



## CBJ Land Sale

### Renninger Lots 4 & 5 and Lena Lot 10 Brochure

Bid No. 18-028

The City and Borough of Juneau (CBJ) is offering 1 single family lot for sale by sealed competitive bid in the South Lena Subdivision and 2 multi-family lots for sale by sealed competitive bid in the Renninger Subdivision. Making residential land available to the public for the development of housing is a high priority of the CBJ Assembly.

**More Information  
on Pgs. 2 — 19**



**South Lena Subdivision:** This generally south-facing property is accessed via Ocean View Drive and Point Lena Loop Road. The lot offered in this brochure was originally offered in previous subdivision land sales. Electric, cable, telephone, and municipal water service are extended to the lot. Please note: municipal sewer does not reach Lena Point and there are no plans to extend municipal sewer to Lena Point in the future. Therefore, upon developing this property, landowners will need to install individual onsite wastewater treatment and disposal systems (OWTDS). Property owners will be responsible for maintaining their OWTDS. In addition, property owners will be required to have a customer service agreement for system inspection, monitoring and sludge pumping services either with a manufacturer-certified contractor approved by the CBJ or, for a monthly service fee, with the CBJ.

**More Information  
on Pgs. 20—28**



**Renninger Subdivision:** These 2 large lots are accessed via the newly built Jackie Street located near Dzik's Heeni Middle School. Lots 4 and 5 were originally apart of a 2016 Request for Letters of Interest Assembly process. Electric, cable, telephone, sewer, and municipal water service extend to each lot.

**City and Borough Assembly**

Mayor Ken Koelsch

Mary Becker, Norton Gregory

Maria Gladziszewski, Loren Jones, Jesse Kiehl,

Jerry Nankervis, Beth Weldon, Rob Edwardson

# LENA SUBDIVISION, LOT 10/PARCEL #26

## Competitive Bidding Information

### Bidder Qualifications

Both individuals and businesses may bid on the CBJ parcels offered in this land sale. Individuals must be at least eighteen years of age by the date of the bid opening, **February 23, 2018**. There is no Alaskan residency requirement for non-business bidders.

A business or a business entity wanting to participate in this land sale must be licensed to do business in the State of Alaska.

Bids will not be accepted from bidders who have defaulted on a prior lottery, auction, over-the-counter or other purchases of CBJ property within the past five years.

Participants in all previous South Lena Subdivision land sales may participate in this land sale.

Any CBJ employee who performed work for the CBJ on the South Lena Subdivision may not participate as a bidder in this land sale in accordance with CBJ 01.45.040. This prohibition extends to the employee's spouse, dependents, and any regular member of the employee's household. CBJ employees who are interested in participating in the land sale and are uncertain whether they might have a conflict of interest are advised to consult with the CBJ Attorney prior to submitting a bid.

### Submitting a Bid

All bids must be submitted on the CBJ "Bid Form" provided for this sale. The form must be filled out in its entirety. Photocopies of the form are acceptable.

A bidder may:

- Submit bids on multiple parcels; and
- Purchase multiple parcels offered in this sale.

More than one name may appear on a bid, but all of those named on the bid must meet the bidder qualifications. All names appearing on the bid must be the same as those names that will, ultimately, appear on the deed issued by the CBJ. No names may be added to or deleted from the deed. For example, if a bidder wants a spouse's name to be included on the deed, the bidder must ensure that the spouse's name is on the bid.

- Each bid must be accompanied by an earnest money payment in the amount of \$500. The earnest money shall be returned to unsuccessful bidders.

- Payment for each bid must be in the form of a personal check payable to the City and Borough of Juneau. Do not mail cash. **A separate personal check must be submitted for each bid.**

- Each bid must be submitted in a separate, sealed envelope with the name and address of the bidder written on the outside of the envelope. In addition, the bidder must affix the bid label provided to the outside of the envelope. **Please see envelope examples on page 10.** If one applicant is bidding on multiple lots, one large envelope can be used to hold all the bid forms and personal checks.

Bids will be accepted only at the CBJ Purchasing Office. Bids may be mailed or hand-delivered. Mailed bids must be date and time stamped in the CBJ Purchasing Office by **4 p.m. on February 20th, 2018** and may be sent to CBJ Purchasing Office, 155 S. Seward Street, Juneau, Alaska 99801. To hand-deliver a bid, go to the CBJ Purchasing Office located at 105 Municipal Way, 3rd floor, room 300. Note: the CBJ Purchasing Office is located in the building across the alley from City Hall, above Capital Copy.

In all cases the bids must be date and time stamped in the CBJ Purchasing Office **no later than 4:00 p.m., Alaska Time, Tuesday, February 20, 2018.**

Bids received after that time will not be considered.

**Bids must be received in the CBJ Purchasing Office no later than 4:00 p.m., AK time, Tuesday, February 20, 2018.**

### Awarding the Bids

For each parcel, the qualified bidder having the highest bid amount will be named the apparent high bidder. Acceptable bids must be for at least the minimum bid price listed for each parcel in this sales brochure. If there are two or more identical high bids, the apparent high bidder will be determined by lottery.

Only the highest bid amount for each parcel will be made public. All other bids, as well as the number of bids received for each parcel, will

# Competitive Bidding Information

remain confidential. Earnest money shall be returned to unsuccessful bidders.

Apparent high bidders will be sent an "Award Notification" letter by certified mail. The letter shall provide the successful bidders until **Tuesday, March 20, 2018, 4:00 p.m., Alaska Time**, to submit the following:

- Completed "Declaration of Intent" form;
- A non-refundable \$150 document handling fee in the form of a personal check;
- A down payment equal to at least ten percent of the bid amount. The \$500 earnest money submitted with the bid shall be applied toward the down payment;
- A signed acknowledgement and release form related to the development of wetlands under the US Army Corps of Engineers permit;
- If a business or business entity, proof of current license in the State of Alaska, and signatory authority of the person submitting the bid; and
- Any other documents or items required in the Award Notification letter.

If an apparent high bidder fails to comply with the requirements in the award notification letter, or complies after the **March 20, 2018 deadline**, the bidder shall forfeit the \$500 earnest money and all rights to the parcel, and the second highest bidder will then be awarded the opportunity to purchase the parcel for the amount stated in his/her bid. The same bid award procedure and requirements will apply.

## CBJ Financing

Purchasers may elect to either make a lump sum payment for parcels bought in the CBJ's land sale or use CBJ financing.

Under CBJ financing, purchasers must make a down payment equal to at least 10% of their bid no later than **4:00 p.m., Alaska Time, Tuesday, March 20, 2018**, paying the balance owed over a period of 10 years in annual, quarterly, or monthly payments at an interest rate of 10%. Then, regardless of which payment frequency is selected, payments must be made in advance. There is no prepayment penalty.

The CBJ reserves the right to direct loan payments to a bank of its choice. In that event, purchasers using the CBJ's financing option will be responsible for paying the bank service fees, if any.

The CBJ will not subordinate its security interest to other lenders. **No bidder or purchaser may sell or assign his or her interest in a parcel until the CBJ has been paid in full.**

**Apparent high bidders must respond to the CBJ by 4:00 p.m., Alaska Time, March 20, 2018 with their down payments, administration fees, and completed paperwork.**

Purchasers are responsible for all costs at closing. The CBJ will be responsible for recording the deeds and deed of trust documents. Buyers are also required to obtain title insurance.

## Disclaimers

This brochure is intended for informational purposes only and does not constitute an offer to sell. It is not intended to provide legal advice on title or any other matter related to this land sale. Bidders are encouraged to consult with an attorney and/or other professionals for any required advice. It is possible that after publication of the brochure, modifications may be necessary. It is the bidder's responsibility to keep informed of any changes or corrections. Amendments to this brochure will be posted on the Lands and Resources website under "Land Sales" and are available by writing to the City and Borough of Juneau, Attn: Lands and Resources Office, 155 S. Seward Street, Juneau, Alaska 99801, or by calling (907) 586-5252.

Land offered by the CBJ will be sold "as is" with no guarantees expressed or implied. Parcels may include areas with steep slopes which may limit development options to a fraction of the overall parcel. It may not be feasible to construct a driveway, with suitable grade, to all portions of a given parcel. Some parcels may have designated wetlands which have restrictions on potential development. All potential bidders are strongly urged to read this brochure, examine the survey plat and inspect the land thoroughly before submitting a bid.

The CBJ reserves the right to adjourn, postpone, or vacate this sale, in whole or in part, at any time prior to or during the offering, when such action is deemed necessary to protect the interests of the CBJ. Parcels may be withdrawn at any time prior to or during the land sale process.

Maps shown in this brochure are intended to provide a graphic illustration of the lots to be sold and should be used only for general orientation purposes. They are not survey plats.

*The CBJ reserves the right to waive technical defects in this brochure.*

# General Conditions

## Title and Restrictions/Reservations

The CBJ acquired its land at Lena Point from the State of Alaska and the Alaska Mental Health Trust Authority. In conveying their properties to the CBJ, each conveyed the surface estate only, retaining their rights to the subsurface estate, which includes rights to explore and extract oil, gases, coal, ores, minerals, fissionable materials, geothermal resources, and fossils, as provided by state law.

In this land sale the CBJ will be conveying its interest in the surface estate. The State of Alaska and the Alaska Mental Health Trust Authority remain owners of the subsurface estate.

The CBJ will convey this lot to the successful bidders in this land sale by quitclaim deed.

The Lena lot offered in this land sale is restricted from further subdivision by plat note # 4 on the recorded subdivision plat, Plat No. 2006-57.

The CBJ will convey its property subject to all existing reservations of record.



Purchasers of CBJ land are required to obtain title insurance. The City will provide a list of title insurance companies upon a successful bid.

## Improvements

Purchasers are responsible for properly locating improvements on their property and obtaining all necessary permits. Improvements must comply with all building setback requirements and all other applicable federal, state, and local regulations and permit requirements. Contact the CBJ's Community Development Department at (907) 586-0715 for information about setbacks and zoning regulations that apply to individual parcels.

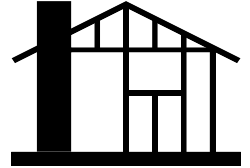
Portions of the subdivision encompass areas with steep slopes and bluffs, particularly in the northwestern part of the subdivision. Some parts of individual lots may not be suitable for development.

Potential bidders should physically inspect the property, prior to placing their bids, to ensure the property satisfactorily meets their needs and development goals.

## Wetlands

Many lots within this subdivision include areas identified as wetlands under the jurisdiction of the U.S. Army Corps of Engineers (Corps). Dredging or filling of these wetlands requires a Corps permit.

The CBJ received a Corps fill permit, POA-1996-19-M, for the South Lena Subdivision lots. The permit allows fill to be placed in certain wetland areas in order to accommodate development. In accordance with the permit, the quantity of fill that can be placed on wetlands varies from lot to lot. The quantity of fill permitted for this Lena lot is specified in the "Parcel Descriptions and Maps" section of this brochure. The Corps permit also specifies where fill may be placed on the lot. The permit is available online at [www.juneau.org/lands](http://www.juneau.org/lands) under "Land Sales." Purchasers will be given a copy of the permit at closing and asked to sign an acknowledgement and release related to the development of wetlands. The current fill permit is valid until **October 31, 2021**.



Purchasers have the choice of filling their lot in accordance with the conditions of Corps permit POA-1996-19-M, or independently seeking their own permit from the Corps. Purchasers who elect to develop their lot, based on the stipulations of POA-1996-19-M, must strictly adhere to the permit conditions. Violation of the permit conditions will be deemed to be wetland fill activity performed without a Corps permit, and may be prosecuted and/or subject to federal enforcement actions.

Property owners whose development plans call for placing more wetland fill than permitted for the lot, or placing fill in an alternate location or configuration than provided for in Corps permit POA-1996-19-M, must apply to the Corps and receive a separate permit prior to commencing any fill activities.

Like the Corps, the CBJ is interested in protecting wetlands in the Lena area and has limited the maximum amount of fill that can be placed in wetlands on any one lot. That limit, established on the subdivision plat, restricts the fill area for drainfields and housepads (this limit does not apply to driveways) to 12,000 square feet on any lot with wetlands. Development that will exceed the 12,000 square foot wetland fill limit is required to receive CBJ approval prior to commencing any fill activity. This approval is in addition to any permit requirements of the Corps.



# General Conditions

## Water, Electric, Cable, and Telephone

As part of this subdivision, the CBJ installed water, electric, cable, and telephone utilities to the right-of-way line.

Electric, cable, and telephone utilities run underground along Ocean View Drive, but are overhead along the Point Lena Loop Road.

## Sewer

Sewer lines from municipal treatment plants do not reach Lena Point, and there are no plans to extend sewer lines to Lena Point in the future. Therefore, upon developing this property, landowners will need to install individual onsite wastewater treatment and disposal systems (OWTDS).

Property owners will be responsible for maintaining their OWTDS. In addition, property owners will be required to have a customer service agreement for system inspection, monitoring and sludge pumping services either with a manufacturer-certified contractor approved by the CBJ or, for a monthly service fee, with the CBJ.

At the time of publishing this brochure, the CBJ fee is \$87.25 per month. This fee will be subject to periodic review and rate adjustments, in the same manner as other CBJ utilities.

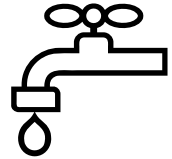
In addition to adhering to the CBJ's pertinent laws and regulations, property owners must also comply with the State of Alaska's statutes and regulations. Contact the Alaska Department of Environmental Conservation (ADEC) at (907) 465-5167 for information on the State of Alaska's requirements for OWTDSs or visit its website at:

[http://www.dec.state.ak.us/water/wwdp/onsite/ww\\_planr\\_eview-cklist.htm](http://www.dec.state.ak.us/water/wwdp/onsite/ww_planr_eview-cklist.htm)

ADEC and the CBJ endeavor to make the OWTDS plan review process both thorough and efficient. Toward that end both organizations are committed to working together to ensure a smooth review process. See Appendices A and B for the complete CBJ regulations pertaining to OWTDSs. Refer to Appendix C for a description of the permit process for installing an OWTDS.

Due to a high water table in this area, property owners may need to use options that will enhance performance of their OWTDSs such as importing soils to create a mound drainfield. It may also be necessary to

protect the drainfield from surface water runoff by constructing ditches to divert runoff around the drainfield. Topographic constraints on some lots might curtail the number of options for siting an OWTDS on those lots. Property owners should work with their selected engineer to evaluate options most suitable for their specific lots.



