



June 26, 2015

Patricia de La Bruere,  
Juneau International Airport Manager  
1873 Shell Simmons Dr., Ste 200  
Juneau, AK 99801  
(Delivered via email)

SUBJECT: Violation of CBJ Code 49.70.310, cutting within the 25-foot no-disturbance zone of Jordan Creek

Dear Ms. de La Bruere,

The CBJ Community Development Department (CDD) conducted site visits on June 24 and June 25, 2015, in the CBJ-owned Jordan Creek greenbelt across from the Juneau International Airport (JIA). Photos were taken on June 25, 2015, which document recent and extensive clearing within the 25-foot no-disturbance zone of Jordan Creek, in a range of 3-25 feet from the creek. This activity violates CBJ Code section 49.70.310, as follows:

**49.70.310 Habitat.**

*(a) Development in the following areas is prohibited:*

*(4) Within 50 feet of the banks of streams designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and*

*(b) In addition to the above requirements there shall be no disturbance in the following areas:*

*(1) Within 25 feet of stream designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and*

CDD has informed JIA staff in the past that any deviation from CBJ Code 49.70.310 requires an approved streamside setback variance from the CBJ Planning Commission. The attached email message dated November 18, 2014, from CDD staff to JIA personnel documents that JIA personnel had personal notice of the 49.70.310 prohibition. The first message in this email chain describes the Juneau Police Department (JPD) concern that a portion of the Jordan Creek greenbelt could be used to harbor threats to the airport's safety and requests that JIA consider options to minimize those potential threats. Despite JPD's concern, JPD did not purport to authorize any disturbance to the stream buffers as only the CBJ Planning Commission has authority to grant a variance to 49.70.310.

CDD staff spoke with JIA personnel on June 18 and June 22, 2015, regarding JIA's request to cut vegetation within the setback. JIA staff indicated an immediate need to cut within the setback due to public safety concerns. CDD staff directed the JIA to submit a plan for vegetated removal, while CDD would inquire as to whether an alternate process was available to expedite the activity. CDD did not

## ATTACHMENT #1

authorize the activity, and no plan has been received to date. Based on the attached photos, the clearing has been extensive, and the area of concern is now highly visible. Clearly the desired work has already been completed without due process.

To address violations to CBJ Code 49.70.310, the JIA must submit a mitigation plan to restore the habitat functions and values that have been diminished as a result of the vegetation loss within the 25-foot no-disturbance zone. JIA must consult with the CBJ Parks and Recreation Department on plan preparation because the impacted area is managed by JIA and Parks and Recreation. (See attached ownership map.)

A draft plan must be submitted to CDD by July 25, 2015. This plan will be reviewed by the CBJ Wetlands Review Board. The plan may also be reviewed by the Alaska Department of Environmental Conservation, because Jordan Creek is an impaired waterbody, and by the U.S. Fish and Wildlife Service because of its expertise with restoration projects.

JIA should also research the history of the properties impacted and determine if additional action or mitigation is necessary.

Please contact me at 586-0755 if you have questions.

Regards,



Teri Camery, Senior Planner

cc: Kim Kiefer, City Manager  
Rob Steedle, Deputy City Manager  
Amy Mead, City Attorney  
Rob Palmer, Assistant Attorney  
Hal Hart, Community Development Department Director  
Kirk Duncan, Parks and Recreation Department Director  
Greg Chaney, Lands Manager  
Beth McKibben, Planning Manager

Attachments: 11/14/14 email message from CBJ CDD to JIA  
Ownership map  
Affected area map with photo points  
Photo list  
Selected photos

**Teri Camery**

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**From:** Teri Camery  
**Sent:** Tuesday, November 18, 2014 2:21 PM  
**To:** Ken Nichols  
**Cc:** Christine McNally; Travis Goddard  
**Subject:** RE: limbing and clearing along Yandukin and creek area

Hi Ken,

Thanks for showing me the area this morning. You will need a variance for limbing within 0-25 feet of the Ordinary High Water Mark of Jordan Creek. Limbing is allowed within 25-50 feet from Ordinary High Water without a variance. However you cannot cut trees in either the 0-25 foot or 25-50 foot zones without a variance.

