



City & Borough of Juneau, Alaska
155 Heritage Way Juneau, AK 99801

Plan NO.: **SGE20260003**
Plan Type: **PL - SGE - Sand & Gravel Extraction**
Work Classification: **SGE - Sand & Gravel Extraction**
Plan Status: **In Review**
Apply Date: **05/21/2026**
Expiration: **[None Listed]**

Location Address

Parcel Number

3M000LEMCRK2

Contacts

Colaskadba Secon, Colaska dba Secon PO Box 32159, Juneau, AK 99803 (907) 780-5145 secon@colaska.com	Applicant	Maureen Hansen, Colaska dba Secon , JUNEAU, AK 99803 (907) 600-2124 mhansen@colaska.com	Applicant
Colaskadba Secon, Colaska dba Secon PO Box 32159, Juneau, AK 99803 (907) 780-5145 secon@colaska.com	Contractor	Colaskadba Secon, Colaska dba Secon PO Box 32159, Juneau, AK 99803 (907) 780-5145 secon@colaska.com	Owner

Description: Renew current USE2016-004 permit for Lemon Creek gravel extraction in parcel 3M000LEMCRK2 and add parcels 3M000LEMCRK3 and 3M000LEMCRK4 to extraction area.

Fees	Amount	Payments	Amt Paid
Public Notice Sign Fee	50.00	Total Fees	\$1,750.00
Public Notice Sign Deposit	100.00	Credit Card	\$1,750.00
Use Not Listed Fee (Legacy)	1600.00		
Total:	\$1,750.00	Amount Due:	\$0.00

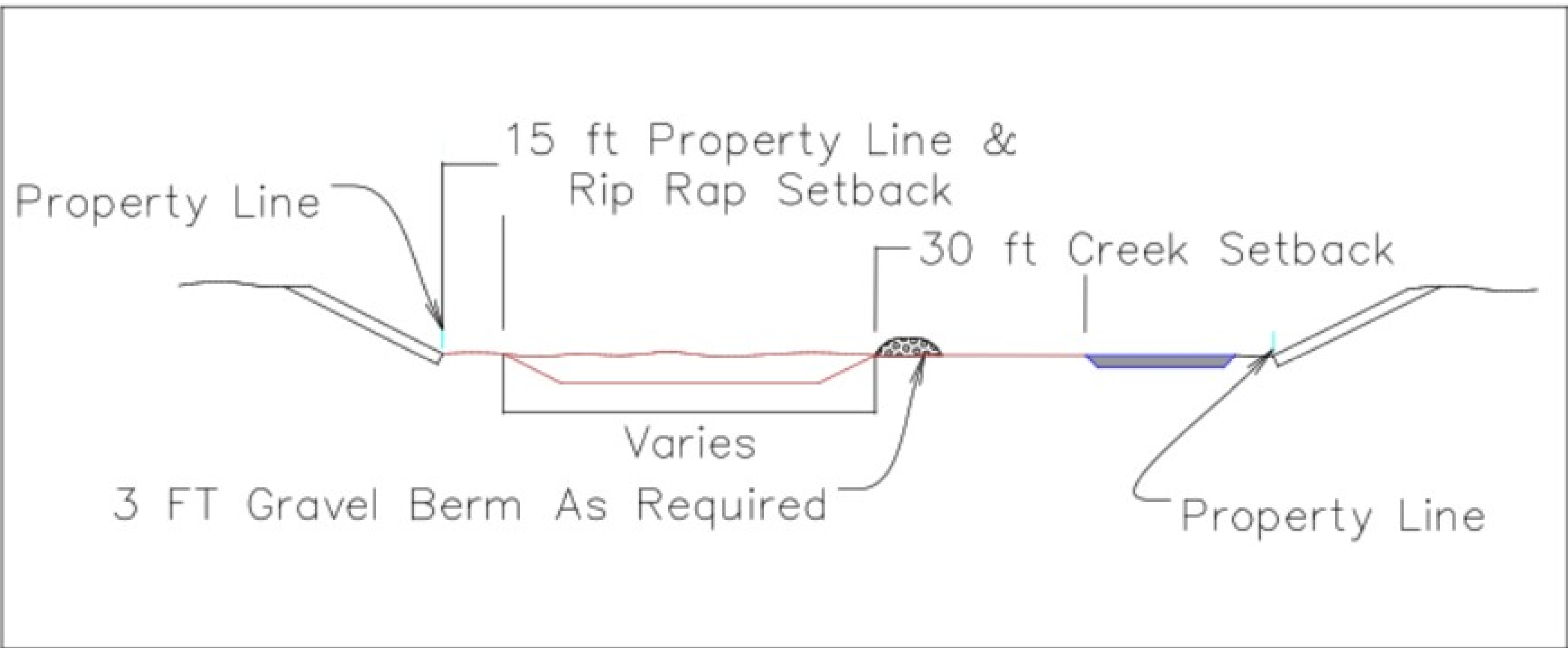
Additional Information:

Note: Only answered questions are listed below. For a full view of all application questions see Civic Access More Info Tab:

<https://cityandboroughofjuneauak-energovweb.tylerhost.net/apps/selfservice#/plan/5781fc8f-2df1-435d-9a04-afd87dc9fa79?tab=moreinfo>

Pre-Application Case Number: PAC2026-0009
Past extraction activities permitted on site?: Yes
Case Number: USE2016-0004
Previously approved extraction permit: Yes
Previous extraction permit case number: USE2016-0004
Total area to be disturbed (Acres): 30
Has a financial warranty been established?: No
Class I Use: No
Class II Use: No
Class III Use: No
Class IV Use: No
Class V Use: No

Typical Section



Legend

	Excavation Area
	Creek Setback
	Property Setback
	Temporary Access (Culvert/Ramp/Bridge)
	Existing Rock Wall
	Lemon Creek

Notes

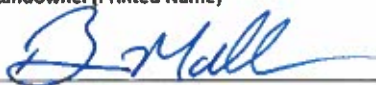
1. Excavation area limits may be adjusted in the field due to site conditions
2. Estimated excavation quantity~95,000 CY
3. Excavation will be prohibited within 30ft of any banks, rip rap, or property lines
4. Maintain an 30 ft buffer between the edge of the excavation area and active Lemon Creek channels
5. Cut slopes will be less than 2:1 unless a site specific engineering analysis proves that a steeper slope protects adjacent properties

SECON 1836 Anka St. Juneau, AK 99801				
202x Upper Lemon Creek GRAVEL EXTRACTION				
Typical Section				



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications. This form and all documents associated with it are public record once submitted.

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address Upper Lemon Creek		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Hidden Valley Subdivision		
	Parcel Number(s) 3-M00-0-LEM-CRK-2, 3-M00-0-LEM-CRK-3, 3-M00-0-LEM-CRK-4		
	☐ This property is located in the downtown historic district ☐ This property is located in a mapped hazard area, if so, which _____		
	LANDOWNER		
	Property Owner COLASKA Inc. dba SECON		Contact Person Maureen Hansen
	Mailing Address 1836 Anka St, Juneau, AK, 99801		Phone Number(s) 907-723-8312
	E-mail Address mhanzen@colaska.com		
	LANDOWNER CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits. Consent is required of all landowners. If submitted with the application, alternative written approval may be sufficient. Written approval must include the property location, landowners printed name, signature, and the applicant's name. I am (we are) the owner(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for the City and Borough of Juneau officials/employees to inspect my property as needed for purposes of this application. Brian Maller Landowner (Printed Name) Asst. Secretary Title (e.g.: Landowner) X  Landowner (Signature) 4/15/26 Date _____ Landowner (Printed Name) _____ Title (e.g.: Landowner) X _____ Landowner (Signature) _____ Date NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours. We will make every effort to contact you in advance, but may need to access the property in your absence and in accordance with the consent above. Also, members of the Planning Commission may visit the property before a scheduled public hearing date.		
APPLICANT If same as LANDOWNER, write "SAME"			
Applicant (Printed Name) SAME		Contact Person	
Mailing Address		Phone Number(s)	
E-mail Address			
X _____ Applicant's Signature		_____ Date of Application	

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

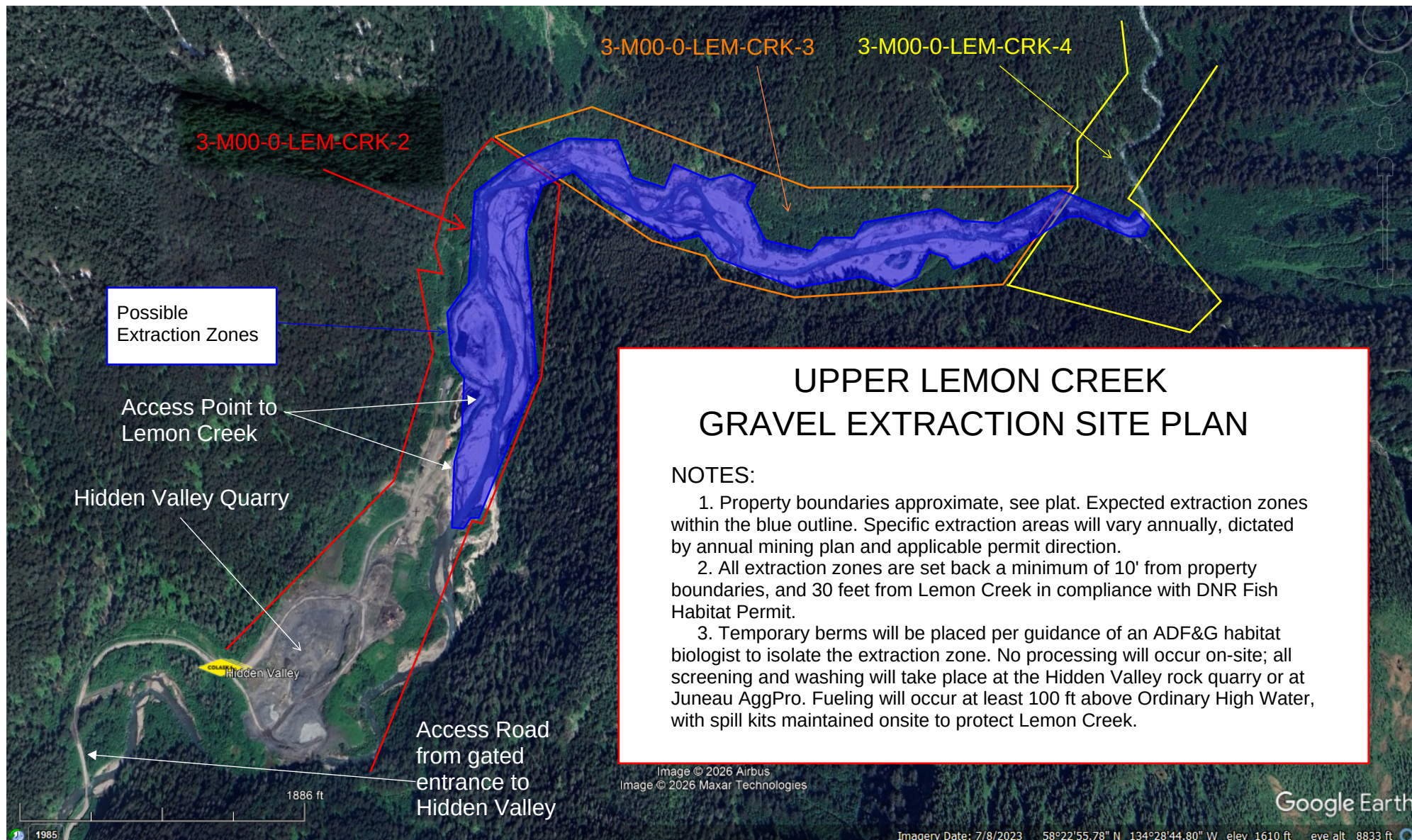
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

	Intake Initials
Case Number	Date Received



A **COLAS** COMPANY



UPPER LEMON CREEK GRAVEL EXTRACTION SITE PLAN

NOTES:

1. Property boundaries approximate, see plat. Expected extraction zones within the blue outline. Specific extraction areas will vary annually, dictated by annual mining plan and applicable permit direction.
2. All extraction zones are set back a minimum of 10' from property boundaries, and 30 feet from Lemon Creek in compliance with DNR Fish Habitat Permit.
3. Temporary berms will be placed per guidance of an ADF&G habitat biologist to isolate the extraction zone. No processing will occur on-site; all screening and washing will take place at the Hidden Valley rock quarry or at Juneau AggPro. Fueling will occur at least 100 ft above Ordinary High Water, with spill kits maintained onsite to protect Lemon Creek.

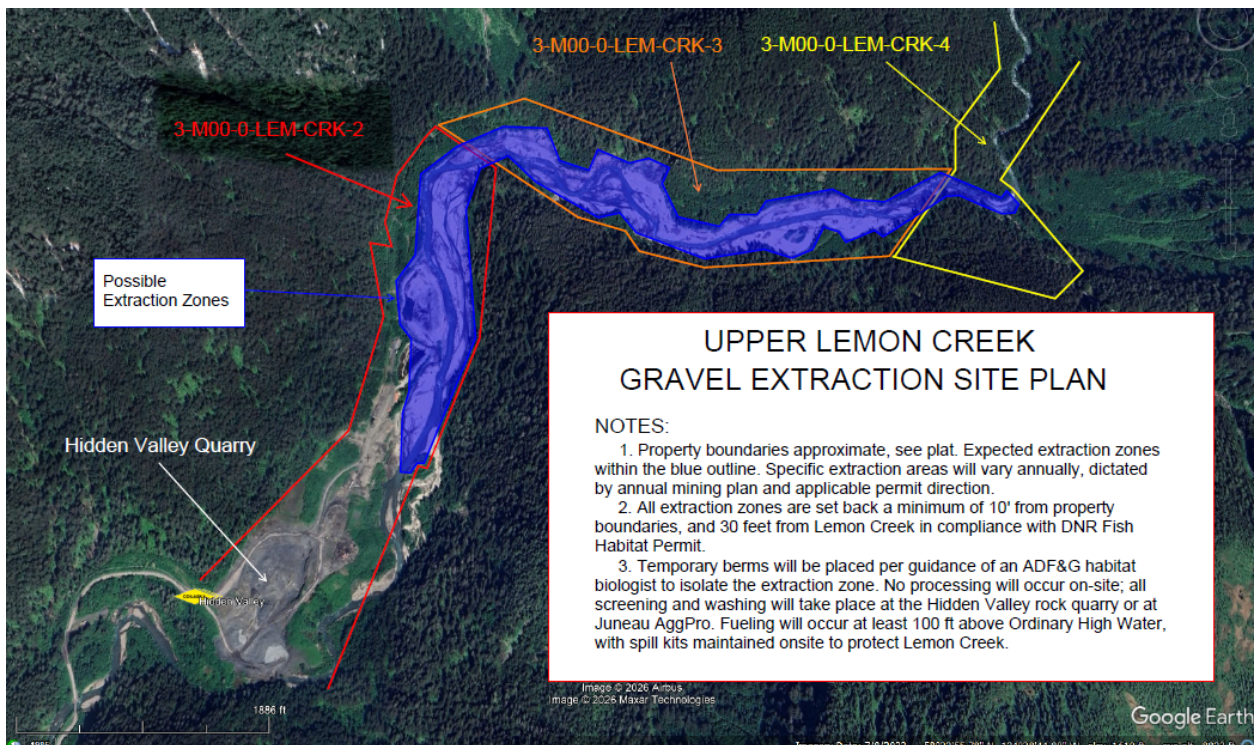


A **COLAS** COMPANY

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(907) 780-5145
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Upper Lemon Creek Gravel Extraction

USE2016-0004 Reapplication Narrative



Upper Lemon Creek Gravel Extraction

USE2016-0004 renew

PROPOSAL

SECON is reapplying for Conditional Use Permit of existing USE2016-0004, which allows the extraction of gravel from property owned by COLASKA Inc. dba SECON, within Hidden Valley Subdivision. The specific gravel extraction areas, outlined in the site plan, are requested to be expanded from 3-M000-0-LEM-CRK-2 and also include 3-M00-0-LEM-CRK-3, and 3-M0-0-LEM-CRK-4. These tracts of land are located on the floor of Hidden Valley spanning its width and approximately 1 ½ miles in length. Secon is requesting a USE Permit for this gravel severance for an additional interval of 10 years.

USE2016-0004 Conditions

Secon agrees with continuation of the conditions from current permit with following requested modifications of a few individual items.

- Request elimination of Condition 2. It was met on prior permit and repeating the process for current USE 2020-0006 HV Upper Explosive Storage seems unnecessary as nothing has changed regarding this issue except permit numbering.
- Request modification of Condition 4 timing be revised to 'at least month prior to commencement of mining' similar to condition of Lower Lemon Creek Gravel Extraction permit USE2024-0004.
- Request modification of Condition 13 to remove references to Zone 2 and Zone 3 and have clearly marked warning signs if the excavation area is within a specified distance of the Lemon Creek Trail.

GENERAL OVERVIEW

The Hidden Valley Lemon Creek gravel extraction site has operated under long-standing permitting oversight, establishing the framework for continued gravel extraction and associated stream-crossing activities.

The most recent operations (2016 – 2025, under USE2016-0004) have been characterized by consistent seasonal extraction, robust engineering supervision, and strong coordination with regulatory agencies. Activities have included controlled excavation within designated mining pits, temporary rerouting or dewatering of minor channels, installation of temporary stream-crossing structures, and maintenance of substantial protective buffers and berm

systems. Across all inspections and permit reviews, the site has demonstrated regulatory compliance, responsible material removal, and environmental stewardship.

The 2024-2025 inspections confirmed that extraction activities were performed in accordance with approved mining plans and permit conditions. Inspections documented normal seasonal water levels, low turbidity, and no evidence of bank destabilization, erosion concerns, or buffer encroachments. Required 30-foot setbacks and protective berms were consistently maintained.

The 2024 Fish Habitat Permit amendment further reaffirmed adherence to operational requirements, including fish removal prior to dewatering, careful rerouting of Jackie Creek, construction of protective berms at least four feet high, and maintenance of buffer zones separating mining areas from the active Lemon Creek channel.

The 2025 Fish Habitat Permit sets similar expectations: continuous habitat biologist oversight, proper installation of culverts and bridges, maintenance of channel buffers, and a final requirement to weaken berms following extraction to promote natural reclamation. These conditions, along with the consistent history of compliance, demonstrate responsible site management and ongoing commitment to environmental protection.

This operational record supports the continuation of gravel extraction activities at Hidden Valley and provides a solid foundation for a conditional use permit extension, ensuring that future work can proceed with the same level of oversight, safety, and environmental care.

Hours of operation would continue to be from 7:00 AM to 7:00 PM, January to December, with operations historically conducted from March to November.

There is no way of knowing the quantity of gravels that will be severed from this site on an annual basis. If the area is available as determined by ADF&G and sales will support the volume, Secon could easily extract 100,000 Cubic Yards of material on an annual basis, depending on the morphology of the stream bed in the given year.

SECON uses excavators, scrapers, loaders and dozers to sever the sands and gravels from the alluvial reaches in Hidden Valley. The severed materials are loaded into conveyance units of either end dumps or articulated trucks for transportation to a processing area out of the flood plain of Lemon Creek.

JUSTIFICATION FOR GRANTING A 10-YEAR EXTENSION

The requested 10-year extension of USE2016-0004 is justified based on demonstrated compliance, consistency with the City and Borough of Juneau's Comprehensive Plan, and alignment with Title 49 land-use stipulations. Together, these factors confirm that continued gravel extraction at Hidden Valley remains an appropriate, well-regulated, and community-beneficial use of the property.

SECON has operated with consistent adherence to permit requirements, environmental safeguards, and agency oversight. Annual mining plans and inspections confirm that extraction activities have maintained the required 30-foot setbacks, protective berms, and fish-protection procedures, and that operations have not resulted in bank destabilization or erosion impacts. These findings are supported by the 2024 & 2025 inspection reports documenting normal stream conditions, maintained buffers, and no observed destabilization.

Continued compliance is further demonstrated through active coordination with ADF&G under annual Fish Habitat Permits, which require fish removal, staked limits, monitored dewatering, and post-extraction reclamation. This strong record satisfies the purpose of Title 49.05.200, which requires land-use activities to promote public safety, environmental protection, and orderly development.

Under CBJ 49.05.200, the Comprehensive Plan guides public and private land-use decisions and establishes policies to promote health, general welfare, and efficient use of land and resources.

ANADROMOUS HABITAT

Lemon Creek, AWC 111-40-10100, is a named anadromous waterbody located on Parcels 3M000LEMCRK2 and 3M000LEMCRK3, and within 50 feet of 3M000LEMCRK4. CBJ 49.70.330(4) requires a vegetation or revegetation plan, however this requirement does not appear to be applicable to the proposed activity, as no removal of vegetation is expected. Please see below “Location, Features, & Topography” discussion below for further description.

The proposed gravel extraction occurs entirely within the active streambed of Hidden Valley, where seasonal flows naturally scour and reshape the channel, resulting in minimal established vegetation within the excavation area. Because operations are confined to these unvegetated alluvial reaches, no trees, shrubs, or mature riparian vegetation will be removed as part of the project. Surrounding vegetated banks and buffer areas will remain undisturbed, and all work will continue to be limited to zones already subject to regular natural sediment movement and channel shifting. Therefore, the requirement of a vegetation or revegetation plan does not appear to be relevant to this conditional use permit reapplication.

All proposed extraction activities will be conducted under applicable state and federal permitting, including annual ADF&G Fish Habitat Permits and U.S. Army Corps of Engineers Nationwide Permit.

HIDDEN VALLEY

Hidden Valley is located about five miles North Northwest of Juneau Alaska and has a drainage basin area of approximately 15,730 acres. Lemon Creek's headwaters originate from two glaciers, Ptarmigan Glacier and Lemon Creek Glacier. Lemon Creek is roughly 8 miles in length and terminates 4.6 miles Northwest of Juneau into Gastineau Channel.

From the terminus of Lemon Creek Glacier, there are a series of falls from the glacier within the first mile dropping Lemon Creek to the valley floor at an elevation of 1,360 feet. To reach Gastineau Channel 7 miles away, Lemon Creek has an average slope of 3.68%, which means that for every one hundred feet in distance-traveled Lemon Creek must lose 3.68 feet in elevation. For comparison, Lemon Creek from Glacier Highway bridge to Gastineau Channel has an average slope of 0.54%.

The glaciated alluvial gravels in Hidden Valley are continuing the natural erosion process that has been going on since the last ice age. The banks and streambed are continuing to erode during high water events. The eroded alluvial material is carried downward until the stream's velocity slows and can no longer transport the sediment load where it is then deposited. This area of deposition is where the elevation drop of the stream lessens, and the velocity of the water slows.

The rate of erosion overall is not slowed in Lemon Creek. The volume of water flowing in Lemon Creek is a product of the rainfall, seasonal snowmelt and glacier melt. The velocity of Lemon Creek is the result of elevation change to reach Gastineau Channel. The composition of the sands and gravels are the results of continental building, namely erosion and glaciation. These sands and gravels will continue to erode and be transported to Gastineau Channel.

HISTORY OF LEMON CREEK

This area has a history of placer mining from the 1870's to the early 1900's. John Lemon prospected and placer mined this creek in the 1870's hence the naming of the creek. Placer claims were filed and recorded in the area starting in 1884. Mining continued for many years although it was not very productive.

Logging with a sawmill operation was active in the Lemon Creek area until the 1980's, although logging in Hidden Valley did not occur until the mid-1980s.



Image 1 - Lemon Creek 1948

As can be seen in the photo above, in 1948 there was very little development in Lemon Creek. On the right side of image 3 the terraces eroded by Lemon Creek in Hidden Valley are visible. Most of the vegetation in the stream bottom is missing, giving it the light color in this black and white photo. On the left side of image 3, the aggradation of this alluvial material in the tide flats can be seen.



Image 2 - Lemon Creek 1962

By 1962 there was development occurring at Lemon Creek.



Image 3 - Lemon Creek 1984

Gravel extraction in Lower Lemon Creek for aggregate started during World War II. The mining of gravel occurred in several events until mid-1980. The method of gravel severance during this period was to divert Lemon Creek to one side of the creek bed. Then extract all the gravels across the width of the drainage, creating a long severance pit of where the streambeds used to be.



Image 4 - Lemon Creek 1988

Image 4 indicates that logging has occurred in Hidden Valley (refer to Image 1 - Lemon Creek 1948), from the tan area outlining Lemon Creek. In the picture, a bridge can be seen crossing Lemon Creek in Hidden Valley. The land that the logging occurred on are lands that are patented. The green trees that are left reside on governmental lands.



Image 5 - Lemon Creek Gravel Extraction 2015

In 2009, gravel extraction resumed between the Glacier Highway Bridge and the Lemon Creek Correctional Center in the lower reaches for flood control and aggregates for local use.

These severance sites were accomplished in exposed reaches with an 11-foot setback from Lemon Creek. Bridges were temporarily installed to cross Lemon Creek, gaining access to the different severance sites. This was a great benefit in keeping the stream bed manageable, from flowing over its sides due to sedimentation.

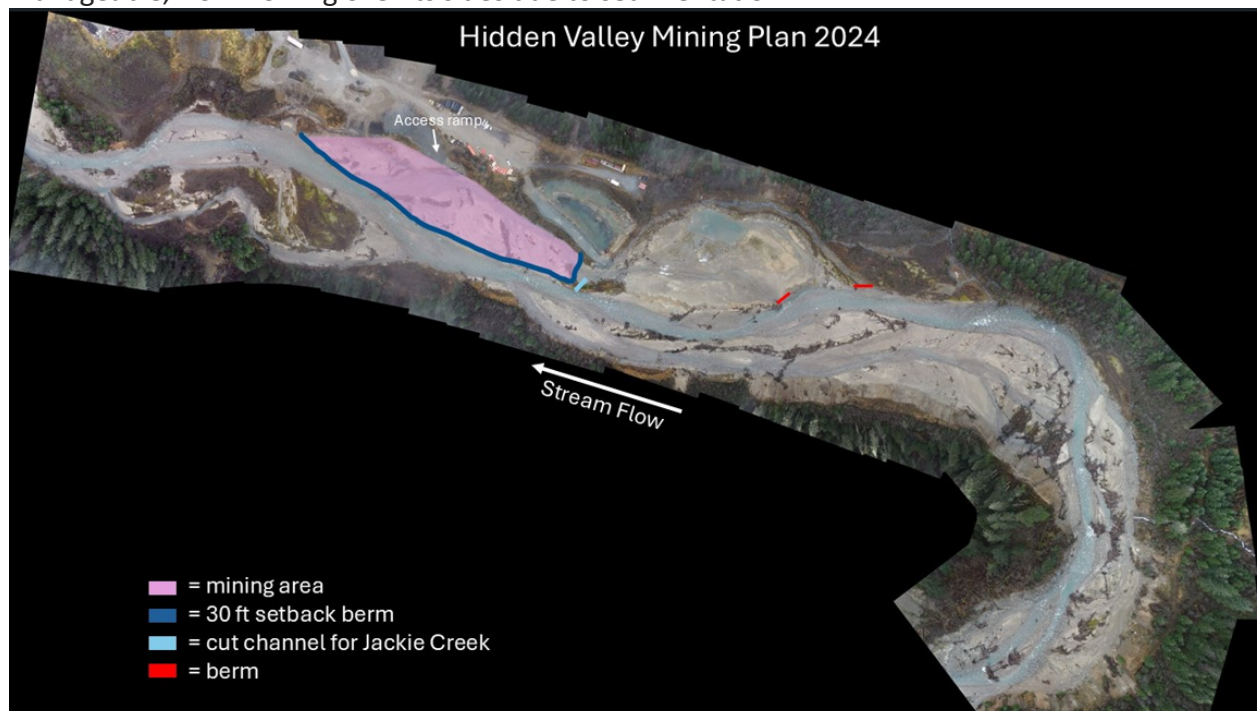


Image 6 – Hidden Valley Mining Plan 2024

In recent years, gravel extraction activities within the Hidden Valley Lemon Creek site have continued under USE2016-0004 and the direction of approved annual mining plans, fish habitat permits, and U.S. Army Corps of Engineers Nationwide Permit (NWP) 33. Extraction included mining in multiple pits, installation of temporary access structures, and adherence to established buffer and berm standards. The recent extraction volumes reflect a well-managed, phased approach that matches seasonal conditions, operational feasibility, and regulatory requirements.

LOCATION, FEATURES, & TOPOGRAPHY

The properties are located at Township 40 South, Range 66 East, SE quadrant of Section 23 and Section 26. It is located in Hidden Valley which is 1.34 miles north of the intersection of Glacier Highway and Anka Street in the City and Borough of Juneau, Alaska.



Image 7 - Lemon Creek Gravel Extraction 2016

Lemon Creek, AWC 111-40-10100, is a named anadromous waterbody located on Parcels 3M000LEMCRK2 and 3M000LEMCRK3, and within 50 feet of 3M000LEMCRK4.

The proposed gravel extraction occurs entirely within the active streambed of Hidden Valley, where seasonal flows naturally scour and reshape the channel, resulting in minimal established vegetation within the excavation area. Because operations are confined to these unvegetated alluvial reaches, no trees, shrubs, or mature riparian vegetation will be removed as part of the project. Surrounding vegetated banks and buffer areas will remain undisturbed, and all work will continue to be limited to zones already subject to regular

natural sediment movement and channel shifting. CBJ 49.70.330(4) requirement for a vegetation or revegetation plan, does not appear applicable to the proposed activity, as no removal of vegetation is expected.

The valley floor is roughly 500 feet wide on average east to west with glaciated banks of sand and gravel. Most of the banks have eroded faces and range from a few feet in height up to perhaps 50 feet in height. It is sloping from the north to the south and is about 3,200 feet in length before it narrows down through a gorge. The elevation at the north side of the property along the creek is roughly 175 feet. At the north property line of parcel M.S. 585 where it meets parcel M.S. 526 the creek has dropped in elevation to approximately 114 feet. The difference between the two elevations is 61 feet generating a 1.9% slope.