**Property owners will be responsible for maintaining their OWTDS. In addition, property owners will be required to have a customer service agreement for system inspection, monitoring and sludge pumping services either with a manufacturer-certified contractor approved by the CBJ or, for a monthly service fee, with the CBJ.**

# *Special Conditions*

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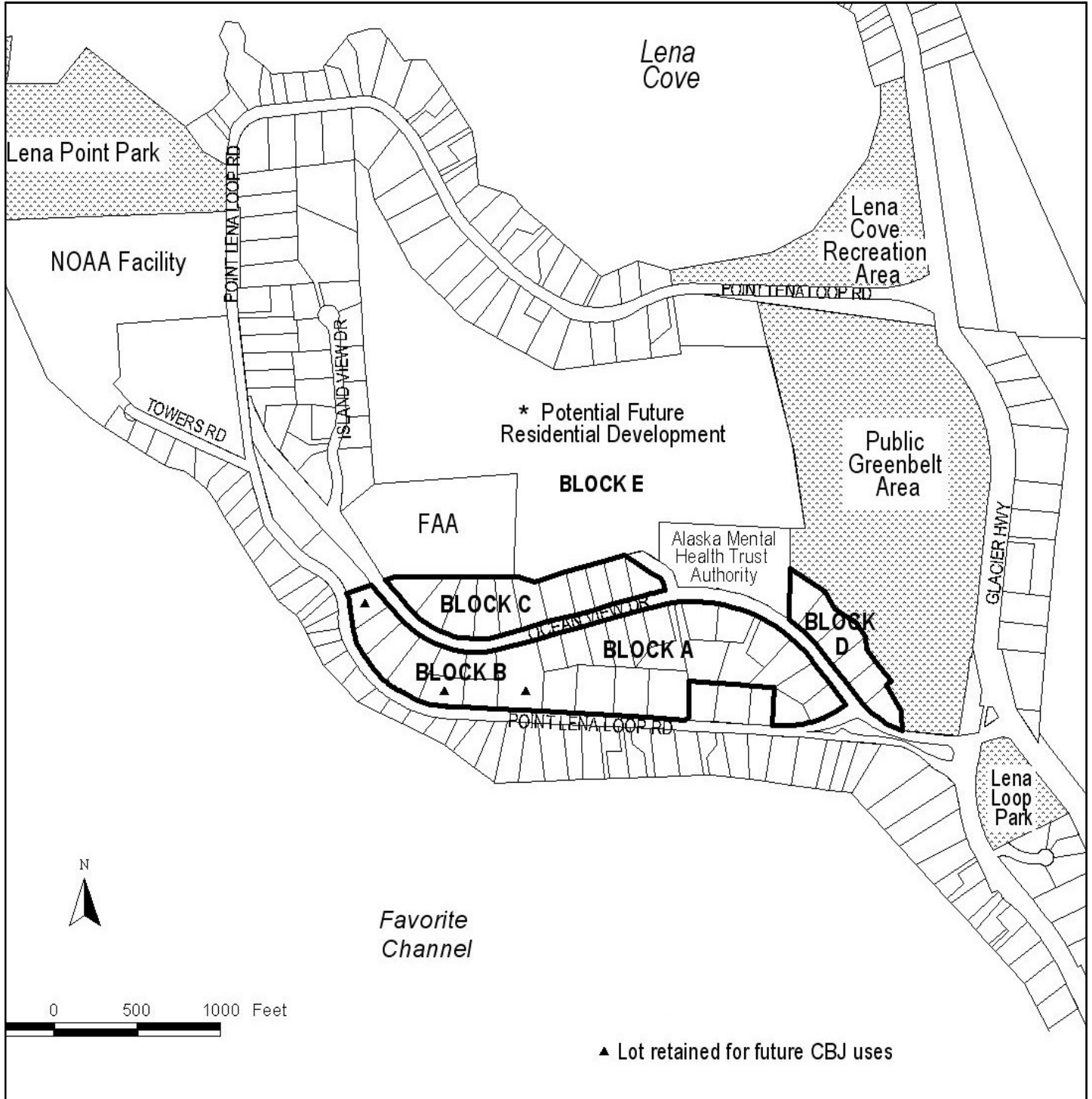
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In addition to the General Conditions that apply to the lot, there are also Special Conditions that apply. Each Special Condition, described below, is labeled by a code letter. The lot offered for sale is identified with maps and a brief description of the parcel followed by a list of codes that indicate which Special Conditions apply to that parcel.

The CBJ has made its best effort to include descriptions of conditions and restrictions that might be of interest to potential bidders. There might be other restrictions and conditions not included in the list below that apply to this subdivision lot. Potential bidders are encouraged to consult title and legal specialists for any advice on these matters.

- E A 15-foot-wide drainage easement is reserved along the eastern lot line.
  
- F Lots 9 and 10 Block A are subject to a 30-foot- wide common access easement for the benefit of Lots 9 and 10; this easement is located 15 feet either side of the northern portion of the lot line between Lots 9 and 10. This easement is also reserved for utilities and drainage.
  
- G A portion of this lot was formerly owned by the Alaska Mental Health Trust Authority (Trust). The CBJ received title to the Trust property in the form of a quitclaim deed. The CBJ will, therefore, convey this lot by quitclaim deed.

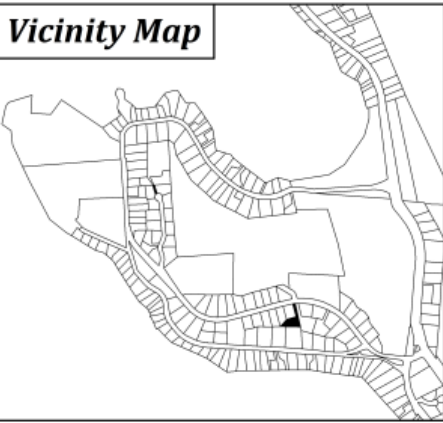
# Lena Point Area



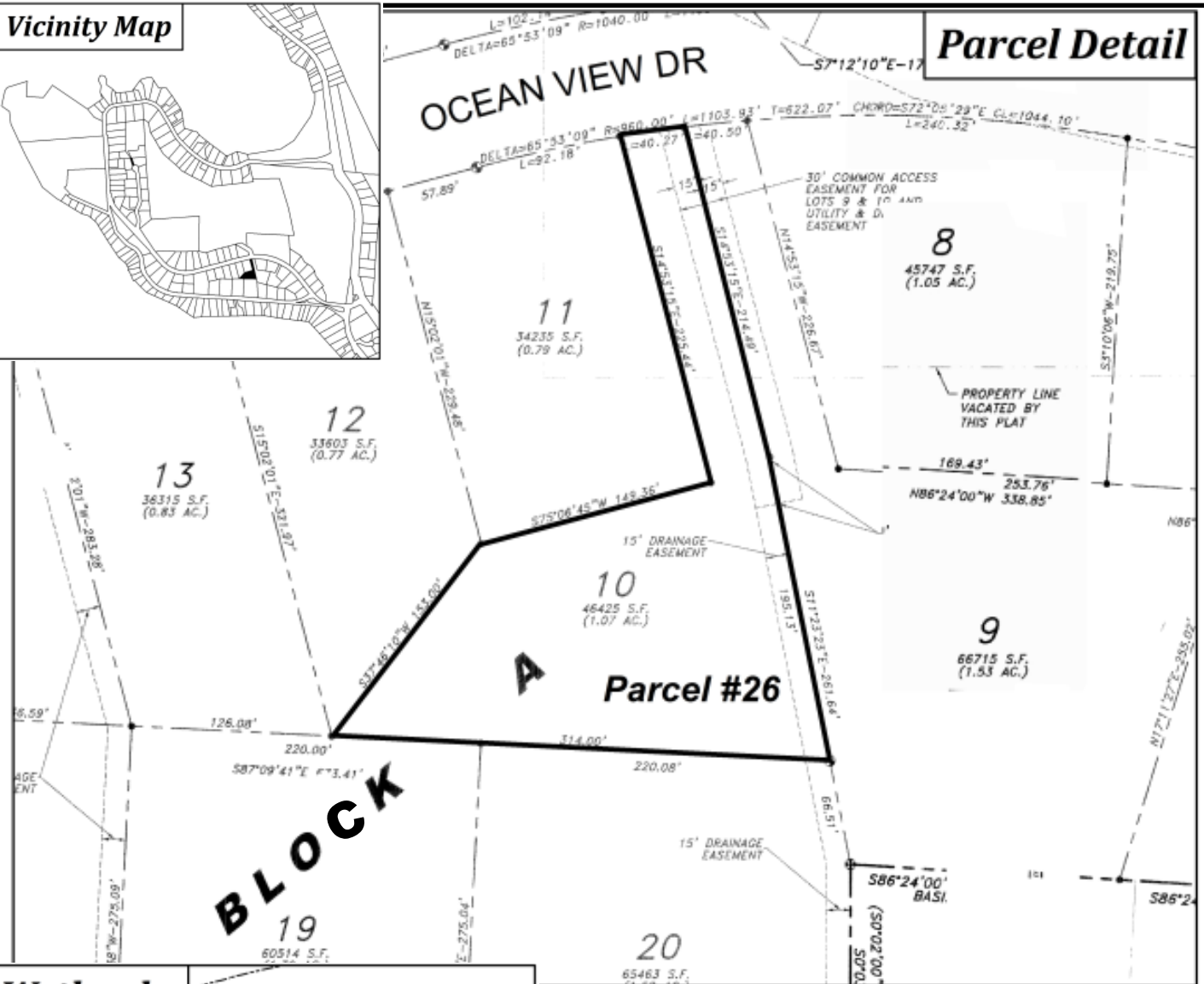
**Parcel #26 Acreage: 46,425 square feet**

**Legal Description: Lot 10, Block A, South Lena Subdivision**

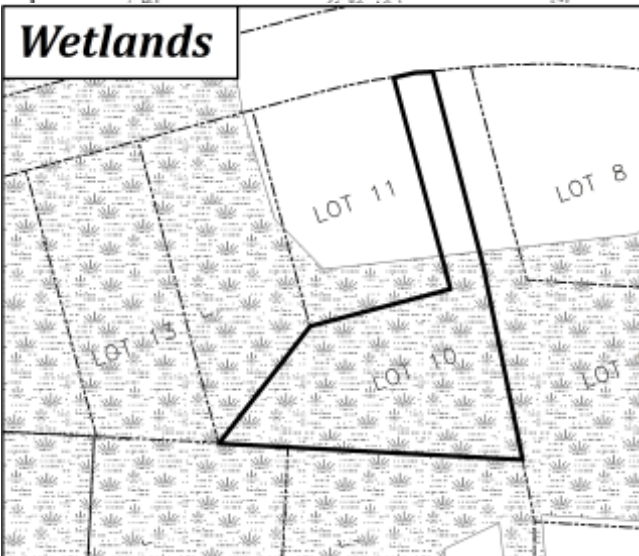
**Vicinity Map**



**Parcel Detail**



**Wetlands**



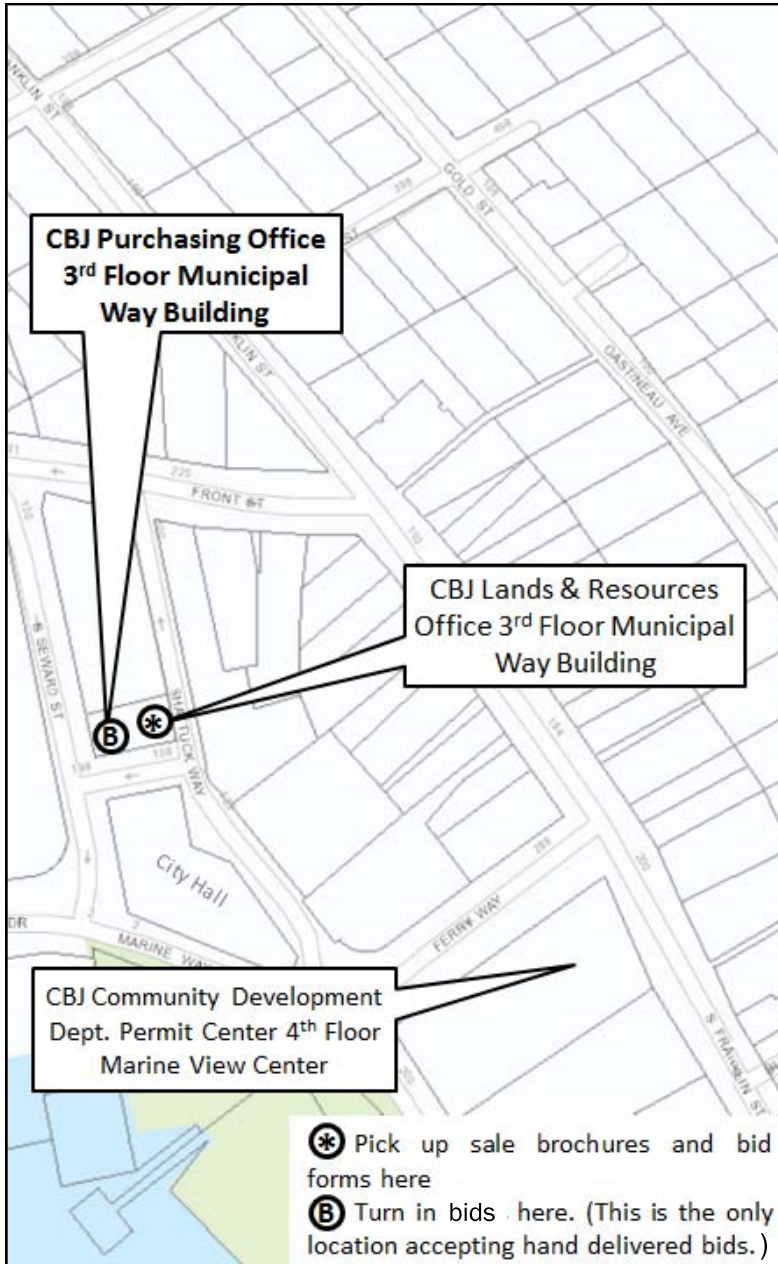
**Minimum Bid: \$ 99,000**

**Wetlands:** This lot is predominantly wetlands. The Army Corps of Engineers has permitted the filling of 13,904 square feet of wetlands.

**Special Conditions:** Special conditions E, F and G apply to this lot. See page 6 for a description of those conditions.



# FAQs & How to Find Us



## ***Need a Sales Brochure or Bid Form?***

- The Sales Brochure and Bid Form are available online under “Land Sales” at: [www.juneau.org/lands](http://www.juneau.org/lands).
- Copies are also available at the CBJ Lands and Resources Division office, 105 Municipal Way, 3<sup>rd</sup> floor, Juneau, AK 99801.

## ***Have questions about wetlands and the Corps of Engineers permit?***

- Contact the Corps of Engineers at (907) 790-4490.

## ***Want to submit your bid by mail?***

- Mail bids to:  
CBJ Purchasing Office  
155 S. Seward Street  
Juneau, AK 99801

Bids, including those delivered by courier services, must be date and time stamped by **the CBJ Purchasing Office by 4:00 p.m. Alaska time, Tuesday, February 20, 2018**. A postmark by that date is insufficient. Late bids will not be accepted. Mail delivery times to Alaska may take longer than to other areas of the United States. Questions? Call CBJ Purchasing at (907) 586-5258.

## ***Prefer to submit your bid in person?***

- Hand delivered bids will be accepted only at the Purchasing Office, located at 105 Municipal Way, on the 3<sup>rd</sup> floor of the Municipal Way Building.

**Note:** the physical address of the Purchasing Office is different from the mailing address.

## ***Have questions about zoning and building codes?***

- Call the Community Development Department at (907) 586-0715 or visit the Permit Center located on the 4<sup>th</sup> floor of the Marine View Building at 230 S. Franklin Street.

## ***Have questions about on-lot wastewater regulations and permitting requirements?***

- Call ADEC at (907) 465-5167
- Call CBJ Community Development Department at (907) 586-0715.

## ***Have other questions?***

- Call the Lands and Resources Office at (907) 586-5252 or stop by the office located on the 3<sup>rd</sup> floor of the Municipal Way Building, 105 Municipal Way.