Variations require Planning Commission approval, and typically take 6-8 weeks. This proposal will need to go to the Wetlands Review Board for their advisory review. WRB comments will be included in the staff report to the Planning Commission.

Your application will need to include a site plan that shows where limbing will occur, the distance from the creek in those areas, and the approximate height of the limbing. As we discussed, I would suggest that you apply for limbing within the specified area on an as-needed basis to address the public safety concern, so you don't need to re-apply in the future as the vegetation grows up.

Please let me know if you have any questions and thanks for your time today.  
Teri

Teri Camery, Senior Planner  
City and Borough of Juneau  
Community Development Department  
155 S. Seward  
Juneau, AK 99801  
(907) 586-0755



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**From:** Ken Nichols  
**Sent:** Monday, November 17, 2014 11:04 AM  
**To:** Teri Camery  
**Subject:** RE: limbing and clearing along Yandukin and creek area

OK. 10:30 at the intersection of Yandukin and Crest Street. We will proceed from there.

-Ken

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**From:** Teri Camery  
**Sent:** Monday, November 17, 2014 10:18 AM  
**To:** Ken Nichols  
**Subject:** RE: limbing and clearing along Yandukin and creek area

Hi Ken,  
Could you meet late tomorrow morning at 10:30 or 11?

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Teri

Teri Camery, Senior Planner  
City and Borough of Juneau  
Community Development Department  
155 S. Seward  
Juneau, AK 99801  
(907) 586-0755



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**From:** Ken Nichols  
**Sent:** Saturday, November 15, 2014 1:56 PM  
**To:** Teri Camery  
**Cc:** Patricia deLaBruere; Hal Hart; Mark Lykins  
**Subject:** RE: limbing and clearing along Yandukin and creek area

Teri,

I have the critical locations surveyed and marked now. Would you be able to meet on either Nov 17 or 18?

-Ken

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**From:** Teri Camery  
**Sent:** Friday, August 15, 2014 2:51 PM  
**To:** Patricia deLaBruere; Hal Hart; Ken Nichols; Kevin Lyons  
**Subject:** RE: limbing and clearing along Yandukin and creek area

Sounds good. I'd be happy to meet with you out there anytime.

Teri Camery, Senior Planner  
City and Borough of Juneau  
Community Development Department  
155 S. Seward  
Juneau, AK 99801  
(907) 586-0755



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**From:** Patricia deLaBruere  
**Sent:** Friday, August 15, 2014 2:50 PM  
**To:** Teri Camery; Hal Hart; Ken Nichols; Kevin Lyons  
**Subject:** RE: limbing and clearing along Yandukin and creek area

Thank you Teri.

We may request a site visit and apply for a variance to this area. Kevin and Ken will be the contact for this.

Thanks.

Patty

*Patricia deLaBruere  
Airport Manager  
Juneau International Airport  
Juneau, Alaska  
(907) 789-7821*

## ATTACHMENT #1

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**From:** Teri Camery  
**Sent:** Friday, August 15, 2014 2:33 PM  
**To:** Hal Hart; Patricia deLaBruere; Ken Nichols  
**Subject:** RE: limbing and clearing along Yandukin and creek area

Hi Patty,

Limbing is allowed in the area between 25-50 feet of the Ordinary High Water Mark of the creek. However 0-25 feet from Jordan Creek (and all anadromous streams) is a no-disturbance zone. A variance from the CBJ Planning Commission would be required to limb trees in this area. That said, if this is considered an emergency, Hal would have authority as CDD Director to override that requirement.

Please let me know if you have any questions.

Teri

Teri Camery, Senior Planner  
City and Borough of Juneau  
Community Development Department  
155 S. Seward  
Juneau, AK 99801  
(907) 586-0755



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**From:** Hal Hart  
**Sent:** Friday, August 15, 2014 11:47 AM  
**To:** Patricia deLaBruere  
**Cc:** Teri Camery  
**Subject:** RE: limbing and clearing along Yandukin and creek area

I have asked our Senior Planner Teri on our team to advise. I will get back to you shortly.

