



REGULAR PLANNING COMMISSION AGENDA

October 28, 2025 at 6:00 PM

Assembly Chambers/Zoom Webinar

<https://juneau.zoom.us/j/85421744892> or 1-253-215-8782 Webinar ID: 854 2174 4892

A. LAND ACKNOWLEDGEMENT

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. *Gunalchéesh!*

B. ROLL CALL

C. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

D. APPROVAL OF MINUTES

E. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION

F. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

G. ITEMS FOR RECONSIDERATION

H. CONSENT AGENDA

I. UNFINISHED BUSINESS

J. REGULAR AGENDA

1. **AME2025 0002: Applicant requests a rezone of 3.79 acres at 5200 and 5220 Commercial Boulevard from Industrial to Light Commercial. - DENIED AS RECOMMENDED**

Applicant: Charles Donart

Location: 5200 & 5220 Commercial Blvd.

DIRECTOR'S REPORT

The Applicant requests a rezone of 3.79 acres at 5200 and 5220 Commercial Boulevard from Industrial to Light Commercial. The proposed rezoning is in contradiction to the adopted maps of the Comprehensive Plan, which designates the area for light industrial uses; the changes in allowed uses therein are in contradiction to the intent of the area in key ways, such as opposing intents for manufacturing uses and residential uses. Residential units, which the Comprehensive Plan has stated should be restricted in this area, are a key component of the applicant seeking rezoning.

STAFF RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of denial of AME2025 0002 to the Assembly.

2. AME2025 0003: Applicant requests a rezone of 4.03 acres at 7170 Glacier Highway from D18 to Light Commercial. - DENIED AS RECOMMENDED

Applicant: Marciano Duran

Location: 7170 Glacier Hwy

DIRECTOR'S REPORT

The Applicant requests a rezone of 4.03 acres at 7170 Glacier Highway from D18 to Light Commercial. The proposed rezoning is in contradiction to the adopted maps of the Comprehensive Plan. The site is designated Medium Density Residential (MDR), which means urban residential land for multifamily dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be consistent with a residential neighborhood, as regulated in the Table of Permissible Uses. Light Commercial can reach a density of 30 units, allows for many uses that are not residential, and does not require residential as part of the development.

STAFF RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of denial of AME2025 0003 to the Assembly.

3. USE2025 0010: Conditional Use Permit for Juneau Hydropower Inc. - APPROVED AS RECOMMENDED

Applicant: Juneau Hydropower Inc.

Location: CBJ-Wide

DIRECTOR'S REPORT

The applicant requests a Conditional Use Permit (CUP) for the Lower Sweetheart Lake hydroelectric dam and related infrastructure, a high voltage transmission line, and electric distribution from the Lena Point Substation to Cascade Point and the Kensington Mine in Berners Bay with a substation at Echo Ranch Bible Camp. The Sweetheart Lake dam portion of this project received a CUP in 2016, but no building permit was issued for the proposed development before February 23, 2018, and the CUP expired.

STAFF RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE Conditional Use Permit USE2025 0010 with conditions.

K. OTHER BUSINESS

1. AME2025 0005: Title 49 Rewrite, Phase 1 Wave 2: Reasonable Accommodation, Zoning Maps, and Subdivisions on Arterials

L. STAFF REPORTS

M. COMMITTEE REPORTS

N. LIAISON REPORT

O. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

P. PLANNING COMMISSION COMMENTS AND QUESTIONS

Q. EXECUTIVE SESSION

R. SUPPLEMENTAL MATERIALS

1. Additional Materials

S. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 36 hours prior to any meeting so arrangements can be made for closed captioning or sign language interpreter services depending on the meeting format. The Clerk's office telephone number is 586-5278, e-mail: city.clerk@juneau.gov.



PLANNING COMMISSION STAFF REPORT

REZONE: AME2025 0002

HEARING DATE: OCTOBER 14TH, 2025

(907) 586-0715

CDD_Admin@juneau.gov

www.juneau.org/community-development

155 Heritage Way • Juneau, AK 99801

DATE: September 29, 2025

TO: Erik Pederson, Chair, Planning Commission

BY: Brandon Robinson, Planner II *B. Robinson*

THROUGH: Jill Lawhorne, Director, AICP

PROPOSAL: Applicant requests a rezone of 3.79 acres at 5200 and 5220 Commercial Boulevard from Industrial to Light Commercial.

STAFF RECOMMENDATION: Staff recommends the Planning Commission forward a recommendation of DENIAL to the Assembly.

KEY CONSIDERATIONS FOR REVIEW:

- The proposed rezoning is in contradiction to the adopted maps of the Comprehensive Plan.
- The proposed rezoning, and changes in allowed uses therein, is in contradiction to the intent of the area.
- Residential units, which the Comprehensive Plan has stated should be restricted in this area, are a key component of the applicant's seeking of the rezoning.

GENERAL INFORMATION	
Property Owner	Geoffrey L Larson; Marcelle A Larson
Applicant	Charles Donart
Property Address	5220 and 5200 Commercial Blvd.
Legal Description	SSG IV TR B; HDK LT 2A
Parcel Number	5B1201030030; 5B1201360051
Zoning	I
Land Use Designation	Light Industrial (Both Parcels)
Lot Size	78,632 Square Feet; 86,401 Square Feet
Water/Sewer	Yes/Yes
Access	Yes: Commercial Boulevard, Charles Way
Existing Land Use	Vacant
Associated Applications	None

ALTERNATIVE ACTIONS:

1. **Amend:** recommend an amended rezone boundary; recommend an alternative zoning district; or recommend conditions.
2. **Deny:** recommend denial of the requested rezone. Planning Commission must make its own findings.
3. **Continue:** continue the hearing to a later date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is required for this rezone.

STANDARD OF REVIEW:

- Quasi-legislative decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - CBJ 49.05.200
 - CBJ 49.10.170(d)
 - CBJ 49.25
 - CBJ 49.75 Article I
 - CBJ 49.80

The Commission shall hear and decide the case per CBJ 49.75.120 - Restrictions on rezoning. *Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezoning requests which are substantially the same as a rezoning request rejected within the previous 12 months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.*

Fostering excellence in development for this generation and the next.

SITE FEATURES AND ZONING



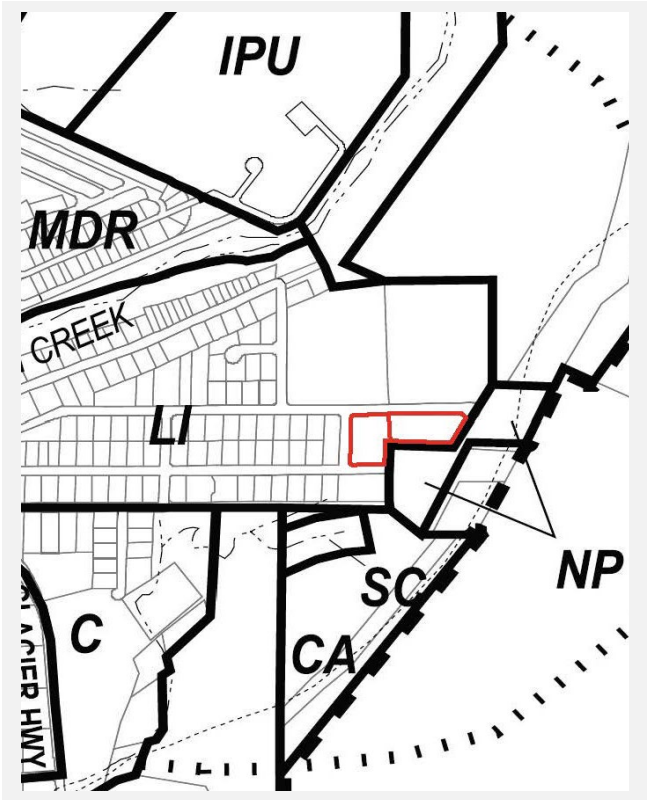
SURROUNDING ZONING AND LAND USES	
North (I)	Commercial
South (RR/I)	CBJ Land, Vacant/ROW
East (RR/I)	CBJ Land, Vacant
West (I)	Commercial, Industrial

SITE FEATURES	
Anadromous	None
Flood Zone	02110C1551E
Hazard	None Mapped
Hillside	Development Dependent
Wetlands	Yes: PFO4B
Parking District	N/A
Historic District	N/A
Overlay Districts	Mining & Exploration Surface Activities Exclusion District; Urban/Rural Mining District

CURRENT ZONING MAP



LAND USE DESIGNATION MAP



BACKGROUND INFORMATION

Project Description – The applicant is requesting a rezone of 3.79 acres in the Lemon Creek area. The rezoning would cover two vacant parcels and would change their zoning designation from Industrial to Light Commercial (**Attachment A**).

Background – The two parcels were historically part of the area where gravel extraction took place in Lemon Creek. Parcel 5B1201360051 was part of the larger HDK subdivision and was made available for purchase by Home Depot, and at one point received a Conditional Use Permit to construct an Office Depot; however, the negotiations failed to close, and the property has remained vacant.

Parcel 5B1201030030, just to the west of the other subject lot, is part of the SSG subdivision and was historically on the periphery of the extractive activities by the City. The property is currently vacant.

Permit and Parcel History – The tables below summarize the relevant history for the lots and proposed rezoning.

Parcel 5B1201360051 – HDK Lot 2A

Year	Item Type	Summary
1988	USE-CU88-24 <i>Conditional Use Permit</i>	The Planning Commission approved the application for a Conditional Use Permit for sand and gravel to allow continued operation of the CBJ borrow pit. The permit was set to expire 2/7/1994.
1993	SUB-MS93-11 <i>Subdivision</i>	A subdivision of USS 7297 FR into Tracts A and B.
1993	Plat 93-26	A plat denoting tracts A and B, a subdivision of U.S. Survey Number 7297. (Attachment B)
1993	USE-CU93-17 <i>Conditional Use Permit</i>	A Conditional Use Permit for the operation of a sand and gravel pit in Lemon Creek.
1998	USE1998-00025 <i>Conditional Use Permit</i>	Notification of an amendment to a modification of CU-17-93 for the Lemon Creek gravel pit. The amendment removes a condition regarding operating hours from the modification.
1998	USE1998-00034 <i>Conditional Use Permit</i>	Notification of tentative approval by the CDD of a modification to CU 18-93 for the Kaiser Gravel Pit to extend the effective period of the permit to September 30, 1998.
1998	USE1998-00047 <i>Allowable Use Permit</i>	An Allowable Use Permit to continue gravel mining operations at City and City/State gravel pits.
1998	USE1998-00049 <i>Allowable Use Permit</i>	An Allowable Use Permit to continue sand and gravel extraction operation in the Lemon Creek Area.
2000	USE2000-00032 <i>Conditional Use Permit</i>	A Conditional Use Permit to install an asphalt crusher to crush and screen material into usable product for CBJ.
2004	CSP2004-00014 <i>City-State Project</i>	A memo regarding the sale of City land to the Home Depot. The Lands Manager requested that the Commission recommend to the Assembly that the City Manager be given authority to begin negotiations with the Home Depot. The ~10-acre parcel, which later became Lot 3, was designated Resource Development on the Comprehensive Plan and was rezoned to industrial. It had public streets, water, and sewer at the time of negotiations. Title 49 permitted sales and rental of goods,

Year	Item Type	Summary
		merchandise, or equipment in an industrial zone, subject to the issuance of a Conditional Use Permit where the use was greater than 5,000 square feet.
2005	SUB2005-00055 <i>Subdivision</i>	The proposed subdivision would reconfigure three parcels of land: Tracts A and B of USS 7297 (Attachment C), and Tract A-4 of A.S.L.S. 2004-22 (Attachment D) into lots 1, 2, 3, and 4 of HDK subdivision (Attachment E). Lot 1 contained 7.65 acres of statutory wetlands with anadromous fish stream meandering through it. These boundaries were drawn specifically to include these environmental attributes, as it was the intent of Home Depot to transfer the land to CBJ following the necessary approvals; Lot 2, containing 2 acres, is relatively flat and was used previously for sand and gravel extraction. The applicant stated that this would be available for purchase following the subdivision. Lot 3 contained 10.70 acres and has a low gradient. This site was known as the City Pit as for many years it provided place for extraction. It was the intention of the CBJ to sell this lot to Home Depot for construction. Lot 4 contained 171.16 acres and was what remained of the City land on that side of Lemon Creek. Most of that land is steep, but approximately 20 acres has development potential. On 7/12/2005, the Planning Commission reviewed CSP2005-00005 for the disposal of approximately 30 acres of City land consisting of portions of lot 4, USS 5504 (Attachment F), and Tract A, USS 7297 (Attachment C), generally located in the gravel pit adjacent to Costco. The Commission approved the preliminary plat with 13 conditions.
2005	USE2005-00056 <i>Conditional Use Permit</i>	This proposal was for a Conditional Use Permit for Home Depot in the industrial zoning district; Staff recommended approval with nine conditions. The Commission adopted it with ten conditions.
2005	VAR2005-00059 <i>Variance</i>	This proposal was for a variance to reduce the number of required parking spaces for Home Depot from 629 to 481. Staff recommended approval, subject to the condition that no storage or sale of any merchandise or materials would be permitted outside of areas designated on the approved site plan. It was approved.
2005	INQ2005-00047 <i>Inquiry</i>	An inquiry regarding the premises on which the Home Depot sale should be conditioned; some suggested ways to accommodate a dedicated ROW between the mountain and Ralph's Way. A road between Costco and Home Depot was suggested, as well as the option to accommodate a road corridor between Home Depot and the mountain.
2005	CSP2005-00004 <i>City-State Project</i>	The subject of this project was the subdivision and disposal of City land adjacent to Costco. The Commission was requested to review the proposed sketch plat regarding the subdivision and sale of the land at the existing Lemon Creek gravel pit. This was a preliminary step before the submittal of a preliminary plat as part of the negotiations of the sale of land. The 1999 Land Management Plan outlined a review process to identify what portions of the property should be retained for transportation and utility corridors, public facilities, and similar,

Year	Item Type	Summary
		and recommended that the City land adjacent to Costco be sold for private development once the gravel was removed. On 1/10/2005, the Assembly adopted Resolution 2296 authorizing the negotiated sale of approximately 10 acres of the site for the development of the Home Depot (Attachment G). The gravel pit was used for City and State projects since 1983. One feature that was decided to be retained for public use was the Lemon Creek Trail.
2006	SUB2006-00021 <i>Subdivision</i>	This proposal was for the final plat for a major subdivision of Tract A and B of USS 7297 (Attachment C) and Tract A-4 of A.S.L.S. 2004-22 (Attachment D) into Tracts 1, 2, 3, and 4 of the HDK Subdivision; this was for approximately 192 acres total. The land was zoned for industrial and rural reserve at the time, and had a mix of vacant land, and that for sand and gravel extraction.
2006	Plat 2006-52	A plat denoting the HDK subdivision. (Attachment E)
2006	UTL2006-000129 <i>Utility Permit</i>	Home Depot waterline inspection; passed.
2006	BLD2006-00246 <i>Building Permit</i>	This building permit was for the construction of the Home Depot building.
2007	USE2007-00027 <i>Conditional Use Permit</i>	This proposal was for a Conditional Use Permit for an Office Depot to be located in the industrial zoning district.
2007	SUB2007-00015 <i>Subdivision</i>	This was a proposed boundary adjustment to lot 2 of the HDK Subdivision. Since the area was initially platted, it has been broken up into a number of individual lots, many of which have been developed. This subdivision was recommended for approval by the CDD.
2007	Plat 2007-23	A plat denoting lot 2A of the HDK subdivision (Attachment H).
2021	PAC20210011 <i>Preapplication Conference</i>	PAC 2021 was for a rezone and lot-line adjustment. This PAC was held on 3/3/2021. The rezone request was for Industrial to General Commercial. (Attachment I)

Parcel 5B1201030030 – S.S.G. IV Tract B

Year	Item Type	Summary
1993	SUBNC93-01 <i>Subdivision: Name Change</i>	This was an approved street-name change from “Murray’s Way” to “Charles Way.”
1993	SUBFP93-02 <i>Subdivision</i>	A proposal for the final plat of the S.S.G. Phase 4 Subdivision.
1993	PLAT 93-017	A plat denoting S.S.G. subdivision Phase 4. (Attachment J)
2002	BLD2002-00653 <i>Building Permit</i>	A building permit application for preliminary sitework to facilitate development of a building project. It was later voided.
2003	USE2003-00020 <i>Allowable Use Permit</i>	An Allowable Use Permit to construct a driveway within the undeveloped part of the Commercial Boulevard right-of-way.
2009	BLD2009-00504 <i>Building Permit</i>	A permit for the removal of 4500 cubic yards and 600 cubic yards of fill brought on site. Partial grading within Shaune Drive and Jenkins Drive. (Attachment K)

Year	Item Type	Summary
2021	PAC20210011 <i>Preapplication Conference</i>	A PAC Dating 3/3/21. The applicant was seeking to rezone 5B1201030030 (1.8 acres) from Industrial to General Commercial. (Attachment I)
2025	PAC20250014 <i>Preapplication Conference</i>	This PAC regarding a rezone to Light Commercial would permit a residential development up to 12 units without a USE permit. Development of over 12 units would require Commission approval. With lot consolidation, a development of up to 92 units would be permitted. This PAC included a proposal for an 8,000 square foot office. An office up to 10,500 square feet would not require a USE permit in Light Commercial. (Attachment L)

Zoning History – The table below summarizes the zoning history for the lots. The lots have been similarly zoned throughout their existence.

Year(s)	Zoning	Summary
1964	R2B	Residential District (Multi-Family): Incorporated the principal uses permitted outright in an R1 district, multifamily dwelling structures, and boarding houses. Accessory uses permitted outright were those customarily incidental and subordinate to a permitted principal use; a home occupation; and gardening and horticultural activities, including related structures used for non-commercial purposes.
1969-1987 (Pre-Repeal/Replace)	RML	Low-Density Multi-Family Residential: This district provided areas for the development of low-density multi-family housing. It was designed to be located adjacent to single-family areas and often used as a buffer to provide for a transition to higher intensity residential, commercial or industrial districts. Principal uses permitted were both single-family and duplex dwellings; multifamily dwellings; parks and other recreational uses, as long as they were non-commercial; churches; schools; and private marine-related uses.
1987 (Post-Repeal/Replace) – Current Day	Industrial	The Industrial District is intended to accommodate industrial activity which includes manufacturing, processing, repairing and assembling goods. Because of noise, odors, waste and other impacts inherent in industrial activity, performance standards are applied.

ZONING ANALYSIS

The adopted 2013 Comprehensive Plan has designated this area as Light Industrial. Light industrial is defined by the Comprehensive Plan as: “Land to be developed for heavy commercial or light industrial uses such as small-to medium-scale food processing; printing and other business services; wholesale trade; research and development laboratories; light manufacturing processes; metal fabrication; warehousing, trucking; animal kennels; crematoria; indoor and outdoor storage; car, boat, and heavy equipment sales; and repair and maintenance activities. Residential units should be limited to caretaker units where the occupant works directly for or owns the business for which the occupant is caretaking.”

CBJ 29.25.200 Zoning Districts Defined – The current zoning of the subject parcels are in line with the land-use intent of the Comprehensive Plan. A proposed rezoning to Light Commercial would move the zoning of the parcels out of conformance with the Comprehensive Plan in a couple important ways: 1. Residential uses in industrial districts are restricted to caretaker units (and home occupations taking place within them), and limited to one caretaker unit per lot, whereas in Light Commercial, residential uses are generally permissible; 2. Manufacturing uses, a key component of industrial zoning, are severely restricted in Light Commercial zones.

Current Zoning – Industrial	Proposed Zoning – Light Commercial
<i>The Industrial District is intended to accommodate industrial activity which includes manufacturing, processing, repairing and assembling goods. Because of noise, odors, waste and other impacts inherent in industrial activity, performance standards are applied.</i>	<i>The Light Commercial district is intended to accommodate commercial development that is less intensive than that permitted in the General Commercial district. Light Commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in the General Commercial district, they are listed as conditional uses in this district and therefore require Commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed- and single-use developments in the Light Commercial district.</i>

CBJ 49.25.300 Table of Permissible Uses Comparison – Both lots are currently vacant, therefore no uses will become nonconforming. A project proposed by the applicant would seek to build multifamily structures and an 8,000 sq. ft. office building; however, no project is formally considered in this report, as once a rezoning is approved, any of the uses allowed in the proposed district could be considered. The table below shows the differences in allowed uses between the current and proposed districts. For a full list of all uses allowed, rather than differences highlighted between the districts, please consult the Table of Permissible Uses.

No.	Use Description	Current Zoning (I)	Proposed Zoning (LC)
1.000	RESIDENTIAL		
1.110	Single-family detached, one dwelling per lot	Not Allowed	1
1.150	Caretaker Unit	1	
1.200	Duplex	Not Allowed	1
1.300	Multifamily Dwellings	Not Allowed	1,3
1.510	Child and Daycare Homes: Child; 12 or fewer children under the age of 12	Not Allowed	1
1.530	Child and Daycare Homes: Adult; 12 or fewer people, 12 years and older	Not Allowed	1
1.550	Childcare residence, 6 to 9 children under 18 years of age	Not Allowed	3
1.610	Miscellaneous, rooms for rent situations: Rooming, boarding houses, bed and breakfasts, single room occupancies with shared facilities, transitional housing, and temporary residences. Owner or manager must live on site	Not Allowed	1,3
1.620	Hotels, motels	Not Allowed	1,3
1.630	Single room occupancies with private facilities	Not Allowed	1,3

1.815	Mobile homes on individual lots outside of mobile home parks (Note E)	1 (Note A)	3
1.820	Mobile home parks (Note E)	Not Allowed	3
1.830	Mobile home subdivision (Note E)	Not Allowed	3
1.911	Accessory dwelling units	Not Allowed	1
1.920	Three or more dwelling units	Not Allowed	1,3
1.930	Two dwelling unit structures allowed under special density considerations, subsections 49.25.512	Not Allowed	1
2.000	Sales and Rental Goods, Merchandise or Equipment (Note G)		
2.120	Miscellaneous	3	1
2.130	Marine merchandise and equipment	3	1,3
2.200	Storage and display of goods with greater or equal to 5,000 square feet and/or 20 percent of the gross floor area of outside merchandising of goods	3	1,3
3.000	Professional, Office, Clerical, Research, Real Estate, and Other Office Services (Note G)		
3.050	Offices of not more than 1,000 square feet	Not Allowed	1
3.100	Offices greater than 1,000 but not more than 2,500 square feet	Not Allowed	1
3.400	Offices greater than 2,500 square feet	3 (Note S)	1,3
4.000	Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods (Note G)		
4.070	Medium manufacturing	1,3	Not Allowed
4.100	Heavy manufacturing	3	Not Allowed
4.150	Rock crusher	3	Not Allowed
4.200	Storage of explosives and ammunition	3	Not Allowed
4.210	Seafood processing	1,3	Not Allowed
4.220	Marijuana product manufacturing facility	3	Not Allowed
5.000	Educational, Cultural, Religious, Philanthropic, Social, Fraternal Uses		
5.110	Elementary and secondary schools including associated grounds and other facilities	Not Allowed	3
5.300	Libraries, museums, art galleries	Not Allowed	1,3
6.000	Recreation, Amusement, Entertainment		
6.110	Bowling alleys, billiards, pool halls	3	1,3
6.120	Tennis, racquetball, squash courts, skating rinks, exercise facilities, swimming pools, archery ranges	3	1,3
6.130	Theaters seating for 200 or fewer	3	1
6.150	Indoor shooting range	3	Not Allowed
6.240	Automobile, motorcycle racing tracks; off-highway vehicle parks	3	Not Allowed
6.264	Open space: Capacity for up to 20 people (Note W)	Not Allowed	1
6.266	Open space: Capacity for more than 20 people (Note W)	Not Allowed	3
6.280	Shooting ranges	3	Not Allowed
7.000	Institutional Day or Residential Care, Health Care Facilities, Correctional Facilities		
7.100	Hospital	Not Allowed	3
7.150	Health care clinics, other medical treatment facilities providing out-patient care	Not Allowed	1,3
7.200	Assisted living	Not Allowed	3
7.300	Day care centers	Not Allowed	1,3

7.310	Childcare centers	Not Allowed	1,3
7.500	Correctional facilities	Not Allowed	3
7.600	Sobering centers	Not Allowed	3
8.000	Restaurants, Bars, Nightclubs		
8.050	Small restaurants, less than 1,000 sq ft, without drive through service	3	1
8.100	Restaurants, bars without drive through service	3	1,3
8.200	Restaurants, coffee stands with drive through service	3	1,3
8.300	Seasonal open air food service without drive through	Not Allowed	1,3
9.000	Boat or Motor Vehicle, Sales and Service Operations		
9.100	Motor vehicle repair and maintenance, including body work	1	Not Allowed
9.200	Automotive fuel station	1	3
9.300	Car wash	1	3
9.400	Boat sales or rental	1	3
9.450	Boat repairs and maintenance	1	Not Allowed
9.500	Marine fuel, water sanitation	1,3	Not Allowed
10.000	Storage, Parking, Moorage		
10.100	Automobile parking garages or parking lots not related to a principal use on the lot	1	3
10.210	Storage and handling of goods not related to sale or use of those goods on the same lot on which they are stored: All storage within completely enclosed structures	1	3
10.220	Storage and handling of goods not related to sale or use of those goods on the same lot on which they are stored: General storage inside or outside enclosed structures	1	Not Allowed
10.232	Neighborhood, less than ½ acre	1	3 (Note Z)
10.235	Regional, ½ to 1 acre	1	3 (Note Z)
10.237	Area wide, over 1 acre	3	Not Allowed
10.300	Parking of vehicles or storage of equipment outside enclosed structures where they are owned and used by the user of the lot and parking and storage is more than a minor and incidental use of the lot	1	Not Allowed
10.400	Temporary contractor's storage connected with construction project off-site for a specified period of time	1	3
10.510	Moorage: Public, commercial	1,3	3
11.000	Materials Salvage Yards, Waste Management		
11.120	Materials Salvage Yards, Waste Management: Enclosed structures for recyclable materials collection	1	1 (Note P), 3 (Note P)
11.130	Materials Salvage Yards, Waste Management: Sorting, storage, preparation for shipment occurring outside an enclosed structure	1	Not Allowed
11.300	Sanitary landfill	3	Not Allowed
12.000	Services and Enterprises Related to Animals		
12.100	Veterinary clinic	1	3
12.200	Kennel	1,3	3
12.250	Day animal services, grooming, walking, day care	1,3	3
13.000	Emergency Services		
13.100	Fire, police, ambulance	1,3	3
14.000	Aquaculture, Agriculture, Silviculture, Mining, Quarrying Operations, Spring Water Bottling		

14.150	Weirs, channels, and other fisheries enhancement	1	1,3
14.210	Commercial agricultural operations: Excluding farm animals	1,3	3
14.220	Commercial agricultural operations: Including farm animals (Note M)	1,3	Not Allowed
14.230	Commercial agricultural operations: Stabling of farm animals (Note M)	1,3	3
14.300	Silviculture and timber harvesting (Note J)	3	Not Allowed
14.400	Mining operations	2	Not Allowed
14.800	Spring water bottling	1,3	3
15.000	Miscellaneous Public and Semipublic Facilities		
15.200	Airport	1,3	Not Allowed
15.500	Heliports, helipads	3	Not Allowed
15.700	Public works facility	1,3	3
16.000	Dry Cleaner, Laundromat		
16.200	Full service onsite laundry and/or dry cleaning	1,3	3
17.000	Utility Facilities		
17.150	Utility Facilities: Intermediate	1	3
18.000	Towers and Related Structures		
18.300 (Note AA)	Towers and Related Structures: Towers and antennas more than 50 feet in height	1	3
19.000	Open Air Markets, Nurseries, Greenhouses		
19.210	Nurseries, commercial greenhouses: Retail sales	1	1,3
19.220	Nurseries, commercial greenhouses: Nonretail sales	1	1,3
20.000	Cemetery, Crematorium, Mortuary		
20.100	Cemetery, Crematorium, Mortuary: Cemetery	Not Allowed	3
20.200	Cemetery, Crematorium, Mortuary: Crematorium	1,3	Not Allowed
20.300	Cemetery, Crematorium, Mortuary: Funeral home	Not Allowed	1,3
21.000	Visitor-Oriented, Recreational Facilities		
21.300	Visitor-Oriented, Recreational Facilities: Visitor, cultural facilities related to features of the site	Not Allowed	3

Key:

- **1:** Department approval requires the department of community development approval only.
- **1,3:** Department approval required if minor development, Conditional Use Permit required if major development.
- **2:** Allowable Use Permit requires planning commission approval.
- **3:** Conditional Use Permit requires planning commission approval.
- **2,3:** Allowable Use Permit required if minor development, Conditional Use Permit required if major development.

Description of Notes:

- **Note A:** A mobile home may only be used as a caretaker unit which complies with CBJA 49.25.514.
- **Note E:** See special use regulations for mobile homes, chapter 49.65, article III.
- **Note G:** All uses subject to additional performance standards, chapter 49.65, article VIII.

- **Note J:** Applies to over 2 acres of harvest area.
- **Note M:** Only applicable to the commercial or private stabling of more than three farm animals, or where the running or stabling area is closer than 100 feet to the nearest residence other than the owner for any number of farm animals.
- **Note P:** Preexisting Allowable or Conditional Use Permit: If recycling activity is determined by the director to be an accessory use to a use previously permitted under either an Allowable or a Conditional Use Permit, the activity may be approved by the department. Other conditions may be required before recycling activity is permitted.
- **Note S:** Limited to lots directly fronting on Glacier Highway West of Industrial Boulevard.
- **Note W:** The capacity of a park shall be determined by the Director of the Community Development Department or designee in consultation with the Director of the Parks and Recreation Department.
- **Note Z:** Snow storage may be permitted for a maximum of five years. After five years a new application must be filed.
- **Note AA:** Does not apply to wireless communication facilities.

CBJ 49.25.400 Dimensional Standards – There are no pre-existing buildings in the proposed rezone area, therefore there are no setbacks to analyze for nonconformities. The lots will not be made nonconforming under the proposed rezoning. For new development, dimensional standards will be enforced during the permitting phase.

Standard		Current Zoning (I)	Proposed Zoning (LC)
Lot	Size (in Square Feet)	2,000	2,000
	Width (in Feet)	20	20
Setbacks	Front (in Feet)	10	25
	Rear (in Feet)	10	10
	Side (in Feet)	0	10
	Street-Side (in Feet)	10	17
Lot Coverage		None	None
Height	Permissible (in Feet)	None	45
	Accessory (in Feet)	None	35

CBJ 49.25.500 Density – As the parcels are vacant, there are no lot-level densities that will become nonconforming by this proposed change. The table below shows the maximum density that is allowed in each zoning district. The numbers below do not take into account design constraints that could be placed on the site during the permitting phase that would reduce the amount of space available for dwelling units.

	Current Zoning (DU/Acre)	Proposed Zoning (DU/Acre)
Maximum Density of Dwelling Units	0*	30

**Density maximums are not determined for industrially zoned districts as only caretaker units are permitted, and are limited to 1 per lot [CBJ 49.25.514(5)(A)].*

Potential for Subdivision – Both lots have the potential for subdivision based on minimum size requirements. The numbers in the table below are based on the minimum lot size, and shown per parcel, since the minimum size is the same between the districts.

	Parcel 5B1201360051	Parcel 5B1201030030
Maximum Number of Lots*	43	39

**The maximum shown does not take into account design constraints that could be placed on the lots during the subdivision and permitting processes, but shows the maximum achievable within the zoning districts.*

TRAFFIC AND TRANSPORTATION

Access	Roadway Classification	Current Level of Service
Commercial Boulevard	Local	
Charles Way	Local	

Non-motorized transportation – There are pedestrian paths along Commercial Boulevard in the vicinity of the parcels proposed for rezone.

Proximity to Public Transportation – Bus lines 3 (Mendenhall Loop Counterclockwise), 4 (Mendenhall Loop Clockwise), 7 (Lemon Creek Commuter), and 8 (Downtown/Valley Express) make stops at Anka Street and Glacier Highway, the nearest transit-accessible intersection.

COMMUNITY SERVICES

The table below summarizes community services that may be affected by the proposed rezone.

