

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.

*[Signature]*  
(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.

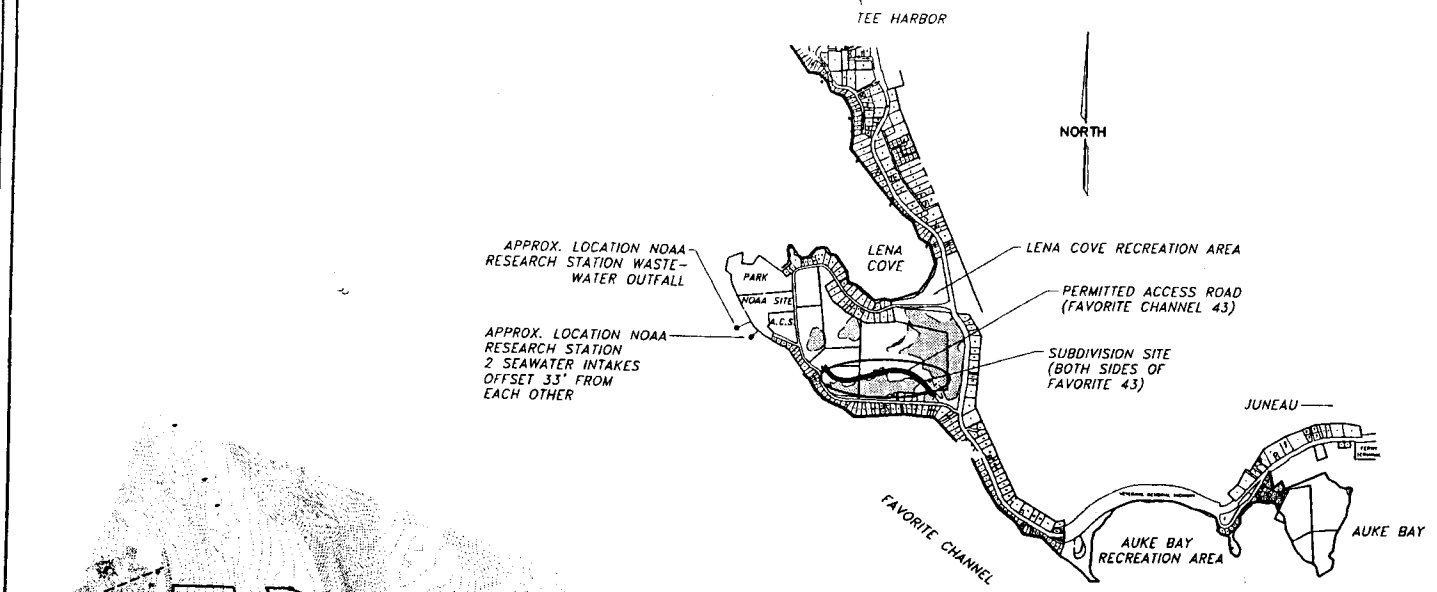
*[Signature]*  
For (DISTRICT ENGINEER) Colonel Kevin J. Wilson  
Randal P. Vigil  
Project Manager

10/16/06  
(DATE)