# Envelope Examples

## Hand-Delivering the Bid

Your Name  
Your Address

IMPORTANT NOTICE TO BIDDER/PROPOSER		
To submit your bid: 1. Print your name and address on the upper left corner of your envelope. 2. Complete this label and place it on the lower left corner of your envelope.		
S E A L E D	<b>BID/PROPOSAL NUMBER:</b> 18-028	B I D  P R O P O S A L
	<b>SUBJECT:</b> CBJ Land Sale of Renninger Lots 4 & 5 and Lena Lot 10	
	<b>DEADLINE DATE:</b> Feb. 20, 2018 (unless changed by an addendum.	
	<b>PRIOR TO 4:00 PM ALASKA TIME</b>	

CBJ Purchasing Office  
105 Municipal Way, Room 300  
Juneau, AK 99801

## Mailing the Bid\*

Your Name  
Your Address



IMPORTANT NOTICE TO BIDDER/PROPOSER		
To submit your bid: 1. Print your name and address on the upper left corner of your envelope. 2. Complete this label and place it on the lower left corner of your envelope.		
S E A L E D	<b>BID/PROPOSAL NUMBER:</b> 18-028	B I D  P R O P O S A L
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CBJ Purchasing Office  
155 S. Seward St.  
Juneau, AK 99801

\*Mailed bids must be date and time stamped in the CBJ Purchasing Office by 4 P.M. AK time on February 20th, 2018. A postmark by that date is insufficient.

### Chapter 01

#### RESIDENTIAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM PERMITTING AND OVERSIGHT PROGRAM FOR MAJOR SUBDIVISIONS

06 CBJAC 01.010 Purpose.

06 CBJAC 01.020 Objectives.

06 CBJAC 01.030 Onsite wastewater treatment and disposal systems regulated.

06 CBJAC 01.040 Permit required.

06 CBJAC 01.050 Permit fees.

06 CBJAC 01.060 System requirements.

06 CBJAC 01.070 Inspections and approvals required.

06 CBJAC 01.080 Definitions.

06 CBJAC 01.010 Purpose.

This regulation is enacted to provide standards for the department to provide an inspection and oversight program for residential onsite wastewater treatment and disposal systems (OWTDS). This regulation is enacted pursuant to authority granted under Assembly Ordinance Serial No. 2005-16(b).

This inspection and oversight program is enacted to support and augment, but not replace ADEC standards and authorities.  
(Eff. 9-13-2005)

06 CBJAC 01.020 Objectives.

The principal objectives of these regulations are as follows:

- (a) Protect public health;
- (b) Allow for development of lands not served by a centralized municipal wastewater treatment system;
- (c) Promote compliance with existing ADEC regulations.  
(Eff. 9-13-2005)

06 CBJAC 01.030 Onsite Wastewater Treatment and Disposal Systems Regulated.

- (a) Except as provided in (b), all property owners who install or cause to be installed an OWTDS on a lot created by a major residential subdivision after July 1, 2005, which is not served by a centralized municipal wastewater treatment system, are required to comply with this Chapter;
- (b) Properties outside Service Area 9 (Roaded Service Area) are exempt.  
(Eff. 9-13-2005)

06 CBJAC 01.040 Permit required.

- (a) No person may install an OWTDS on property regulated by this chapter except as authorized by a permit issued by the director.
- (b) The director may issue a permit for the installation of an OWTDS subject to the following:
  - a. Submission of a completed permit application.
  - b. Payment by the applicant of the permit fee.
  - c. Provision by the applicant of an ADEC approval to construct for the OWTDS for the property.
  - d. Such conditions as the director may impose.
- (c) Permittees shall have a copy of the permit immediately available for inspection at all times while engaged in activities pursuant to the permit. A copy of the permit shall be prominently displayed at the OWTDS site.
- (d) The permit's term shall be concurrent with the ADEC approval to construct for the OWTDS.  
(Eff. 9-13-2005)

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## 06 CBJAC 01.050 Permit fees.

- (a) A \$100.00 fee shall be charged for the permit.  
(Eff. 9-13-2005)

## 06 CBJAC 01.060 System requirements.

- (a) The OWTDS shall be required to have the following features:
    - a. The soil absorption system shall have a minimum of two four-inch diameter inspection ports. The ports shall be constructed to allow for visual inspection of the ability of the field to absorb effluent.
    - b. Treatment tanks shall have all hatches raised to grade. Access hatches may not be covered with permanent features which limit or reduce access.
    - c. Two inches of rigid polystyrene insulation is required for all portions of the top and sides of treatment tanks that are covered with less than 42 inches of soil.
- (Eff. 9-13-2005)

## 06 CBJAC 01.070 Inspections and approvals required.

- (a) The permittee shall be required to obtain the following inspections and approvals prior to connecting the building plumbing to the on-site sewage treatment and disposal system. Inspections will be made to verify:
  - a. Existing site conformance with information submitted on the approved plans;
  - b. Construction conformance with information submitted on the approved plans;
  - c. Installation of insulation;
  - d. Installation of access and ports.
- (b) No OWTDS permit shall be approved until the permittee provides a copy of an ADEC approval to operate for the OWTDS.
- (c) No OWTDS permit shall be approved until the permittee has signed a CBJ maintenance contract as specified in department of public works regulations in Title 03, Chapter 41.
- (d) No temporary or permanent occupancy permit shall be issued until the OWTDS permit has been approved by the department.  
(Eff. 9-13-2005)

## 06 CBJAC 01.080 Definitions.

*ADEC* means the Alaska Department of Environmental Conservation.

*CBJ* means the City and Borough of Juneau.

*Department* means the City and Borough of Juneau Engineering Department.

*Director* means the Director of the City and Borough of Juneau Engineering Department.

*Major residential subdivision* means subdivision of residentially zoned lands consisting of five or more newly created lots.

*OWTDS* means onsite wastewater treatment and disposal system(s), approved for installation and operation by ADEC and inspected and approved for operation by the CBJ.

*Permit* means an onsite wastewater treatment and disposal system construction permit as issued by the CBJ

*Property owner/user* means any person, or persons, who have legal title to the premises and/or property.

*Soil absorption system* means a surface or subsurface system using soil for the treatment and disposal of effluent from a domestic wastewater treatment works; "soil absorption system" includes drain fields, leach fields, seepage beds, or seepage pits, but does not include a cesspool.

(Eff. 9-13-2005)

## Title 03, Chapter 41

### Residential Onsite Wastewater Treatment and Disposal System Maintenance Program

#### Sections

010 Purpose.

020 Objectives.

030 Service Contract.

040 OWTDS Services.

050 Responsibilities of Property Owner.

060 Service Fees.

070 Penalties and Fines.

080 Definitions.

#### 03 CBJAC 41.010 Purpose.

This regulation is enacted to provide standards for the department to provide an inspection and maintenance program for onsite wastewater treatment and disposal systems (OWTDS) of major residential subdivisions for the purpose of protecting surface water and ground water from contamination by human sewage and waterborne household wastes; the protection of the environment and the public's health and safety; and the elimination and prevention of the development of public nuisances, pursuant to the authority granted under Assembly Ordinance 2005-17(b).

(Eff. 9-13-2005)

#### 03 CBJAC 41.020 Objectives.

The principal objectives of these regulations are as follows:

- (a) To monitor and ensure the appropriate use, reliable operation, regular maintenance, and repair and replacement of all OWTDS in major residential subdivisions developed after July 1, 2005, and not served by a centralized municipal wastewater treatment system;
- (b) Prevent and control water-borne disease, groundwater and surface water degradation, and public nuisance conditions through technical assistance, education, field inspections, monitoring, maintenance, enforcement and compliance;
- (c) Establish minimum standards for OWTDS operation, maintenance, repair, and reconstruction to prevent contamination, and if contamination is discovered, identify and control its consequences, abate its source, and provide for migration.

(Eff. 9-13-2005)

#### 03 CBJAC 41.030 Service Contract.

- (a) Except as provided in (c), all property owners who install or cause to be installed an OWTDS on their property within a major residential subdivision developed after July 1, 2005, which is not served by a centralized municipal wastewater treatment system, are required to enter into a service contract agreement with the Department, or with a service contractor approved by the Department and the manufacturer of the property owner's treatment system, for system inspection, monitoring, and sludge pumping services.
- (b) New property owners of an existing home with an OWTDS are required to have a service contract for continued system inspection, monitoring, and sludge pumping services in place and effective within 60 calendar days of transfer of property ownership.
- (c) Properties outside Service Area 9 (Roaded Service Area) are exempt.

#### 03 CBJAC 41.040 OWTDS Services.

The service contract shall include provisions for the following OWTDS services:

- (a) Annual inspection and completion of an OWTDS inspection and deficiency report, a copy of which will be provided to the property owner within 60 days of the inspection. The Department or contractor will observe and report on the condition/operation of the following components of the OWTDS:
  - (1) Septic tanks and treatment plants including access ports, aeration system operation, control system operation, and filtration media condition, as applicable and observable;
  - (2) Disinfection systems, such as ultra-violet lights or chlorine system;
  - (3) Effluent filters, pumps, and inspection ports;

- (4) Soil absorption systems, and marine outfalls;
  - (5) Presence of ground water and french or curtain drains around leach fields;
  - (6) Other OWTDS appurtenance as applicable to the specific system.
- (b) Notification of the property owner and the Department in writing of any system failures, corrections or repairs needed. The OWTDS inspection and deficiency report shall include, but not be limited to:
- (1) The address of the site.
  - (2) The parcel identification number.
  - (3) The name of the property owner.
  - (4) Legal description of property.
  - (5) The location of the OWTDS on the property.
  - (6) A description of the current operational and functional status of the OWTDS.
  - (7) Identification of any necessary repairs or replacement of all or portions of the OWTDS.
  - (8) The results of any special testing required by the Department.
  - (9) Other relevant or unusual observations or system failures related to the OWTDS.
  - (10) Recommendations to extend the life of the OWTDS and to prevent the premature failure of the OWTDS.
  - (11) Educational material(s) about OWTDS proper use and maintenance that have been approved by the Department.
  - (12) Completed forms approved by the Department.
- (c) Sludge pumping and tank inspection. Sludge shall be periodically pumped from the tank to maintain proper functioning of the system. Tank inspections shall include sludge and scum levels, determination of the condition of baffles, where feasible, and determination of the integrity of the tank, walls, lids and other structural components, where feasible.
- (d) Use of qualified contractors to make required repairs to their OWTDS systems. In the event a qualified contractor is not available to do the work within the required time, the property owner may request the Department to arrange for the required repairs on a time and material cost basis. The property owner will agree to pay for Department acquired repair services by signing a work order prior to repairs and will be responsible for payment for all such service.
- (e) Educational materials for property owners that identify best practices for use and operation of OWTDS to optimize system performance and promote longevity.
- (f) The Department shall maintain copies of all current service contract agreements, approved OWTDS plans, and OWTDS inspection and deficiency reports and repair actions. These documents shall be treated as public records and maintained as part of the property's building permit files.

### 03 CBJAC 41.050 Responsibilities of the Property Owner.

Ownership of the OWTDS shall remain vested with the property owner, who shall at all times be responsible for the following:

- (a) Operating the OWTDS in a responsible manner to ensure all OWTDS components are operating to effectively treat waste, and in accordance with all operating manuals and instructions.

# Appendix B

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- (b) Paying all costs associated with operating, maintaining, and repairing all components of the OWTDS. The property owner shall be responsible for contacting local plumbing service providers in the event of system backup or failure. The property owner shall contract with qualified technicians for repair and routine maintenance of mechanical, aerobic, and control systems in order to maintain warranties.
- (c) Maintaining a continuous electrical supply to those OWTDS system components that require electricity to function.
- (d) Providing the CBJ and/or service contractor clear unobstructed physical access to the OWTDS.
  - (1) Access shall be for the purpose of performing the services stated in the contract.
  - (2) The access route shall be of sufficient width and grade to accommodate a pump truck to service the OWTDS.
  - (3) All access to the OWTDS shall be at no charge to the CBJ or service contractor.
  - (4) Access shall be granted to the CBJ, and, if applicable, service contractor, to correct imminent threats to public health if the property owner fails to comply with required OWTDS repairs.
- (e) Providing unobstructed service access to all septic or treatment plant lids and access ports. Access ports to septic or treatment tanks shall not be buried.
- (f) Providing to the CBJ a copy of the OWTDS design plans, any special maintenance schedules or manufacturers' plant data, and the ADEC final approval to operate the wastewater system for the building permit file.
- (g) Making the repairs and corrections noted in OWTDS Inspection and Deficiency Reports. The property owner shall have 30 calendar days within which to submit a proposed corrective action plan and contract for services in order to bring the affected system into compliance as identified in the report. All corrective actions shall be completed within 120 calendar days of Department approval of the corrective action plan. The property owner shall contact the Department for re-inspection to verify system repairs and shall provide documentation of the completed system repairs.
- (h) Obtaining plan approval by both the Department and the ADEC, as required, for any reconstruction of the OWTDS. The property owner shall provide such plan approvals to the Department along with the corrective action plans. The property owner shall comply with ADEC permit requirements per 18 AAC 72.200.
- (i) Notifying the Department within 30 days of any sale or transfer of the property and/or change to the service contract.

### **03 CBJAC 41.060 Service Fees.**

- (a) The monthly fee for OWTDS inspection and maintenance services if provided by the Department under contract shall, at a minimum, be equal to the flat rate residential fee paid by property owners connected to the centralized wastewater systems. Monthly service fees shall be set to collect actual cost to the city for providing the service.
- (b) The CBJ shall evaluate and adjust the monthly fee, as needed, to meet the specific maintenance and inspection costs incurred by the CBJ in performing the contract services. These evaluations and adjustments in the fee will occur once every two years, coinciding with rate adjustments for the Wastewater Utility customers connected to the centralized wastewater systems.
- (c) Property owners who contract directly with a service contractor for the provision of OWTDS inspection and maintenance services as provided in 03 CBJAC.41.030, are not subject to the service fees provided for in this section.
- (d) On or before December 31, 2010, property owners previously under contract with the Public Works Department for OWTDS services who have contracted with a service contractor, may request credit for unexpended service fees. All requests for credit must be received by the close of business December 31, 2010.

### **03 CBJAC 41.070 Penalties and Fines.**

- (a) A property owner who fails to make the required repairs or fails to submit an acceptable action plan within the required timeframe shall be subject to a non-compliance fine and enforcement action. A non-compliance fine of \$100.00 shall be charged to the property owner's utility bill at 30 calendar days for failure to file a corrective action plan with the Department, and/or at 120 calendar days for failure to make the required repairs. The property owner will be sent a letter giving notice that the required system repairs must be made within an additional 30 calendar days from the end of the 120 calendar day repair period.

- (b) A property owner who fails to make the required OWTDS repairs within 150 calendar days of approval of the corrective action plan shall be fined an additional \$200.00 for non-compliance and shall be sent written notice of water service shutoff within ten calendar days of receipt of notice if repairs are not made.
- (c) Any level of enforcement may be waived by the Department director, or their designee, if the property owner shows reasonable effort to comply with the OWTDS repair requirements. The Department director, or designee, shall have the authority to negotiate a compliance schedule with the property owner for correcting system deficiencies, and to waive the non-compliance fines as deemed appropriate.
- (d) If the Department director, or designee, determines that an OWTDS failure has occurred that endangers the public health and constitutes an emergency, the Department may take such steps as are necessary to resolve the problem, and to bill the property owner for the full costs of resolving the problem.

### 03 CBJAC 41.080 Definitions.

**Access** means the property owner shall provide access to the CBJ, or service contractor, to all parts of the system necessary for adequate inspection, sludge pumping, and emergency repairs.