Service	Summary
Water/Sewer	Water and sewer service is provided by the City.
Fire Service	Lots are within Fire Zone 3_2 (Parcel Viewer).
Schools	Nearby: Juneau Community Charter School/Montessori Borealis/Yaakoosgé Daakahídi Optional Programs Building.
Recreation	The Lemon Creek trailhead begins at the cul-de-sac of Commercial Boulevard nearby.

ENVIRONMENTAL, CONSERVATION, HISTORIC, AND ARCHEOLOGICAL RESOURCES

The table below summarizes Conservation, Historic, and Archeological Resources which may be affected by the proposed rezone.

Resource	Summary
Conservation	See discussion below.
Wetlands	See discussion below.
Anadromous	None in rezone area.
Historic	None known.
Archeological	None known.

Parcel 5B120136005 was on the outer edge of a large gravel pit where water was partially diverted into Lemon Creek when gravel was being mined in the area. The headwaters of Vanderbilt Creek flow east and south of the lot. A significant aspect for the approval of the Home Depot at the time was a requirement that a detailed hydrology study had to be completed, and its recommendations implemented to direct water back towards Vanderbilt Creek. The trailhead for Lemon Creek was moved and constructed at the end of Commercial Boulevard, when it had previously been nearer to the residential development in the area. The lot straddles the watersheds of Lemon and Vanderbilt Creeks, and the developer at the time identified a small area of wetlands at the southwest corner of the lot. An ephemeral channel of Vanderbilt Creek runs very close to the southeastern corner of the lot, and during heavy rainfall the channel fills. Both Lemon and Vanderbilt Creeks are listed as impaired waterbodies, and protection of their watersheds is a priority.

CONFORMITY WITH ADOPTED PLANS

2013 COMPREHENSIVE PLAN VISION: *The City and Borough of Juneau is a vibrant State Capital that values the diversity and quality of its natural and built environments, creates a safe and satisfying quality of life for its diverse population, provides quality education and employment for its workers, encourages resident participation in community decisions and provides an environment to foster state-wide leadership.*

2013 COMPREHENSIVE PLAN — The proposed text amendment is in mixed conformance with the 2013 Comprehensive Plan.

Chapter	Page No.	Item	Summary
3	19	3.1 DG 1	The proposed text amendment may contradict 3.1 Design Guideline 1, if there is not enough industrial land in the borough. <i>When considering rezoning applications of land located within the Urban Service Area from an industrial zoning district to a commercial, mixed use or residential district, ensure that there is an adequate supply of land suitable for manufacturing or heavy industrial use elsewhere in the Urban Service Area in an area that can provide heavy weight-carrying-capacity roads and sewers.</i>
3	19	3.1 DG 2	The proposed text amendment may be in conformance with 3.1 Design Guideline 2, dependent on subsequent development. <i>When considering rezoning applications of land located within the Urban Service Area from a non-residential zoning district to a residential or mixed-use district, promote the development of new medium- (10 to 20 dwelling units per gross acre) to high-density (30 to 60 or more units per gross acre) residential developments that include dwelling units affordable to low-income households as a condition of the rezoning.</i>
4	37	4.2 SOP 3	The proposed text amendment may be in conformance with SOP3, depending on the subsequent developments that take place on the rezoned land.

2013 COMPREHENSIVE PLAN — The proposed text amendment is in mixed conformance with the 2013 Comprehensive Plan.			
			<i>The CBJ government should seek and facilitate new housing production, for all types, at an annual rate that mimics the growth rate of new households in Juneau, in order to maintain adequate choice of residence type, location, and cost.</i>
4	38	4.2 IA 10	The proposed text amendment may be in conformance with 4.2 IA10 depending on subsequent development. <i>Explore and implement methods to expand permanent housing options for “work force” housing.</i>
4	39	4.3 IA 4	The proposed text amendment may be in conformance with 4.3 IA4 depending on subsequent development. <i>Encourage high-density Transit Oriented Developments and/or Mixed Use Developments in existing or new shopping centers and office parks.</i>
4	41	4.8 DG 1	The proposed text amendment may be in conformance with 4.8 DG1 depending on subsequent development. The area is historically industrial with noise and pollutants that may be incompatible with the intent this design guideline. <i>When reviewing rezoning applications within the Urban Service Area, higher densities than are found on adjacent or surrounding properties should be deemed consistent and harmonious with the character of the neighborhood, provided that the overall scale and massing of the new development is compatible with the neighborhood and the siting and/or design of the new structure(s) assures the privacy, light and air of its neighbors.</i>
5	58	Policy 5.10	The proposed text amendment may be in conformance with Policy 5.10, depending on subsequent development. <i>To designate sufficient and suitable land for anticipated commercial and industrial development as part of its overall economic development program.</i>
5	58	5.11 DG 1	The proposed text amendment is generally out of conformance with 5.11 design guideline 1, as a rezoning would remove most allowable industrial uses. <i>When requests are made to rezone industrially-zoned land to a non-industrial use district, assess and consider the impacts of the loss of this land for industry on Juneau’s economy as a whole as well as on current needs for industrial land for expansion of existing industrial businesses. An industrial lands inventory and needs assessment may be required as part of such a rezoning application.</i>
5	58	5.11 IA 2	The proposed text amendment is in mixed conformance with 5.11 IA 2. There is the sentiment to avoid further encroachment on

2013 COMPREHENSIVE PLAN — The proposed text amendment is in mixed conformance with the 2013 Comprehensive Plan.			
			industrially zoned lands, however, the area has been encroached upon by non-industrial uses. <i>In an effort to avoid further encroachment on industrially-zoned lands by retail, office and other non-industrial uses, identify lands within current industrial districts that meet the location criteria for office and retail use and that have been predominantly encroached upon by these uses and rezone those lands for retail, office and heavy commercial uses. Any existing light tor heavy industrial uses therein should be allowed to remain and, even, expand and relocate therein, if necessary to support that business.</i>
5	59	5.11 IA 4	The proposed text amendment is in contradiction to 5.11 IA4. The proposed rezone would take away most allowable industrial uses in the district under the current zoning regime. <i>Create heavy industrial zoning areas appropriate for the basic industry sector, including fisheries, mining support services, forest products, and others.</i>
10	129	Policy 10.1	The proposed text amendment may be in conformance with Policy 10.1 depending on subsequent development. <i>To facilitate availability of sufficient land with adequate public facilities and services for a range of housing types and densities to enable the public and private sectors to provide affordable housing opportunities for all Juneau residents.</i>
10	130	Policy 10.2	The proposed text amendment may be in conformance with Policy 10.2 depending on subsequent development. <i>To allow flexibility and a wide range of creative solutions in residential and mixed use land development within the urban service area.</i>
10	131	Policy 10.3	The proposed text amendment may be out of conformance with Policy 10.3. If housing is built in the area, as is allowed in Light Commercial, it would seem to be in direct contradiction to the intent of land use map, and the current zoning regime, which is highly permissible when considering industrial uses. <i>To facilitate residential developments of various types and densities that are appropriately located in relation to site conditions, surrounding land uses, and capacity of public facilities and transportation system.</i>
10	132	Policy 10.4	The proposed text amendment would be contradictory to Policy 10.4, depending on subsequent development. If housing is built, it would stand in conflict to much of the area's current land use and the intent of the land use map and zoning regime.

2013 COMPREHENSIVE PLAN — The proposed text amendment is in mixed conformance with the 2013 Comprehensive Plan.			
			<i>To minimize conflicts between residential areas and nearby recreational, commercial, or industrial uses that would generate adverse impacts to existing residential areas through appropriate land use locational decisions and regulatory measures.</i>
10	135	Policy 10.7	The proposed text amendment.... <i>To designate on land use and zoning maps, and to provide services to, sufficient vacant land within the urban service area appropriately located to accommodate future commercial and industrial uses.</i>
10	136	10.7 IA 2	The proposed text amendment would be in contradiction to much of the intent of 10.7 IA 2 as a rezoning to Light Commercial would restrict much of the industrial activity that could potentially be placed on the lots. <i>Identify and protect from land use conflicts potential sites for light industrial and heavy industrial uses.</i>
11	158	Land Use Maps	The proposed text amendment to Light Commercial would move the zoning of the parcels out of conformance with the Comprehensive Plan in a couple important ways: 1. Residential uses in industrial districts are restricted to caretaker units (and home occupations taking place within them), and limited to one caretaker unit per lot, whereas in Light Commercial, residential uses are generally permissible; 2. Manufacturing uses, a key component of industrial zoning, are severely restricted in Light Commercial zones.
11	182	Subarea Guidelines	The proposed text amendment is in mixed conformance with the subarea guidelines, but for these two lots, would seem to be out of conformance with them. Guideline 1 specifically states to reduce incompatible uses and minimize adverse impacts of incompatible uses related to noise, dust, fumes, odors, and public safety. And Guideline 10 states that sufficient land should be identified to accommodate commercial and industrial uses, as well as to provide additional buildable land for heavy industry and prohibit uses such as retail, office and residential within heavy industrial areas.

Juneau Economic Development Plan, 2015 — The proposed text amendment is in mixed conformance with this plan.			
Chapter	Page No.	Item	Summary
Executive Summary	4	Economic Development Priority	The proposed text amendment would be in mixed conformance to this economic-development priority. While Light Commercial allows for housing, it is not a residential district, and therefore uses that are nonresidential in nature would be allowed. <i>Promote Housing Affordability and Availability</i>

Juneau Economic Development Plan, 2015 — The proposed text amendment is in mixed conformance with this plan.			
2	26	Policy Direction	The proposed text amendment is in mixed conformance with the policy direction related to providing an adequate land supply for a variety of uses. <i>One of the most direct impacts local government can have on development is to ensure an adequate supply of appropriately zoned land is available for commerce and industry, as well as residential development.</i>
2	27	Survey Results, Community Sentiment	The proposed text amendment is in mixed conformance with community sentiment as obtained from surveys during this plan. <i>Of the 218 employers who completed the JEP Business Survey, about 40 percent said lack of land for commercial and residential development were very significant concerns; When asked about the impact to their specific business, 21 percent said lack of commercial land was a significant barrier to growth; These sentiments agree with anecdotal reports about the lack of residential and industrial land in the community and lack of waterfront land to support private maritime development.</i>
3	34	Survey Results, Community Sentiment	The proposed text amendment is in general conformance with the community sentiment as obtained from the household survey conducted during this plan. A Light Commercial zoning district could allow for both residential and commercial uses. <i>70% of respondents to the household survey felt that the availability of affordable housing was very significant to Juneau's economic development; 30% of respondents felt the availability of land for commercial development was very significant.</i>
3	36	Survey Results, Community Sentiment	The proposed text amendment is in general conformance with the community sentiment as obtained from the business survey conducted during this plan. A Light Commercial zoning district could allow for both residential and commercial uses. <i>70% of respondents felt that the availability of affordable housing for employees was very significant issue for Juneau's economic development; approximately 40% of respondents felt that the availability of land for both residential and commercial uses was a very significant issue.</i>
5	94-104	Initiative: Promoting Housing Affordability and Availability	The proposed text amendment would be in general conformance with this initiative. The plan notes that, in 2015, Juneau's housing supply did not meet demand in terms of type, size, price, or location; and that one role for local government in creating more housing was to use the tool of rezonings. However, whether this would be achieved over time is dependent on subsequent development. Light

Juneau Economic Development Plan, 2015 — The proposed text amendment is in mixed conformance with this plan.			
			Commercial allows for housing, but is not a residential zoning regime.

Lemon Creek Area Plan, 2018 — The proposed text amendment is in mixed conformance with this area plan.			
Chapter	Page No.	Item	Summary
Executive Summary	xiv	Steering Committee Priority Actions	The proposed text amendment would seem to be in contradiction to the majority of the area’s zoning and a large portion of its land uses. <i>Create of enhance buffers between different land uses and/or zoning districts.</i>
Executive Summary	xiv	Steering Committee Priority Actions	The proposed text amendment would be in general conformance with this priority action. <i>Allow for industrial and commercial growth in strategically located areas.</i>
4	37	Goal/Action	The proposed text amendment is in mixed conformance with this action, but could be contradictory depending on subsequent development. <i>Maximize compatibility between residential and non-residential uses by ensuring appropriate buffers and distance.</i>
4	37	Goal/Action	The proposed text amendment would be in general conformance with this action, depending on subsequent development. <i>Explore and implement methods to expand the Lemon Creek area’s housing options for workforce housing and senior housing, such as common walls and senior living communities.</i>
7	70	Goal 2	The proposed text amendment would be in general conformance with this goal. <i>Create thriving commercial and industrial areas that support industry and neighborhood business.</i>
Appendix A: Public Participation	91	Open House: Strengths	The proposed text amendment would likely be contradictory to the sentiment obtained as a strength during the Open House. Light Commercial limits many industrial uses, typical of manufacturing businesses. Manufacturing jobs were cited as a strength of the Lemon Creek area during the Open House.
Appendix A: Public Participation	91	Open House: Strengths	The proposed text amendment would likely be contradictory to the sentiment obtained as a strength during this Open House. The lots are located in and surrounded by industrially zoned lots.

Lemon Creek Area Plan, 2018 — The proposed text amendment is in mixed conformance with this area plan.			
			Many uses, particularly residential uses allowed in Light Commercial, would be incompatible with the range of allowed uses in industrially zoned areas. <i>Industrial and commercial zoning allows for noisier and messier uses.</i>
Appendix A: Public Participation	96	Focus Groups: Strengths	The proposed text amendment would be contradictory to the sentiment obtained during the focus group sessions. Light Commercial zoning severely limits typical industrial uses. <i>A few vacant lots remaining in the industrial district; lots of flat, industrial land.</i>
Appendix A: Public Participation	96	Focus Groups: Strengths	The proposed text amendment is in mixed conformance to this sentiment obtained during the focus group sessions. While Light Commercial allows for residential, it is not a residential district. <i>Vacant land available for housing development.</i>
Appendix A: Public Participation	98	Focus Groups: Opportunities	The proposed text amendment would be contradictory to the sentiment obtained during this focus group session. Light Commercial zoning would be a reduction of available industrial land. <i>Expand industrial lands and protect what is already there.</i>
Appendix A: Public Participation	101	Focus Groups: Weaknesses	The proposed text amendment could be contradictory to the sentiment obtained during this focus group session. Light Commercial zoning would allow for a variety of residential uses in the area. <i>Zoning is a challenge; increased residential use in a historically industrial area.</i>

AGENCY REVIEW

CDD conducted an agency review comment period between 9/9/25 and 9/22/25. The CBJ’s Building Division, General Engineering, and Capital City Fire and Rescue were also provided an opportunity to comment at a Preapplication Conference held in March of 2025. Agency review comments from the September comment period can be found in **Attachments M, N, and O**.

Agency	Summary
Division of Lands and Resources	Agency comments involved questions related to traffic impacts for the “waste campus”; whether the zoning change would impact the adjacent industrial uses; and potential restrictions on CBJ lands nearby.
CBJ Building Division	No concerns at this time.
CBJ General Engineering	No concerns at this time.
Capital City Fire and Rescue	No concerns at this time.

PUBLIC COMMENTS

CDD conducted a public comment period between 9/8/25 and 9/22/25. Public notice was mailed to property owners within 500 feet of the proposed rezone (**Attachments P, Q**). A public notice sign was also posted on-site two weeks prior to the scheduled hearing (**Attachment R**). No public comments were received at the time of writing this staff report.

ZONE CHANGE OPTIONS AND ALTERNATIVES

As stated in CBJ 49.75.130(a), the Commission may recommend approval, approval with modifications or denial of a rezone request. The Commission may recommend approval to the Assembly for different zoning districts than what is requested by the applicant. Additionally, the Commission can recommend modifications to the boundaries of the area to be rezoned. This means that if the Commission wishes to do so, the zoning district boundary line may be moved from its current location, as long as it is found to be in substantial conformance with the Comprehensive Plan and Title 49 – Land Use Code. Zoning district boundary lines are intended to follow property lines, centerlines of streets, alleys, streams (CBJ 49.25.110(f)).

FINDINGS

In accordance with CBJ 49.75 the Director makes the following findings on the proposed rezone:

1. Was the rezone application filed timely in accordance with CBJ 49.75.110?

Analysis: No additional analysis required.

Finding: Yes. The rezone application was filed in July.

2. Was adequate public notice provided in accordance with CBJ 49.75.110?

Analysis: CDD staff held a public meeting on October 2nd, 2025; mailed written notice to property owners within 500 feet of the proposed rezone; and a public-notice sign was posted on the site two weeks prior to the scheduled hearing.

Finding: Yes. Adequate public notice was provided in accordance with CBJ 49.75.110.

3. Is this request for an area covering more than two acres or an expansion of an existing zoning district as required by CBJ 49.75.120?

Analysis: The proposed rezoning is for an area covering approximately 3.79 acres.

Finding: Yes. The proposed rezone meets the minimum area or is an extension of an existing zoning district.

4. Has no similar request been made within the previous 12 months as required by CBJ 49.75.120?

Analysis: No additional analysis required.

Finding: Yes. No similar rezone request has been filed within the previous 12 months.

5. *Is the proposed zoning district and the uses allowed therein found to be in substantial conformance with the land use maps of the comprehensive plan and policies of the comprehensive plan, in accordance with CBJ 49.75.120?*

Analysis: The proposed rezoning is in contradiction to the adopted land use maps: the Comprehensive Plan designates the area for light industrial uses. It is also in contradiction to the general intent of the area's zoning. The proposal has mixed conformance with the Plan otherwise, not "substantial conformance."

Finding: No. The proposed rezone is not in substantial conformance with the land use maps and policies of the comprehensive plan.

6. *Is the proposed zoning district and the uses allowed therein found to be in substantial conformance with Title 49 – Land Use Code, in accordance with CBJ 49.75.120?*

Analysis: The parcels are vacant and therefore the rezoning does not make any lots or uses nonconforming.

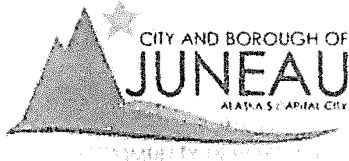
Finding: Yes. The proposed rezone is in substantial conformance with Title 49 – Land Use Code.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of DENIAL to the Assembly for the requested rezone application to rezone 3.79 acres at 5200 and 5220 Commercial Boulevard from Industrial to Light Commercial.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	1993_Plat_93-26
Attachment C	USS-7297
Attachment D	2004_ASLS-2004-22
Attachment E	2006_PLAT_2006-52
Attachment F	USS-5504
Attachment G	RESOLUTION_2296-Home-Depot
Attachment H	2007_PLAT_07-23
Attachment I	2021_PAC20210005_Final-Report
Attachment J	1993_PLAT_93-017
Attachment K	BLD2009-00504
Attachment L	PAC25-014_Final with Attachments
Attachment M	Agency Comments - Division of Lands and Resources
Attachment N	Agency Comments - CBJ Building Division
Attachment O	Agency Comments - Office of the Fire Marshal
Attachment P	Public Notice_Neighborhood Meeting
Attachment Q	Public Notice_Hearing
Attachment R	Public Notice Sign - Posted
Attachment S	Ordinance Map



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 5220 & 5200 COMMERCIAL BLVD	
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) SSG W TR 3 & HDK LT 2A	
	Parcel Number(s) 5B1201030030 5B1201360051	
	☐ This property is located in the downtown historic district ☐ This property is located in a mapped hazard area, if so, which _____	
	LANDOWNER/ LESSEE	
	Property Owner GEOFFREY & MARCELLE LARSON	Contact Person GEOFFREY LARSON
	Mailing Address PO BOX 240575 DOUGLAS AK 99824	Phone Number(s) 907-957-2835
	E-mail Address GEOFFMARAK@GMAIL.COM	
	LANDOWNER/ LESSEE CONSENT	
Required for Planning Permits, not needed on Building/ Engineering Permits.		
Consent is required of all landowners/ lessees. If submitted with the application, alternative written approval may be sufficient. Written approval must include the property location, landowner/ lessee's printed name, signature, and the applicant's name.		
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 the City and Borough of Juneau officials/employees to inspect my property as needed for purposes of this application.		
GEOFFREY LARSON LANDOWNER Landowner/Lessee (Printed Name) Title (e.g.: Landowner, Lessee)		
x <u><i>[Signature]</i></u> <u>7/28/25</u> Landowner/Lessee (Signature) Date		
MARCELLE LARSON LANDOWNER Landowner/Lessee (Printed Name) Title (e.g.: Landowner, Lessee)		
x <u><i>[Signature]</i></u> <u>7/28/25</u> Landowner/Lessee (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) CHARLES DONART	Contact Person CHARLES DONART	
Mailing Address PO BOX 211071 ANCHORAGE AK 99821	Phone Number(s) 907-500-8936	
E-mail Address CDONART@GMAIL.COM		
x <u><i>[Signature]</i></u> <u>7.28.25</u> 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 BR 7/29
Case Number AME25-02
Date Received 7/29



ZONE CHANGE APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

To be completed by Applicant	PROJECT SUMMARY <u>REQUEST RE-ZONE FROM INDUSTRIAL TO LIGHT COMMERCIAL, TO DEVELOP MULTI FAMILY HOUSING.</u>	
	IS THIS AN EXPANSION OF AN EXISTING ZONE? ☐ Yes ☒ No	
	Total Land Area of Proposed Change <u>3.79</u> acres	Comprehensive Plan Land Use Designation _____
	Current Zone(s) <u>INDUSTRIAL</u>	Comprehensive Plan Map Letter _____
	New Zone Requested <u>LIGHTS COMMERCIAL</u>	
	TYPE OF ZONE CHANGE REQUESTED ☒ Regular ☐ Transition	
	Has this or a similar zone change been requested in the previous 12 months? ☐ Yes Case # _____ ☒ No	
UTILITIES AVAILABLE WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site		
ALL REQUIRED MATERIALS ATTACHED		
☒ Complete application ☒ Pre-Application Conference notes ☒ Narrative including: ☒ Purpose of the requested zone change ☒ Any potential impacts to public infrastructure (streets, water, & sewer) ☒ How the requested zone change comply with the maps and policies of the Comprehensive Plan ☒ Site Plan and/or map of proposed zone change (details on reverse side)		

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

ZONE CHANGE FEES	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>600.⁰⁰</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>50.⁰⁰</u>			
Pub. Not. Sign Deposit	\$ <u>100.⁰⁰</u>			
Total Fee	\$ <u>750.⁰⁰</u>			

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number	Date Received
AME25-02	7/29



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

Case name

Case Number: PAC2024 0014
 Applicant: Charles Donart
 Property Owner: Geoffrey L Larson; Marcelle A Larson
 Property Address: 5220 & 5200 Commercial Blvd
 Parcel Code Number: 5B1201030030 & 5B1201360051
 Legal Description: SSG IV TR B & HDK LT 2A
 Site Size: 78,632 square feet & 86,401 square feet
 Zoning: Industrial
 Existing Land Use: Vacant

Conference Date: March 19, 2025
 Report Issued: April 17, 2025

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
Charles Donart	Applicant	cdonart@gmail.com
Jolene Murphy	Planning	Jolene.murphy@juneau.gov
Theresa Ross	Fire	theresa.ross@juneau.gov
Bridget LaPenter	General Engineering	bridget.lapenter@juneau.gov

Conference Summary

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

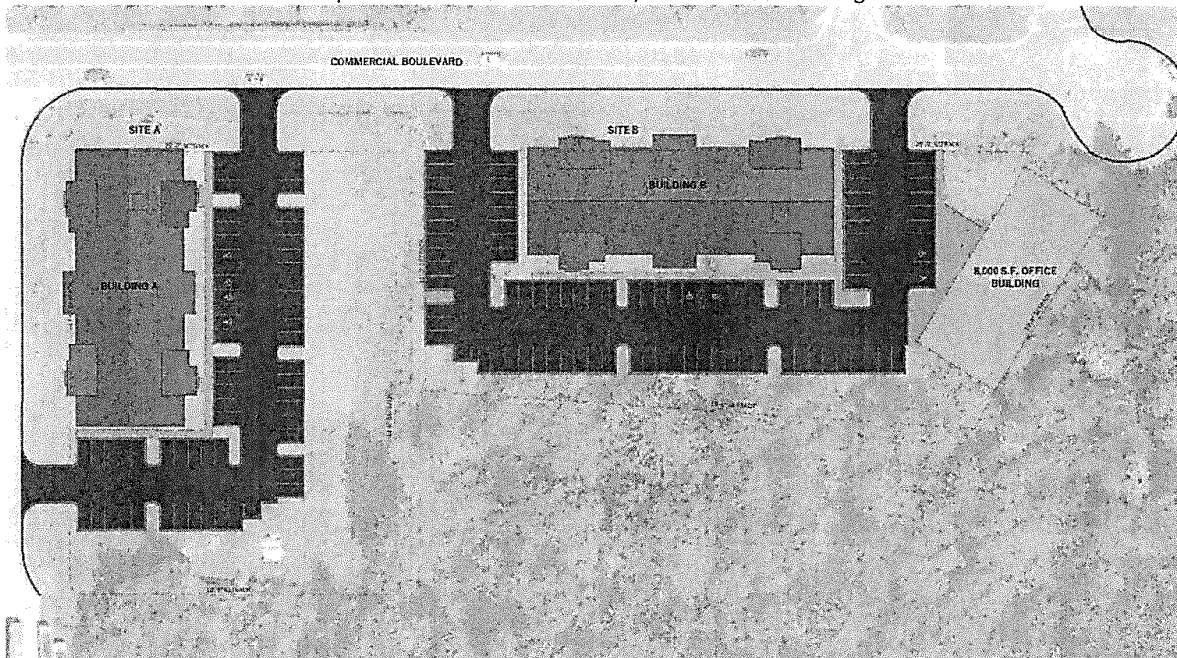
The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

- This PAC is a part of the public record and can be viewed by the property owners upon request.
- General Recommendations:
 - Our department would not recommend rezone due to conflict with the Light Industrial Land Use Designation of the Comprehensive Plan
 - However, the planning commission may approve/deny rezone despite CDD's recommendation
 - I would recommend submitting input to Title 49 rewrite website asking why residential uses should be permitted in Industrial zones as a Rezone is not likely. Title 49 rewrites are estimated to be completed in 2027

Project Overview

Rezone request from Industrial (I) to Light Commercial (LC) for 2 parcels. Applicant seeks to combine the parcels then construct a multifamily development.

Updated Site Plan – Includes 8,000 SF Office Building



REZONE PROCESS

- Apply for the rezone by July 29, 2025, or wait until January 2026.
- Work with Community Development on organizing a public meeting. Community Development would present on the regulatory details, and CCTHITA would be able to present based on the vision for the area.
- Modify the proposal as warranted by public comments.
- Present the proposal to the Planning Commission. They will forward to the Assembly, and:

- Recommend approval, OR
 - Recommend approval with conditions, OR
 - Recommend denial, OR
 - If they need more information, they will “continue.”
- The Assembly will most likely consider the rezone:
 - At a subcommittee, probably Lands, Housing and Economic Development.
 - At a Committee of the Whole (work group), then
 - At a regular Assembly Meeting, the rezone will be voted on.

Previous PAC2021 0005 attempted to rezone from Industrial to General Commercial.

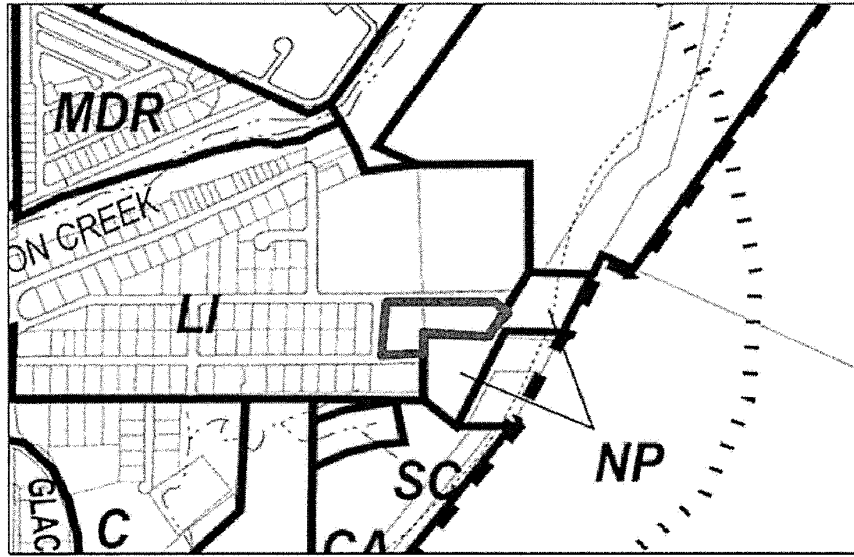
CBJ 49.75.120 Restrictions on Rezoning. Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezoning requests, which are substantially the same as a rezoning request rejected within the previous 12 months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.

In considering re-zoning requests, the Planning Commission and Assembly should aim to promote the highest and best use of the land under consideration and all new zoning or re-zoning designations are required to be substantially consistent with the Comprehensive Plan and associated land use maps. In some cases, the highest and best use may be increased density or more intensive use of the land; in other cases, the highest and best use may be preservation in an undisturbed state for purposes of habitat preservation, flood control, or providing a buffer between development and areas subject to natural hazards.

The Assembly makes the ultimate decision on rezoning. A strict interpretation of the Comprehensive Plan would make rezone seem unlikely due to the definition of Light Industrial, which is how the property is mapped.

Per the 2013 Comprehensive Plan, both parcels are designated **Light Industrial** which is defined as:

Land to be developed for heavy commercial or light industrial uses such as small- to medium-scale food processing; printing and other business services; wholesale trade; research and development laboratories; light manufacturing processes; metal fabrication; warehousing, trucking; animal kennels; crematoria; indoor and outdoor storage; car, boat, and heavy equipment sales; and repair and maintenance activities. Residential units should be limited to caretaker units where the occupant works directly for or owns the business for which the occupant is caretaking.



Land Use Code definitions:

Industrial: The I, industrial district, is intended to accommodate industrial activity which includes manufacturing, processing, repairing and assembling goods. Because of noise, odors, waste and other impacts inherent in industrial activity, performance standards are applied.

Light Commercial: The LC, light commercial district, is intended to accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in the GC, general commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed- and single-use developments in the light commercial district.

Planning Division

1. **Zoning – Industrial**
2. **Table of Permissible Uses** – Multifamily units are not permitted in Industrial zoning districts. A rezone to LC would permit a residential development up to 12 units without a USE permit. Development over 12 units would require planning commission approval. With lot consolidation, a development with up to 92 units would be permitted on the 3.07-acre lot.

An office up to 10,500 square feet would not require a USE permit in LC.
3. **Setbacks** – Lot SSG IV TR B is bordered by three rights-of-way and therefore does not have to provide a rear yard setback. Setbacks will be front, street side and side.

	Industrial	Light Commercial
Front	10 feet	25 feet
Rear	10 feet	10 feet
Side	10 feet	10 feet
Side	10 feet	10 feet

4. **Height –**

	Industrial	Light Commercial
Permissible	None	45 feet
Accessory	None	35 feet

5. **Access** – Access for Lot SSG IV TR B can come from either Commercial Blvd. or Charles Way. Per applicant's proposal, development on Site A would be accessible from both streets.
6. **Parking & Circulation**– Parking requirements will be assessed during the Conditional Use Permit (CUP) and/or Building Permit process.
7. **Lot Coverage** – Both zoning restrictions have no lot coverage restrictions.
8. **Vegetative Coverage** – Vegetative coverage would increase with a rezone to LC.
 Industrial: 5%
 Light Commercial: 15%
1. **Lighting** – All on-site lighting must be of full cut-off design. Lighting plans must be submitted with CUP & Building Permit applications.
9. **Noise** – Noise impacts will be assessed during the Conditional Use Permit and/or Building Permit process
10. **Flood** –Flood Zone X Area of Minimal Flood Hazard (Panel 02110C1551E)
11. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – None mapped
12. **Wetlands** – No known wetlands
13. **Habitat** – 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. No anadromous waterbodies are on the subject parcel, or within 50 feet.
14. **Plat or Covenant Restrictions** – N/A
15. **Traffic** – Traffic impacts will be assessed during the Conditional Use Permit and/or Building Permit process.
16. **Nonconforming situations** – N/A

Building Division

17. **Building** – N/A

General Engineering/Public Works

18. **Engineering** – No concerns at this time

Fire Marshal

19. **Fire Items/Access** –No concerns at this time

Other Applicable Agency Review

20. N/A

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.

1. Two (2) Development Permit Applications (1 for Rezone signed by property owners , 1 for Lot Line Adjustment)
2. Rezone Application (Accepted in July or January)
3. Subdivision Application

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.