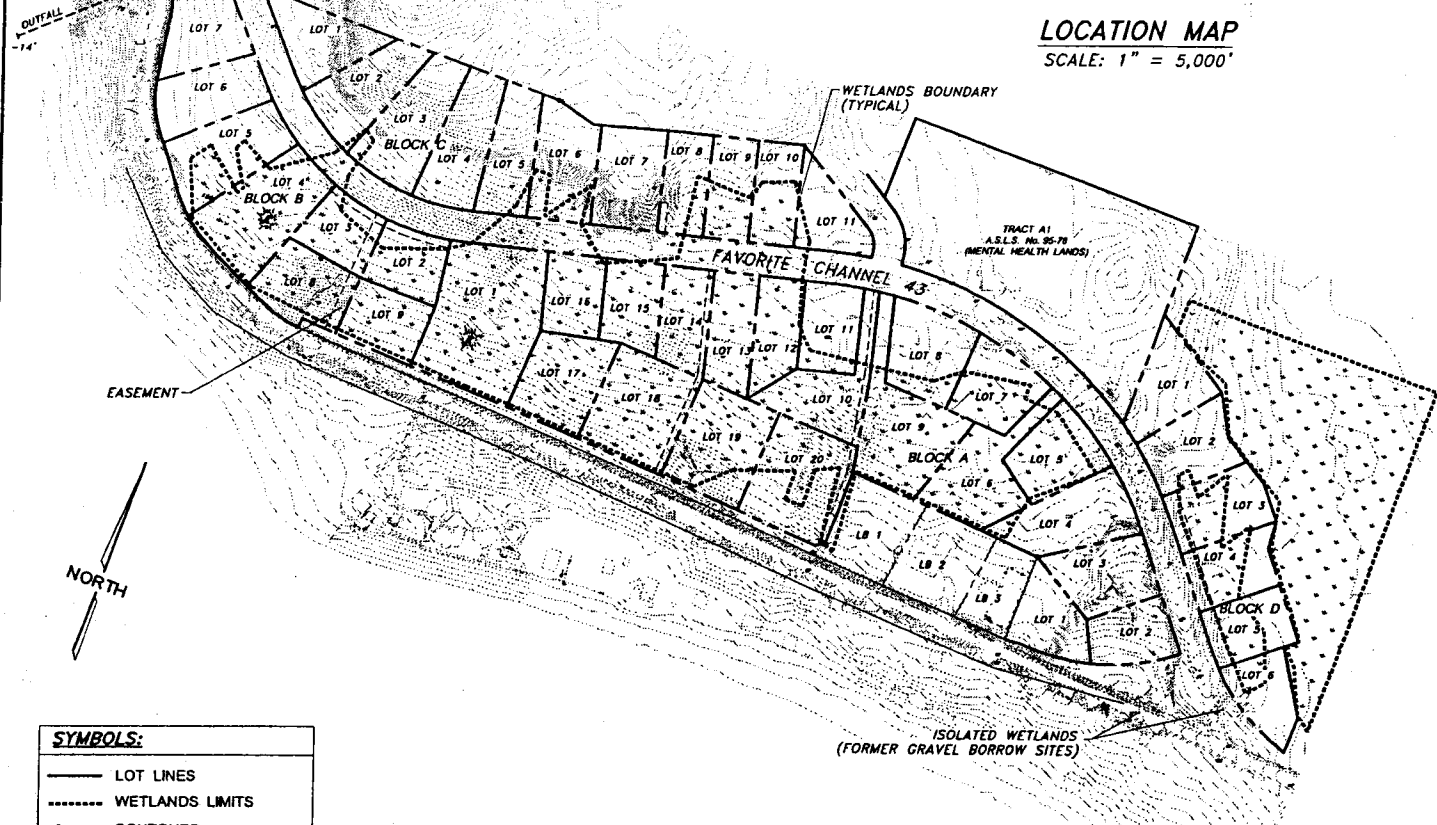
When the structures or work authorized by this permit are still in existence at the time the property is transferred the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated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

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

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



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



**SITE TOPOGRAPHY WITH SUBDIVISION**  
**LOT NUMBERS, LOT AREAS AND WETLANDS LIMITS**  
 GRAPHIC SCALE IN FEET  
 0      500      1000