Hal Hart AICP  
Director, Community Development Department  
City and Borough of Juneau  
*Alaska's Capital City*

(907) 586-0757

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**From:** Patricia deLaBruere  
**Sent:** Friday, August 15, 2014 11:14 AM  
**To:** Hal Hart; Kevin Lyons  
**Cc:** Ken Nichols  
**Subject:** limbing and clearing along Yandukin and creek area

Good Morning.

As we discussed at the Airport Board meeting Wed night, the Airport will need to do some clearing on our property along Yandukin and the creek. This has become a safety issue. JPD has written a letter about this area (attached) and requested that it be cleared out for safety reasons.

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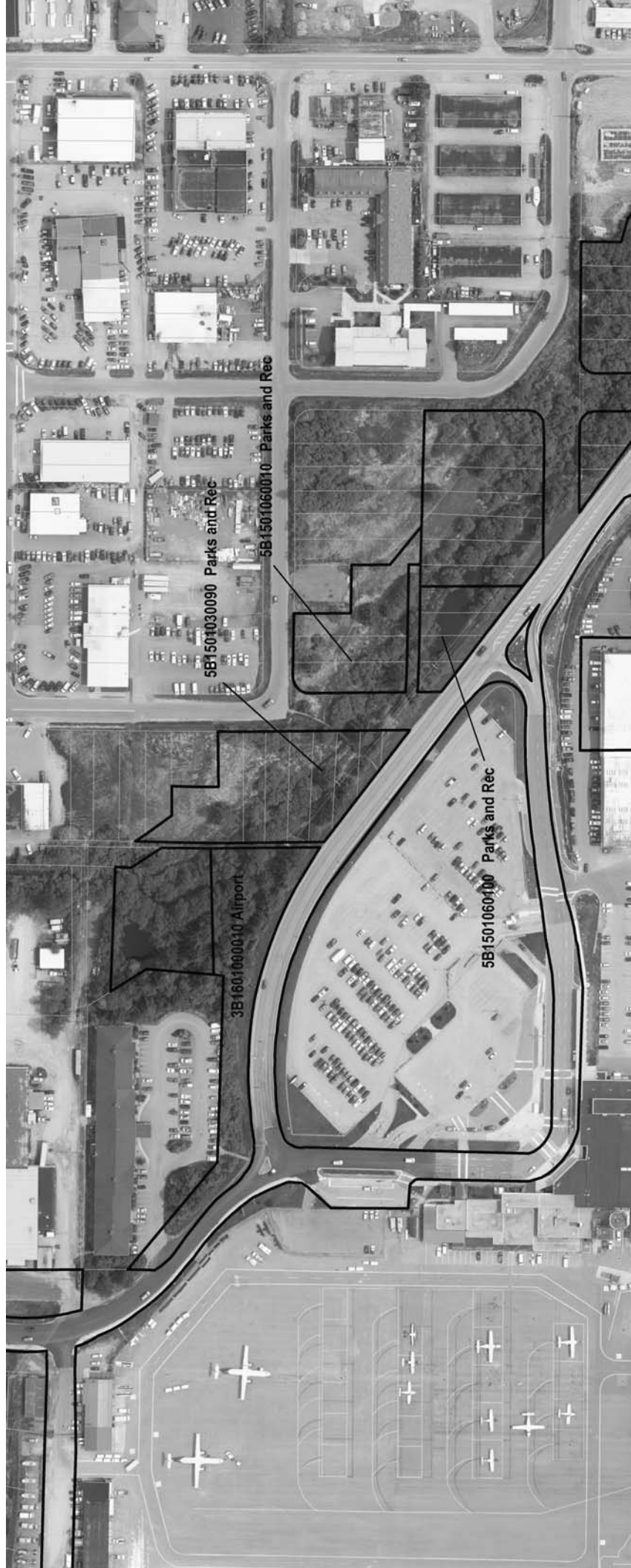
I know there are restrictions along creek corridors and would like Kevin to work with Community Development. Hal has offered to come out and give us some guidance on the restrictions, but remembering that safety is paramount.

I will let the two of you set up a time to meet and go through this area....

Thanks.