1. A copy of this pre-application conference report.
2. A preliminary plat for the lot line adjustment and closure 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.

1. 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. Rezone Application Fee: \$600 + \$150 public notice sign fee (\$100 of which is refundable upon return of the sign)
2. Lot line adjustment fee: \$160 (\$110 plus \$25 for each lot changed)

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 email to permits@juneau.gov
OR in person with payment made to:

City & Borough of Juneau, Permit Center
230 South Franklin Street

Pre-Application Conference Final Report

Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715

Web: www.juneau.org/community-development

Attachments:

49.75 Article I - Rezoning

49.15.411 – Preliminary Plat Requirements

Re: Zone Change application -- Industrial to Light Commercial

From Brandon Robinson <Brandon.Robinson@juneau.org>

Date Tue 7/29/2025 11:04 AM

To Charles <cdonart@gmail.com>

Good Morning Charles,

Thank you for the update. I'll sign off on the application and you should hear from our permit staff soon regarding the fees.

Best regards,
Brandon

Brandon Robinson | Planner II

Community Development Department | City & Borough of Juneau, Alaska

Physical Location: 230 S. Franklin Street, 4th Floor, Marine View Building

Office: (907) 586-0753; Extension 4139

From: Charles <cdonart@gmail.com>

Sent: Tuesday, July 29, 2025 10:40 AM

To: Brandon Robinson <brandon.robinson@juneau.org>

Subject: Zone Change application -- Industrial to Light Commercial

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

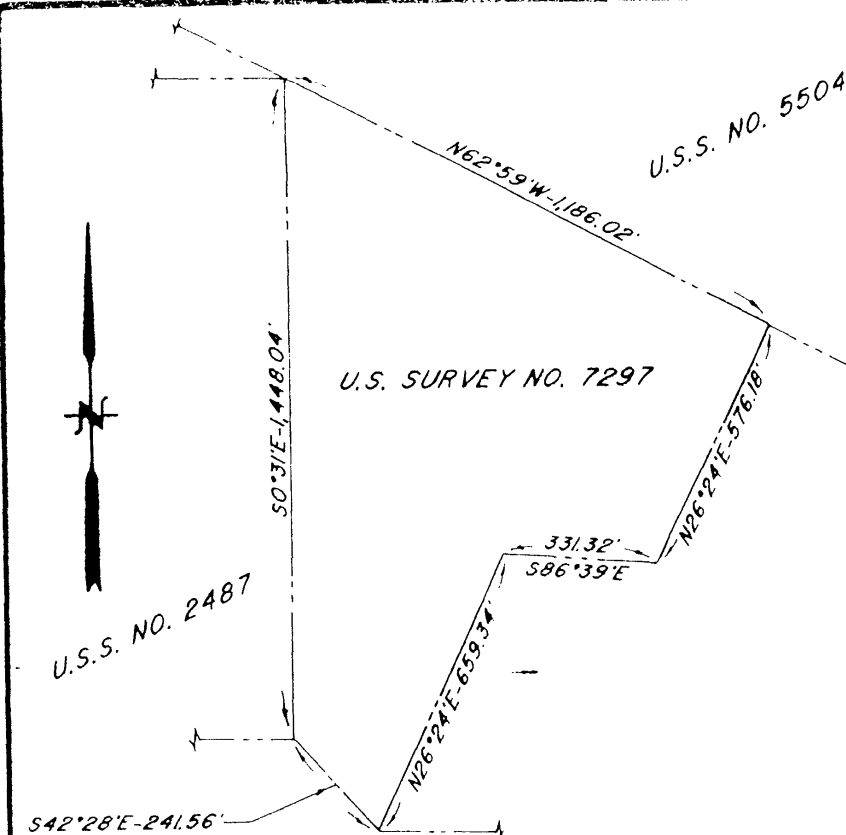
Brandon --

The additional information requested to complete the Zone Change is as follows:

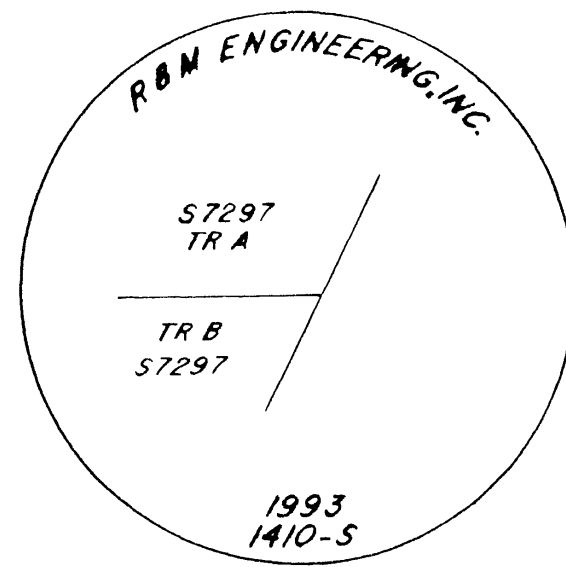
The potential impact to public infrastructure will be an increase in housing in the immediate neighborhood, resulting in additional use of the existing public streets, water, and sewer.

The requested zone change will comply with the overall policies of the comprehensive plan by increasing housing availability -- which is one of the stated policy objectives of the CBJ Assembly.

Thank you -
Charles



ORIGINAL U.S. SURVEY NO. 7297
SCALE: 1"=400'



PRIMARY MONUMENT
3" x 6" ALUM. BEAMSTEINER
A: MAGNETIZED CAP ON
2 1/2" x 3/4" SINK SET 24"
IN GROUND

TYPICAL MONUMENTS
(ESTABLISHED THIS SURVEY)

CERTIFICATE OF APPROVAL BY THE DIRECTOR

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU, DEPARTMENT OF COMMUNITY DEVELOPMENT, FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

DATED: Aug 11, 1993

Murray R. B. B.
DIRECTOR
CITY AND BOROUGH OF JUNEAU
DEPARTMENT OF COMMUNITY
DEVELOPMENT

ATTEST:

Evelyn T. Perry
CLERK
CITY AND BOROUGH OF JUNEAU

CERTIFICATION OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SUBJECT TO NOTED RESTRICTIONS, THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION APPROVES THIS SUBDIVISION FOR PLATING. THIS APPROVAL IS BASED ON CRITERIA FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT. NOTE RESTRICTIONS CONCERNING WASTEWATER DISPOSAL.

EST 8-10-93
NAME AND TITLE OF
ALASKA DEPT. OF ENVIRONMENTAL
CONSERVATION
APPROVING OFFICIAL

WASTEWATER DISPOSAL

THIS SUBDIVISION HAS BEEN APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR WASTEWATER DISCHARGES TO APPROVED COLLECTOR SEWER SYSTEMS ONLY. OTHER MEANS OF WASTEWATER DISPOSAL ARE PROHIBITED WITHOUT PRIOR APPROVAL FROM THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CERTIFICATE OF OWNERSHIP

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY (OUR) FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACES TO PUBLIC AND PRIVATE USE AS NOTED.

DATE August 10, 1993 City & Borough of Juneau
WITNESS Thomas K. Koser OWNER Dan B. B.
WITNESS Deputy City Manager OWNER

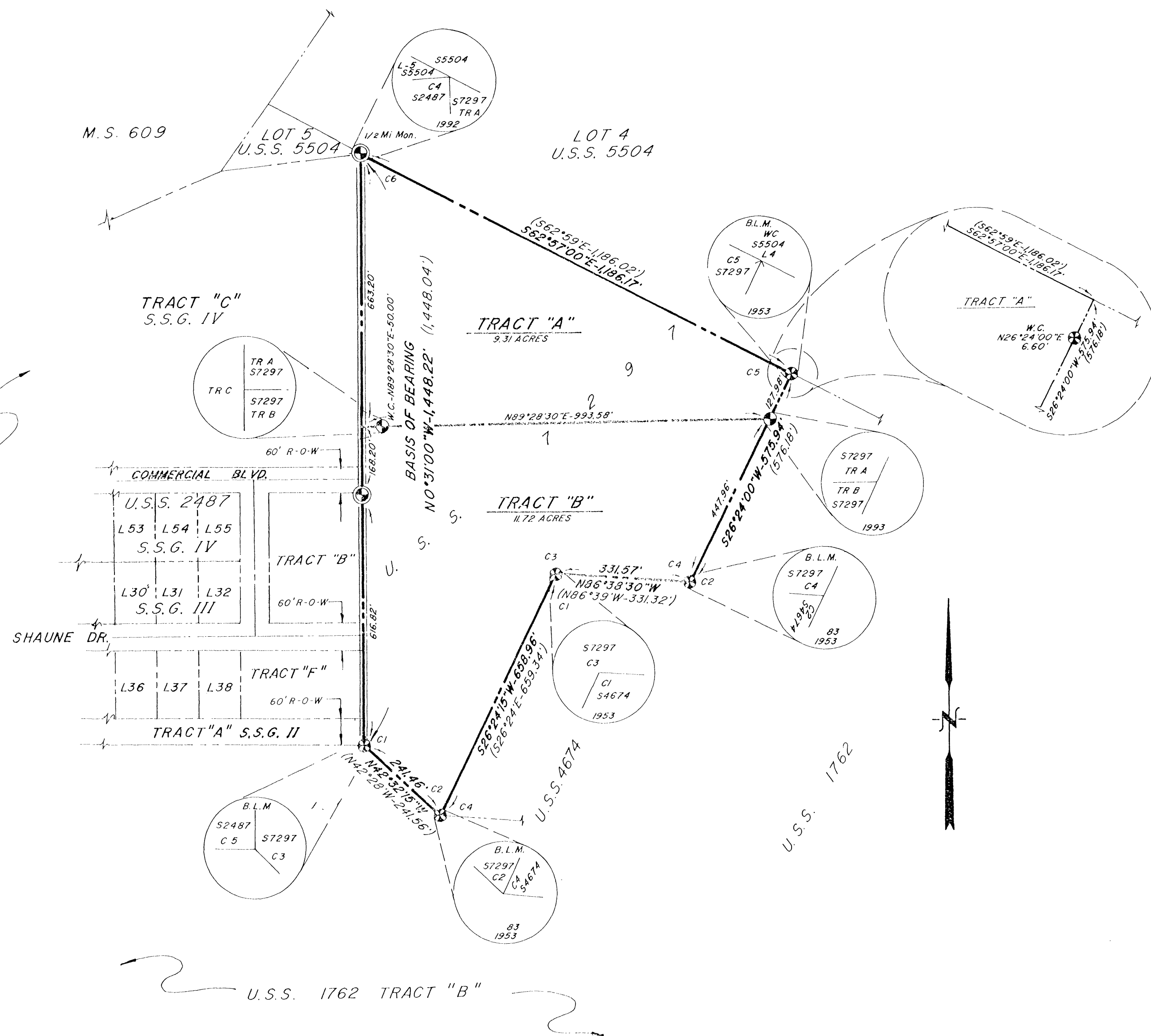
NOTARY'S ACKNOWLEDGEMENT

UNITED STATES OF AMERICA)
STATE OF ALASKA) ss.

THIS IS TO CERTIFY THAT ON THIS 10 DAY OF August, 1993, BEFORE THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, FULLY COMMISSIONED AND SWORN, APPEARED Dan B. B. TO ME KNOWN AND KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

Dan B. B.
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: 8/6/93

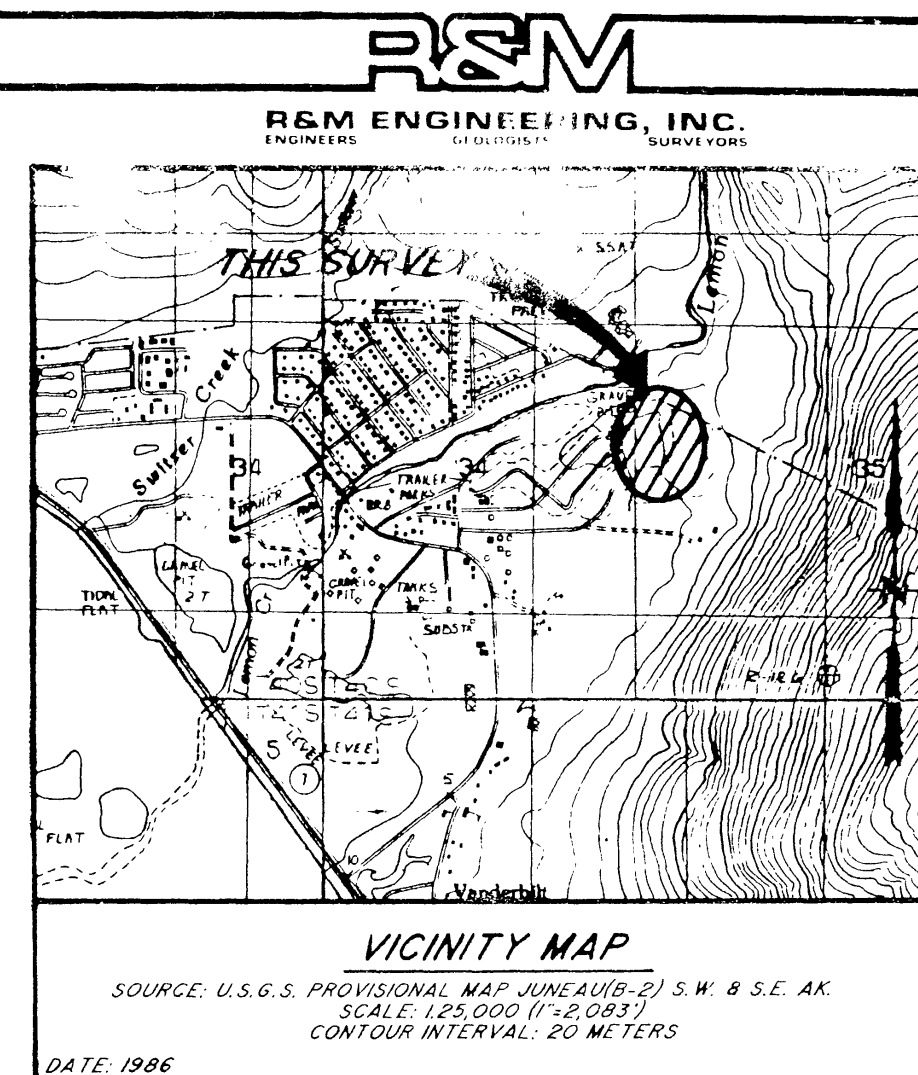


JUNEAU RECORDING DISTRICT
A PLAT DENOTING
TRACTS "A" & "B"
A SUBDIVISION OF
U.S. SURVEY NO. 7297
CITY & BOROUGH OF JUNEAU, ALASKA

SCALE: 1"=200'
0 200' 600' 1,000'

GENERAL NOTES

- THE BASIS OF BEARING FOR THIS SURVEY WAS THE L.I. OF SIGHT BETWEEN RECOVERED MON. 1 AND MON. COR. 6. U.S. SURVEY NO. 1297. THE BEARING OF RECORD WAS TAKEN FROM THE ORIGINAL B.L.M. SURVEY FOR U.S. SURVEY NO. 7297 WAS N0°31'00"W.
- ACCESS TO THIS SUBDIVISION IS BY THE DEDICATED ROADWAY SHAUNE DRIVE AND BY TRACT A, S.S.G. SUBDIVISION NO. 1 AND THE PROPOSED ROAD RIGHT-OF-WAY WITHIN U.S. SURVEY NO. 2487, S.S.G. SUBDIVISION. OTHER ACCESS TO TRACT A, U.S. SURVEY NO. 7297 IS THROUGH THE MANAGEMENT AGREEMENT BETWEEN THE CITY AND BOROUGH OF JUNEAU AND THE OWNER'S OF MINERAL SURVEY NO. 609.
- WHEN RECORDED PLAT SURVEY COURSES (BEARINGS AND/OR DISTANCES) DIFFER FROM THOSE MEASURED AND/OR COMPUTED BY THIS SURVEY, THE RECORD COURSE IS SHOWN WITHIN PARENTHESIS, FOLLOWED BY THE SURVEY COURSE BY THIS SURVEY SHOWN WITHOUT PARENTHESIS, THUSLY (S62°59'E - 1186.02) S62°57'00"E - 1186.17'.
- ALL BEARINGS DENOTED BY THIS PLAT HAVE BEEN ROUNDED TO THE NEAREST 0°00'15" OF ARC.

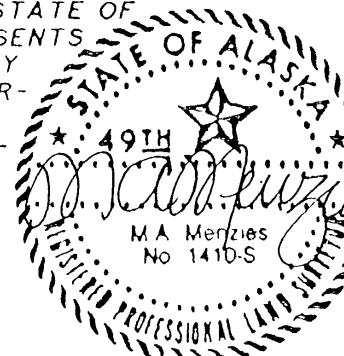


SYMBOLS

- ORIGINAL G.L.O./B.L.M. MONUMENT (RECOVERED)
- 1410-S PRIMARY MONUMENT (RECOVERED)
- 1410-S PRIMARY MONUMENT (ESTABLISHED)
- BOUNDARY/PROPERTY LINE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.



JUNEAU RECORDING DISTRICT
A PLAT DENOTING
TRACTS "A" & "B"
A SUBDIVISION OF
U.S. SURVEY NO. 7297
CITY & BOROUGH OF JUNEAU, ALASKA

CLIENT:
CITY & BOROUGH OF JUNEAU
125 S. SEWARD ST.
JUNEAU, ALASKA 99801

SURVEYOR:
R. B. M. ENGINEERING, INC.
P.O. BOX 34278
JUNEAU, ALASKA 99803

SHEET 1 OF 1

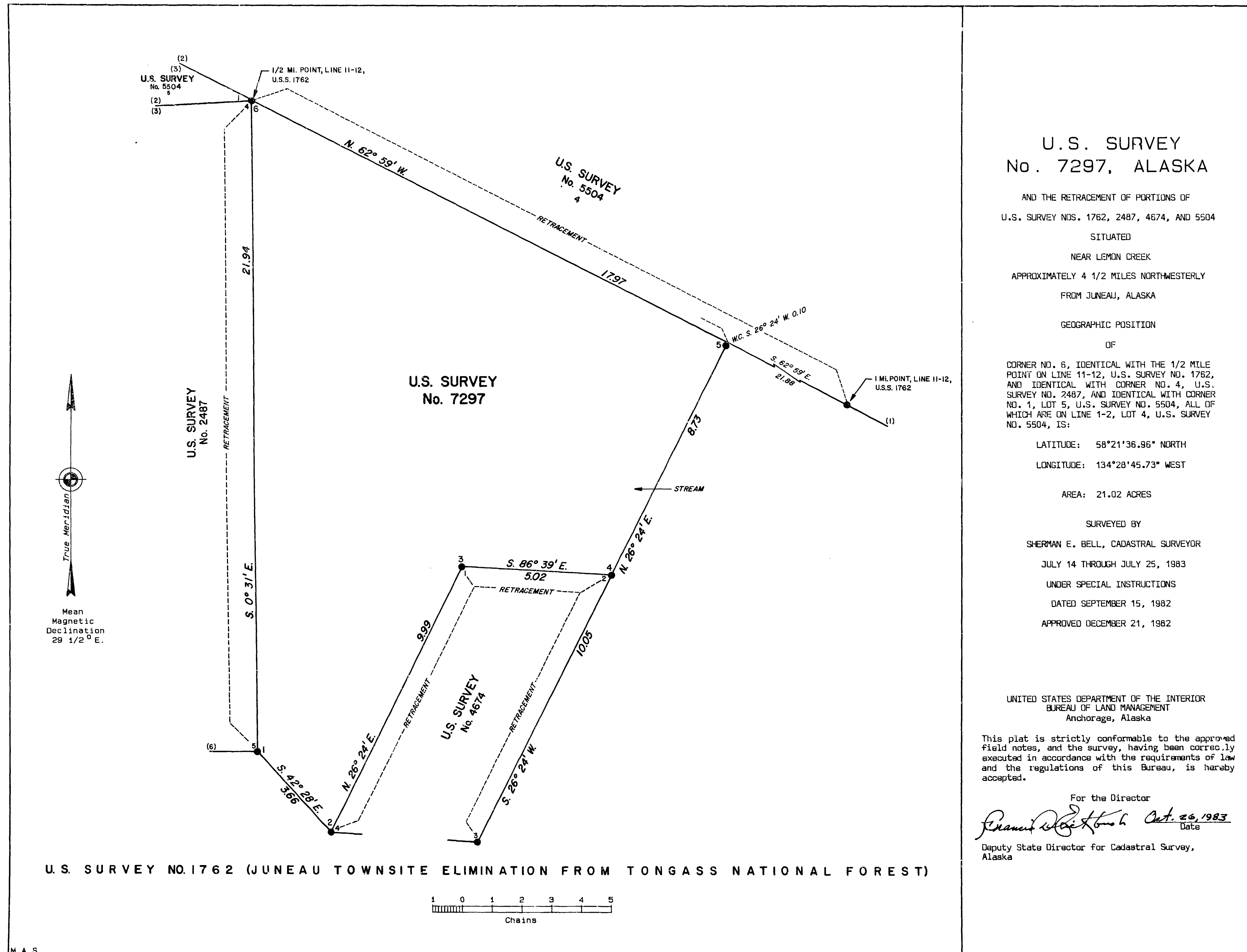
DATE: MAY 26, 1993

R. B. M. PROJ. 931726

Juneau Plat 93-26

Officially Filed
DATE December 8, 1983

ORIGINAL



Form 9600-9
(December 1979)
(formerly 9180-6)

ORIGINAL
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

U 147

259

FIELD NOTES

OF

THE SURVEY OF

U.S. SURVEY NO. 7297

AND

THE RETRACEMENT OF PORTIONS OF

U.S. SURVEY NOS. 1762, 2487, 4674, AND 5504

SITUATED NEAR LEMON CREEK

APPROXIMATELY 4 1/2 MILES NORTHWESTERLY FROM JUNEAU

THE GEOGRAPHIC POSITION OF CORNER NO. 6

IDENTICAL WITH THE 1/2 MILE POINT ON LINE 11-12, U.S. SURVEY NO. 1762

AND IDENTICAL WITH CORNER NO. 4, U.S. SURVEY NO. 2487

AND IDENTICAL WITH CORNER NO. 1, LOT 5, U.S. SURVEY NO. 5504

ALL OF WHICH ARE ON LINE 1-2, LOT 4, U.S. SURVEY NO. 5504, IS:

LATITUDE 58°21'36.96" NORTH, LONGITUDE 134°28'45.73" WEST

Of the _____ Meridian,

In the State of _____ ALASKA

EXECUTED BY

Sherman E. Cell, Cadastral Surveyor

Under special instructions dated September 15, 1982, approved December 21, 1982

_____, which provided for the surveys included under U.S. Survey/Order
Number 7297, and assignment instructions dated June 27, 1983

Survey commenced July 14, 1983

Survey completed July 25, 1983

U.S. SURVEY NO. 7297, ALASKA

CHAINS

The following field notes are those of U.S. Survey No. 7297 and the retracement of portions of U.S. Survey Nos. 1762, 2487, 4674, and 5504.

U.S. Survey No. 1762 was surveyed by E. C. Guerin, Cadastral Engineer, in 1927.

U.S. Survey No. 2487 was surveyed by F. W. Williamson, Cadastral Engineer, in 1939.

U.S. Survey No. 4674 was surveyed by Clifford L. McKay, Supervisory Cadastral Surveyor, in 1963.

U.S. Survey No. 5504 was surveyed by Hobart B. Hyatt, Supervisory Cadastral Surveyor, in 1969.

This survey and the retracements were executed in accordance with the specifications set forth in the Manual of Surveying Instructions, 1973, and the Special Instructions dated September 15, 1982.

The azimuth was obtained from the bearing between the 1/2 and 1 Mile Points on line 11-12, U.S. Survey No. 1762, identical with a portion of line 1-2, Lot 4, U.S. Survey No. 5504, and refers to the true meridian.

The geographic position of corner No. 6, identical with the 1/2 Mile Point, on line 11-12, U.S. Survey No. 1762, and identical with corner No. 4, U.S. Survey No. 2487, and identical with corner No. 1, Lot 5, U.S. Survey No. 5504, all of which are on line 1-2, Lot 4, U.S. Survey No. 5504; as determined from U.S. Survey No. 5504, is:

Latitude 58°21'36.96" North, Longitude 134°28'45.73" West.

The magnetic declination was taken from U.S. Geological Survey quadrangle map "JUNEAU (B-2)," Alaska, 1962 edition, with minor revisions in 1966, and indicates a mean value of 29 1/2° East.

PRELIMINARY STATEMENT

Prior to the execution of U.S. Survey No. 7297, it was necessary to retrace a portion of line 11-12, U.S. Survey No. 1762, identical with a portion of line 1-2, Lot 4, U.S. Survey No. 5504; line 4-5, U.S. Survey No. 2487; and lines 1-2, 2-3, and 4-1, U.S. Survey No. 4674.

The record of the retracements are incorporated into the body of these notes.

Beginning at the point for cor. No. 1, identical with cor. No. 5, U.S. Survey No. 2487; monumented with an iron post, 1 in. diam., firmly set, projecting 5 ins. above ground, with brass cap mkd. S2487 C5 1939

from which the original bearing tree

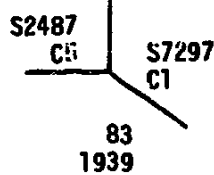
A hemlock, 16 ins. diam., bears N. 17 1/2° W.,
12 lks. dist., with healed blaze.
(Record, N. 18 1/2° W.)

Add marks to now read

261

U.S. SURVEY NO. 7297, ALASKA

CHAIN



and new bearing trees

A spruce, 26 ins. diam., bears N. 65° E.,
68 1/2 lks. dist., mkd. C1 S7297 BT.

A spruce, 12 ins. diam., bears S. 26° W.,
47 1/2 lks. dist., mkd. X BT.

S. 42°28' E., on line 1-2.

Ascend gradual slope through spruce and hemlock.

3.66

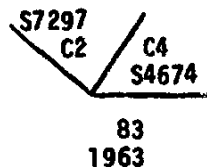
Point for cor. No. 2, identical with cor. No. 4, U.S.
Survey No. 4674; monumented with an iron post, 2 1/2
ins. diam., loosely set, projecting 8 ins. above
ground, with brass cap mkd. S4674 C4 1963

from which the original bearing trees

A hemlock, 16 ins. diam., bears S. 84° E.,
91 lks. dist., mkd. S4674 C4 BT.

A spruce, 24 ins. diam., bears S. 38° E.,
29 lks. dist., mkd. S4674 C4 BT.

Add marks to now read



N. 26°24' E., on line 2-3, identical with line 4-1,
U.S. Survey No. 4674.

Over rolling terrain, through dense brush and devil's
club, with spruce and large alder.

9.99

Point for cor. No. 3, identical with cor. No. 1, U.S.
Survey No. 4674; monumented with an iron post, 2 1/2
ins. diam., firmly set, projecting 6 ins. above ground,
encircled by a mound of stone, with brass cap mkd.
C1 S4674 1963

from which the original bearing trees

An alder, 10 ins. diam., bears S. 76° E.,
16 lks. dist., mkd. S4674 C1 BT.

An alder, 10 ins. diam., bears S. 23° W.,
55 lks. dist., mkd. S4674 C1 BT.

Add marks to now read

U.S. SURVEY NO. 7297, ALASKA

CHAINS

S7297

C3

C1

S4674

83

1963

and new bearing trees

An alder, 12 ins. diam., bears S. $61\frac{1}{2}^{\circ}$ W.,
22 lks. dist., mkd. C3 S7297 BT on the bark.

A hemlock, 19 ins. diam., bears N. $13\frac{1}{2}^{\circ}$ W.,
78 lks. dist., mkd. C3 S7297 BT.

S. $86^{\circ}39'$ E., on line 3-4, identical with line 1-2,
U.S. Survey No. 4674.

Ascend moderate W. slope, through dense brush and timber.

5.02

Point for cor. No. 4, identical with cor. No. 2, U.S.
Survey No. 4674; monumented with an iron post, $2\frac{1}{2}$
ins. diam., firmly set, projecting 8 ins. above ground,
with brass cap mkd. C2 S4674 1963

from which the original bearing trees

A spruce, 18 ins. diam., bears S. 69° W.,
59 lks. dist., mkd. S4674 C2 BT.

A hemlock, 14 ins. diam., bears N. 69° W.,
28 lks. dist., mkd. S4674 C2 BT.

Add marks to new read

S7297

C4

C2

S4674

83

1963

and new bearing trees

A spruce, 25 ins. diam., bears N. 26° E.,
62 lks. dist., mkd. X BT.

A hemlock, 20 ins. diam., bears N. 18° W.,
36 lks. dist., mkd. C4 S7297 BT.

From this point, cor. No. 3, U.S. Survey No. 4674, bears
S. $26^{\circ}24'$ W., 10.05 chs. dist.; monumented with an iron
post, $2\frac{1}{2}$ ins. diam., loosely set, projecting 8 ins.
above ground, with brass cap mkd. S4674 C3 1963

from which the original bearing trees

A hemlock, 14 ins. diam., bears N. 65° E.,
6 lks. dist., mkd. S4674 C3 BT.
(Record, 61 lks. dist.)

A hemlock, 10 ins. diam., bears S. 24° E.,
34 lks. dist., mkd. S4674 C3 BT.

263

U.S. SURVEY NO. 7297, ALASKA

CHAIN	
	A hemlock, 10 ins. diam., bears S. 49° W., 35 lks. dist., mkd. S4674 C3 BT.
	N. 26°24' E., on line 4-5. Through dense timber and brush, along moderate W. slope.
3.28	Stream, 4 lks. wide, 4 ins. deep, course W.
8.63	Point selected for the witness cor. to cor. No. 5. Set an alum. post, 30 ins. long, 2 1/2 ins. diam., 24 ins. in the ground, and in a collar of stone, with alum. cap mkd. from which A spruce, 23 ins. diam., bears N. 62° E., 106 lks. dist., mkd. X BT. A spruce, 36 ins. diam., bears S. 65° E., 124 lks. dist., mkd. X BT.
8.73	True point for cor. No. 5, on line 11-12, U.S. Survey No. 1762, identical with a portion of line 1-2, Lot 4, U.S. Survey No. 5504, not monumented; falls in small dry creek bed. From this point, the 1 Mile Point, on line 11-12, U.S. Survey No. 1762, and on line 1-2, Lot 4, U.S. Survey No. 5504, bears S. 62°59' E., 21.88 chs. dist.; monumented with an iron post, 2 ins. diam., firmly set, projecting 6 ins. above ground, with brass cap, 2 1/2 ins. diam., mkd. 1M FE S1762 1927 from which the original bearing trees A spruce, 24 ins. diam., bears S. 20° E., 12 lks. dist., with healed blaze. A spruce, 48 ins. diam., bears N. 32° W., 28 lks. dist., with healed blaze.
17.97	N. 62°59' W., on line 5-6, identical with a portion of line 12-11, U.S. Survey No. 1762, and identical with a portion of line 1-2, Lot 4, U.S. Survey No. 5504. Descend gradual NW slope, through spruce, hemlock, alder, and brush. Point for cor. No. 6, identical with the 1/2 Mile Point, on line 11-12, U.S. Survey No. 1762, and identical with cor. No. 4, U.S. Survey No. 2487, and identical with cor. No. 1, Lot 5, U.S. Survey No. 5504, all of which are on line 1-2, Lot 4, U.S. Survey No. 5504; monumented with an iron post, 1 in. diam., loosely set, projecting 8 ins. above ground, with brass cap mkd.

U.S. SURVEY NO. 7297, ALASKA

CHAIN

S5504
L5 C1S5504
L4C4
S2487
C4S1762
1/2 M1927
69

from which the remains of the bearing tree mkd. in 1969

A hemlock stump, 16 ins. diam., bears S. 59° W.,
7 lks. dist., with illegible scribe marks
visible.

and new bearing trees

A spruce, 4 ins. diam., bears N. 32° E.,
21 lks. dist., mkd. X BT.

A hemlock, 16 ins. diam., bears S. 59 1/2° E.,
182 lks. dist., mkd. X BT.

No marks added to brass cap.

S. 0°31' E., on line 6-1, identical with line 4-5, U.S.
Survey No. 2487.

Over level land, with spruce and hemlock, along E. side
of large gravel pit.

21.94

Cor. No. 1, identical with cor. No. 5, U.S. Survey No.
2487, and point of beginning.

