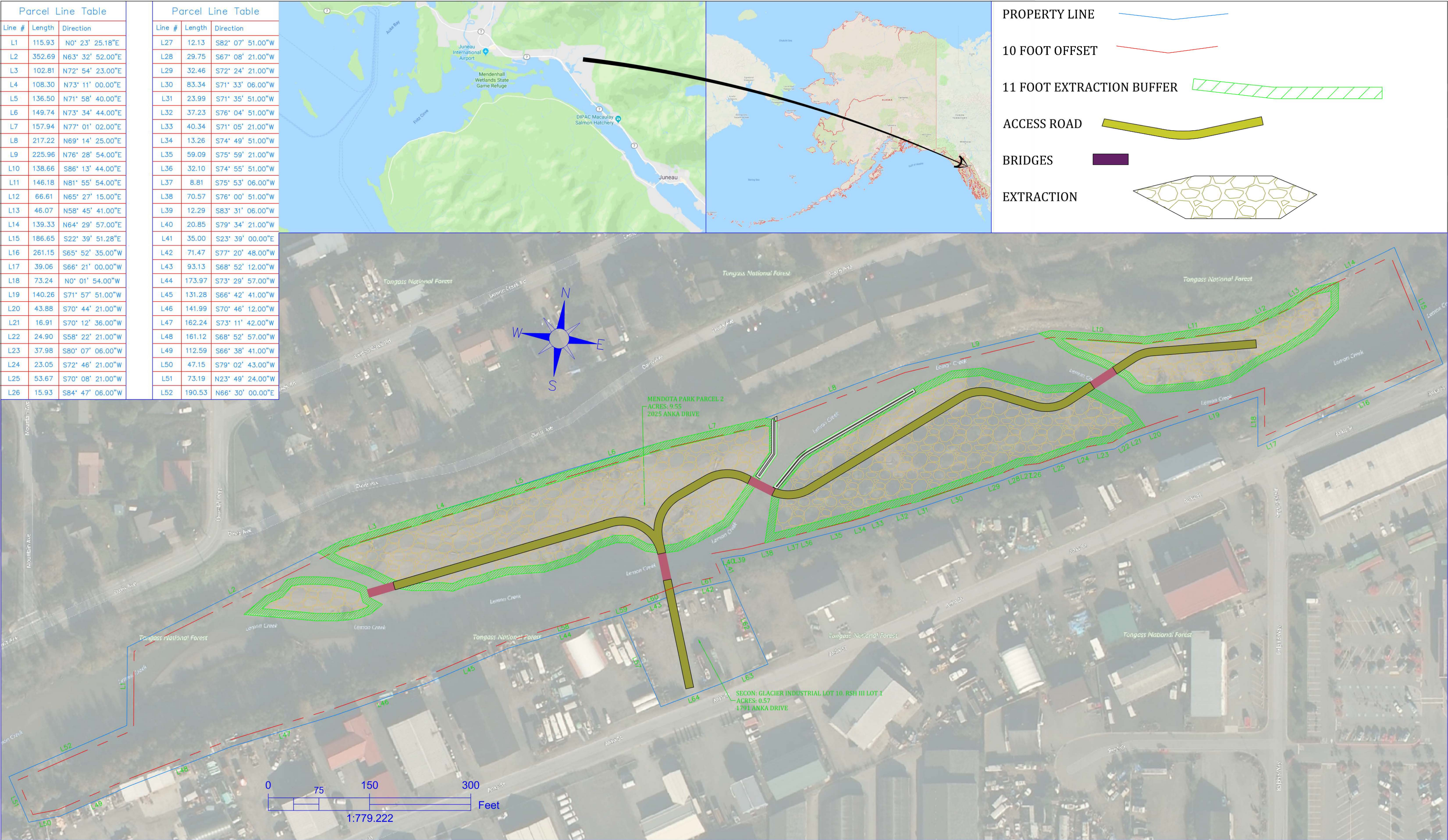
JUNEAU RECORDING DISTRICT  
A PLAT DENOTING  
**MENDOTA PARK**  
A SUBDIVISION OF  
**THREE FRACTIONS OF  
U.S. SURVEY NO. 2557**  
AND  
**LOT 26, R.S.H. III SUBDIVISION**  
WITHIN  
**MINERAL SURVEY NO.609**  
CITY & BOROUGH OF JUNEAU, ALASKA