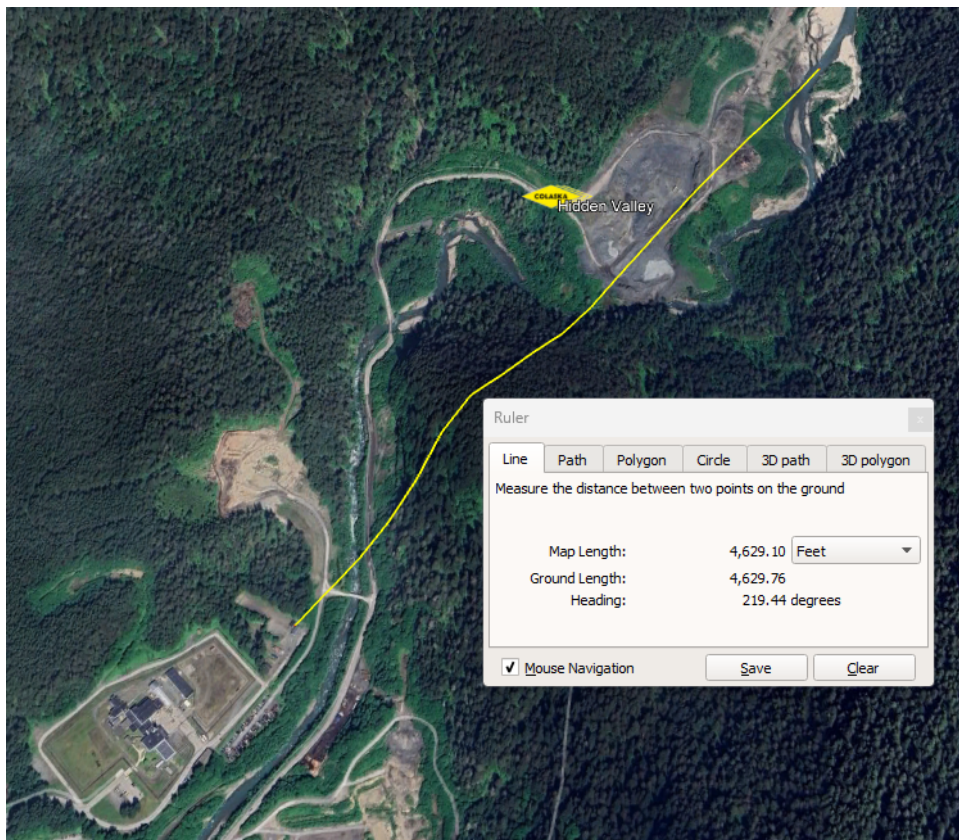


Image 7 – Nearest Habitable Structure

The nearest habitable structure is the building at the gun range north of the Lemon Creek Correctional Center. It is roughly 4,630 feet by land southwest from the severance area. This distance, along with adjacent zoning, negates the concern for visual or auditory barriers.

ZONING

The areas where the severance will occur is zoned Rural Reserve, the same as the properties to the west, north or east. The property to the south, patented M.S. 609 owned by City and Borough of Juneau, is zoned industrial.

CURRENT USE

The southwest portion of 3M000LEMCRK2 is an active quarry producing aggregate for local private and public projects, and the northeast portion has been used for gravel extraction from the existing streambed.

METHOD OF MINING

Prior to severance of materials ADF&G Habitat Division will be notified. The extraction site will be surveyed with a Habitat Biologist to determine what areas can be zoned for extraction. The site will be staked for property offset and buffer zone setback identified by the biologist.

These exposed gravel reaches are not fish habitat, even if the areas are submerged during spawning and the fish are able to lay eggs in the sands. They are dry for extended periods of time throughout the year and during the winter can freeze to several feet in depth.

Once the severance zone boundaries are staked the berms will be installed on the up-stream side of the excavation. This is to keep Lemon Creek from entering the severance area during elevated flows. The berm is temporary in nature and will be removed once the severance area is finished for the season. If Lemon Creek floods, the berm will be washed into the severance pit.

The mined gravels will be severed in one of two ways:

1. The gravels will be excavated and loaded into the conveyance unit in one operation.
2. The gravels will be excavated into a surge stockpile next to the extraction pit. The stockpile is located next to the excavator. It is no more than two truckloads in size. The purpose of the surge pile is for gravels to have the opportunity to drain most of the water before being loaded into the conveyance unit.

During the gravel extraction the severance zone pit is isolated from Lemon Creek. Once the severance zone is exhausted of gravels the berm will be removed. The severance pit suspends solids and turbidity will begin to settle. Historically, Lemon Creek Gravel Extraction severance ponds have, after one to two months, been clearer than Lemon Creek as it breaches the severance ponds. There is a notable difference in turbidity between Lemon Creek and the still quiet of the severance ponds.

The severed gravels are loaded into dump trucks as the conveyance unit of choice. The gravels are transported to a stockpile up out of the Lemon Creek flood plain. Currently there is an elevated bench about 20 feet higher in elevation than the flood plain of Lemon Creek. This bench 80 to 250 feet in width and 1,000 feet long can be utilized as a stockpile location or alternatively stockpile in the quarry or haul directly to Aggpro location for processing.

The equipment used to extract gravels from the exposed reaches will be any combination of the following:

- Large Excavator
- Large Dozer
- Large Loader
- 10 cubic yard end dumps
- 20 cubic yard end dumps
- 20 cubic yard side dumps
- Articulated Trucks

Secon may setup a wash plant at the Hidden Valley property for processing the material, which will be trucked to the quarry site for processing. The wash plant site will either be on an elevated bench, or the rock quarry, depending on the year's mining plan. If a wash plant is erected, it will be set up above the seasonal high-water elevation, and a water collection sump will be created. The plant will be in operation starting in the spring when temperatures stay above freezing and shut down in the fall when the temperatures start freezing once again.

Secon may setup a screening plant at the Hidden Valley property for processing the severed into different products. These products will be temporarily stockpiled at this location before being conveyed either to Aggpro or to a public project. Aggpro will market and sell to public works/maintenance departments and/or to the private sector.

Products made from the mined gravels.

- Concrete aggregate
- Concrete Sand
- Asphalt Blend Sand
- Washed Rock
- Sand
- Chips for winter sanding

No fueling of equipment will take place below ordinary high water.

TRAFFIC

The transport route for gravel products begins at the Hidden Valley site on Anka Street and continues to the intersection with Glacier Highway. From that point, hauling follows one of two established routes. The first route proceeds by turning right onto Glacier Highway, then turning left onto Concrete Way, and continuing to AggPro's facility located at 5771 Concrete Way. The second route turns left onto Glacier Highway and follows it to Vanderbilt Hill Road, connecting to Egan Drive for delivery to project locations.

These haul routes are identical to those historically used for SECON's Hidden Valley Quarry operations as well as the City & Borough of Juneau's North Lemon Creek Material Site, ensuring consistency with existing traffic patterns and prior approved routes.



(907) 586-0715
 CDD_Admin@juneau.gov
www.juneau.org/community-development
 155 Heritage Way • Juneau, AK 99801

PAC2026 0009 - Hidden Valley Tract A and B

Case Number: PAC2026 0009
 Applicant: SECON INC
 Property Owner: Colaska dba Secon
 Property Address: No Address Assigned
 Parcel Code Number: 3M000LEMCRK2, 3M000LEMCRK3, and 3M000LEMCRK4
 Site Size: 113.29 acres, 66.08 acres, and 114.84 acres (294.21 acres total)
 Zoning: Rural Reserve
 Existing Land Use: Gravel Extraction

Conference Date: March 18, 2026

Report Issued: March 23, 2026

DISCLAIMER: Pre-application conferences are conducted for the purpose of providing applicants with a preliminary review of a project and timeline. Pre-application conferences are not based on a complete application and are not a guarantee of final project approval.

List of Attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
Sylvia Heinz	Applicant	sheinz@colaska.com
Maureen Hansen	Applicant	mhansen@colaska.com
Justin Smith	Planning	Justin.Smith@juneau.gov
Jeff Hedges	Building	Jeffrey.Hedges@juneau.gov
David Sevdy	General Engineering	David.Sevdy@juneau.gov
Nicolette Chappell	Admin	Nicolette.Chappell@juneau.gov

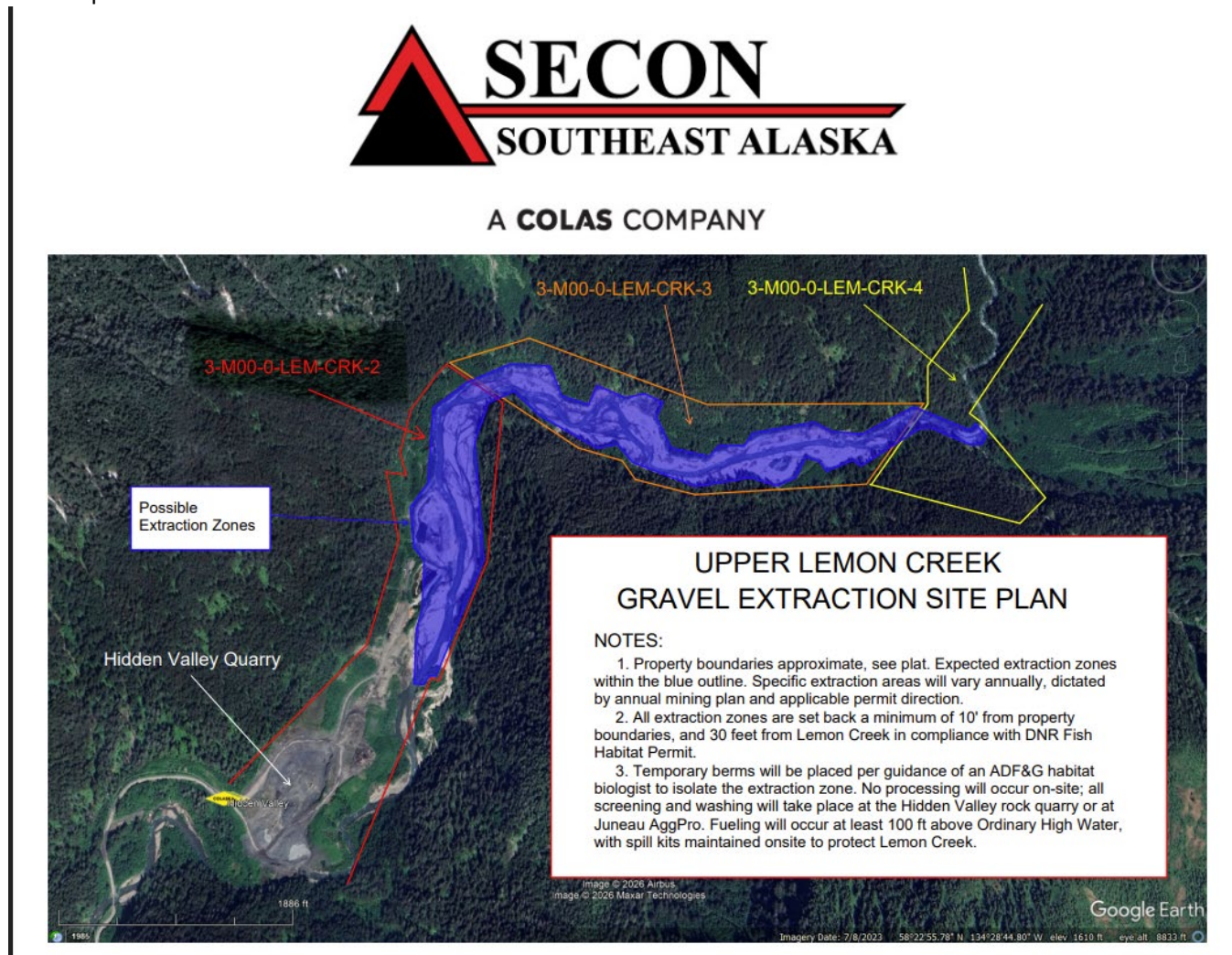
CONFERENCE SUMMARY

Questions/issues/agreements identified at the conference that weren't identified in the attached reports.

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

Project Overview

Site Map:



Colaska DbA SECON is requesting a 10-year extension of the existing USE2016-0004, which allows the extraction of gravel from property owned within Hidden Valley Subdivision (Tract A, M.S. 526), and adding gravel extraction on adjacent properties (Tract B and 3-M00-0-LEM-CRK-4) to the permit.

Conditional Use Permit Process:

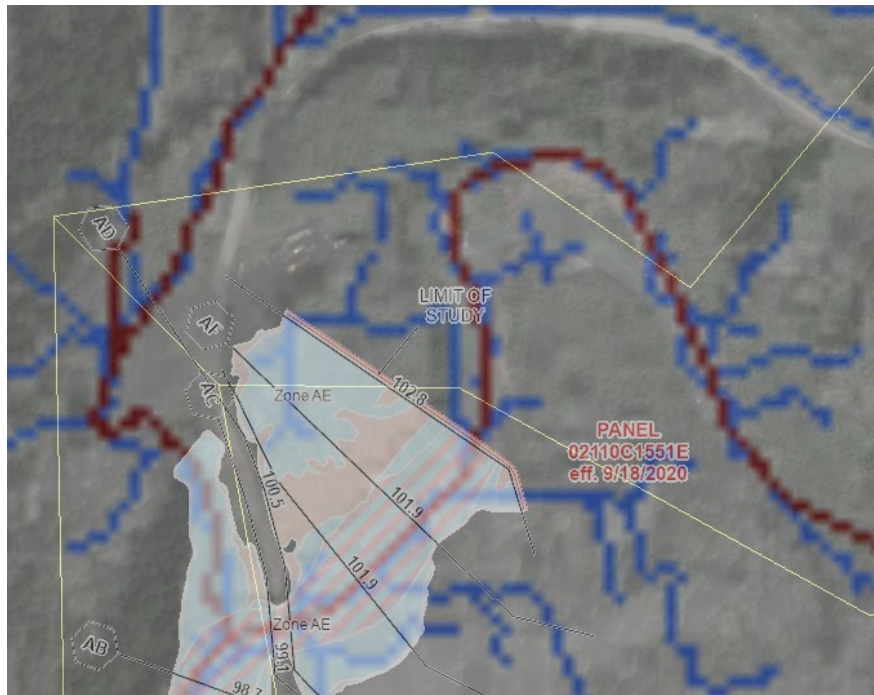
- Submit the application and additional materials.
 - Electronic submissions accepted at <https://cityandboroughofjuneauakenergovweb.tylerhost.net/apps/selfservice#/home>
- The project will be assigned to a planner. They will review the application and submitted materials. When the planner assesses that the application is complete, they will schedule a hearing before the Planning Commission.

- A notice will be sent to property owners within 500 feet of the project.
- There will be two newspaper ads for the case.
- The Applicant is required to post a Public Notice sign, which will be provided by CDD. The sign must be posted two weeks before the hearing.
- Staff will prepare a report analyzing the project and make a recommendation to the Commission. The report will be publicly available the week before the hearing.
- At the Planning Commission meeting, the project can be:
 - On the Consent Agenda, where it will be passed without discussion.
 - On the Regular Agenda:
 - The Director will briefly describe the project.
 - The Applicant has 10 minutes to describe the project.
 - The public has the opportunity to comment. There is usually a time limit of two to three minutes.
 - The Applicant has time to respond to issues raised.
 - Public comment is closed, and there is no additional opportunity to participate.
- Within 30 days of the hearing, the Planning Commission will:
 - Approve the project
 - Approve with conditions
 - [\[CBJ 49.65.230\]](#) lays out eleven considerations that the commission will consider and may impose restrictions on the permit.
 - [\[CBJ 49.65.235\]](#) outlines two mandatory conditions of the permit. If these conditions do not apply, explain in the narrative submitted with the application.
 - Deny the project
 - Continue the project – if more information is required or if the Commission runs out of time.
- The decision can be appealed for 20 days after the Notice of Decision is filed with the City Clerk. If the decision is appealed, the Applicant can continue with their project at their own risk.
- Videos of the Planning Commission activities are posted on the Assembly's Minutes and Agendas site. <https://juneauak.portal.civicclerk.com/>

SECTION 1 – PLANNING DIVISION

1. **Zoning** [\[CBJ 49.25 Article II\]](#) – Rural Reserve
 - a. Urban Mining District
 - b. 3M000LEMCRK3 and 3M000LEMCRK4 are within Remote Subdivision Areas Overlay
2. **Table of Permissible Uses** [\[CBJ 49.25.300\]](#) – 14.500 Sand and Gravel Operations, a Conditional Use within the Rural Reserve zoning district; Additionally governed by [\[CBJ 49.65 Article II\]](#).
 - a. 3: Conditional use permit requires planning commission approval.
3. **Subdivision** [\[CBJ 49.15 Article IV\]](#) – N/A
4. **Setbacks** [\[CBJ 49.25.400\]](#) –
 - a. **Front:** 25 feet
 - b. **Rear:** 25 feet
 - c. **Side:** 15 feet
5. **Height** [\[CBJ 49.25.400\]](#) –
 - a. **Principal:** 45 feet

- b. **Accessory:** 45 feet
- 6. **Lot Coverage** [\[CBJ 49.25.400\]](#) –
 - a. **Permissible Uses:** 10%
 - b. **Conditional Uses:** 20%
- 7. **Vegetative Coverage** [\[CBJ 49.50.300\]](#) – None
- 8. **Access** [\[CBJ 49.35\]](#) – Anka St
- 9. **Parking & Circulation** [\[CBJ 49.40\]](#) – N/A
- 10. **Traffic** [\[CBJ 49.40 Article III\]](#) – N/A
- 11. **Lighting** [\[04 CBJAC 050.020\]](#) – Industrial and exterior lighting shall not be used in a manner that produces glare on public highways or neighboring property.
- 12. **Noise** [\[CBJ 49.15.330\]](#) – The Commission may place conditions affecting noise generation from this proposal. Please see CBJ 49.15.330(g)(11).
- 13. **Flood** [\[CBJ 49.70 Article IV\]](#) – Zone AE at the southern end of Parcel 3M000LEMCCK2. The quarry and the possible extraction zones are Not Mapped in any FEMA flood zones.



- 14. **Avalanche Hazard** [\[CBJ 49.70.300\]](#) – None Mapped
- 15. **Hillside Endorsement** [\[CBJ 49.70 Article II\]](#) – May be required if any of the following conditions are met.
 - i. Removal of vegetative cover
 - ii. Excavation of any slope in excess of 18 percent
 - iii. Creation of a new slope in excess of 18 percent for a vertical distance of at least five feet
- 16. **Anadromous Habitat** [\[CBJ 49.70.330\]](#) – Lemon Creek, AWC 111-40-10100, is a named anadromous waterbody located on Parcels 3M000LEMCCK2 and 3M000LEMCCK3, and within 50 feet of

3M000LEMCRK4. Mining and similar uses that must be in or adjacent to the stream are exempt from the setback provisions noted in [CBJ 49.70.330], but the following standards [CBJ 49.70.330(4)] still apply:

- a. Prior to issuance of a building or grading permit, the developer must submit a vegetation or revegetation plan to the director for approval.
 - b. Such vegetation or revegetation shall be kept or arranged to maximize shade on the stream or lake.
 - c. The area disturbed shall be vegetated with native species according to the Alaska Department of Fish and Game's Stream Revegetation and Protection: A Guide for Alaska.
 - d. Except for the setback area necessary for such developments or disturbances, the remaining setback shall be vegetated or revegetated within one growing season.
17. **Eagles Nests** – Check with the U.S. Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling.
18. **Wetlands** – PSS1A and R5UBH are located on the Parcels.
- a. A U.S. Army Corps of Engineers permit may be required.
 - b. Wetlands are not regulated by Title 49.
19. **Nonconforming situations** [[CBJ 49.30](#)] – No known nonconformities exist on the property.
20. **Plat or Covenant Restrictions** – N/A

SECTION 2 – BUILDING DIVISION

21. **Building** – Building Division has no issues with this project at this time.
22. **Outstanding Permits** – All outstanding permits are grading permits

SECTION 3 – GENERAL ENGINEERING/PUBLIC WORKS DEPARTMENTS

23. **Engineering** – Periodic private inspection reports shall be submitted to GE for records. DAS 03/20/2026

SECTION 4 – FIRE DEPARTMENT

24. **Fire Items/Access** – No comments provided.

SECTION 5 – OTHER APPLICABLE AGENCY REVIEW

25. Army Corps / DEC (wastewater) / DNR / USF&W / F&G

SECTION 6 – LIST OF REQUIRED APPLICATIONS

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

26. Sand and Gravel Extraction Conditional Use Permit Application.
27. Grading Permit Application

28. A landowner's signature for all three parcels.

Additional Submittal Requirements

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

29. A copy of this pre-application conference report.

Exceptions to Submittal Requirements

Submittal requirements that staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

30. N/A

FEE ESTIMATES

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

1. Conditional Use Permit: Class V Use: \$1,600 [[CBJ 49.85.100\(3\)\(E\)\(ii\)](#)]
2. Public Notice Signage: Sign Fee and Deposit Together: \$150 (Sign Fee: \$50; Deposit: Up to \$100 refundable)

For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/community-development.

Submit your Completed Application

You may submit your application(s) online via CBJ Civic Access (<https://cityandboroughofjuneauak-energovweb.tylerhost.net/apps/selfservice#/home>)

*Note: The Department is currently in the process of configuring additional application types on our Civic Access site, which may be necessary for your online submittal. Please contact the Community Development Department in advance of your application submittal for information on the appropriate way to apply.

ATTACHMENTS:

[CBJ 49.65 Article II](#)

Extraction Conditional Use Permit Checklist
USE2016 0004

49.65.210 - Contents of application.

Each person who requires a permit under this article shall file an application with the department. The application shall contain a plan for the excavation operation, storage, on-site processing if permitted in the district, and site restoration. The plan shall include:

- (1) A graphic and legal description of the property;
- (2) A topographic map showing the existing topography, vegetation, drainage features, ground water level, structures, significant natural and artificial conditions of the land, on-site and off-site geophysical hazards which may affect or be affected by the proposed operation, proposed structures, roads, stockpiling and operation;
- (3) A topographic map and a typical cross section showing the proposed finished contour on the land, vegetation, drainage features, limits of overburden clearing, structures, and significant natural and artificial conditions of the property which will exist upon completion of the site restoration plan;
- (4) Topographic mapping required in subsections (2) and (3) of this section for areas having a slope of less than five percent shall show spot elevations at all breaks in grade, drainage channels or swales and at selected points not more than 100 feet apart in all directions. For areas having a slope of greater than five percent, contours shall be shown at an interval of not more than five feet where the ground slope is regular: however, contour intervals of not more than two feet may be required where necessary to adequately show irregular land features or drainage details;
- (5) The plan shall include a map showing ingress and egress points for trucks and other equipment;
- (6) The plan shall include a map showing all buildings and structures to be located on the site; and
- (7) A narrative statement describing the operation, on-site processing, stockpiling, and site restoration shall be included showing:
 - (A) A site drainage plan;
 - (B) A method of securing the area, including installation of gates at access points, posting, and fencing;
 - (C) Methods to be used to minimize noise pollution and visual blight;
 - (D) The proposed hours and days of operation during the year;
 - (E) The estimated amount and general type of material present and to be removed from the site;
 - (F) The results of test holes which show the water table level, if any, and the general type and location of materials to be removed;

- (G) The date by which it is anticipated the extraction and processing operation will be completed;
- (H) A schedule for completion of necessary site restoration work;
- (I) Operating procedures for control of airborne particulates and other pollutant emissions from the site and equipment used at the site that may affect areas beyond the site boundaries;
- (J) The identification of any geophysical hazards which may affect or be affected by the proposed operation. A statement of the possible impact of the hazard on the operation and of the operation on the hazard including methods of reducing the impact shall be included;
- (K) The date of establishment of the operation and history of adjacent land development; and
- (L) Such additional relevant information as the commission or department may request.

(Serial No. 87-49, § 2, 1987)



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

PLANNING COMMISSION NOTICE OF DECISION

Date: May 12, 2016

File No.: USE2016 0004

Secon, Inc.
PO Box 32159
Juneau, AK 99803

Application For: A Conditional Use Permit to extract/mine gravel from patent lands in Hidden Valley, Lemon Creek

Legal Description: HIDDEN VALLEY TR A

Property Address: End of Anka Drive

Parcel Code No.: 3-M00-0-LEM-CRK-2

Hearing Date: May 10, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandums dated April 29, 2016 and May 10, 2016, and APPROVED the extraction of gravels from the Lemon Creek stream bed in the areas shown in the application for a 10 year period, to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

Annual Grading Permit, Bank Protection and Neighboring Property Owners –

- 1. Prior to issuance of the first year's grading permit and approval of the first year mining plan, the applicant shall submit a bond of \$30,000, sufficient to perform any site remediation necessary to meet the conditions of this permit.*
- 2. Prior to issuance of the first year's grading permit and approval of the first year mining plan, the applicant shall submit evidence that the proposed activities under this permit would not invalidate use of the Upper Lemon Creek explosives storage as permitted by USE 2009-00019.*
- 3. To protect interests of neighboring property owners, the applicant shall provide and maintain safe access to the neighboring properties in accordance with existing easement agreements.*
- 4. Each year, by February 28th, or other date agreed with CDD staff which takes into account the applicant's mining season, the applicant shall submit a draft mining plan. The plan shall be submitted to the CBJ Permit Center as a grading permit application. This is to enable CBJ and other external agencies to understand more specific aspects of the forthcoming operations that are not provided in this Conditional Use permit application*

although some of the documentation may be repeated. This plan will be reviewed by relevant CBJ departments and external agencies within 28 days of submission.

The mining plan shall take account of comments received regarding the annual inspection report. The plan shall include:

- a. Estimation of material to be removed*
 - b. Map of area to be worked (showing property lines and buffers)*
 - c. Map showing location of proposed screening and gravel wash activities, on-site gravel storage locations, culverts, access roads, bridges, bank stabilizations, berm details (including height, location, material composition and removal plan), stream relocations and other proposed features.*
 - d. Map showing designated site parking location for employees and visitors.*
 - e. Methods for protecting Lemon Creek from oil, fuel and hydraulic fluid (including leaks from heavy equipment)*
 - f. Methods for protecting Lemon Creek from sediment and turbidity both at the extraction site, and to Anka Street along access road.*
 - g. Proposed inspection schedule by State of Alaska licensed Engineer and /or professionally recognized Hydrologist as per Conditions 6 and 7.*
 - h. Copies of relevant permits from external agencies including, but not limited to, ADFG, ACOE, DNR and ADEC.*
- 5. Recognizing the dynamic environment in the streambed, any major alterations to the agreed mining plan require approval by the Community Development Department and the CBJ Engineering Department.*
- 6. To ensure operations are consistent with the approved annual mining plan, the applicant shall directly hire, or pay permit inspection fees to provide for inspection of the mining area by State of Alaska licensed Engineer.*
- 7. Periodic inspections shall be made as determined by the engineer, sufficient to monitor the operation to ensure operations are consistent with the approved annual mining plan. Such periodic inspections shall include visits during or after high water events.*
- 8. To allow review of conformity of the annual mining plan, an Inspection report by a State of Alaska licensed Engineer shall be submitted annually. The report shall be submitted to the Engineering Department and to the Community Development Department by November 31st each year, or a date agreed with CDD staff, in order for comments to be incorporated into the next annual mining report. The Inspection reports shall include the following information:*
- a. Volume of material removed*
 - b. Map of area worked showing required buffers from active stream channel, property boundaries and OHWM banks*
 - c. Verification of compliance with mining plan including slope grades*
 - d. Report of any OHWM bank destabilizations*
 - e. Results of sediment and turbidity monitoring*
 - f. Opinion whether bank/property line setbacks are adequately protecting adjacent properties*
 - g. Bank protection/stabilization measures if merited*

9. *To protect interests of neighboring property owners, the top of excavation slopes shall be prohibited 15 feet of the property lines. Prior to the commencement of mining, the applicant shall verify property line location and physically delineate buffer distance to the extraction area as required.*
10. *The applicant shall protect the structural integrity of existing OHWM banks and rip-rap banks. A no-disturbance zone of 15 feet horizontal distance from the toe of adjacent banks shall be maintained except as necessary for access points. (This condition is necessary because OHWM rip-rap or bank boundaries may or may not correlate with property boundaries, as noted in the earlier requirement to mine 15 feet from property boundaries.)*
11. *To support slope stability the applicant shall protect all vegetated slopes outside of the severance zones and maintain a similar non-disturbance buffer identified in Condition 10, unless a location-specific engineering analysis indicates otherwise.*
12. *To ensure all slopes that are cut or filled as part of the gravel extraction and/or grading operations are safely constructed, they shall be less or equal to 2 horizontal to 1 vertical unless approved by a State of Alaska licensed engineer. This measure shall be integrated into the annual grading permit.*
13. *Excavated areas within the creek bed in Zone 2 shall be clearly marked with warning signs to discourage users of Lemon Creek trail approaching the site. This is also required if Zone 3 is accessed via Zone 2.*
14. *As required for all CBJ sand and gravel extraction permits, if extraction operations cause ponding or retained water in the excavated area, the slope of the submerged working face shall not exceed a slope of 3:1 from the edge of the usual water line to a water depth of seven feet. This slope ratio may not be exceeded during extraction operations unless casual or easy access to the site is prevented by a fence, natural barriers, or both. This measure shall be integrated into the annual grading permit.*

Project Expiration and Dates and Times of Operation -

15. *Gravel operations shall be permitted year round.*
16. *As allowed by the CBJ penal code, operating hours shall be limited to 7 am to 10 pm on weekdays and 9 a.m. to 10 p.m. on Saturdays and Sundays (except on State, Federal, or Local Holidays), unless otherwise authorized by a permit from the CBJ Building Official.*
17. *The permit shall expire after 10 years.*

Truck Traffic and Street Maintenance –

18. *In the interests of neighborhood harmony, truck traffic from the development shall be routed only through the Anka Street/Glacier Highway intersection.*
19. *To prevent water or load spillage from trucks, prior to leaving the applicants property, the transport truck bed, with the tailgate locked, shall be raised for a period based on the visual assessment and approval of the applicant's project engineer.*

- 20. The applicant shall inspect the traveled route for escaped material from the haul a minimum of once daily on any day material is hauled from the site.*
- 21. The applicant shall sweep and clean Anka Street at the end of each day if any water or material has escaped, or if a major spill occurs because of hauling from the subject parcel.*
- 22. The applicant shall immediately respond to any reasonable clean-up and mitigation requests during the from the project engineer, CBJ or ADOT.*

Habitat Protection -

- 23. To mitigate against flooding of the extraction zones, the applicant shall maintain dry channel berms during active operations as required by ADFG and ACOE permits. These berms shall be breached as required by ADFG.*
- 24. For the purposes of habitat protection requirements in the CBJ Land Use code, as per the ADFG permit, the top of excavation slopes shall be prohibited within 30' of any active stream channels or as required by the valid ADFG permit. This distance shall be physically delineated by an ADFG biologist prior to the commencement of grading or extraction.*
- 25. To minimize the impact on Lemon Creek water quality, CBJ Stormwater BMPs shall be employed at the site and along the route from the site to Anka Street. Where more restrictive, the ADEC permit requirements shall apply.*
- 26. To protect stream habitat, a suitably sized spill response kit shall be present on site during operations.*
- 27. To encourage gravel bar formation and/or side channel creation, the applicant shall place any large woody debris encountered during excavation activities at the surface of the floodplain, upstream or adjacent to the excavation area. The woody material shall be partially buried to anchor the material during high flows.*
- 28. To protect stream habitat, there shall be no on-site fueling or equipment maintenance performed within 100 feet of the OHWM. This includes fueling or maintenance of portable equipment such as generators and pumps.*
- 29. To protect stream habitat, there shall be no on-site storage of fuel or other chemicals 100 feet of the OHWM.*

The intention is for CBJ permit conditions to allow for circumstances when permits and regulations from external agencies are stricter than those required by CBJ.