**SYMBOLS:**

—	LOT LINES
---	WETLANDS LIMITS
~	CONTOURS
—	ROAD
[Dotted Box]	WETLANDS
[Star]	EXISTING STRUCTURES
[Star]	EAGLE TREE

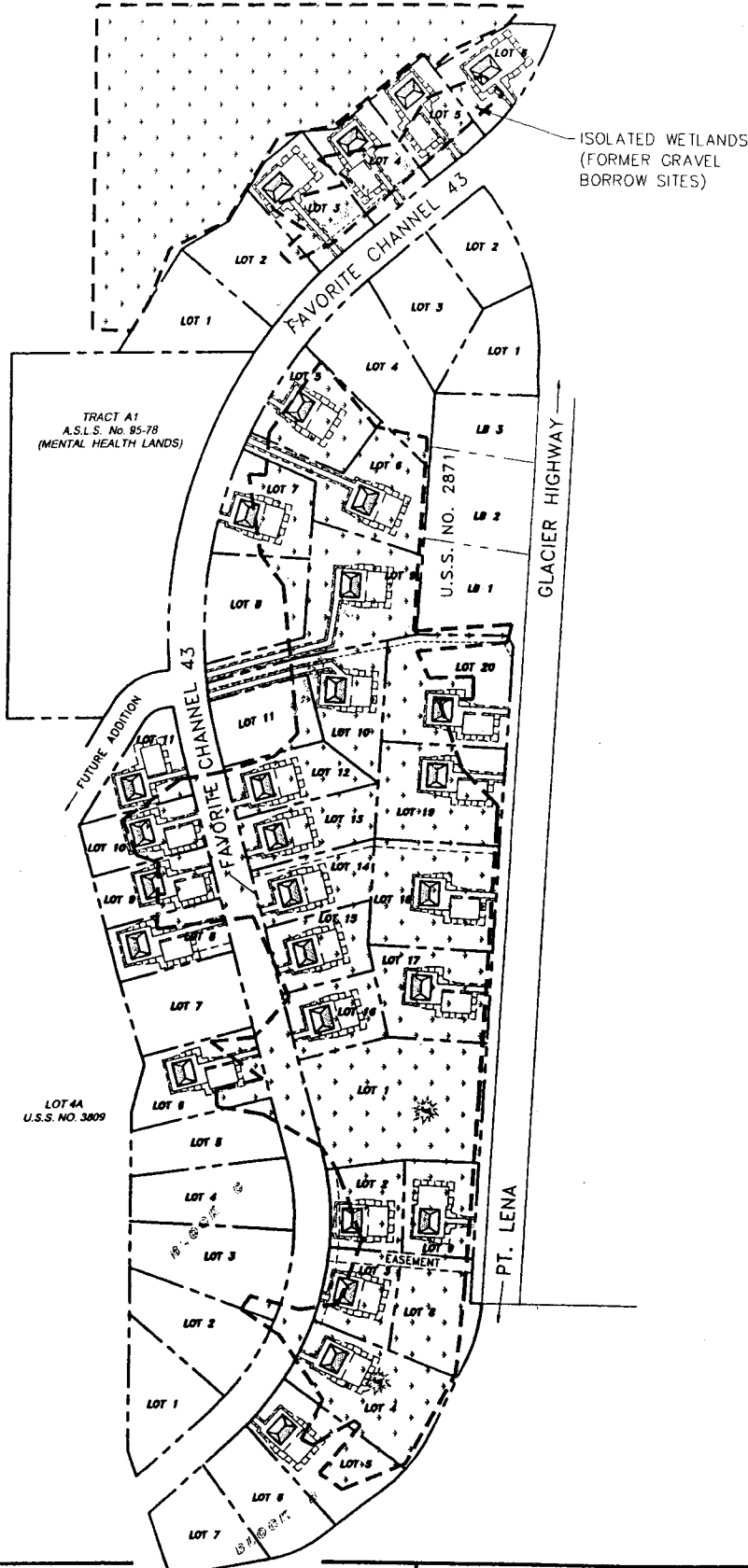
**AUKEY BAY, STEPHENS PASSAGE TIDAL DATA**

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

(2001PR02)0110339.9) PDD Corp. Update(8-18-2006)Drawing(SHEET 1 LOCATION--REVISED 8-18-2006.dwg PLOT: August 21, 2006 at 8:22am



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

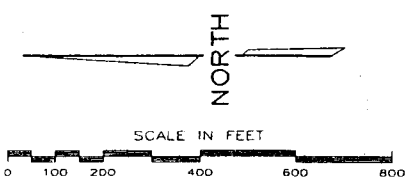
**SURVEY SYMBOLS:**

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

TRACT A1  
A.S.L.S. No. 95-78  
(MENTAL HEALTH LANDS)