CLIENT:  
ANIACHAK, INC.  
10518 FOX FARM TRAIL  
JUNEAU, ALASKA 99801  
DATE: MARCH, 2005

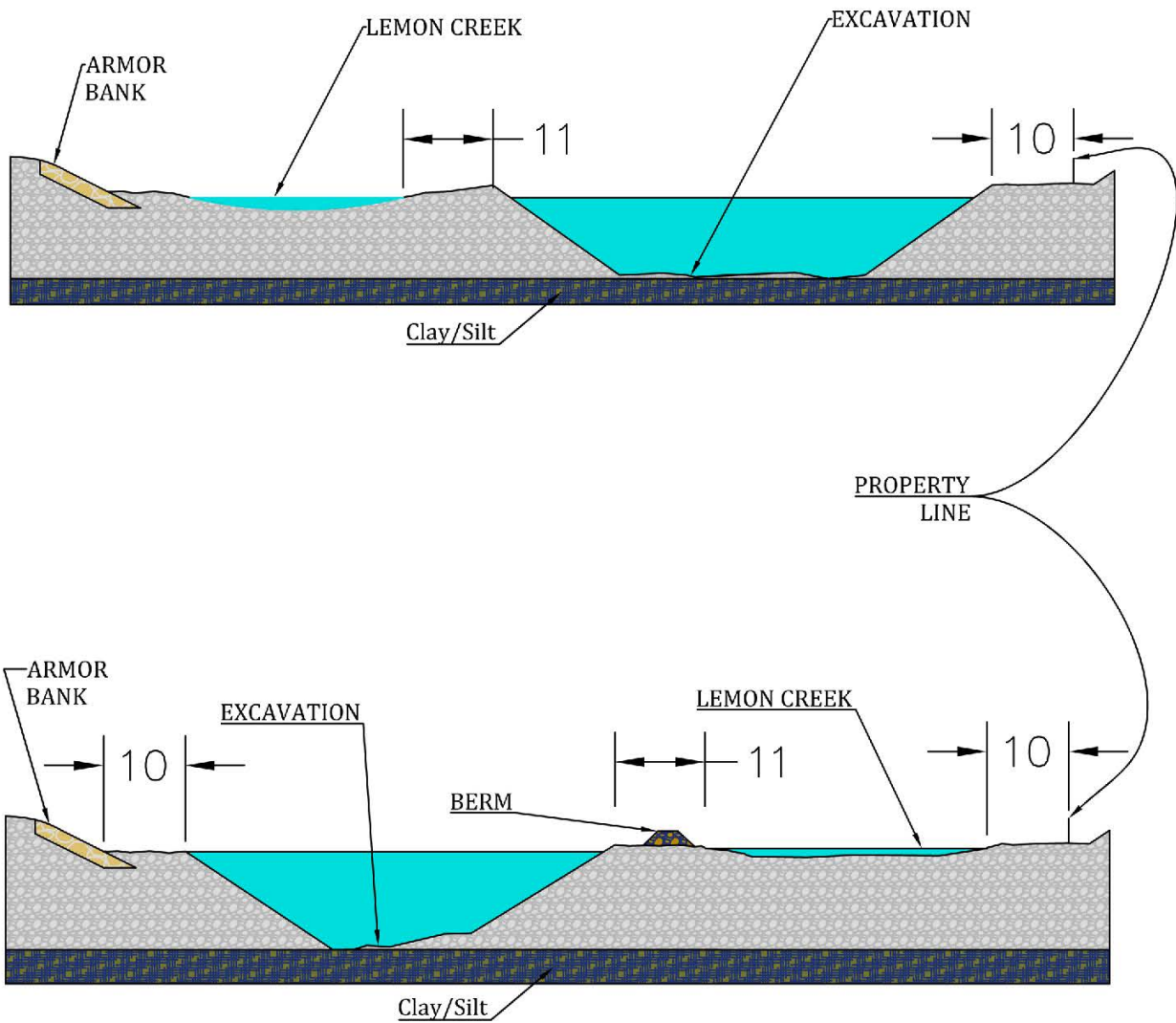
SURVEYOR:  
R&M ENGINEERING, INC.  
6205 GLACIER HIGHWAY  
JUNEAU, ALASKA 99801  
R&M PROJ. NO. 031772

SHEET **1** OF 1









**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





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.

Attachment A - Application Packet  
Attachment A - Application Packet

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](mailto: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

Attachment A - Application Packet

Attachment A - Application Packet



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

February 24, 2023

Regulatory Division  
POA-1983-00020-M6

Mr. Noah Molnar  
SECON, Southeast Alaska  
Post Office Box 32159  
Juneau, Alaska 99803

Dear Mr. Molnar:

Enclosed is the signed Department of the Army (DA) permit modification, file number POA-1983-00020-M6, Lemon Creek. This is the sixth 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.

Please contact me via email at [Randal.P.Vigil@usace.army.mil](mailto:Randal.P.Vigil@usace.army.mil), by mail at the address above, or by phone at (907) 201-5022, if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Randal P. Vigil", is written over a circular stamp or seal.

Randal P. Vigil  
Project Manager

Enclosures

Attachment A - Application Packet

Attachment A - Application Packet



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

February 24, 2023

Regulatory Division  
POA-1983-00020-M6

DEPARTMENT OF THE ARMY  
PERMIT MODIFICATION

Department of the Army permit number POA-1983-00020-M6, 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, and again on December 8, 2017, 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, 2027**. If you find that you need more time to complete the authorized activity, please submit your request for a time extension to the U.S. Army Corps of Engineers for consideration at least one month before permit expiration.

Attachment A - Application Packet  
Attachment A - Application Packet

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:

A handwritten signature in black ink, appearing to read "Randal P. Vigil". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

Randal P. Vigil  
Project Manager

Attachment A - Application Packet

Attachment A - Application Packet



**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, Alaska

has been issued to: Colaska, Incorporated DBA SECON

on: February 24, 2023 and expires on: December 31, 2027.

Address of Permittee: P.O. Box 32159, Juneau, AK 99801

Permit Number:

POA-1983-00020-M6

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

Attachment A - Application Packet

Attachment A - Application Packet

**From:** [HANSEN, Maureen \(JUNSC\)](#)  
**To:** [Teri Camery](#)  
**Cc:** [MALLER, Brian \(JUNSC\)](#)  
**Subject:** RE: lower lemon creek gravel SWPPP  
**Date:** Friday, May 24, 2024 10:01:09 AM  
**Attachments:** [image.png](#)  
[RE Certificate of Reasonableness - Lower Lemon Creek POA 1982-20.msg](#)  
[POA 1982-20.docx](#)  
[MOD6.pdf](#)  
[DEC Certificate of Reasonableness - Lower Lemon Creek 2018.pdf](#)

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EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Teri,

Swppp not required.

The only ADEC item I am aware of is the Certificate of Reasonableness that is tied to the USCOE permit. When the Corps Permit was updated last year and extended to 2027, the DEC document was not correspondingly extended.