Attachments: April 29, 2016 and May 10, 2016 memorandums from Tim Felstead, Community Development, to the CBJ Planning Commission regarding USE2016 0004.

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Commission, May 10, 2016.

Expiration Date: The permit will expire 18 months after the effective date, or November 10, 2017 if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

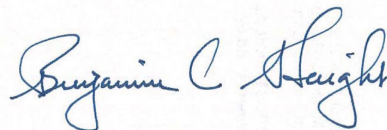
Project Planner:



Tim Felstead, Planner
Community Development Department



Filed With City Clerk



Ben Haight, Chair
Planning Commission

May 17, 2016

Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: April 15, 2016

TO: Planning Commission

FROM: Tim Felstead, Planner *Tim Felstead*
Community Development Department

FILE NO.: USE2016 0004

PROPOSAL: A Conditional Use Permit to extract/mine gravel from patent lands in Hidden Valley, Lemon Creek.

GENERAL INFORMATION

Applicant: Secon, Inc.

Property Owner: Secon, Inc.

Property Address: End of Anka Drive

Legal Description: HIDDEN VALLEY Tract A

Parcel Code Number: 3-M00-0-LEM-CRK-2

Site Size: 4,934,912 square feet (113.29 acres)

Comprehensive Plan Future Land Use Designation: Resource Development (RD)

Zoning: Rural Reserve (RR)

Utilities: None

Access: Existing access road through easement over CBJ property connecting to Anka Street

Existing Land Use: Gravel extraction

Surrounding Land Use:

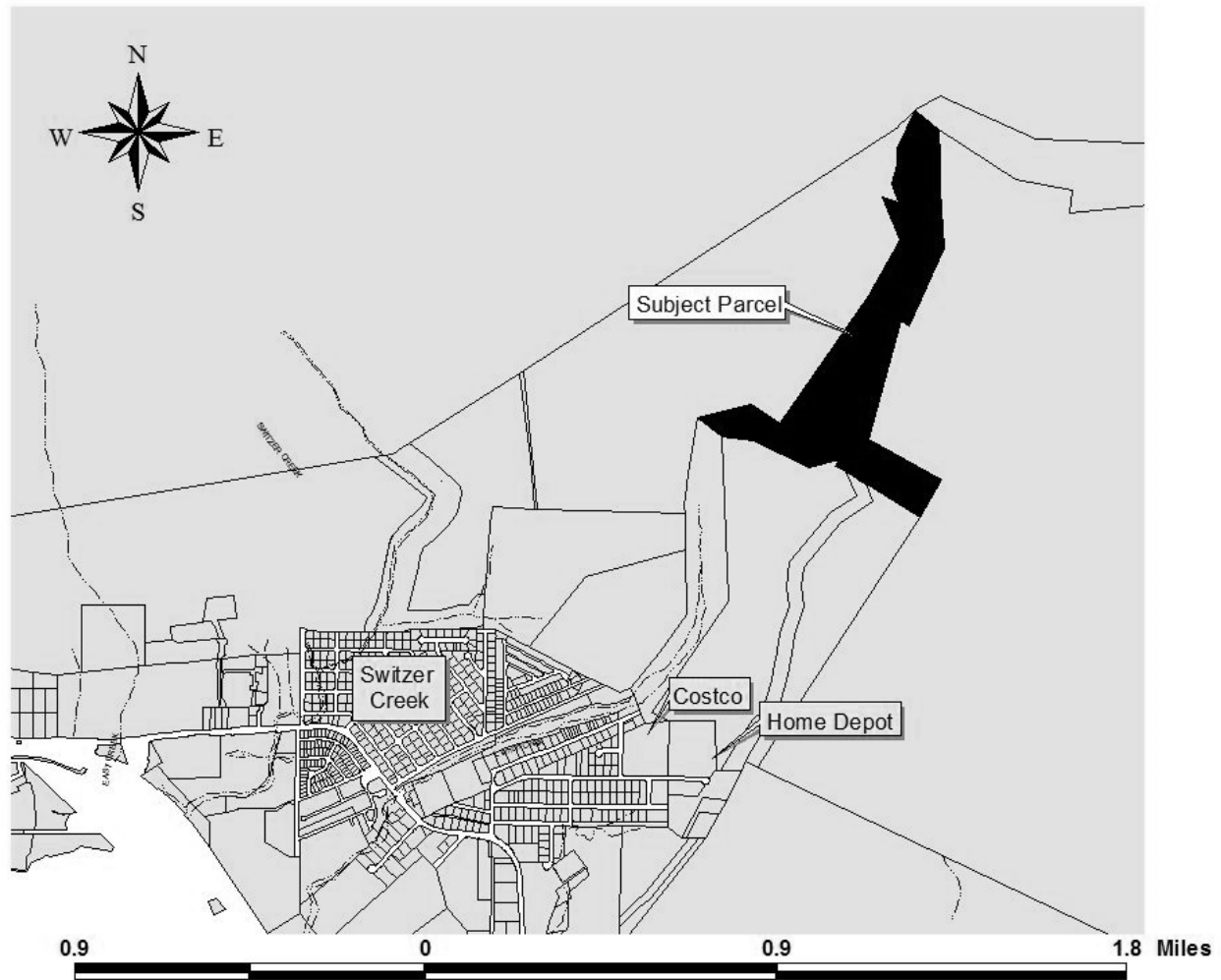
North - RR (Vacant)

South - RR (Vacant/Trail) and Industrial (former gravel pit)

East - RR (Vacant/Trail)

West - RR (Vacant)

Vicinity Map



ATTACHMENTS

- Attachment A – Application including narrative, Alaska Department of Fish and Game Permit and Army Corp of Engineer's Permit
- Attachment B – Public Notice
- Attachment C – Alaska Department of Fish and Game field report on Severance Zone 1
- Attachment D – Memo from CBJ General Engineering regarding impacts on public streets and stormwater
- Attachment E – Email from CBJ General Engineering regarding guarantee amount for project.
- Attachment F – Email from CBJ Engineering regarding proposal
- Attachment G – Excerpt from 2004 *Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis report* (prepared by Interfluve, Inc. for CBJ Engineering)
- Attachment H – Notice of Decision for USE2012-0019 – Conditional Use permit to extract 240,000 cubic yards of gravel from the Lemon Creek streambed over the next six year period.

PROJECT DESCRIPTION

The applicant is requesting a Conditional Use Permit for the extraction of sand and gravel in stream bed of Lemon Creek in the Hidden Valley area. The extraction would be located in three areas within gravel bars in the Lemon Creek streambed, but outside of the active creek channel. The extraction will provide sands and gravels for local construction projects.

BACKGROUND

The Hidden Valley area of Lemon Creek has a history of placer mining and more recently logging and quarrying/gravel extraction. Conditional Use permits have been granted in the past for quarry and gravel extraction in upland areas towards the southern end of the subject parcel. Other Conditional Use permits are for two explosive stores (a lower store and an upper store). Active permits for the site are listed in the table below. The haul road that provides access to the parcel continues further north to provide access to a parcel under separate ownership to the northwest.

The general location of the area subject to this application and other relevant applications within the Lemon Creek catchment referenced in this report are shown on **Attachment G**.

Permit #	Description	Valid until
USE2009-00004	Continuation of a rock and gravel extraction operation at applicant's Hidden Valley quarry.	No expiration
USE2009-00018	Continuation of explosive storage at upper powder magazine in Hidden Valley	2019
USE2009-00019	Continuation of explosive storage at lower powder magazine in Hidden Valley	2019

The active creek channel has shifted in recent years causing significant erosion of stream banks. According to the 2004 *Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis Report* (prepared by Interfluve, Inc. for CBJ Engineering) some of the sediment released by these erosion activities is deposited in the channel of the urbanized area of Lemon Creek further downstream. These depositions shallow the channel at this downstream location increasing the local flood risk. The Interfluve analysis recommends stabilization of exposed and eroding banks in the Hidden Valley area as one of three key flood mitigation strategies. This would reduce the sediment load from the Hidden Valley area of Lemon Creek. The other two measures are removal of the Juneau Redi-Mix bridge, which has been completed, and mining of the stretch of Lemon Creek running parallel to Anka Street which is an ongoing activity subject to a Conditional Use permit (USE2012-0019). A brief excerpt of the Interfluve report is provided in **Attachment G** to show the stretches where erosion, transport and deposition of sediment is generally occurring. The full report may be found online at <http://www.juneau.lib.ak.us/engineering/lemoncreek.php>.

As noted above, the applicant currently performs gravel extraction activities in the stretch of Lemon Creek running parallel to Anka Street. This is permitted by USE2012-0019. The associated set of conditions of approval for this permit is considered a model best practice for gravel extraction activities in streambeds (**see Attachment H**). Conditions of approval for this proposal are based on those conditions of USE2012-0019 with some conditions added, removed or modified to reflect site specific differences between the two gravel extraction locations.

Based on comments received from various CBJ departments, and external agencies consulted in this review, there is a consensus that extraction activities in this upper stretch is a more appropriate location compared to those further downstream along Anka Street. The potential impact in terms of habitat and local neighborhood will be less, although it should be noted that the Interfluve report suggests extraction activities in the lower reach of Lemon Creek does serve some benefits in terms of flood risk reduction to adjacent properties.

ANALYSIS

This review requires an evaluation of conformance with the Conditional Use Permit requirements in CBJ Land Use Code 49.15.330, as well as the Land Use Code Sand and Gravel Section, 49.65.200.

The Planning Commission is required to review uses that are identified as a Conditional Use for a particular zoning district as determined by the Table of Permissible Uses (CBJ 49.25.300).

The Sand and Gravel section of the Land Use Code has been written to apply to upland sand and gravel mining, not streambed mining, so CBJ Engineering has concluded that most sections do not apply to the proposed development. It has been determined that all relevant requirements for the application and narrative, per CBJ49.65.210, have been met. Section 49.65.210, Contents of Sand and Gravel Application, is also addressed at the end of the report under Finding Number One, regarding whether the application is complete.

CBJ Engineering has reviewed the application and supports the proposal in part because of its potential to reduce sediment build up in the lower stretch of Lemon Creek (**see Attachment F**). Memorandums and emails from CBJ Engineering satisfy the requirement for a report on the proposal as per 49.65.215. To verify conformance and reduce redundancy, staff will briefly reference Sand and Gravel code sections in the context of the standard Conditional Use review.

It is recommended, as a condition of approval, that a yearly mining plan be submitted to CBJ by March 31 (or an alternative date agreed upon by CDD) to allow a review of specific details of the operation. CDD will then provide opportunity for comment and amendment from all relevant departments and external agencies. This plan would address site changes from year to year.

Project Site - The project site is a privately-owned streambed in the Hidden Valley stretch of Lemon Creek. In addition to a wide stream bed within steep banks, there is an adjoining upland area to the west of the stream. Access to the parcel is via a haul road which starts at Anka Street behind Costco/Home Depot and runs in an easement over CBJ land. The creek is normally contained in an 'active channel' for most of the year. Some or all of the wider stream bed will flood following periods of heavy rainfall or snowmelt.

The proposed site locations are a relatively far away from the nearest use although there is an explosives store along the potential access route to two of the severance zones (**see Sheet 2, Attachment 2 of Attachment A**).

Project Design - The extraction will occur in three localized areas in the parcel. These areas are known as severance zones. These will be referred to as Severance Zones 1, 2 and 3 with 1 being further downstream and 3 being furthest upstream (**see Sheet 2, Attachment 2 of Attachment A**). The size of all of the zones is preliminary at this stage although the general location is fixed. The severance zones will be delineated in the field by Alaska Department of Fish and Game (ADFG) biologists each year. As part of their permit, ADFG has required a 30 foot buffer between the extraction areas and the existing stream channel (**see Attachment 3 in Attachment A** for permit and **Attachment C** for specific site visit for Zone 1). Berms will be created across existing dry channels running into the severance zones to provide additional protection from any flooding in event that water levels are higher than normal. Dry channels are channels in the flood plain that are filled at times of high water. *The ADFG permit requires the berms to be breached following extraction in the severance zones – this is recommended as a condition of approval*

The intention is that the severance zones will continue to replenish and fill in over time once gravel has been extracted. This replenishment action has already been observed in the gravel extraction activities alongside Anka Street associated with USE2012-00019. When water flows into these channels during high water events, it carries sediment that is then dropped as the speed of the water slows as it enters a relatively deep area of the normally dry channel. In this respect the proposal will provide some assistance in retaining sediment in the upper reaches of Lemon Creek and reducing deposition in the downstream, urbanized reaches, resulting in a potential flood risk reduction. CBJ Engineering agrees with the potential benefits of this approach, noting that it will also assist in reducing problematic sediment accumulation that is occurring in the lower Lemon Creek stretch where the Lemon Creek Correction Facility and Costco/Home Depot border the channel (**see Attachment F**). As discussed in the Habitat section of this report, Lemon Creek is also a recognized impaired water body which has issues with sediment load and turbidity. The capture of sediment in severance zones will assist in reducing these issues.

The applicant is proposing to start at Zone 1 (furthest downstream) and move upstream to the additional severance zones in sequence when gravel is exhausted. No test samples have been taken in the severance zones. Access improvements would be required to allow the necessary equipment to reach the zones.

The amount of gravel to be extracted in each zone, as provided by the applicant, is based on an assumed gravel depth of 15ft and estimates the size of the potential severance zone once buffers have been taken into account. Because the surface area is most important in terms of habitat impacts, the depth is not particularly relevant. While other gravel extraction permits have restricted the total volume to be extracted, CBJ and ADFG agree that no such restriction is necessary for this permit.

Zone 1 is the easiest to access due to its proximity to the existing access road. The applicant's plans estimate that a volume of up to ~150,000 cubic yards could be extracted from this location. There is already a primitive access road from the haul road down to the streambed at this location.

Zone 2 would require the creek to be bridged. SECON has proposed two bridging options:

1. a temporary bridge (if operation is for a short period, (i.e. days) construction of temporary banks to support the structure); or
2. a seasonal bridge (remaining for the whole mining season) which would require a more substantial bank to be created with possible need for bank armoring.

It is noted that the bridge should be able to be removed in the event that water levels rise quickly. The applicant will have to explain in the annual mining report how the bridge would be removed for both options. The applicant's preferred location for this bridge is based on where an existing rip-rap bank exists on the western side of the creek. The applicant's plans indicate that up to ~120,000 cubic yards could be extracted from this location.

Zone 3 would be furthest upstream and two alternatives are proposed to access this area:

1. Use a second bridge placed across the creek with vehicles and machinery accessing via Severance Zone 2 and up the eastern side of the creek.
2. Use an old logging road used with a small stream either being bridged or culverted. There is a shared access easement along this road with surrounding property owners. Up to ~34,000 cubic yards could be removed from this location.

Additional fill to construct an access road to the three severance sites has been permitted by the Army Corp of Engineers (see **Attachment 4 of Attachment A**).

A gravel wash station will be used to remove small vegetative material from the extracted sand and gravel. To prevent release of wash water into Lemon Creek, the wash will be located above the seasonal high water elevation and sump will be used to collect wash water. The applicant has not yet obtained a water use permit from DNR for this operation. They do have a pond on their site which could potentially be used without a DNR permit. *Staff recommends that the annual mining plan reference and include copies of all necessary external agency permits.*

Vehicle fueling will take place above Ordinary High Water Mark (OHWM) to prevent petroleum products from directly entering the creek – this is recommended as a condition of approval.

Traffic – Excavated gravels will be transported from the site via the existing haul road and then onto Anka St. The applicant indicates they will then be taken to Aggpro's (a division of SECON) premises on Concrete Way or to a project site via Vanderbilt Hill Road and then Egan Drive. These routes are already used by existing quarry/gravel extraction activities in the Lemon Creek area. CBJ General Engineering division has reviewed the proposal for potential impacts on public roads (**see Attachment D**). Any increase in vehicles carrying material through the Lemon Creek Industrial/Commercial area will not be a significant addition to existing movements of similar sized vehicles. The distance from the extraction location to public roads is expected to mitigate the chance of wet material running from vehicles on public roads. *However, it is recommended that conditions of approval require road cleaning and wheel cleaning equipment to be used in case problems are observed.* In addition to this permit, such spill from vehicles is enforceable by Juneau Police Department (JPD), per the Health and Sanitation Code CBJ36.30.070 *Truckloads causing litter*. This code section requires that truckloads be secured before taken on public roads with a variety of methods suggested. While not specified in the CBJ Codes in keeping with the Comprehensive Plan Development Guideline 7.16 – DG2 (see Conformity with Adopted Plans later in this report), the Planning Commission may wish to recommend as a condition of approval that all trucks beds be covered.

CBJ General Engineering notes that the use of best management practice for protection of drainages is a requirement of the Stormwater Pollution Prevention Plan (SWPPP) as required by Alaska Department of Conservation (ADEC). *It is recommended as a condition of approval that this SWPPP is submitted with the annual mining plan.*

Parking and Circulation – There are no parking requirements in the CBJ Land Use Code for quarrying/mining/gravel extraction activities. There is a large upland area that is already used for the storage of numerous containers that would provide sufficient space for parking for a large number of employee and visitor vehicles. *It is recommended that a dedicated area be created for employee and visitor parking to ensure that conflicts do not occur with site operations. This location should be shown in annual mining plan.*

Circulation of vehicles accessing the three severance zones is described under Project Design. *It is recommended, as a condition of approval, that the annual mining plan describe how access will be achieved to the severance zones to be mined.*

A gate is already in place that restricts access of vehicles to the site. This was a requirement of USE2009-00004.

One other property further upstream uses the access road located in an existing easement through the applicant's property. While this parcel is currently undeveloped, the owners of this

upstream parcel have indicated in the past that they would like to develop a number of recreational cabins. Users of these cabins would presumably access the site via the access road in the easement on the applicant's parcel. *It is recommended as a condition of approval that the width of the easement should be staked at the site. Operations should be located outside this access easement to allow unobstructed access to this upstream parcel. This easement should be located on the site plan submitted with the annual mining plan.*

CBJ Engineering has confirmed the existing haul road is capable of carrying loaded trucks at the frequency associated with the scale of operation proposed (**see Attachment F**). Any required maintenance to the haul road will be agreed upon between CBJ Engineering and the applicant.

Noise - The project will generate a substantial volume of noise from hydraulic excavators and dump trucks operating within the streambed. The noise is likely to echo and possibly be amplified due to the topographic features of the Lemon Creek valley. However, there are no uses in the vicinity that will be affected by this noise.

A recommended condition of approval is that operating hours shall be between 7:00 a.m. and 10:00 p.m., Monday through Friday, or between 9:00 a.m. and 10:00 p.m., Saturday and Sunday, unless a permit shall first be obtained from the City and Borough building official. These hours are the most allowed as per CBJ Penal Code 49.20.095(c).

It should be noted that these hours are broader than USE2009-00019 for the rock quarry stricter than the standard. Taking into account the requirements of CBJ49.20.095(c) the quarry operating hours would be limited to 7 am to 7 pm on weekdays and 9 a.m. to 7 p.m. on Saturdays (except on State, Federal, or Local Holidays). The Planning Commission may wish to make the operational hours of this permit more consistent with USE2009-00019.

Public Health or Safety – Capital City Fire and Rescue has commented that they have no issues with the application at this time.

Lemon Creek Trail: The Lemon Creek trail runs on the east side of the creek in the vicinity of this proposal. While the trail does not run through the severance zones, *it is recommended that signs be posted during extraction in Zone 2, and Zone 3 if accessed via Zone 2, that warn trail users not to approach the creek due to mining.*

Mandatory Conditions: There are two mandatory conditions required for sand and gravel extraction permits. These can be waived by the Planning Commission in the event that the condition would serve no useful purpose.

CBJ 49.65235 (1) requires a periphery strip of 15 feet wherever a site abuts a public way. Since

there is no public way in the vicinity of the property this condition is redundant and should be waived.

CBJ 49.65.235 (2) also requires that extraction that causes ponding or retained water shall have a submerged working face of 3:1 from the edge of the usual water line to a water depth of 7 feet. This slope may not be exceeded during extraction operations unless a fence or natural barriers prevent casual or easy access to the site. The requirement is relevant to this application and is included as a recommended condition of approval.

Existing bank stability: In addition to the 30 foot buffer from the active stream channel specified by ADFG, it is recommended as a condition of approval that a 15 foot buffer be undisturbed at the toe of existing banks in the streambed to prevent their destabilization. A 10 foot buffer zone was recommended in USE2012-0019 to minimize the risk of bank destabilization. For this current proposal, given the additional height of the banks adjacent to the severance zones an additional five feet has been added. *A 15 foot buffer is also recommended for adjacent property lines. ADFG may recommend a greater buffer depending on habitat considerations (this may relate to preventing bank destabilization, mutually agreed with the applicant during the mine staking and planning site visit.*

In the interests of monitoring any bank destabilization, sediment releases or turbidity events that occur due to the gravel extraction it is recommended, as a condition of approval, that an annual inspection report be provided. The specific contents of that report are given in Condition 11. For USE2012-0019 a report was required for every 10,000 cubic yards of material extracted and one report annually. Given the required buffers and the fact that activities will be well within the applicant own land, it is recommended that only an annual inspection report be required. The inspection report will be circulated to all relevant agencies with any required operational changes incorporated in the next years mining plan.

Explosives magazine: that an explosive store is located alongside the access road that the applicant is proposing to use to access Zones 2 and 3. In addition to other conditions, the 10 year Conditional Use permit for the explosive storage (USE2009-00018) explains that the Bureau for Alcohol, Tobacco and Firearms and Explosives (ATF) performs annual reviews of all explosive stores. This review includes whether surrounding development is too close to the storage site. The owner of the explosive store (Austin Powder Company – not the present applicant) is required to send a copy of this annual report to the CBJ Community Development Department (CDD). Staff is not aware of any submission to this effect. *It is recommended as a condition of approval that the applicant submit evidence to CDD that activities from this proposal are allowed by State and/or Federal regulations within the vicinity of the explosives store.*

Guarantee: CBJ 49.65.240 requires that a guarantee be provided by the applicant for 'site

restoration, completion of the project, and performance of other required work.' This guarantee is required before any permit can be issued. ADFG is not requiring any restoration of the site and it is the intention of the applicant to continue extraction activities as the gravel bars replenish. CDD and CBJ General Engineering have discussed what realistic events would need to be covered by such a guarantee. In terms of completion of the project, this is taken to mean the grading of slopes as required. There are also relevant conditions of approval relating to slopes where i) ponds are made through extraction and ii) slopes where cuts are made for access purposes. It is possible that CBJ could be required to grade these slopes as required if the applicant is unable to. There is also the possibility of vehicles and machinery leaking fluids that may require remediation. Finally it is possible that one or more of the bridges may have to be removed in the event of a flooding event. Previous gravel extraction permits for work in or near streambeds have required guarantees for repair of banks should erosion occur due to extraction activities. The buffers between the active stream channel and the edge of the severance zones, or between the OHWM and the edge of the severance zones, mean that the extraction activities themselves are unlikely to destabilize the existing banks. As illustrated by the loss of real estate in recent years due to natural shifts in the creek's meander pattern, the creek itself will have the greatest influence on the erosion of banks in project site. In recognition of this there is no guarantee required for repair of banks. CBJ Engineering has determined that the applicant shall provide a guarantee for \$30,000 (see **Attachment E**).

Habitat - The length of Lemon Creek in the project area is catalogued as an anadromous stream supporting Chum and Coho salmon, and Dolly Varden Char (**see Attachment C**). Development along the creek is subject to habitat buffers in CBJ Title 49.70.310(a) (4) and (b) (1), as well as at CBJ 49.70.950(f). However, 49.70.950(f) exempts gravel extraction from the 50ft setback requirement normally associated with anadromous streams.

*49.70.950 (f) All structures and foundations located adjacent to streams or lakes listed in Table VI-2 of Appendix C of the Juneau Coastal Management Plan, shall have a 50-foot setback from each side of the stream or lake measured from the ordinary high water mark, where feasible and prudent; provided, docks, bridges, culverts and public structures whose purpose is access to or across the stream or lake are not subject to this policy, and provided further, **uses which must be in or adjacent to the stream or lake in order to function, such as mining activities, fish culturing, water supply intakes and similar uses, are exempt from the setback requirement.** The setback shall be vegetated or revegetated, where feasible and prudent, and such vegetation or revegetation shall be kept or arranged to maximize shade on the stream.*

Bridges: The applicant proposes to build up to two temporary bridges which could potentially remain in place for the entire mining season. ADFG has approved the use of bridges to cross

the creek with specific design requirements to be met. The location of these bridges could shift over the lifetime of the operation to respect newly formed habitat friendly ponds and channels. ADFG would take the lead on determining when and how bridges should be located during the yearly mining plan review.

Habitat buffer: As mentioned above, ADFG will stake out the areas available for excavation, taking into account existing habitat areas and a 30 foot buffer from the edge of the creek. Where ponds and channels are not filled and become useful habitat for anadromous fish, ADFG may recommend removing these areas from future extraction activities.

ADFG recently performed a site visit (**see Attachment C**) and identified the area suitable for extraction activities in Zone 1. Zones 2 and 3 will be reviewed in more detail by ADFG as the applicant exhausts gravels in Zone 1.

USE2012-0019 (gravel extraction alongside Anka Street) added *a condition for large woody debris to remain in the channel following extraction activities, as it encourages the formation of gravel bars that provide useful fish habitat. It is recommended that this be a condition of approval of this application.* This condition was supported by comments from the Wetland Review Board (WRB) and US Fish and Wildlife Service (USFWS).

Year round operation: ADFG are not requiring activities be restricted to particular times of year. The applicant has stated that in 'normal' years, winter conditions would prevent extraction operations. Staff notes that changing climate patterns may allow activities to occur year round in future. *It is recommended there be no limitation on when operations can occur throughout the year.*

Wetland Review board comments: The CBJ Wetlands Review Board was unable to provide comments on this project prior to completion of this staff report because a quorum was not met at the March 24 regular meeting. The Board is scheduled to review the application on April 21. Board comments will be provided to the Commission as a blue folder item at the April 28 hearing. As described above, comments made by the WRB regarding the previously approved Anka Street gravel extraction were reviewed for this report

Sediment and Turbidity: The Alaska Department of Environmental Conservation (ADEC) has no specific comments on the proposal but has noted that Lemon Creek is a recognized impaired water body which has issues with 'sediment load and turbidity. Sediment and high water turbidity impacts directly on organisms at all levels of the food chain directly by depressing rates of growth, reproduction and recruitment, and indirectly by limiting availability of food for the next level of the food chain. ADEC has asked to be notified of any sediment or turbidity issues resulting from the activities. A Total Maximum Daily Loads (TMDL) has been set for Lemon Creek. *It is recommended as a condition of approval to require the applicant to monitor*

and record turbidity at the extraction sites. The applicant does this at its streambed gravel extraction site alongside Anka Street by comparing water samples upstream and downstream of the extraction site. A baseline is established by sampling prior to any extraction activities. The applicant has described in their narrative a method to retain turbid waters in the severance zones and a mitigation strategy should any turbid water begin to flow from the severance zone to the main channel (**see Attachment A, page 21**).

The SWPPP would almost certainly require a spill kit to be present should there be any leaking of fluids from vehicles and machinery but this is also explicitly recommended as a condition of approval.

Based on the WESPAK wetlands mapping layer a small area of wetlands appears to exist on the parcel but is outside of the proposed severance zones.

Property Value or Neighborhood Harmony - There is no evidence that there will be any negative impacts on property value or neighborhood harmony if all conditions of this permit are met. It is possible that property values at downstream locations may increase if the risk of flooding can be lowered. Surrounding properties have no uses that would be disrupted by the gravel extraction activities.

Conformity with Adopted Plans –

Comprehensive Plan

The project site is designated as a Resource Development area. These areas are:

‘Land[s] to be managed primarily to identify and conserve natural resources until specific land uses are identified and developed. The area outside the study area of this Comprehensive Plan is considered to be designated Resource Development. As resources are identified or extracted from these lands, they should be re-designated and rezoned appropriately.’

The most appropriate designation for a gravel extraction operation would be Heavy Industrial. However, the description for Resource Development area clearly implies a flexibility in the uses possible and for resources to be extracted from these areas. The same parcel has been approved for similar uses in previous Conditional Use permits.

The benefits of gravel extractions activities are explicitly recognized in the Mining section of Chapter 5 of the Comprehensive Plan.

'...smaller gravel extraction operations offer a critical resource to the community's private- and public-sector development and maintenance operations.'

POLICY 5.13. TO SUPPORT THE EXTRACTION AND PROCESSING OF MINERAL RESOURCES IN AN ENVIRONMENTALLY-SOUND MANNER, GIVING PROPER RECOGNITION TO THE UNIQUE VALUES OF THIS COMMUNITY.

Gravel resources are also specifically discussed in Chapter 7.

'As growth and development continue in the Mendenhall Valley and Lemon Creek areas, pressure for closing existing pits may grow, primarily because gravel extraction operations produce noise, dust, heavy truck traffic, run-off and other impacts that often conflict with surrounding land uses. As this resource is necessary for all types of development, and given the inherent conflict of this heavy industrial use to less intense neighboring uses, it is important to take steps to avoid or minimize land use conflicts.'

POLICY 7.16 IT IS THE POLICY OF THE CBJ TO CONSERVE KNOWN GRAVEL DEPOSITS AND TO PROTECT THEM FOR CONFLICTING LAND USES.