GENERAL DESCRIPTION

This survey is situated easterly of Lemon Creek and
adjacent to and east of a large gravel pit, and approx-
imately 4 1/2 miles northwesterly from Juneau, Alaska.

The land is mostly level, unimproved, and densely
wooded with spruce and hemlock.

There are no improvements within this survey.

Access to the survey was by a road to the gravel pit.

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

FIELD ASSISTANTS

[illegible]

266

8
U.S. Department of the Interior
Bureau of Land Management
Alaska State Office Anchorage, AK

CERTIFICATE OF SURVEY

(I) (XX). Sherman E. Bell, Cadastral Surveyor , HEREBY
CERTIFY upon honor that, in pursuance of special instructions bearing date of the 15th day
of September , 1982 , (I) (XX) have surveyed U.S. Survey No. 7297 and
retraced portions of U.S. Survey Nos. 1762, 2487, 4674, and 5504,
situated near Lemon Creek, approximately 4 1/2 miles northwesterly
from Juneau,

of the Meridian, in the State of Alaska , which
are represented in the foregoing field notes as having been executed by (me), (XX) and under (my)
(XX) direction; and that said survey has been made in strict conformity with said special instruc-
tions, the Manual of Instructions for the Survey of the Public Lands of the United States, and in
specific manner described in the foregoing field notes.

Sept 15 1983
(Date)

Sherman E. Bell
(Cadastral Surveyor)

(Date)

(Cadastral Surveyor)

CERTIFICATE OF APPROVAL

BUREAU OF LAND MANAGEMENT
Anchorage, Alaska

The foregoing field notes of the survey of U.S. Survey No. 7297 and the
retracement of portions of U.S. Survey Nos. 1762, 2487, 4674, and 5504,
situated near Lemon Creek, approximately 4 1/2 miles northwesterly
from Juneau, Alaska,

executed by Sherman E. Bell, Cadastral Surveyor,

having been critically examined and found correct, are hereby approved.

Oct. 26, 1983
(Date)

Lance D. Beckwith
(Deputy State Director for Cadastral Survey, Alaska)

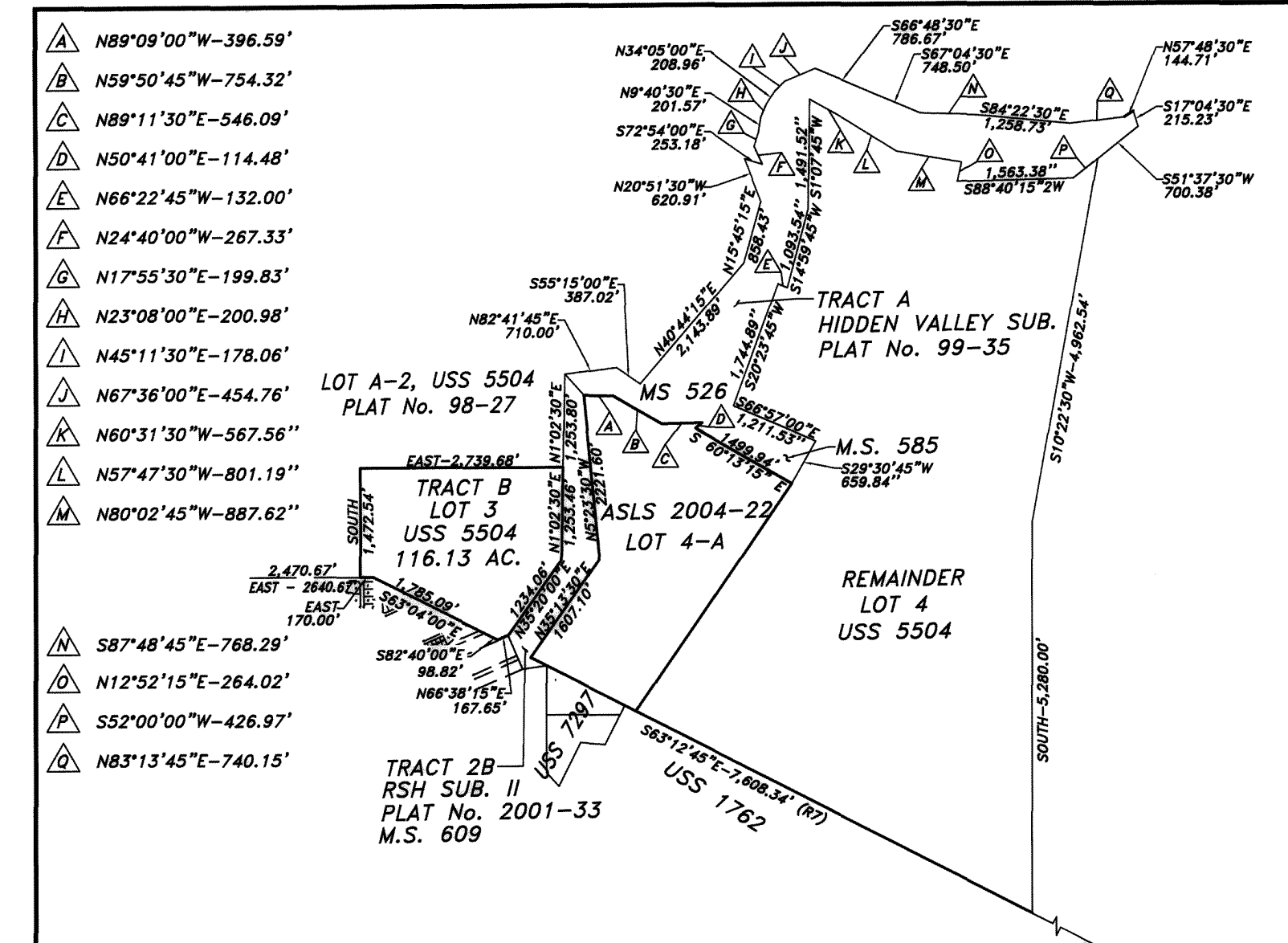
CERTIFICATE OF TRANSCRIPT

I CERTIFY That the foregoing transcript of the field notes of the above-described surveys is
is a true copy of the original field notes.

(Date)

(Deputy State Director for Cadastral Survey, Alaska)

AK 9600-18 (May 1982)

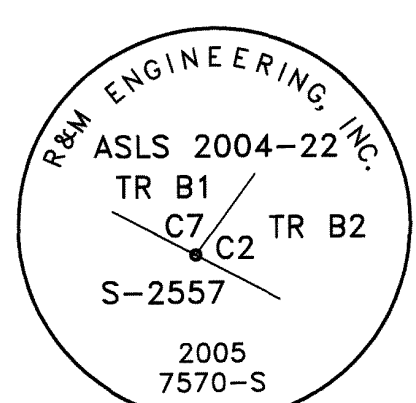


ORIGINAL TRACT B, LOT 3 & LOT 4 OF U.S.S. 5504
SCALE: 1"=2000'

CORNER & ACCESSORY SUMMARY TABLE ASLS NO. 2004-22				
CORNER	ACCESSORY ESTABLISHED	BEARING	DISTANCE	MARKING
C2 TRACT B-2	11" HEMLOCK	N42°55'W	23.7'	B.T. TAG
	19" SPRUCE	N38°20'E	38.1'	B.T. TAG
	8" HEMLOCK	N84°10'E	12.9'	B.T. TAG
C3 TRACT B-2	8" HEMLOCK	S64°00'E	7.3'	B.T. TAG
	6" HEMLOCK	S31°00'W	3.8'	B.T. TAG
	10" HEMLOCK	N24°00'W	10.8'	B.T. TAG
C4 TRACT B-2	8" HEMLOCK	N2°00'W	8.7'	B.T. TAG
	4" HEMLOCK	N80°00'E	6.6'	B.T. TAG
	4" HEMLOCK	S60°00'E	6.7'	B.T. TAG
C6 TRACT B-2	5/8"x 30" RE-BAR w/ 2" AL. CAP	N35°23'45"E	10.00'	RM1 7570S
		S66°01'15"W	10.00'	RM2 7570S
C1 TRACT 4-A	5/8"x 30" RE-BAR w/ 2" AL. CAP	N35°13'30"E	10.00'	RM1 7570S
		S63°12'45"E	10.00'	RM2 7570S
C7 TRACT 4-A	8" SPRUCE	S24°00'W	9.9'	B.T. TAG
	21" SPRUCE	S27°00'E	12.8'	B.T. TAG
	23" HEMLOCK	N31°00'W	14.9'	B.T. TAG
C8 TRACT 4-A	24" HEMLOCK	N88°00'E	3.5'	B.T. TAG
	18" HEMLOCK	S03°00'E	21.5'	B.T. TAG
	10" HEMLOCK	N20°00'E	10.7'	B.T. TAG
C9 TRACT 4-A	14" SPRUCE	S32°00'W	30.1'	B.T. TAG
	36" SPRUCE	N54°00'W	9.6'	B.T. TAG
	36" SPRUCE	S88°00'E	19.0'	B.T. TAG

LEGEND

- G.L.O./B.L.M. MONUMENT 3.25" BRASS DISK (RECOVERED)
- PRIMARY MONUMENT 3" AL. CAP BY OTHERS (RECOVERED)
- 7570-S PRIMARY - MONUMENT, 3.5" AL. CAP ON 2.5"x30" STEEL SHANK (ESTABLISHED)
- 7570-S SECONDARY - MONUMENT, 2" AL. CAP ON 5/8"x36" REBAR (ESTABLISHED)
- PRIMARY MONUMENT OF RECORD
- PROPERTY / BOUNDARY LINE
- SURVEYED LINE
- PIPE CENTERLINE
- TRAIL CENTERLINE
- R1 PLAT# 88-40 JRD, ASLS 82-34
- R2 PLAT# 99-35 JRD, HIDDEN VALLEY SUB.
- R3 PLAT# 98-27 JRD
- R4 U.S. SURVEY 7297
- R5 PLAT# 2001-33 JRD, RSH SUB. II
- R6 PLAT# 2002-12 JRD, RSH SUB. III
- R7 U.S. SURVEY 5504



PRIMARY MONUMENT
3.5" DIA. ALUMINUM BERNTSEN FEDERAL
A-1 MAGNETIZED CAP ON 2-1/2" DIA.
SHANK SET 24" IN GROUND

SECONDARY MONUMENT
2" DIA. ALUMINUM SURVEY CAP
ON 5/8" DIA. x 30" RE-BAR

TYPICAL MONUMENTS (ESTABLISHED THIS SURVEY)

CERTIFICATE OF OWNERSHIP AND DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE DIRECTOR, DIVISION OF MINING, LAND AND WATER, AND THAT THE STATE OF ALASKA IS THE OWNER OF ASLS 2004-22, TRACTS B-1, B-2 & 4-A, AS SHOWN HEREON. I HEREBY APPROVE THIS SURVEY AND PLAT FOR THE STATE OF ALASKA, AND DEDICATE FOR PUBLIC OR PRIVATE USE AS NOTED, ALL EASEMENTS, PUBLIC UTILITY AREAS, AND RIGHTS-OF-WAY AS SHOWN AND DESCRIBED HEREON.

DATED 4-11-06 Sandra Singer
for DIRECTOR, DIVISION OF MINING, LAND AND WATER

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 11TH DAY OF April, 2006.

BY Sandra Singer

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: 1-9-09

TABLE OF COURSES 8" PVC WATERLINE

LINE	BEARING	DISTANCE
W1	S04°45'30"E	243.84'
W2	S04°45'30"E	86.80'
W3	S07°42'30"E	292.28'
W4	S00°46'30"W	30.42'
W5	S16°18'30"W	216.06'
W6	S24°17'E	119.18'
W7	S02°15'W	162.56'
W8	S22°53'W	217.19'
W9	S06°28'30"W	40.94'
W10	S26°49'15"W	208.01'
W11	S24°30'30"W	178.91'
W12	S24°30'30"W	93.55'

LOT A-2, U.S.S. 5504
PLAT No. 98-27

BASIS OF BEARING EAST - 2738.41' (2739.68') R1

ASLS 2004-22
TRACT B-1
64.98 AC.
ADL No. 106811

ASLS 2004-22
TRACT B-2
51.15 AC.

APPLICANT CERTIFICATE

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE APPLICANT AS SHOWN HEREON. I HEREBY APPROVE THIS SURVEY AND PLAT.

A.D.L. No. 100406
A.D.L. No. 106811
CITY & BOROUGH OF JUNEAU

TRACT 4-A
TRACT B-1

March 23, 2006
DATE

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 23 DAY OF March, 2006.

BY Sherice M. Ridges

STATE OF ALASKA
OFFICIAL SEAL
Sherice M. Ridges
NOTARY PUBLIC
My Commission Expires 01-01-07

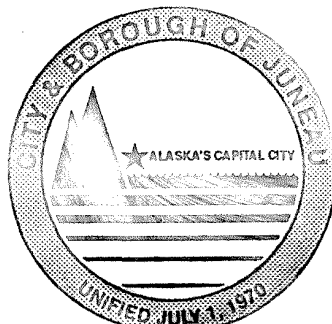
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: January 1, 2007

CERTIFICATE OF PLAT APPROVAL

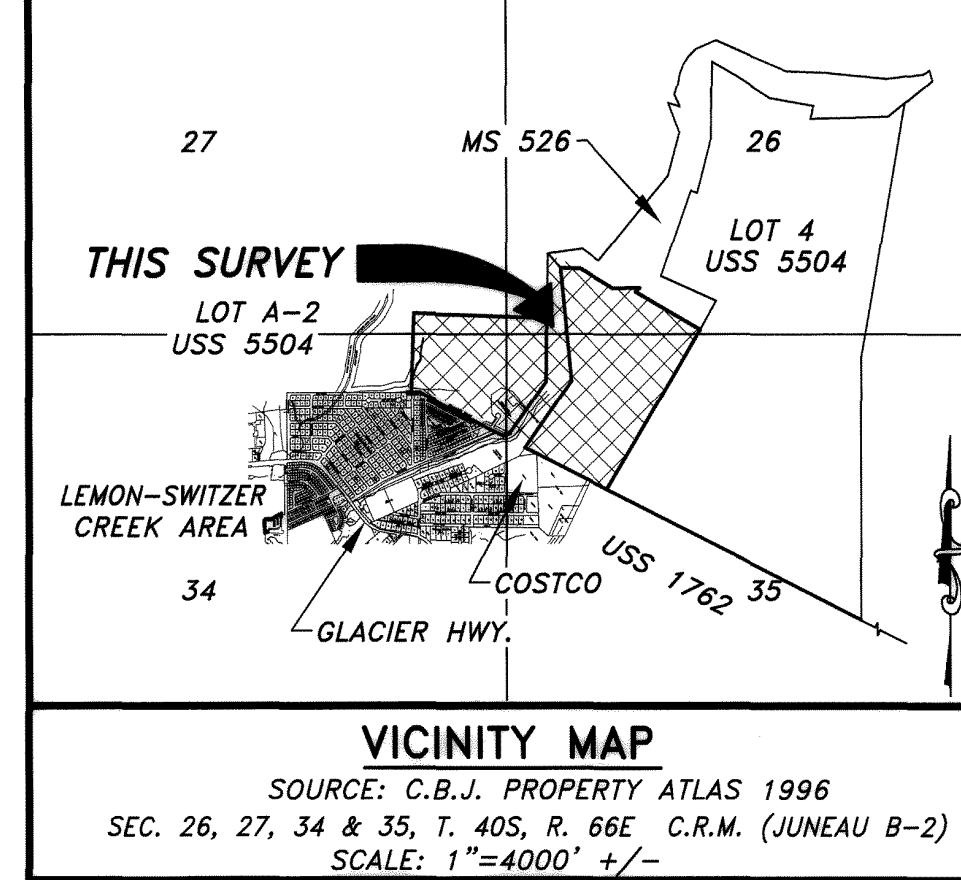
I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE TITLE 04 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU DEPARTMENT OF COMMUNITY DEVELOPMENT FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

DATED: March 23, 2006

DALE PERNULA, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT
CITY AND BOROUGH OF JUNEAU



ATTEST:
Jurrie J. Nica
CLERK,
CITY AND BOROUGH OF JUNEAU



GENERAL NOTES

- THE BASIS OF BEARING UTILIZED TO CONDUCT THIS SURVEY WAS BETWEEN A RECOVERED CBJ BRASS CAP MONUMENT C2 AND A CBJ BRASS CAP MONUMENT C4 LOCATED ALONG THE NORTH LINE OF TRACT B, ASLS 82-34 HAVING A RECORD BEARING OF EAST.
- ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS AND ROUNDED TO 15" OF ARC. DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES. THE ACCURACY OF THIS SURVEY IS GREATER THAN 1:5000.
- WHERE RECORD SURVEY COURSES (BEARINGS AND/OR DISTANCES) DIFFER FROM THAT OF ACTUAL FIELD MEASURED AND/OR COMPUTED SURVEY COURSES, THE RECORD BEARING AND/OR DISTANCE IS SHOWN WITHIN PARENTHESIS WHILE THE ACTUAL MEASURED AND/OR COMPUTED SURVEY COURSE IS SHOWN WITHOUT PARENTHESIS.
- THE BASIS OF BEARING ON THIS PLAT WAS DETERMINED BY A HIGH PRECISION GPS SURVEY USING TRIMBLE 5700/4700 GPS RECEIVERS DIFFERENTIALLY CORRECTED AND POST PROCESSED USING TRIMBLE GEOMATICS OFFICE VERSION 1.60 SOFTWARE.
- THIS SURVEY WAS ACCOMPLISHED IN ACCORDANCE WITH AS 29.65 AND MSI 2004-22.
- THIS SURVEY DOES NOT CONSTITUTE A SUBDIVISION AS REQUIRED BY AS 40.190(2). THE PURPOSE OF THIS SURVEY IS FOR CITY & BOROUGH LAND SELECTION. CITY & BOROUGH OF JUNEAU APPROVED SUBDIVISION AND PLATTING IS REQUIRED PRIOR TO DEVELOPMENT OF THIS PROPERTY.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

DATE 3-23-06

REGISTRATION NO. 7570-S

REGISTERED LAND SURVEYOR



2006-21
JUNEAU REC DIST
DATE 4/13 2006
TIME 11:51 A.M.
Requested by DNR
Address

SCALE: 1" = 300' (91.44 Meters)

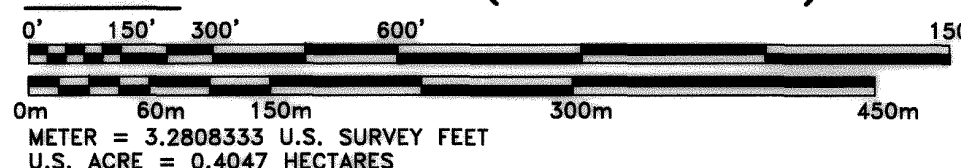


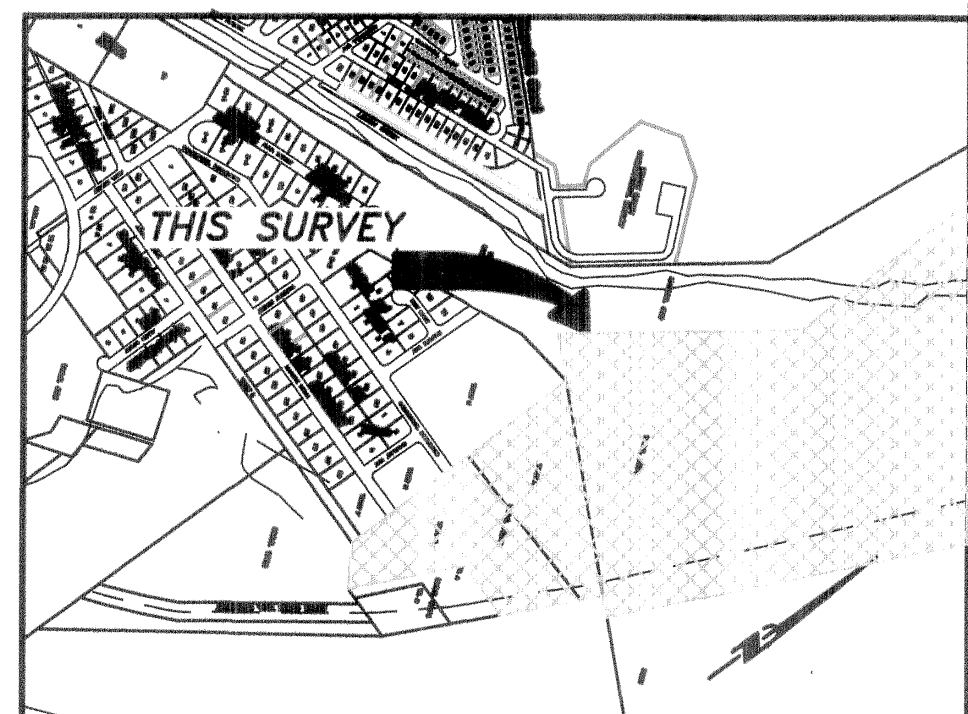
TABLE OF COURSES LEMON CREEK TRAIL

LINE	BEARING	DISTANCE
L1	N34°35'30"E	109.41'
L2	N35°05'E	293.83'
L3	N36°34'45"E	147.85'
L4	N53°32'30"E	188.74'
L5	N16°09'45"E	258.93'
L6	N16°02'15"E	177.00'
L7	N13°02'15"E	237.00'
L8	N08°14'E	278.37'
L9	N18°10'30"E	351.34'
L10	N08°33'30"W	245.80'
L11	N05°16'15"E	268.67'
L12	N43°15'15"E	779.00'
L13	N59°49'15"E	489.32'
L14	N24°41'45"W	261.65'
L15	N02°20'30"E	115.53'

DATE OF SURVEY Beginning MAY 4, 2005 Ending FEB. 22, 2006	NAME OF SURVEYOR R&M ENGINEERING, INC. 6205 GLACIER HIGHWAY JUNEAU, ALASKA 99801 R&M PROJ. No. 051703
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND AND WATER ANCHORAGE, ALASKA	
ALASKA STATE LAND SURVEY No. 2004-22	
A SUBDIVISION OF U.S.S. 5504, LOT 4 CREATING TRACT 4-A, AND A SUBDIVISION OF ASLS 82-34, TRACT B CREATING TRACT B-1 & TRACT B-2 LOCATED WITHIN PROTRACTED SECTIONS 26, 27, 34 & 35 T. 40 S., R. 66 E., C.R.M., ALASKA JUNEAU RECORDING DISTRICT	
DRAWN BY: C.C./M.L. DATE: 07/12/05	APPROVAL RECOMMENDED <u>Sandra Singer</u> April 11, 2006 Statewide Platting Supervisor
SCALE 1"=300'	CHECKED M.A.J. FILE NO. ASLS 20040022

LEGEND

- BLM MONUMENT (RECOVERED THIS SURVEY)
- PRIMARY MONUMENT (RECOVERED THIS SURVEY)
- PRIMARY MONUMENT (SET THIS SURVEY)
- SECONDARY MONUMENT (SET THIS SURVEY)
- PROPERTY / BOUNDARY LINE
- EASEMENT LINE
- PROPERTY LINE VACATED BY THIS PLAT
- EASEMENT LINE VACATED BY THIS PLAT



VICINITY MAP

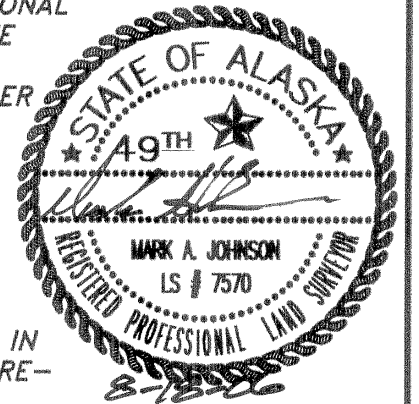
SOURCE: C.B.J./A.E.L. & P. ATLAS MAPPING
SCALE: 1" = 1,000' +/-
JUNEAU, ALASKA

GENERAL NOTES:

- THE BASIS OF BEARING FOR THIS SURVEY WAS BETWEEN RECOVERED MONUMENTS FOR CORNERS 9 AND 1, TRACT 4-A, ALASKA STATE LAND SURVEY 2004-22 HAVING A RECORD BEARING OF N63°12'42"W.
- WHERE RECORD SURVEY COURSES (BEARINGS AND/OR DISTANCES) DIFFER FROM MEASURED AND/OR COMPUTED COURSES BY THIS SURVEY, RECORD SURVEY COUSE IS SHOWN IN PARENTHESIS AND THE FIELD MEASURED AN/OR COMPUTED COURSE IS SHOWN WITHOUT PARENTHESIS.
- THIS SURVEY WAS CONDUCTED UTILIZING A TOPCON 3002 TOTAL STATION AND STANDARD PRISM RANGING METHODS.
- THE EXISTING 60' WIDE ACCESS / EGRESS EASEMENT IN FAVOR OF THE CITY & BOROUGH OF JUNEAU, PER BOOK 386, PAGE 963, JUNEAU RECORDING DISTRICT IS VACATED BY THIS PLAT.
- FOR THAT PORTION OF THE 15' LEMON CREEK TRAIL, U.S. FOREST SERVICE R.O.W. DENOTED BY THIS PLAT WITHIN ORIGINAL TRACT 4-A, A.S.L.S. 2004-22 IS AS DENOTED ON PLAT 2006-21 WHILE THAT PORTION WITHIN U.S. SURVEY NO. 7297 IS AS REFERENCED IN BOOK 284, PAGE 966 ALL ON FILE IN THE JUNEAU RECORDING DISTRICT OFFICE.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.



101 REC DIST
DATE 9/15/2006
TIME 3:44 P.M.
Requested By CBJ
Address 155 Seward
JUNEAU 99801

CBJ FILE COPY

The official recorded copy of this document is on file at the Juneau Recording District as:
Plat No. 2006-52
Recorded on 9/15/2006
CDD No: SUB 2006-21

A PLAT DENOTING
HDK SUBDIVISION
A SUBDIVISION OF
TRACT A & B, US SURVEY 7297
AND
TR 4-A, ASLS 2004-22
WITHIN THE CITY & BOROUGH OF JUNEAU,
JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA

CLIENT:
THE HOME DEPOT, USA
370 CORPORATE DR. N.
TUKWILA, WA 98188

SHEET 1 of 2

SURVEYOR:
MARK A. JOHNSON, R.L.S.
R&M ENGINEERING, INC.
6205 GLACIER HIGHWAY
JUNEAU, ALASKA 99801
R&M PROJ. NO. 051706

DATE: August 18, 2006 SCALE: 1"=200'

PRIMARY MONUMENT

3" DIA. ALUMINUM BERNSTEN FEDERAL
A-1 MAGNETIZED CAP ON 2-1/2" DIA.
SHANK SET 24" IN GROUND

SECONDARY MONUMENT

1-1/4" DIA. YELLOW PLASIC SURVEY CAP
ON 5/8" DIA. X 35" IRON PIN EXPOSED 2"

TYPICAL MONUMENTS
(ESTABLISHED THIS SURVEY)

CURVE DATA

1	2
$\Delta = 60^{\circ}00'00''$	$\Delta = 52^{\circ}35'07''$
$R = 30.00'$	$R = 50.00'$
$T = 17.32'$	$T = 24.70'$
$L = 31.42'$	$L = 45.89'$
$CH = 56^{\circ}37'25''E$	$CH = 55^{\circ}54'59''E$
$30.00'$	$44.30'$
3	
$\Delta = 187^{\circ}24'53''$	
$R = 50.00'$	
$T = N/A$	
$L = 163.55'$	
$CH = N3^{\circ}05'02''E$	
$99.79'$	

BASIS OF BEARING

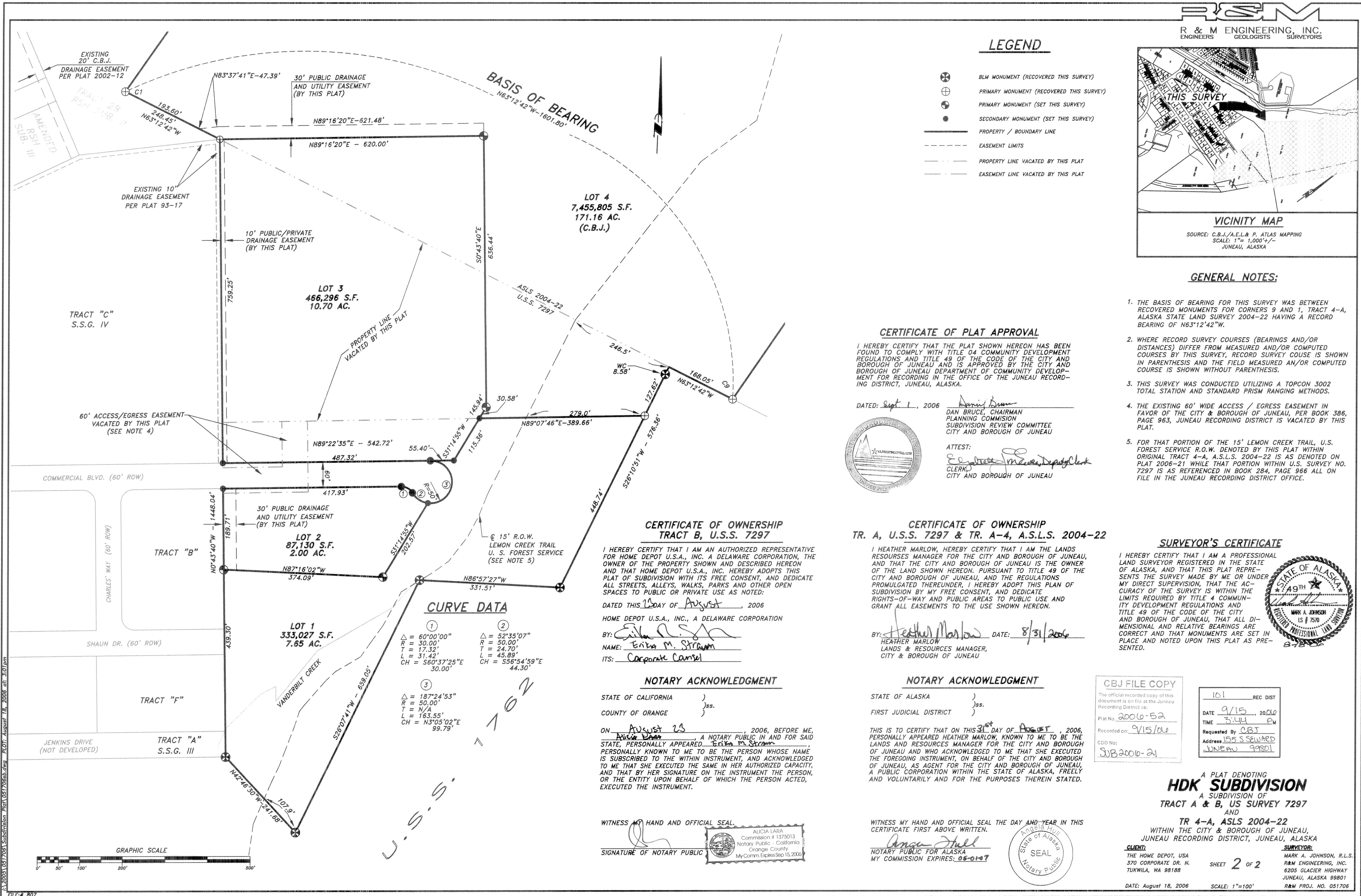
UNSUBDIVIDED REMAINDER
USS 5504
LOT 4

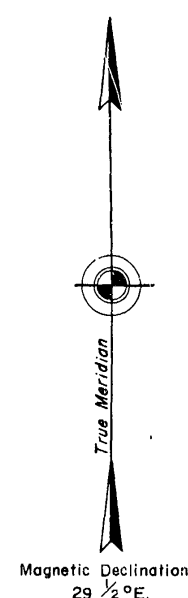
GRAPHIC SCALE



ORIGINAL TR. A & B U.S.S. 7297 AND TR. 4-A A.S.L.S. 2004-22

PER PLAT NO.S 93-26 AND 2006-22, JUNEAU RECORDERS OFFICE
SCALE 1" = 1000'





LOTS 1 THROUGH 6

U.S. SURVEYS NOS. 1762, 2121, 2487, 2557, AND 3801

GEODETIC POSITION AT
CORNER NO. 1, LOT 1

LATITUDE 58° 19' 56.68" N., LONGITUDE 134° 35' 20.55" W.