**Aeration** means the mechanical application of oxygen to the wastewater to support microorganisms which synthesize organics.

**ADEC** means the Alaska Department of Environmental Conservation.

**BOD** means biochemical oxygen demand; the amount, in milligrams per liter, of oxygen used in the biochemical oxidation of organic matter in five days at 20 degrees C. BOD is used in measuring the waste loadings to a treatment system and in evaluating the BOD-removal efficiency of such systems.

**CBJ** means the City and Borough of Juneau.

**Customer** means the property owner.

**Department** means the City and Borough of Juneau Engineering Department.

**Disinfect** means to treat by means of chemical, physical, or other process, such as chlorination, ozonation, application of ultraviolet light, or sterilization designed to eliminate pathogenic organisms, and produce an effluent with the following characteristics:

- (A) An arithmetic mean of the values for a minimum of five effluent samples collected in 30 consecutive days that does not exceed 200 fecal coliform per 100 milliliter.
- (B) An arithmetic mean of the values for effluent samples collected in seven consecutive days that does not exceed 400 fecal coliform in 100 milliliters.

**Effluent** means the treated wastewater which is released into the environment (groundwater, rivers, or ocean).

**Failure** is defined to include:

- (A) The backup of sewage into a structure;
- (B) Discharge of effluent onto the ground surface;
- (C) Excessive sewer odors;
- (D) The connection of an OWTDS to a storm drain;
- (E) Liquid level in the septic tank or treatment plant above the outlet invert;
- (F) Structural failure of the septic tank or treatment plant;



# Appendix B

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- (G) Discharge of untreated or inadequately treated sewage onto the ground or into any stream or water body;
- (H) Improper operation of mechanical and/or electrical system components;
- (I) An operating liquid level in a disposal field above the outlet holes in the pipe of such field;
- (J) Water samples not meeting the Alaska Water Quality Standards criteria for surface drainages, and/or the Alaska Drinking Water Standards criteria for adjacent wells;
- (K) Substantial nonconformance with water well construction requirements as defined by ADEC;
- (L) Substantial nonconformance with water well isolation from contamination source requirements as defined by ADEC.

**Fecal Coliform Bacteria** means those bacteria that can ferment lactose at 44.5° C to produce gas in a multiple tube procedure; "fecal coliform bacteria" also means all bacterial that produce blue colonies with 24 +/- hours of incubation at 44.5 (+/- 0.2°) C in an M-FC broth medium.

**Major residential subdivision** means subdivision of residentially zoned lands consisting of four or more newly created lots.

**OWTDS** means onsite wastewater treatment and disposal system, approved for installation by ADEC and inspected and approved for operation by the CBJ.

**Package treatment plant** means an alternate onsite wastewater treatment system that is a manufactured modular system for domestic wastewater that typically includes both primary and secondary treatment, and serves less than 25 persons; "package treatment plant" does not include septic or holding tanks.

**Property owner/user** means any person, or persons, who have legal title to the subject premises and/or property.

**Septic tank** means a watertight, covered receptacle designed and built to

- (A) Receives domestic wastewater;
- (B) Separate floating solids and settling suspended solids from the liquid;
- (C) Anaerobically digest organic matter;
- (D) Store digested solids through a period of detention; and
- (E) Allow clarified liquids to discharge for final disposal.

**Service contractor** means a contractor approved by the Department and by the treatment system manufacturer to maintain the OWTDS.

**Sludge** means a solid, semisolid, or liquid waste that contains at least five percent solids by weight and that is generated in a wastewater treatment plant or septic tank.

**Soil absorption system** means a surface or subsurface system using soil for the treatment and disposal of effluent from a domestic wastewater treatment works; "soil absorption system" includes drain fields, leach fields, seepage beds, or seepage pits, but does not include a cesspool.

**TSS** means total suspended solids and refers to that portion of the total solids which are retained by a filter. Total solids refer to matter suspended or dissolved in wastewater and includes TSS and total dissolved solids (that portion that passes through the filter).

**Wastewater utility** means the CBJ Wastewater Utility administered through the Department of Public Works.

Alaska Department of Environmental Conservation (ADEC) and City and Borough of Juneau (CBJ)

### Permit and Approval Process

for Installing Onsite Wastewater Treatment and Disposal Systems (OWTDSs)

South Lena Subdivision

### Responsibilities of the Property Owner

#### *Step 1: Engineered Design.*

Hire a licensed professional engineer to design an OWTDS appropriate for the specific lot where it will be installed.

#### *Step 2: ADEC Approval to Construct.*

Submit the engineered design, application information, and required fees to ADEC for review in order to obtain ADEC's "Approval to Construct" the OWTDS. ADEC review fees currently range from \$270 - \$640, depending on the size of the house and whether or not a waiver is required. Typically, the engineer who designs the system will submit all necessary information to ADEC. ADEC's review time is estimated to take 30 days. For more detailed information regarding what is required to obtain ADEC approval, go to: [http://www.dec.state.ak.us/water/wwdp/onsite/ww\\_planreview-cklist.htm](http://www.dec.state.ak.us/water/wwdp/onsite/ww_planreview-cklist.htm)

#### *Step 3: CBJ Utility Permit and Customer Service Agreement.*

Complete the OWTDS permit application checklist, available online at: <http://www.juneau.org/cddftp/documents/OWTDSPermitChecklist.pdf>. Submit the application for an OWTDS "Utility Permit" to the CBJ Permit Center. This application can accompany the building permit application for a new house, or it can be a stand alone application. This application package must include the following:

1. ADEC's Approval to Construct documentation and ADEC-approved construction plans (See Step 2).
2. A site plan that identifies the following:
  - (a) Vehicular access route (to accommodate a pump truck to service the treatment plant)
  - (b) Electrical supply route
  - (c) OWTDS location
  - (d) Drain field size and location
  - (e) Inspection port location
  - (f) Sewer line location (from house to treatment plant)
  - (g) Topographic information of the lot
3. **\$100 CBJ permit application fee.**

Following review of the application, an OWTDS "Utility Permit" is issued.

#### *Step 4: Installation and Inspection of OWTDS.*

Install OWTDS. Contact CBJ Permit Center to arrange for an inspection before burial of the treatment plant or drain field. CBJ must inspect and approve the installation.

**Step 5: OWTDS As-Built Drawings.**

Hire licensed engineer/surveyor to prepare as-built drawings of OWTDS. This step should be done in conjunction with any other as-built survey requirements for the house.

**Step 6: ADEC Approval to Operate.**

Submit ADEC “Certificate of Construction” form (requires signature from property owner, contractor, and engineer), record drawings (if required), and verification that any conditions placed on the “Approval to Construct” have been met, to ADEC. Obtain ADEC’s “Final Approval to Operate.”

**Step 7: CBJ Final Approval of OWTDS Utility Permit.**

Contact CBJ Permit Center to obtain final approval of the Utility Permit. To obtain CBJ final approval, the OWTDS installation must be approved by a CBJ inspector and the following must be submitted:

1. A signed customer service agreement with a CBJ-approved, manufacturer-certified contractor or with the CBJ per 03 CBJAC 41.030 et al.
2. OWTDS as-built drawing(s) (See Step 5).
2. ADEC’s “Final Approval to Operate” (See Step 6).

**Step 8: Temporary Certificate of Occupancy or Final Certificate of Occupancy.**

Contact CBJ Permit Center to obtain a “Temporary Certificate of Occupancy” or a final “Certificate of Occupancy.” Final CBJ approval of the OWTDS Utility Permit must occur prior to issuance of either a Temporary Certificate of Occupancy or a Certificate of Occupancy. Monthly fees under customer service agreements with the CBJ shall commence upon issuance of either a temporary or final certificate of occupancy, whichever occurs first.

**Contact Information:**

CBJ Permit Center

Physical Address: Marine View Building  
230 S. Franklin St., 4<sup>th</sup> Floor  
Juneau, AK  
Mailing Address: 155 S. Seward St.  
Juneau, AK 99801  
Telephone: (907) 586-0770  
Fax: (907) 586-3365  
Email: PERMITS@Juneau.org

ADEC

Physical Address: 410 Willoughby Ave.  
Juneau, AK  
Mailing Address: P.O. Box 111800  
Juneau, AK 99811-1800  
Telephone: (907) 465-5167  
Fax: (907) 465-5274  
Website: [http://www.dec.state.ak.us/water/wwdp/onsite/ww\\_planreview-ccklist.htm](http://www.dec.state.ak.us/water/wwdp/onsite/ww_planreview-ccklist.htm)

## ● Instructions ●

Please type or print legibly, using blue or black ink. Be sure to read all information provided in the land sale brochure prior to completing this form. This form must be filled out completely. Each bidder must sign this Bid Form attesting that each individual/business named meets the bidder qualifications as outlined in the brochure.

### Remember:

- All names appearing on the bid must be the same as those names that will, ultimately, appear on the deed issued by the CBJ. No names may be added to or deleted from the deed. All names listed must be in good financial standing with the City.
- Each bid must be accompanied by the bid form and a \$500 earnest money payment in the form of a personal check.
- Follow instructions to properly label the envelope you will use to submit your bid.
- Bids will be accepted only at the CBJ Purchasing Office. Bids may be mailed or hand-delivered. Mailed bids must be date and time stamped in the CBJ Purchasing Office by **4 p.m. on February 20th**, and may be sent to CBJ Purchasing Office, 155 S. Seward Street, Juneau, Alaska 99801. A postmark by that date is insufficient. To hand-deliver a bid, go to the CBJ Purchasing Office located at 105 Municipal Way, 3rd floor, room 300.

Bids will be accepted at the CBJ Purchasing Office only. Bids must be date & time stamped by the CBJ Purchasing Office **no later than 4:00 p.m., Alaska Time, Tuesday, February 20, 2018** in order to be considered. Late bids will not be accepted.

You may photocopy this form if you need additional copies. **Be sure to copy both sides of the form.**

## ● Bid ●

I/we hereby submit a bid to purchase Lot # \_\_\_\_\_.

The amount of my/our bid is: \$\_\_\_\_\_.

## ● Earnest Money ●

- Check here to indicate that you have enclosed a \$500 earnest money deposit in the form of a personal check payable to the City and Borough of Juneau.

Remember, if you are bidding on multiple lots, each bid must be submitted on a separate Bid Form, accompanied by a separate earnest money check in the amount of \$500.



# Envelope Label

Please affix the label below to outer envelope in the lower left hand corner.

<b>IMPORTANT NOTICE TO BIDDER/PROPOSER</b>	
<b>To submit your bid:</b>	
1. Print your name and address on the upper left corner of your envelope.	
2. Complete this label and place it on the lower left corner of your envelope.	
<b>S E A L E D</b>	<b>BID/PROPOSAL NUMBER:</b> <b>18-028</b>
	<b>SUBJECT:</b> <b>CBJ Land Sale of Renninger Lots 4 &amp; 5 and Lena Lot 10</b>
	<b>DEADLINE DATE: Feb. 20, 2018</b> (unless changed by an addendum.)
	<b>PRIOR TO 4:00 PM ALASKA TIME</b>
	<b>B I D  P R O P O S A L</b>





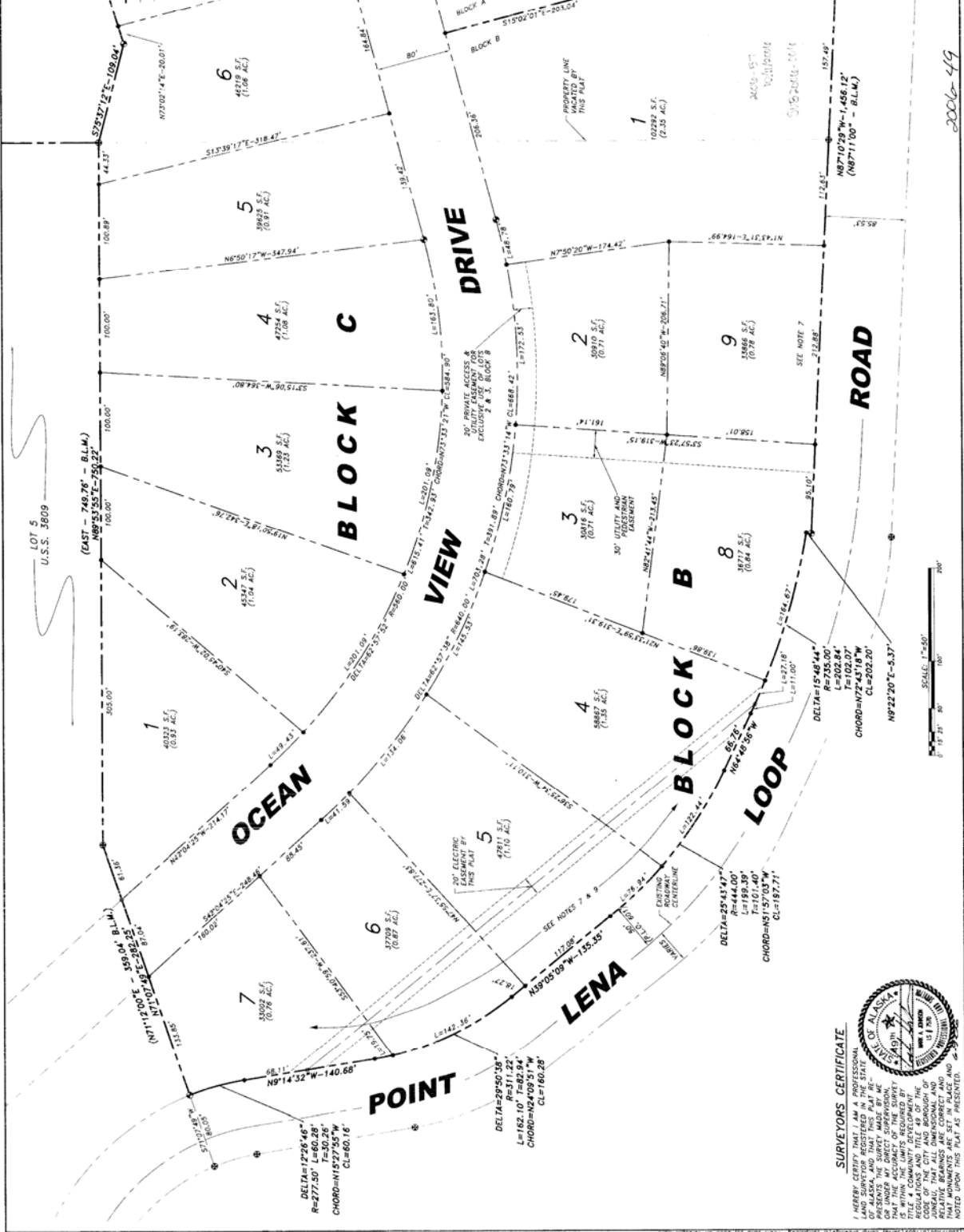


**SYMBOLS**

- ORIGINAL G.C.O./B.L.M. MONUMENT (RECOVERED)
- 1410-S PRIMARY MONUMENT (RECOVERED)
- 7570-S PRIMARY MONUMENT (ESTABLISHED)
- 7570-S SECONDARY MONUMENT (ESTABLISHED)
- NO MONUMENT RECOVERED OR ESTABLISHED
- BOUNDARY / PROPERTY LINE
- EASEMENT LIMITS
- PROPERTY LINE VACATED BY THIS SURVEY
- COMPUTED
- (1) U.S. SURVEY NO. 3809, ALASKA AMENDED (PLAT NO. 2003.12)
- (2) U.S. SURVEY NO. 3809, ALASKA AMENDED (PLAT NO. 2003.12)
- (3) LENA MARIE SUBDIVISION (PLAT NO. 87-35)