Regarding the operation of gravel extraction sites, Development Guideline 7.16-DG2 states:

7.16 - DG2 Companies that transport gravel and rock products should be required to travel on roads with adequate heavy load-carrying capacity. Vehicles carrying rock and gravel are required to cover their loads so that the material remains in the vehicle and does not escape to break windshields or harm pedestrians or bicyclists.

The parcel subject to this application has a low level of conflict with existing neighboring land uses. Benefits may even result for parcels lower downstream.

While not specified in the CBJ Codes in keeping with the Comprehensive Plan Development Guideline 7.16 – DG2 (see Conformity with Adopted Plans later in this report), the Planning Commission may wish to recommended as a condition of approval that all trucks beds be covered.

Many of the recommended conditions of approval developed in conjunction with other agencies, in particular ADFG, mean that any impact to fish habitat in the active Lemon Creek channel is minimized with respect to still allowing gravel extraction to occur. This is in keeping with Policy 7.2.

POLICY 7.2. TO PRESERVE AND PROTECT FISH AND WILDLIFE HABITAT, SCENIC CORRIDORS AND PUBLIC ACCESS TO THE WATER, AS WELL AS WATER-DEPENDENT USES IN PLANNING FOR USE OF COASTAL AREAS.

Conditions have been recommended that protect Lemon Creek – which is an impaired waterbody – from excess sediment and turbidity from gravel extraction activities. This is in keeping with Policy 7.7.

POLICY 7.7. TO PROTECT, MAINTAIN AND IMPROVE SURFACE WATER, GROUNDWATER AND MARINE WATER QUALITY IN ITS JURISDICTION SO THAT ALL WATERS ARE IN COMPLIANCE WITH FEDERAL AND STATE WATER QUALITY STANDARDS AND CONTINUE TO ALLOW AQUATIC LIFE TO THRIVE.

While there are conflicting goals in goals in the Comprehensive Plan, which supports both gravel extraction and protection of stream habitat, the recommended conditions of approval minimize the impact on habitat while allowing this valuable local resource to be utilized.

FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other

officially adopted plans.

Per CBJ §49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested conditional use permit complete?

Yes. Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15. Furthermore, the application, subsequent discussions and conditions requiring yearly mining plans meet all relevant requirements of CBJ Code 49.65.210, Contents of Sand and Gravel application, including the following: 1) a graphic and legal description of the property; 2-4) a topographic map and cross section with finished contours; 5) ingress and egress points for trucks and other equipment; 6) plan with buildings and structures; 7) a narrative describing the relevant operational aspects including a site drainage plan, method of securing the area, methods to minimize noise pollution and visual blight, hours and days operation, estimated amount of material present and to be removed, date the operation will be completed, schedule for completion of site restoration, operating procedures for particulates beyond site boundaries, identification of geophysical hazards, and dates of establishment of the operation and history of land development.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 14.500 for the Rural Reserve (RR) zoning district.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the April 15, 2016 and April 25, 2016 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

4. Will the proposed development materially endanger the public health or safety?

No. Based on the above analysis and adherence to the recommended conditions of approval there is no evidence that there will be any harm to public health or safety.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

No. Based on the above analysis and with adherence to the recommended conditions of approval, there is no evidence that the proposal will decrease property values or that it out of harmony with the neighborhood.

6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Yes. The impacts of the development are in keeping with those expected in a Resource Development as designated by the Comprehensive Plan. As described above analysis, the proposal, with the recommended conditions, is consistent with the Comprehensive Plan. While there are conflicting goals in goals in the Comprehensive Plan, which supports both gravel extraction and protection of stream habitat, the recommended conditions of approval minimize the impact on habitat.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. Will the proposed development comply with the Juneau Coastal Management Program?

Yes. As described in the previous analysis, the proposed development complies with the Juneau Coastal Management Program because the mining method, with recommended conditions, minimizes the impact on the active channel, replaces large woody debris to create habitat, minimizes pollutants, and protects water quality.

8. Would the mandatory condition listed in CBJ Code 49.65.235(1) serve no useful purpose?

Yes. CBJ 49.65.235(1) states that a strip of land no less than 15 feet in width shall be retained at the periphery of the site wherever the site abuts a public way. The Code states that the commission may not waive or modify the requirement except up on a finding that the requirement would serve no useful purpose. The requirement would serve no useful purpose because the development is located in a streambed and because it does not abut a public way. However, CBJ Engineering has determined that a 15 foot buffer from adjacent property lines is appropriate.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use permit. The permit would allow extraction of gravels from the Lemon Creek stream bed in the areas shown in the application for a 10 year period.

The approval is subject to the following conditions:

Annual Grading Permit and Bank Protection –

1. The operator shall maintain dry channel berms required by ADFG to prevent their breach.
2. Prior to issuance of the first year's grading permit and approval of the first year mining plan, the operator shall submit a bond of \$30,000, sufficient to perform any site remediation necessary to meet the conditions of this permit.
3. Prior to issuance of the first year's grading permit and approval of the first year mining plan, the operator shall submit evidence that the proposed activities under this permit would not invalidate use of the Upper Lemon Creek explosives storage as permitted by USE 2009-00018.
4. Each year, by February 28th, or other date agreed with CDD staff which takes into account the applicant's seasonal mining intentions, the applicant shall submit a draft mining plan. The plan shall be submitted to the CBJ Permit Center as a grading permit application. This is to enable BBJ and other external agencies to understand more specific aspects of the forthcoming operation that are not provided in this Conditional Use permit application although some of the documentation may be repeated. This plan will be reviewed by relevant CBJ departments and external agencies within 28 days of submission.

The mining plan shall take account of comments received regarding the annual inspection report. The mining plan shall be processed by the Engineering Department as an annual grading permit. The plan shall include:

- a. Estimation of material to be removed
- b. Map of area to be worked (showing property lines and buffers)
- c. Map showing location of proposed screening and gravel wash activities, on-site gravel storage locations, culverts, access roads, bridges, bank stabilizations, berm details (including height, location, material composition and removal plan) stream relocations and other proposed features.
- d. Map showing designated site parking location for employees and visitors,

- and location of access easement for adjacent parcels.
 - e. Methods for protecting Lemon Creek from oil, fuel and hydraulic fluid (including leaks from heavy equipment) – This should include the project SWPPP documentation.
 - f. Methods for protecting Lemon Creek from sediment and turbidity both at the extraction site, and to Anka Street along access road. This should include the project SWPPP documentation.
 - g. Proposed inspection schedule by State of Alaska licensed Engineer and /or professionally recognized Hydrologist as per Conditions 10 and 11.
 - h. Copies of relevant permits from external agencies including, but not limited to, ADFG, ACOE, DNR and DEC.
5. To protect interests of neighboring property owners, prior to the commencement of mining, the applicant shall clearly delineate, in the field, the location of the access easement to adjacent properties. No work activities, except transportation of materials from the site and movement of vehicles/equipment, shall occur in the easement.
 6. For the purposes of habitat protection requirements in the CBJ Land Use code, as per the ADFG permit, the top of excavation slopes shall be prohibited within 30' of any active stream channels (or as required by the valid ADFG permit).
 7. To protect interests of neighboring property owners, the top of excavation slopes shall be prohibited 15 feet of the property lines. Prior to the commencement of mining, the applicant shall verify property line location and physically delineate buffer distance to the extraction area as required.
 8. For the purposes of habitat protection requirements in the CBJ Land Use code, as per the ADFG permit, prior to commencement of mining, an ADFG biologist should physically delineate the area allowed to be mined with respect to the valid ADFG permit.
 9. To ensure operations are consistent with the approved annual mining plan, the applicant shall directly hire, or pay permit inspection fees to provide for inspection of the mining area by State of Alaska licensed Engineer and/or appropriately licensed hydrologist.
 10. Periodic inspections shall be made as determined by the engineer and/or hydrologist, sufficient to monitor the operation to ensure operations are consistent with the approved annual mining plan. Such periodic inspections shall include visits during or after high water events.
 11. An Inspection report by a State of Alaska licensed Engineer and/or professionally

recognized Hydrologist shall be submitted annually. The report shall be submitted to the Engineering Department and to the Community Development Department by November 31st each year, or a date agreed with CDD staff, in order for comments to be incorporated into the next annual mining report. The Inspection reports shall include the following information:

- a. Volume of material removed
 - b. Map of area worked showing required buffers from active stream channel, property boundaries and stream banks
 - c. Verification of compliance with mining plan
 - d. Report of bank destabilizations
 - e. Results of sediment and turbidity monitoring
 - f. Opinion whether bank/property line setbacks are adequately protecting adjacent properties
 - g. Bank protection/stabilization measures if merited
12. The applicant/operator shall protect the structural integrity of existing stream banks and rip-rap banks. A no-disturbance zone of 15 feet horizontal distance from the toe of adjacent rip-rap and banks is required except as authorized for access points. (This condition is necessary because rip-rap boundaries may or may not correlate with property boundaries, as noted in the earlier requirement to mine 15 feet from property boundaries.)
13. The applicant shall protect all vegetated slopes outside of the severance zones and maintain a similar non-disturbance buffer identified in Condition 12, unless a site-specific engineering analysis indicates otherwise.
14. All cut-slopes on the creek bank shall be less than 2 horizontal to 1 vertical unless a site-specific engineering analysis proves that a steeper slope protects adjacent properties. This measure shall be integrated into the annual grading permit.
15. Excavated areas within the creek bed in Zone 2 must be clearly marked with warning signs to discourage users of Lemon Creek trail approaching the site.
16. If extraction operations cause ponding or retained water in the excavated area, the slope of the submerged working face shall not exceed a slope of 3:1 from the edge of the usual water line to a water depth of seven feet. This slope ratio may not be exceeded during extraction operations unless casual or easy access to the site is prevented by a fence, natural barriers, or both. This measure shall be integrated into the annual grading permit.
17. Alterations to the proposed access to the stream will require approval by the

Community Development Department and the CBJ Engineering Department.

Project Expiration and Dates and Times of Operation -

18. Gravel operations shall be permitted year round.
19. Operating hours are limited to 7 am to 7 pm on weekdays and 9 a.m. to 7 p.m. on Saturdays (except on State, Federal, or Local Holidays) unless otherwise authorized by a permit from the CBJ Building Official.
20. The permit shall expire after 10 years.

Truck Traffic and Street Maintenance -

21. Truck traffic from the development shall be routed only through the Anka Street/Glacier Highway intersection.
22. To prevent water or load spillage from trucks, prior to leaving the applicants property, the transport truck bed, with the tailgate locked, shall be raised for a period based on the project engineer's visual assessment and approval.
23. The applicant shall inspect the traveled route for escaped material from the haul a minimum of once daily on any day material is hauled from the site.
24. The applicant shall sweep and clean Anka Street at the end of each day if any water or material has escaped, or if a major spill occurs.
25. The applicant shall immediately respond to any reasonable clean-up and mitigation requests during the from the project engineer, CBJ or ADOT.

Habitat Protection -

26. No sediment migration from the trucks or ramps shall be allowed in the waterway. Best Management Practices to control sediment shall be employed and documented in the SWPPP.
27. A suitably sized spill response kit shall be present on site during operations.
28. The applicant shall place any large woody debris encountered during excavation activities at the surface of the floodplain, upstream or adjacent to the excavation area to

encourage gravel bar formation and/or side channel creation. The woody material shall be partially buried to anchor the material during high flows.

29. There shall be no on-site fueling or equipment maintenance performed within 100 feet of the creek banks. This includes fueling or maintenance of portable equipment such as generators and pumps.
30. There shall be no on-site storage of fuel or other chemicals 100 feet of the Ordinary High Water Mark (as defined by the CBJ Land Use Code).

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 2/16/16
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description Extract gravels from patent lands in Hidden Valley		
	PROPERTY LOCATION		
	Street Address end of road Anka Drive	City/Zip Juneau 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Tract A, U.S. Survey 5504, M.S.526		
	Assessor's Parcel Number(s) 3M000LEMCRK2		
	LANDOWNER/ LESSEE		
	Property Owner's Name Secon Inc.	Contact Person: Tim Dudley	Work Phone: 780-5145
	Mailing Address P.O. Box 32159, Juneau AK 99803	Home Phone:	Fax Number:
	E-mail Address	Other Contact Phone Number(s):	
	PROJECT / APPLICANT	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****	
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:			
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.			
B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X			2/16/16
		Landowner/Lessee Signature	Date
X		_____	_____
		Landowner/Lessee Signature	Date
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name Secon Inc.		Contact Person: Michael Short	
Mailing Address P.O. Box 32159, Juneau AK 99803		Work Phone: 780-5145	
E-mail Address MShort@colaska.com		Home Phone:	
		Fax Number:	
		Other Contact Phone Number(s):	
X		2/16/16	
	Applicant's Signature	Date of Application	

OFFICE USE ONLY BELOW THIS LINE					
STAFF APPROVALS	☒	Permit Type	***SIGN	Date Received	Application Number(s)
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
	X	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		2/16/16	USE 20160004
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			
		Zone Change Application			
		Other (Describe)			

Comments	Attachment A - Application and Narrative (including ADFG permit and ACOE permit)	Initials

TO BE COMPLETED BY THE APPLICANT

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Allowable/Conditional Use Permit Application Instructions

Pre-Application Conference: A pre-application conference is required prior to submitting an application. The applicant will meet with City & Borough of Juneau and Agency staff to discuss the proposed development, the permit procedure and to determine the application fees. To schedule a pre-application conference, please contact the Permit Center at 586-0770 or via e-mail at permits@juneau.org.

Application: An application for an Allowable/Conditional Use Permit will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

Forms: A completed Allowable/Conditional Use Permit Application and Development Permit Application form. The "land owner or lessee consent" signature is mandatory for all landowners on the Development Permit Application form.

Fees: The fee is dependent upon the class of the proposed use. Land Use fees generally range from \$350 to \$1,600. Any development, work or use done without a permit issued will be subject to double fees. All fees are subject to change.

Project Description: A detailed letter or narrative describing the project.

Plans: All plans are to be drawn to scale and clearly show the items listed below:

- A. Site plan, floor plan and elevation views of existing and proposed structures
- B. Existing and proposed parking areas, including dimensions of the spaces, aisle width and driveway entrances
- C. Proposed traffic circulation within the site including access/egress points and traffic control devices
- D. Existing and proposed lighting (including cut sheets for each type of lighting)
- E. Existing and proposed vegetation with location, area, height and type of plantings
- F. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.)

Document Format: All information that is submitted as part of an application shall be submitted in either of the following formats:

- A. Electronic copies may be submitted by CD, DVD or E-mail in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf or other formats pre-approved by the Community Development Department.
- B. Paper copies may not be larger than 11" X 17" (Unless a larger paper size is preapproved by the Community Development Department).

Application Review & Hearing Procedure: Once the application is determined to be complete, the Community Development Department will initiate the review and scheduling of the application. This process includes:

Review: As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the permit request the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department also sends all applications out for a 15-day agency review period. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

Hearing: All Allowable/Conditional Use Permit Applications must be reviewed by the Planning Commission. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting.

Public Notice Responsibilities: As part of the Allowable/Conditional Use permitting process, all permit requests must be given proper public notice, which consists of the following:

Community Development Department: Will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, the department will mail abutters notices to all property owners within 500-feet of the project site.

Applicant: Will post a sign on the site at least 14-days prior to the meeting. The sign shall be visible from a public right-of-way or where determined to be appropriate by the Department. Signs may be produced by the Community Development Department for a preparation fee of \$50, and a \$100 deposit that will be refunded in full if the sign is returned by 4:30 p.m. on the Monday following the scheduled hearing date. If the sign is returned later than the Monday after the Planning Commission meeting, but within two weeks of the meeting, \$50.00 may be refunded. The applicant may make and erect their own sign. Please speak with the Community Development Department for more information.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



Hidden Valley Gravel Extraction

CBJ Conditional Use Application



Michael Short

2/5/2016

Proposal to extract gravels from Lemon Creek in Hidden Valley

Hidden Valley Gravel Extraction

Proposal

SECON is proposing to extract gravel from property owned in Hidden Valley, Hidden Valley Subdivision within Tract A, M.S. 526 which is 113.29 acres in size. This tract of land is located on the floor of the valley spanning its width and several thousands of feet in length.

Secon is requesting a USE Permit for this gravel severance for an interval of 10 years.

Hours of operation would be from 7:00 AM to 7:00 PM. With the season of operations being from March to November.

There is no way of knowing the quantity of gravels that will be severed from this site on an annual basis. The existing permitted operation in the Lower Lemon Creek streambed¹, has produced roughly 10,000 cubic yards per year. As the markets adjust to the supply of local gravels, the sales and interest in their use has increased. If the area is available as determined by AKDF&G and sales will support the volume, Secon could easily extract 50,000 Cubic Yards of material on an annual basis.

SECON would use excavators, scrapers, loaders and dozers to sever the sands and gravels from the alluvial reaches in Hidden Valley. The severed materials would be loaded into conveyance units of either end dumps or articulated trucks for transportation to a processing area out of the flood plain of Lemon Creek.

Goals to be achieved in gravel extraction.

1. Slow down the high rate of erosion throughout the Hidden Valley area.
 - a. In 2010 Lemon Creek eroded several new areas including developed Secon property.
 - b. Secon has previously requested permission to deposit Rip Rap on the stream banks to stop erosion of property.
2. Extract sand and gravel for local private and public improvements.

Benefits that may be achieved.

1. Stable stream channel.

¹ Lemon Creek Gravel Extraction is an active gravel extraction operation in Lemon Creek, which has been in operation since 2009. It is located between the Glacier Highway Bridge over Lemon Creek and State of Alaska Lemon Creek Correctional Center on patented private property spanning Lemon Creek. It is permitted by the following agencies:

- City and Borough of Juneau; PERMIT USE 2012 0019
- Department of the Army U.S. Army Engineer District, Alaska; PERMIT POA-1983-20-M4
- State of Alaska Department of Environmental Conservation; 401 Certificate of Reasonable Assurance
- State of Alaska Department of Fish and Game; Fish Habitat Permit FH14-I-0104

2. Vegetation can reclaim the stream banks.
3. Much slower erosion of banks.
4. Habitat for indigenous fish.
5. Attempt to keep eroded sands and gravels from transporting to the lower Lemon Creek reaches, which reduces flood potential.
6. With less active erosion, the turbidity may be less during high water events.

GEOLOGY

Alaska has formed over the millennia from the moving of tectonic plates. Southeast Alaska is the result of the North America plate scrapping up marine sediments and the collision with several tectonostratigraphic terranes. Tectonostratigraphic terranes are small landmasses of earth's crust material. Juneau sits upon the Taku Terrane with the Yukon-Tanana Terrane eastward and Gravina Belt westward. The Taku Terrane is made of sedimentary and volcanic rocks from the Permian-Cretaceous period. The Yukon-Tanana terrane is sedimentary rocks from the Devonian-Permian period. The Gravina Belt is sedimentary and volcanic rocks from the Jurassic-Cretaceous period. To the east of all three of these formations is the Coast Plutonic Complex made up of Cretaceous-Tertiary tonalite, Cretaceous-Tertiary plutonic rocks and gneiss rocks of an unknown age. To the west of the Gravina Belt is the Alexander Terrane².

Ice sheets from Pleistocene time period, in its last advance called the Wisconsin Glaciation, reached their maximum 25,000 years ago. The ices begin retreating from Southeast Alaska and Northern British Columbia about 16,000 years ago. The fjords around Juneau became ice-free about 13,000 years ago. Southeast Alaska has been rebounding from being ice-free. The rebound, along with the mountain building of the North America tectonic plate's subduction of the Pacific Plate, has changed where the tidal zone interacts with the continent. Since the retreat of the ice sheets the ocean level has changed where it has interacted with land in relation to current day Juneau. 13,000 years ago when the ice sheets retreated out of the fjords, the beaches around Juneau were 750 feet higher than they currently are³. In other words 13,000 years ago the beach was halfway up to the tram sitting on top of Mt Roberts. This gives an understanding of why there is gravel from the mountain valleys washing out to sea.

With the glacier melt and rains of Southeast Alaska, the gravels are in a relentless progression of being eroded and transported to lower elevations. The stream's bedload⁴ of gravel is deposited upon reaching valley floors with gentle slopes or the tidelands where the velocity is reduced to a minimal flow. Aggradation of the valley floors and tide zones with alluvium has been going on since the environment has changed from an ice age to a temperate rain forest.

² Roadside Geology of Alaska, Cathy Connor

³ Geology of Southeast Alaska: With Special Emphasis on the Last 30,000 Years, Cathy L. Connor, University of Alaska, Juneau, AK

⁴ Bedload: Geology. the sand, gravel, boulders, or other debris transported by rolling or sliding along the bottom of a stream.

Hidden Valley is filled with deposited gravels from either glaciation and/or erosion. Erosion simply means the movement of rocks, gravels, sands and soils by natural forces.

Lemon Creek exhibits the Rosgen Type C Stream classification⁵. Lemon Creek has a well-developed floodplain and is slightly entrenched with a slope of less than 2%. The bed-form is of the riffle-pool type and sinuosity of more than 1.2. Point bars are also developed in its channels. It has aggradation/degradation of cobbles/gravel where Lemon Creek enters Secon's property on the north side transitioning to gravel/sand in the lower part of the valley before it enters the gorge. Lemon Creek can also exhibit Type D Stream characteristics in that it will become a braided channel. This is generally in elevated flows. It will have many bar types and un-vegetative island with local bed scour and deposits.

Hidden Valley has features of several Rosgen valley types. Lemon Creek has alluvial fans from minor streams cascading down Thunder Mountain into the Northwest side of the basin. These alluvial fans are indicative of Type III valleys. Lemon Creek also fits the Type V moderately steep valley that is a U-shaped glacial trough valley. The valley floor is sloped less than 4%. It also fits the criteria of deep coarse deposition of glacial till. Type VIII and IX are also descriptive of Hidden Valley. Type VIII is a river of multiple terraces positioned laterally along the valley. Alluvial terraces and floodplains are the principal landforms which produce the large sediment supply. Valley Type IX has glacial outwash plains where soils are derived from glacial, alluvial, and/or eolian deposits.

Habitat

As the ice retreated from the last ice advance 20,000 years ago the bare ground and rock faces were able to support fauna. The re-vegetation of the ice-free landscape covered both gravel valleys and the rock mountainsides. The hardy pioneer species such as lichens and mosses found habitat in the ice-free landscape. As the ice retreated further, the pioneer species were replaced with new ecosystems. Over the eons, this has re-established the coastal ecosystems to the temperate rain forest of the Pacific coast. Today's dominant flora in the valleys of Southeast Alaska are the Western Hemlock and Sitka Spruce forests.

The riparian vegetation in Hidden Valley is in continual fluctuation. The seasonal floodwaters along with the scouring and deposition of the glacial debris in their lateral movement has limited the vegetative size and range of cover in the valley. The diversity of fauna in the riparian zone is limited to alders and other small plants that can grow in sandy soils. These plants readily re-establish in newly disturbed areas and are quick in growth. The larger evergreens are reserved to the slopes of the valley, only encroaching through the riparian zone to the streamside when the channel has been stable for long periods.

The fauna present in Hidden Valley is representative of Southeast Alaska. There are black bear, occasional deer and reports of wolf sightings. The Department of Fish and Game have trapped

⁵ Environmental Protection Agency (EPA), Fundamentals of Rosgen Stream Classification System.

juvenile Dolly Varden and juvenile Coho Salmon in various side channels of Lemon Creek in Hidden Valley⁶.

HIDDEN VALLEY

Hidden Valley is located about five miles North Northwest of Juneau Alaska and has a drainage basin area of approximately 15,730 acres. Lemon Creek's headwaters originate from two glaciers, Ptarmigan Glacier and Lemon Creek Glacier. Lemon Creek is roughly 8 miles in length and terminates 4.6 miles Northwest of Juneau into Gastineau Channel.

The terminus of Lemon Creek Glacier has an elevation of about 2,200 feet⁷. There are a series of falls from the glacier within the first mile dropping Lemon Creek to the valley floor at an elevation of 1,360 feet. To reach Gastineau Channel 7 miles away, Lemon Creek has an average slope of 3.68%. Which means that for every one hundred feet in distance-traveled Lemon Creek must lose 3.68 feet in elevation. For comparison, Lemon Creek from Glacier Highway bridge to Gastineau Channel has an average slope of 0.54%.

The glaciated alluvial gravels in Hidden Valley are continuing the natural erosion process that has been going on since the last ice age. The banks and streambed are continuing to erode during high water events. The eroded alluvial material is carried downward until the stream's velocity slows and can no longer transport the sediment load where it is then deposited. This area of deposition is lower Lemon Creek where the elevation drop of the stream lessens and the velocity of the water slows.

SECON has already lost several acres of real estate in Hidden Valley from Lemon Creek changing its channel during high water flows. The channel has changed yearly and is aggressively eroding the banks on both sides of the valley.

With lower Lemon Creek hemmed in with developed properties, the creek has only one restricted area to deposit its sediment load, in the confines of stream's armored banks. Once the streambed has filled in to the top of its armored banks it will return to a meandering braided stream, depositing at will in creating an alluvial fan of sedimentary sand and gravels.

The rate of erosion overall is not slowed in Lemon Creek. The volume of water flowing in Lemon Creek is a product of the rainfall, seasonal snowmelt and glacier melt. The velocity of Lemon Creek is the result of elevation change to reach Gastineau Channel. The composition of the sands and gravels are the results of continental building, namely erosion and glaciation. These sands and gravels will continue to erode and be transported to Gastineau.

⁶ Memorandum, Lemon Creek Investigation, Ben Brewster Habitat Biologist I, May 14, 2013

⁷ Google Earth 2005.

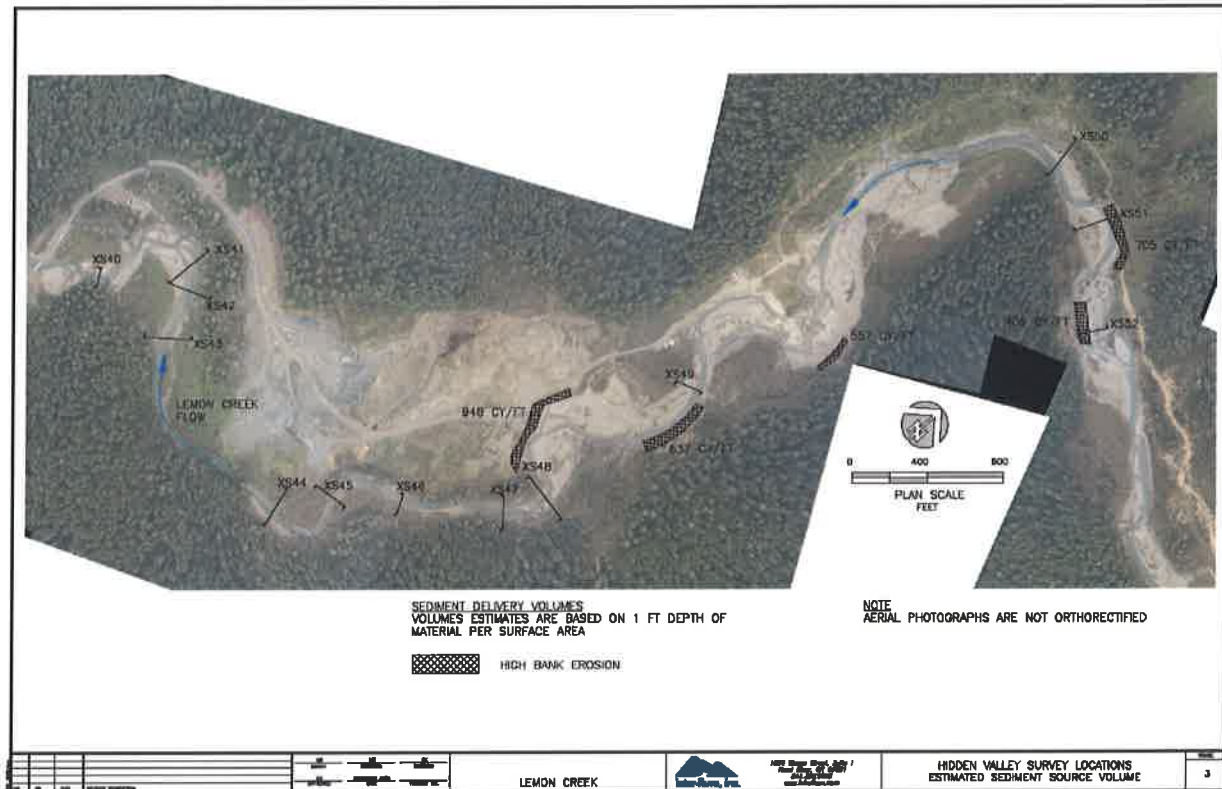


Image 1 - Inter-Fluve, Inc. Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis Figure 3

Some of the areas identified, on page 15, in CBJ's Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis Figure 3⁸ can be managed through extraction.

This basin has glacier and continental eroded gravel deposits throughout the valley. However, the Lemon Creek's bed load of alluvial gravels can be reduced below the extraction sites. The gravels can be captured in the severed voids from the gravel extraction thus removing the gravels from being carried farther downstream to be deposited in the lower reaches of Lemon Creek. As can be documented in the Lemon Creek Gravel Extraction the eroded alluvial gravels that are carried by Lemon Creek are deposited in the voids created from the severed gravels. The creek flows to the point of least resistance during flooding. When the velocity slows, due to the volume change from the increased depth of severed void, the bed load sediments are deposited. Once the void is filled the creek will return to a braided channel state. Gravel reaches will form in a braided channel where the velocity slows at the edges of the stream on the inside of curves.

⁸ City and Borough of Juneau's Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis, Prepared by: Inter-Fluve Inc., November 29, 2004



Image 3 - Lemon Creek 1948

As can be seen in the photo above, in 1948 there was very little development in Lemon Creek. On the right side of image 3 the terraces eroded by Lemon Creek in Hidden Valley are visible. Most of the vegetation in the stream bottom is missing, giving it the light color in this black and white photo. On the left side of image 3, the aggradation of this alluvial material in the tide flats can be seen.



Image 4 - Lemon Creek 1962

By 1962 there was development occurring at Lemon Creek.



Image 5 - Lemon Creek 1984

Gravel extraction in Lower Lemon Creek for aggregate started during World War II. The mining of gravel occurred in several events until mid-1980. The method of gravel severance during this period was to divert Lemon Creek to one side of the creek bed. Then extract all the gravels across the width of the drainage, creating a long severance pit of where the streambeds used to be.