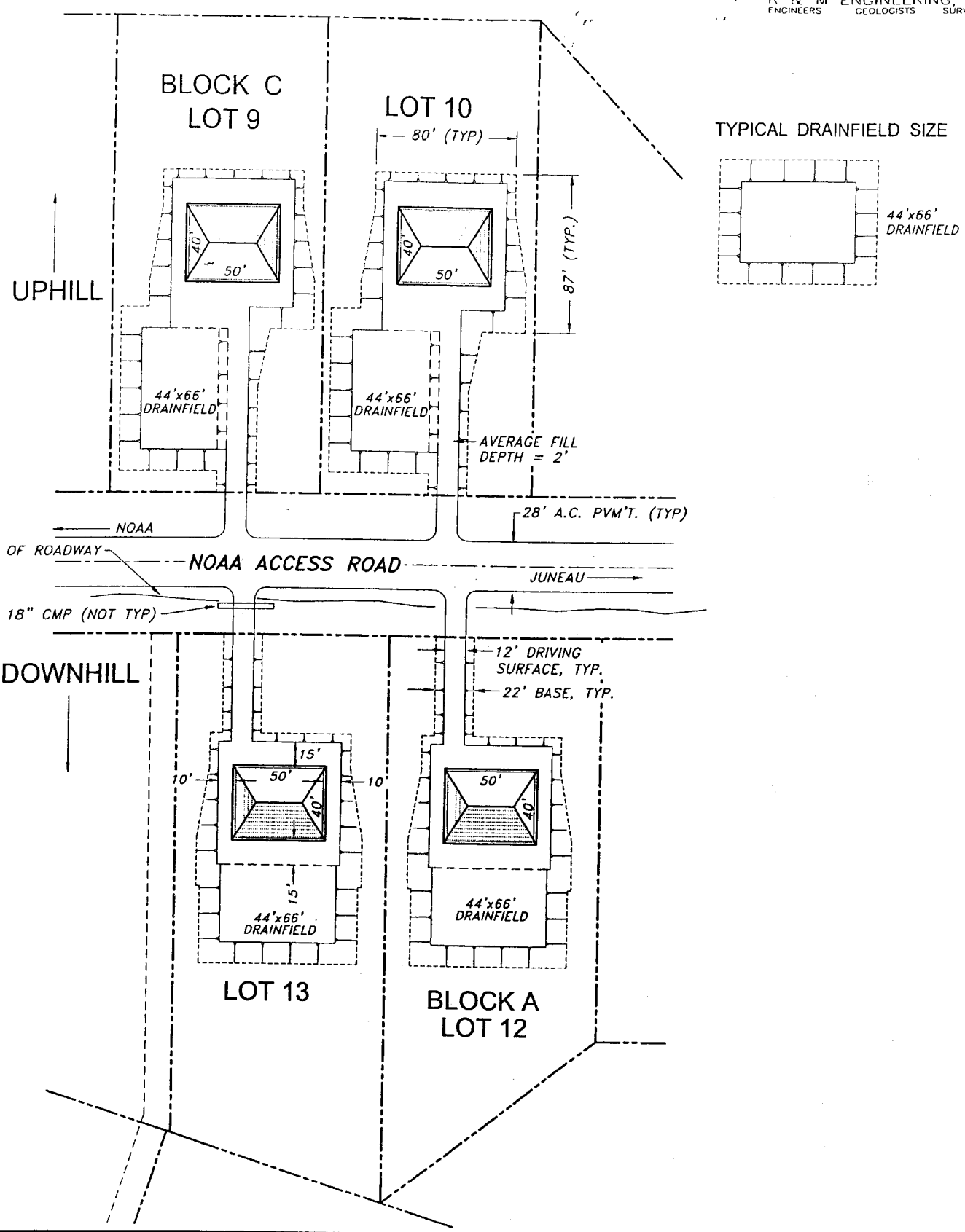
LOT 4A  
U.S.S. NO. 3809

A:\2001PROJ\011839\A\POD Corp Update\18-2006\drawing\1\sheet 2 HOUSES AND DRAINFIELDS 8-18-2006.dwg PLOT: August 21, 2006 at: 8:23am



