

MINUTES
WETLANDS REVIEW BOARD
REGULAR MEETING

July 17, 2014, 5:15 p.m. Marine View 4th floor conference room

Meeting Summary

Roll Call

Board Members Present: Hal Geiger, Amy Sumner, Andrew Campbell, Brenda Wright, Lisa Hoferkamp, Dan Miller, Nina Horne

Board Members Absent: Gordon Jackson, Jerry Medina

A quorum was present.

Staff Members Present: Teri Camery, CBJ Senior Planner; Sarah Bronstein, CBJ Planner; Jonathan Lange, CBJ Planner; Travis Goddard, Planning Manager

Public Present: Jane Gendron, ADOTPF Southeast Regional Supervisor; Peter Freer, Juneau Youth Services Board Member; Ron King, Juneau Youth Services Board Member; Walter Majores, Juneau Youth Services Executive Director

Meeting called to order at 5:20 p.m.

II. June 19, 2014 Regular Meeting minutes approved after an edit noting that Nina Horne was present.

III. Agenda was approved

IV. Public Participation on Non-Agenda Items

None

V. Board Comments.

Ms. Wright confirmed that the DOT species used for revegetation from ditch cleaning are non-native but not invasive. Ms. Sumner said she is working with the supplier to replace the mix with a more suitable species.

Mr. Miller stated that he had conferred with the CBJ Attorney regarding a potential conflict on the Board's review of the re-zone application, and Ms. Mead did not believe he had a conflict. He stated that he had no financial interest in the project. Mr. Campbell agreed.

Ms. Sumner stated that as a DOT employee, she would not participate in the Board's review of the DOT multi-use path.

VI. Agenda Items

- 1) AME2014 0009 An application to Rezone Lot 3 of Black Bear Subdivision at the south end of Silver Street from D-1 to D-3.**

Staff Presentation

Ms. Camery thanked the Board for their review of an exceptionally large review packet this month.

Ms. Camery explained that the Board is reviewing this project in its advisory role because the property contains high-value Category A wetlands as categorized in the current Juneau Wetlands Management Plan. Board comments and draft minutes will be included in Mr. Lange's staff report to the Planning Commission. The proposal is to increase the residential density from D-1 to D-3 on a 10 acre parcel that contains approximately 1 acre of Category A wetlands in the ML-1 Category A wetland unit. The rest of the original Juneau Youth Services (JYS) property, approximately 130 acres of Category A wetlands, has been protected with a conservation easement under the management of the Southeast Alaska Land Trust, and given to the city. Juneau Youth Services has retained a 10 acre parcel for its own use.

Mr. Lange explained that the 10-acre lot was created in 2013 with three lots, including the 130 acre conservation lot. The board packet has a wetland delineation for 156 acres. The delineation received just today is more specific, with a delineation of 5.5 acres as part of the 10 acre parcel retained by JYS. Ms. Camery referred to the summary at the end of the Bosworth delineation and noted that the parcel reviewed includes approximately 1 acre of Category A wetlands.

Mr. Lange said that the applicant does not have a specific proposal but envisions future residential development. A subdivision proposal would have to come back to the Planning Commission for additional review.

Mr. Miller asked whether the applicant could get density for the full area with wetlands through the Planned Unit Development (PUD) subdivision process. Mr. Lange said yes, the applicant could conserve one area in exchange for higher density in another.

Ms. Camery noted that any proposed wetland fill in the future would need to go through the avoid, minimize, mitigate review process with CBJ and the Corps of Engineers, and development would need to be focused on upland areas.

Applicant Presentation and Board Discussion

Mr. Freer provided an overview of the parcels and the conservation area. He said that the 10 acres that have been retained for JYS development purposes are primarily upland with

approximately one acre of wetlands. He said the proposed D-3 zoning is complimentary and consistent with the zoning of adjacent neighborhoods.

Ms. Hoferkamp asked about the need for the change. Mr. Freer stated that JYS intends to sell the property to provide funding for JYS services. The existing JYS campus is complete and no new facilities are needed.

Mr. Miller asked if JYS had considered D-5 zoning instead. Mr. Freer stated that they didn't want to overshoot and wanted to be consistent with surrounding neighborhoods.