Image 6 - Lemon Creek 1988

Image 6 indicates that logging has occurred in Hidden Valley, refer to Image 3 – Lemon Creek 1948, from the tan area outlining Lemon Creek. In the picture, a bridge can be seen crossing Lemon Creek in Hidden Valley. The land that the logging occurred on are lands that are patented. The green trees that are left reside on governmental lands.



Image 7 - Lemon Creek Gravel Extraction 2015

In 2009, gravel extraction resumed between the Glacier Highway Bridge and the Lemon Creek Correctional Center in the lower reaches for flood control and aggregates for local use. This operation in the Lower Lemon Creek streambed is under permit USE 2012 0019.

These severance sites are accomplished in exposed reaches with an 11-foot setback from Lemon Creek. Bridges are put in to cross Lemon Creek, gaining access to the different severance sites. This has been a great benefit in keeping the streambed manageable, from flowing over its sides due to sedimentation.

The City and Borough of Juneau has three USE Permits in the Lemon Creek drainage that are above the ordinary high water of Lemon Creek. One is the old Lemon Creek Gravel Site by Costco and Home Depot, which is not being mined. The second is an active sand site known as North Lemon Creek Material Site USE2007-00015. North Lemon Creek Material Site is 65 acres and has approximately 3.5 to 4 million cubic yards of sand. The third is Lemon Creek in Hidden Valley USE2003-00045. This site is 30 acres in size with an estimated 1.64 million cubic yards of gravels, which has not been developed.

LOCATION; FEATURES; TOPOGRAPHY

The property is located at Township 40 South, Range 66 East, SE quadrant of Section 23 and Section 26. It is located in Hidden Valley which is 1.34 miles north of the intersection of Glacier Highway and Anka Street in the City and Borough of Juneau, Alaska.

The parcel containing the proposed severance site is 113.29 acres in size, is irregular in shape and is U.S.M.S. 526, a patented placer mining claim that straddles the streambed of Lemon Creek.



Image 8 - Distance from first severance area to nearest structure

The nearest habitable structure is the building at the gun range north of the Lemon Creek Correctional Center. It is roughly 4,250 feet southwest from the severance area.

The valley floor is roughly 500 feet wide on average east to west with glaciated banks of sand and gravel. Most of the banks have eroded faces and range from a few feet in height up to perhaps 50 feet in height. It is sloping from the north to the south and is about 3,200 feet in length before it narrows down through a gorge. The elevation at the north side of the property along the creek is roughly 175 feet. At the north property line of parcel M.S. 585 where it meets parcel M.S. 526 the creek has dropped in elevation to approximately 114 feet. The difference between the two elevations is 61 feet generating a 1.9% slope.

CBJ property Tract A1-A Lot 3 borders the northwest boundary. Currently CBJ has a Conditional USE2003 00045 permit for a borrow source of 1,640,000 cubic yards of sands and gravels to be extracted over 15 years. This is an average of 109,333 CY per year. The southwest area in Image 9 of the blue triangle is an elevated area of bedrock that is an existing quarry owned and operated by SECON. Bordering the triangle shaped area to the south is the start of the creek gorge. CBJs' property to the left of the blue triangle is the area for the Conditional USE permit of 1.6 million yards of sands and gravels.

MAP OF HIDDEN VALLEY WITH APPROXIMATE PROPERTY BOUNDARIES

Lemon Creek traverses Hidden Valley flats dividing the land into several areas. In the picture below the blue line is the western edge of Lemon Creek. This was "mapped" by walking along the creek with a handheld GPS in 2012. The picture image is dated about 2005. With the constraints of the property boundary, mountainsides and Lemon Creek the operation of gravel extraction is best designated as severance zones. Currently Lemon Creek has carved the valley into three severance zones that have areas large enough to support extraction of the dry gravel reaches.

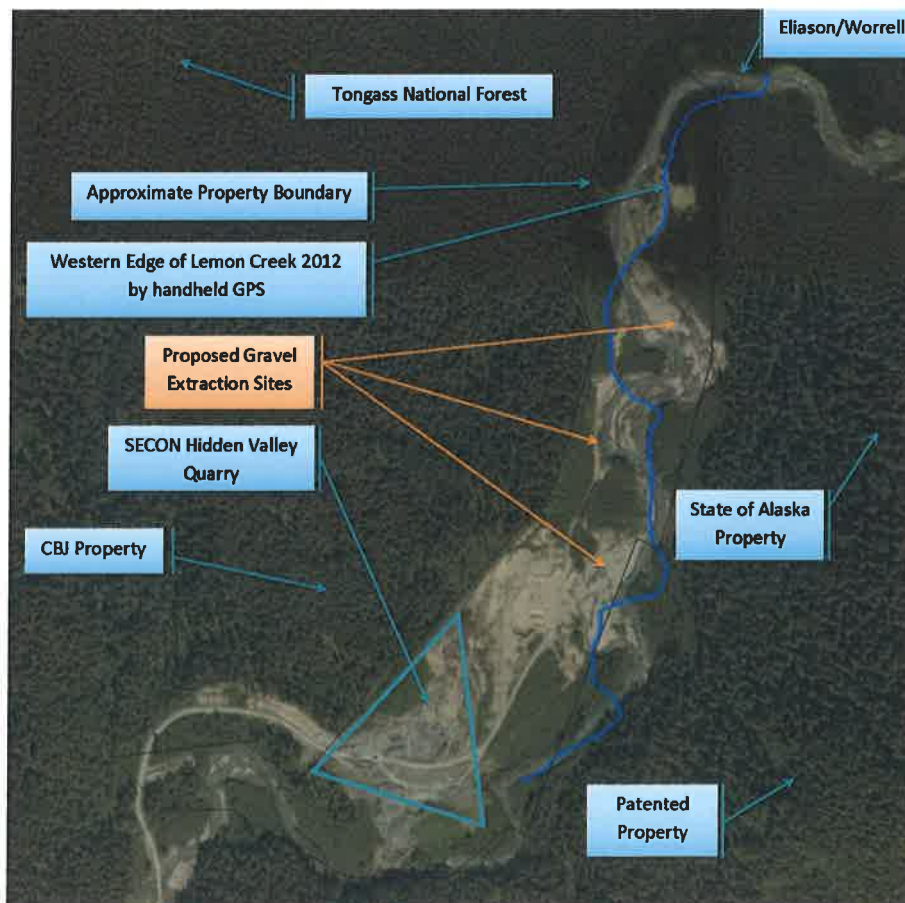


Image 9 - Location Map

Severance Zone 1

The first severance zone is located along the area where Secon stores equipment. The equipment storage area is elevated about 20 feet above Lemon Creek's flood plain. The storage area is irregular in shape yet follows the mountainside. This equipment storage area is bordered by a large flood plain of exposed gravel with Lemon Creek flowing to the opposite side of the valley. The area is about 8.2 acres in size after subtracting 30 feet for the habitat buffer zone⁹. This potentially has 198,000 cubic yards of gravel. The volume calculation is based on a continuous depth of 15 feet. The depth of 15 feet is not known but an estimate for calculation. Experience has shown that the subsurface stratum is neither uniform nor consistent in elevation. The actual cubic yards of gravel will be less if the estimated depth of 15 feet is accurate. This zone has an access to the flood plain in the form of a ramp from the equipment storage area.



Image 10 - Severance Zone 1

⁹ Alaska Department of Fish and Game in there permit reserves a 30-foot setback from the creek. This set back is to preserve the existing streambanks in the event of elevated stream flows, which occur throughout the season. It is also positionally dynamic as to the seasonally changing streambed location.

This severance zone would be Secon's first choice of gravel extraction. It has easy access and is close to our current quarry operations.

If Lemon Creek in Hidden Valley acts similar to lower Lemon Creek, the severance pits will refill annually during the spring flooding. Depending on how the severance pits replenish and what areas are viable for gravel severance, it may be possible to extract gravels from this first zone to satisfy the markets.

If the first severance zone becomes such that the gravels are not replenished but become fish habitat the second severance zone will become a viable option.



Image 11 - Access road and bridge location.

To reach this zone, Secon will be required to develop an access by building a bridge across Lemon Creek. At the north end of Secon's equipment storage area a ramp would be constructed to the flood plain. From there, a path bearing North Northeast would be cleared of Alders to reach Lemon Creek. At Lemon Creek, an embankment would be constructed to support a bridge.

Secon will decide whether to setup the bridge for short term or for the season. Short-term meaning of actual extraction duration in terms of days of actively mining and then removing the bridge once completed. This is the current protocol for accessing the different zones in Lemon Creek Gravel Extraction.

Installing the bridge for the season would be more involved however, it would be beneficial if the extraction process takes months to accomplish. It would require a higher embankment and possible armoring of the embankment with Rip Rap. This is to safeguard that the bridge is not threatened by elevated flow events from rains or glacier melts during the summer season.

Severance Zone 2

Once the access road is built and the bridge is installed the second severance zone can be staked with the Habitat Biologist¹⁰. This zone is more oval and can encompass roughly 4.8 acres in area. This has the potential of 116,000 cubic yards of material.



Image 12 - Severance Zone 2

¹⁰ The Habitat Permit issued by the Alaska Department of Fish and Game states their Habitat Biologist will evaluate and stake the site with Secon as to the severance zones.

At the north edge of this zone is the start of an eroding bank that was formed when the creek radically changed is streambed in 2010. From the big bend at the north end of Secons' property to this severance zone is a bank that is currently eroding during high water events. This is the east side of Lemon Creek, or looking downstream, the left bank. The bank is only about 5 feet high at the north side of the severance zone, however, it increases to over 30 feet high at Secons' north property line.

Severance Zone 3

Severance zone 3 is located at the north end of Secons' property. To access this site, there are two possibilities. One, developing an access path from Severance zone 2 along the eastern property line and then installing a bridge to cross Lemon Creek. The second option is to use the path along the western side of the valley on an old logging road. There is still one small stream to cross with either a culvert or small bridge.

This severance zone has an area of about 2.7 acres. Which access is used will determine the severance area along with the setbacks from Lemon Creek and a small stream along the western edge. Currently it is shown as two zones to accommodate the bridge.

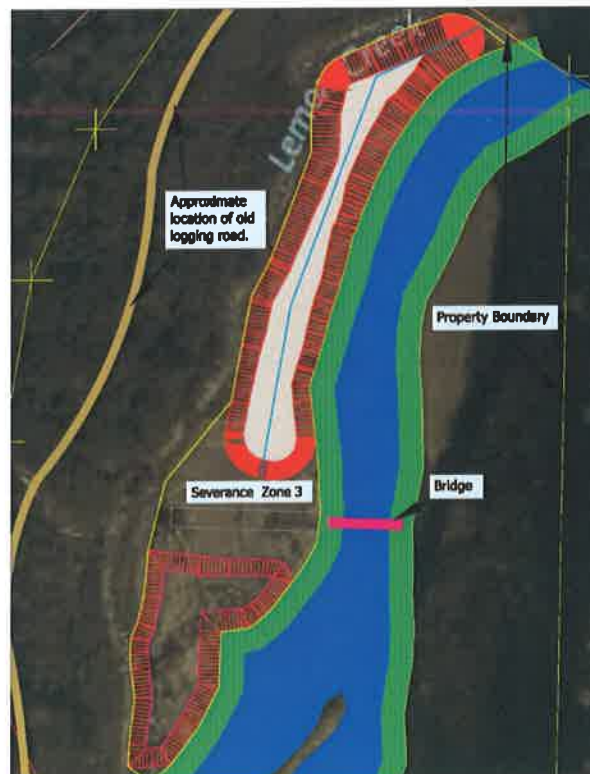


Image 13 - Severance Zone 3

This site would be the farthest from Secons' quarry operations but it also offers larger gravels and small boulders in its gravel bars.

Along the northwest side of this site, which is the left side in the image 14 photo, along the green trees is the old streambed for Lemon Creek. In winter of 2010/2011, the channel changed to its current location. In doing so, it moved roughly 180 feet to the southwest and scoured the current bed down into the gravels about 18 feet.

Image 14 shows the glacial terrace and moraines left from the last glaciers. Round cobbles and larger gravels are more resistive to the hydraulic erosion and now make up the bed of Lemon Creek. The smaller gravels, sands and silts have been conveyed downstream.

The cross hairs of image 14 is identified in Image 1 - Inter-Fluve, Inc. Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis Figure 3 as XS51. The bank on the rightside of the picture is XS50.



Image 14 - 2013 Lemon Creek Northside of Property.

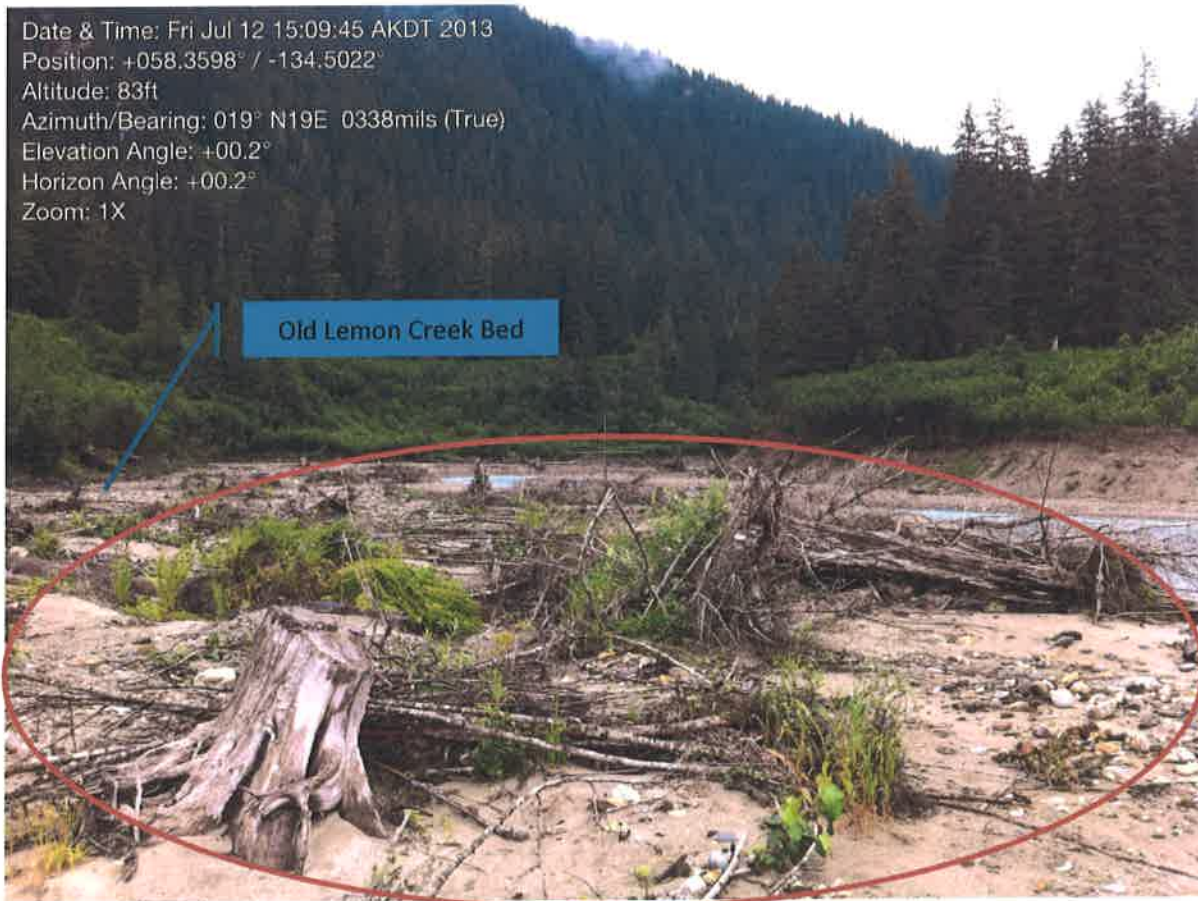


Image 15 - South end of Severance Zone 3 looking north

Image 15 shows the area is stripped of vegetation and topsoil. The remaining soils are sands with gravel and small cobbles.

As can be seen from the two images below the creek channel has changed a lot over the last several years. Image 16 is a google earth image of Lemon Creek from 2005 data. The blue line drawn on the photo is depicting the west side of Lemon Creek in 2012. The blue line was created by walking the creek bank with a Garmin GPS. The "bread crumbs" data was then uploaded to Google Earth. Tens of thousands cubic yards of sand and gravel have eroded from this valley and have been deposited in the lower reaches of Lemon Creek below the gorge out to the tide flats.



Image 16 -Hidden Valley 2005



Image 17 - Hidden Valley 2011

ZONING

The areas where the severance will occur is zoned Rural Reserve, the same as the properties to the west, north or east. The property to the south, patented M.S. 609 owned by City and Borough of Juneau is zoned industrial.

CURRENT USE

The southwest portion of this property is an active quarry producing aggregate for local private and public projects.

The access road north of the quarry along the western side of Lemon Creek is used for equipment storage and has two areas that are leased to local businesses. These businesses have gated and/or fenced off areas for product storage.



Image 18 - Hidden Valley Equipment Storage

METHOD OF MINING

Prior to severance of materials ADF&G Habitat Division will be notified. The extraction site will be surveyed with a Habitat Biologist to determine what areas can be zoned for extraction. The site will be staked for property offset and buffer zone setback identified by the biologist.

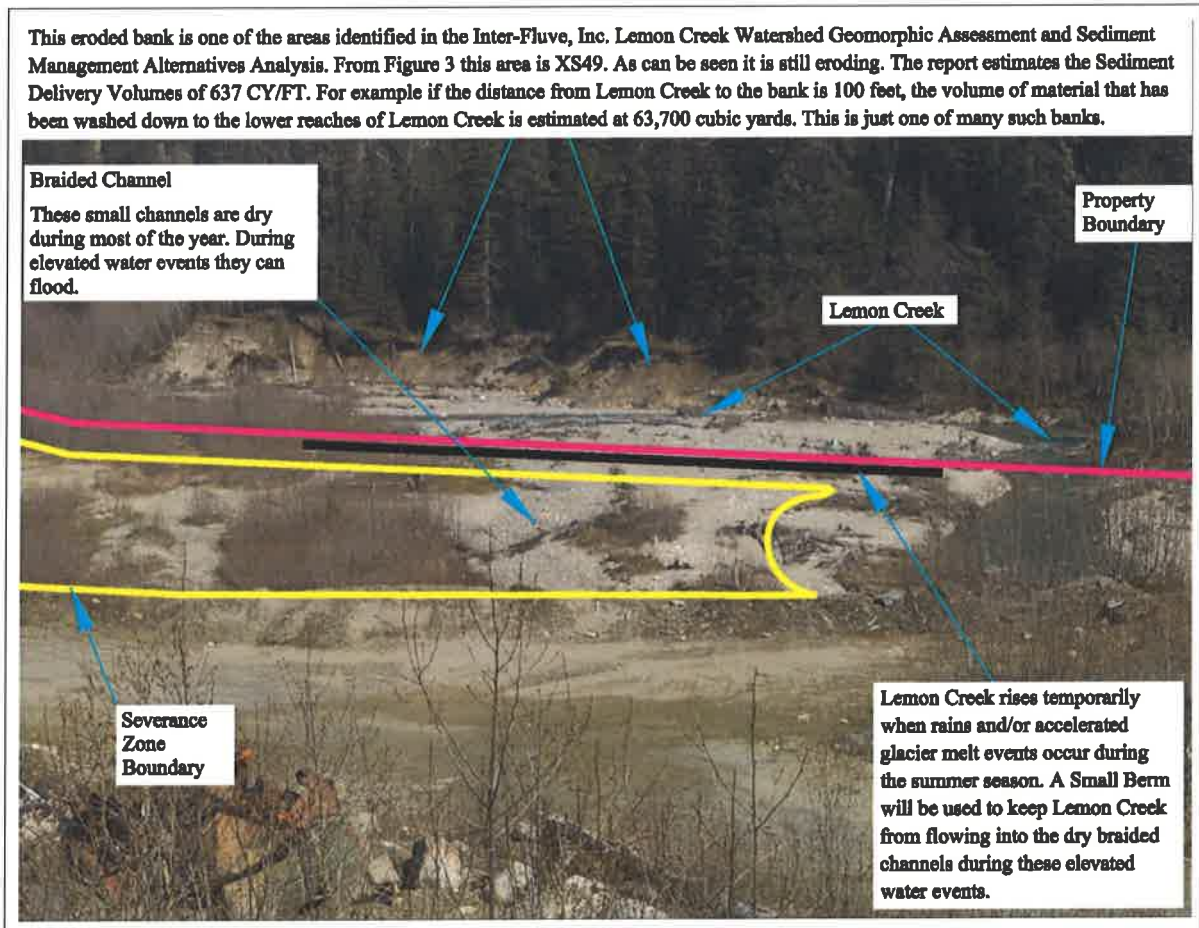


Image 19 - Severance Zone 1 diagram

These exposed gravel reaches are not fish habitat, even if the areas are submerged during spawning and the fish are able to lay eggs in the sands. They are dry for extended periods of time throughout the year and during the winter can freeze to several feet in depth.

Once the severance zone boundaries are staked the berms will be installed on the up-stream side of the excavation. This is to keep Lemon Creek from entering the severance area during elevated flows. The berm is temporary in nature and will be removed once the severance area is finished for the season. If Lemon Creek floods, the berm will be washed into the severance pit.

The mined gravels will be severed in one of two ways:

1. The gravels will be excavated and loaded into the conveyance unit in one operation.
2. Excavate the gravels into a surge stockpile next to the extraction pit. The stockpile is located next to the excavator. It is no more than two truckloads in size. The purpose of the surge pile is for gravels to have the opportunity to drain most of the water before being loaded into the conveyance unit. The gravels will be loaded and hauled to the wash plant site and stockpiled.

As can be seen in the photos to the right, the existing permitted operation in the Lower Lemon Creek streambed, USE 2012 0019 severance pit is full of water. This water is turbid and has suspended solids from all the extraction disturbance. It is critical to keep any inflow of water from the extraction pit. As long as the pit is excavated the water will stay in the severed site. If external inflows of water are allowed to enter the severance pond the turbid waters of the extraction pond will eventually escape and enter Lemon Creek. From Secons' experience in extracting gravels from Lemon Creek, if there is a problem with the turbid waters trying to leave the severance pond the answer is simply to setback 10 feet and start a new severance. The new severance will tend to create a hydraulic depression in the previous severance pit. This tends to keep the waters of the previous severance pond depressed and from overflowing to Lemon Creek. It also allows the water time to settle and clear if there continues to be a problem with the first severance pond.



Image 21 - Lemon Creek Gravel Extraction 2009



Image 20 - Lemon Creek Gravel Extraction 2013



Image 22 - Lemon Creek Gravel Extraction Pond May 2009

During the gravel extraction the severance zone pit is isolated from Lemon Creek. Once the severance zone is exhausted of gravels the berm will be removed. The severance pit suspended solids and turbidity will begin to settle. Historically Lemon Creek Gravel Extraction severance ponds have, after one to two months, been clearer than Lemon Creek as it breaches the severance ponds. There is a notable difference between Lemon Creek and the still quiet of the severance ponds as far as turbidity.

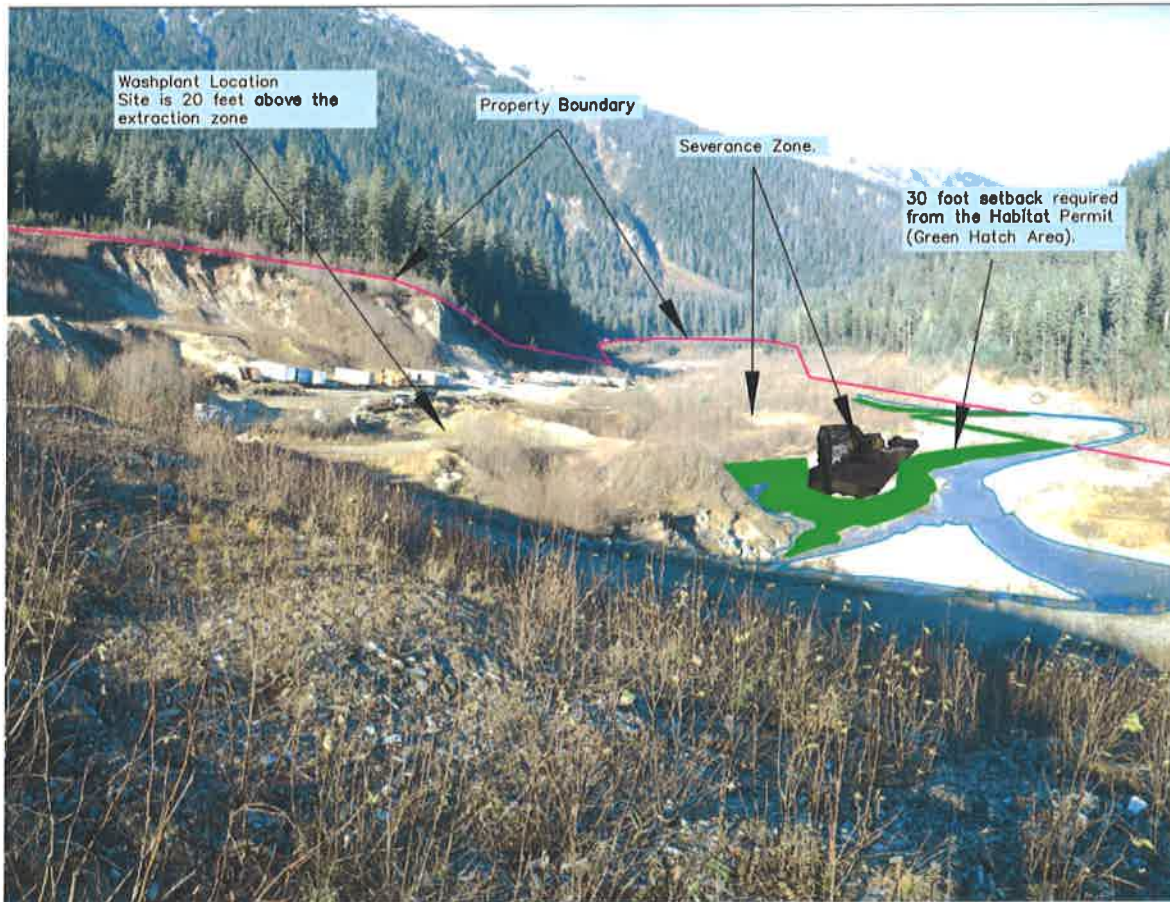


Image 23 - Layout of operations

As can be seen in Image 23, the severed gravels are loaded into dump trucks as the conveyance unit of choice. The gravels are transported to a stockpile up out of the Lemon Creek flood plain. Currently there is an elevated bench about 20 feet higher in elevation than the flood plain of Lemon Creek. This bench is from 80 to 250 feet in width and a 1,000 feet long.

Secon will setup a wash plant at the Hidden Valley property for processing the material. The washplant site will be on a bench elevated as shown in the drawing below. A second choice for the washplant site would be the rock quarry. The materials would be trucked to the quarry site for processing there.

The equipment used to extract gravels from the exposed reaches will be any combination of the following:

- Large Excavator
- Large Dozer
- Large Loader
- 10 cubic yard end dumps
- 20 cubic yard end dumps
- 20 cubic yard side dumps
- Articulated Trucks

The conveyance units will haul the severed gravels to a wash plant and then be processed through a screen plant into different products. These products will be temporarily stockpiled at this location before being conveyed either to Aggpro or to a public project. Aggpro will market and sell to public works/maintenance departments and/or to the private sector.

Products made from the mined gravels.

1. Concrete aggregate
2. Concrete Sand
3. Asphalt Blend Sand
4. Washed Rock
5. Sand
6. Chips for winter sanding

The wash plant will be setup above the seasonal high water elevation. A water collection sump would be created. The plant would be in operation starting in the spring when temperatures stay above freezing and shut down in the fall when the temperatures start freezing once again.

No fueling of equipment will take place below ordinary high water.

TRAFFIC

The transporting route of the gravel products will be from the Hidden Valley on Anka Street to the intersection at Glacier Highway. The routes from the intersection will one of two possibilities. The first is to turn right on Glacier Highway then turning left onto Concrete Way ending at Aggpro's site at 5771 Concrete Way. The second would be to turn left onto Glacier Highway and proceed to Vanderbilt Hill Road then to Egan Drive for delivery to a project. These routes are same as Secon's Hidden Valley Quarry and City & Borough of Juneau's North Lemon Creek Material Site.



RESTORATION

The bridge and abutments will be removed. Embanked berms and fills will be removed from Lemon Creek flood plain. Severance voids will be allowed to naturally be filled in by Lemon Creek.