Patty

*Patricia deLaBruere  
Airport Manager  
Juneau International Airport  
Juneau, Alaska  
(907) 789-7821*



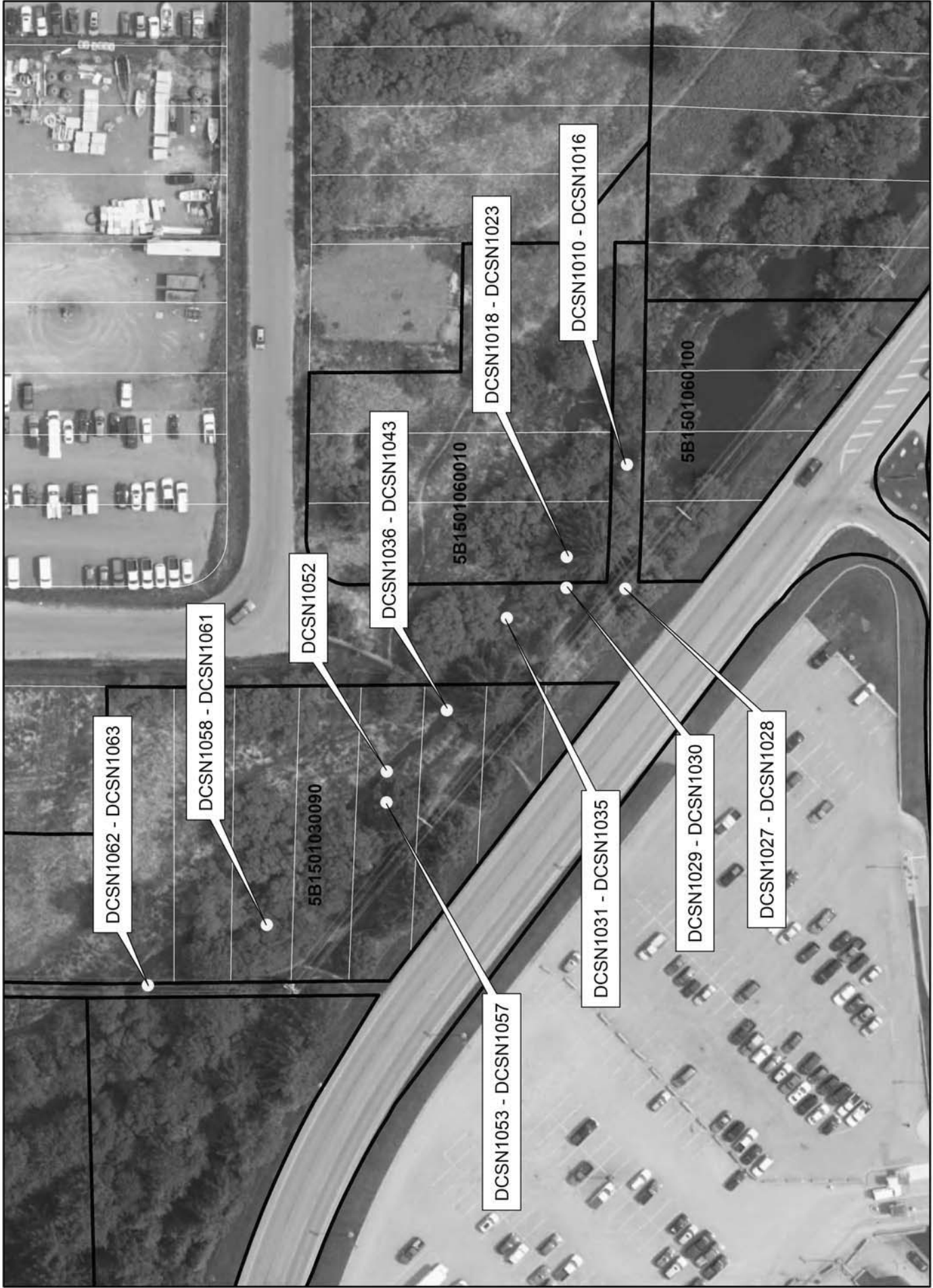


Photo Locations from Site Visit on 6/25/2015



# ATTACHMENT #1

## Photo list from 6/25/15 Jordan Creek site visit

**Photos taken by Teri Camery, CBJ Senior Planner, with John Hudson, U.S. Fish and Wildlife Service**

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DCSN1014	limb pile adjacent to trail
DCSN1018	cutting 13 feet from creek, approximately 50-60 feet south from previous location
DCSN1021	cutting 13 feet from creek, same location, with limbs cut to approximately 12 feet high
DCSN1026	limb pile adjacent to trail
DCSN1039	cutting at large spruce next to main footbridge coming from Jordan Ave, 4 to 11 feet from creek
DCSN1041	cutting at large spruce next to main footbridge coming from Jordan Ave, 4 to 11 feet from creek
DCSN1042	cutting at large spruce next to main footbridge coming from Jordan Ave, 4 to 11 feet from creek
DCSN1045	debris piles
DCSN1048	debris piles
DCSN1050	debris piles
DCSN1055	cutting at large spruce, 24 feet from OHW
DCSN1061	cutting at 9 feet from OHW