Ms. Hoferkamp questioned the impact of D-3 versus D-1. Mr. Freer stated that the parcel was never intended to be a buffer between the adjacent D-3 area and the preserved wetlands. He said that the impact could not be known without a specific proposal, which is not being considered at this stage.

Mr. Campbell asked about the distance to Montana Creek. Mr. King said it was several hundred yards. He said that JYS has tried to be a good steward and noted that they could have developed the whole parcel instead of donating 130 acres for conservation purposes. Mr. Freer said that in this sense, the mitigation has been done before the re-zone development. He said this provides protection for Montana Creek for hundreds of feet, and noted that it was the last unprotected parcel from the mouth of Montana Creek back. Ms. Camery noted that the JYS property was coveted as a mitigation bank site for the city way back in the 90s and it was a success to obtain city ownership.

Mr. Campbell noted that it's a 10 acre site, but the delineation is for 5 acres. He asked if there are wetlands in the remaining five acres not listed. Mr. Freer said not to his knowledge.

Ms. Hoferkamp said the earlier wetland delineation seemed inconclusive.

The Board recognized that the 10/24/2012 wetland delineation in the packet had delineated "track 20141014" at the northern portion of the delineation as an upland area, and that this area was where the proposed rezone is located.

Ms. Camery confirmed that the whole area is Class A wetland in the ML-1 wetland unit in the Juneau Wetlands Management Plan.

Mr. Geiger questioned what the Board could do with this review, since the Board wants to preserve the functions of the wetland but there's obviously a need for JYS to develop it. Ms. Camery emphasized the Board's role as a scientific advisory board and therefore to not evaluate related social or political issues, and emphasized that future wetland fill proposals would come back for additional review.

Mr. Campbell said that the Board could evaluate whether the scientific information has been gathered and if the Board agrees that the job has been done. He noted that the parcel has been selected out of a much larger conservation area.

Mr. Goddard asked if there is a comfort level with the information that makes the Board confident that the parcel can be developed at a higher density.

Ms. Camery suggested that the Board could offer broad comments about how the parcel could be developed in a way that would protect wetland functions, such as additional stormwater requirements, etc.

Mr. Miller said that the development may not need a Corps permit anyway if it's on uplands, and there isn't a proposal for development at this time. He said that it will need to be responsibly developed regardless of zoning. Mr. Campbell said that increased density will inherently have more impact on the environment; however the applicant has done everything possible to minimize the impact by preserving a large conservation area.

Mr. Miller requested verification that the additional 4.5 acres of the parcel is uplands. Ms. Wright said that the page six of the original packet confirms that the rest is upland.

Public Testimony

No one from the public was present

Board Motion

The Wetlands Review Board appreciates that the parcel includes very little Class A wetland. If the area is developed at a density higher than D-3, an additional wetland evaluation will need to be done. The Board notes that the delineation was done thoroughly and professionally. The Board would also like to applaud the applicant for the significant conservation easement on the remainder of the former parcel.

Yay: Wright, Miller, Campbell, Horne, Geiger

Nay: Hoferkamp

Abstained: Sumner

Motion passed 5:1.

2) CSP2014 00014 City-State Project Review for DOT Auke Lake Multi-Use Path

Staff Presentation

Ms. Camery explained that the Board is reviewing this project in its advisory role. Because Ms. Bronstein's staff report is already final, Board comments will be presented to the Planning Commission in the "blue folder" packet that they receive before the meeting. She noted that the proposed project is exempt from the 50-foot setback because it is a public structure crossing the lake, as allowed under CBJ Code 49.70.950(f), and she read the exception clause to the Board. She said the Board will be reviewing the proposal for conformance with the CBJ Habitat Standard regarding lakes and streams, CBJ Code 49.70.950(c)(7), which states:

"Rivers, streams, and lakes shall be managed so as to protect natural vegetation, water quality, important fish or wildlife habitat and natural waterflow."

Ms. Camery said that she first heard about this project many years ago and it was very controversial at that time. She understood that DOT has made many modifications to the original proposal, and deferred to Ms. Bronstein to provide a more detailed project overview.