AREA: 3,276.49 ACRES

SURVEYED BY
HOBART B. HYATT, SUPERVISORY CADASTRAL SURVEYOR
JUNE 5 THROUGH AUGUST 19, 1969
UNDER SPECIAL INSTRUCTIONS

DATED AND APPROVED
APRIL 24, 1968

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D.C. April 9, 1973

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

Clark F. Loomis

Chief, Division of Cadastral Survey

See Sheet No. 1 for survey information.



ORIGINAL

Form 9180-6
(April 1965)
(formerly 4-679)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

35

FIELD NOTES

OF

U. S. SURVEY NO. 5504

LOTS 1 THROUGH 6

AND THE

DEPENDENT RESURVEY OF PORTIONS OF

U.S. SURVEYS NOS. 1762, 2121, 2487, 2557 AND 3801

SITUATED

IN THE VICINITY OF

JUNEAU, ALASKA

GEODETIC POSITION AT

CORNER NO. 1, LOT 1

LATITUDE 58° 19' 56.68" NORTH, LONGITUDE 134° 35' 20.55" WEST

Of the _____ Meridian,

In the State of _____ ALASKA _____

EXECUTED BY

HOBART B. HYATT, SUPERVISORY CADASTRAL SURVEYOR

Under special instructions dated _____ APRIL 24, 19 68, which provided for the surveys
U.S. SURVEY

included under ~~GROUP~~ Number 5504, approved APRIL 24, 1968,

and assignment instructions dated _____ APRIL 29, 19 68 AND AMENDED

ASSIGNMENT INSTRUCTIONS DATED MAY 15, 1969

Survey commenced _____ JUNE 5 _____, 19 69

Survey completed _____ AUGUST 19 _____, 19 69

U. S. SURVEY NO. 5504

CHAINS

This survey was executed in accordance with the specifications as set forth in the Manual of Surveying Instructions, 1947, and the Special Instructions dated April 24, 1968.

Bearings were obtained from geodetic control stations and verified from observations of the sun during the progress of the survey.

The geodetic position of corner No. 1, Lot 1, determined by a closed traverse from U.S. Coast and Geodetic Survey triangulation station BEN (U.S.E.) 1959, is Latitude $58^{\circ} 19' 56.68''$ North, Longitude $134^{\circ} 35' 20.55''$ West.

The observed magnetic declination is $29\frac{1}{2}^{\circ}$ East.

PRELIMINARY STATEMENT

Record bearings and distances in chains are repeated from the official records of Mineral Surveys Nos. 609, 526 and 585. The lines were not retraced except in the areas where remonumented to verify the true locations. The original mineral survey monuments were described as being four-inch square wood posts in a mound of stone.

LOT 1

Begin at cor. No. 1, Lot 1, identical with cor. No. 3, U.S. Survey No. 3559, and cor. No. 2, U.S. Survey No. 1082, monumented with an iron post, $2\frac{1}{2}$ ins. diam., flush with the ground, on the SE. side of road bank, firmly set, mkd. and witnessed as described in the official record of U.S. Survey No. 3559.

I add marks to the brass cap to now read.

S1082	S3559
C2	LOT 1
	C3
LOT 2	
C1	S5504
	L1 C1
	1958-69

from which

U.S. Coast and Geodetic Survey triangulation station BEN (U.S.E.) 1959, monumented with a standard U.S.E. round bronze disk set flush in concrete in the ground, on the extreme point of Hut Point on Fritz Cove at north end of Douglas Island, bears N. $63^{\circ} 19' W.$, 40.00 chs. dist.

Cor. No. 1, Lot 3, hereinafter described, computed through ties to triangulation stations, bears N. $39^{\circ} 57' E.$, 221.12 chs. dist.

S. $83^{\circ} 18' E.$, on line 1-2, Lot 1, identical with a portion of line 3-2, U.S. Survey No. 3559.

Over rolling ground, through spruce and hemlock timber and berrybrush undergrowth. Topography of this line and

U. S. SURVEY NO. 5504, LOT 1

CHAINS	monument descriptions are given in the official record of U.S. Survey No. 3559. Marks were added to the witness points on this line to read S5504 L1 1969 on the S. portion of the brass caps.
99.65	Witness point No. 4, monumented with an iron post, 2½ ins. diam., extending 2 ins. above ground, firmly set, mkd. and witnessed as described in the official record of U.S. Survey No. 3559. I add marks to the brass cap to now read: S3559 WP 4 S5504 L1 1958-69
127.00	Point for cor. No. 2, Lot 1. Set an iron post, 28 ins. long, 2½ ins. diam., 10 ins. in the ground and in a mound of stone, 3 ft. base to top, with brass cap mkd. S3559 L1 S5504 L1 C2 1969 from which A hemlock, 12 ins. diam., bears N. 44° E., 47 lks. dist., mkd. X BT. A hemlock, 7 ins. diam., bears S. 30° W., 24 lks. dist., mkd. S5504 L1 C2 BT. Witness point No. 3, on line 3-2, U.S. Survey No. 3559, monumented with an iron post, 2½ ins. diam., extending 2 ins. above ground, firmly set, mkd. and witnessed as described in the official record of U.S. Survey No. 3559, bears S. 83° 18' E., 12.79 chs. dist.
	SOUTH, on line 2-3, Lot 1. Ascend gradual N. slope through timber and undergrowth.
9.45	Line tree, a hemlock, 26 ins. diam., with two hack marks on N. and S. sides.
11.70	Creek, 5 lks. wide, 3 ins. deep, course NW.; ascend steep N. slope through timber.
23.87	Line tree, a hemlock, 16 ins. diam., with two hack marks on N. and S. sides.
24.36	Point selected for witness point No. 1, Lot 1, on trail alongside an old flume. Set a steel rod monument, 36 ins. long, 5/8 in. diam., 34 ins. in the ground, with brass cap mkd.

U. S. SURVEY NO. 5504, LOT 1

CHAINS	
	WP 1 S5504 L1 1969 from which A spruce, 10 ins. diam., bears S. 83° E., 15 lks. dist., mkd. X BT. A spruce, 8 ins. diam., bears N. 52° W., 27 lks. dist., mkd. S5504 L1 WP1 BT.
24.45	Flume, 6 ft. wide, 4 ft. deep, extends S. 60° E. and N. 60° W.; continue ascending steep N. slope through timber and undergrowth.
40.40	Top of ascent, spur slopes NW.; descend SW. slope through timber and undergrowth.
45.75	Same flume, 6 ft. wide, 4 ft. deep, extends S. 32° E. and N. 32° W.; descend SW. slope through timber and undergrowth.
50.10	Line tree, a hemlock, 24 ins. diam., with two hack marks on N. and S. sides; continue descent.
55.80	Point for cor. No. 3, Lot 1.
	Set an iron post, 28 ins. long, 2½ ins. diam., 22 ins in the ground and in a mound of stone, 3 ft. base to top, with brass cap mkd. S5504 L1 C3 1969 from which A spruce, 14 ins. diam., bears S. 4° W., 10 lks. dist., mkd. X BT. A spruce, 8 ins. diam., bears N. 47° W., 42 lks. dist., mkd. S5504 L1 C3 BT.
	WEST, on line 3-4, Lot 1: Descend SW. slope through timber and undergrowth.
14.60	Creek, 2 lks. wide, 1 in. deep, course NW.
15.50	Creek, 2 lks. wide, 1 in. deep, course NW.
19.05	Intersect station 85+02 on survey line of proposed road; extends approximately N. and S.; thence over nearly level land through scattered timber and dense berrybrush.
27.00	Descend broken W. slope through timber and undergrowth.
40.00	Point selected for witness point No. 2, Lot 1.
	Set a steel rod monument, 36 ins. long, 5/8 in. diam.,

U. S. SURVEY NO. 5504, LOT 1

CHAINS	
	30 ins. in the ground, with brass cap mkd. WP 2 S5504 <u>L1</u> 1969
	from which A hemlock, 12 ins. diam., bears N. 48° E., 53 lks. dist., mkd. S5504 L1 WP2 BT. A hemlock, 10 ins. diam., bears N. 12° W., 35 lks. dist., mkd. S5504 L1 WP2 BT.
	Continue descending SW. slope through timber and undergrowth.
48.00	Center of E. Fork Fish Creek, 20 lks. wide, 1 ft. deep, in 40 ft. rock canyon, course NW.
50.10	Top of narrow spur between E. and W. Fork of Fish Creek.
51.30	Center of W. Fork Fish Creek, 20 lks. wide, 1 ft. deep, in 50 ft. rock canyon, course N.; ascend left bank through timber and undergrowth.
53.40	Top of bank; thence over near level ground through timber and dense berrybrush.
66.85	Line tree, a hemlock, 18 ins. diam., with two hack marks on E. and W. sides.
70.20	Line tree, a spruce, 20 ins. diam., with two hack marks on E. and W. sides; ascend gradual NE. slope through timber and undergrowth.
80.00	Point selected for witness point No. 3, Lot 1. Set a steel rod monument, 36 ins. long, 5/8 in. diam., 30 ins. in the ground, with brass cap mkd. WP 3 S5504 <u>L1</u> 1969
	from which A spruce, 16 ins. diam., bears S. 16° E., 46 lks. dist., mkd. X BT. A spruce, 16 ins. diam., bears N. 50° W., 11 lks. dist., mkd. S5504 L1 WP3 BT.
95.70	Ascend NE. slope through timber and undergrowth.
105.50	Creek, 6 lks. wide, 4 ins. deep, course N. 30° E.
120.00	Point selected for witness point No. 4, Lot 1. Set a steel rod monument, 36 ins. long, 5/8 in. diam., 28 ins. in the ground, with brass cap mkd.

U. S. SURVEY NO. 5504, LOT 1

CHAINS	
	WP 4 S5504 <u>L1</u> 1969
	from which
	A hemlock, 18 ins. diam., bears N. 40° E., 34 lks. dist., mkd. S5504 L1 WP4 BT.
	A hemlock, 16 ins. diam., bears S. 8° E., 36 lks. dist., mkd. X BT.
130.20	Creek, 2 lks. wide, 1 in. deep, course NW.
139.98	Line tree, a hemlock, 20 ins. diam., with two hack marks on E. and W. sides.
159.00	Point selected for witness point No. 5, Lot 1. Set a steel rod monument, 36 ins. long, 5/8 in. diam., 30 ins. in the ground, with brass cap mkd.
	WP 5 S5504 <u>L1</u> 1969
	from which
	A hemlock, 12 ins. diam., bears N. 31° E., 24 lks. dist., mkd. S5504 L1 WP5 BT.
	A hemlock, 12 ins. diam., bears N. 35° W., 68 lks. dist., mkd. S5504 L1 WP5 BT.
168.80	Creek, 6 lks. wide, 2 ins. deep, course N.
187.30	Line tree, a hemlock, 26 ins. diam., with two hack marks on E. and W. sides.
199.00	Point for cor. No. 4, Lot 1. Set an iron post, 28 ins. long, 2½ ins. diam., 24 ins. in the ground, and in a mound of stone, 3 ft. base to top, with brass cap mkd.
	S5504 <u>L1 C4</u> 1969
	from which
	A hemlock, 28 ins. diam., bears N. 39½° E., 35 lks. dist., mkd. S5504 L1 C4 BT.
	A spruce, 24 ins. diam., bears S. 46° W., 29 lks. dist., mkd. X BT.
	NORTH, on line 4-5, Lot 1.
	Descend steep rocky N. slope through timber and under- growth.

41

U. S. SURVEY NO. 5504, LOT 1

CHAINS	
6.00	Base of steep slope; continue descending N. slope.
9.70	Line tree, a spruce, 38 ins. diam., with two hack marks on N. and S. sides.
15.60	Line tree, a hemlock, 14 ins. diam., with two hack marks on N. and S. sides.
19.24	Center of N. Douglas Road, gravel surfaced, bears S. 80° E. and N. 80° W.; descend N. bank through narrow strip of timber.
20.50	Point selected for witness meander cor. No. 5, Lot 1. Set an iron post, 28 ins. long, 2½ ins. diam., 24 ins. in the ground, and in a mound of stone, 3 ft. base to top, with brass cap mkd. WCMC └───┐ S5504 L1 C5 1969 from which A spruce, 3 ins. diam., bears N. 66½° E., 23 lks. dist., mkd. S5504 L1 WCMC5 BT. A spruce, 6 ins. diam., bears N. 68½° W., 22 lks. dist., mkd. X BT.
20.90	Leave timber, extends S. 80° E. and N. 80° W.; thence descend gradual slope over rocky ground and low grass.
21.30	True point for meander cor. No. 5, Lot 1, on the southerly shore of Fritz Cove at line of mean high tide, an unsafe place for permanency of monument due to tidal action.
Thence with meanders of the southerly shore of Fritz Cove. Along gravel beach at edge of grass vegetation. . 80° 00' E., 9.41 chs. At 7.50 chs., mouth of creek, 1 lk. wide, 2 ins. deep, course from S. N. 87° 00' E., 5.00 chs. At 1.70 chs., mouth of creek, 3 lks. wide, 3 ins. deep, course from SE. N. 63° 00' E., 20.00 chs. At 1.70 chs., mouth of creek, 2 lks. wide, 2 ins. deep, course from SE. At 7.30 chs., mouth of creek, 20 lks. wide, 4 ins. deep, course from SE. At 10.30 chs., mouth of creek, 2 lks. wide, 3 ins. deep, course from SE. At 17.70 chs., mouth of creek, 3 lks. wide, 3 ins. deep, course from SE.	

U. S. SURVEY NO. 5504, LOT 1

CHAINS		
	At end of course, true point for meander cor. No. 6, Lot 1 identical with the true point for meander cor. No. 5, U.S. Survey No. 3281.; unsuitable for monumentation. S. 49° 03' E., on line 6-7, Lot 1, identical with line 5-4, U.S. Survey No. 3281 and line 6-5, U.S. Survey No. 3559. Topography of this line and monument descriptions are given in the official records of U.S. Surveys Nos. 3281 and 3559. 0.48 Point selected for witness meander cor. No. 6, Lot 1, identical with witness meander cor. No. 5, U.S. Survey No. 3281, monumented with an iron post, 2½ ins. diam., extending 1 in. above ground, firmly set, mkd. and witnessed as described in the official record of U.S. Survey No. 3281. I add marks to the brass cap to now read: WC MC S3281 C5 LOT 5 C4 S5504 L1 C6 1954 1969 5.99 Cor. No. 4, U.S. Survey No. 3281, identical with cor. No. 6, U.S. Survey No. 3559, monumented with an iron post, 2½ ins. diam., extending 2 ins. above ground, firmly set, mkd. and witnessed as described in the official record of U.S. Survey No. 3559. I change and add marks to the brass cap to now read: S3281 C4 LOT 5 S3559 C6 LOT 2 C4 S5504 L1 1954 1969 9.99 Point for cor. No. 7, Lot 1, identical with cor. No. 5, U.S. Survey No. 3559, monumented with an iron post, 2½ ins. diam., extending 2 ins. above ground, firmly set, mkd. and witnessed as described in the official record. I change and add marks to the brass cap to now read: S3559 C5 L2 C3 S5504 L1 C7 1958 1969	

U. S. SURVEY NO. 5504, LOT 1

CHAINS

EAST, on line 7-8, Lot 1, identical with line 5-4, U.S. Survey No. 3559.

Topography of this line is given in the official record of U.S. Survey No. 3559.

33.19

Point for cor. No. 8, Lot 1, identical with cor. No. 4, U.S. Survey No. 3559, monumented with an iron post, 2½ ins. diam., extending 2 ins. above ground, firmly set, mkd. and witnessed as described in the official record.

I change and add marks to the brass cap to now read:

3559	
C4	S5504
L2 C2	L1
	C8

1958

1969

NORTH, on line 8-1, Lot 1, identical with line 4-3, U.S. Survey No. 3559.

Topography of this line and the witness point description are given in the official record of U.S. Survey No. 3559. Marks were added to the witness point on this line to read S5504 L1 1969 on the E. portion of the brass cap.

48.49

Cor. No. 1, Lot 1, identical with cor. No. 3, U.S. Survey No. 3559, and cor. No. 2, U.S. Survey No. 1082, point of beginning of Lot 1, containing 965.09 acres.

ADDITIONAL MEANDERS, LOT 1

From the true point for meander cor. No. 5, Lot 1, the southerly shore of Fritz Cove extends:

N. 80° 00' W., 5.40 chs. At 2.10 chs., mouth of Cove Creek, 6 lks. wide, 3 ins. deep, course from SW.

At 2.20 chs., base of filled parking and camping area.

N. 88° 00' W., 6.00 chs. Along base of fill.

LOT 2

Begin at cor. No. 1, Lot 2, identical with cor. No. 14, Tract B, H.E. Survey No. 52 (U.S. Survey No. 1053) and cor. No. 5, U.S. Survey No. 1536, monumented with an iron-capped iron pipe, 4 ins. diam., extending 2 ft. above the ground, firmly set and mkd. 5 S1536 4 HES 52 on sides. A scattered mound of stone was found at the base of the pipe. Rebuilt a flat mound of stone, 2 ft. base, around the cor. No additional marks were added to the side of the pipe.

from which the remains of the original bearing trees:

U. S. SURVEY NO. 5504, LOT 2

CHAINS	
	A spruce stump, 30 ins. diam., bears S. 70° W., 88 lks. dist., no marks visible. (Record bearing S. 69° 55' W.). There is no remaining evidence of the original NW. bearing tree. and bearing trees marked by Clifford L. McKay, Supervisory Cadastral Surveyor, in 1963: A hemlock, 8 ins. diam., bears S. 62° W., 51 lks. dist., mkd. S1536 C5 BT. A spruce, 14 ins. diam., bears N. 66° W., 82 lks. dist., mkd. HES 52 C14 BT. U.S. Coast and Geodetic Survey triangulation station EDDIE 1959, monumented with a standard bronze disk set in a 1½ in. pipe extending 3 ins. above ground on the E. end of an inside dike near the E. end of the main runway of the Juneau Airport, bears S. 5° 43' E., 94.48 chs. dist. Cor. No. 2, Lot 3, hereinafter described, computed through ties to triangulation stations, bears S. 45° 00' E., 82.34 chs. dist. N. 20° 27½' E., on line 1-2, identical with line 14-13, Tract B, H.E. Survey No. 52 (U.S. Survey No. 1053) and 5-4, U.S. Survey No. 1536, recording the record bearing and dist. Over level land through spruce, hemlock, alder timber and dense undergrowth. Topography of this line is given in the official records.
42.06	Cor. No. 2, Lot 2, identical with cor. No. 13, Tract B, H.E. Survey No. 52 (U.S. Survey No. 1053), cor. No. 4, U.S. Survey No. 1536, and cor. No. 6, U.S. Survey No. 2100, monumented with an iron pipe, 4 ins. diam., extending 18 ins. above ground, firmly set, mkd. and witnessed as described in the official record of U.S. Survey No. 2100. No additional marks were added to the side of the pipe described as 3 ins. in diam. in U.S. Survey No. 2100.
	N. 26° 41' E., on line 2-3, Lot 2, identical with a portion of line 4-3, U.S. Survey No. 1536 and lines 6-5, 1-4, 4-3, and 9-1 of U.S. Surveys Nos. 2100, 3751, 2084, and 3752, respectively, recording the record bearings and dists. Over rolling ground through timber and dense undergrowth. Topography of this line and monument descriptions are given in the official records. Marks were added to the monuments on this line to read S5504 L2 1969 on the SE. portion of the brass caps.
132.35	Cor. No. 3, Lot 2, identical with cor. No. 2, U.S. Survey No. 2385 and cor. No. 1, U.S. Survey No. 3752, monumented with an iron post, 1 in. diam., extending 12 ins. above ground, firmly set, mkd. and witnessed as described in the official record of U.S. Survey No. 2385. I add marks to the brass cap to now read:

NOTE: The distance 132.35 should be 132.26. See memo 9183.4 (420) U.S.S. No. 5504 dated July 5, 1973.

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U. S. SURVEY NO. 5504, LOT 2

CHAINS	
	S2385 C2 S3752 / S5504 C1 L1 / L2 C3 C1 1939-69
	EAST, on line 3-4, Lot 2. Ascend gradual W. slope through dense timber and undergrowth. 9.70 Graded road, bears N. 25° E. and S. 25° W. 12.00 Ascend steep W. slope through dense timber and undergrowth. 24.00 Point for cor. No. 4, Lot 2. Set an iron post, 28 ins. long, 2½ ins. diam., 12 ins. in the ground, and in a mound of stone, 3 ft. base to top, with brass cap mkd. S5504 L2 C4 1969 from which A spruce, 24 ins. diam., bears S. 17° W., 79 lks. dist., mkd. X BT. A hemlock, 12 ins. diam., bears N. 40° W., 44 lks. dist., mkd. X BT.
	S. 25° 12' W., on line 4-5, Lot 2. Along broken NW. slope through timber and dense undergrowth. 12.10 Creek, 3 lks. wide, 1 in. deep, course NW. 19.40 Creek, 3 lks. wide, 2 ins. deep, course NW. 23.00 Creek, 2 lks. wide, 2 ins. deep, course NW. 33.30 Rocky draw, dense alders, drains W. 37.20 Creek, 3 lks. wide, 2 ins. deep, course W. 38.00 Point selected for witness point No. 1, Lot 2. Set a steel rod monument, 36 ins. long, 5/8 in. diam., 18 ins. in the ground, and in a mound of stone, 3 ft. base, to top, with brass cap mkd. WP 1 S5504 L2 1969 Located in dense alders, no suitable bearing objects available. Cut a clearing, 50 ft. in diam. around the

U. S. SURVEY NO. 5504, LOT 2

CHAINS	
	monument.
54.00	Creek, 2 lks. wide, 2 ins. deep, course N. 80° W.
57.50	Creek, 3 lks. wide, 2 ins. deep, course NW.
67.50	Leave dense timber; enter slide area and dense alders, drains NW.
69.20	Leave slide area; re-enter timber and dense undergrowth.
77.30	Creek, 3 lks. wide, 3 ins. deep, course NW.
80.00	Point selected for witness point No. 2, Lot 2. Set a steel rod monument, 36 ins. long, 5/8 in. diam., 28 ins. in the ground, and in a mound of stone, 2 ft. base, to top, with brass cap mkd. WP 2 S5504 / L2 1969
	from which A spruce, 14 ins. diam., bears S. 76° W., 33 lks. dist., mkd. S5504 L2 WP2 BT. A hemlock, 8 ins. diam., bears N. 8° W., 85 lks. dist., mkd. S5504 L2 WP2 BT.
81.30	Creek, 3 lks. wide, 3 ins. deep, course NW.
93.60	Creek, 4 lks. wide, 3 ins. deep, course NW.
96.90	Creek, 2 lks. wide, 3 ins. deep, course NW.
101.20	Creek, 4 lks. wide, 4 ins. deep, course NW.
107.70	Creek, 8 lks. wide, 3 ins. deep, course NW.
115.00	Point selected for witness point No. 3, Lot 2. Set a steel rod monument, 36 ins. long, 5/8 in. diam., 32 ins. in the ground, with brass cap mkd. WP 3 S5504 / L2 1969
	from which A hemlock, 10 ins. diam., bears N. 44° E., 23 lks. dist., mkd. X FT. A hemlock, 14 ins. diam., bears N. 57° W., 61 lks. dist., mkd. S5504 L2 WP3 BT.
123.00	Creek, 3 lks. wide, 1 in. deep, course SW.; continue through dense timber and berrybrush undergrowth along NW. slope.
125.50	Forks of creek, 8 lks. wide, 4 ins. deep, course NW. from E. and SE.
131.60	Creek, 6 lks. wide, 3 ins. deep, course NW.

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U. S. SURVEY NO. 5504, LOT 2

NOTE: The area 407.75 acres. should be 407.64 acres.
See memos in file of U.S. No. 5504.

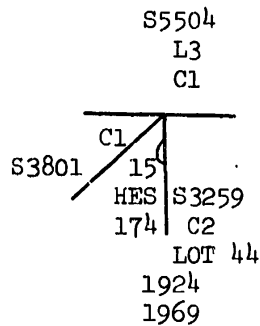
CHAINS	
148.80	Creek, 2 lks. wide, 2 ins. deep, course NW.
150.00	Point selected for witness point No. 4, Lot 2. Set a steel rod monument, 36 ins. long, 5/8 in. diam., 30 ins. in the ground, with brass cap mkd. WP 4 S5504 / L2 1969 from which A hemlock, 8 ins. diam., bears S. 75° E., 26 lks. dist., mkd. X BT. A hemlock, 14 ins. diam., bears N. 4° W., 24 lks. dist., mkd. S5504 L2 WP4 BT.
154.90	Creek, 1 lk. wide, 1 in. deep, course W.
167.90	Creek, 3 lks. wide, 2 ins. deep, course SW.
169.41	Line tree, a hemlock, 18 ins. diam., with two hack marks on SW. and NE. sides.
169.90	Creek, 2 lks. wide, 2 ins. deep, course W.
173.62	Point for cor. No. 5, Lot 2. Set an iron post, 28 ins. long, 2 1/2 ins. diam., 24 ins. in the ground, with brass cap mkd. S5504 / L2 C5 1969 from which A hemlock, 14 ins. diam., bears S. 12° W., 44 lks. dist., mkd. X BT. A hemlock, 10 ins. diam., bears N. 79° W., 71 lks. dist., mkd. S5504 L2 C5 BT.
	WEST, on line 5-1, Lot 2. Descend NW. slope through timber and berrybrush undergrowth.
9.40	Creek, 3 lks. wide, 2 ins. deep, course NW.
24.00	Cor. No. 1, Lot 2, identical with cor. No. 14, Tract B, H.E. Survey No. 52, (U.S. Survey No. 1053), and cor. No. 5, U.S. Survey No. 1536, point of beginning of Lot 2. Containing 407.75 acres.
	LOT 3 Begin at cor. No. 1, Lot 3, identical with cor. No. 15,

U. S. SURVEY NO. 5504, LOT 3

CHAINS

H.E. Survey No. 174 (U.S. Survey No. 1568); cor. No. 2, U.S. Survey No. 3259; and cor. No. 1, U.S. Survey No. 3801, monumented with an iron post, 2 ins. diam., 4 ins. above ground, firmly set, mkd. and witnessed as described in the official record of U.S. Survey No. 3801.

I add marks to the brass cap to now read:



from which

U.S. Coast and Geodetic Survey triangulation station EDDIE 1959, hereinbefore described in Lot 2, bears S. 65° 47' W., 86.83 chs. dist.

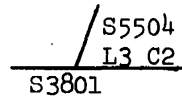
Cor. No. 1, Lot 1, hereinbefore described, computed through ties to triangulation stations, bears S. 39° 59' W., 221.12 chs. dist.

N. 89° 40' W., on line 1-2, Lot 3, identical with the dependent resurvey of a portion of line 1-2, U.S. Survey No. 3801.

Ascend over southerly slope, through dense spruce, hemlock, and alder timber with dense berrybrush undergrowth. Topography of this line is given in the official record of U.S. Survey No. 3801.

30.35 Point for cor. No. 2, Lot 3.

Set an iron post, 28 ins. long, 2½ ins. diam., 24 ins. in the ground, with brass cap mkd.



1969

from which

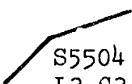
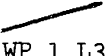
A spruce, 24 ins. diam., bears N. 53° E., 69 lks. dist., mkd. S5504 L3 C2 BT.

A spruce, 8 ins. diam., bears N. 24° W., 73 lks. dist., mkd. X BT.

Witness point at 42.50 chs., line 1-2, U.S. Survey No. 3801, monumented with an iron post, 2½ ins. diam., firmly set, mkd. and witnessed as described in the official record, bears N. 89° 40' W., 12.15 chs. dist.

Cor. No. 1, Lot 2, hereinbefore described, computed through ties to triangulation stations, bears N. 45° 00' W., 82.34 chs. dist.

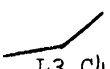
U. S. SURVEY NO. 5504, LOT 3

CHAINS	N. 32° 30' E., on line 2-3. Ascend over southerly slope, through spruce, hemlock, and alder timber, with berrybrush undergrowth. 5.23 Line tree, a hemlock, 14 ins. diam., with two hack marks on NE. and SW. sides. 6.32 Line tree, a hemlock, 20 ins. diam., with two hack marks on NE. and SW. sides. 8.90 Creek, 3 lks. wide, 2 ins. deep, course SE. 15.90 Creek, 1 lk. wide, 4 ins. deep, course SE. 16.08 Point for cor. No. 3, Lot 3. Set an iron post, 28 ins. long, 2½ ins. diam., 14 ins. in the ground, and in a mound of stone, 3 ft. base, to top, with brass cap mkd.  S5504 L3 C3 1969 from which A hemlock, 8 ins. diam., bears N. 85½° E., 31 lks. dist., mkd. S5504 L3 C3 BT. A hemlock, 34 ins. diam., bears S. 8° E., 8 lks. dist., mkd. S5504 L3 C3 BT. A hemlock, 12 ins. diam., bears N. 50½° W., 26 lks. dist., mkd. X BT. N. 82° 00' E., on line 3-4, Lot 3. Ascend steep southerly slope through spruce and hemlock timber with berry brush undergrowth. 2.55 Creek, 2 lks. wide, 2 ins. deep, course S. 6.95 Creek, 1 lk. wide, 1 in. deep, course S. 13.90 Creek, 2 lks. wide, 2 ins. deep, course S. 22.55 Creek, 2 lks. wide, 2 ins. deep, course S. 27.80 Top of ascent; begin gradual descent over SE. slope. 36.20 Creek, 5 lks. wide, 2 ins. deep, course SE. 39.00 Point selected for witness point No. 1, Lot 3, on moderately level ground. Set a steel rod monument, 36 ins. long, 5/8 in. diam., 30 ins. in the ground, with brass cap mkd.  WP 1 L3 S5504 1969 from which A hemlock, 26 ins. diam., bears N. 44½° E.,
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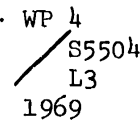
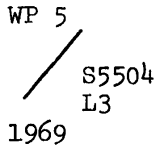
U. S. SURVEY NO. 5504, LOT 3

CHAINS	
	7 lks. dist., mkd. X BT.
	A hemlock, 18 ins. diam., bears S. 14° E., 33½° lks. dist., mkd. S5504 WP1 L3 BT.
39.50	Line tree, a hemlock, 40 ins. diam., with two hack marks on E. and W. sides.
43.56	Line tree, a hemlock, 42 ins. diam., with two hack marks on E. and W. sides.
44.75	Creek, 1 lk. wide, 1 in. deep, course S.
46.00	Begin gradual descent.
49.48	Line tree, a hemlock, 30 ins. diam., with two hack marks on E. and W. sides.
50.32	Line tree, a hemlock, 44 ins. diam., with two hack marks on E. and W. sides.
55.30	Creek, 6 lks. wide, 2 ins. deep, course SE.
61.25	Creek, 6 lks. wide, 2 ins. deep, course SE.
66.50	Creek, 6 lks. wide, 1 in. deep, course SE.
75.10	Creek, 4 lks. wide, 2 ins. deep course SE.
80.00	Point selected for witness point No. 2, Lot 3, on SE. slope. Set a steel rod monument, 36 ins. long, 5/8 in. diam., 28 ins. in the ground, with brass cap mkd. WP 2 L3 S5504 1969
	from which A hemlock, 12 ins. diam., bears N. 65° E., 13 lks. dist., mkd. X BT. A hemlock, 24 ins. diam., bears S. 8° E., 51 lks. dist., mkd. S5504 L3 WP2 BT. Continue descent.
91.00	Creek, 5 lks. wide, 6 ins. deep, course S.; thence ascend S. slope through timber and undergrowth.
110.80	Creek, 2 lks. wide, 2 ins. deep, course S. 30° W.
114.00	Point selected for witness point No. 3, Lot 3, on nearly level land. Set a steel rod monument, 36 ins. long, 5/8 in. diam., 30 ins. in the ground, with brass cap mkd. WP 3 L3 S5504 1969
	from which

U. S. SURVEY NO. 5504, LOT 3

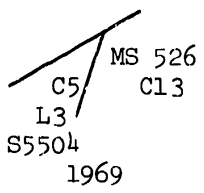
CHAINS	
	A hemlock, 28 ins. diam., bears N. 29° E., 41 lks. dist., mkd. X BT. A hemlock, 24 ins. diam., bears S. 55° W., 53 lks. dist., mkd. S5504 L3 WP3 BT.
115.02	Line tree, a hemlock, 40 ins. diam., with two hack marks on E. and W. sides.
117.39	Line tree, a hemlock, 34 ins. diam., with two hack marks on E. and W. sides.
122.03	Creek, 2 lks. wide, 1 in. deep, course SE.
124.80	Creek, 6 lks. wide, 4 ins. deep, course S.
126.75	Line tree, a hemlock, 40 ins. diam., with two hack marks on E. and W. sides.
144.00	Point for cor. No. 4, Lot 3.
	Set an iron post, 28 ins. long, 2½ ins. diam., 24 ins. in the ground, with brass cap mkd.  L3 C4 S5504 1969 from which A hemlock, 10 ins. diam., bears S. 9° E., 74 lks. dist., mkd. S5504 L3 C4 BT. A hemlock, 36 ins. diam., bears S. 60° W., 34 lks. dist., mkd. S5504 L3 C4 BT. A hemlock, 28 ins. diam., bears N. 22° W., 33 lks. dist., mkd. X BT.
	N. 56° 08' E., on line 4-5, Lot 3. Descend SE. slope through dense timber and undergrowth.
0.22	Line tree, a hemlock, 36 ins. diam., with two hack marks on NE. and SW. sides.
3.00	Draw, drains SE.
13.10	Creek, 2 lks. wide, 2 ins. deep, course SE.
14.21	Line tree, a hemlock, 40 ins. diam., with two hack marks on NE. and SW. sides.
20.48	Line tree, a hemlock, 36 ins. diam., with two hack marks on NE. and SW. sides.
31.50	Draw, drains S.; ascend along S. slope.
42.00	Point selected for witness point No. 4, Lot 3.
	Set a steel rod monument, 36 ins. long, 5/8 in. diam., 28 ins. in the ground, with brass cap mkd.