**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**



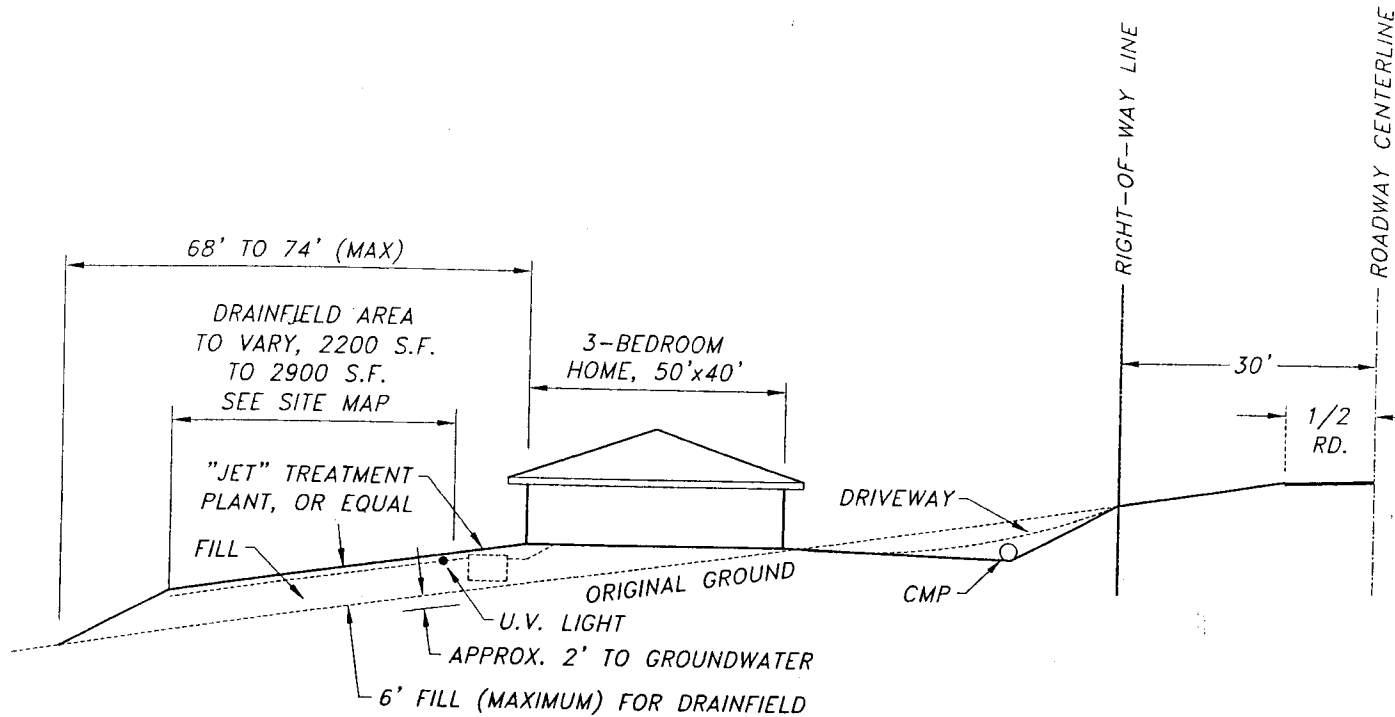
LOT PERCOLATION, BLOCK "C"  
30 min/INCH OR LESS  
BLOCKS A, B & D, 60min/INCH  
OR GREATER