I inquired with ADEC back in January on obtaining the revised letter to match the Corps permit to M6 and extension. They responded with the attached email stating a time extension can be done, but I have not yet seen a document. I followed up again in early March with no response from them. Let me know if this is going to be an issue.

thanks

**Maureen A. Hansen, P.E.**  
**Engineering & Environmental Manager**  
Phone (907) 780-1229



---

**From:** Teri Camery <Teri.Camery@juneau.gov>  
**Sent:** Thursday, May 23, 2024 9:41 AM  
**To:** HANSEN, Maureen (JUNSC) <mhansen@colaska.com>  
**Subject:** lower lemon creek gravel SWPPP

**Warning :** Message sent from Internet from [Teri.Camery@juneau.gov](mailto:Teri.Camery@juneau.gov)

Do not click on the links or attachments unless you are sure of the sender's address.

Hello Maureen,

ADEC never submitted comments on Lower Lemon Creek gravel despite repeated requests. I guess that's good because that must mean that they don't have any concerns. However I am left wondering if there are any ADEC requirements for this development. Is a SWPPP required? My recollection from previous reviews is that it is not, but I wanted to double check with you. If

Attachment A - Application Packet



it is, do you have it, and could you send me a link please?

Thanks,

Teri

**Teri Camery | Senior Planner, CFM**

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4<sup>th</sup> Floor Marine View Building

Mailing address: 155 Heritage Way Juneau, Alaska 99801

Office: 907.586.0753 extension 4129



**From:** [HANSEN, Maureen \(JUNSC\)](#)  
**To:** [Teri Camery](#)  
**Subject:** RE: another gravel extraction question  
**Date:** Friday, May 24, 2024 11:08:04 AM  
**Attachments:** [image002.png](#)

---

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Teri,

Let me know if you need further language.

1. CBJ 49.65.210(7)(I) Operating procedures for control of airborne particulates and other pollutant emissions from the site and equipment used at the site that may affect areas beyond the site boundaries.

Secon anticipates minimal airborne particulates due to the nature of streambed mining materials being saturated and the weather during time of year when work is allowed has precipitation over 50% of the time. If conditions are dry, the haul route from site to Aggpro will be watered down if necessary to keep dust under control.

2. CBJ 49.65.230(8) Measures to minimize or eliminate airborne particulates, visual blight, noise, and other adverse environmental effects. (very similar of course)

Secon will utilize water/sweeping as a measure to minimize airborne particulates. Measures to ensure environment protection is servicing all equipment daily and having a mechanic is on-call during working hours. Additionally, a mobile spill kit is readily available for an emergency.

**Maureen A. Hansen, P.E.**  
**Engineering & Environmental Manager**  
Phone (907) 780-1229



---

**From:** Teri Camery <Teri.Camery@juneau.gov>  
**Sent:** Thursday, May 23, 2024 12:18 PM  
**To:** HANSEN, Maureen (JUNSC) <mhansen@colaska.com>  
**Subject:** another gravel extraction question

**Warning :** Message sent from Internet from [Teri.Camery@juneau.gov](mailto:Teri.Camery@juneau.gov)

Do not click on the links or attachments unless you are sure of the sender's address.

Hello Maureen,

When I reviewed the 2018 gravel extraction report (which I wrote), I noticed that we made just a brief mention of CBJ 49.65.200, Sand and Gravel, because the specific requirements of that section don't fit well with streambed mining. However in this review I have concluded that it's necessary to go through that section in detail so the review clearly addresses all requirements in the record. This review effectively doubles the length of the staff report and creates a lot of redundancy, but again it ensures that the review is complete.

We didn't ask you to address the requirements of that section in the PAC report. You have most of it anyway, because your application is thorough. Here are a few remaining issues from that code section that I need you to address please:

1. CBJ 49.65.210(7)(I) Operating procedures for control of airborne particulates and other pollutant emissions from the site and equipment used at the site that may affect areas beyond the site boundaries.
2. CBJ 49.65.230(8) Measures to minimize or eliminate airborne particulates, visual blight, noise, and other adverse environmental effects. (very similar of course)

Noise is addressed by reduced operating hours and the limited season and 20 days of operation. I have already noted that it's not possible to provide a visual buffer to the site. So really the only issue is airborne particulates and other pollutant emissions. The only thing I can think of is dust.

Could you respond at your earliest convenience please?

Thanks very much,  
Teri

**Teri Camery | Senior Planner, CFM**

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4<sup>th</sup> Floor Marine View Building

Mailing address: 155 Heritage Way Juneau, Alaska 99801

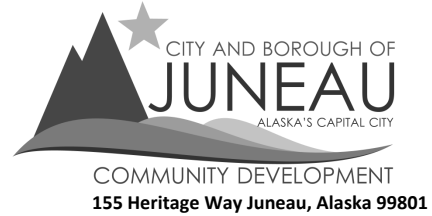
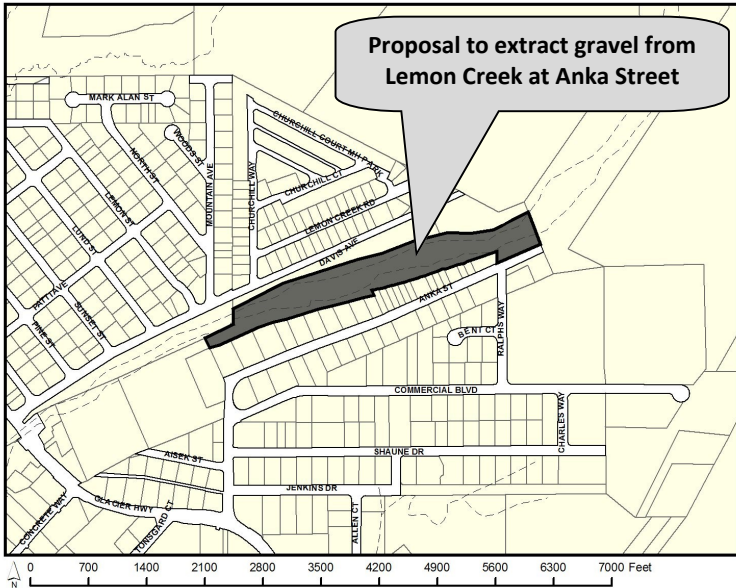
Office: 907.586.0753 extension 4129



# Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

*Your Community, Your Voice*



TO

**Conditional Use Permit** has been submitted for consideration and public hearing by the Planning Commission to **continue an existing gravel mining operation** in **Lemon Creek streambed on Anka Street** in the **Rural Reserve and Industrial zoning district**.

## PROJECT INFORMATION:

Project Information can be found at:

<https://juneau.org/community-development/short-term-projects>

## PLANNING COMMISSION DOCUMENTS:

Staff Report expected to be posted **July 15** at

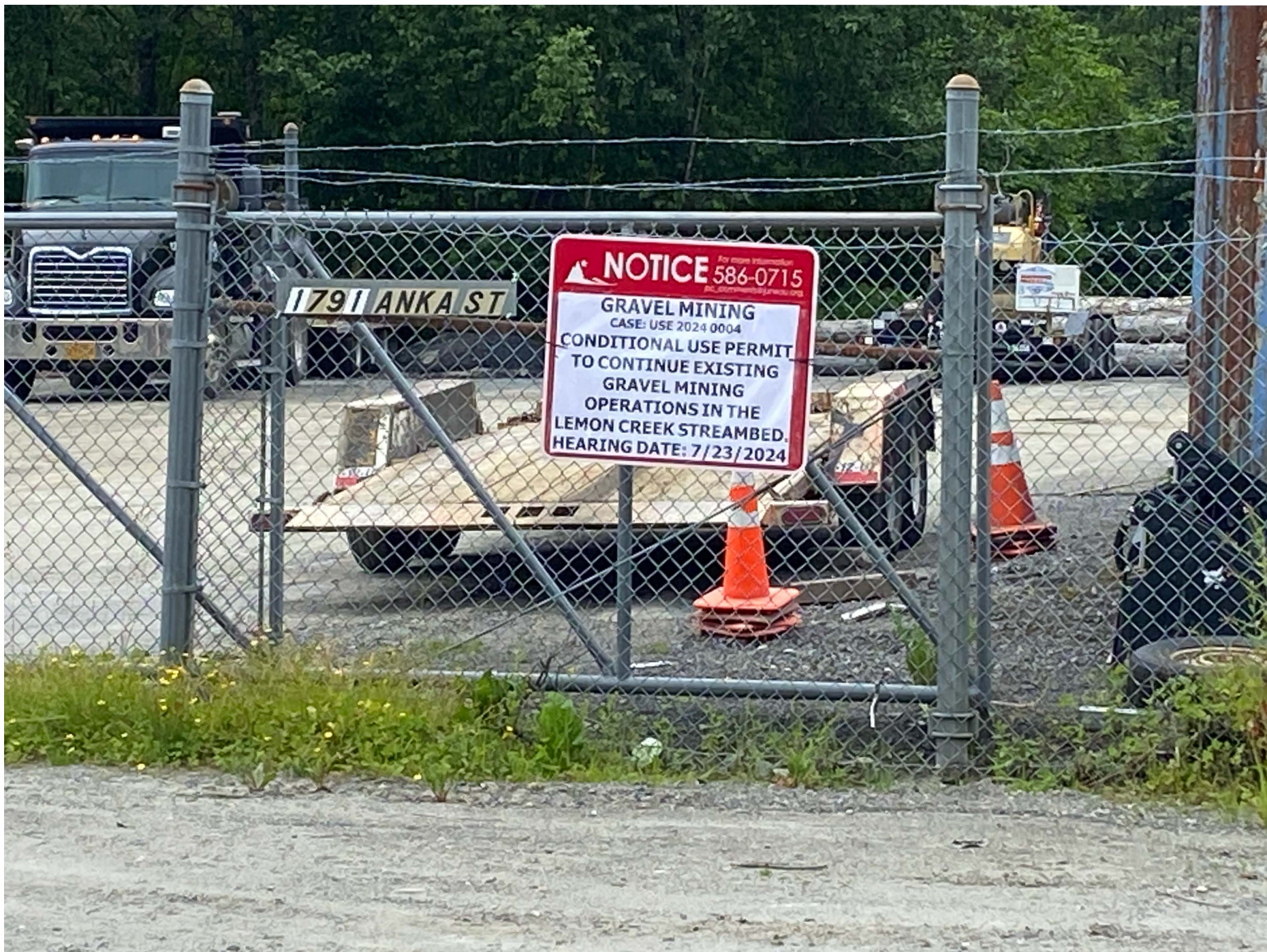
<https://juneau.org/community-development/planning-commission>

Find hearing results, meeting minutes, and more here, as well.