CURRENT PERMITS HELD BY SECON

Fish Habitat Permit FH15-I-0141

US Army Corps of Engineers, Alaska District Permit: POA-2014-547

Alaska Department of Environmental Conservation - Division of Water - Wastewater Discharge Authorization Program, Section 401 Reasonable Assurance

ATTACHMENTS:

- Plat of Hidden Valley Subdivision
- Site Plans
- Fish Habitat Permit
- US Army Corps of Engineers Permit

Attachment 1

Plat of Hidden Valley Subdivision



- ORIGINAL B.L.A./T.E.O. ABASS CAP RECORDED
- 1410-5 PRIMARY MONUMENT ESTABLISHED 1965
- 1410-5 SECONDARY MONUMENT ESTABLISHED 1965
- BOUNDARY/PROPERTY LINE
- FRANJALI MON. OF RECORD BY DIVERSE
- 1410-5 PRIMARY MONUMENT ESTABLISHED 1967

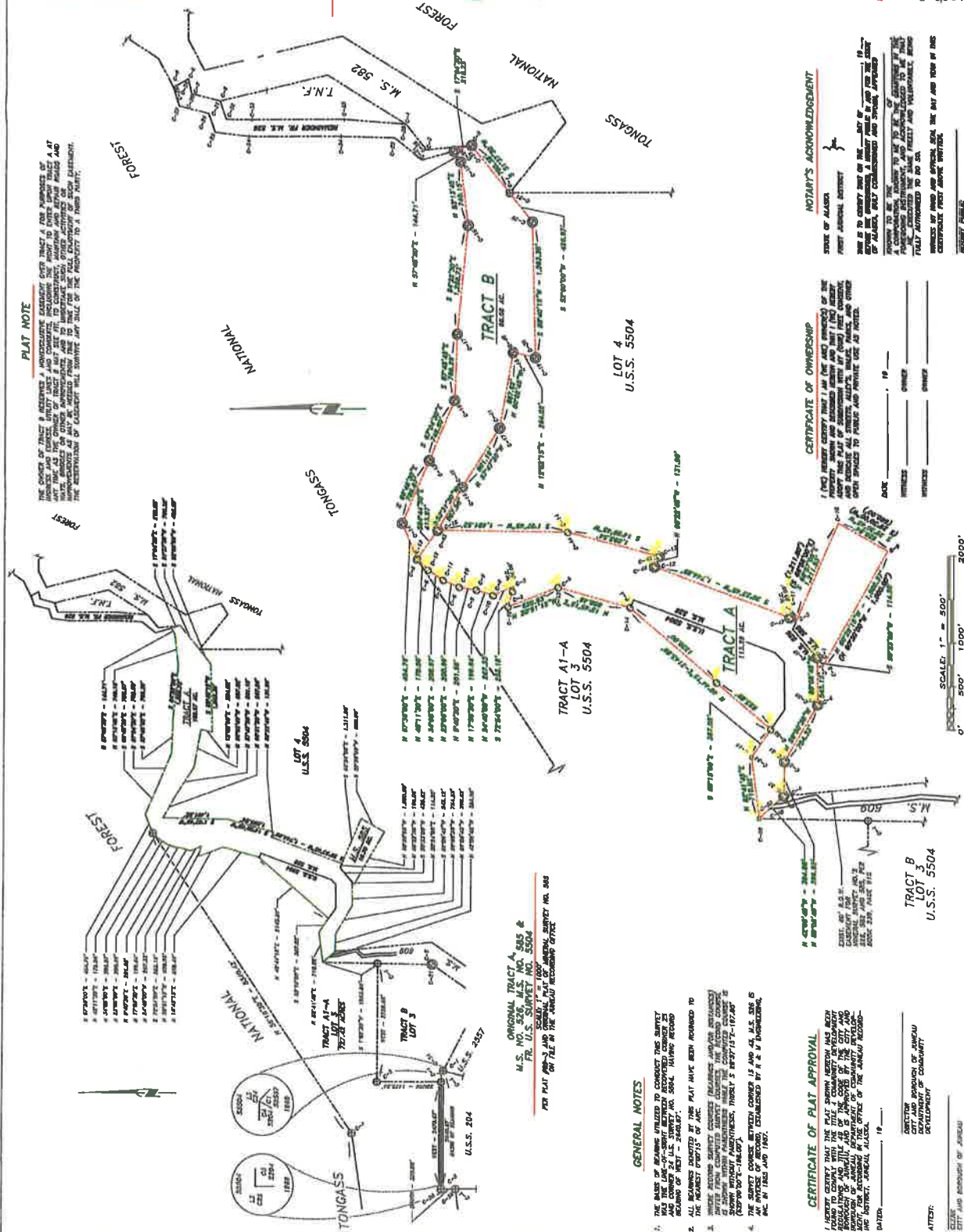


PRIMARY MONUMENT	SECONDARY MONUMENT	TYPICAL MONUMENTS
		

HIDDEN VALLEY SUBDIVISION
A SUBDIVISION PLAT OF
TRACT A, M.S. 526, M.S. 585 &
FR. U.S. SURVEY 5504
WITHIN

[illegible]

THE OWNER OF TRACT 3 RESERVES A NONEXCLUSIVE EASEMENT OVER TRACT 3 FOR PURPOSES OF INSPECTION AND REMOVAL OF INTRUSIVE WASTE AND COMBUSTIBLE MATERIALS FROM TRACT 3 AT ANY TIME AS THE OWNER OF TRACT 3 MAY SEE FIT. ITS CONVEYANCE, TRANSFER AND RETAIN PASSES AND REMAINS AS AN EASEMENT AND DOES NOT CONVEY ANY OTHER INTERESTS OR RIGHTS, INCLUDING BUT NOT LIMITED TO, THE RIGHT TO EXERCISE ANY OTHER ACTIVITIES OR RIGHTS, INCLUDING BUT NOT LIMITED TO, THE RIGHT TO USE THE FULL ENJOYMENT OF SUCH EASEMENT. THE RECREATION OF CASCADETTE IS MAY BE LIMITED FROM TIME TO TIME FOR THE FULL ENJOYMENT OF SUCH EASEMENT. THE RECREATION OF CASCADETTE IS SURVIVE ANY SALE OF THE PROPERTY TO A THIRD PARTY.



NOTARY'S ACKNOWLEDGEMENT

CERTIFICATE OF OWNERSHIP

CERTIFICATE OF PLAT APPROVAL

STATE OF ALASKA
JUL 1964
FIRST JUDICIAL DISTRICT
10-
I DO HEREBY CERTIFY THAT THE _____
WAS NOT SUBMITTED TO THE COURT FOR THE
RECORD OF ALASKA, BUT COMMANDED AND SPECIAL APPOINTED
TO BE THE _____
A COMMISSIONER, INSTEAD OF TO BE THE CLERK OF THE
COURT. I HAVE RECORDED THE SAME FREELY AND VOLUNTARILY, BEING
FULLY AUTHORIZED TO DO SO.

DATE _____, 19 ____

INITIALS _____	CHARGE _____
INITIALS _____	CHARGE _____

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS
BEEN FILED FOR RECORD IN THE TITLE COMMISSION DEVELOPMENT
DIVISION OF THE CITY AND BOROUGH OF JANEUAU, ALASKA
IN ACCORDANCE WITH THE CITY AND BOROUGH OF JANEUAU
REGULATIONS AND TITLE 43 OF THE CODE OF THE CITY AND
BOROUGH OF JANEUAU AND IS APPROVED BY THE CITY AND
BOROUGH OF JANEUAU FOR RECORDING IN THE OFFICE OF THE
JANEUAU RECORDS AND PLAT BOOKS, JANEUAU DISTRICT, JANEUAU, ALASKA.

DATED _____, 19____.

DIRECTOR
CITY AND BOROUGH OF JANEUAU
DEPARTMENT OF COMMUNITY
DEVELOPMENT

ATTEST:

PROPERTY FIELDS
NEW CONSTRUCTION

CLEAR CITY AND BOROUGH OF JEROME
58728

U.S. 200 25, 1989	John P. Miller, JR., 1974-1985
-------------------	--------------------------------

THESE

10

Attachment 2

Site Plans

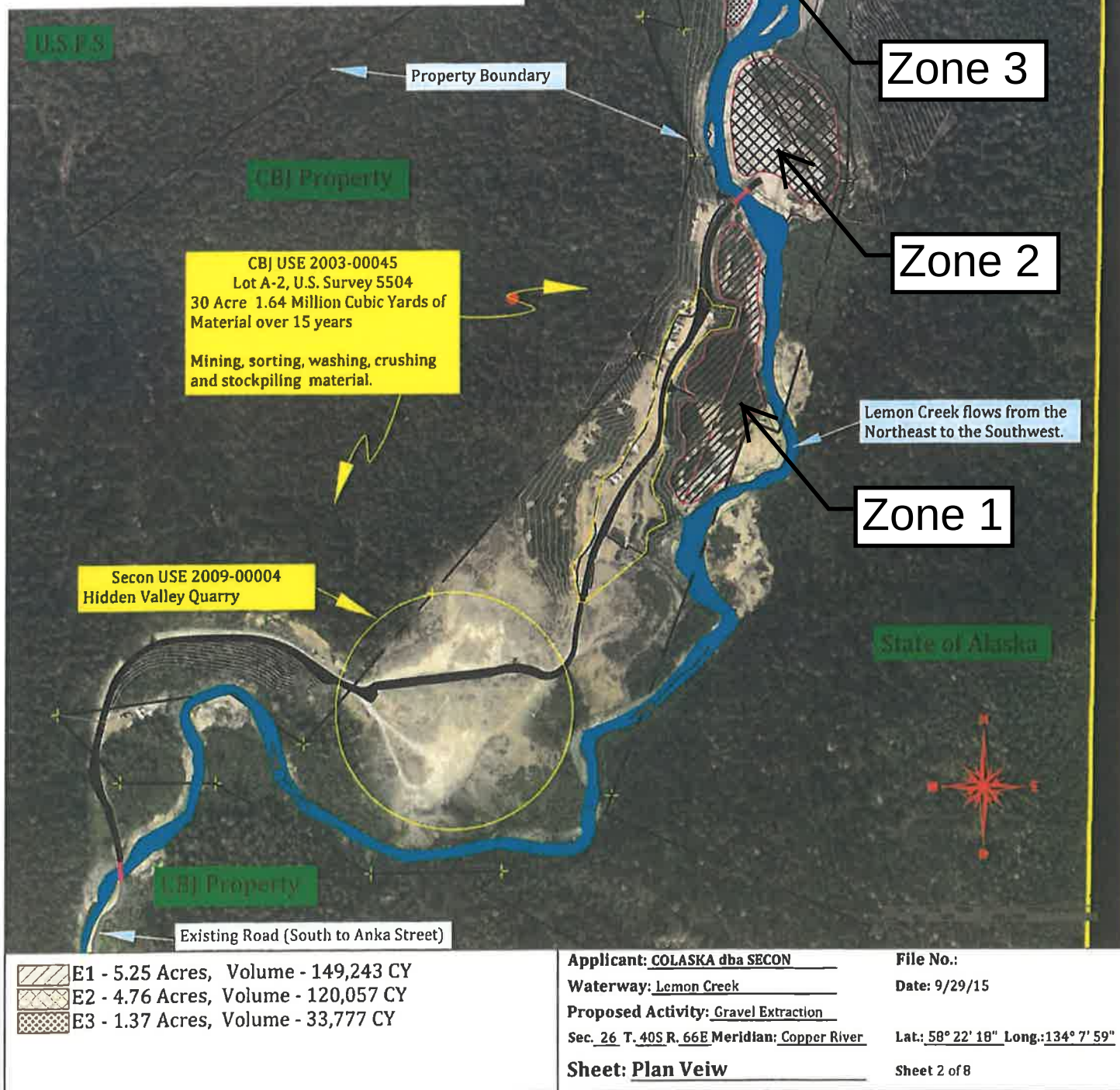
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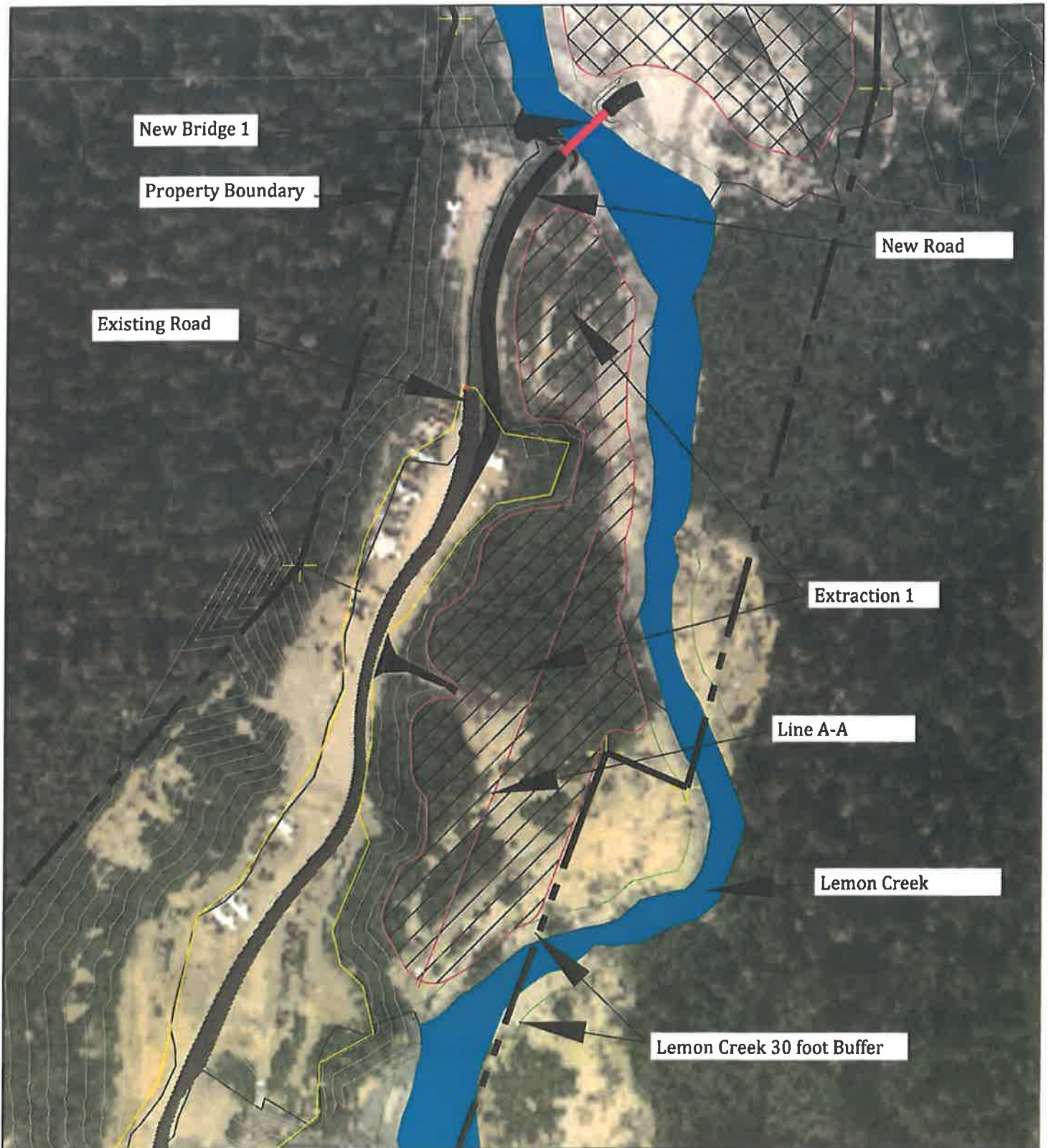
All Extractions Zones are set back a minimum of 10 feet from Property Boundaries.

Extraction Zones are set back 30 feet from Lemon Creek in compliance with DNR Fish Habitat Permit.

There are two (2) USE Permits currently active in Hidden Valley.

Secon's: Property Tract A, U.S. Survey 5504, M.S. 526, & M.S.585





Extraction Zone 1 (E1) Section Line

Applicant: COLASKA dba SECON

Waterway: Lemon Creek

Proposed Activity: Gravel Extraction

Sec. 26 T. 40S R. 66E Meridian: Copper River

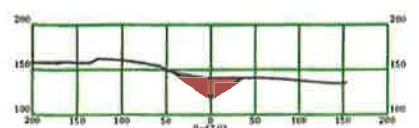
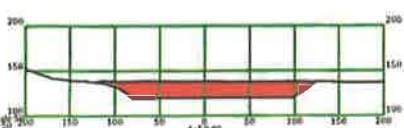
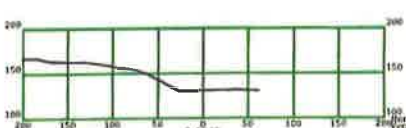
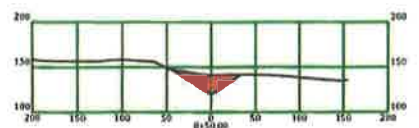
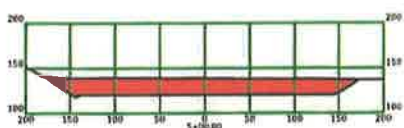
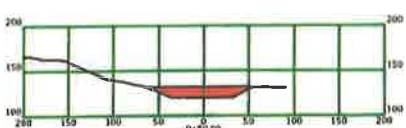
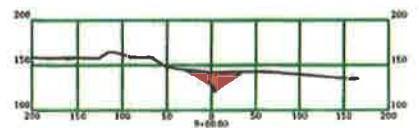
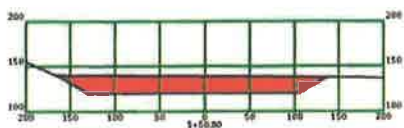
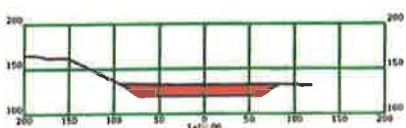
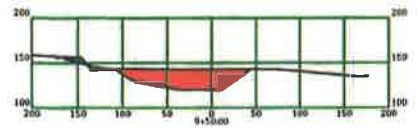
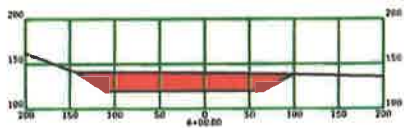
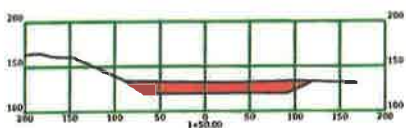
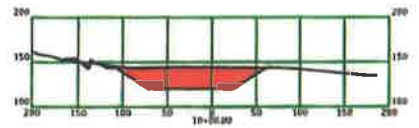
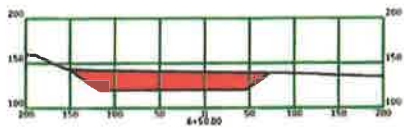
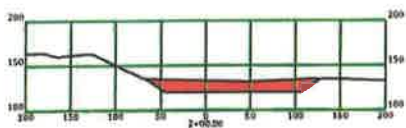
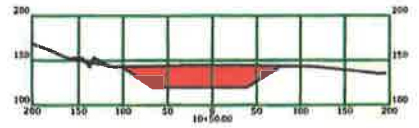
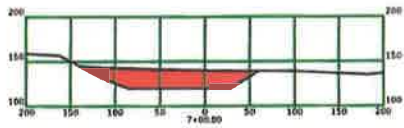
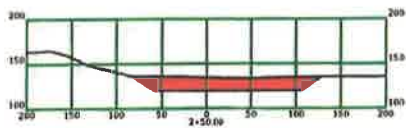
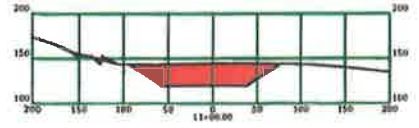
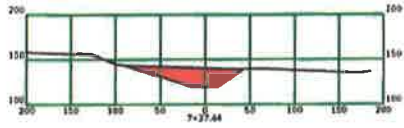
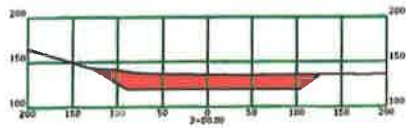
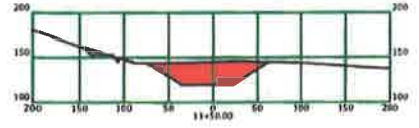
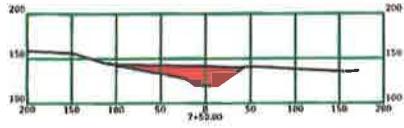
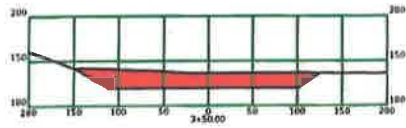
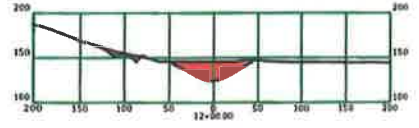
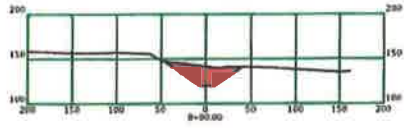
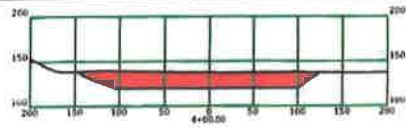
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File No.:

Date: 9/29/15

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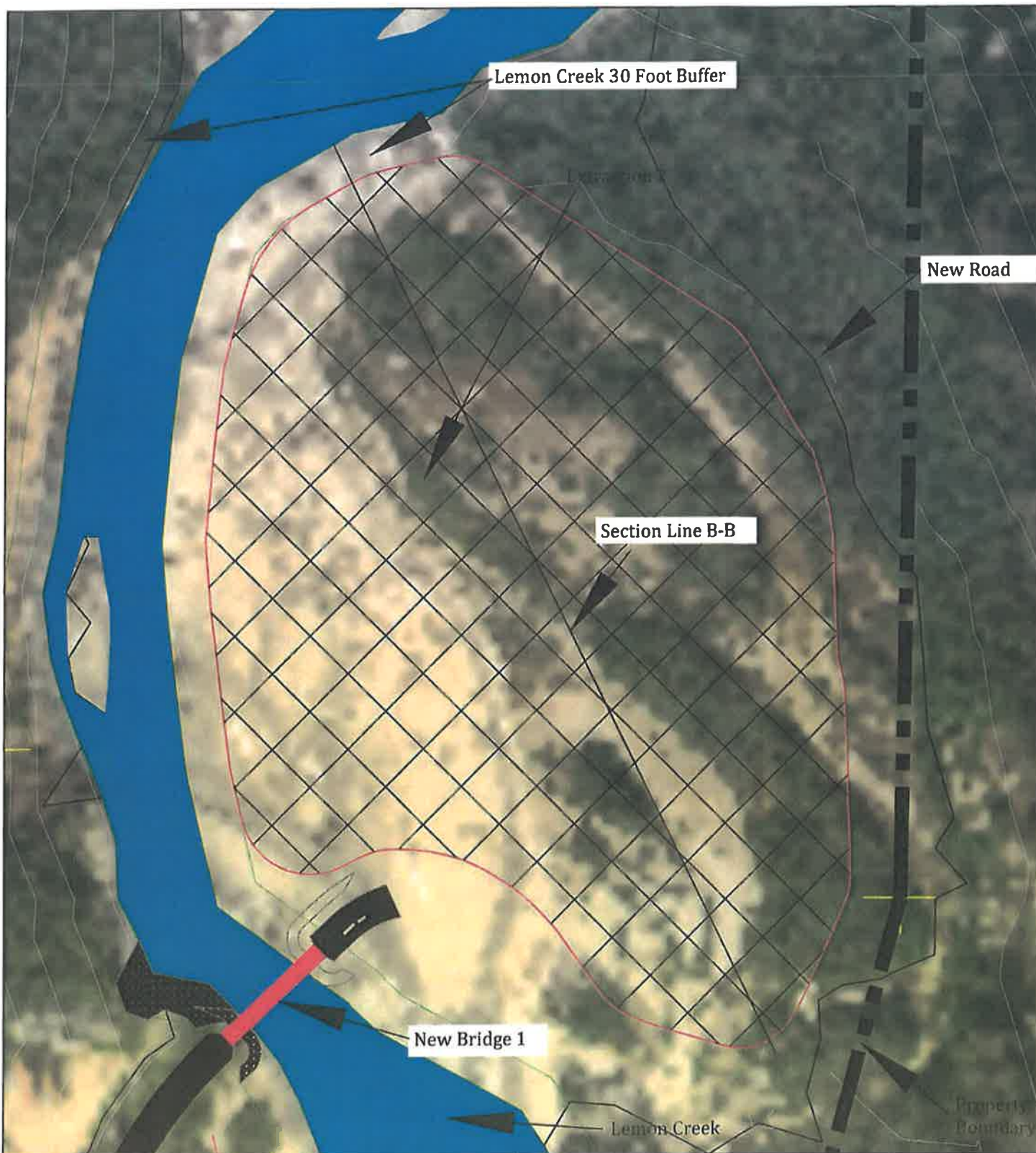
Sheet 3 of 8



Extraction Zone 1 (E1)
Cross Sections of Line A-A

Applicant: COLASKA dba SECON
Waterway: Lemon Creek
Proposed Activity: Gravel Extraction
Sec. 26 T. 40S R. 66E Meridian: Copper River
Sheet: **E1 Cross Sections**

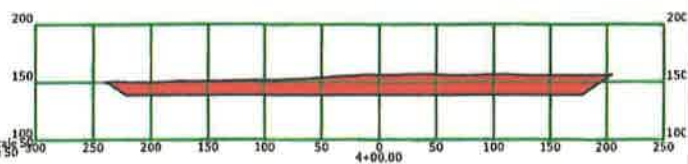
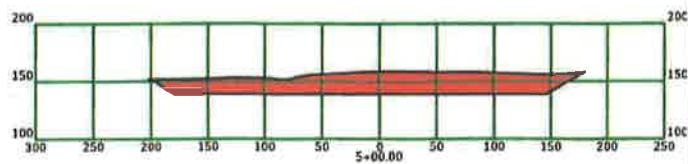
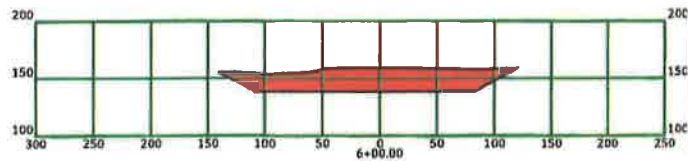
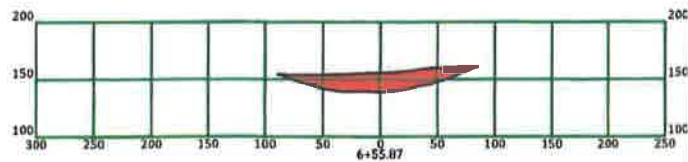
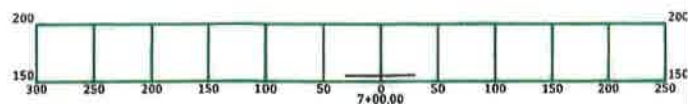
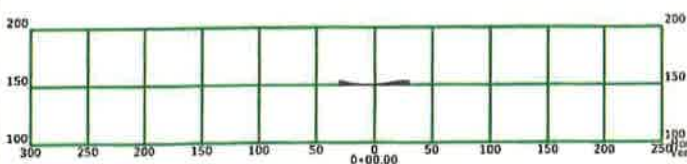
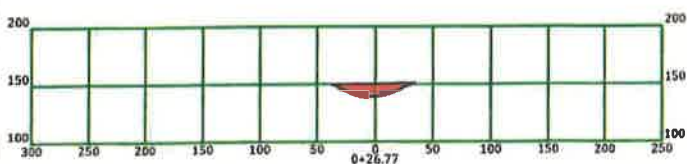
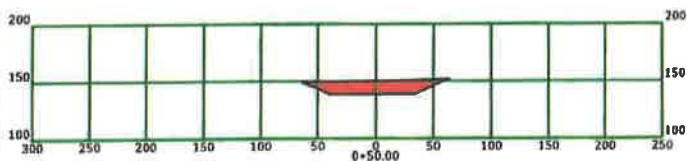
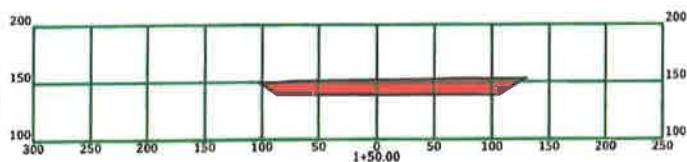
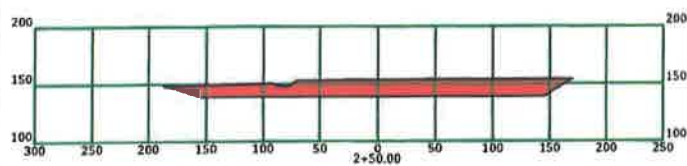
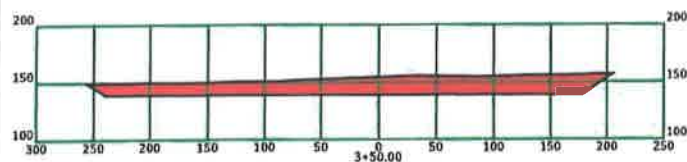
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Date: 9/29/15
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Sheet 4 of 8



Extraction Zone 2 (E2) Section Line

Applicant: COLASKA dba SECON
Waterway: Lemon Creek
Proposed Activity: Gravel Extraction
Sec. 26 T. 40S R. 66E Meridian: Copper River
Sheet: E2 Cross Section Map

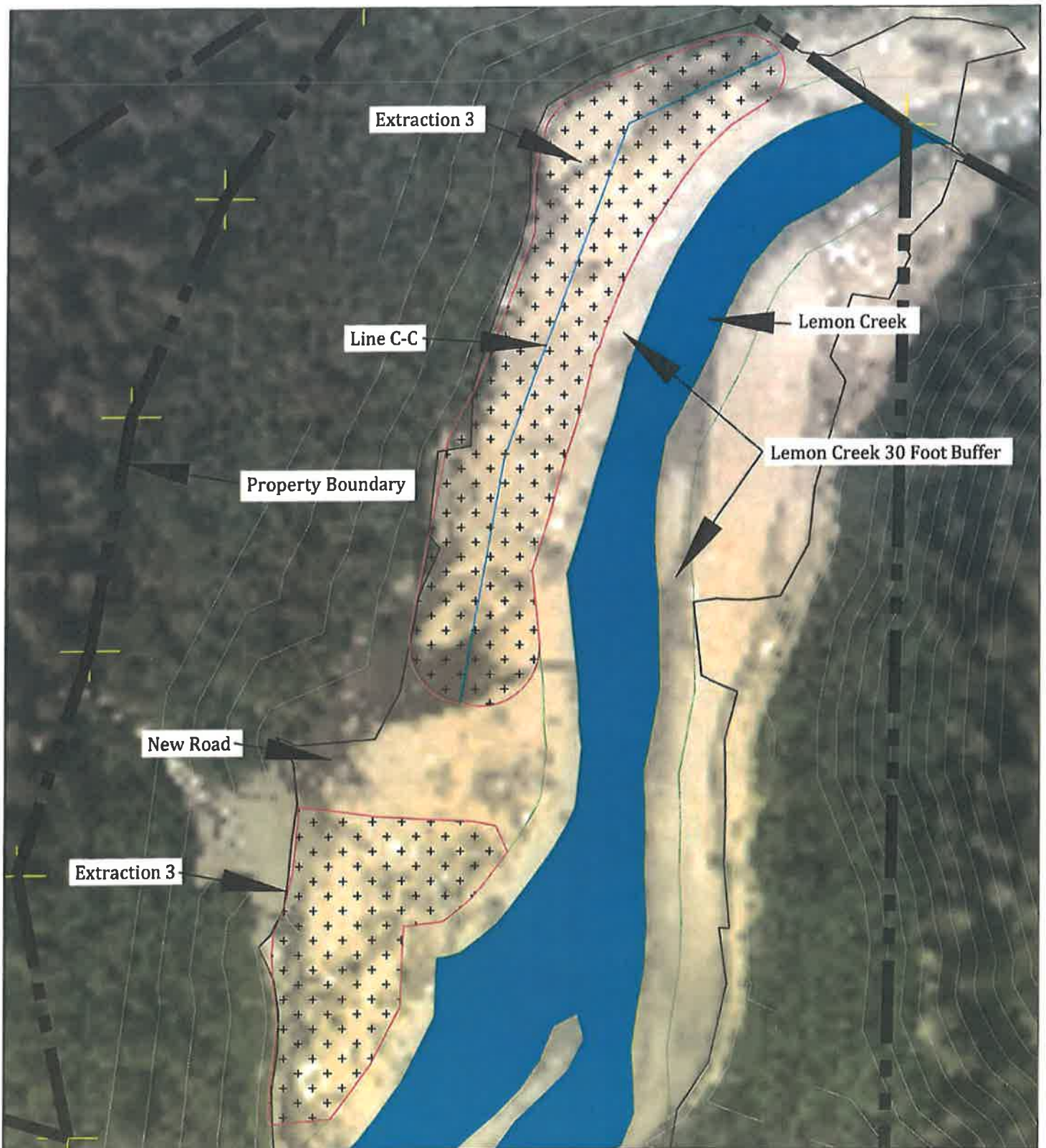
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Date: 9/29/15
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Sheet 5 of 8