Ms. Bronstein explained the City-State Project review process. She said the project is for a 10-foot wide paved multi-use path from Engineers Cutoff to the Auke Lake Wayside, to connect with other trails. She described proposed mitigation measures including drainage swales and stormwater treatment plans to protect the lake. She referred to the drawings and explained the design for a habitat bench along the lakeshore, since there is not sufficient land between the roadway and the lake. DOT will use felled trees to create shelter for spawning salmon in the lake. Other wetlands are impacted along roadside areas, as shown in Figure 4A. The total area of impacted wetlands is 4.5 acres. Mitigation includes a 10-foot wide littoral bench and fee-in-lieu of mitigation payment to the Southeast Alaska Land Trust at a 2.5:1 ratio.

Applicant Presentation

Ms. Gendron explained that resource agencies first said no to any fill in the lake. DOT then looked at building a retaining wall to support the structure without filling the lake. However the sediment proved to be unstable and they found that placement in this area could undermine the whole road. DOT then worked with Neil Stichert and James Ray at the U.S. Fish and Wildlife Service (USFWS) on options. She demonstrated in a drawing that fish use the southern area of the lake where there is more vegetation, but not the area proposed for the trail. This was documented in tagging studies. The agencies suggested a bench with submerged vegetation and felled trees to provide habitat along the trail on the new filled shoreline. Ms. Gendron proposed that this strategy would improve the area for salmon spawning habitat, since tagging studies have demonstrated that sockeye prefer the vegetated area to the south of the lake.

Ms. Hoferkamp asked why the trail could not be located on the other side of the road. Ms. Gendron and Ms. Bronstein explained that this was for safety reasons and to connect the trail to other trails and to the UAS campus.

Ms. Gendron said the lake is a holding area for sockeye according to USFWS.

Ms. Wright asked if juvenile fish rear in the lake. Ms. Gendron said she didn't know.

Ms. Wright asked why the trail is 10 feet wide. Ms. Gendron said it's a multi-use path for different users. Ms. Bronstein said this is a national design standard that allows for passing bicycles.

Ms. Wright asked why the pathway couldn't be designed as a floating trail similar to the Auke Lake Trail. Ms. Gendron said there is no stability in the sediment to place piles to anchor the structure. The fill is the minimum needed for safety and long-term stability. She also stated that wooden walkways also require more maintenance over time. She said that the five-foot buffer used for other trails has been replaced with a guardrail to reduce the footprint.

Ms. Camery asked if the National Marine Fisheries Service comments from their letter had been integrated into the proposal. Ms. Gendron reviewed them one by one and said they would all be provided. These included: a steeper slope of 2:1 from the littoral bench to the lake bottom to reduce fill; a 12 inch mud layer on the new shoreline to allow for grass reintroduction; long-term measures to monitor and manage reed canary grass growth; use of silt curtains to contain turbidity during construction; and monitoring of the littoral bench substrate for grass reintroduction to evaluate the success of the mitigation method. She said the project includes 3-5 years of monitoring.

Mr. Campbell noted that the project before them for the Auke Lake Wayside is significantly different from what the Board reviewed in the past. Ms. Camery stated that it is difficult to separate projects, but that the project the Board reviewed previously was a city project with a state match. Ms. Gendron said there is no longer any funding for structures at the Auke Lake Wayside, just the paving with settling basins. She said it is federal money with city match.

Mr. Miller asked about who does the monitoring. Ms. Gendron said it's usually ADF&G, but they'll put out a Request for Proposals if ADF&G doesn't want to do it. Mr. Miller asked about the form of the results and if it's useful. Ms. Gendron said it's typically yearly and based on her experience, monitoring has been useful. She noted that DOT prefers on-site mitigation instead of fee-in-lieu payments when possible.

Mr. Geiger asked about how DOT would know if the littoral bench was beneficial to fish. Ms. Gendron said it would be through tagging efforts. Mr. Geiger didn't believe that tagging efforts would be adequate evidence.

Ms. Horne said that there is not enough information in the project materials regarding fish habitat.

Mr. Geiger said that there is no evidence that the bench will do any good.