Now through July 1	July 2— noon, July 19	HEARING DATE & TIME: 7:00 pm, July 23, 2024	July 24
Comments received during this period will be sent to the Planner, <b>Teri Camery</b> to be included as an attachment in the staff report.	Comments received during this period will be sent to Commissioners to read in preparation for the hearing.	This meeting will be held in person and by remote participation. For remote participation: join the Webinar by visiting <a href="https://juneau.zoom.us/j/82652961046">https://juneau.zoom.us/j/82652961046</a> and use the Webinar ID: 826 5296 1046 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above).  You may also participate in person in City Hall Assembly Chambers, 155 Heritage Way Juneau, Alaska.	The results of the hearing will be posted online.
<b>FOR DETAILS OR QUESTIONS,</b> Phone: (907)586-0753 ext. 4129 Email: <a href="mailto:pc_comments@juneau.gov">pc_comments@juneau.gov</a> or <a href="mailto:teri.camery@juneau.gov">teri.camery@juneau.gov</a> Mail: Community Development, 155 Heritage Way, Juneau AK 99801		<b>Case No.: USE2024 0004</b> <b>Parcel No.: 5B1201310041</b> <b>CBJ Parcel Viewer:</b> <a href="http://epv.juneau.org">http://epv.juneau.org</a>	

Printed June 13, 2024





Attachment B - Abutters Notice and Public Notice Sign Photo



**From:** [Jensen, Nicholas L \(DFG\)](#)  
**To:** [Teri Camery](#)  
**Cc:** [Kanouse, Kate M \(DFG\)](#); [Augat, Gretchen M \(DEC\)](#)  
**Subject:** RE: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED  
**Date:** Wednesday, March 27, 2024 8:30:53 AM  
**Attachments:** [2023 Lower Lemon Creek Gravel Mining.pdf](#)  
[FH14-I-0104A Lemon Creek Gravel Mining SECON.pdf](#)

---

**EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS**

Hi Teri,

Thank you for the opportunity to review the CUP USE24-004 application and its attachments. Our comments are listed below.

- ADF&G issued permit amendment FH14-I-0104A to SECON for gravel extraction on lower Lemon Creek in 2024 and plans to issue a new Fish Habitat Permit to SECON on an annual basis for lower Lemon Creek gravel extraction going forward.
- Stipulation 33 in the grading permit states “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.” Although it is already implied, we recommend specifying that large woody debris is not to be placed or buried in the berms themselves due to the risk of debris being pulled out during high flows, which could then pull out the berm.

I’ve attached a trip report covering SECON’s 2023 activities and a copy of FH14-I-0104A for your reference. A trip report for the mining activities that occurred in February 2024 on lower Lemon Creek is currently being drafted and we’ll be sure to send you a copy.

Thank you,  
Nick

**Nick Jensen**  
Habitat Biologist  
ADFG – Habitat Section  
Southeast Region  
907-465-6646



**From:** [Mary Hammond](#)  
**To:** [Teri Camery](#)  
**Subject:** RE: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED  
**Date:** Tuesday, April 2, 2024 3:17:54 PM

---

Hi Teri,

Since this is a renewal and not a new gravel extraction project, I don't think it would have a negative impact to property values if it continues.

## Mary Hammond

Assessor

City & Borough of Juneau

(907) 586-5215 ext. 4033

---

**From:** Teri Camery <Teri.Camery@juneau.gov>  
**Sent:** Monday, April 1, 2024 12:30 PM  
**To:** Mary Hammond <mary.hammond@juneau.gov>  
**Subject:** FW: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED

Hello Mary,

Again I apologize for not adding you to the agency review for this project. Could you provide comments at your earliest convenience please?

Thank you,  
Teri Camery

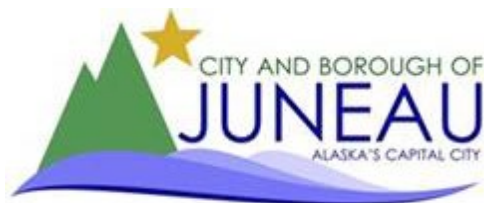
### Teri Camery | Senior Planner, CFM

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4<sup>th</sup> Floor Marine View Building

Mailing address: 155 Heritage Way Juneau, Alaska 99801

Office: 907.586.0753 extension 4129



**From:** Teri Camery

**Sent:** Thursday, March 7, 2024 9:41 AM

**To:** Charlie Ford <[Charlie.Ford@juneau.gov](mailto:Charlie.Ford@juneau.gov)>; Theresa Ross <[Theresa.Ross@juneau.gov](mailto:Theresa.Ross@juneau.gov)>; [kate.kanouse@alaska.gov](mailto:kate.kanouse@alaska.gov); Scott Gray <[Scott.Gray@juneau.gov](mailto:Scott.Gray@juneau.gov)>; Dan Bleidorn <[Dan.Bleidorn@juneau.gov](mailto:Dan.Bleidorn@juneau.gov)>; Augat, Gretchen M (DEC) <[Gretchen.augat@alaska.gov](mailto:Gretchen.augat@alaska.gov)>; Patty Wahto <[Patty.Wahto@jnuairport.com](mailto:Patty.Wahto@jnuairport.com)>; [arthur.drown@alaska.gov](mailto:arthur.drown@alaska.gov); Bridget LaPenter <[bridget.lapenter@juneau.gov](mailto:bridget.lapenter@juneau.gov)>

**Cc:** Scott Ciambor <[Scott.Ciambor@juneau.gov](mailto:Scott.Ciambor@juneau.gov)>

**Subject:** USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED

Hello,

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**Please provide comments by Friday March 22. Please also note that this review requires particular attention from CBJ Streets, CBJ Engineering, and the Alaska Department of Fish and Game,** with careful review of the previously approved conditions to determine if these conditions should be carried forward or be modified.

Thanks very much for your time, and please let me know if you have questions or need additional information.

