

Bank Stabilization Frequently Asked Questions

Grading Permit for Bank Stabilization:

1. What are the submittal requirements for a grading permit?

Answer: Grading permit requirements are listed in [CBJ Title 19.12 - Excavation and Grading](#). Additionally, the CBJ Permit Center has developed a grading permit checklist to assist applicants in submitting complete applications. The grading permit checklist can be found on [CDD's website](#) and in person in the CBJ Permit Center.

2. My bank stabilization project has already been completed, but I do not have all the documentation required. What can I do?

Answer: Call the contractor who completed your project and request the required documentation be sent to the CBJ Permit Center.

3. When do I need a professional engineer licensed in the State of Alaska for bank stabilization?

General Answer: Grading in excess of 1,000 cubic yards (765 m³) shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as “engineered grading.”

Floodway Answer: If the bank stabilization project encroaches into the floodway, an engineer licensed in the State of Alaska must submit a no-rise analysis to the director. A no-rise analysis is a hydrologic and hydraulic analysis indicating that the encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

Depending on the work you are proposing, the engineer may need to use computer-assisted design programs to model flows.

CDD will require a no-rise analysis without modeling for bank stabilization within the mapped floodway.

CDD will require a no-rise analysis with modeling for bank stabilization within the mapped floodway that requires encroachment.

CDD defines encroachment as bank stabilization that goes beyond the minimum bank stabilization of the existing bank. For example, bank stabilization that restores previously eroded property would be considered encroachment.

4. Where can I find a qualified engineer to assist with my future bank stabilization project?

Answer: There are many professional engineers licensed in the Alaska operating in Juneau. An online search will provide several options. To confirm the current licensing status of your chosen contractor, you can use [the professional licenses verification tool](#) provided by the Department of Commerce, Community, and Economic Development at [Division of Corporations, Business and Professional Licensing \(alaska.gov\)](#)

6. I cannot find an engineer who will certify my bank stabilization drawings after the fact. What can I do?

Answer: Incomplete grading permit applications cannot be processed. If the grading permit is not approved, the property owner remains liable for any harm—past, present, or future—

resulting from the bank stabilization project. Additionally, the property owner may be subject to local fines and other state or federal regulations.

7. Why did CBJ not notify residents that bank stabilization work must be certified by an engineer?

Answer: Compliance with current code is the responsibility of the applicant. The requirement for “Engineered Grading,” in excess of 1,000 cubic yards to be performed in accordance with the approved grading plan by a civil engineer is outlined in Title 19.12.060.3 and was last updated in 2009. CBJ highlighted this requirement on the *Mendenhall River Emergency Bank Stabilization – Information for Property Owners* webpage posted on August 7th, 2023. For more information, please see the Supplemental Information weblink at <https://juneau.org/manager/flood-response>.

8. What happens if my grading permit isn’t approved?

Answer: If the grading permit is not approved, the property owner remains liable for any harm—past, present, or future—resulting from the bank stabilization project. Additionally, the property owner may be subject to local fines and other state or federal regulations.

9. Why did CBJ allow emergency bank stabilization with a retroactive (after-the-fact) permit process?

Answer: CBJ recognized that property owners needed to take immediate action to protect property and structures following the August 5, 2023 flood. Allowing a retroactive process allowed property owners to expedite the process. However, CBJ did not and cannot waive grading permit requirements that require plans certified by an engineer licensed in the State of Alaska, nor can CBJ waive Floodplain Development Permit requirements when applicable.

10. If I completed permitted bank stabilization prior to the August 5, 2023 flood, will this process impact my permit?

Answer: If you completed bank stabilization with the required permits, this process will not impact your permit.

Floodplain Development Permit:

1. When do you need a Floodplain Development Permit with your grading permit for bank stabilization?

Answer: A Floodplain Development Permit is required for development within a Special Flood Hazard Area on the adopted maps effective September 20, 2020. On the Mendenhall River, Special Flood Hazard Areas include all AE zones and floodways. Special Flood Hazard Areas do not include X zones, which indicate the 500-year floodplain.

2. How do I know if my bank stabilization project is within a mapped special flood hazard area?

Answer: If you receive(d) a letter from CBJ concerning your bank stabilization grading permit, it will indicate a preliminary determination about whether your project falls within the mapped floodplain/floodway. CBJ cannot make a final determination until your site map is submitted with your other grading permit materials.

If you disagree with CBJ's preliminary or final determination you may need to provide survey materials to support your claim.

3. How did CBJ determine that my bank stabilization project is within the mapped special flood hazard area?

Answer: CBJ overlaid Geographic Information Systems (GIS) data from FEMA with high resolution aerial imagery that has been referenced to survey control points to determine if work has been completed within the mapped special flood hazard area. CBJ may require an engineer or surveyor to determine if work has been completed within the floodway for situations in which the GIS data and aerial imagery do not provide a clear determination.

4. What are the submittal requirements for a floodplain development permit?

Answer: Information concerning floodplain development permits can be found online, <https://juneau.org/community-development/floodplain-permits-and-information>.

5. Where can my contractor find an overlay of the National Floodplain Insurance Rate Map to add to my site plan?

Answer: **[FEMA Flood Map Service Center | Search All Products](#)**

6. Do I need to hire a surveyor to add the overlay to my site plan?

Answer: If you disagree with CBJ's determination that your project falls within a floodway or floodplain, you will need to work with a surveyor or professional engineer licensed in the State of Alaska to add a flood hazard overlay to your site plan as evidence that the project falls outside a mapped flood hazard area.