U. S. SURVEY NO. 5504, LOT 3

CHAINS	
	 WP 4 S5504 L3 1969 from which A hemlock, 8 ins. diam., bears S. 22° W., 39 lks. dist., mkd. S5504 L3 WP4 BT. A spruce, 8 ins. diam., bears N. 28° W., 38 lks. dist., mkd. X BT.
44.10	Ascend steep SW. slope.
44.80	Top of slope; continue ascending over S. slope through timber and undergrowth.
51.25	Line tree, a hemlock, 36 ins. diam., with two hack marks on NE. and SW. sides.
56.06	Line tree, a spruce, 40 ins. diam., with two hack marks on NE. and SW. sides.
57.60	Creek, 2 lks. wide, 1 in. deep, course SE.; ascend steep SW. slope.
61.80	Top of ascent; descend over E. slope through timber and undergrowth.
67.40	Creek, 6 lks. wide, 6 ins. deep, course S.
71.30	Creek, 6 lks. wide, 4 ins. deep, course SE.
73.00	Creek, 2 lks. wide, 2 ins. deep, course SE.
75.40	Creek 3 lks. wide, 2 ins. deep, course S.; ascend SW. slope through timber and undergrowth.
76.57	Line tree, a spruce, 16 ins. diam., with two hack marks on NE. and SW. sides.
84.00	Point selected for witness point No. 5, Lot 3. Set a steel rod monument, 36 ins. long, 5/8 in. diam., 30 ins. in the ground, with brass cap mkd.  WP 5 S5504 L3 1969 from which A hemlock, 30 ins. diam., bears S. 65° E., 29 lks. dist., mkd. S5504 L3 WP5 BT. A spruce, 10 ins. diam., bears N. 29° W., 35 lks. dist., mkd. X BT. Ascend SW. slope through timber and undergrowth.
87.70	Descend NE. slope through timber and undergrowth.
92.00	Creek, 2 lks. wide, 2 ins. deep, course SE.
102.00	Creek, 3 lks. wide, 2 ins. deep, course E.

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U. S. SURVEY NO. 5504, LOT 3

CHAINS 105.40	Creek, 2 lks. wide, 1 in. deep, course SE.										
112.70	Creek, 10 lks. wide, 8 ins. deep, course S.										
126.40	Point for cor. No. 5, Lot 3, identical with cor. No. 13, Mineral Survey No. 526, mkd. by a scattered mound of stones. This position is harmoniously related to topographical features as shown on the original plat. The corner is located on top and approximately one chain northwesterly from the vertical right cut bank of Lemon Creek, and is accepted as the best existing evidence of the position of the original cor. At the cor. point. Set an iron post, 28 ins. long, 2½ ins. diam., 24 ins. in the ground, with brass cap mkd.  MS 526 C13 C5 L3 S5504 1969 from which A hemlock, 16 ins. diam., bears S. 41° E., 11 lks. dist., mkd. X BT. A hemlock, 12 ins. diam., bears S. 3° E., 51 lks. dist., mkd. X BT. A hemlock, 10 ins. diam., bears S. 74° W., 39 lks. dist., mkd. X BT. Rebuild the mound of stone, 2 ft. base, around the post to top. Thence southwesterly along the westerly boundary of Mineral Surveys Nos. 526 and 609 with record bearings and distances repeated from the official records as follows: <table border="0"> <tr> <td>S. 45° 04' W., 2.70 chs.</td><td>To point for cor. No. 6, Lot 3, identical with cor. No. 12, Mineral Survey No. 526.</td></tr> <tr> <td>S. 33° 58' W., 3.17 chs.</td><td>To point for cor. No. 7, Lot 3 identical with cor. No. 11, Mineral Survey No. 526.</td></tr> <tr> <td>S. 23° 00' W., 3.05 chs.</td><td>To point for cor. No. 8, Lot 3, identical with cor. No. 10, Mineral Survey No. 526.</td></tr> <tr> <td>S. 9° 36' W., 3.06 chs.</td><td>To point for cor. No. 9, Lot 3, identical with cor. No. 9, Mineral Survey No. 526.</td></tr> <tr> <td>S. 17° 51' W., 3.03 chs.</td><td>To point for cor. No. 10, Lot 3, identical with cor. No. 8, Mineral Survey No. 526.</td></tr> </table>	S. 45° 04' W., 2.70 chs.	To point for cor. No. 6, Lot 3, identical with cor. No. 12, Mineral Survey No. 526.	S. 33° 58' W., 3.17 chs.	To point for cor. No. 7, Lot 3 identical with cor. No. 11, Mineral Survey No. 526.	S. 23° 00' W., 3.05 chs.	To point for cor. No. 8, Lot 3, identical with cor. No. 10, Mineral Survey No. 526.	S. 9° 36' W., 3.06 chs.	To point for cor. No. 9, Lot 3, identical with cor. No. 9, Mineral Survey No. 526.	S. 17° 51' W., 3.03 chs.	To point for cor. No. 10, Lot 3, identical with cor. No. 8, Mineral Survey No. 526.
S. 45° 04' W., 2.70 chs.	To point for cor. No. 6, Lot 3, identical with cor. No. 12, Mineral Survey No. 526.										
S. 33° 58' W., 3.17 chs.	To point for cor. No. 7, Lot 3 identical with cor. No. 11, Mineral Survey No. 526.										
S. 23° 00' W., 3.05 chs.	To point for cor. No. 8, Lot 3, identical with cor. No. 10, Mineral Survey No. 526.										
S. 9° 36' W., 3.06 chs.	To point for cor. No. 9, Lot 3, identical with cor. No. 9, Mineral Survey No. 526.										
S. 17° 51' W., 3.03 chs.	To point for cor. No. 10, Lot 3, identical with cor. No. 8, Mineral Survey No. 526.										

U. S. SURVEY NO. 5504, LOT 3

CHAINS	
S. 24° 40' E., 4.06 chs.	To point for cor. No. 11, Lot 3, identical with cor. No. 7, Mineral Survey No. 526.
N. 73° 00' W., 3.83 chs.	To point for cor. No. 12, Lot 3, identical with cor. No. 6, Mineral Survey No. 526.
S. 20° 52' E., 9.43 chs.	To point for cor. No. 13, Lot 3, identical with cor. No. 5, Mineral Survey No. 526.
S. 15° 40' W., 13.03 chs.	To point for cor. No. 14, Lot 3, identical with cor. No. 4, Mineral Survey No. 526.
S. 66° 30' E., 1.52 chs.	To point for cor. No. 15, Lot 3, identical with cor. No. 3, Mineral Survey No. 526.
S. 20° 17' W., 26.44 chs.	To point for cor. No. 16, Lot 3, identical with cor. No. 2, Mineral Survey No. 526.
S. 45° 23' W., 2.31 chs.	To point for cor. No. 17, Lot 3, identical with cor. No. 1, Mineral Survey No. 526.
S. 89° 17' W., 8.23 chs.	To point for cor. No. 18, Lot 3, identical with cor. No. 55, Mineral Survey No. 526.
N. 55° 19' W., 10.12 chs.	To point for cor. No. 19, Lot 3, identical with cor. No. 54, Mineral Survey No. 526.
S. 82° 34' W., 10.75 chs.	To point for cor. No. 20, Lot 3, identical with cor. No. 53, Mineral Survey No. 526 and cor. No. 10, Mineral Survey No. 609.
S. 0° 59' W., 38.07 chs.	To point for cor. No. 21, Lot 3, identical with cor. No. 9, Mineral Survey No. 609.
S. 35° 13' W., 18.72 chs.	To point for cor. No. 22, Lot 3, identical with cor. No. 8, Mineral Survey No. 609.
S. 66° 30' W., 2.54 chs.	To true point for cor. No. 23, Lot 3, and cor. No. 2, U.S. Survey No. 2557 determined at proportionate distance, falls in a fill area near right bank of Lemon Creek, an unsafe place for permanency of the cor. There is no remaining evidence of the original cor.
N. 62° 59' W., on line 23-24, Lot 3, identical with the dependent resurvey of a portion of line 2-1, U.S. Survey No. 2557 and with line ½ mile cor. and cor. No. 11, U.S. Survey No. 1762.	
Over level fill area.	

55

U. S. SURVEY NO. 5504, LOT 3

CHAINS
1.50

Point selected for the witness cor. No. 23, Lot 3, and witness cor. No. 2, U.S. Survey No. 2557.

Set an iron post, 28 ins. long, 2 $\frac{1}{2}$ ins. diam., 24 ins. in the ground, with brass cap mkd.

S5504
L3 C23
S2557 WC
C2 MS 609
1969

from which

A spruce, 4 ins. diam., bears N. 48° W., 61 lks. dist., mkd. X BT.

SE. cor. of State of Alaska Correctional Detention concrete building, 120 x 280 ft., long side extends N. 45° W., bears N. 47° E., 6.75 chs. dist.

Raise a mound of stone, 2 ft. base, 1 ft. high, NW. on line, 3 ft. dist.

Enter timber and brush er nearly level land.

7.20 Graded road, extends S. 67° W. and curves easterly.

28.55 Point for cor. No. 24, Lot 3, identical with cor. No. 11, U.S. Survey No. 1762, cor. No. 1, U.S. Survey No. 2557, and cor. No. 4, U.S. Survey No. 204, monumented with an iron post, 2 ins. diam., extending 10 ins. above ground, firmly set, mkd. as described in the official record of U.S. Survey No. 2557.

There is no remaining evidence of the original bearing trees.

I add marks to the brass cap to now read:

S5504
L3 C24
C11 S2557
FE C1
S1762
S204 1941
C4
1927
1969

from which new bearing trees

A spruce, 10 ins. diam., bears N. 20° E., 127 lks. dist., mkd. S5504 L3 C24 BT.

A spruce, 14 ins. diam., bears S. 65° E., 41 lks. dist., mkd. S5504 L3 C24 BT.

WEST, on line 24-25, Lot 3, identical with line 4-3, U.S. Survey No. 204 and 11-10, U.S. Survey No. 1762, recording the record bearing and dist.

U. S. SURVEY NO. 5504, LOT 3

CHAINS	Over nearly level land through dense timber and undergrowth. Topography of this line is given in the official records.														
40.00	Point for cor. No. 25, Lot 3, identical with cor. No. 19, U.S. Survey No. 1762 and cor. No. 3, U.S. Survey No. 204, monumented with an iron post, 2 ins. diam., extending 10 ins. above ground, firmly set, mkd. and witnessed as described in the official record of U.S. Survey No. 1762. I add marks to the brass cap to now read: <table> <tr><td colspan="2">S5504</td></tr> <tr><td>L3</td><td>C10</td></tr> <tr><td>C25</td><td>FE</td></tr> <tr><td></td><td>S1762</td></tr> <tr><td></td><td>S204</td></tr> <tr><td></td><td>C3</td></tr> <tr><td colspan="2">1927-69</td></tr> </table> SOUTH, on line 25-26, Lot 3, identical with line 10-9, U.S. Survey No. 1762, and a portion of line 3-2, U.S. Survey No. 204, recording the record bearing and dist. Over nearly level land through dense timber and undergrowth. Topography of this line is given in the official records.	S5504		L3	C10	C25	FE		S1762		S204		C3	1927-69	
S5504															
L3	C10														
C25	FE														
	S1762														
	S204														
	C3														
1927-69															
5.00	Point for cor. No. 26, Lot 3, identical with cor. No. 9, U.S. Survey No. 1762 and cor. No. 4, U.S. Survey No. 2121, monumented with an iron post, 2 ins. diam., extending 10 ins. above ground, firmly set, mkd. and witnessed as described in the official record of U.S. Survey No. 2121. I add marks to the brass cap to now read: <table> <tr><td colspan="2">S5504</td></tr> <tr><td>L3</td><td></td></tr> <tr><td>C26</td><td>C9</td></tr> <tr><td></td><td>FE</td></tr> <tr><td>C4</td><td>S1762</td></tr> <tr><td>S2121</td><td></td></tr> <tr><td colspan="2">1927-69</td></tr> </table> from which U.S. Coast and Geodetic Survey triangulation station GRAVEL 1959, monumented with a standard bronze disk in a concrete monument on a grassy knoll on the W. bank near the mouth of Lemon Creek on the east shore of Gastineau Channel, bears S. 2° 04' 30" W., 48.25 chs. dist. S. 83° 11' W., on line 26-27, Lot 3, identical with the dependent resurvey of line, cor. No. 4 - ½ mile post, U.S. Survey No. 2121 and cor. No. 9 - ½ mile post, U.S. Survey No. 1762.	S5504		L3		C26	C9		FE	C4	S1762	S2121		1927-69	
S5504															
L3															
C26	C9														
	FE														
C4	S1762														
S2121															
1927-69															
9.84	Point for cor. No. 27, Lot 3, identical with the ½ mile post on line 8-9, U.S. Survey No. 1762, (and ½ mile post on line 3-4, U.S. Survey No. 2121) monumented with an iron post, 1 in. diam., extending 10 ins. above ground, firmly set, mkd. and witnessed as described in the														

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U. S. SURVEY NO. 5504, LOT 3

	CHAINS	official record of U.S. Survey No. 1762. I add marks to the brass cap to now read: S5504 L3 C27 $\frac{1}{2}$M FE S1762 1927-69 S. 83° 22' W., on line 27-28, Lot 3, identical with the dependent resurvey of a portion of line $\frac{1}{2}$ mile post-cor. No. 3, U.S. Survey No. 2121, and $\frac{1}{2}$ mile post-cor. No. 8, U.S. Survey No. 1762. Ascend gentle S. slope through dense timber and undergrowth. Topography of this line is given in the official records. 22.00 Point for cor. No. 28, Lot 3 and cor. No. 4, Lot 6. Set an iron post, 28 ins. long, 2$\frac{1}{2}$ ins. diam., 24 ins. in the ground, with brass cap mkd. S5504 L6 L3 C4 C28 S2121 1969 from which A spruce, 34 ins. diam., bears N. 29° E., 45 lks. dist., mkd. S5504 L3 C28 BT. A hemlock, 10 ins. diam., bears N. 50° W., 91 lks. dist., mkd. S5504 L6 C4 BT. Cor. No. 3, U.S. Survey No. 2121, identical with cor. No. 4, U.S. Survey No. 3258 and cor. No. 8, U.S. Survey No. 1762, hereinafter described, bears S. 83° 22' W., 17.94 chs. dist. NORTH, on line 28-29, Lot 3, identical with line 4-3, Lot 6. Ascend gentle SE. slope through dense timber and undergrowth. 7.00 Left bank creek, 6 lks. wide, 2 ins. deep, course SW. from NW. 12.49 Point for cor. No. 29, Lot 3, and cor. No. 3, Lot 6. Set an iron post, 28 ins. long, 2$\frac{1}{2}$ ins. diam., 24 ins. in the ground, with brass cap mkd. S5504 L3 L6 C29 C3 1969
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U. S. SURVEY NO. 5504, LOT 3

CHAINS	
	from which A hemlock, 16 ins. diam., bears S. 30° E., 19 lks. dist., mkd. S5504 L3 C29 BT. A hemlock, 10 ins. diam., bears S. 86° W., 32 lks. dist., mkd. S5504 L6 C3 BT.
	WEST, on line 29-30, Lot 3, identical with line 3-2, Lot 6. Ascend general S. slope through dense timber and under- growth.
0.30	Creek, 2 lks. wide, 1 in. deep, course S.
2.35	Line tree, a spruce, 16 ins. diam., with two hack marks on N. and S. sides.
2.80	Creek, 6 lks. wide, 2 ins. deep, course S.
9.60	Creek, 4 lks. wide, 2 ins. deep, course SE.; ascend NE. slope through timber and undergrowth.
13.00	Point for cor. No. 30, Lot 3, and cor. No. 2, Lot 6. Set an iron post, 28 ins. long, 2½ ins. diam., 24 ins. in the ground, with brass cap mkd. S5504 L3 C30 ┌ L6 C2 1969
	from which A spruce, 22 ins. diam., bears S. 57° E., 39 lks. dist., mkd. S5504 L6 C2 BT. A hemlock, 8 ins. diam., bears S. 18° W., 19 lks. dist., mkd. S5504 L3 C30 BT.
	SOUTH, on line 30-31, Lot 3, identical with line 2-1, Lot 6. Descend SW. slope through timber and undergrowth.
5.30	Leave large timber; enter dense undergrowth.
12.50	Creek, 6 lks. wide, 2 ins. deep, course SE.; continue descending through dense small size hemlock, scattered alders, and dense berry brush and devil's clubs.
13.10	Logging trail, extends NE. and SW.
14.00	Intersect line cor. No. 3 - ½ mile post, U.S. Survey No. 2121 and cor. No. 8 - ½ mile post, U.S. Survey No. 1762. Point for cor. No. 31, Lot 3, and cor. No. 1, Lot 6. Set an iron post, 28 ins. long, 2½ ins. diam., 20 ins. in the ground and in a mound of stone, 3 ft. base, to top, with brass cap mkd.

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U. S. SURVEY NO. 5504, LOT 3

CHAINS

S5504
L3 L6
C31 C1
S2121
1969

from which

A hemlock, 6 ins. diam., bears N. $34\frac{1}{2}^{\circ}$ E.,
40 lks. dist., mkd. S5504 L6 C1 BT.

A hemlock, 4 ins. diam., bears S. 25° W.,
17 lks. dist., mkd. X BT.

A hemlock, 8 ins. diam., bears N. $48\frac{1}{2}^{\circ}$ W.,
36 lks. dist., mkd. S5504 L3 C31 BT.

Cor. No. 8, Lot 3, identical with cor.
No. 4, Lot 6, hereinbefore described, bears
N. $83^{\circ} 22'$ E., 13.09 chs. dist.

S. $83^{\circ} 22'$ W., on line 31-32, Lot 3, identical with the
dependent resurvey of a portion of line $\frac{1}{2}$ mile post cor.
No. 3, U.S. Survey No. 2121 and $\frac{1}{2}$ mile post cor. No. 8,
U.S. Survey No. 1762.

Ascend SE. slope through timber and undergrowth. Topog-
raphy of this line is given in the official records.

4.85 Point for cor. No. 32, Lot 3, identical with cor. No. 3,
U.S. Survey No. 2121, cor. No. 4, U.S. Survey No. 3258,
and cor. No. 8, U.S. Survey No. 1762, monumented with an
iron post, 2 ins. diam., extending 3 ins. above ground,
firmly set, mkd. and witnessed as described in the
official record of U.S. Survey No. 3258.

I add marks to the brass cap to now read.

S5504
L3 C32
S3258 C8
C4 FE
LOT 32 S1762
C3 C3
S2121
1927
1969

N. $81^{\circ} 26'$ W., on line 32-1, Lot 3, identical in part
with line 4-3, U.S. Survey No. 3258 and line 3-2, U.S.
Survey No. 3259, recording the record bearings and dists.

Ascend over broken S. slope through timber and under-
growth. Topography of this line and monument descrip-
tions are given in the official records. No additional
marks were added to the monuments along this line.

52.65 Cor. No. 1, Lot 3, identical with cor. No. 15, H.E.
Survey No. 174 (U.S. Survey No. 1568); cor. No. 2, U.S.
U.S. Survey No. 3259; and cor. No. 1, U.S. Survey No.
3801, point of beginning of Lot 3.

Containing 855.21 acres.

U. S. SURVEY NO. 5504, LOT 4

CHAINS

LOT 4

Begin at cor. No. 1, Lot 4, identical with cor. No. 12, U.S. Survey No. 1762 on top of a rocky outcrop on top of Blackerby Ridge, elevation 2800 ft., monumented with a brass cap from a 1 in. iron post cemented in bedrock and in a mound of stone.

I add marks to the brass cap to now read:

S5504
L4
C1
C12
FES 1762
1927
1969

Lat. 58° 21' 04.10" N., Long. 134° 26' 43.06" W.

from which

U.S. Coast and Geodetic Survey triangulation station SALMON 1936, monumented with a standard bronze disk cemented in a boulder extending 3 ins. above flat grass-covered ground on the SW. side of Gastineau Channel, bears S. 32° 56' 12" W., 181.10 chs. dist.

U.S. Coast and Geodetic Survey triangulation station BILL (U.S.E.) 1959, monumented with a standard U.S.E. round bronze disk set in a concrete and rock cairn, flush with the ground on a prominent point about 25 ft. from high water, bears S. 83° 49' 58" W., 406.39 chs. dist.

U.S. Coast and Geodetic Survey triangulation station EDDIE 1959, hereinbefore described in Lot 2, bears N. 85° 05' 56" W., 356.84 chs. dist.

Cor. No. 7, U.S. Survey No. 1762, identical with cor. No. 2, meander cor., U.S. Survey No. 2121, monumented with an iron post, 2 ins. diam., 10 ins. above ground, mkd. and witnessed as described in the official record of U.S. Survey No. 2121, bears N. 79° 16' 34" W., 228.25 chs. dist.

Cor. No. 9, U.S. Survey No. 1762, identical with cor. No. 4, U.S. Survey No. 2121, and cor. No. 26, Lot 3; this survey, hereinbefore described, bears N. 69° 56' 11" W., 186.06 chs. dist.

Rebuild the mound of stone, 5 ft. diam., 4 ft. high, around the cor.

N. 62° 59' W., on line 1-2, identical with a portion of line 12-11, U.S. Survey No. 1762.

Descend over NW. mountainous slopes through timber and undergrowth. Topography of this line and the description of the 1-mile and 1½-mile cors. are given in the official record of U.S. Survey No. 1762.

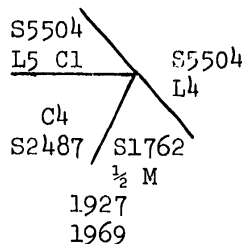
U. S. SURVEY NO. 5504, LOT 4

CHAINS

111.27

Cor. No. 1, Lot 5, this survey hereinafter described, identical with the $\frac{1}{2}$ -mile cor. from cor. No. 11, U.S. Survey No. 1762 and cor. No. 4, U.S. Survey No. 2487, monumented with an iron post, 1 in. diam., 10 ins. above ground, firmly set, mkd. and witnessed as described in the official record of U.S. Survey No. 2487.

I add marks to the brass cap to now read.

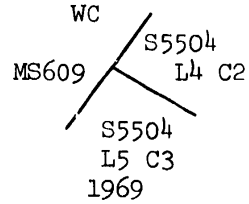


Descend W. slope through clearing and undergrowth.

114.15

Point selected for the witness cor. No. 2, Lot 4, and witness cor. No. 3, Lot 5.

Set an iron post, 28 ins. long, $2\frac{1}{2}$ ins. diam., 20 ins. in the ground, with brass cap mkd.



from which

A hemlock, 12 ins. diam., bears N. 54° E., 49 lks. dist., mkd. S5504 C2 L4 WC BT.

Raise a mound of stone, 3 ft. base, 2 ft. high, SE. on line, 3 ft. dist.

115.04

True point for cor. No. 2, Lot 4, identical with the true point for cor. No. 3, Lot 5 determined at intersection of line $\frac{1}{2}$ -mile cor. to cor. No. 11, U.S. Survey No. 1762, with the record bearing, of line 3-2, Mineral Survey No. 609 produced N. $35^{\circ} 08'$ E. from cor. No. 3, Mineral Survey No. 609, identical to cor. No. 3. U.S. Survey No. 2487 hereinafter described. Point falls on rim of a cut bank of Lemon Creek; an unsafe place for a monument.

Thence northeasterly along the southeasterly boundary of Mineral Surveys Nos. 609, 526, 585 and 582 with record bearings and dist. repeated from the official records as follows:

N. $35^{\circ} 08'$ E., 24.34 chs.	To point for cor. No. 3, Lot 4, identical with cor. No. 2, Mineral Survey No. 609.
N. $5^{\circ} 30'$ W., 33.67 chs.	To point for cor. No. 4, Lot 4, identical with cor. No. 1, Mineral Survey No. 609 and cor. No. 52, Mineral Survey No. 526.
S. $89^{\circ} 16'$ E., 6.01 chs.	To point for cor. No. 5, Lot 4, identical with cor. No. 51,

U. S. SURVEY NO. 5504, LOT 4

CHAINS	Mineral Survey No. 526.
S. 59° 58' E., 11.43 chs.	To point for cor. No. 6, Lot 4, identical with cor. No. 50, Mineral Survey No. 526.
N. 89° 17' E., 8.23 chs.	To point for cor. No. 7, Lot 4, identical with cor. No. 49, Mineral Survey No. 526.
S. 50° 24' W., 1.73 chs.	To point for cor. No. 8, Lot 4, identical with cor. No. 1, Mineral Survey No. 585.
S. 60° 30' E., 22.73 chs.	To point for cor. No. 9, Lot 4, identical with cor. No. 5, Mineral Survey No. 585.
N. 29° 30' E., 10.00 chs.	To point for cor. No. 10, Lot 4, identical with cor. No. 4, Mineral Survey No. 585.
N. 66° 56' W., 18.36 chs.	To point for cor. No. 11, Lot 4, identical with cor. No. 3, Mineral Survey No. 585 and cor. No. 47, Mineral Survey No. 526.
N. 20° 17' E., 26.44 chs.	To point for cor. No. 12, Lot 4, identical with cor. No. 46, Mineral Survey No. 526.
S. 66° 30' E., 2.00 chs.	To point for cor. No. 13, Lot 4, identical with cor. No. 45, Mineral Survey No. 526.
N. 14° 53' E., 16.57 chs.	To point for cor. No. 14, Lot 4, identical with cor. No. 44, Mineral Survey No. 526.
N. 1° 01' E., 22.60 chs.	To point for cor. No. 15, Lot 4, identical with cor. No. 43, Mineral Survey No. 526.
S. 60° 39' E., 8.60 chs.	To point for cor. No. 16, Lot 4, identical with cor. No. 42, Mineral Survey No. 526.
S. 57° 55' E., 12.14 chs.	To point for cor. No. 17, Lot 4, identical with cor. No. 41, Mineral Survey No. 526.
S. 80° 10' E., 13.45 chs.	To point for cor. No. 18, Lot 4, identical with cor. No. 40, Mineral Survey No. 526.
S. 12° 45' W., 4.00 chs.	To point for cor. No. 19, Lot 4, identical with cor. No. 39, Mineral Survey No. 526.
N. 88° 33' E., 23.69 chs.	To point for cor. No. 20, Lot 4, identical with cor. No. 38, Mineral Survey No. 526.
N. 51° 53' E., 6.47 chs.	To point for cor. No. 21, Lot 4, identical with cor. No. 1, Mineral Survey No. 582,

U. S. SURVEY NO. 5504, LOT 4

CHAINS

mkd. by a scattered mound of stones. This position is harmoniously related to adjacent scattered mounds of stone at cors. 2 and 33, Mineral Survey No. 582 and is additionally evidenced by:

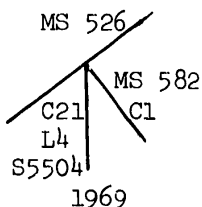
The NE. end of an open cut, 6 x 20 ft., 50 ft. long, which bears N. 61°16' E., 8.64 chs. dist.

A placer ditch, 6 x 3 ft., course W., which bears S. 51° 24' E., 6.63 chs. dist.

And is accepted as the best existing evidence of the position of the original cor.

At the cor. point.

Set an iron post, 28 ins. long, 2½ ins. diam., 24 ins. in the ground, with brass cap mkd.



from which

A spruce, 8 ins. diam., bears S. 65° E., 33 lks. dist., mkd. X BT.

A spruce, 12 ins. diam., bears S. 30° W., 54 lks. dist., mkd. S5504 L4 C21 BT.

A spruce, 24 ins. diam., bears N. 52° W., 61 lks. dist., mkd. X BT.

Rebuild the mound of stone, 2 ft. base, around the cor. to top.

S. 10° 22½' W., on line 21-22, Lot 4.

Over nearly level land through timber and undergrowth.

2.70	Base of slope, extends N. 60° E. and S. 60° W.; ascend NW. slope through timber and undergrowth.
3.20	Top of slope; over level land through dense undergrowth.
8.00	Ascend NW. slope through timber and undergrowth.
10.40	Creek, 10 lks. wide, 3 ins. deep, course NW.
14.80	Creek, 3 lks. wide, 2 ins. deep, course N. 10° W.
21.50	Ascend steep N. slope through timber and undergrowth.
30.00	Ascend steep NE. rocky slope through timber and under-

U. S. SURVEY NO. 5504, LOT 4

CHAINS	
	growth.
32.00	Point selected for witness point No. 1, Lot 4. Set a steel rod monument, 36 ins. long, 5/8 in. diam., 26 ins. in the ground, and in a mound of stone, 3 ft. base to top, with brass cap mkd. WP 1 S5504 / L4 1969 from which A spruce, 8 ins. diam., bears S. 29° E., 33 lks. dist., mkd. X BT. A hemlock, 10 ins. diam., bears S. 87° W., 10 lks. dist., mkd. S5504 L4 WP1 BT. Continue ascent over broken N. rocky slopes through timber and undergrowth.
65.30	Top of rock outcrop at timber line; raise a mound of stone, 2 ft. base, 1 ft. high. Ascend broken NW. slope through scrub hemlock and brush.
68.50	Leave scrub timber and brush; thence ascend along broken NE. rocky slope of ridge to top.
75.19	Point for cor. No. 22, Lot 4, on E. slope of knoll. Set an iron post, 28 ins. long, 2 1/2 ins. diam., 18 ins. in the ground to solid rock, with brass cap mkd. S5504 L4 C22 1969 Raise a mound of stone, 4 ft. base, around the cor. to top, and set a wood post, 5 ft. high, alongside.
	SOUTH, on line 22-1, Lot 4. Along top and broken E. slopes of knoll.
7.00	Enter low brush and alders.
9.60	Point selected for witness point No. 2, Lot 4, in an open area on SE. slope. Set a steel rod monument, 36 ins. long, 5/8 in. diam., 24 ins. in the ground, and in a mound of stone, 2 ft. base, to top, with brass cap mkd. WP 2 S5504 L4 1969 Set a wood post, 5 ft. high alongside.