Best,

Teri Camery

**Teri Camery | Senior Planner, CFM**

[Community Development Department](#) | City & Borough of Juneau, AK

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Mailing address: 155 Heritage Way Juneau, Alaska 99801

Office: 907.586.0753 extension 4129



**From:** [Charlie Ford](#)  
**To:** [Scott Gray](#); [Theresa Ross](#); [Teri Camery](#); [Kanouse, Kate M \(DFG\)](#); [Dan Bleidorn](#); [Augat, Gretchen M \(DEC\)](#); [Patty Wahto](#); [arthur.drown@alaska.gov](#); [Bridget LaPenter](#)  
**Cc:** [Scott Ciambor](#)  
**Subject:** RE: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED  
**Date:** Thursday, March 7, 2024 10:15:07 AM

---

No issues from Buildings.

Thanks,

---

**From:** Scott Gray <Scott.Gray@juneau.gov>  
**Sent:** Thursday, March 7, 2024 10:12 AM  
**To:** Theresa Ross <Theresa.Ross@juneau.gov>; Teri Camery <Teri.Camery@juneau.gov>; Charlie Ford <Charlie.Ford@juneau.gov>; Kanouse, Kate M (DFG) <kate.kanouse@alaska.gov>; Dan Bleidorn <Dan.Bleidorn@juneau.gov>; Augat, Gretchen M (DEC) <Gretchen.augat@alaska.gov>; Patty Wahto <Patty.Wahto@jnuairport.com>; arthur.drown@alaska.gov; Bridget LaPenter <Bridget.LaPenter@juneau.gov>  
**Cc:** Scott Ciambor <Scott.Ciambor@juneau.gov>  
**Subject:** RE: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED

Streets does not have any concerns.

Thanks,

Scott



Scott Gray

Streets and Fleet Superintendent

City and Borough of Juneau

907-586-5256 ext. 4240

---

**From:** Theresa Ross <[Theresa.Ross@juneau.gov](#)>  
**Sent:** Thursday, March 7, 2024 10:08 AM  
**To:** Teri Camery <[Teri.Camery@juneau.gov](#)>; Charlie Ford <[Charlie.Ford@juneau.gov](#)>; Kanouse, Kate M (DFG) <[kate.kanouse@alaska.gov](#)>; Scott Gray <[Scott.Gray@juneau.gov](#)>; Dan Bleidorn <[Dan.Bleidorn@juneau.gov](#)>; Augat, Gretchen M (DEC) <[Gretchen.augat@alaska.gov](#)>; Patty Wahto <[Patty.Wahto@jnuairport.com](#)>; [arthur.drown@alaska.gov](#); Bridget LaPenter <[Bridget.LaPenter@juneau.gov](#)>  
**Cc:** Scott Ciambor <[Scott.Ciambor@juneau.gov](#)>  
**Subject:** RE: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED

No concerns from fire.

---

**From:** Teri Camery <[Teri.Camery@juneau.gov](mailto:Teri.Camery@juneau.gov)>

**Sent:** Thursday, March 7, 2024 9:41 AM

**To:** Charlie Ford <[Charlie.Ford@juneau.gov](mailto:Charlie.Ford@juneau.gov)>; Theresa Ross <[Theresa.Ross@juneau.gov](mailto:Theresa.Ross@juneau.gov)>; Kanouse, Kate M (DFG) <[kate.kanouse@alaska.gov](mailto:kate.kanouse@alaska.gov)>; Scott Gray <[Scott.Gray@juneau.gov](mailto:Scott.Gray@juneau.gov)>; Dan Bleidorn <[Dan.Bleidorn@juneau.gov](mailto:Dan.Bleidorn@juneau.gov)>; Augat, Gretchen M (DEC) <[Gretchen.augat@alaska.gov](mailto:Gretchen.augat@alaska.gov)>; Patty Wahto <[Patty.Wahto@jnuairport.com](mailto:Patty.Wahto@jnuairport.com)>; [arthur.drown@alaska.gov](mailto:arthur.drown@alaska.gov); Bridget LaPenter <[Bridget.LaPenter@juneau.gov](mailto:Bridget.LaPenter@juneau.gov)>

**Cc:** Scott Ciambor <[Scott.Ciambor@juneau.gov](mailto:Scott.Ciambor@juneau.gov)>

**Subject:** USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED

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**Please provide comments by Friday March 22. Please also note that this review requires particular attention from CBJ Streets, CBJ Engineering, and the Alaska Department of Fish and Game,** with careful review of the previously approved conditions to determine if these conditions should be carried forward or be modified.

Thanks very much for your time, and please let me know if you have questions or need additional information.

Best,

Teri Camery

**Teri Camery | Senior Planner, CFM**

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4<sup>th</sup> Floor Marine View Building

Mailing address: 155 Heritage Way Juneau, Alaska 99801

Office: 907.586.0753 extension 4129

**From:** [Theresa Ross](#)  
**To:** [Teri Camery](#); [Charlie Ford](#); [Kanouse, Kate M \(DFG\)](#); [Scott Gray](#); [Dan Bleidorn](#); [Augat, Gretchen M \(DEC\)](#); [Patty Wahto](#); [arthur.drown@alaska.gov](#); [Bridget LaPenter](#)  
**Cc:** [Scott Ciambor](#)  
**Subject:** RE: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED  
**Date:** Thursday, March 7, 2024 10:08:31 AM

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No concerns from fire.