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Photo #: DCSN1014

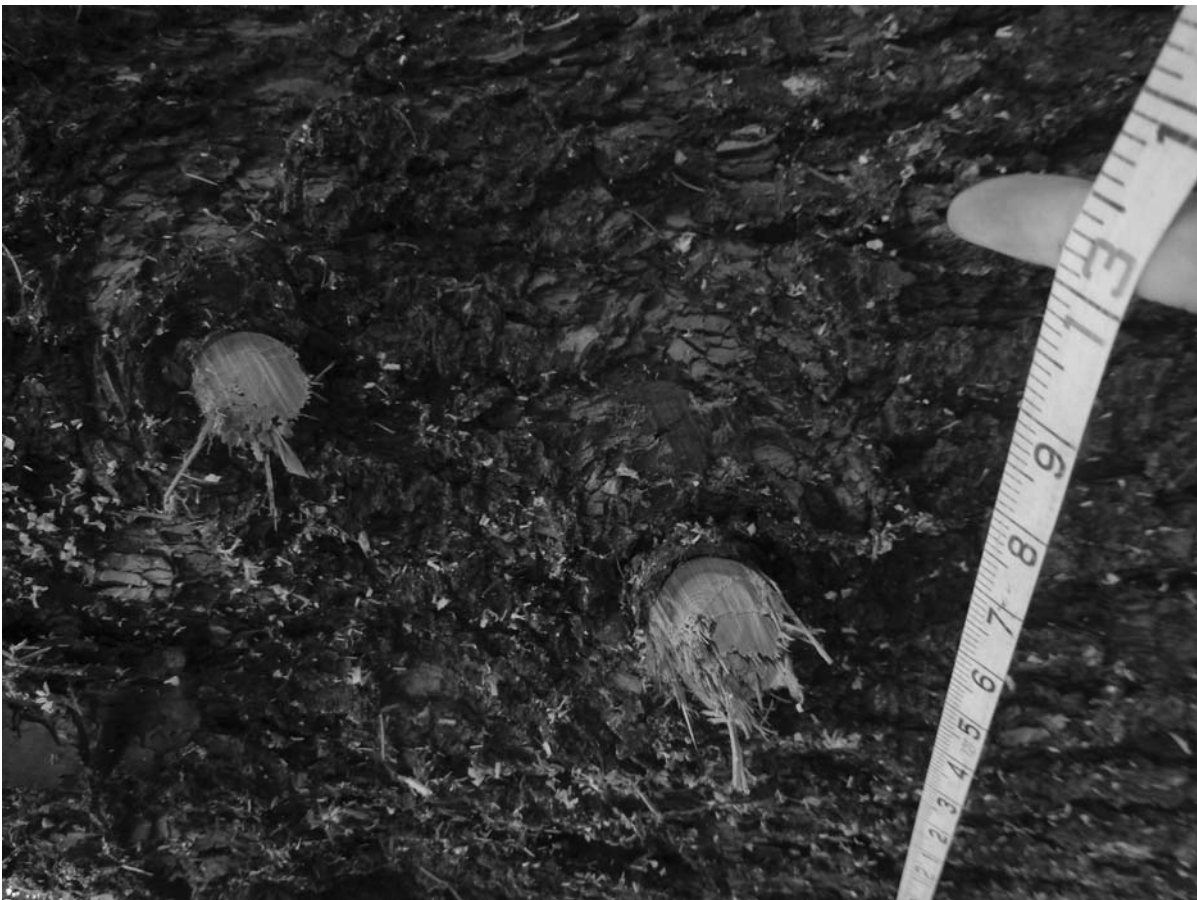


Photo #: DCSN1018

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Photo #: DCSN1021



Photo #: DCSN1026

ATTACHMENT #1



Photo #: DCSN1039