Ms. Wright noted that adult salmon are in the lake for 3-6 months, while juveniles rear in the lake for 2 years. She said there is no information regarding juveniles.

Mr. Campbell said that he does not support the project. He said he desires an elevated pathway and believes there are engineering methods that could allow this. He said he is concerned about the three-foot elevation on the plan because he has seen dramatic fluctuations in the lake level, and we need a trail that will work at all levels. Ms. Gendron said that the area does not have the stability for an elevated pathway.

Mr. Campbell asked about the culvert extensions and if there are any improvements planned to stormwater systems, such as oil/water separators, since there are none there now. Ms. Gendron said there are none planned. Mr. Campbell said this could be effective mitigation, and they could add oil/water separators to the upstream end of pipes.

Mr. Campbell asked about replacement of vegetation. Ms. Gendron said that the project will eliminate shoreline vegetation, and they will save it to replant.

Mr. Campbell asked whether the Board is providing input regarding the landscaping plan. He noted that this is different from what the Board reviewed in the past. He recommended that oil/water separators be included as part of the system to protect the lake from pollution caused by the heavily used parking lot. Mr. Campbell questioned if the plantings and the storm drainage were part of DOT's project proposal.

Ms. Camery described previous Board reviews in the area, including the floating walkway, removal and replacement of the ramp, and proposed facilities, which were all CBJ projects. She said that these reviews are largely distinct from the current proposal. Ms. Gendron said that funding was cut for the earlier design, and DOT's current proposal is separate.

Mr. Geiger said that he wants an evidence-based plan to improve fish habitat, and he doesn't buy the design. Ms. Wright said that there is great evidence that large woody debris improves habitat.

Ms. Bronstein referred back to the city's review process. She stated that the Board was being asked to comment on the project's conformity with Title 49 Land Use Coe and adopted plans, and that the Board should craft its recommendations to the Planning Commission so the Commission can make conditions to address their recommendations.

Mr. Miller requested that water fluctuation levels be provided for the Planning Commission by Tuesday. Mr. Miller said it should go to maximum low water.

Ms. Horne requested more information on juvenile fish habitat. Ms. Wright noted that adult sockeye are losing spawning habitat in Auke Lake.

Public Testimony

There was no public testimony.

Board Motion

The Wetlands Review Board would prefer an elevated walkway and does not support fill in Auke Lake. The Board would like to see added emphasis placed on habitat creation that better allows for seasonal variation in the water level of the lake. The Board also recommends that each stormwater drain pipe affected by the project have an oil/water separator before discharge into the lake, including existing culverts. The Board does not endorse the littoral bench as a fisheries enhancement tool because of a lack of evidence that the bench will provide benefits to different species of salmon in different life stages. The Board recommends that construction be timed to minimize impact to fish populations.

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Motion passed unanimously with Ms. Sumner abstaining from the vote.

3) Juneau Wetlands Management Plan Update, Discussion of Progress Reports #3 and #4

Ms. Camery explained that Progress Reports #3 and #4 are largely similar to Progress Report #2, and due to the late hour of the meeting, she would save details for the next meeting. She reminded the Board that the Board does not approve the reports; however she appreciates comments and feedback at any time and wants to keep the Board fully informed on the progression of the project. She said the project is going well and that Bosworth Botanical Consulting has had good communication with CBJ. She said that the JWMP Update is the first large-scale application of the WESPAK-SE method, and therefore BBC is finding some unusual situations that Dr. Adamus had not anticipated. This has led to modifications in the protocol, which she would be happy to explain at another time. She said next month's meeting will be important for bringing the Board up to speed on the details of this summer's work.

Ms. Camery said that the stream mapping part of the grant has been delayed due to the need for a grant amendment to allow purchase of software.

VII. Pending Permits and Updates

Ms. Camery thanked the Board for their thorough review of a large packet.

VIII. Planning Commission Liaison Update.

none

IX. Next meeting: Thursday August 21, 5:15 p.m., City Hall room 224, Field Season Discussion with Dr. Paul Adamus and Francis Naglich, Ecological Land Services (on contract with Bosworth Botanical Consulting).

The meeting was adjourned at approximately 7:45 p.m.