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

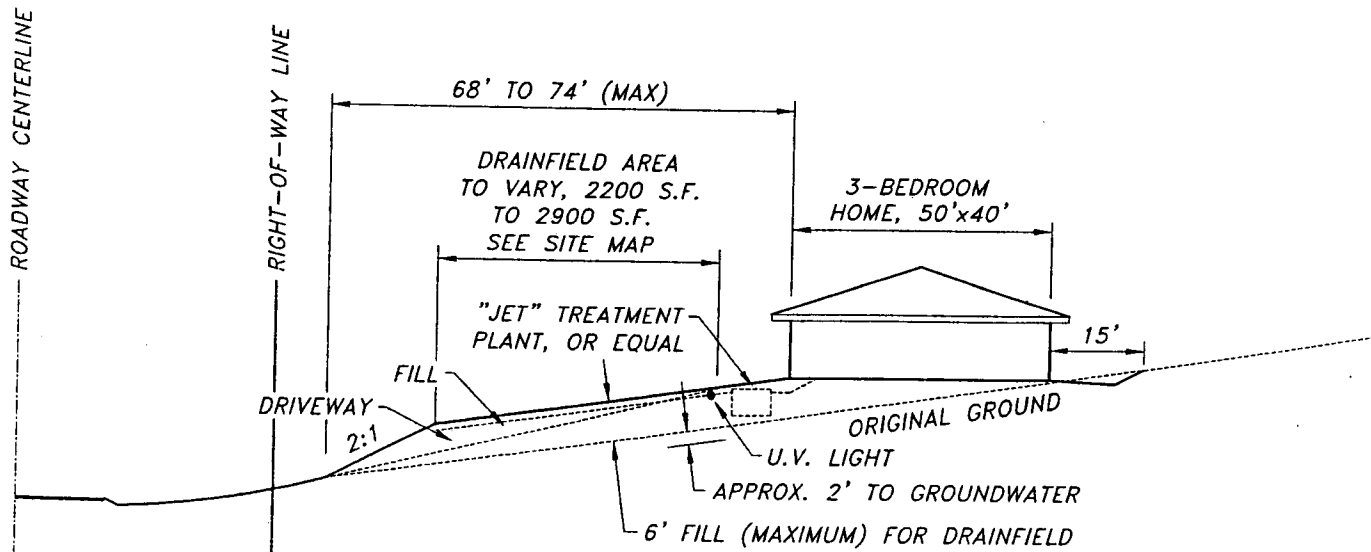
(\\2001\p02\01\839.d)R0D Corp Updown\8-18-2006\Drawings\Sheet 3 PAD-DRIVEWAY-SCHEMATIC 8-18-2006.dwg PLOT: August 21, 2006 at: 8:23am





**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>
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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

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/>

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OCT 13 2005

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

October 10, 2005

Certified Mail 7003 2260 0004 1153 8260

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.

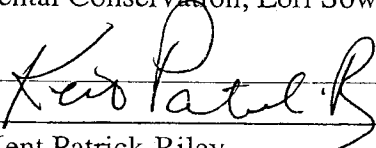
Water Quality Certification is required under Section 401 because the proposed activity will be authorized by a Corps of Engineers permit, reference number M-1996-0019, and a discharge may result from the proposed activity.

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) 269-3891

**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) 272-3829

[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  
Favorite Channel (South Lena Subdivision Mod.)  
ID 2004-0709J

- 2 -

October 11, 2005

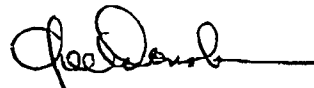
OPMP has consulted with the Office of Habitat Management and Permitting (OHMP) and the Division of Mining, Land, and Water (DMLW) regarding this project modification. Based on this consultation with other state agencies, OPMP has made the determination that the modifications to the South Lena Subdivision 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/SHIPPO, 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  
PH: (907) 269-7470 FAX: (907) 269-3891

CENTRAL OFFICE  
302 GOLD STREET  
JUNEAU, ALASKA 99801  
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) 272-3829

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

September 22, 2003

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

Dear Ms Johnson:

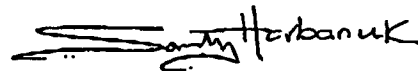
Subject: Favorite Channel 43 (South Lena Subdivision, Revised Project)  
State I.D. No. AK 0307-36J  
Final Consistency Determination

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