Extraction Zone 2 (E2)
Cross Sections of Line B-B

Applicant: COLASKA dba SECON
Waterway: Lemon Creek
Proposed Activity: Gravel Extraction
Sec. 26 T. 40S R. 66E Meridian: Copper River
Sheet: E2 Cross Sections

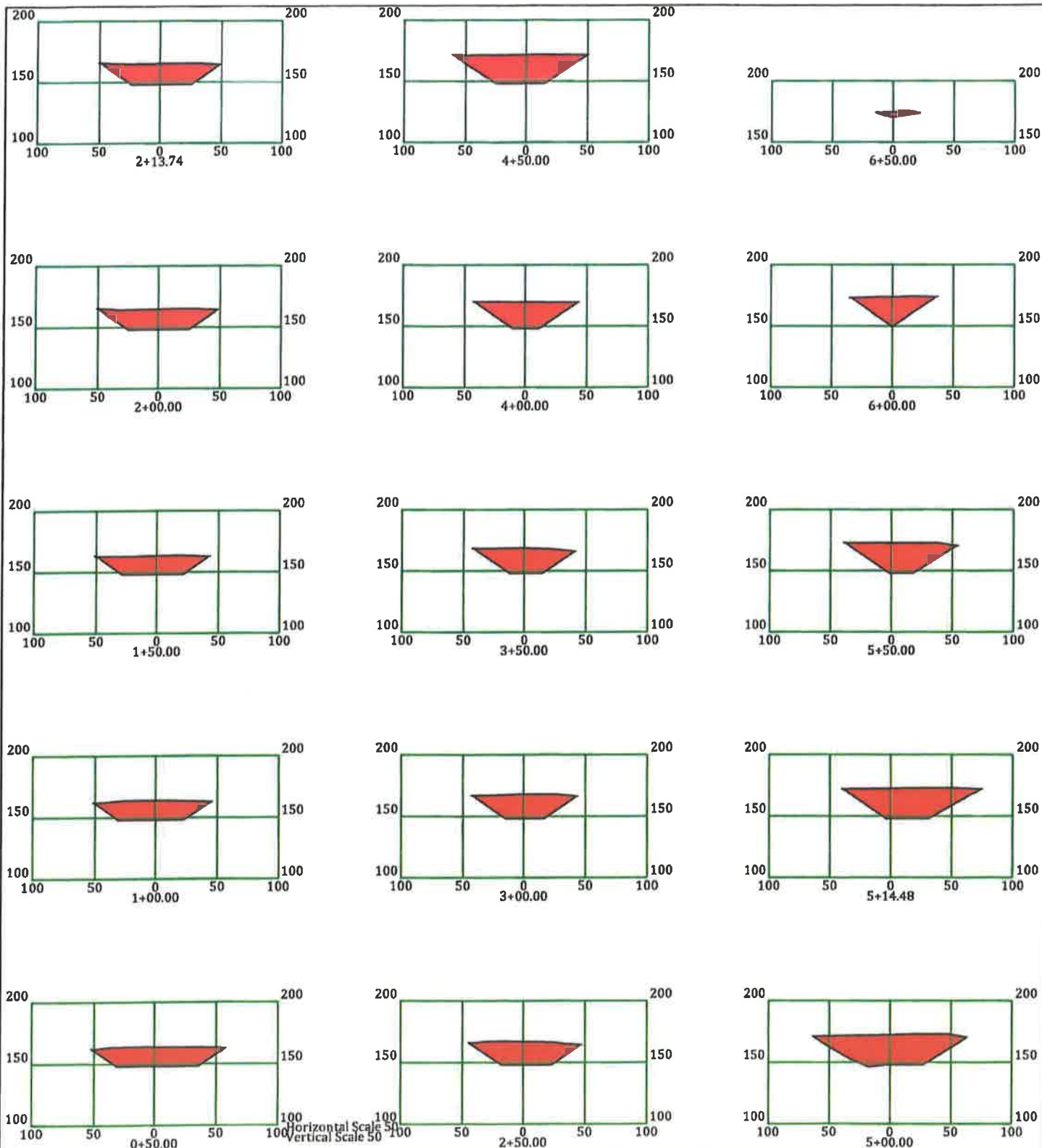
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Sheet 6 of 8



Extraction Zone 3 (E3) Section Line

Applicant: COLASKA dba SECON
Waterway: Lemon Creek
Proposed Activity: Gravel Extraction
Sec. 26 T. 40S R. 66E Meridian: Copper River
Sheet: E3 Cross Section Map

File No.: POA-XXXX-XXXX
Date: 9/29/15
Lat.: 58° 22' 18" **Long.:** 134° 7' 59"
Sheet 7 of 8



Extraction Zone 3 (E3) Cross Sections

Applicant: COLASKA dba SECON
 Waterway: Lemon Creek
 Proposed Activity: Gravel Extraction
 Sec. 26 T. 40S R. 66E Meridian: Copper River
 Sheet: E3 Cross Section

File No.: POA-XXXX-XXXX
 Date: 9/29/15
 Lat.: 58° 22' 18" Long.: 134° 7' 59"
 Sheet 8 of 8

Attachment 3

Fish Habitat Permit



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Fish and Game

DIVISION OF HABITAT
Southeast Region Office

802 3rd Street
Douglas, AK 99824-5412
P.O. Box 110024
Juneau, Alaska 99811-0024
Main: 907.465.4105
Fax: 907.465.4759

FISH HABITAT PERMIT FH15-I-0141

ISSUED: September 21, 2015

Mr. Michael Short
SECON Engineering Manager
P.O. Box 32159
Juneau, AK 99801

RE: Hidden Valley Gravel Mine in Lemon Creek
Stream No. 111-40-10100
T. 40 S., R. 66 E., Section 26, C.R.M., Juneau B-2
58.3776° N, 134.4642° W

Dear Mr. Short:

Pursuant to AS 16.05.871(b), the Alaska Department of Fish and Game (ADF&G) Division of Habitat reviewed your proposal to mine sand and gravel on SECON's patented property within the ordinary high water marks of Lemon Creek in Hidden Valley.

Project Description

You will use excavators and dump trucks to mine material each year from islands within upper Lemon Creek. You will begin mining at the downstream end of the gravel bars and move upstream, leaving 30 foot buffers between the mine and active Lemon Creek channels. You will construct temporary diversion berms in dry channels upstream to protect the mine site from rising water and breach the berms when mining is complete.

You will build bridges across active channels using flatcars supported by log and gravel abutments. You will leave mine site organics on the floodplain. If flow begins to erode bridge abutments, buffers, or berms, you will remove bridges and equipment from below the ordinary high water mark of Lemon Creek.

You will meet with a habitat biologist each year prior to mining to review the mining plan and stake mine site limits. You will accompany habitat biologists monitoring Lemon Creek during mining.

Anadromous Fish Act

Lemon Creek, Stream No. 111-40-10100, is important for the spawning, rearing, and migration of anadromous fish, pursuant to AS 16.05.871(a). Adult coho salmon spawn in this portion of Lemon Creek from August through November and juvenile coho salmon and resident Dolly Varden char rear in the area year-round.

In accordance with AS 16.05.871(d), gravel mining in Lemon Creek in Hidden Valley is approved subject to the project description and the terms of this permit.

You must maintain the habitat in Lemon Creek in accordance with the terms of this permit so that free passage of fish is assured. You must restore any obstruction to the free passage of fish to the satisfaction of ADF&G.

You are responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved project. For any activity that significantly deviates from the approved plan, you shall notify the Division of Habitat and obtain written approval in the form of a permit amendment before beginning the activity. Any action that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is the responsibility of the Division of Habitat. Therefore, it is recommended you consult the Division of Habitat immediately when a deviation from the approved plan is being considered.

For the purpose of inspecting or monitoring compliance with any condition of this permit, you shall give an authorized representative of the state free and unobstructed access, at safe and reasonable times, to the permit site. You shall furnish whatever assistance and information as the authorized representative reasonably requires for monitoring and inspection purposes.

This letter constitutes a permit issued under the authority of AS 16.05.871 and must be retained on site during project activities. Please be advised that this determination applies only to activities regulated by the Division of Habitat; other agencies also may have jurisdiction under their respective authorities. This determination does not relieve you of your responsibility to secure other permits; state, federal, or local. You are still required to comply with all other applicable laws.

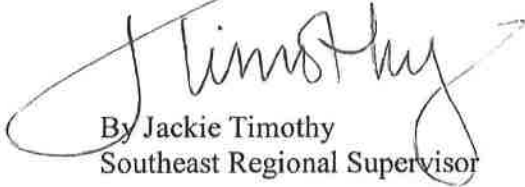
In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The department reserves the right to require mitigation measures to correct disruption to fish and game created by the project and which was a direct result of the failure to comply with this permit or any applicable law.

You shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or your performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

This permit decision may be appealed in accordance with the provisions of AS 44.62.330-630.

Any questions or concerns about this permit may be directed to Greg Albrecht at (907) 465-6384 or emailed to greg.albrecht@alaska.gov.

Sincerely,
Sam Cotten
Commissioner



By Jackie Timothy
Southeast Regional Supervisor

Email cc:

Al Ott, ADF&G Habitat, Fairbanks
ADF&G Habitat Staff, Juneau
Dan Teske, ADF&G/SF, Juneau
Dave Harris, ADF&G/CF, Juneau
Stephanie Sell, ADF&G/WC, Juneau
Steve Brockmann, USFWS, Juneau
Linda Speerstra, USACE, Sitka
Cindy Hartmann Moore, NMFS, Juneau
Teri Camery, CBJ, Juneau

Attachment 4

US Army Corps of Engineers Permit



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 22270
JUNEAU, ALASKA 99802

September 16, 2015

Regulatory Division
POA-2014-547

Mr. Tim Dudley
Colaska dba SECON
P.O. Box 32159
Juneau, Alaska 99803

Dear Mr. Dudley:

This is in response to your, application for a Department of the Army (DA) permit to discharge 2,800 cubic yards of dredged and fill material into 21,275-square feet of waters of the U.S. below the Ordinary High Water of Lemon Creek in order to construct gravel mining access roads. It has been assigned file number POA-2014-547, Lemon Creek which should be referred to in all future correspondence with this office. The project site is located within Section 26, T. 40 S., R. 66 E., Copper River Meridian; USGS Quad Map Juneau B-2; Latitude 58.37334° N., Longitude -134.46598° W.; located in Juneau, Alaska.

Based on our review of the information you furnished and available to us and our July 21, 2015 site visit, we have preliminarily determined the above project area contains waters of the United States (U.S.), under the Corps' regulatory jurisdiction (Please see the attached Preliminary Jurisdictional Determination Form).

DA permit authorization is necessary because your project involves the placement of dredged and fill material into waters of the U.S. under our regulatory jurisdiction.

Specifically the work includes the construction of two access ramps from uplands into Lemon Creek measuring 60 feet long by 30 feet wide, two berm areas measuring 530 linear feet to protect the mining site from flooding, construction and armoring of a primary access road, bridge, and bridge abutments measuring 600 linear feet. The work would result in the placement of 2,800 cubic yards of rock and rip rap into 21,275 square feet of waters of the U.S.

Based upon the information and plans you provided, we hereby verify that the work described above, which would be performed in accordance with the enclosed plan (sheets 1-4), dated August 2015, is authorized by Nationwide Permit (NWP) No. 14, Linear Transportation Projects. NWP No. 14 and its associated Regional and General

Conditions can be accessed at our website at:

www.poa.usace.army.mil/Missions/Regulatory/Permits.aspx. Regional Conditions F apply to your project. You must comply with all terms and conditions associated with NWP No. 14.

Further, please note General Condition 30 requires that you submit a signed certification to us once any work and required mitigation are completed. Enclosed is the form for you to complete and return to us.

The Nationwide Permits are due to expire on March 18, 2017, unless the NWP is modified, reissued, or revoked. It is incumbent upon you to remain informed of changes to the NWPs. Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

Please contact me via email at Matthew.T.Brody@usace.army.mil, by mail at the address above, or by phone at (907) 790-4493, if you have questions or to request paper copies of the regional and/or general conditions. For more information about the Regulatory Program, please visit our website at <http://www.poa.usace.army.mil/Missions/Regulatory.aspx>.

Sincerely,

BRODY.MATTHEW.T.1383923111

Matthew Brody
Regulatory Specialist

Digitally signed by
BRODY.MATTHEW.T.1383923111
DN: c=US, o=U.S. Government, ou=DoD,
ou=PKI, ou=USA,
cn=BRODY.MATTHEW.T.1383923111
Date: 2015.09.16 14:25:15 -08'00'

Enclosures

CF:

South - Juneau

jackie.timothy@alaska.gov
sero@alaska.gov
oha.revcomp@alaska.gov
james.rypkema@alaska.gov
shannon.dewandel@alaska.gov
FW7_POANotices@fws.gov
john_hudson@fws.gov
hcd.juneau@noaa.gov
AOOARU.R10@epamail.epa.gov
city.clerk@juneau.org
teri.camery@juneau.org
christine.mcnally@juneau.org
dduncan@ccthita.org
klindoff-dia@gci.net
alaiti-dia@gci.net

ENCLOSURE



**US Army Corps of Engineers
Alaska District**

Permit Number: POA-2014-547

Name of Permittee: Mr. Tim Dudley - SECON

Date of Issuance: September 16, 2015

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to Mr. Matthew Brody at the following address:

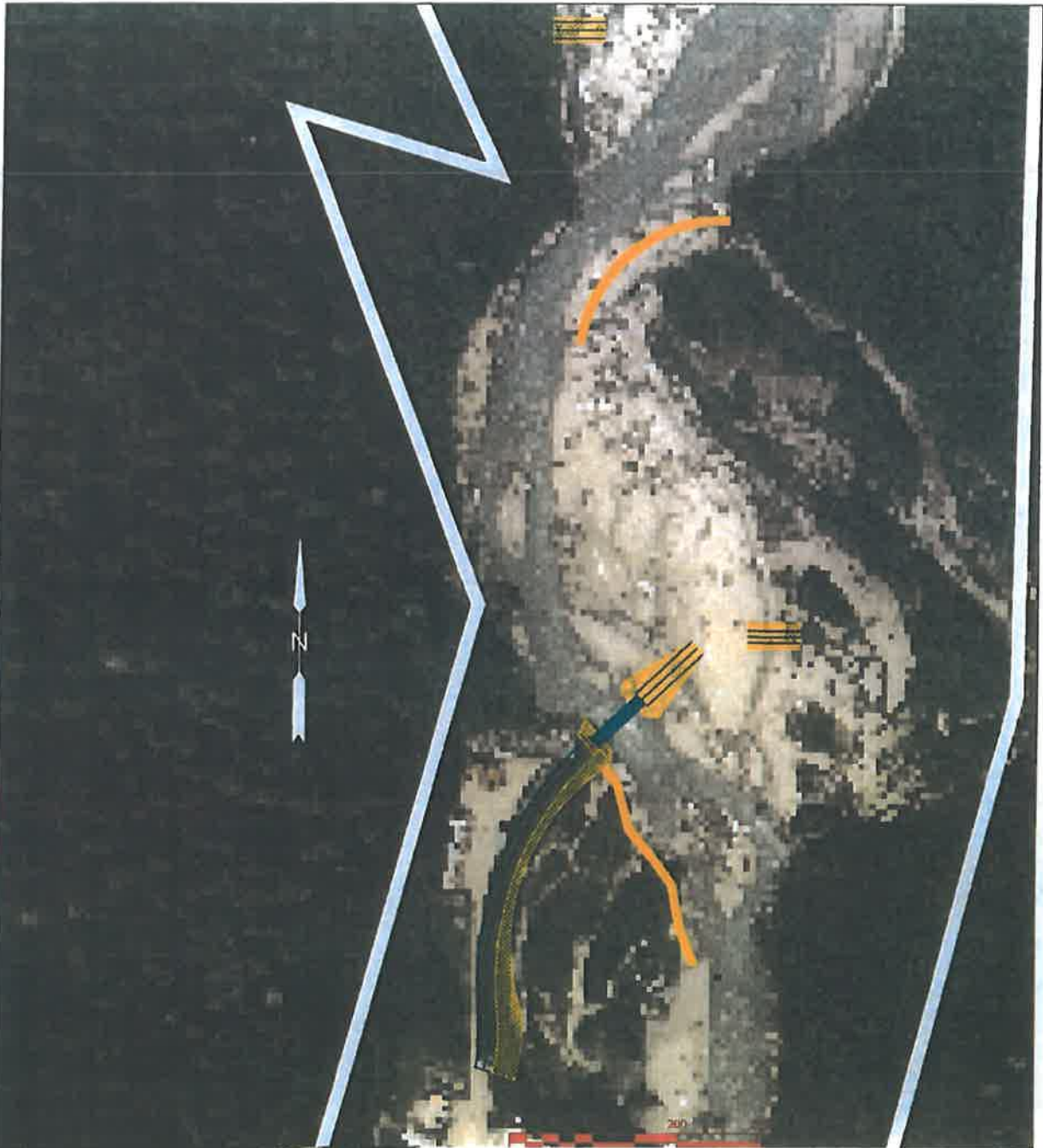
U.S. Army Corps of Engineers
Alaska District
Juneau Regulatory Field Office
P.O. Box 22270
Juneau, Alaska 99802

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date



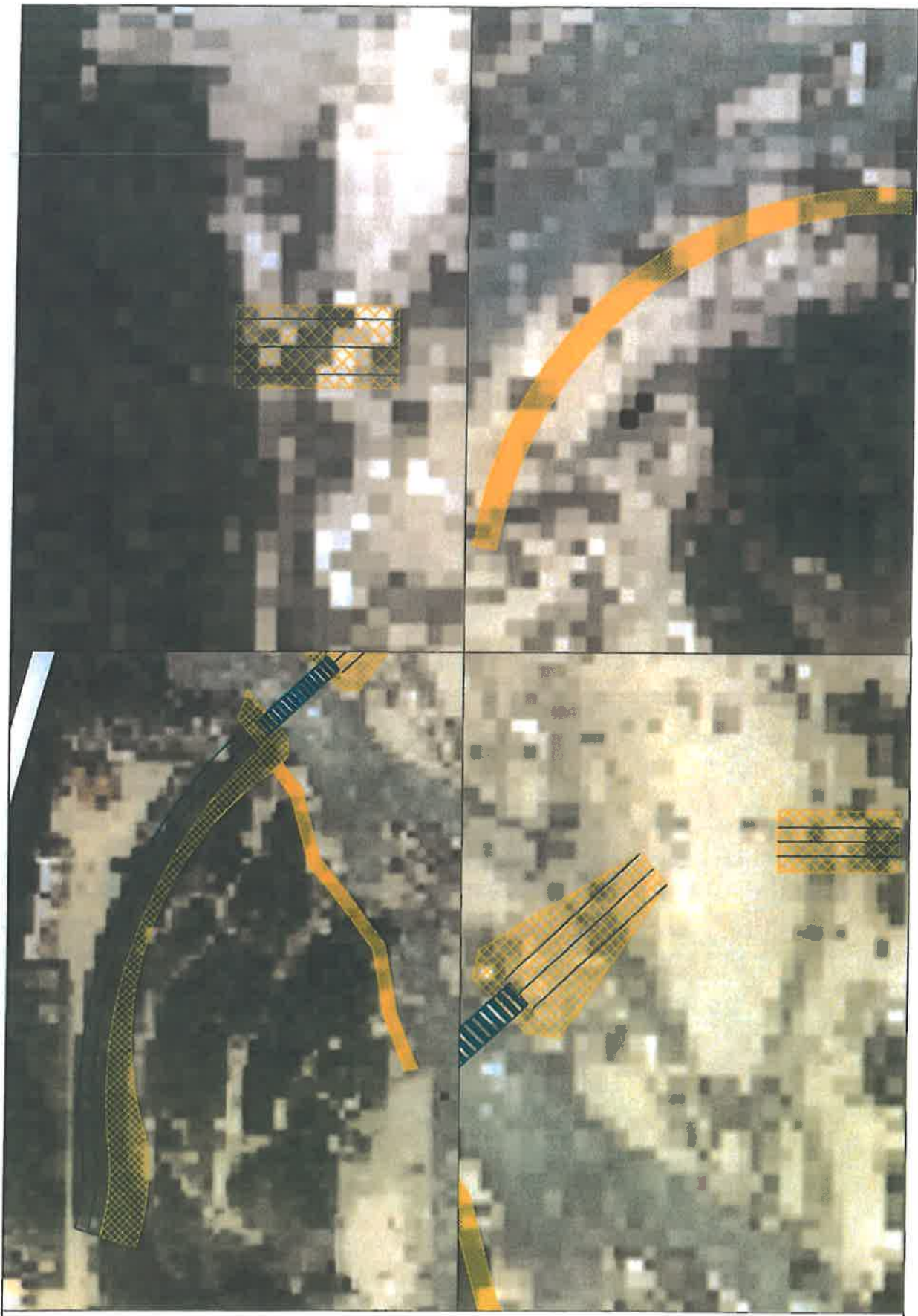
Fill Area 21,275 square feet.
Volume 2,800 cubic yards.



P.O. Box 32158
Juneau, AK 99803
(907) 780-5145

1838 Anka Street
Juneau, AK 99801

POA-2014-547
August 2015
SECON
Lemon Creek Gravel Extraction
Sheet 2 of 4

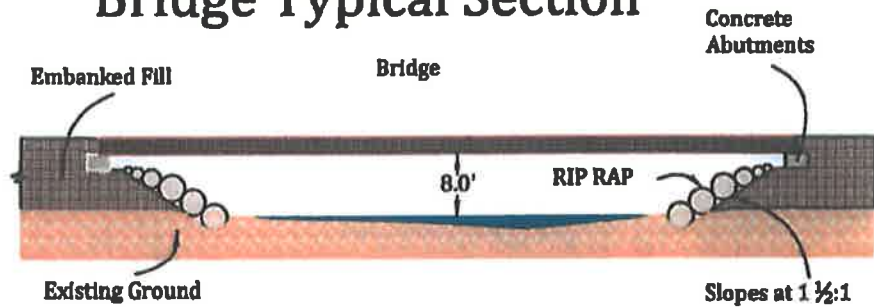


P.O. Box 32169
Juneau, AK 99803
(907) 789-5145

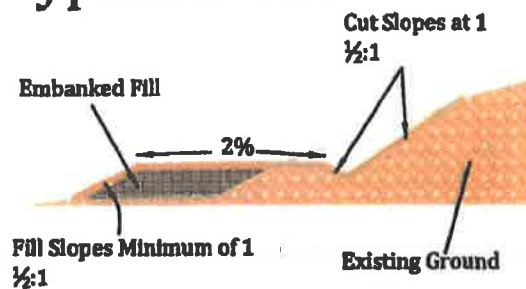
1830 Anka Street
Juneau, AK 99801

POA-2014-547
August 2015
SECON
Lemon Creek Gravel Extraction

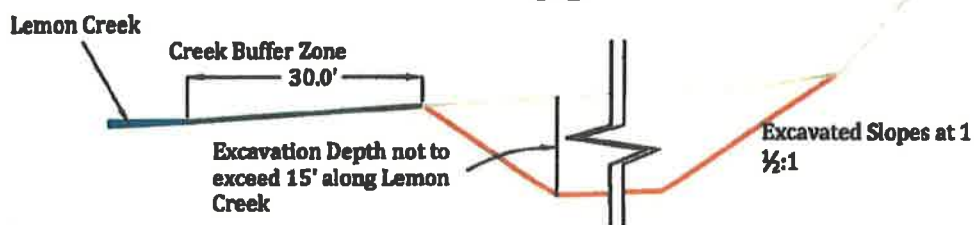
Bridge Typical Section



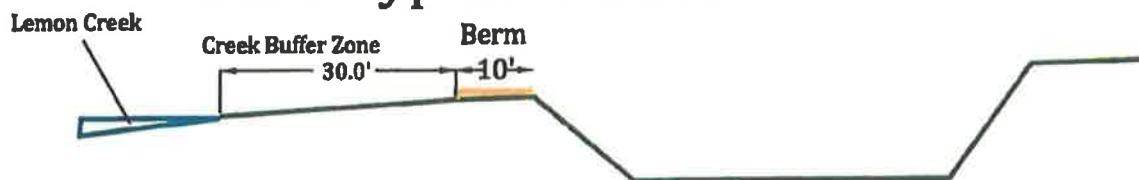
Road Typical Section



Extraction Typical Section

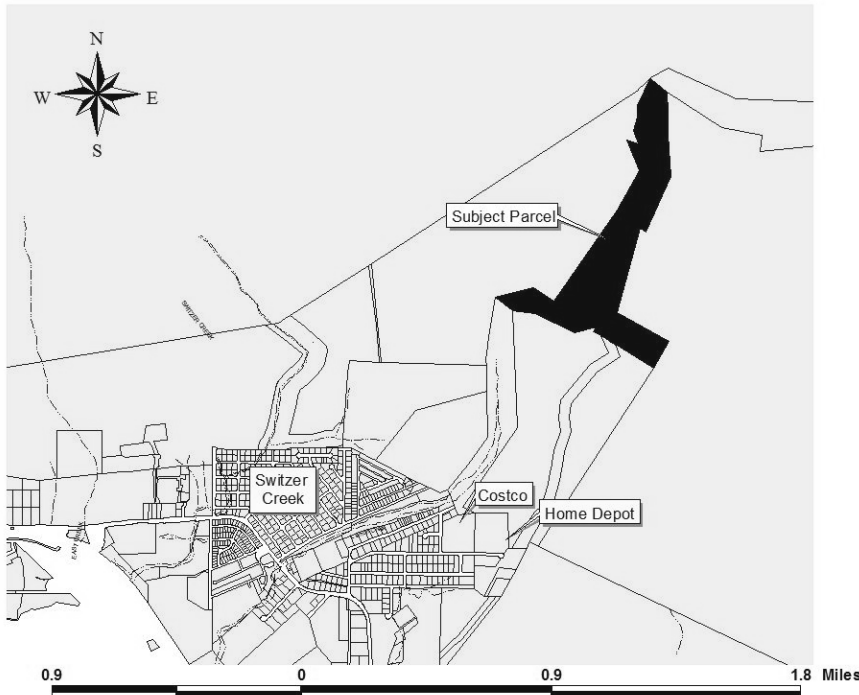


Berm Typical Section





NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: A Conditional Use Permit to extract/mine gravel from patent lands in Hidden Valley, Lemon Creek.

File No:	USE2016 0004	Applicant:	SECON, Inc.
To:	Adjacent Property Owners	Property PCN:	3-M00-0-LEM-CRK-2
Hearing Date:	April 26, 2016	Owner:	SECON, Inc.
Hearing Time:	7:00 PM	Size:	113.29 Acres
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	RR - Rural Reserve
		Site Address:	End of Anka Drive
		Accessed Via:	Anka Drive

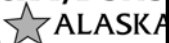
PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Tim Felstead at Tim.Felstead@juneau.org or 586-0466.



CITY/BOROUGH OF JUNEAU



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at
<http://www.juneau.org/assembly/novus.php>

Attachment B: Public Hearing Notice

Date notice was printed: March 25, 2016

MEMORANDUM

State of Alaska

Department of Fish and Game
Division of Habitat

TO: Jackie Timothy
Southeast Regional Supervisor

DATE: September 16, 2015

FILE NO: FH13-I-0057

SUBJECT: Hidden Valley gravel
mine trip report
September 9, 2015

FROM: Greg Albrecht 
Habitat Biologist

PHONE NO: (907) 465-6384

On September 9th I visited Lemon Creek (ADFG Steam no. 111-40-10100; cataloged for chum and coho salmon and Dolly Varden char) adjacent to the SECON owned rock quarry where they plan to extract gravel on two bars (Figure 1). Mike Short (SECON) described their intent to begin at the downstream end of the lower bar and remove 10 to 50,000 cubic yards of material annually, depending on demand. In 2013, Habitat Division issued fish habitat permit FH13-I-0057 for the activity, but work did not occur and the authorization has expired.

I observed the lower gravel bar to be partially vegetated with alder, birch, and spruce trees. The bar is 1300 ft long by 200–450 ft wide, a 7.5 acre area (Figure 1). On my visit, gravel bar banks varied from 0–8 ft above the main channel (Figure 2). Water was springing up in a high flow channel about 200 ft from the downstream end of the bar and I encountered a 40 ft long isolated pond in an alder grove at the upstream end (Figures 3–6).

SECON does not intend to access the upstream gravel bar any time soon as the annual demand of material can be mined from the lower bar. Mining will occur during low water when the ground is not frozen. Temporary berms upstream in dry channels will protect the area in the event of rapid flow rise (Figure 6).

Mike and I agreed that a mine site at the downstream end of the bar in the dry channel could capture bed load during high flow and allow for repeat mining. The excavation would be connected to the main stem and possibly provide habitat for rearing fish. I will reissue FH13-I-0057 for mine operation and work with SECON to stake the mine location prior to extraction and monitor channel changes and fish use after.

Attachment C - ADFG field report regarding Zone 1



Figure 1.–Area map.



Figure 2.—Looking upstream with the gravel at left.



Figure 3.—Looking downstream from the lower end of the bar where flow emerged in a gravel bar channel.



Figure 4.—Looking upstream at the location where flow emerges in the channel.



Figure 5.—Area map showing possible outline of 1.5 acre mine site (orange), flow emerging in the dry channel (blue dashed), and potential temporary berm sites (red).