**GENERAL NOTES**

- 1.) THE BASIS OF RECORD UTILIZED TO CORRECT THIS G.C.O./B.L.M. MONUMENTS FOR CORNERS 16 AND 17, U.S. SURVEY 3809 HAVING A RECORD BEARING OF N8724.00°W.
- 2.) WHERE RECORD SURVEY COURSES (BEARINGS AND/OR DISTANCES) DIFFER FROM MEASURED AND/OR COMPUTED SHOWN IN PARENTNESS AND THE FIELD MEASURED AND/OR COMPUTED COURSE IS SHOWN WITHOUT PARENTNESS.
- 3.) FIELD SURVEY WAS CONDUCTED BY CONVENTIONAL METHODS USING A TOPCON GTS-302 TOTAL STATION AND RANGING FROM.
- 4.) NO LOT WITHIN BLOCKS A, B, C, OR D MAY BE FURTHER SUBDIVIDED, EXCEPT AS NOTED.
- 5.) UPON THE EXISTING EASEL NEXT WITHIN LOT 1, BLOCK B BEING ABANDONED, THE LOT MAY BE SUBDIVIDED AND DEVELOPED WITH UP TO FOUR (4) LOTS.
- 6.) WITH THE RECORDING OF THIS PLAT, BLOCK 7, PORTIONS HEREBY DEDICATED AS A GREENBELT FOR THE PRIMARY PURPOSE OF PROTECTING THE WETLANDS ASSOCIATED WITH THE SURVEY 3809 DESCRIBED AS BEGINNING AT THE MOST NORTHWEST CORNER OF PHASE 1 (1524.03' x 254.47' INCHES) 589532.72' - 555.62', THENCE N1729.18°W - 351.92', THIS SURVEY 3809 IS HEREBY RECORDED AS A PUBLIC HIGHWAY IN ACCORDANCE WITH THE JUNEAU REGULATORY BODIES OFFICE OF THE U.S. ARMY CORPS OF ENGINEERS. THE BOUNDARIES OF BLOCK 7, PHASE 1, SHALL BE DETERMINED BY THE U.S. ARMY CORPS OF ENGINEERS. DETERMINING AREAS ONLY AND DO NOT REPRESENT A BOUNDARY RETRACTION.
- 7.) GROUND COVER SHALL BE RETAINED FOR 25' (FEET) MINIMUM FROM THE BOUNDARIES OF THE WETLANDS TO THE COMMUNITY DEVELOPMENT STRIP. WETLANDS CAN BE PRESERVED THROUGH OTHER MEANS.
- 8.) MAXIMUM FILL IN AREAS OF MAPPED WETLANDS SHALL NOT EXCEED 12,000 SQUARE FEET FOR COMBINED HOUSE AND DRIVE. EXCESS FILL SHALL BE REMOVED FROM THE PLANNING COMMISSION BY U.S. ARMY CORPS OF ENGINEERS PERMIT 704-1986-19-M MUST BE APPROVED IN ADVANCE BY THE U.S. ARMY CORPS OF ENGINEERS.
- 9.) LOTS 4, 5, 6 AND 7, BLOCK B WITH FRONTAGE ALONG OCEAN DRIVE SHALL BE SET BACK FROM OCEAN DRIVE BY 25' (FEET) MINIMUM. EXCESS FILL SHALL BE REMOVED FROM THE PLANNING COMMISSION BY U.S. ARMY CORPS OF ENGINEERS PERMIT 704-1986-19-M MUST BE APPROVED IN ADVANCE BY THE U.S. ARMY CORPS OF ENGINEERS.
- 10.) THE TOP OF DRAINFIELD FILL FOR ON-LOT WASTEWATER TREATMENT SYSTEMS SHALL BE SET BACK FROM THE NEAREST PROPERTY LINE BY 10' (FEET) MINIMUM. EXCESS FILL SHALL BE REMOVED FROM THE PLANNING COMMISSION BY U.S. ARMY CORPS OF ENGINEERS PERMIT 704-1986-19-M MUST BE APPROVED IN ADVANCE BY THE U.S. ARMY CORPS OF ENGINEERS.



**AMENDED**  
 A PLAT OF  
**SOUTH LENA SUBDIVISION**  
 TRACT 3, LENA MARIE SUBDIVISION  
 LOTS 2, 3 & 4, S. SURVEY NO. 3809  
 CITY & BOROUGH OF JUNEAU, ALASKA

DATE: JUNE 9, 2008  
 SHEET 3 of 5  
 SCALE: 1"=50'

**SURVEYORS CERTIFICATE**  
 I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA AND THAT THE SURVEY MADE BY ME AND THE BEARINGS AND DISTANCES THEREON ARE TRUE TO THE ACCURACY OF THE SURVEY WITHIN THE LIMITS REQUIRED BY THE REGULATIONS AND TITLE 49 OF THE COMPANION ACT OF THE STATE OF ALASKA. I HAVE NOTED UPON THIS PLAT AS PRESENTED.



DATE: JUNE 9, 2008  
 SHEET 3 of 5  
 SCALE: 1"=50'







REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, ALASKA  
JUNEAU REGULATORY FIELD OFFICE  
8800 GLACIER HIGHWAY, SUITE 106  
JUNEAU, ALASKA 99801-8097

October 20, 2009

Regulatory Division  
POA-1996-19-M2

DEPARTMENT OF THE ARMY  
PERMIT MODIFICATION

Department of the Army permit number 4-1996-0019, Favorite Channel 43, was issued to the City and Borough of Juneau (CBJ) on April 9, 2002, authorizing "the discharge of approximately 2,500 cubic yards of clean sand and rock within an approximate 2.34 acre forested wetland area for the construction of an approximate 50' wide by 1,100' long access road crossing and an approximate 8' wide by 1,205' long pedestrian path."

The permit was modified on October 16, 2006, authorizing the CBJ to "place 33,900 cubic yards of clean gravelly sand into 5.95 acres of forested wetlands associated with the construction of house pads, driveways, and domestic wastewater treatment drain-fields."

This is the 2nd modification of the original permit.

The project site is located within Section 24, T. 40 S., R. 64 E. and Section 19, T. 40 S., R. 65 E., Copper River Meridian; USGS Quad Map Juneau B-3; Latitude 58.385° N., Longitude -134.761° W.; South Lena Subdivision; Point Lena, 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 October 31, 2014. If you find that you need more time to complete the authorized activity, please submit your request for a time extension to the Corps of Engineers for consideration at least one month before permit expiration.

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

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

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

A handwritten signature in black ink, appearing to read "Randal P. Vigil".

Randal P. Vigil  
Project Manager



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

United States Army Corps of Engineers  
Favorite Channel

A permit to: discharge fill material into wetlands in conjunction with the  
development of a residential subdivision

at: the South Lena Subdivision, Lena Point, in Juneau, AK

has been issued to: the City and Borough of Juneau

on: October 20, 2009 and expires on: October 31, 2014.

Address of Permittee: 155 South Seward Street, Juneau, AK 99801.

Permit Number:

POA-1996-19-M2

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

REGULATORY DIVISION

(Proponent: CECW-O)

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

RECEIVED OCT 17 2006



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, ALASKA  
JUNEAU REGULATORY FIELD OFFICE  
8800 GLACIER HWY, SUITE 106  
JUNEAU, ALASKA 99801-8079

October 16, 2006

Regulatory Branch  
POA-1996-19-M

Ms. Cynthia Johnson  
City and Borough of Juneau  
155 South Seward Street  
Juneau, Alaska 99801-1397

Dear Ms. Johnson:

Enclosed is the signed Department of the Army permit, file number POA-1996-19-M, which would authorize the placement of fill material into wetlands associated with the construction of a residential subdivision. The project is located within Section 24, T. 40 S., R. 64 E.; and Section 19, T. 40 S., R. 65 E., Copper River Meridian; Latitude 58.385,579° North, Longitude 134.760,975° West; South Lena Point Subdivision, in Juneau, Alaska. Also enclosed is a Notice of Authorization which 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.

You may contact me at (907) 790-4490 by mail at the letterhead address, or by email at [randal.p.vigil@poa02.usace.army.mil](mailto:randal.p.vigil@poa02.usace.army.mil), if you have questions. For additional information about our Regulatory Program, visit our web site at [www.poa.usace.army.mil/reg](http://www.poa.usace.army.mil/reg).

Sincerely,

A handwritten signature in black ink, appearing to read "Randal P. Vigil".

Randal P. Vigil  
Project Manager

Enclosures

# DEPARTMENT OF THE ARMY PERMIT

**Permittee:** City and Borough of Juneau

**Permit No.:** POA-1996-19-M

**Issuing Office:** U.S. Army Engineer District, Alaska

**NOTE:** The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

## **Project Description:**

Place 33,900 cubic yards of clean gravelly sand into 5.95 acres of forested wetlands associated with the construction of house pads, driveways, and domestic wastewater treatment drain-fields.

All work will be performed in accordance with the attached plan, sheets [1 - 5], dated **August 18, 2006**.

## **Project Location:**

Sections 24 and 19, T. 40 S., R. 64 and 65 E., Copper River Meridian. (USGS Quadrangle Juneau B-3), at Latitude 58.385,579° North, Longitude 134.760,975° West, the South Lena Subdivision, Point Lena, in Juneau, Alaska.

## **Permit Conditions:**

### **General Conditions:**

1. The time limit for completing the work authorized ends on **October 31, 2009**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:**

**SEE PAGE 2A**

**Special Information:**

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(x) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorization required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.



**Special Conditions:**

- 1. The project limits shall be clearly staked and/or flagged prior to construction in order to prevent inadvertent encroachment of adjacent wetlands.**
- 2. During clearing and fill placement, to the extent practicable, heavy equipment may not operate on the ground outside of the clearing and fill area.**
- 3. Silt screens or other siltation control devices shall be properly constructed down slope of the fill areas, prior to placement of the fill, and maintained until the sideslopes of the fill are properly stabilized with rock or vegetation.**
- 4. Temporary storage of excavated and/or fill materials on site may not occur within wetlands outside of the proposed project footprint.**
- 5. Individual property owners requesting fill beyond the permitted fill footprint on each lot are required to apply for, and receive, an Individual Corps of Engineers Permit prior to conducting the work.**
- 6. The permittee shall dedicate the Picnic Creek area Block "F", Portions of Lena Marie Subdivision and U.S. Survey 3809 as a greenbelt on the survey plat with the following plat note:**

**With the recording of this plat, Block "F", portions of Lena Marie Subdivision and U.S. Survey 3809, are hereby dedicated as a greenbelt for the primary purpose of protecting the wetlands associated with "Picnic Creek". Excepting therefrom a fraction of U.S. Survey 3809 described as beginning at the most northerly corner of U.S. Survey 3809; thence S84°06'51"E-642.03'; thence S15°26'05"E-295.47'; thence S89°59'32"E-552.62'; thence N13°29'18"W-351.92'. This greenbelt area shall not be vacated without written consent by the Juneau Regulatory Field Office of the U.S. Army Corps of Engineers.**

e. Damage claims associated with any future modification, suspension or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

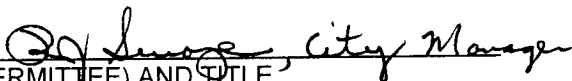
b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

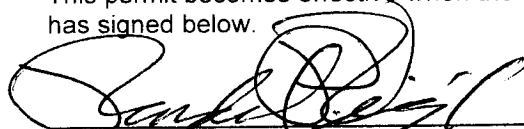
6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

  
(PERMITTEE) AND TITLE

10/10/06  
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

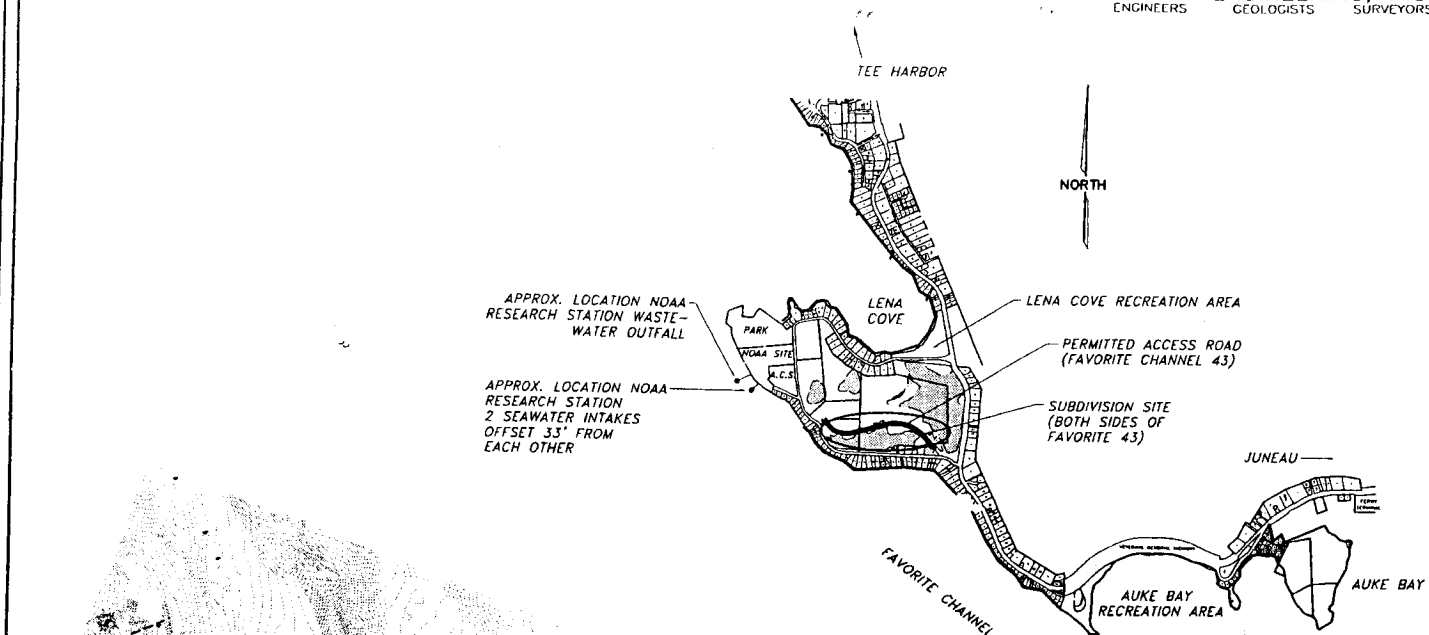
  
For (DISTRICT ENGINEER) Colonel Kevin J. Wilson  
Randal P. Vigil  
Project Manager

10/16/06  
(DATE)