65

U. S. SURVEY NO. 5504, LOT 4

CHAINS	Descend S. slope through scattered patches of alder and brush.
45.00	Base of slope in narrow saddle; ascend N. broken slope.
46.20	Point selected for witness point No. 3, Lot 4, on narrow ridge, bears SE. and NW. Set a steel rod monument, 36 ins. long, ^{5/8 in. diam.} 20 ins. in the ground, and in a mound of stone, 3 ft. base, to top, with brass cap mkd. WP 3 S5504 L4 1969
	Ascend broken N. slope over moss-covered ground.
63.00	Raise a mound of stone, 3 ft. base, 2 ft. high, on top of narrow moss covered ridge, bears E. and W.; descend S. slope.
67.00	Ascend rocky spur, slopes N.
72.00	Top of ascent; thence along rocky and broken W. slope.
80.00	Cor. No. 1, Lot 4, identical with cor. No. 12, U.S. Survey No. 1762, point of beginning of Lot 4. Containing 1030.80 acres.
LOT 5	
	Begin at cor. No. 1, Lot 5, identical with the 1/2-mile cor. from cor. No. 11, U.S. Survey No. 1762, and cor. No. 4, U.S. Survey No. 2487, monumented with an iron post, 1 in. diam., hereinbefore described in Lot 4. S. 82° 58' W., on line 1-2, Lot 5, identical with the dependent resurvey of line 4-3, U.S. Survey No. 2487. Descend gradual SW. slope through clearing and undergrowth.
5.04	Cor. No. 2, Lot 5, identical with cor. No. 3, U.S. Survey No. 2487, and cor. No. 3, Mineral Survey No. 609, monumented with the remains of the original iron post, 1 in. diam., bent with top missing. Original bearing trees destroyed. At the cor. point. Set an iron post, 28 ins. long, 2 1/2 ins. diam., 24 ins. in the ground, with brass cap mkd.
	from which new bearing trees A hemlock, 6 ins. diam., bears N. 83° E.,

U. S. SURVEY NO. 5504, LOT 5

CHAINS	42 lks. dist., mkd. X BT. A hemlock, 10 ins. diam., bears S. 47° E., 41 lks. dist., mkd. X BT. Deposit the remains of the original monu- ment inverted and alongside the iron post and raise a flat mound of stone, 2 ft. base, around the cor. N. 35° 08' E., on line 2-3, Lot 5, identical with a portion of line 3-2, Mineral Survey No. 609. Over nearly level land through clearing and undergrowth. 2.85 True point for cor. No. 3, Lot 5, identical with the true point for cor. No. 2, Lot 4, falls on top edge of cut bank of Lemon Creek, hereinbefore described and witnessed in Lot 4. S. 62° 59' E., on line 3-1, Lot 5, identical with a portion of line 11-12, U.S. Survey No. 1762, hereinbefore described in Lot 4. Ascend NW. slope through undergrowth. 0.89 Witness cor. No. 2, Lot 4, and witness cor. No. 3, Lot 5, hereinbefore described in Lot 4. 3.77 Cor. No. 1, Lot 5, identical with the ½-mile point from cor. No. 11, U.S. Survey No. 1762, and cor. No. 4, U.S. Survey No. 2487, point of beginning of Lot 5. Containing 0.53 acres. LOT 6 Bearings, distances, and monument descriptions of Lot 6 are hereinbefore described in Lot 3. The area within Lot 6 contains 17.22 acres. AREA The area contained within the survey is as follows: <table> <tr> <td>Lot 1-----</td><td>965.09 Acres</td></tr> <tr> <td>Lot 2-----</td><td>407.64 "</td></tr> <tr> <td>Lot 3-----</td><td>855.21 "</td></tr> <tr> <td>Lot 4-----</td><td>1,030.80 "</td></tr> <tr> <td>Lot 5-----</td><td>0.53 "</td></tr> <tr> <td>Lot 6-----</td><td>17.22 "</td></tr> <tr> <td>Total -----</td><td>3,276.49 Acres</td></tr> </table>	Lot 1-----	965.09 Acres	Lot 2-----	407.64 "	Lot 3-----	855.21 "	Lot 4-----	1,030.80 "	Lot 5-----	0.53 "	Lot 6-----	17.22 "	Total -----	3,276.49 Acres
Lot 1-----	965.09 Acres														
Lot 2-----	407.64 "														
Lot 3-----	855.21 "														
Lot 4-----	1,030.80 "														
Lot 5-----	0.53 "														
Lot 6-----	17.22 "														
Total -----	3,276.49 Acres														

67

U. S. SURVEY NO. 5504

CHAINS	GENERAL DESCRIPTION
	This survey consists of six lots in three separate areas northwest of Juneau, Alaska. Lot 1 is located on the northern end of Douglas Island with a portion consisting of meanders along Fritz Cove. The area drains northerly. Fish Creek, the main creek, flows northwesterly through the central portion of the lot. The North Douglas Road passes through the western portion and a survey line for a proposed road extends southerly through the easterly portion of the lot. Lot 2 is located along the mountain base and side on the easterly side of Mendenhall River Valley north of the Juneau airport. The area drains easterly into Jordan and Duck Creeks. Lots 3, 4, 5 and 6 are located in the Lemon Creek Valley area. Lot 3 extends along the mountain base and side on the northerly side of Glacier Highway near the airport to the mineral surveys along Lemon Creek. The area drains southerly and southeasterly into Gastineau Channel and Lemon Creek. Lot 6 adjoins Lot 3. Lot 4 extends along the easterly side of the Lemon Creek mineral surveys to the top of Blackerby Ridge. The area drains northwesterly into Lemon Creek. Sawmill Creek, the main creek, flows northwesterly through the central portion of the lot. Lot 5 adjoins Lot 4 on the left bank of Lemon Creek. All lots are densely timbered with hemlock and spruce. The undergrowth consists of berry brush, willow, alders, and devil's clubs. The soil consists of black vegetation mold loam over gravel subsoil.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FIELD ASSISTANTS

[illegible]

69

CERTIFICATE OF SURVEY

(I) ~~(We)~~ Hobart B. Hyatt

, HEREBY

CERTIFY upon honor that, in pursuance of special instructions bearing date of the 24th day of April, 19 68 (I) ~~(We)~~ have executed U.S. Survey No. 5504, Lots 1 through 6, and the dependent resurvey of portions of U.S. Surveys Nos. 1762, 2121, 2487, ²⁵⁵⁷ and 3801 situated in the vicinity of Juneau, Alaska.

of the Meridian, in the State of Alaska, which are represented in the foregoing field notes as having been executed by (me), ~~(us)~~ and under (my) ~~(our)~~ direction; and that said survey has been made in strict conformity with said special instructions, the Manual of Instructions for the Survey of the Public Lands of the United States, and in specific manner described in the foregoing field notes.

Sept. 30, 1970
(Date)

Hobart B. Hyatt
(Cadastral Surveyor)

Hobart B. Hyatt
Supervisory Cadastral Surveyor

(Date)

(Cadastral Surveyor)

CERTIFICATE OF APPROVAL

SUBMITTED FOR APPROVAL

Date FEB 9 1973

BUREAU OF LAND MANAGEMENT
Washington, D.C.

The foregoing field notes of the survey of U.S. Survey No. 5504, Lots 1 through 6, and the dependent resurvey of portions of U.S. Surveys Nos. 1762, 2121, 2487, 2557 and 3801 situated in the vicinity of Juneau, Alaska.

executed by Hobart B. Hyatt, Supervisory Cadastral Surveyor
having been critically examined and found correct, are hereby approved.

APR 9 1973

(Date)

Clark F. Shuman
(Chief, Division of Cadastral Survey)

(Chief, Division of Cadastral Survey)

CERTIFICATE OF TRANSCRIPT

I CERTIFY That the foregoing transcript of the field notes of the above-described surveys in
is a true copy of the original field notes.

(Date)

(Chief, Division of Cadastral Survey) GPO 849-626

Presented by: The Manager
Introduced: 01/10/2005
Drafted by: J.W. Hartle

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2296

A Resolution Authorizing the Manager to Negotiate the Disposal of Approximately Ten Acres of Land in the Lemon Creek Area to Home Depot, U.S.A., Inc.

WHEREAS, CBJ 53.09.260(a) provides authority for the Manager to negotiate land sales, if so directed by the Assembly; and

WHEREAS, the City and Borough owns approximately 30 acres of land in the Lemon Creek area which, since 1983, has been used as a gravel pit supplying gravel for CBJ construction projects; and

WHEREAS, the gravel reserves at the existing pit will likely be depleted in one to one and a half years, and CBJ is taking action now to begin developing new gravel sources further up Lemon Creek valley; and

WHEREAS, the 1999 Land Management Plan designated the existing gravel pit as land to be sold for private development once the gravel was removed; and

WHEREAS, portions of the existing gravel pit have already been depleted and could be made available for sale now; and

WHEREAS, Home Depot U.S.A., Inc., has examined the Juneau market, found the economic conditions favorable and has expressed its interest in building a store in Juneau; and

WHEREAS, Home Depot has submitted a letter to the City Manager requesting the opportunity to purchase approximately ten acres of the parcel; and

WHEREAS, the timing of Home Depot's request coincides with CBJ's plans to move its gravel operations to other locations and prepare to sell its existing gravel pit; and

WHEREAS, it is in CBJ's best interest that its property, when sold, be developed rapidly rather than held for speculation; and

WHEREAS, a negotiated land sale to Home Depot allows CBJ to respond in a timely way to a unique opportunity that will allow for rapid commercial development, generate sales and property taxes; and

WHEREAS, negotiations with Home Depot do not preclude CBJ's option to sell land to other businesses in the future, as CBJ has twenty additional acres in the same area that will soon be ready for sale and development; and

WHEREAS, the Assembly Lands Committee has considered this matter, and recommended to the Assembly that it consider a resolution authorizing the Manager to negotiate a sale to Home Depot, U.S.A., Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Authorization to Negotiate the Sale of City Land. The Manager is authorized to negotiate with Home Depot U.S.A., Inc., the sale of approximately ten acres of land within the City and Borough's existing gravel pit at Lemon Creek, consisting of portions of Lots 4 and 5, U.S. Survey 5504, and Tract A, a subdivision of U.S. Survey 7297, for the development of a Home Depot store.

Section 2. Purchase Price. The purchase price shall be fair market value.

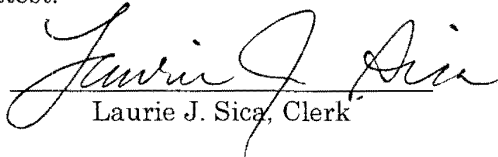
Section 3. Terms and Conditions of Sale. Upon completion of negotiations, the Manager shall forward the proposed terms and conditions of the sale to the Planning Commission and the Assembly for review in accordance with the provisions of CBJ 53.09. The conveyance shall be as authorized by the Assembly by ordinance.

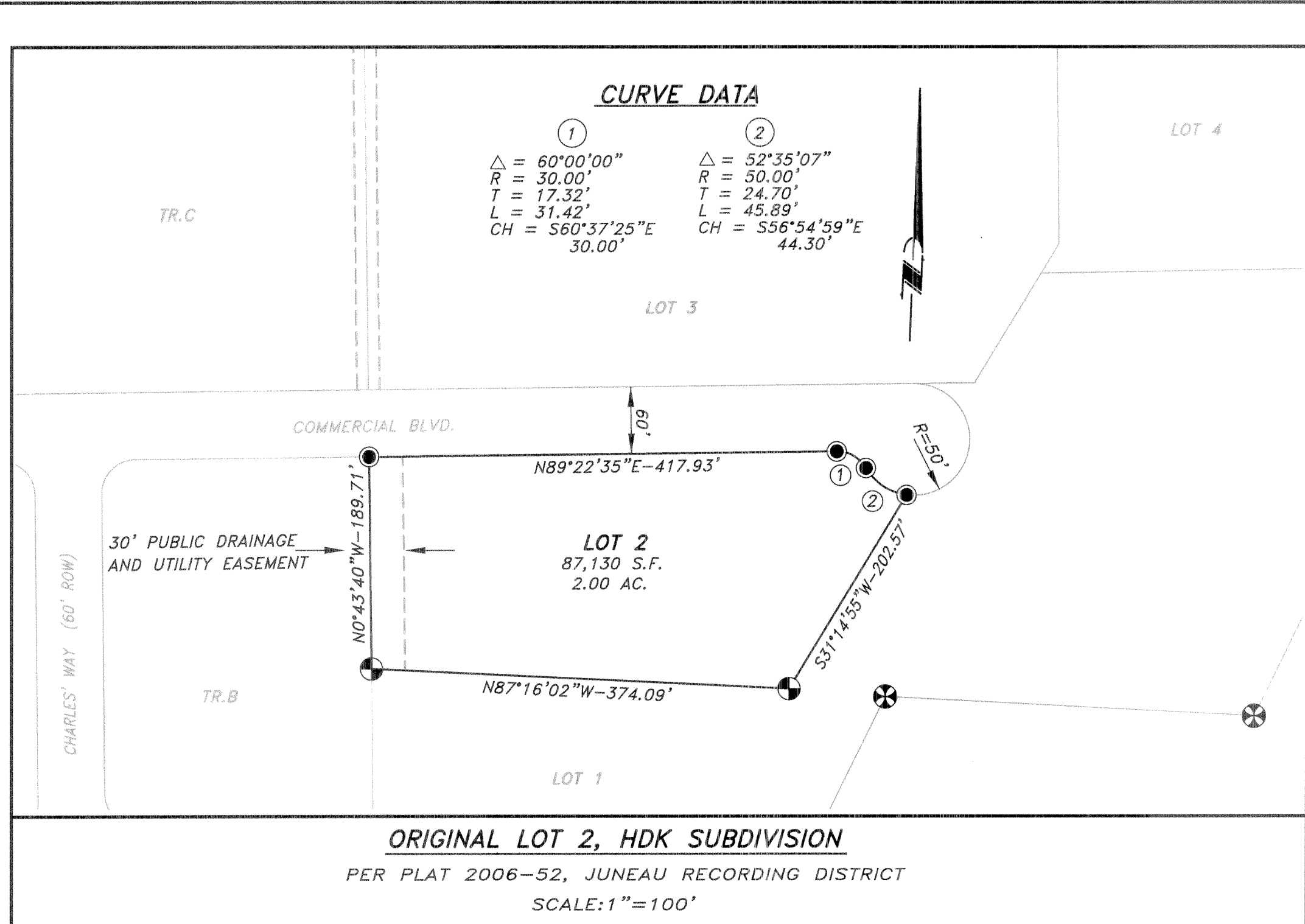
Section 4. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this 10th day of January, 2005.


Bruce Botelho, Mayor

Attest:

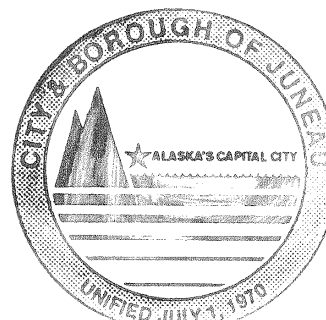

Laurie J. Sica, Clerk



CERTIFICATE OF PLAT APPROVAL

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE TITLE 04 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU DEPARTMENT OF COMMUNITY DEVELOPMENT FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

DATED: 4/10, 2007



ATTEST:

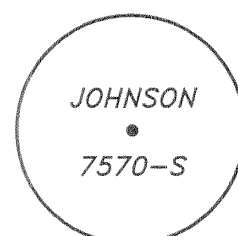
DALE PERNULA, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT
CITY AND BOROUGH OF JUNEAU

LEGEND

- BLM MONUMENT (OF RECORD)
- 7570-S PRIMARY MONUMENT (RECOVERED THIS SURVEY)
- 7570-S SECONDARY MONUMENT (OF RECORD)
- 7570-S SECONDARY MONUMENT (SET THIS SURVEY)
- PROPERTY / BOUNDARY LINE
- EASEMENT LIMITS

TYPICAL MONUMENT

(ESTABLISHED THIS SURVEY)



SECONDARY MONUMENT

1-1/4" DIA. YELLOW PLASTIC SURV-CAP
ON 5/8" DIA. x 36" IRON PIN EXPOSED 2"

**CERTIFICATE OF OWNERSHIP
LOT 2, HDK SUBDIVISION**

I HEREBY CERTIFY THAT I AM AN AUTHORIZED REPRESENTATIVE FOR HOME DEPOT U.S.A., INC. A DELAWARE CORPORATION, THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT HOME DEPOT U.S.A., INC. HEREBY ADOPTS THIS PLAT OF SUBDIVISION WITH ITS FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

DATED THIS 10 DAY OF April, 2007

HOME DEPOT U.S.A., INC., A DELAWARE CORPORATION

BY: Erika M. Strawn
NAME: Erika M. Strawn
ITS: Corporate Counsel

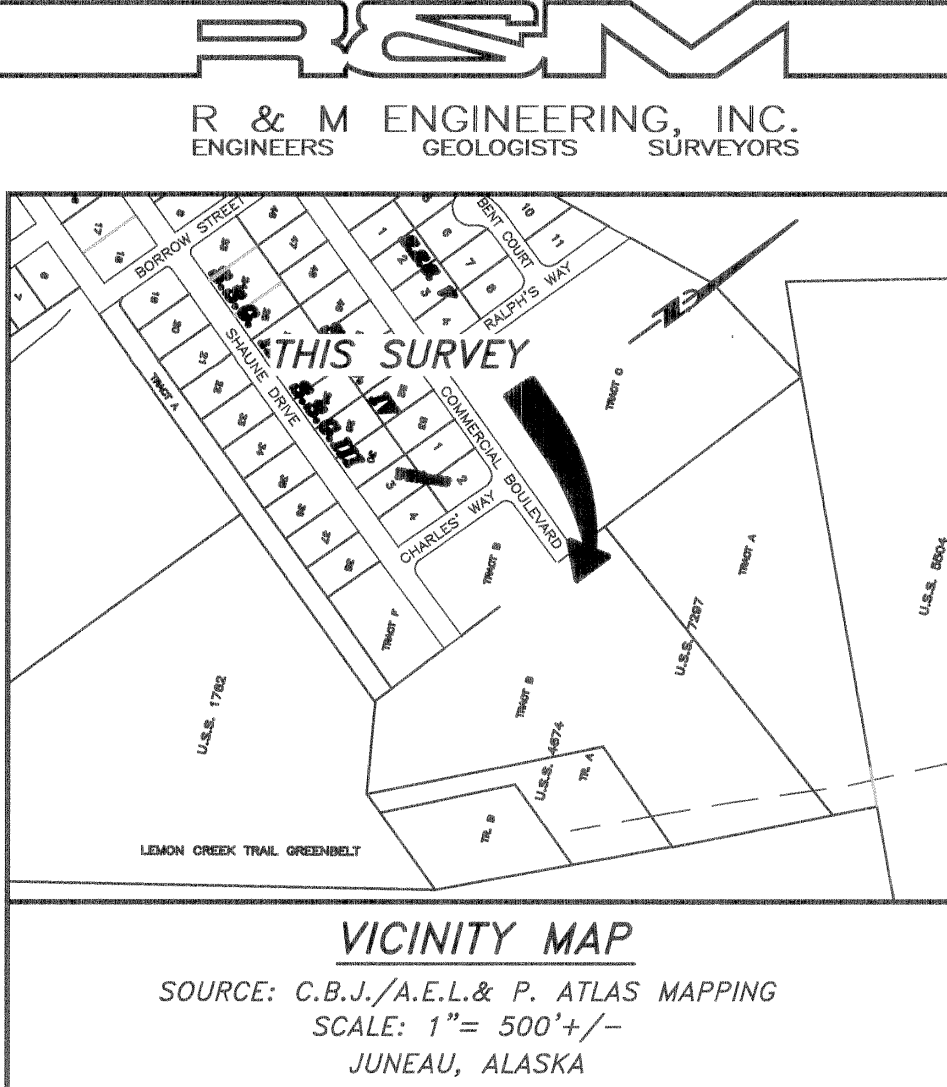
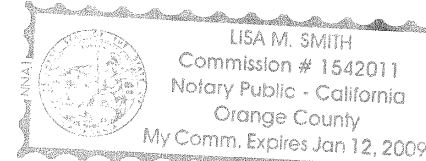
NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss.

ON April 10, 2007, BEFORE ME, Lisa M. Smith, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED Erika M. Strawn, PERSONALLY KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME IN HER AUTHORIZED CAPACITY, AND THAT BY HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

Lisa M. Smith
SIGNATURE OF NOTARY PUBLIC

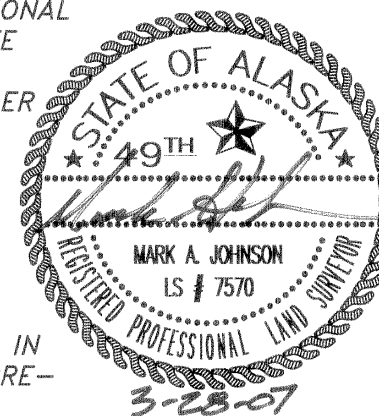


GENERAL NOTES:

- 1.) THE BASIS OF BEARING FOR THIS SURVEY WAS BETWEEN RECOVERED 7570-S PRIMARY MONUMENTS FOR THE SOUTHEAST AND SOUTHWEST CORNERS OF LOT 2, HDK SUBDIVISION HAVING A RECORD BEARING OF N87°16'02"W AS DENOTED BY PLAT NO. 2006-52 ON FILE IN THE JUNEAU RECORDING DISTRICT OFFICE.
- 2.) WHERE RECORD SURVEY COURSES (BEARINGS AND/OR DISTANCES) DIFFER FROM MEASURED AND/OR COMPUTED COURSES BY THIS SURVEY, RECORD SURVEY COUSE IS SHOWN IN PARENTHESIS AND THE FIELD MEASURED AN/OR COMPUTED COURSE IS SHOWN WITHOUT PARENTHESIS.
- 3.) THIS SURVEY WAS CONDUCTED UTILIZING A TOPCON 3002 TOTAL STATION AND STANDARD PRISM RANGING METHODS.
- 4.) DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC FACILITIES.
- 5.) RECORD INFORMATION UTILIZED TO PRODUCE THIS PLAT WAS "A PLAT DENOTING HDK SUBDIVISION, A SUBDIVISION OF TRACT A & B, US SURVEY 7297 AND TR 4-A, ASLS 2004-22, WITHIN THE CITY & BOROUGH OF JUNEAU, JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA" ON FILE IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT AS PLAT NO. 2006-52.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.



CBJ FILE COPY

The official recorded copy of this document is on file at the Juneau Recording District as:
Plat No. 2007-23
Recorded on: 4/10/07
CDD No: SUB2007-15

REC DIST	
DATE	20__
TIME	M
Requested By	
Address	

**A PLAT DENOTING
LOT 2A,
HDK SUBDIVISION**

A LOT LINE ADJUSTMENT OF
LOT 2, HDK SUBDIVISION
WITHIN U.S. SURVEY NO. 7297
CITY & BOROUGH OF JUNEAU,
JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA

OWNER:

THE HOME DEPOT, USA
370 CORPORATE DR. N.
TUKWILA, WA 98188

SHEET 1 OF 1

SURVEYOR:

MARK A. JOHNSON, R.L.S.
R&M ENGINEERING, INC.
6205 GLACIER HIGHWAY
JUNEAU, ALASKA 99801
R&M PROJ. NO. 051706R

DATE: March 28, 2007

SCALE: 1"=50'



(907) 586-0715
 CDD_Admin@juneau.org
 www.juneau.org/CDD
 155 S. Seward Street • Juneau, AK 99801

Commercial Blvd. Rezone for Lot SSG IV TR B & Lot Line Adjustment btw

Lot SSG IV TR B & HDK Lot 2A

Case Number: PAC2021 0005

Applicant: Charles Donart

Property Owner: AKBEV Group LLC

Property Address: 5220 & 5200 Commercial Blvd

Parcel Code Number: 5B1201030030 & 5B1201360051

Site Size: 78,632 square feet & 86,401 square feet

Zoning: Industrial

Existing Land Use: Vacant

Conference Date:	3/3/2021
Report Issued:	3/10/2021

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
Charles Donart	Applicant	cdonart@gmail.com
Shawn Boyle	Applicant's Architect	sean@northwindarch.com
Allison Eddins	Planning	allison.eddins@juneau.org
Charlie Ford	Building	Charlie.ford@juneau.org
Dan Jager	CCFR	dan.jager@juneau.org

Revised 01/29/18

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.

The applicant is seeking a rezone request from Industrial to General Commercial for 5B1201030030 SSG IV TR B (1.8 acres). The rezone request will be proceeded by a Lot Line Adjustment between SSG IV TR B & HDK LT 2A. The lot line adjustment is required to meet to 2 acre minimum lot size for a rezone request. Rezone applications are only accepted in January and July, per CBJ 49.75.110.

CBJ 49.75.120 Restrictions on Rezoning.

Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezoning requests which are substantially the same as a rezoning request rejected within the previous 12 months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.

2013 Comprehensive Plan – Chapter 11 Land Use

Light Industrial – Land to be developed for heavy commercial or light industrial uses such as small-to-medium scale food processing; printing and other business services; wholesale trade; research and development laboratories; light manufacturing processes; metal fabrication; warehousing, trucking; animal kennels; crematoria; indoor and outdoor storage; car, boat and heavy equipment sales; and repair and maintenance activities. Residential units should be limited to caretaker units where the occupant works directly for or owns the business for which the occupant is caretaking.

Planning Division

1. **Zoning** – The current zoning district is Industrial. The applicant is requesting a rezone to General Commercial. Rezone request must be at least two acres or an extension of an existing zoning district. The two lots that are part of this rezone request are 3.78 acres combined. The lots are surrounded by Industrial and Rural Reserve zoning districts.
2. **Setbacks** – Lot SSG IV TR B is bordered by three rights-of-way and therefore does not have to provide a rear yard setback. Setbacks will be front, street side and side.
 - General Commercial:
 - Front, Rear, Street Side and Side = 10'
 - Industrial:
 - Front, Rear and Street Side = 10'
 - Side = 0'
3. **Height** –
 - Industrial:
 - No maximum height restriction
 - General Commercial:
 - 55' feet for primary use
 - 45' for accessory use

4. **Access** –Access for Lot SSG IV TR B can come from either Commercial Blvd. or Charles Way. Access can also come from Shaune Drive when the road is extended and improved to CBJ Street Standards in CBJ 49.35.
5. **Parking & Circulation**– Parking and circulation requirements will be assessed during the CUP (if required) or Building Permit process.
6. **Lot Coverage** – Industrial and General Commercial zoning districts have no maximum lot coverage requirements.
7. **Vegetative Coverage** – Industrial: 5%; General Commercial: 10%
8. **Lighting** – All on-site lighting must be of full cut-off design. Lighting plans must be submitted with CUP & Building Permit applications.
9. **Noise** – Noise impacts will be evaluated during a CUP process, if applicable.
10. **Flood** – Flood Zone X Area of Minimal Flood Hazard (Panel 02110C1551E)
11. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – None known.
12. **Wetlands** – No known wetlands.
13. **Habitat** — 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. No anadromous waterbodies are on the subject parcel, or within 50 feet.
14. **Plat or Covenant Restrictions** –
15. **Traffic** – Traffic will be evaluated during the CUP and/or Building Permit process.
16. **Nonconforming situations** – There are no nonconforming situations present on either lot.

Building Division

17. **Building** – No comments at this point. Building will comment during the CUP and/or Building Permit process.
18. **Outstanding Permits** - None

General Engineering/Public Works

19. **Engineering** – No comments at this point. General Engineering will comment during the CUP and/or Building Permit process.
20. **Drainage** – A drainage plan will be required during the Building Permit process.
21. **Utilities** – Public water and sewer utilities will be required. A full utility construction plan will be required during the Building Permit and/or Subdivision process.

Fire Marshal

22. **Fire Items/Access** –No comments at this point. Fire will comment during the CUP and/or Building Permit Process.

Other Applicable Agency Review

23. N/A

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.

1. [Development Permit application](#) (required for both a Rezone and Lot line adjustment)
2. [Rezone application](#) (Only accepted in January and July)
3. [Subdivision application](#) (Accepted any time)

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.

1. A copy of this pre-application conference report.
2. A preliminary plat for the lot line adjustment and closure report
3. [Preliminary Plat Checklist](#)

Exceptions to Submittal Requirements

Submittal requirements 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.

1. 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. Lot line adjustment fee - \$160.00
2. Rezone Application fee - \$\$600.00 + \$50.00 public notice sign fee and \$100.00 sign deposit (refundable after the public hearing)

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

Submit your Completed Application

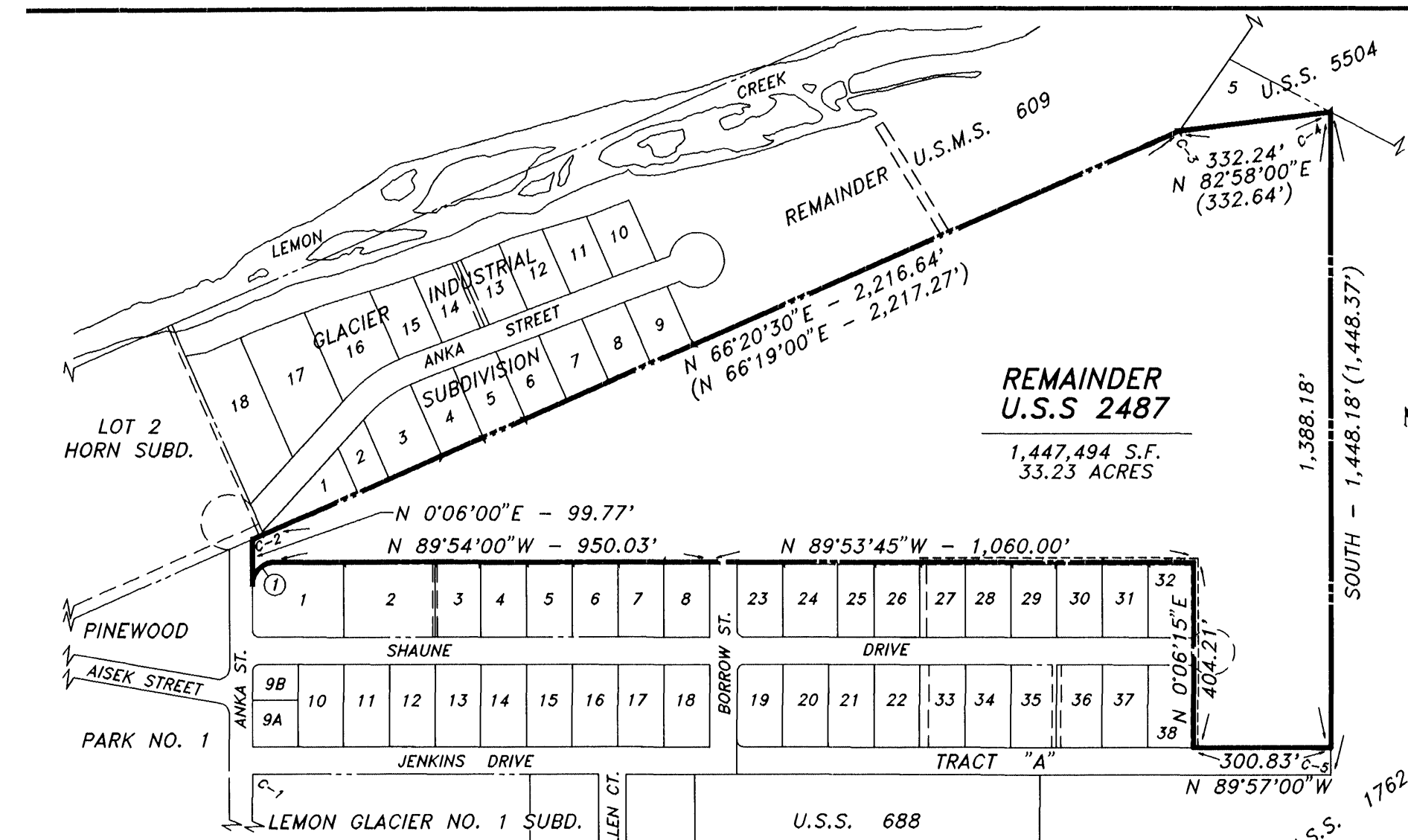
You must submit your application(s) in person with payment made to:

City & Borough of Juneau, Permit Center
230 South Franklin Street
Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715
Fax: (907) 586-4529
Web: www.juneau.org/cdd

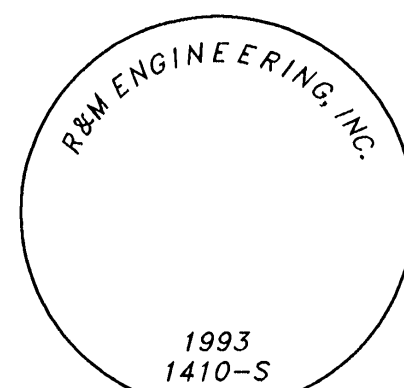
Attachments:

49.75 Article I. REZONINGS



ORIGINAL
REMAINDER U.S.S. NO. 2487

SCALE: 1" = 300'



PRIMARY MONUMENT

3" DIA. ALUMINUM BERNSTEIN FEDERAL
A-1 MONUMENTED CAP ON 2-1/2" DIA.
SHANK SET 24" IN GROUND

SECONDARY MONUMENT

1-1/4" DIA. YELLOW PLASTIC SURV-CAP
ON 3/8" DIA. x 3/8" RE-SHA
SET 34" IN GROUND

TYPICAL MONUMENTS

(ESTABLISHED THIS SURVEY)

CERTIFICATE OF OWNERSHIP

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY (OUR) FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACES TO PUBLIC AND PRIVATE USE AS NOTED.