Figure 6.—Disconnected pond with no fish visible.

Email cc:

Al Ott, ADF&G Habitat, Fairbanks
ADF&G Habitat Staff, Douglas
Dan Teske, ADF&G/SF, Juneau
Dave Harris, ADF&G/CF, Juneau
Stephanie Sell, ADF&G/WC, Juneau
Cindy Hartmann Moore, NMFS, Juneau
Steve Brockmann, USFWS, Juneau
Linda Speerstra, USACE, Sitka
Teri Camery, CBJ, Juneau
Michael Short, SECON, Juneau

MEMORANDUM

CITY/BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

TO: Tim Felstead, CDD

DATE: April 7, 2016

FROM: Ron King, General Engineering *RD King*

FILE: USE2016-04

GRAVEL EXTRACTION
HIDDEN VALLEY, LEMON CRK

Gravel extraction from Lemon Creek and the established CBJ gravel pits have been conducted for many years. During season there are multiple trips through Anka St to Glacier Highway by contractors purchasing materials from CBJ along with Secon and their subcontractors.

The new gravel source will not necessarily increase or decrease traffic to Anka St.; merely increase the travel time. It is anticipated that the Borough's yearly requirement for gravels will not increase past the point that the number of additional trips will negatively impact Anka St.

There will be a need to provide protection from the potentially wet material running into existing drainages along the route including Lemon Creek. Protection can be achieved by use of BMP's in those areas susceptible to water draining from trucks hauling wet materials.

The BMPs and protection of drainage along the route shall be a requirement of the SWPPP.

Secon and the CBJ Resource Manager have a program in place for Anka St that requires sweeping and cleaning during times that contractors are hauling. I would recommend CBJ condition the permit to continue the existing requirements for street cleaning.

If you have additional questions please let me know.

Attachment D - Memo from CBJ General Engineering
regarding impacts on public streets and stormwater

From: [Ron King](#)
To: [Rob Steedle](#); [Beth McKibben](#); [Robert Palmer](#)
Cc: [Tim Felstead](#)
Subject: Guarantee for quarry permit Hidden Valley
Date: Monday, April 11, 2016 2:59:45 PM
Attachments: [image001.png](#)

Tim and I were discussing an amount of a performance bond for Hidden Valley Quarry Permit. There will not be any required site restoration, mother nature will fill in the excavated areas. The project is ongoing and the only date will be the expiration of the permit. Finally there is no other required work.

If required, the bond amount for this project should be minimal and I would suggest using the same amount or less as required for the lower reach.

I do not remember calculating an amount for this bond???

Tags: See Parcel Tags | Parcel Code # 5B1201310041 (p_id:7119) | Bonds Application # BND2008-00038 (pm_id:36920) | MENDOTA PARK PARCEL 2

COLASKA INC PO BOX 32159 JUNEAU AK 99803-2159 (Name na_id:9368)

(1) Permit Center.Bonds

General | Names | Links | Summary | Forms | Inspections | Conditions | Events

☒ Master Parcel

Bond Type: ZZHIST-BND | C | M | R

Bond Description: Bond to repair any serious bank damage in connection with gravel extraction as required by USE2006-00054.

Start Date: | Expiration Date: |

Bond Type: Performance | Law Approval Date: |

Purpose: NOD Condition | Date Received: 1/21/2009 |

Amount: \$30,000.00 | Date Returned: |

Instrument Type: |

49.65.240 - Guarantee. No permit granted under this article shall become effective until there has been filed with the City and Borough a performance bond or other guarantee such as a cash deposit, royalty deposit, a primary security interest in real property or transfer of real property to the City and Borough, or other instrument approved as to form and type by the city attorney in an amount determined by the engineering department to be adequate to cover the cost of site restoration, completion of the project, and the performance of other required work. The amount of the guarantee shall be increased from time to time as determined by the engineering department to take into account inflation. A permit shall terminate if the permittee fails, within 90 days of permit issuance, to provide the guarantee required by this section or fails, within 30 days of notice thereof, to provide the increased coverage required by the engineering department. For good cause shown, the manager or the manager's designee may extend the 90-day period. The amount of a guarantee may be reduced to the extent the engineering department determines permit conditions have been performed.

Ron King PLS

General Engineering
907-586-0881

Attachment E - Memo from CBJ General Engineering regarding guarantee amount for project.

From: [Alan Steffert](#)
To: [Tim Felstead](#)
Subject: RE: USE20160004: Gravel Extraction in patent lands in Hidden Valley, Lemon Creek
Date: Monday, April 11, 2016 12:33:01 PM
Attachments: [image002.png](#)

From: Tim Felstead
Sent: Thursday, April 07, 2016 9:26 AM
To: Alan Steffert
Subject: RE: USE20160004: Gravel Extraction in patent lands in Hidden Valley, Lemon Creek

Thanks for replying Alan,

I needed a little more than that to satisfy the requirement for a report from Engineering on the proposal – but probably not much more.

If you can reply to my questions below I can incorporate it into a document for you. Just answer in a different colour text or italics if you can

I was reading the Interfluv report and the suggestion for Hidden Valley was for the toes of the banks to be hardened with rip rap to prevent further erosion at the edge of the existing flood plain. It didn't mention the use of mining of the stream bed to capture material being brought from further upstream.

Are you happy with the engineering science that the mined areas will refill and capture sediment that would otherwise be transported downstream to the problematic urbanized area?

Can you also provide a some comment on the following aspects of the proposal – it maybe that it is a 'NA' response.

Any impacts the extraction will have on:

The haul road leading to the SECON lot – is it able to handle additional traffic? **Yes** Do the existing easement agreements allow CBJ to require repairs to be made to the stretch on CBJ land if there are problems? **CBJ and SECON share maintenance responsibility for the Haul Road**

The water table – They will be extracting at or beneath the level of the water table so I'm not sure if there could be any impact. **All will be contained in-stream (bed)**

Water quality in Lemon Creek – I note Lemon Creek is identified as having issues with turbidity and high sediment loads. SECON have proposed a monitoring regime comparing water samples above and below the extraction site. Is this method sufficient? **Yes** Any thoughts on spill of fuel/oils into the water. **Clean up spills and leaks per ADEC** SECON have said there will be no refueling of vehicles when they are in the stream bed. **Good idea** Is this sufficient or do they need additional plans in place? **Clean up spills and leaks per ADEC, probably good idea to have spill kit on-hand, including absorbent booms. Ask DEC what they require?**

Drainage around the site – I'm thinking this is not applicable given it is in the creek bed and not in uplands **true**

Properties within the area of influence of the extraction – It seems from your comment below, the extraction is only going to help properties downstream in terms of channel infill and flood risk. **Correct**

I'll ask Ron to comment on impacts on City Roads especially extra traffic on Anka St and potential for spill of gravels and water from trucks when they hit public roads. SECON anticipate the gravels extracted in the first year will be quite dirty interms of small woody debris that will need washing on site. To reduce the potential of water/sediment spilling on to roads, do you think a condition that requires extracted gravels to sit for a 'X' number of days before they are transported from the site is reasonable, or is it unnecessary? **Water from gravels will drain as it is loaded and transported up the hill from the extraction site.**

Amount or volume of material extracted should be at sole discretion of the property owner and applicable regulatory agencies (ADEC, ADF&G?)

Attachment F - Email from CBJ Engineering regarding proposal

Appreciate the help

Thanks

Tim

recommendations relating to the effect the proposed extraction and expected traffic will have upon the streets and other improvements of the City and Borough, whether such streets and improvements are existing or projected; the water table, water quality, and drainage; and all properties within the area of influence of the proposed operation.

From: Alan Steffert
Sent: Wednesday, March 23, 2016 2:23 PM
To: Tim Felstead
Subject: RE: USE20160004: Gravel Extraction in patent lands in Hidden Valley, Lemon Creek

Tim,

The streambed adjacent to the CBJ scale at the end of Anka Street has been filling in and rising relative to the riprap banks. Anything that can be done to slow the erosion and transport of bed load from the upper reaches of Lemon Creek should be encouraged. For that reason alone Secon's plan has my full support.

Alan

From: Tim Felstead
Sent: Tuesday, March 08, 2016 1:39 PM
To: Dan Bleidorn; Greg Chaney; Rachel Friedlander; Kirk Duncan; Brent Fischer; 'Cole, Lee V (DNR)'; Ed Foster; Heidemann Marie - State (marie.heidemann@alaska.gov); Ron King; 'jackie.timothy@alaska.gov'; 'greg.albrecht@alaska.gov'; Alan Steffert; Dan Jager; Sven Pearson; 'neil_stichert@fws.gov'; Ed Grossman (egrossman@fs.fed.us); 'randal.p.vigil@usace.army.mil'; 'gretchen.pikul@alaska.gov'
Cc: Teri Camery
Subject: USE20160004: Gravel Extraction in patent lands in Hidden Valley, Lemon Creek

Dear all

Please find attached an application for a gravel extraction operation by SECON in the Hidden Valley area of Lemon Creek, Juneau. You have been included in this email because of your Agency's jurisdiction over certain aspects of the site, are responsible for adjacent lands and trails, or could be generally impacted by the proposal.

If you feel somebody else in your organization should be made aware of this application please forward it on to them.

Aerial photos showing the location of the SECON parcel and the location of three specific extraction sites are included below.

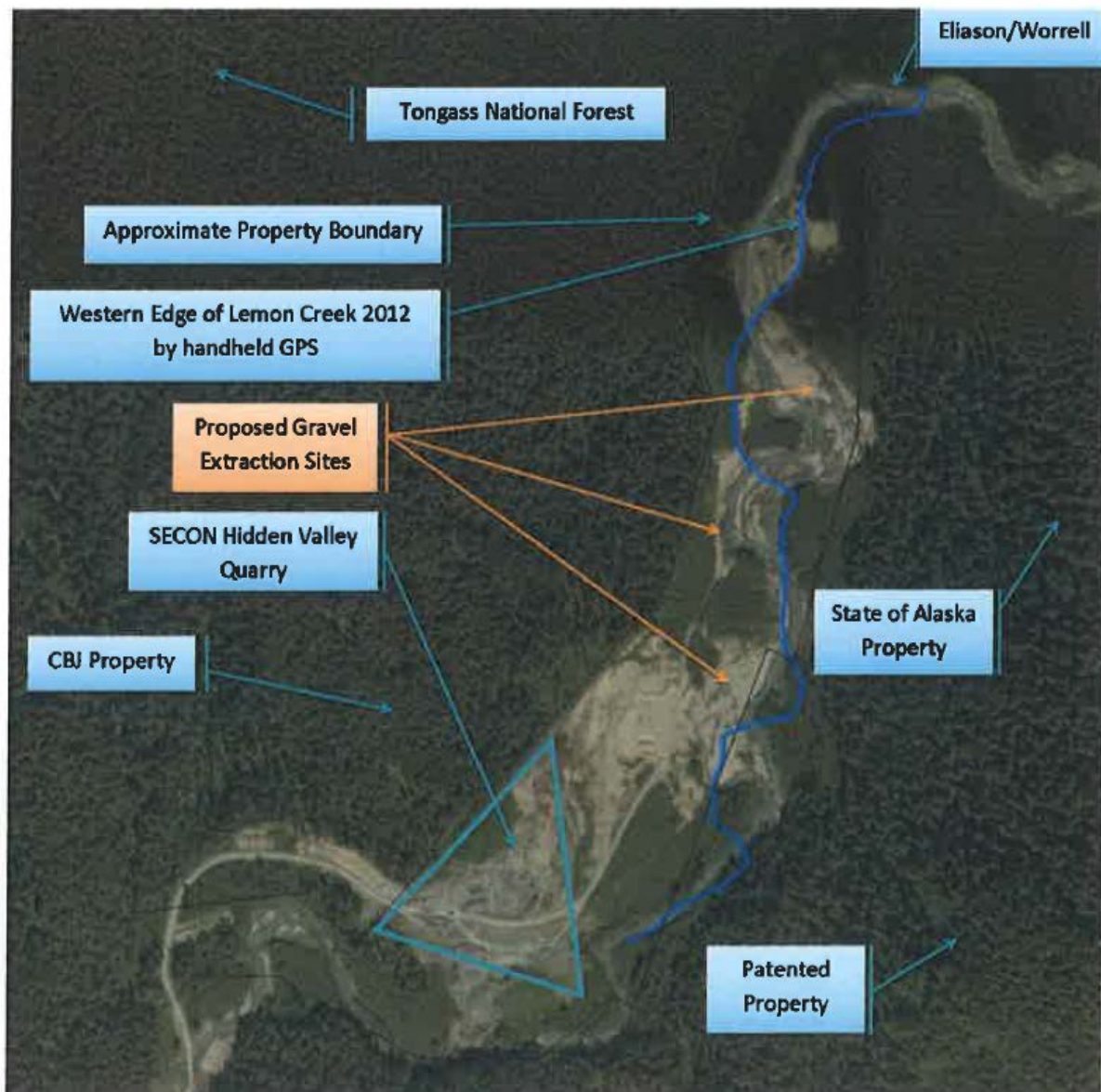
I would be grateful for any comments by March 17, 2016.

Please do not hesitate to contact me if you have any concerns or further questions.

Best regards

Tim





Tim Felstead
Community Planner
Community Development Department
City and Borough of Juneau
155 S. Seward
Juneau, AK 99801

Tel: (907) 586 0466
<http://www.juneau.org/cddftp/>



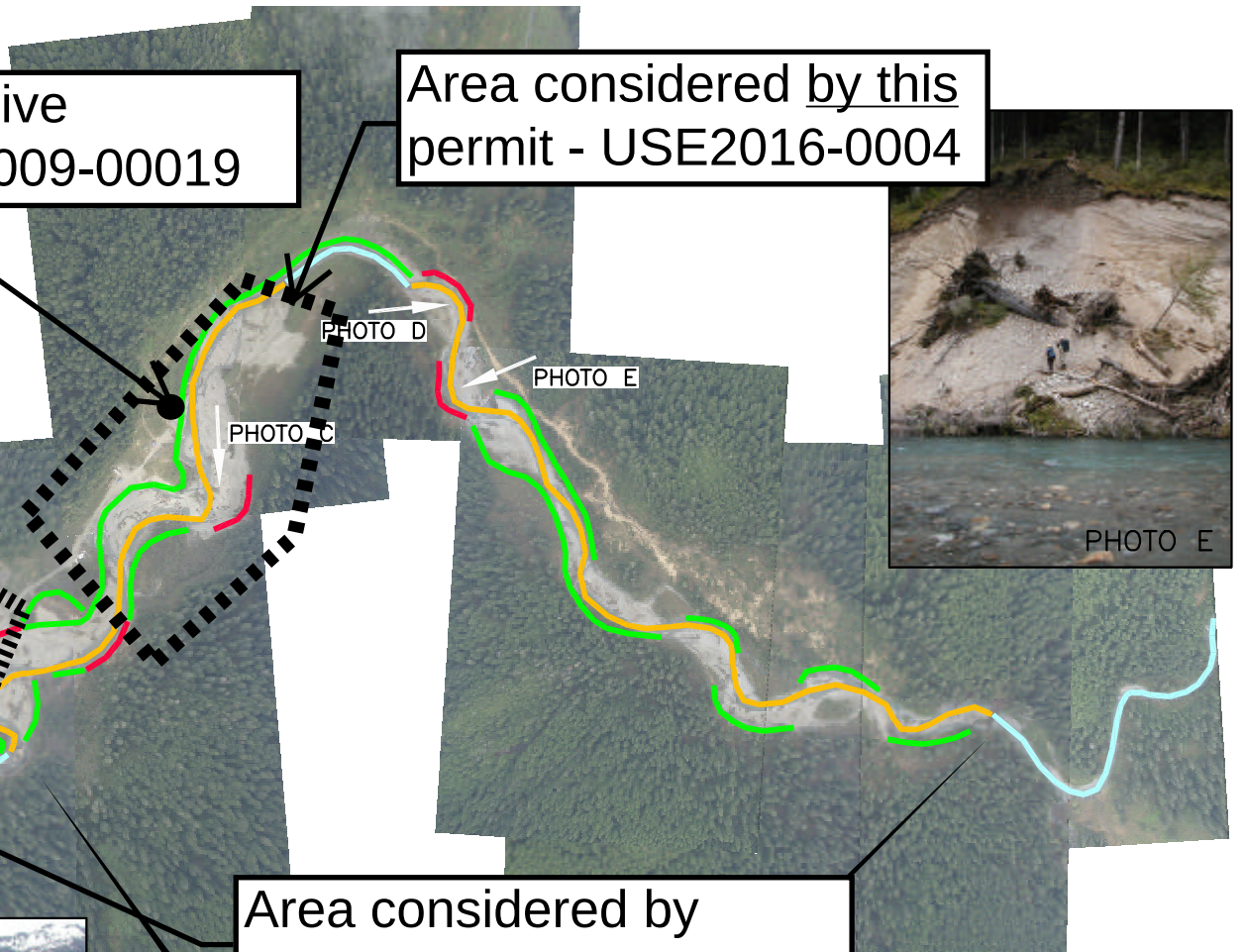
PHOTO A



PHOTO B

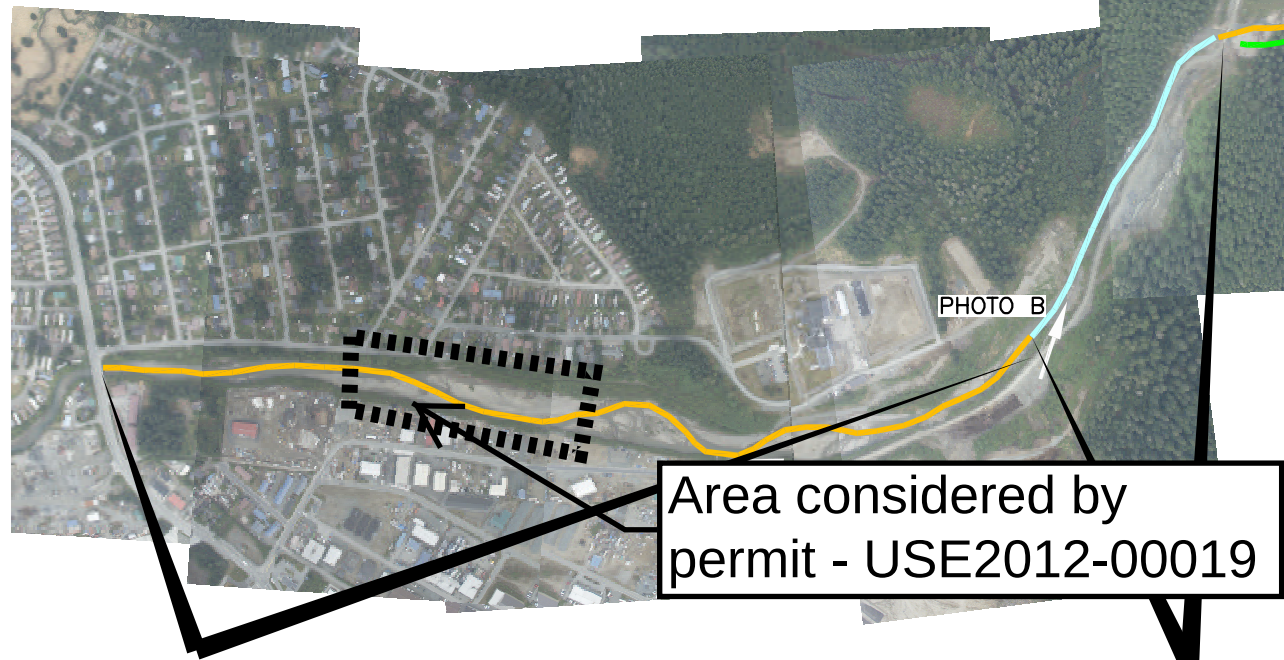


PHOTO C



LEGEND

- REACH SCALE SEDIMENT TRANSPORT
- REACH SCALE SEDIMENT DEPOSITION AND STORAGE
- LOW TERRACE EROSION
- HIGH TERRACE EROSION

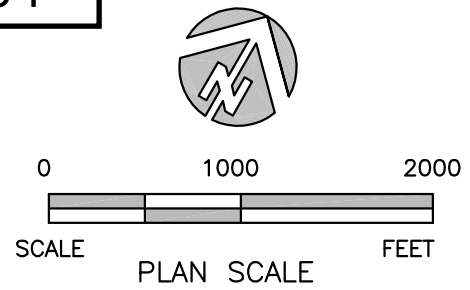


Area considered by permit - USE2012-00019



PHOTO D

Area considered by permit USE2009-00004



Sediment Deposition

Depositional reaches are reaches that are showing evidence of aggradation and sediment storage. These reaches are transport limited and may or may not be in equilibrium with current sediment supply. Depositional reaches are depicted by the color brown in the drawing.

Channel braiding, active lateral erosion and reduced flood conveyance are common responses observed in Lemon Creek due to deposition of excess sediment relative to upstream reaches that are transporting it. Depositional reaches exist in both upper and lower lemon creek. **Photo A** is an example of sediment deposition and channel braiding occurring in Lemon Creek within Juneau. Deposition in **Photo A** has reduced flood capacity within the channel. Here, some stream banks have been armored with riprap to limit lateral erosion. Areas of streambank that are not armoured against existing flow impingement are eroding. By contrast, depositional areas in Hidden Valley have not been armored with riprap and are eroding laterally (depicted as orange and red in the drawing). Sediment derived from orange and red source areas has been delivered near **Photo A** over time and is the cause of reductions in flood capacity in this portion of Lemon Creek.

Sediment Transport

Stream reaches that transport sediment are naturally armored and relatively stable. The bed and banks are composed of larger percentages of cobble, boulders and bedrock than upstream eroding terraces. The color blue in the drawing depicts transport reaches.

The relative stability, confinement and steeper slope in transport reaches results in a tendency to transport sediment sourced from upstream eroding terraces to downstream depositional storage reaches. Transport reaches are in both upper and lower lemon Creek. **Photo B** is an example of a sediment transport reach below the Hidden Valley.

Sediment Supply/Sources

Major sources of sediment were identified within the Hidden Valley segment of Lemon Creek. They are depicted in this drawing as orange (lower terrace) and red (higher glacial terrace) source areas. Source areas are associated with eroding near vertical terrace banks between 5 and 50 feet in elevation. The material in most of these banks has a high silt and sand fraction that erodes rapidly and is easily transported by flows.

Large conifers that are undercut and fall into the channel tend to slow the erosion if they are large enough to stay on site. Eroding low elevation terraces appear to be abandoned former floodplains. Eroding high terraces appear to be relic glacial outwash and in three cases these high glacial terraces appear to be eroding by stream incision.

Photos C and **E** are examples of eroding glacial terraces. **Photo D** is an example of an eroding terrace that appears to be the eroding toe of a fan deposit slightly higher elevation than former floodplain surfaces.

Attachment G - Extract from CBJ report on Lemon Creek by Interfluve showing location of applicant gravel extraction permits

NO.	BY	DATE	REVISION	DESCRIPTION

	FIGURE
	9

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION

Date: December 19, 2012

File No.: USE2012 0019

Colaska Inc.
PO Box 32159
Juneau, AK 99803

Application For: A Conditional Use Permit to extract 240,000 cubic yards of gravel from the Lemon Creek streambed over a six year period.

Legal Description: Mendota Park Parcel 2

Property Address: Lemon Creek Streambed, No Access

Parcel Code No.: 5-B12-0-131-004-1

Hearing Date: December 18, 2012

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated December 6, 2012, and approved the extraction of 210,000 cubic yards of gravel from the Lemon Creek streambed over a six year period to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

Annual Grading Permit, Bank Protection, and Seismic Monitoring –

1. The operator shall stockpile about 50 cubic yards of broken rap, equivalent to Class I rip-rap, near the project area to address emergencies if the flow becomes redirected towards the bank. If the rock is not used it may be sold when the project ends.
2. Prior to issuance of the first year's grading permit and approval of the first year mining plan, the operator shall submit a bond of \$30,000, sufficient to repair any serious bank damage.
3. One month before the commencement of each mining season, the applicant shall submit a mining plan. The mining plan shall be processed by the Engineering Department as an annual grading permit. Such plan shall include:
 - a. Estimation of material to be removed
 - b. Map of area to be worked (showing property lines)
 - c. Map showing proposed culverts, access roads, bank stabilizations, berm details (including height, location, material composition and removal plan) stream relocations and other proposed features
 - d. Methods for protecting Lemon Creek from oil, fuel and hydraulic fluid (including leaks from heavy equipment)
 - e. Prior to the commencement of mining, the applicant shall verify property line location and delineate offset distance to the extraction area.
4. The top of excavation slopes shall be prohibited within 10' of any banks or the property lines

5. The applicant shall directly hire, or pay permit inspection fees to provide for periodic inspection of the mining area by an appropriately licensed engineer and/or hydrologist.
6. Periodic inspections shall be made as determined by the engineer and/or hydrologist, sufficient to monitor the operation. Such periodic inspections shall include visits during or after high water events.
7. Inspection reports shall be submitted to the Engineering Department for each 10,000 cubic yards of material removed from the stream, and those reports shall include the following information:
 - a. Volume of material removed
 - b. Map of area worked
 - c. Verification of compliance with mining plan
 - d. Report of bank destabilizations
 - e. Opinion whether bank/property line setbacks are adequately protecting adjacent properties
 - f. Bank protection/stabilization measures if merited
8. An inspection report shall be submitted at the end of the mining season which includes all items in numbers 4-7. The report shall be submitted to the Engineering Department and to the Community Development Department within one month of the end of the mining season, or April 15.
9. The applicant/operator shall confine all excavations to within existing rip-rap banks. Prior to proceeding with annual excavations, the applicant must find and stake adjacent rip-rap banks.
10. The applicant/operator shall protect the structural integrity of existing stream banks and rip-rap banks. A no-disturbance zone of at least 10 feet horizontal distance from adjacent rip-rap and banks is required. (This condition is necessary because rip-rap boundaries may or may not correlate with property boundaries, as noted in the earlier requirement to mine 10 feet from property boundaries.)
11. The applicant shall protect all vegetated slopes and maintain a similar non-disturbance zone identified above, unless a site-specific engineering analysis indicates otherwise.
12. All cut-slopes shall be less than 2 horizontal to 1 vertical unless a site-specific engineering analysis proves that a steeper slope protects adjacent properties.
13. Excavated areas within the creek bed must be clearly marked with warning signs. Excavated slopes must be graded to a gentle slope of 4 horizontal to 1 vertical before signs are removed. These measures shall be integrated into the annual grading permit.
14. The approved access points at 1721 Anka Street, 1791 Anka Street, and Ralph's Way shall be inspected each year to verify that no changes have been made to the embankment due to heavy creek flows during the previous year. Alterations to the proposed access will require approval by the Community Development Department and the CBJ Engineering Department.
15. Prior to the issuance of a grading permit, the applicant shall provide a vibration control plan that includes the maximum safe threshold for seismic activity at the nearest adjacent residential structure to the operation, as established by a licensed engineer.
16. During extraction activity, the site shall be monitored by the applicant for seismic activity at the nearest adjacent residential property or at a location agreed upon by the project engineer and adjacent property owners, during each day of operation.
17. The applicant shall submit seismic activity reports at the end of each month of mining activity to the CBJ Engineering Department.

18. If seismic activity exceeds the threshold established in Condition #15, the applicant shall cease operations and notify the CBJ Engineering Department and CBJ Community Development Department. The applicant shall not continue with operations until alternative methods that do not exceed the threshold have been identified by the applicant and approved by CBJ Engineering.

Project Expiration and Dates and Times of Operation -

19. Gravel operations shall take place between December 1 and March 15. No in-water work shall be allowed between March 16 and November 30 with the following exception: In-stream work to connect the excavated sections of the creek shall be allowed for one 7 day period between May 15 and June 15. The applicant shall provide notice to CBJ Engineering and the Alaska Department of Fish and Game before work commences.
20. Operating hours shall be 7 a.m. to 6 p.m. on weekdays, and 9 a.m. to 6 p.m. on Saturdays. Operations shall not be allowed on Sundays.
21. Gravel extraction shall be limited to 40 days per year.
22. The permit shall expire after six years or extraction of 210,000 cubic yards of gravel, whichever comes first.
23. The extraction amount shall not exceed 35,000 cubic yards per year.

Truck Traffic and Street Maintenance -

24. Truck traffic from the development shall be routed only through the Anka Street/Glacier Highway intersection.
25. Truck traffic and heavy equipment operation associated with gravel extraction is strictly prohibited from the Davis Avenue side of the river.
26. Prior to leaving the excavation area, the transport truck bed, with the tailgate locked, shall be raised to a minimum twenty degree angle for a timed 5 minutes to allow excess water to escape. Tilt time may be reduced if water escapement occurs sooner based on the project engineer's visual assessment and approval.
27. The applicant shall protect catch basins along the route from sediment infiltration by use of manufactured Catch Basin filters.
28. The applicant shall inspect the traveled route a minimum of twice daily for escaped material from the haul.
29. The applicant shall sweep and clean the roadway at the end of each day if any water or material has escaped, or if a major spill occurs.
30. The applicant shall immediately respond to any additional clean-up requests during the operation from the project engineer, CBJ or ADOT.
31. The applicant shall construct a rockery lane for debris removal from truck tires prior to entering Anka Street.

Habitat Protection -

32. No sediment migration from the truck or ramp shall be allowed in the waterway.
33. Prior to commencement of mining and prior to gravel bar coverage with snow and ice, the applicant shall field stake the exact excavation configuration and setbacks from flowing water.
34. The applicant shall place any large woody debris encountered during excavation activities at the surface of the floodplain, upstream or adjacent to the excavation area to encourage gravel bar formation and/or side channel creation. The woody material shall be partially buried to anchor the material during high flows.
35. There shall be no on-site fueling or equipment maintenance performed within 100 feet of the creek banks. This includes fueling or maintenance of portable equipment such as generators and pumps.
36. There shall be no on-site storage of fuel or other chemicals.

Attachments: December 6 2012, memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding USE2012 0019.

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

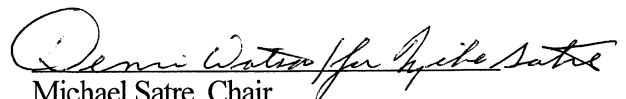
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Commission, December 18, 2012.

Expiration Date: The permit will expire 18 months after the effective date, or June 18 2014, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:


Greg Chaney for Teri Camery, Planner
Community Development Department


Michael Satre, Chair
Planning Commission


Filed With City Clerk

12/20/12
Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.