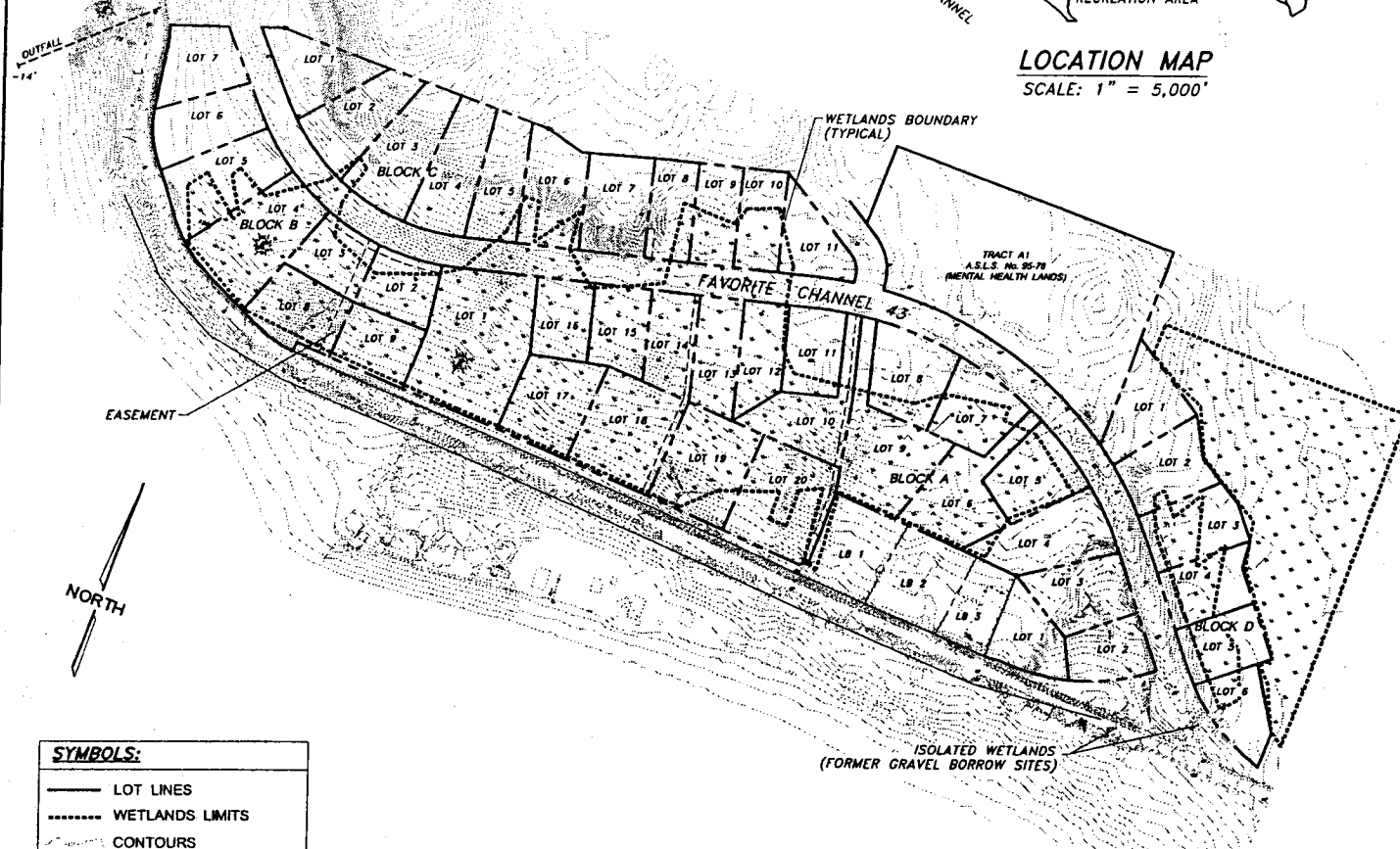
When the structures or work authorized by this permit are still in existence at the time the property is transferred the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFEREE)

\_\_\_\_\_  
(DATE)



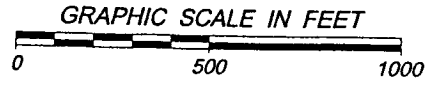
**LOCATION MAP**  
SCALE: 1" = 5,000'



**SYMBOLS:**

- LOT LINES
- - - - WETLANDS LIMITS
- ~ CONTOURS
- ROAD
- WETLANDS
- EXISTING STRUCTURES
- ★ EAGLE TREE

**SITE TOPOGRAPHY WITH SUBDIVISION  
LOT NUMBERS, LOT AREAS AND WETLANDS LIMITS**



I:\2001PROJ\011838.g\POD Corp Update\6-18-2006\Drawings\1 SHEET 1 LOCATION-REVISED 6-18-2006.dwg PLOT: August 21, 2006 at 8:22am

**AUKE BAY, STEPHENS  
PASSAGE TIDAL DATA**

HIGHEST RECORD TIDE	. 22.0' (EST)
MHHW	. . . . . 15.85'
MHW	. . . . . 14.85'
MTL	. . . . . 8.20'
MLW	. . . . . 1.55'
MLLW	. . . (DATUM) . . . . . 0.00'
LOWEST RECORD TIDE	. . . -6.0' (EST)
HTL	. . . . . 20.3' (COE EST)

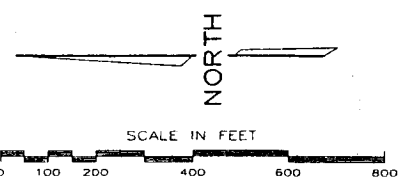
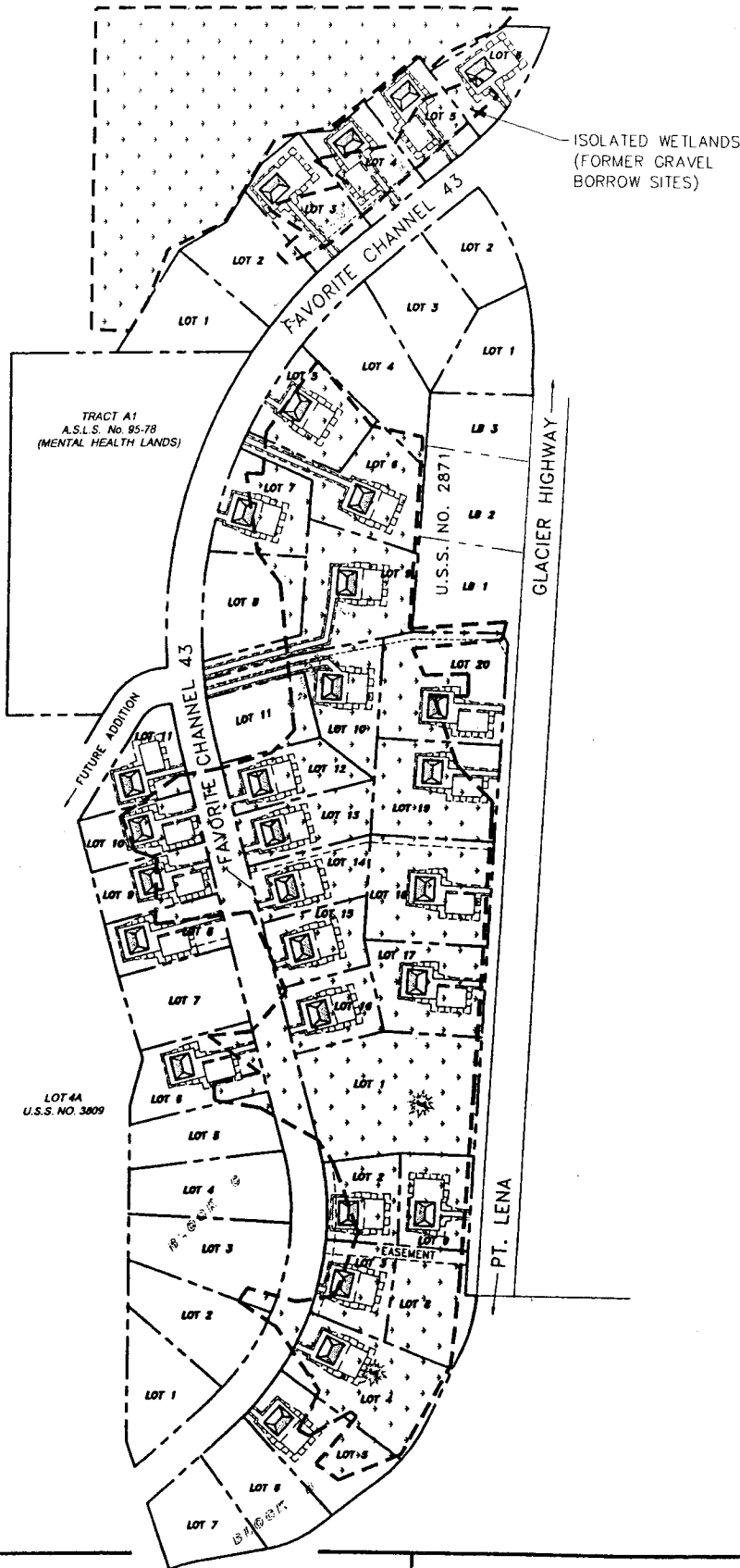
SHEET INDEX	
SHT.	DESCRIPTION
1	LOCATION, TOPOGRAPHY MAP, WETLANDS LIMITS & AREA WITH SUBDIVISION LOTS
2	DRIVEWAY, BUILDING PADS, AND ON-LOT WASTEWATER TREATMENT w/DRAINFIELDS & LAND OWNERSHIP
3	DRIVEWAY, BUILDING PADS, AND ON-LOT WASTEWATER TREATMENT w/DRAINFIELD SIZES
4	TYPICAL DRAINFIELD ELEVATION DETAILS
5	TABLE OF WETLANDS SURFACE AREA DISTURBANCE

**South Lena Subdivision  
POA-1996-19-M (Favorite Channel)  
City & Borough of Juneau  
Residential Subdivision  
Sheet 1 of 5  
August 18, 2006**

LOT NO.	OWNER / ADDRESS
TRACT A1 A.S.L.S. NO. 95-78	ALASKA MENTAL HEALTH TRUST LAND OFFICE 550 W 7TH AVE SUITE 1430 ANCHORAGE, AK 99501
LOT LB1 & LB2 U.S.S. NO. 2871	MARK H. BRODERSEN 16300 PT. LENA LOOP RD JUNEAU, AK 99801
LOT LB3 U.S.S. NO. 2871	TOM LAWSON 16288 PT. LENA LOOP RD JUNEAU, AK 99801
LOT 4A USS No. 3809	FEDERAL AVIATION ADMINISTRATION 16800 PT. LENA LOOP RD JUNEAU, AK. 99801
ALL OTHERS	CITY - BOROUGH OF JUNEAU 115 SOUTH SEWARD ST JUNEAU, AK 99802

**SURVEY SYMBOLS:**

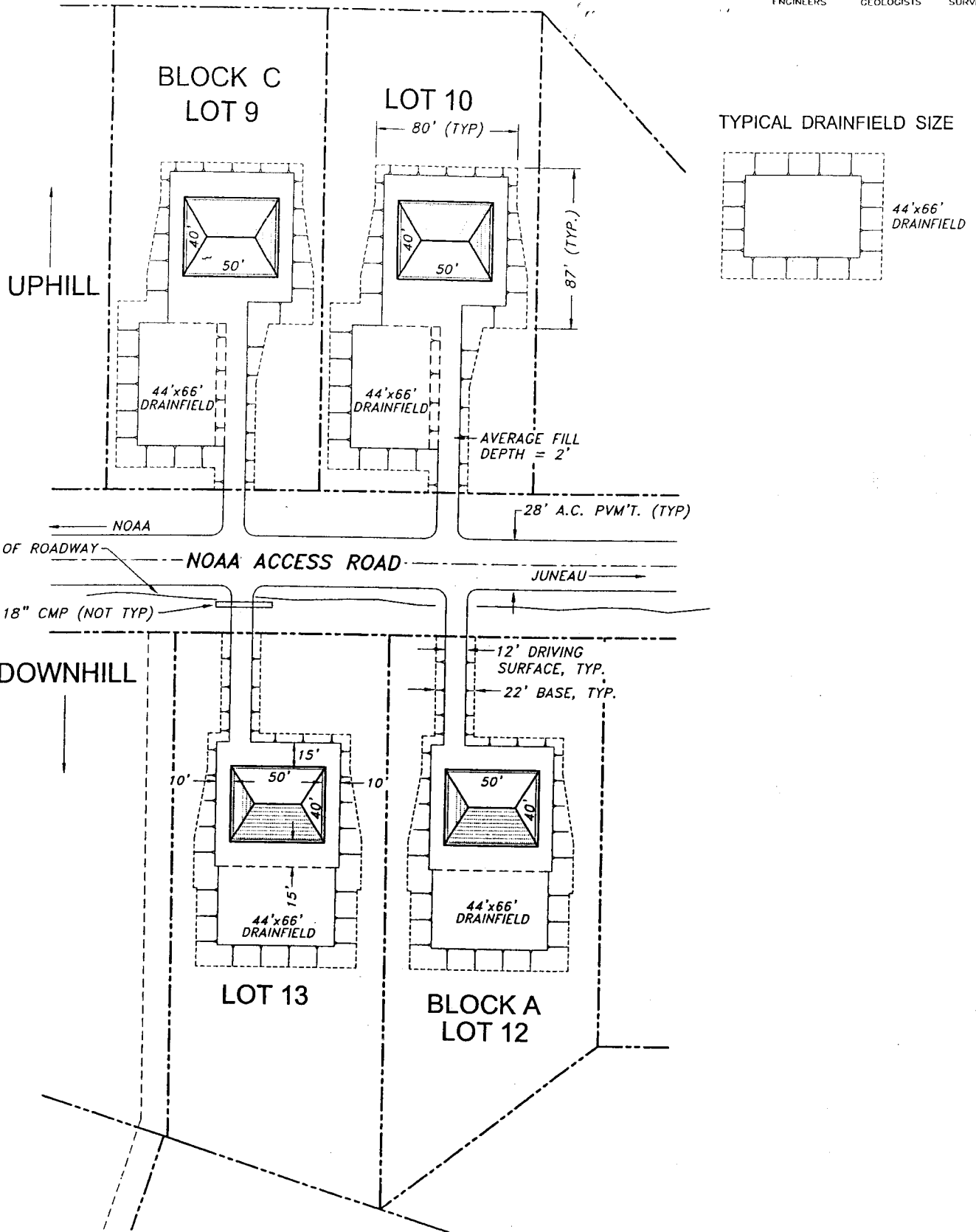
- LOT LINES
- - - EASEMENT LINE
- ROAD
- ☐ WETLANDS
- ☼ EAGLE TREE
- - - WETLANDS LIMITS



**PROPOSED RESIDENTIAL SITES,  
DRIVEWAYS & DRAINFIELDS  
WITHIN SOUTH LENA  
SUBDIVISION'S WETLANDS**

**South Lena Subdivision  
POA-1996-19-M (Favorite Channel)  
City & Borough of Juneau  
Residential Subdivision  
Sheet 2 of 5  
August 18, 2006**