---

**From:** Teri Camery <Teri.Camery@juneau.gov>  
**Sent:** Thursday, March 7, 2024 9:41 AM  
**To:** Charlie Ford <Charlie.Ford@juneau.gov>; Theresa Ross <Theresa.Ross@juneau.gov>; Kanouse, Kate M (DFG) <kate.kanouse@alaska.gov>; Scott Gray <Scott.Gray@juneau.gov>; Dan Bleidorn <Dan.Bleidorn@juneau.gov>; Augat, Gretchen M (DEC) <Gretchen.augat@alaska.gov>; Patty Wahto <Patty.Wahto@jnuairport.com>; arthur.drown@alaska.gov; Bridget LaPenter <Bridget.LaPenter@juneau.gov>  
**Cc:** Scott Ciambor <Scott.Ciambor@juneau.gov>  
**Subject:** USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED

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Thanks very much for your time, and please let me know if you have questions or need additional information.

Best,  
Teri Camery

**Teri Camery | Senior Planner, CFM**  
[Community Development Department](#) | City & Borough of Juneau, AK  
Location: 230 S. Franklin Street, 4<sup>th</sup> Floor Marine View Building  
Mailing address: 155 Heritage Way Juneau, Alaska 99801

**From:** [Bridget LaPenter](#)  
**To:** [Teri Camery](#)  
**Subject:** RE: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED  
**Date:** Thursday, April 25, 2024 9:21:50 AM

---

Yes, I do.

**Bridget LaPenter, P.E. | Chief GE Engineer**  
General Engineering Department | City & Borough of Juneau, AK  
Location: 230 S. Franklin Street, 4<sup>th</sup> Floor Marine View Building  
**Office: 907.586.0800 ext. 4187   Cell: 907.500.4170**

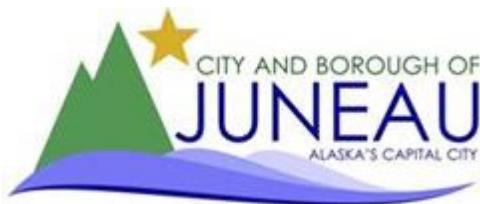
---

**From:** Teri Camery <[Teri.Camery@juneau.gov](mailto:Teri.Camery@juneau.gov)>  
**Sent:** Thursday, April 25, 2024 9:21 AM  
**To:** Bridget LaPenter <[Bridget.LaPenter@juneau.gov](mailto:Bridget.LaPenter@juneau.gov)>  
**Subject:** RE: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED

Thanks Bridget, I'll add that to our recommendations. Do you support the other conditions previously listed?

Teri

**Teri Camery | Senior Planner, CFM**  
[Community Development Department](#) | City & Borough of Juneau, AK  
Location: 230 S. Franklin Street, 4<sup>th</sup> Floor Marine View Building  
Mailing address: 155 Heritage Way Juneau, Alaska 99801  
Office: 907.586.0753 extension 4129



---

**From:** Bridget LaPenter <[Bridget.LaPenter@juneau.gov](mailto:Bridget.LaPenter@juneau.gov)>  
**Sent:** Wednesday, April 24, 2024 4:34 PM  
**To:** Teri Camery <[Teri.Camery@juneau.gov](mailto:Teri.Camery@juneau.gov)>  
**Cc:** Eric Vogel <[Eric.Vogel@juneau.gov](mailto:Eric.Vogel@juneau.gov)>  
**Subject:** Re: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED

Thanks, Teri.

In consideration of the conditions in the Notice of Decision, I recommend that the bond amount described in condition #2 be increased to \$75,000.00.



Please let me know if you need anything else.

**Bridget LaPenter, P.E. | Chief GE Engineer**

General Engineering Department | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4<sup>th</sup> Floor Marine View Building

**Office: 907.586.0800 ext. 4187   Cell: 907.500.4170**

---

**From:** Teri Camery <[Teri.Camery@juneau.gov](mailto:Teri.Camery@juneau.gov)>

**Sent:** Wednesday, April 24, 2024 12:52 PM

**To:** Bridget LaPenter <[Bridget.LaPenter@juneau.gov](mailto:Bridget.LaPenter@juneau.gov)>

**Cc:** Eric Vogel <[Eric.Vogel@juneau.gov](mailto:Eric.Vogel@juneau.gov)>

**Subject:** FW: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED

Hello Bridget,

Engineering's review on this project – especially whether the conditions from the USE2018-24 NOD that include engineering requirements – are important to this Conditional Use Permit review. I haven't received any comments from the March 22 deadline and would appreciate your review as soon as possible.

I have cc-ed Eric, because he has been involved with SECON gravel extraction in the past.

Thanks very much,

Teri

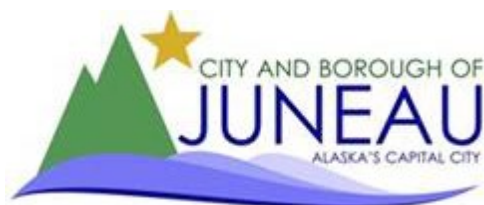
**Teri Camery | Senior Planner, CFM**

Community Development Department | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4<sup>th</sup> Floor Marine View Building

Mailing address: 155 Heritage Way Juneau, Alaska 99801

Office: 907.586.0753 extension 4129



**From:** Teri Camery

**Sent:** Thursday, March 7, 2024 9:41 AM

**To:** Charlie Ford <[Charlie.Ford@juneau.gov](mailto:Charlie.Ford@juneau.gov)>; Theresa Ross <[Theresa.Ross@juneau.gov](mailto:Theresa.Ross@juneau.gov)>; [kate.kanouse@alaska.gov](mailto:kate.kanouse@alaska.gov); Scott Gray <[Scott.Gray@juneau.gov](mailto:Scott.Gray@juneau.gov)>; Dan Bleidorn <[Dan.Bleidorn@juneau.gov](mailto:Dan.Bleidorn@juneau.gov)>; Augat, Gretchen M (DEC) <[Gretchen.augat@alaska.gov](mailto:Gretchen.augat@alaska.gov)>; Patty Wahto <[Patty.Wahto@jnuairport.com](mailto:Patty.Wahto@jnuairport.com)>; [arthur.drown@alaska.gov](mailto:arthur.drown@alaska.gov); Bridget LaPenter <[bridget.lapenter@juneau.gov](mailto:bridget.lapenter@juneau.gov)>