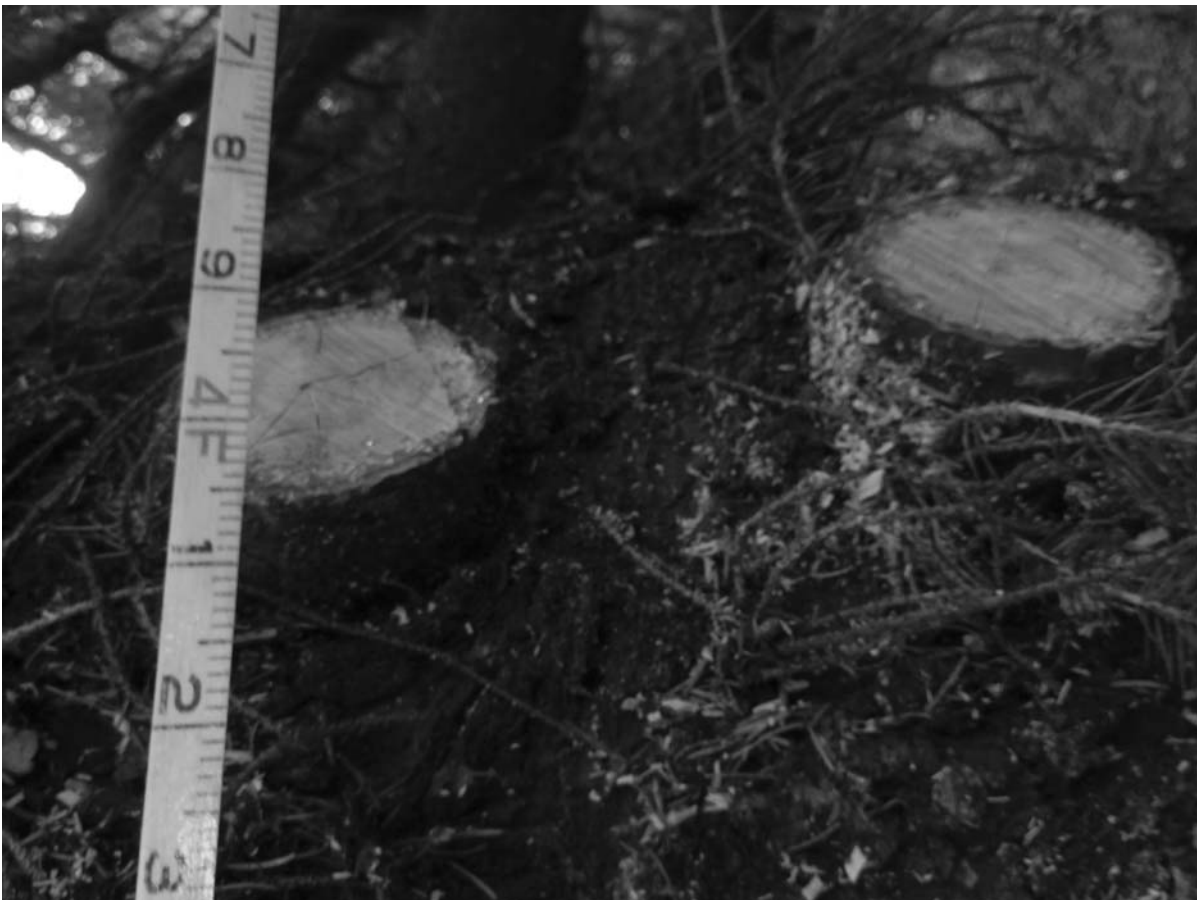


Photo #: DCSN1041



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Photo #: DCSN1042



Photo #: DCSN1045

ATTACHMENT #1



Photo #: DCSN1048



Photo #: DCSN1050

ATTACHMENT #1



Photo #: DCSN1055



Photo #: DCSN1060