Enforcement:

1. Why did I receive a letter?

Answer: You received a letter because a) you applied for an emergency bank stabilization grading permit but did not include the required documentation; or b) CBJ evaluation indicates that you have completed bank stabilization recently, and records indicate that you have not applied for a grading permit. CBJ is required to enforce floodplain regulations to remain in compliance with the federal National Floodplain Insurance Program (NFIP). If CBJ is not in compliance, CBJ may be removed from the program, and CBJ residents will not be eligible for federal flood insurance, or for federal disaster relief from any type of event – flood, landslide, avalanche, or earthquake.

2. Why is CBJ sending these letters out now?

Answer: CBJ is responding to inquiries regarding grading permit requirements.

3. What about my neighbors? I did the same thing they did.

Answer: CBJ has sent letters to residents who have applied for a grading permit, and a different letter to residents with known bank stabilization activity who have not applied for a grading permit.

4. Will CBJ fine me if I do not receive a grading permit for my bank stabilization work?

Answer: Per the regulations created by FEMA, which CBJ is required to adopt and enforce in order to participate in the NFIP, unpermitted bank stabilization work may be enforceable per Title 49.10.630 Civil action for violation; damages.

5. Will CBJ fine me if I do not receive a floodplain development permit for my bank stabilization work?

Answer: See Question 4 above.

6. What are the consequences of having a letter in my property file?

Answer: This is a civil matter and CBJ cannot fully answer this question. CBJ will do its best to permit work that complies with FEMA's regulations.

7. Why is CBJ penalizing me? I followed the rules.

Answer: If you provide plans certified by an engineer licensed in the State of Alaska, and a Floodplain Development Permit if necessary, CBJ will issue the grading permit. If you do not turn in the required information, CBJ will not issue the grading permit.

8. Why is CBJ penalizing me? No one told me the rules and I needed to protect my family.

Answer: CBJ notified residents that bank stabilization work, including emergency work, must be certified by an engineer through Public Service Announcements on August 7, 2023, and August 8, 2023, through website information posted from August 7, 2023, through March 7, 2024; at the Mendenhall Flood Permitting Open House on August 31, 2023; and at flood insurance informational meetings on November 1 and November 2, 2023.

9. Why didn't CBJ monitor bank stabilization activity and stop homeowners from getting into this situation?

Answer: CBJ announced bank stabilization permit requirements through Public Service Announcements, on the CBJ website, and at public meetings. Compliance with permit requirements is the property owner's responsibility.

10. Will CBJ penalize property owners who have not completed bank stabilization?

Answer: No. CBJ will not require property owners to complete bank stabilization on their property.

11. What tools will CBJ utilize to determine if bank stabilization work has or has not been performed along the Mendenhall River, following the flood event?

Answer: CBJ will use a combination of photographic documentation and aerial imagery from pre- and post-event(s) and site visits.

Insurance:

1. How will having this letter in my property file affect my flood or home insurance?

Answer: CBJ is unable to address questions related to insurance. Please contact your home insurance agent directly or the [Office of the Flood Insurance Advocate](#).

2. How will having this letter in my property file affect my flood insurance if I have a policy from the NFIP?

Answer: According to conversations with FEMA representatives, the letter should not affect current or future policies insured through the NFIP. For more information on how NFIP premiums are determined, review the [Risk 2.0 Rate Explanation Guide](#).

3. Am I required to inform a potential buyer of this letter?

Answer: This issue falls under civil matters, and CBJ is unable to offer guidance.

General Situations:

1. My neighbor's bank has not been stabilized and is threatening my property. What is CBJ going to do about it?

Answer: CBJ does not currently require property owners to complete bank stabilization on their property, and municipal code offers limited authority to enforce such actions. Any disputes over bank stabilization are civil matters that should be resolved between property owners.

3. Why did CBJ not consult with impacted property owners on the best path forward shortly following the flood?

Answer: Property owners were able to determine the best path forward for their family and property immediately following the flood. CBJ posted the webpage *Mendenhall River Emergency Bank Stabilization – Information for Property Owners* on August 7th, 2023, and hosted an open house for property owners impacted by the flood to discuss permitting on August 31st, 2023. Individuals received personal consultation when they contacted the Community Development Department or the Permit Center.

4. Why weren't property owners informed of the work their neighbors were doing?

Answer: Public notice is not required for bank stabilization grading permits or floodplain development permits.

5. My neighbor's poor work has jeopardized the bank stabilization work I completed. What can CBJ do for me?

Answer: CBJ has notified property owners who have completed bank stabilization about Grading Permit and Floodplain Development Permit requirements.

Future:

1. Is CBJ planning to contract with a professional engineer to certify any property owner's bank stabilization work?

Answer: No. CBJ currently does not have plans to contract with a professional engineer to certify bank stabilization work for property owners, unless directed by the Assembly.

2. Is CBJ going to contract with qualified professionals to evaluate the current bank conditions and make assumptions concerning potential downstream impacts of bank stabilization efforts?

Answer: No, unless directed by the Assembly.

3. What is CBJ doing to prevent future flooding?

Answer: Please visit the official CBJ Flood Response for the most up-to-date information on CBJ's flood fighting and mitigation activities.