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**From:** [Scott Gray](#)  
**To:** [Theresa Ross](#); [Teri Camery](#); [Charlie Ford](#); [Kanouse, Kate M \(DFG\)](#); [Dan Bleidorn](#); [Augat, Gretchen M \(DEC\)](#); [Patty Wahto](#); [arthur.drown@alaska.gov](#); [Bridget LaPenter](#)  
**Cc:** [Scott Ciambor](#)  
**Subject:** RE: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED  
**Date:** Thursday, March 7, 2024 10:11:59 AM

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Streets does not have any concerns.

Thanks,

Scott



Scott Gray

Streets and Fleet Superintendent

City and Borough of Juneau

907-586-5256 ext. 4240

---

**From:** Theresa Ross <Theresa.Ross@juneau.gov>  
**Sent:** Thursday, March 7, 2024 10:08 AM  
**To:** Teri Camery <Teri.Camery@juneau.gov>; Charlie Ford <Charlie.Ford@juneau.gov>; Kanouse, Kate M (DFG) <kate.kanouse@alaska.gov>; Scott Gray <Scott.Gray@juneau.gov>; Dan Bleidorn <Dan.Bleidorn@juneau.gov>; Augat, Gretchen M (DEC) <Gretchen.augat@alaska.gov>; Patty Wahto <Patty.Wahto@jnuairport.com>; arthur.drown@alaska.gov; Bridget LaPenter <Bridget.LaPenter@juneau.gov>  
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**Subject:** RE: USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED

No concerns from fire.

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**Sent:** Thursday, March 7, 2024 9:41 AM  
**To:** Charlie Ford <[Charlie.Ford@juneau.gov](mailto:Charlie.Ford@juneau.gov)>; Theresa Ross <[Theresa.Ross@juneau.gov](mailto:Theresa.Ross@juneau.gov)>; Kanouse, Kate M (DFG) <[kate.kanouse@alaska.gov](mailto:kate.kanouse@alaska.gov)>; Scott Gray <[Scott.Gray@juneau.gov](mailto:Scott.Gray@juneau.gov)>; Dan Bleidorn <[Dan.Bleidorn@juneau.gov](mailto:Dan.Bleidorn@juneau.gov)>; Augat, Gretchen M (DEC) <[Gretchen.augat@alaska.gov](mailto:Gretchen.augat@alaska.gov)>; Patty Wahto <[Patty.Wahto@jnuairport.com](mailto:Patty.Wahto@jnuairport.com)>; [arthur.drown@alaska.gov](mailto:arthur.drown@alaska.gov); Bridget LaPenter <[Bridget.LaPenter@juneau.gov](mailto:Bridget.LaPenter@juneau.gov)>  
**Cc:** Scott Ciambor <[Scott.Ciambor@juneau.gov](mailto:Scott.Ciambor@juneau.gov)>  
**Subject:** USE2024 0004 Lemon Creek Gravel Extraction COMMENTS REQUESTED

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Teri Camery

**Teri Camery | Senior Planner, CFM**

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4<sup>th</sup> Floor Marine View Building

Mailing address: 155 Heritage Way Juneau, Alaska 99801

Office: 907.586.0753 extension 4129



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

1 argument as to why the Commission's decision should be affirmed, modified, or reversed. The  
2 Assembly met twice in closed session to deliberate.<sup>1</sup>

## 3 **II. Issues on Appeal.**

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

- 6 1. The proposed mining project is not compatible with the surrounding  
7 neighborhood due to noise, intensity, and resulting property damage.
- 8 2. Evidence of vibration damage to homes from past gravel extraction  
9 activities, and resulting loss of property value, was presented at the hearing.  
10 Planning Commissioners failed to adequately consider this evidence and  
11 provided inadequate safeguards when the permit was approved.
- 12 3. Relevant public testimony was not adequately considered by Planning  
13 Commissioners.

## 14 **III. Burden of Proof and Standard of Review.**

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

16 (a) The appeal agency or the hearing officer may set aside the decision being appealed  
17 only if:

- 18 (1) The appellant establishes that the decision is not supported by substantial  
19 evidence in light of the whole record, as supplemented at the hearing;
- 20 (2) The decision is not supported by adequate written findings or the findings  
21 fail to inform the appeal agency or the hearing officer of the basis upon  
22 which the decision appealed from was made; or
- 23 (3) The appeal agency or the hearing officer failed to follow its own procedures or  
24 otherwise denied procedural due process to one or more of the parties.

25 (b) The burden of proof is on the appellant.

26 //

27 //

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<sup>1</sup> The Open Meetings Act does not apply to governmental bodies performing a quasi-judicial function.  
AS 44.62.310(d)(1).



1 **IV. Conclusion.**

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

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

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

11 IT IS SO ORDERED.

12 Dated this 12 day of June, 2013.

13 ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

14 Karen R. Crane  
15 By: Karen Crane, Presiding Officer

16 Attest:

17 Laurie J. Sica  
18 Laurie J. Sica, Municipal Clerk  
19

20  
21 Distributed:

22 6/13/2013 to Davis + Secon  
23 + CDD staff + Assembly via email.  
24 Ejm  
25  
26