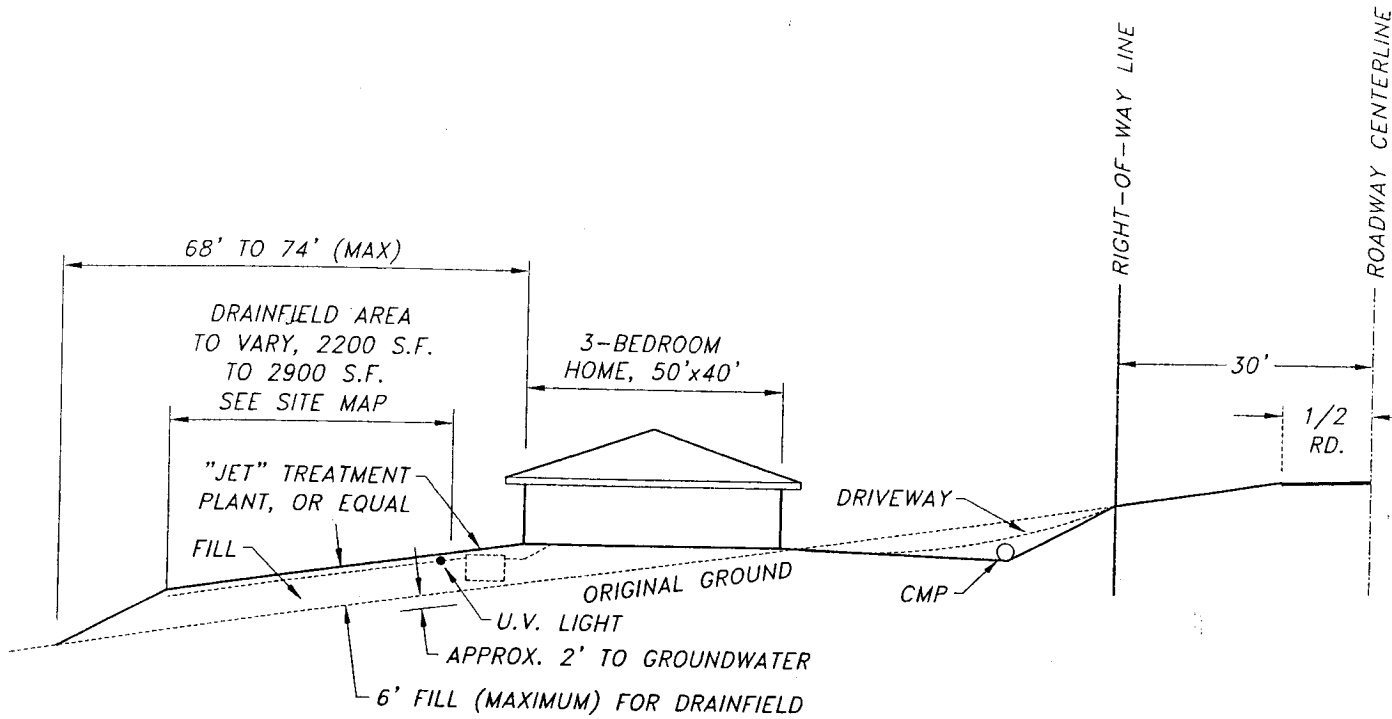
I:\2001PROJ\010339\A\POD Corp Update\18-2006\drawing\1\SHEET 2 HOUSES AND DRAINFIELDS 8-18-2006.dwg PLOT: August 21, 2006 at: 6:23am



**LOT PERCOLATION, BLOCK "C"**  
 30 min/INCH OR LESS  
**BLOCKS A, B & D, 60min/INCH**  
 OR GREATER

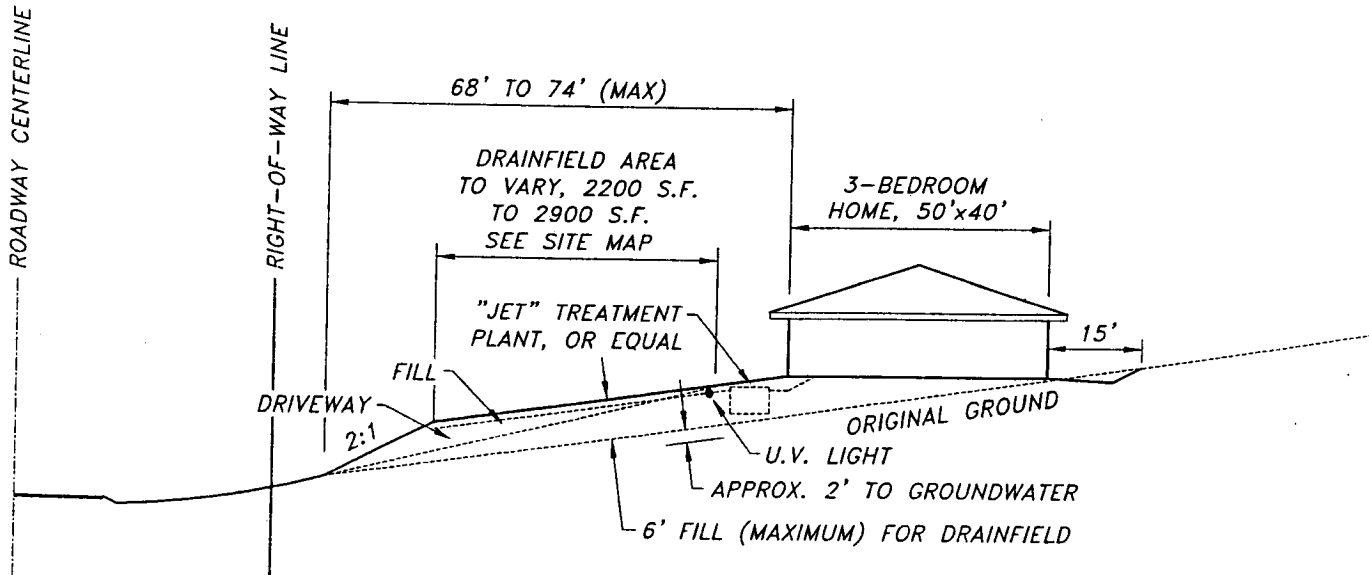
**PROPOSED RESIDENTIAL**  
**SITES WITHIN**  
**SOUTH LENA SUBDIVISION**  
**WETLANDS**  
**DRIVEWAY AND BUILDING**  
**PADS, SEWER DRAINAGE**  
**SCHEMATIC**

**South Lena Subdivision**  
**POA-1996-19-M (Favorite Channel)**  
**City & Borough of Juneau**  
**Residential Subdivision**  
**Sheet 3 of 5**  
**August 18, 2006**



**TYPICAL DOWNHILL LAYOUT**

N.T.S.



**TYPICAL UPHILL LAYOUT**

N.T.S.

LOT PERCOLATION, BLOCK "C"  
 30min/INCH OR LESS  
 BLOCKS A, B & D, 60min/INCH  
 OR GREATER

PROPOSED RESIDENTIAL  
 SITES WITHIN  
 SOUTH LENA SUBDIVISION  
 WETLANDS SHOWING  
 TYPICAL HOME AWWTP, UV  
 LIGHT & DRAINFIELD

South Lena Subdivision  
 POA-1996-19-M (Favorite Channel)  
 City & Borough of Juneau  
 Residential Subdivision  
 Sheet 4 of 5  
 August 18, 2006

**South Lena Subdivision**  
**Surface Area Calculations (s.f.) in Wetland Areas**  
 Revised August 18, 2006

Block A					
Lot	Driveway	House Pad	Drainfield Pad	House + Drainfield Pad	Total
5	0	5,166	5,040	10,206	10,206
6	4,448	6,538	5,040	11,578	16,026
7	0	1,596	5,021	6,617	6,617
9	3,979	6,538	5,040	11,578	15,557
10	2,326	6,538	5,040	11,578	13,904
12	719	6,538	5,040	11,578	12,297
13	719	6,538	5,040	11,578	12,297
14	719	6,538	5,040	11,578	12,297
15	645	6,538	5,040	11,578	12,223
16	719	6,538	5,040	11,578	12,297
17	2,570	6,790	5,040	11,830	14,400
18	2,645	6,790	5,040	11,830	14,475
19	914	6,771	4,158	10,929	11,843
20	0	4,486	0	4,486	4,486
<b>TOTAL</b>	<b>20,403</b>	<b>83,903</b>	<b>64,619</b>	<b>148,522</b>	<b>168,925</b>

Block B					
Lot	Driveway	House Pad	Drainfield Pad	House + Drainfield Pad	Totals
9	1,583	6,442	5,040	11,482	13,065
2	0	2,626	5,040	7,666	7,666
3	0	3,889	5,040	8,929	8,929
4	790	6,538	5,040	11,578	12,368
5	0	16	988	1,004	1,004
<b>TOTAL</b>	<b>2,373</b>	<b>19,511</b>	<b>21,148</b>	<b>40,659</b>	<b>43,032</b>

Block C					
Lot	Driveway	House Pad	Drainfield Pad	House + Drainfield Pad	Totals
6	1,277	0	405	405	1,682
8	483	122	0	122	605
9	2,438	2,480	5,040	7,520	9,958
10	2,286	5,998	5,040	11,038	13,324
11	0	289	0	289	289
<b>TOTAL</b>	<b>6,484</b>	<b>8,889</b>	<b>10,485</b>	<b>19,374</b>	<b>25,858</b>

Block D					
Lot	Driveway	House Pad	Drainfield Pad	House + Drainfield Pad	Total
3	3,196	553	0	553	3,749
4	2,521	1,321	4,926	6,247	8,768
5	2,338	367	4,229	4,596	6,934
6	255	1,656	0	1,656	1,911
<b>TOTAL</b>	<b>8,310</b>	<b>3,897</b>	<b>9,155</b>	<b>13,052</b>	<b>21,362</b>

<b>GRAND TOTALS</b>	<b>37,570</b>	<b>116,200</b>	<b>105,407</b>	<b>221,607</b>	<b>259,177</b>	<b>5.95 Total Acres</b>
---------------------	---------------	----------------	----------------	----------------	----------------	-------------------------

Driveway Fills @ 2.0' Average Thickness (depth) = 2,400 c.y.
House Pad fill @ 2.5' Average Thickness (depth) = 13,900 c.y.
Man-made Soils Absorption Areas Including slopes at an average der = 17,600 c.y.
<b>TOTAL 33,900 c.y.</b>

\* No excavation quantities have been computed for stripping of unsuitable organics and peats.  
 Up to an additional 1000 c.y. for frontage road construction of common lot access if constructed by land purchaser.

South Lena Subdivision  
 POA-1996-19-M (Favorite Channel)  
 City & Borough of Juneau  
 Residential Subdivision  
 Sheet 5 of 5  
 August 18, 2006

# STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

## DEPT. OF ENVIRONMENTAL CONSERVATION

### DIVISION OF WATER

Non-Point Source Pollution Water Control Program

RECEIVED

OCT 13 2005

CENPA - CO - R - E - JFO  
Alaska District Corps of Engineers

October 10, 2005

Certified Mail 7003 2260 0004 1153 8260

555 Cordova Street  
Anchorage, AK 99501-2617  
Phone: (907) 269-7564  
Fax: (907) 269-7508  
TTY: (907) 269-7511  
<http://www.state.ak.us/dec/>

Ms. Cynthia L. Johnson  
Lands & Resources Officer  
City and Borough of Juneau  
155 S. Seward St.  
Juneau, Alaska 99801

Subject: Favorite Channel 43 (South Lena Subdivision, Revised Project)  
Reference Number: M-1996-0019  
State I.D. No. AK 0307-36J


Dear Ms. Johnson:

In accordance with Section 401 of the Federal Clean Water Act of 1977 and provisions of the Alaska Water Quality Standards, the Department of Environmental Conservation is issuing the enclosed Certificate of Reasonable Assurance for the South Lena Subdivision which consists of a 48-lot residential Subdivision. Twenty-one of the 48 lots are uplands lots containing no jurisdictional wetlands. The project includes approximately 15,145 cubic yards of clean fill material within an approximate six acres of forested wetland area for house pads and driveways located on South Lena Loop Road, north of Juneau, Alaska.

Department of Environmental Conservation regulations provide that any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195 – 18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185. Informal review requests must be delivered to the Director, Division of Water, 410 Willoughby Ave., Juneau 99801, within 15 days of the permit decision. Adjudicatory hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, Juneau, Alaska 99801, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived.

By copy of this letter we are advising the Corps of Engineers and the Office of Project Management and Permitting of our actions and enclosing a copy of the certification for their use.

Sincerely,

  
Kent Patrick-Riley  
Acting Program Manager

Enclosure

CC: (with encl.)

Jeffery Koschak, COE Juneau  
Jim Powell, ADEC

EPA, Juneau Field Office

Joe Donahue, DNR/OPMP, Juneau  
Carl Schrader, DNR/OHMP, Juneau

Clean Water



**STATE OF ALASKA**  
**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**CERTIFICATE OF REASONABLE ASSURANCE**

A Certificate of Reasonable Assurance, in accordance with Section 401 of the Federal Clean Water Act and the Alaska Water Quality Standards, is issued to the City and Borough of Juneau for the South Lena Subdivision which consists of a 48-lot residential Subdivision. Twenty-one of the 48 lots are uplands lots containing no jurisdictional wetlands. The project includes approximately 15,145 cubic yards of clean fill material within an approximate 5.78 forested wetland area for house pads and driveways located on South Lena Loop Road, north of Juneau, Alaska.

The proposed activity is located within sections 24 & 19, T40 S., R. 64, 65 E., Copper River Meridian, Juneau, Alaska.

Public notice of the application for this certification was given as required by 18 AAC 15.180.

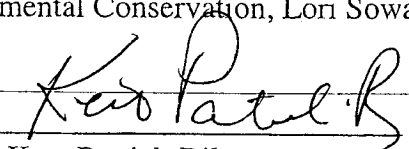
Water Quality Certification is required under Section 401 because the proposed activity will be authorized by a Corps of Engineers permit, reference number M-1996-0019, and a discharge may result from the proposed activity.

Having reviewed the application and comments received in response to the public notice, the Alaska Department of Environmental Conservation certifies that there is reasonable assurance that the proposed activity, as well as any discharge which may result, will comply with applicable provisions of Section 401 of the Clean Water Act and the Alaska Water Quality Standards, 18 AAC 70, provided that the following alternative measures are adhered to.

1. The side slopes on all road cuts and fills and the bottoms of road side ditches that drain to a natural waterbody, shall be stabilized against erosion. This is especially important for side slopes at culvert installations and filled areas adjacent to wetlands and open bodies of water.
2. Prior to construction activity, a silt fence shall be installed enclosing the work area and isolating it from the rest of the wetland areas. The silt fence shall completely enclose the work area so that it retains all sediment laden, turbid water within the footprint of the construction site. The sediment fence shall remain in place until construction is completed and the fill's side slopes have been stabilized.
3. Prior to fill placement or installation of any alternative wastewater treatment system (including mounded systems, package plants, grey water systems or vaulted outhouses) on the lot you must obtain approval from the Alaska Department of Environmental Conservation, Lori Sowa at (907) 465-5167.

Date

Oct 10, 2005

  
Kent Patrick-Riley  
Acting Program Manager

# STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES**  
**OFFICE OF PROJECT MANAGEMENT AND PERMITTING**  
**ALASKA COASTAL MANAGEMENT PROGRAM**

**SOUTHCENTRAL REGIONAL OFFICE**  
550 W 7<sup>TH</sup> AVENUE SUITE-1660  
ANCHORAGE, ALASKA 99501  
PH: (907) 269-7470 FAX: (907) 269-3691

**CENTRAL OFFICE**  
302 GOLD STREET, SUITE 202  
JUNEAU, ALASKA 99801-0030  
PH: (907) 465-3562 FAX: (907) 465-3075

**PIPELINE COORDINATOR'S OFFICE**  
411 WEST 4<sup>TH</sup> AVENUE, SUITE 2C  
ANCHORAGE, ALASKA 99501  
PH: (907) 2857-1351 FAX: (907) 272-3529

[www.alaskacoast.state.ak.us](http://www.alaskacoast.state.ak.us)

October 11, 2005

Ms. Cynthia Johnson  
City and Borough of Juneau  
155 South Seward Street  
Juneau, Alaska 99801

Dear Ms. Johnson:

**Subject: Favorite Channel (South Lena Subdivision Modification)**  
**State I.D. No. 2004-0709J**  
**No ACMP Consistency Review Required**

The Office of Project Management & Permitting (OPMP) received a copy of your Coastal Project Questionnaire (CPQ) and associated supporting documents for the proposed modification to the proposed "South Lena Subdivision". The project site is located within sections 24 and 19, Township 40 S., and Range 64 and 65 E., Copper River Meridian on Lena Point, northwest of Juneau, Alaska. The proposed subdivision is within lower value wetlands while higher value wetlands are preserved in Tract C, a 51 acre preserve (Picnic Creek).

ACMP database records show that the "South Lena Subdivision" project has been the subject of two ACMP consistency reviews in recent years - in 2002 [AK 0211-04J] and 2003 [AK 0307-36J]. The initial reviewed was stopped and ultimately closed when the applications were withdrawn from review by the applicant. The AK 0307-36J review was completed and the project found consistent with the standards and policies of the ACMP on September 22, 2003.

The applicant, the City and Borough of Juneau (CBJ), had originally proposed to develop a 48 lot subdivision along existing South Lena Loop Road (12 lots and 2 Tracts) and the NOAA access road (36 lots). The original development reviewed for consistency under AK 0307-36J was to have a community sewer collection system and a marine outfall. Under the current modification plans that were approved by the CBJ Planning Commission during their September 13, 2005 meeting the subdivision will now be designed to develop 44 lots, and will have on-site treatment and wastewater discharge. The project purpose is to provide developable residential building lots for community residents.

*"Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans."*

Ms. Cynthia Johnson - CBJ - 2 -  
Favorite Channel (South Lena Subdivision Mod.)  
ID 2004-0709J

October 11, 2005

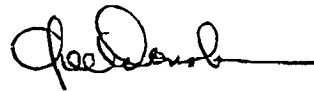
OPMP has consulted with the Office of Habitat Management and Permitting (OHMP) and the Division of Mining, Land, and Water (DMLW) regarding this project modification. Based on this consultation with other state agencies, OPMP has made the determination that the modifications to the South Lena Subdivision project would have no significant additional impacts on the coastal resources of the area; therefore an ACMP review is not required for the proposed modification of this project.

All project conditions included in the prior ACMP consistency determination for the South Lena Subdivision shall remain in full force and effect.

If changes to the approved project are proposed prior to or during its siting, construction, or operation, you are required to contact this office immediately to determine if further review and approval of the revised project is necessary. If the project is changed in any significant way, or if the actual use differs from the approved use contained in the original project description, the State may amend this State approval, and may require a consistency determination.

Thank you for your cooperation with the ACMP. If you have any questions, please contact me at 465-4664, or by email at [joe\\_donohue@dnr.state.ak.us](mailto:joe_donohue@dnr.state.ak.us).

Sincerely,



Joe Donohue  
ACMP Project Specialist

cc: Jim Powell – ADEC, Juneau \*  
Lori Sowa – ADEC, Juneau \*  
Wayne Dolezal - ADFG, Anchorage \*  
Doug Sanvik – ADNR/DMLW, Juneau \*  
Brady Scott – ADNR/DMLW, Juneau \*  
Jackie Timothy – ADNR/OHMP, Juneau \*  
Margie Goatley – ADNR/SHPO, Anchorage \*  
Andy Hughes – ADOT/PF, Juneau \*  
Teri Camery – Coastal District, Juneau \*  
Randy Vigil – USACE, Regulatory, Juneau \* \*\*  
Mike Story – R&M Engineering, Juneau \*  
Chris Meade – USEPA, Juneau \*  
Susan Walker – NMFS, Juneau \*

\* = Emailed, \*\* = Faxed

# STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF PROJECT MANAGEMENT/PERMITTING  
ALASKA COASTAL MANAGEMENT PROGRAM

SOUTHCENTRAL REGIONAL OFFICE  
550 W 7<sup>TH</sup> AVENUE SUITE 1680  
ANCHORAGE, ALASKA 99501  
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PIPELINE COORDINATOR'S OFFICE  
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September 22, 2003

Cynthia L. Johnson  
Lands & Resources Officer  
City & Borough of Juneau  
155 S Seward St.  
Juneau, Alaska 99801

Dear Ms Johnson:

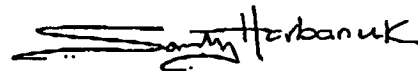
Subject: Favorite Channel 43 (South Lena Subdivision, Revised Project)  
State I.D. No. AK 0307-36J  
Final Consistency Determination

The Office of Project Management and Permitting (OPMP) has completed coordinating the State's review of the City & Borough of Juneau's project for consistency with the Alaska Coastal Management Program (ACMP).

OPMP has developed the enclosed final consistency determination, in which the State concurs with your certification that the project is consistent with the ACMP and affected coastal district's enforceable policies.

By copy of this letter, I am informing the U.S. Army Corps of Engineers and State review participants of OPMP's finding. If you have any questions, please contact me at 907/465-8791 or e-mail [sandy\\_harbanuk@dmr.state.ak.us](mailto:sandy_harbanuk@dmr.state.ak.us). The State appreciates your cooperation with the ACMP.

Sincerely,



Sandy Harbanuk  
Project Review Coordinator

Enclosure

cc: Jim Powell, ADEC  
Tim Rumpfelt, ADEC  
Doug Sanvik, DMLW  
Carl Schrader, OHMP  
Teri Camery, Coastal District  
Susan Hitchcock, COE

## Alaska Coastal Management Program

### Final Consistency Determination

**Date Issued:** September 22, 2003

**Project Title:** Favorite Channel 43 (S Lena Subdivision, Revised Project)

**State Id. No.:** AK 0307-36J

**Description of project subject to ACMP review:**

The project subject to this consistency review is a wetlands fill and marine outfall for a 48-lot residential subdivision on property that includes jurisdictional wetlands near Pt Lena in Juneau. Twenty-one of the 48 lots are uplands lots containing no jurisdictional wetlands. The proposed work includes the placement of approximately 15,145 cubic yards (cy) of clean fill material within an approximate 5.78-acre forested wetland area for the construction of 24 housepads measuring approximately 84 feet long by 84 feet wide, 17 driveways that are approximately 20 – 40 feet long by 16 feet wide, and ten driveways that are approximately 80 – 120 feet long and 16 feet wide. The location is approximately seven miles north of the Juneau International Airport, west 0.2 miles along South Lena Loop Rd from Glacier Highway, T. 40 S, R. 64, 65, Sections 24 & 19, CRM.

**Project components outside the scope of review:**

The following description of the wastewater and sewage outfall for the South Lena Subdivision is included for informational purposes. Wastewater for the households in the subdivision will be treated in on-lot treatment plants that provide secondary aerated wastewater treatment with disinfection prior to discharge through a marine outfall into Favorite Channel. The eight-inch diameter marine outfall will extend 400 feet from shore, with an eight-foot long, eight-inch diameter diffuser, which will terminate at a depth of – 14 feet MLLW. A maximum of 85,000 gallons per day will be discharged. For further information about the wastewater and outfall, contact Mr. Shawn Stokes at the Department of Environmental Conservation, 907/465-5366.

**Additional Information:**

The City & Borough of Juneau owns approximately 180 acres of land in the interior of Lena Point, uphill of the existing Point Lena Loop Road and Glacier Highway. The Alaska Mental Health Trust owns an 11-acre inholding, surrounded by the CBJ land. The CBJ and the Trust propose to subdivide the southern portions of their respective properties, an area encompassing approximately 54 acres, allowing three residential units per acre. Up to 170 total acres of CBJ, Trust and private lands may eventually be developed as residential lots in the Lena Point vicinity with connection to the sewer outfall. The initial development of the 48 lots subject to this review is expected to occur within 1 – 5 years, or by 2007. Future subdivisions in the area will be planned only if there is a perceived market demand for them.

### Mitigation Proposed by Applicant

In the project application packet, the applicant detailed efforts to minimize the project; by allowing substantially larger lot sizes (an average of 42,340 sf per lot rather than the 12,000 sf allowed under current zoning regulations), there will be a lower density of development and greater flexibility in siting houses to avoid wetlands fills and stripping of vegetative cover.

The applicant has proposed an approximate 54-acre greenbelt adjacent to Picnic Creek, northeast of the proposed project area. The applicant also proposes buffer zones and seasonal work restraints around three bald eagle nesting trees, and secondary treatment of wastewater prior to discharge through the outfall line into the marine environment.

### Authorizations:

The project must be found consistent with the ACMP before the following State and Federal authorizations may be issued:

U.S. Army Corps of Engineers  
Sections 10 & 404 Permit No. M-1996-0019

U.S. Environmental Protection Agency (EPA)  
National Pollutant Discharge Elimination System (NPDES) Permit

Alaska Department of Environmental Conservation (DEC)  
Certificate of Reasonable Assurance (401)  
Domestic Wastewater Disposal Permit No. 0211-DB007

### Public Comment:

OPMP received comments from the Lena Extended Neighborhood Association and three individuals for this proposed project. The comments included 1/ the proposed sewage outfall and concerns about the biota in the receiving waters, including the lack of alternatives considered for the sewage from the proposed subdivision, the potential for failure/lack of monitoring of the individual sewage treatment systems, and the need for additional environmental analysis. 2/ an objection that the applicant had failed to adequately evaluate coastal impacts to be expected from the sewage treatment system, or monitor and enforce water quality in other subdivisions with similar treatment systems, 3/ drainage, including removal of vegetation, erosion, sedimentation and stream flows, and surface and ground water discharge effects from residential fills, and 4/insufficient protection for Picnic Creek Wetlands.

The ACMP requires that comments related to coastal consistency be provided to the Office of Project Management and Permitting, and that if a person contends that a project is inconsistent with an enforceable policy of the ACMP, the comment must identify the enforceable policy and explain how the project is inconsistent with that policy in order to be considered. (6 AAC 50.510) In May, 2003, under a change to the existing statute, the Alaska Department of Environmental Conservation was assigned the responsibility for determining consistency with the air, land and water quality policy of the ACMP. The wastewater permit issued by DEC will address the water quality concerns regarding the outfall and the individual treatment systems and determine consistency with ACMP for those components of the project. A DEC comment period

for a draft general permit that includes the discharge from this project will open September 29, 2003, with a closing date of November 10, 2003, according to Shawn Stokes, DEC Wastewater Coordinator.

The DEC 401 certification of the Corps of Engineers Section 404 (of the Clean Water Act) permit for fill in wetlands will also provide the consistency determination for drainage and water quality issues related to the wetlands on site.

The public comments were provided to the reviewing agencies; however, no alternative measures for the project were provided by the agencies in response to the comments.

**Consistency Determination:**

Based on an evaluation of your project by the Alaska Department of Natural Resources, Office of Habitat Management & Permitting, the Division of Mining, Land & Water and the Juneau Coastal District, the State of Alaska concurs with the consistency certification submitted by the City & Borough of Juneau because the project, as proposed, is consistent with the ACMP enforceable policies attached at the end of this letter.

**State permits:**

State agencies shall issue permits within five days after OPMP issues the final consistency determination or response that concurs with the applicant's consistency certification, unless the resource agency considers additional time to be necessary to fulfill its statutory or regulatory authority.

Please note that, in addition to their consistency review, State agencies with permitting responsibilities will evaluate this proposed project according to their specific permitting authorities. Agencies will issue permits and authorizations only if they find the proposed project complies with their statutes and regulations in addition to being consistent with the coastal program. An agency permit or authorization may be denied even though the State concurs with the ACMP. Authorities outside the ACMP may result in additional permit/lease conditions. If a requirement set out in the project description (per 6AAC 50.265) is more or less restrictive than a similar requirement in a resource agency authorization, the applicant shall comply with the more restrictive requirement. Applicants may not use any State land or water without DNR authorization.

This consistency determination may include reference to specific laws and regulations, but this in no way precludes an applicant's responsibility to comply with all other applicable State and federal laws and regulations.

This consistency determination is only for the project as described. If, after issuance of a final consistency determination or response, the applicant proposes any changes to the approved project, including its intended use, prior to or during its siting, construction, or operation, the applicant must contact this office immediately to determine if further review and approval of the modifications to the project is necessary. Changes may require amendments to the State authorizations listed in this determination or response, or may require additional authorizations.

This final consistency determination represents a consensus reached between you as the project applicant and the reviewing agencies listed above, regarding the conditions necessary to ensure the proposed project is consistent with the ACMP. We are informing the federal agency responsible for approving a federal authorization for your project that your original proposal has been modified subject to the conditions in this consistency determination.

This final consistency determination is a final administrative decision for purposes of Alaska Appellate Rules 601-612. Any appeal from this decision to the superior court must be made within 30 days of the date of this determination.

If the proposed activities reveal cultural or paleontological resources, the applicant is to stop any work that would disturb such resources and immediately contact the State Historic Preservation Office (907-269-8720) and the U.S. Army Corps of Engineers (907-753-2712) so that consultation per section 106 of the National Historic Preservation Act may proceed.

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Sandy Harbanuk  
Project Review Coordinator

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Date

***\* End of State Consistency Determination or Response \****



### ACMP CONSISTENCY EVALUATION

*Pursuant to the following evaluation, the project as proposed is consistent with applicable ACMP statewide and affected coastal resource district enforceable policies (see enclosures for the full text of statewide and affected coastal resource district enforceable policies).*

<b>STATEWIDE ENFORCEABLE POLICIES</b>
<b>6 AAC 80.040. Coastal Development</b>
Evaluation: This project, as proposed and described, meets the intent of this standard.
<b>6 AAC 80.050. Geophysical Hazard Areas</b>
Evaluation: This project, as proposed and described, meets the intent of this standard.
<b>6 AAC 80.060. Recreation</b>
Evaluation: The project, as proposed and described, meets the intent of this standard.
<b>6 AAC 80.070. Energy Facilities</b>
Evaluation: This standard does not apply to this proposed project.
<b>6 AAC 80.080. Transportation &amp; Utilities</b>
Evaluation: This project, as proposed and described, meets the intent of this standard.
<b>6 AAC 80.090. Fish &amp; Seafood Processing</b>
Evaluation: This standard does not apply to this proposed project.
<b>6 AAC 80.100. Timber Harvest &amp; Processing</b>
Evaluation: This standard does not apply to this proposed project.
<b>6 AAC 80.110. Mining &amp; Mineral Processing</b>
Evaluation: This standard does not apply to this proposed project.
<b>6 AAC 80.120. Subsistence</b>
Evaluation: This project, as proposed and described, meets the intent of this standard.
<b>6 AAC 80.130. Habitats</b>
Evaluation: This project, as proposed and described, meets the intent of this standard.
<b>6 AAC 80.140. Air, Land &amp; Water Quality</b>
Evaluation: A determination of consistency with this standard will be made by ADEC.
<b>6 AAC 80.150. Historic, Prehistoric, and Archaeological Resources</b>
Evaluation: This project, as proposed and described, meets the intent of this standard.
<b>AFFECTED COASTAL RESOURCE DISTRICT ENFORCEABLE POLICIES</b>
<b>Juneau Coastal District:</b>
Evaluation: This project, as proposed and described, meets the intent and criteria of policies.

**Lena Land Sale Zoning Information:**

- **All lots within the South Lena Subdivision are zoned D-3 residential. Contact the Community Development Department at 586-0715 to obtain more information about zoning. See also “Subdivision Survey Plat” for plat notes that describe additional restrictions.**