DATE June 24, 1993

WITNESS [Signature] OWNER Phil S. Healy
By: Kim J. Thurston

WITNESS [Signature] OWNER AS ATTORNEY IN FACT

NOTARY'S ACKNOWLEDGEMENT

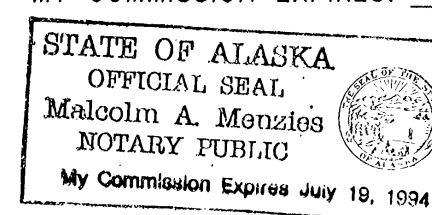
UNITED STATES OF AMERICA } ss.
STATE OF ALASKA }

THIS IS TO CERTIFY THAT ON THIS 24 DAY OF June, 1993
BEFORE THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, APPEARED

TO ME KNOWN AND KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: 7-19-94



WASTEWATER DISPOSAL

THIS SUBDIVISION HAS BEEN APPROVED BY ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR WASTEWATER DISCHARGES TO APPROVED COLLECTOR SEWER SYSTEMS ONLY. OTHER MEANS OF WASTEWATER DISPOSAL ARE PROHIBITED WITHOUT PRIOR APPROVAL FROM THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SUBJECT TO NOTED RESTRICTIONS, THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION APPROVES THIS SUBDIVISION FOR PLATTING. THIS APPROVAL IS BASED ON CRITERIA FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT. NOTE RESTRICTIONS CONCERNING WASTEWATER DISPOSAL.

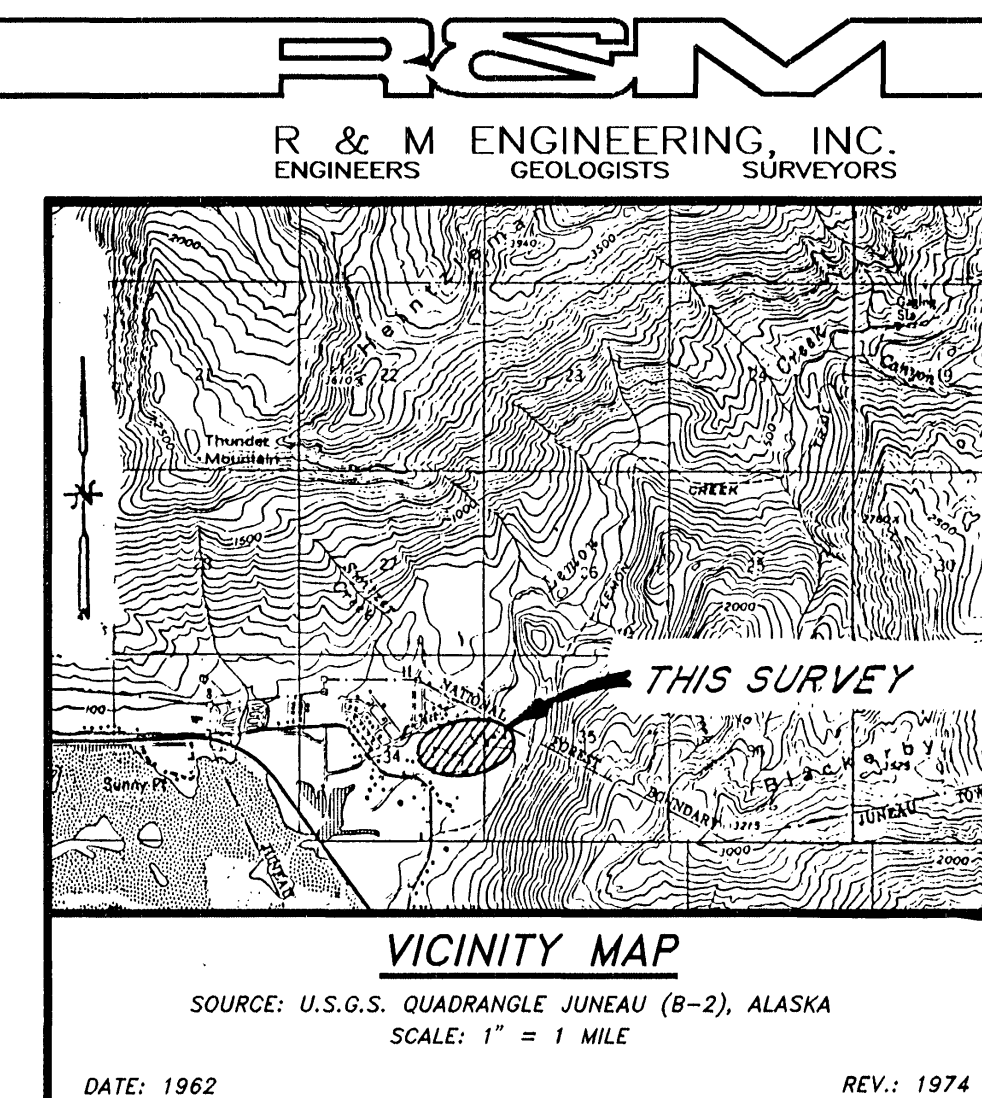
NAME AND TITLE OF ALASKA DEPT. OF ENVIRONMENTAL CONSERVATION APPROVING OFFICIAL

PLANNING COMMISSION CERTIFICATE

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF JUNEAU, ALASKA AND THAT SAID PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION BY PLAT RESOLUTION NO. EP-93-93 DATED May 25, 1993 AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT RECORDING OFFICE, JUNEAU, ALASKA. DATED: June 30, 1993.

ATTEST:
[Signature]
CHAIRMAN
CITY AND BOROUGH OF JUNEAU
PLANNING COMMISSION

CLERK CITY AND BOROUGH OF JUNEAU
PLANNING COMMISSION



VICINITY MAP

SOURCE: U.S.G.S. QUADRANGLE JUNEAU (8-2), ALASKA
SCALE: 1" = 1 MILE

DATE: 1962

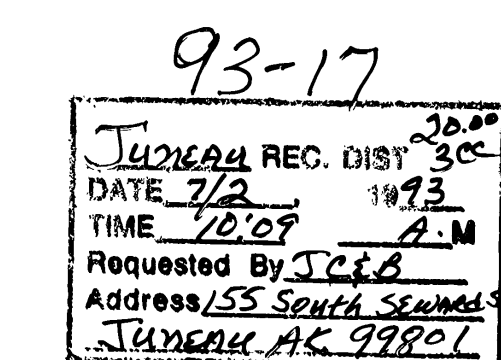
REV.: 1974

SYMBOLS

- 1410-S PRIMARY MONUMENT ESTABLISHED
- 1410-S SECONDARY MONUMENT ESTABLISHED
- ⊕ G.L.O./B.L.M. BRASS CAP MON. (RECOVERED)
- ⊕ PRIMARY MONUMENT BY OTHERS (RECOVERED)
- ⊕ 1410-S PRIMARY MONUMENT (RECOVERED)
- 1410-S SECONDARY MONUMENT (RECOVERED)
- BOUNDARY /PROPERTY LINE
- BOUNDARY/PROPERTY LINE VACATED THIS PLAT

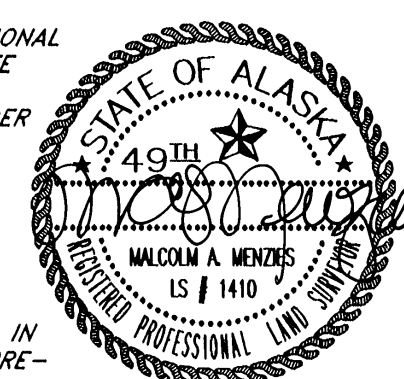
GENERAL NOTES

1. THE BASIS OF BEARING UTILIZED TO CONDUCT THIS SURVEY WAS THE LINE OF SIGHT BETWEEN RECOVERED CORNER NO. 1 AND 2, U.S. SURVEY NO. 2487, HAVING A RECORD BEARING OF N 0°06'00"E.
2. WHERE MEASURED OR COMPUTED SURVEY COURSES (BEARING AND / OR DISTANCES) BY THIS SURVEY DIFFER FROM RECORDED BEARING AND / OR DISTANCES, THE MEASURED OR COMPUTED COURSE IS SHOWN WITHOUT PARENTHESES, WHILE THE RECORD COURSE IS SHOWN WITHIN PARENTHESES, THUS: N 0°06'00"E-513.67' (513.81').
3. ALL BEARINGS HAVE BEEN ROUNDED TO THE NEAREST 0°00'15" OF ARC.
4. ADJACENT PROPERTY LINES DEPICTED HEREON, REFLECT THE CONCURRENT PLATTING OF GLACIER INDUSTRIAL II SUBDIVISION AND THE RE-PLAT OF LOT 2A, HORN SUBDIVISION.



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.



JUNEAU RECORDING DISTRICT A PLAT DENOTING S.S.G. SUBDIVISION PHASE IV

WITHIN THE UN-SUBDIVIDED REMAINDER OF
U.S. SURVEY NO. 2487

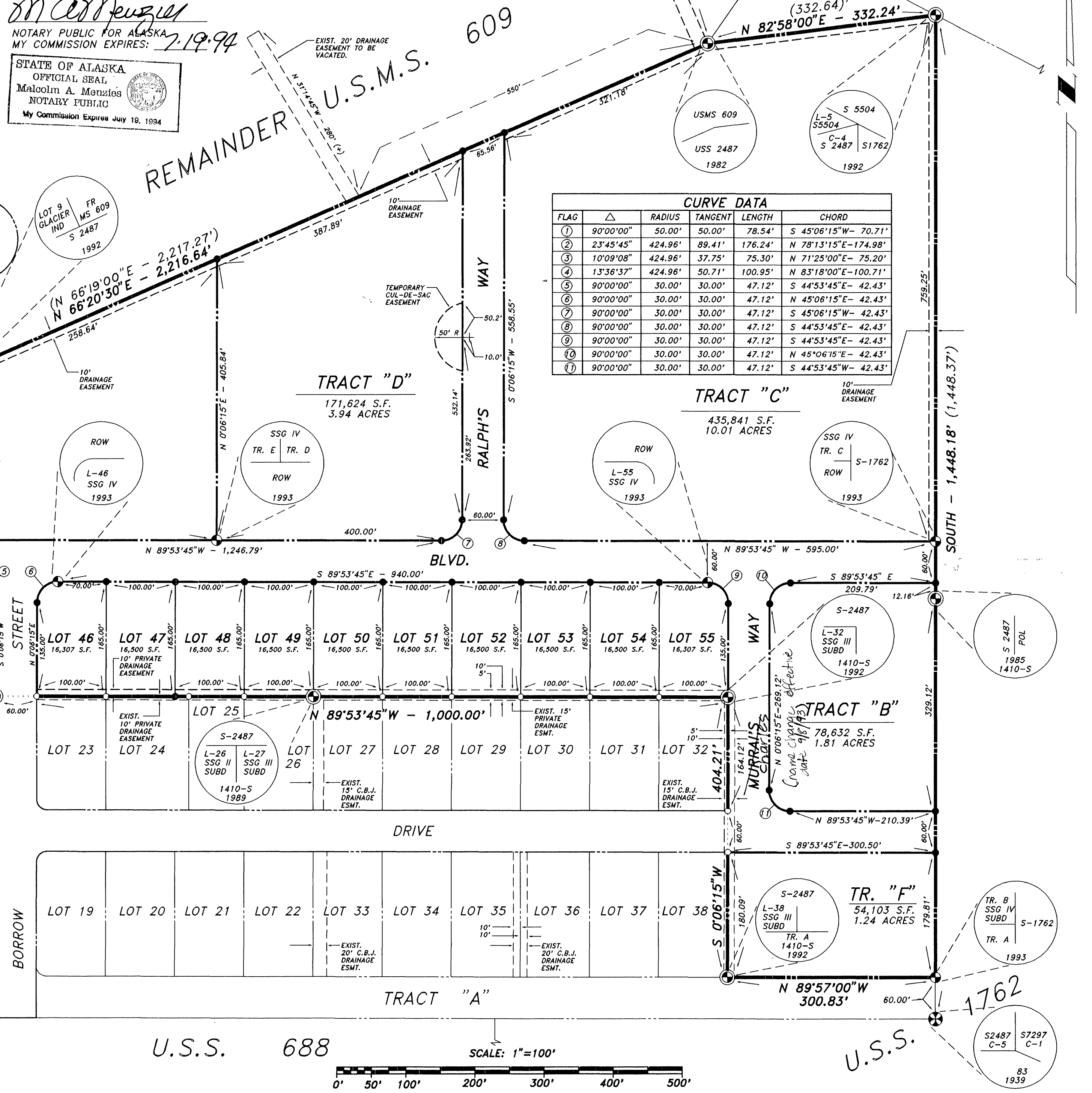
CITY & BOROUGH OF JUNEAU, ALASKA

CLIENT:
RED SAMM CONST.
P.O. BOX 3097
BELLEVUE, WA. 98009

SURVEYOR:
R&M ENGINEERING, INC.
P.O. BOX 34278
JUNEAU, ALASKA 99803
R&M PROJ. NO. 921799

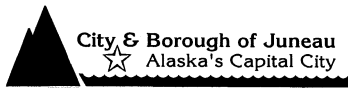
DATE: DEC., 1992

SHEET 1 OF 1



SCALE: 1"=100'

JUNEAU 93-17



BUILDING PERMIT

Permit No.
BLD2009-00504
Proj #: BLD2009-00504

* NOTE: "Building Permit" is a generic term which includes Building Safety Inspection, Grading Permits, and permits for Electrical, Plumbing and Mechanical work.

Your special attention is called to the following:

This permit is granted on the express conditions that the construction shall, in all respects, conform to the ordinances of the City and Borough of Juneau. It may be revoked at any time upon violation of any of said ordinances.

The granting of this permit does not authorize the violation of any federal, state or local law regulating construction for the violation of the terms of any deed or covenant or any zoning or other regulation.

If plan review was required, this permit must be attached to the approved drawings. The permit, plans and record of inspections must be available on site at all times while the construction is in progress and before final inspection.

The yellow posting notice must be prominently displayed to show a permit has been issued and to assist the inspectors in location of the project. This permit becomes null and void if work or construction authorized is not commenced within one year or if work or construction is suspended or abandoned for a period of one year at any time after work has commenced.

Note: City Ordinances REQUIRE a Final Inspection be approved for every Building Permit.

Inspections

Inspections can be arranged by telephoning **586-1703** or by written or faxed notification.

The Online Building Inspection Request Form is at: www.juneau.org/permits/inspect_request.php.

Work shall not proceed until the inspector has approved the various stages of construction. An approved Final Inspection is required.

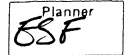
Call before 7:30 AM for same day inspections.

Please provide the following information: 1 Permit Number, 2 Address, 3 Type of Inspection, 4 Date and Time and 5 Contact Name and Phone Number.

Job Address: 5220 COMMERCIAL BLVD		Issued Date: 8/14/2009																
Permit Number: BLD2009-00504	THRHA GRADING	Parcel No: 5B1201030030																
Project Description: Removal of 4500 cy and 600 cy of fill brought on site. Partial grading within Shaune Drive and Jenkins Drive undeveloped right of way.																		
Parcel Identification: SSG IV TR B																		
Setbacks: Zone: Front: Side 1: Rear: Side 2:																		
Comments: Grading only, no buildings or structures proposed at this time. Unmapped wetlands have been delineated - see COE permit in file # POA -2006-2030-D. AUP required for actual project.																		
Owner: TLINGIT HAIDA REGIONAL HOUSING Address: City: JUNEAU, AK 99803		Applicant: TLINGIT HAIDA REGIONAL HOUSING AUTH Address: City: JUNEAU, AK 99803																
<table border="1"><thead><tr><th>Fee Type</th><th>Date</th><th>Receipt</th><th>Amount Paid</th></tr></thead><tbody><tr><td>1 Grading Plan Review</td><td>8/10/2009</td><td>28145</td><td>49.25</td></tr><tr><td>1 Grading Permit Fee</td><td>8/10/2009</td><td>28145</td><td>124.50</td></tr><tr><td colspan="3">Total Fees Paid:</td><td>173.75</td></tr></tbody></table>		Fee Type	Date	Receipt	Amount Paid	1 Grading Plan Review	8/10/2009	28145	49.25	1 Grading Permit Fee	8/10/2009	28145	124.50	Total Fees Paid:			173.75	Valuation for Permit Fee Calculations: Total Valuation: 10752700
Fee Type	Date	Receipt	Amount Paid															
1 Grading Plan Review	8/10/2009	28145	49.25															
1 Grading Permit Fee	8/10/2009	28145	124.50															
Total Fees Paid:			173.75															
Project Conditions and Holds: 1 Will require a maintenance agreement for final approval.																		
Inspections Required: Call for inspection before covering or concealing any of the work described below. Inspections may be combined. 200 Insp - Grading Final																		

JUNEAU PERMIT CENTER - 230 S. Franklin Street - 4th Floor, Marine View Center - Mail: 155 S. Seward Street, Juneau, AK 99801
Phone: 586-0770 - FAX: 586-3365 - Inspection Requests: 586-1703 - Email: permits@ci.juneau.ak.us
Web Site: www.juneau.org/permits

Staff Review Sheet



Permit Intake Initials: AP

FIRE ZONE ENG WAT SEW ARCH STRUC PLUM MECH ELEC ACCESS SPEC/INSP

8/10/2009

Project Name: **THRHA GRADING**

Case No: **BLD2009-00504**

Site Address: **5220 COMMERCIAL BLVD**

Parcel No: **5B1201030030**

Desc: Removal of 4500 cy and 600 cy of fill brought on site. Partial grading within Shaune Drive and Jenkins Drive undeveloped right of way.

Residential MIS GR New Dwelling Units:
 FCC Code: Existing Dwelling Units:
 Type of Construction: Occupancy Class:
 Sprinkler Substitute for Type A Construction: YES NO
 Sprinkler System: FULL PARTIAL NONE Required: YES NO
 Alarm System: FULL PARTIAL NONE Required: YES NO
 Code Edition: Code Review by: Date:

Fees Assessed at Application:

Fee Type	Amount
1 Grading Plan Review	49.25
1 Grading Permit Fee	124.50
Total Fees:	173.75

Valuation at Application:

S.F.	Type	Rate	Amount
--	VALUE	--	
Total Valuation:			

Fees Paid at Application:

Date Paid	Receipt	Check	Paid
8/10/2009	28145	V02598D	173.75
1 Grading Plan Review			49.25
1 Grading Permit Fee			124.50
Total Fees Paid:			173.75

LAND USE

ZONE/UNITS 1/
 WETLAND ND Unknown
 FLOOD ELEV 2
 FIRM ZONE 2
 FIRM MAP 88513
 LOT SIZE 78,632 SF
1.8 ACRES
 SETBACKS
 Front 10
 Rear 10
 Side 10
 Other 10
 PARKING 2
 ANADROMOUS 2
 EAGLES NEST 2

ENGINEERING/PUB WORKS

CITY WATER Units:
 Case No:
 Service Size:
 Fire Line Size:
 Metered:
 Extended Pmt #:
 CITY SEWER Units:
 Case No:
 Bond Case No:
 Other Case No:
 ADEC Sewer No:

PLAN REVIEW APPROVALS

	Initials	Date
Fire		
X Zoning	ESF	8/13/09
X Engineering	RDK	8/14/05
Water		
Sewer		
Architectural		
Structural		
Plumbing		
Mechanical		
Electrical		
Access		
Spcl Insp Form		

PERMIT ISSUANCE FEES

Grading Plan Review Fee	\$
Adjusted Plan Review Fee	\$
Fast Track Fee	\$
Early Start Fee	\$
Building Permit Fee	\$
Water Assessment Fee	\$
Sewer Assessment Fee	\$
Sewer Inspection Fee	\$
Grading Permit Fee	\$
Driveway Permit Fee	\$
Bond for	\$
Other	\$
Total Issuance Fees	\$

LAND USE PERMITS

WATER CONNECTION PERMITS

I hereby acknowledge receipt of
 a inch meter yoke.
 X
 Date

APPROVED FOR ISSUANCE

 Signature
8/14/05
 Date

PERMIT ISSUANCE PAYMENTS

Date	Receipt	Check	Amount
			\$
			\$
			\$

PARCEL TAGS:

CONDITIONS AND HOLDS ON PERMIT: (Continued on back of sheet)

Will require a maintenance agreement as for final
approval

TYPES OF INSPECTIONS

The inspections indicated below are normally required for each permit type. (Staff marks applicable items)

BU (Commercial Buildings)	SF (Single Family - 4 Units)	PB (Plumbing)	WC (Water Connection)
BI (Com. Building Safety Inspection)	BI (Res. Building Safety Inspection)	J100 Underground Utilities	WE (Water Extended)
C100 Setback	D100 Setbacks	J110 Water Piping	WI (Water Inspection)
C110 Excavation/Footing	D110 Excavation/Footing	J120 DWV Piping	FC (Fire Connection)
C120 Forms & Rebar	D115 Stem Walls/Forms/Rebar	J130 Hydronic System	D100 Water Meter/Yoke
C130 Steel/Masonry	D120 Temporary Power	J135 Combustion Air	D105 Water Meter Required
C140 Framing	D140 Rough Framing	J140 Water Heater	D110 Size of Water Service
C145 Special Inspection	D145 Special Inspection	J160 Water Service	D120 Depth (Water) Depth
C150 Insulation/Drywall	D150 Rough Electrical	J165 Specialty Piping	D130 Cross Connection Control
C160 Rated Walls & Assemblies	D160 Rough Plumbing	J170 Oil & Gas Piping	D140 Pressure Test
C170 Smoke Detect. & Alarm Systems	D170 Underslab Utilities	J180 Cross Connection Control	D145 Access to Curb Stop Valve
C175 Carbon Monoxide	D180 Vents (Bath, Dryer, Kitchen, etc.)	J200 Smoke and CO Detection	D147 Thaw Wire
C180 Underground Utilities	D190 Firewall Separation	J500 Plumbing Final	D150 Thaw Waiver
C190 Water Piping Test	D210 Yellow Tag Electrical		D155 ROW Restoration
C210 DWV Piping Test	D220 Appliance/Chimney	MC (Mechanical)	D500 Turn Water OFF
C215 Hydronic System	D230 Smoke and CO Detection	H110 Plenums & Ducts	D510 Seasonal Water Turn Off
C220 Plumbing Fixtures Final	D240 Insulation	H120 Furnace/Boiler	D550 Hold
C250 Cross Connection Control	D250 Cross Connection Control	H130 Inlets & Outlets	D600 Turn Water ON
C255 Meter Yoke with Meter	D255 Meter Yoke	H140 Combustion Air	D610 Seasonal Water Turn On
C265 Oil & Gas Piping/Tanks	D256 Meter Yoke w/ Meter	H150 Compressor	Z080 Billing Authorization - Water
C285 Specialty Piping	D257 Oil & Gas Piping/Tanks	H160 Appliance/Chimney	D800 Water Final
C300 Appliance/Chimney	D260 Grading/Drainage	H165 Specialty Piping	
C301 Combustion Air	D266 ADEC On-Site Sewer Final	H170 Smoke and CO Detection	SC (Sewer Connection)
C400 Ventilation/Plenums & Ducts	D270 Repair/Rehab Exemption	H190 Commercial Hood	SI (Sewer Inspection)
C410 Fire Dampers/Sprinklers	D280 Res Zoning Final	H195 Repair/Rehab Exemption	C100 Depth
C420 Commercial Hoods	D850 Residential Fire Final	H500 Mechanical Final	C110 Soil
C430 Temporary Power	D800 Residential Final		C120 Material
C440 Service/Panel		WS (Wood Stove)	C125 Grade
C450 Conduit & Raceway Systems		K100 Approved Model	C130 Cleanouts
C470 Grading/Drainage		K110 Stove Clearances	
C600 Zoning Final	MS (Install Mobile Home)	K120 Chimney Clearances	
C800 Commercial Fire Final	I100 Setbacks	K130 Hearth	C140 Sewer Connection
C800 Commercial Final	I110 Foundation	K150 Smoke and CO Detection	C150 Sewer Disconnect
	I120 Electrical Hookup	K200 Woodstove Final	Z070 Billing Authorization - Sewer
	I130 Plumbing Hookup		C500 Sewer Final
FS (Fire Sprinkler)	I140 Porches & Stairs	DM (Demolition)	
FA (Fire Alarm)	I150 Skirting	E100 Sewer/Water Capped	GR (Grading)
L100 Pressure Test	I500 Mobile Home Final	E110 Debris Filled	G100 Retaining Walls, etc.
L110 Underground Flush		E120 Excavation Filled	G120 Drainage
L120 Proper Bracing	EC (Electrical)	E130 Electric Safed Off	G130 Slopes
L130 Return Bends	F100 Temporary Power	E500 Demolition Final	G140 Compaction
L140 Head Placement	F110 Building Service		G150 Material
L150 FDC Location	F120 Conduit & Raceway Systems	DW (Driveway)	<u>G200</u> Grading Final
L160 Alarm Panel/Transmitter	F160 Bonding	N160 Location	
L170 Alarm Zones	F170 Grounding	N200 Grade	OW (OWTDS)
L180 Battery/Backup	F180 Devices & Equipment	N210 Width	H100 ADEC On-Site Sewer Final
L190 Phone Connection	F190 Smoke and CO Detection	N330 Headwalls	H110 Asbuilt Survey Required
L200 Reset Procedures	F195 Repair/Rehab Exemption	N350 Culvert	H120 OWTDS Inspection
L210 System Test	F500 Electrical Final	N400 Curb Cut	H130 Installation of Insulation
L220 Detectors Spare		N410 Curb Box/Thaw Wire	H140 Installation of Access and Por
L500 Fire Final		N420 Bond Return Request	
		N800 Driveway Final	

ADDITIONAL CONDITIONS AND HOLDS (STAFF)



Application Date: **August 10, 2009**

BUILDING PERMIT APPLICATION

NOTE: THIS IS NOT A BUILDING PERMIT

* NOTE: "Building Permit" is a generic term which includes Building Safety Inspections, Grading Permits, and permits for Electrical, Plumbing and Mechanical work.

Project Name: **THRHA GRADING**

Case No: **BLD2009-00504**

Project No: BLD2009-00504

Case Description: Removal of 4500 cy and 600 cy of fill brought on site. Partial grading within Shaune Drive and Jenkins Drive undeveloped right of way.

Site Address: **5220 COMMERCIAL BLVD**

Check No. of Existing Dwelling Units:

Parcel No: **5B1201030030**

No. of New Dwelling Units:

Legal Description: **SSG IV TR B**

Applicant: **TLINGIT HAIDA REGIONAL HOUSING A**

Address: **PO BOX 032237**

City: **JUNEAU, AK 99803**

Keith Bell

PH1 780-3113 Keith Bell

FAX 780-6253

CEL 723-9220

Owner: **TLINGIT HAIDA REGIONAL HOUSING**

Address: **PO BOX 032237**

City: **JUNEAU, AK 99803**

PH1 20050318

Contractor: **SOURCE LLC**

Address: **PO BOX 020834**

City: **JUNEAU, AK 99802**

License No: AA-26576

Valuation for Permit Fee Calculations:

Description	S.F	Type	Amount
-------------	-----	------	--------

Total Valuation: _____

Permit Fees Paid at Application:

Fee Type	Date Paid	Receipt	Check or Credit #	Amount Paid
1 Grading Plan Review	8/10/2009	28145	V02598D	49.25
1 Grading Permit Fee	8/10/2009	28145	V02598D	124.50
Total Fees Paid:				173.75

Associated Cases:

None.

Parcel Tags:

Notes and Conditions:

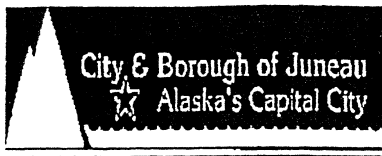

Applicant's Signature
(Owner, Contractor or Authorized Agent)

9-10-09
Date


Staff Acceptance

I hereby certify that I have read and examined this application and know the same to be true and correct. I further certify that all provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. I understand that the granting of a permit does not presume to give authority to violate or cancel the provisions of any other federal, state or local law regulating construction or the performance of construction.

JUNEAU PERMIT CENTER - 230 S. Franklin Street - 4th Floor, Marine View Center - Mail: 155 S. Seward Street, Juneau, AK 99801
Phone: 586-0770 - FAX: 586-3365 - Inspection Requests: 586-1703 - Email: permits@ci.juneau.ak.us
Web Page: [HTTP://WWW.JUNEAU.ORG/PERMITS](http://WWW.JUNEAU.ORG/PERMITS)



4. GRADING PERMIT CHECKLIST

JUNEAU PERMIT CENTER, 4TH FLOOR MARINE VIEW CENTER, (907) 586-5230

All grading must conform with Chapter 18 and Appendix Chapter 33 of the 1997 Uniform Building Code.

Section I:

Case Number: _____

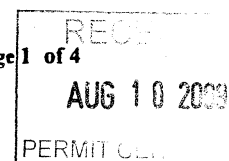
Applicant's Name TLINGIT Haida REGIONAL HOUSING AUTHORITY
Mailing Address P.O. BOX 32237 JUNEAU ALASKA 99803
Phone Number CRAIG MOORE - 780-3130
Project Address CHARLES WAY
Project Parcel Number TRACT B SSG IV SUBDIVISION

Section II:

GRADING PLAN REQUIREMENTS

Grading permit applications must be accompanied by a drawing which graphically shows the grading site and the proposed grading changes. The plan shall show the following features:

- ☒ A. Name, address and phone number of applicant
- ☒ B. Lot number, legal description, and street address of grading site
- ☒ C. Lot boundary lines
- ☒ D. Buildings (existing and proposed)
- ☒ E. All easements affecting lot
- ☒ F. Location of driveway, including width and size of culvert
- ☒ G. Streams, ditches, swales and all other drainage features including locations where drainage leaves the grading site. (PLAN SHALL SHOW ALL DRAINAGE FLOWING INTO AN APPROVED DRAINAGE WAY)
- ☒ H. Location of underground utilities (water, sewer, phone, power, tv)
- ☒ I. Limits of all proposed cuts and fills
- ☒ J. Elevations and dimensions of proposed grading and buildings
- ☒ K. All structures within 15 feet of the boundaries of the site
- ☒ L. Survey of existing terrain shown with, elevations, cross sections or contours



The Building Official may require a more detailed plan and/or survey by licensed professionals for grading on sites with steep slopes, large excavations or fills (greater than 5,000 cubic yards), or for structural fills.

Section III:

Will excavation

☒ YES ☐ NO

How many cubic yards?

APPROX 4800 Cubic Yards

What type of material will be excavated? LOAMY PEAT SOIL

Will excavated material be removed from the site?

☒ YES ☐ NO

How many cubic yards of material will be removed?

4500 Cubic Yards

What is the location of the disposal site? STOCKPILE AT CONCRETE WAY

Has a permit been obtained for the disposal site?

N/A ☐ YES ☒ NO

Will fill be brought on to site?

☒ YES ☐ NO

How many cubic yards?

600 Cubic Yards

What type of material? PITLUM MATERIAL ON SITE - DRABIN ROCK IMPORTED

From where will the material be obtained?

HIDDER VALLEY

Will stumps need to be removed?

☒ YES ☐ NO

Describe method of disposal: HAUL TO APPROVED 545 DISPOSAL SITE

Will erosion protection be required?

☒ YES ☐ NO

Describe method: SLOPED BANKS REVEGETATED W/ SALVAGED MATERIAL

Will a retaining wall be required to hold the cut or fill?

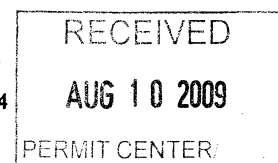
☐ YES ☒ NO

(Note: Walls four feet or greater in height must be designed by a professional engineer licensed in the State of Alaska.)

Section III:

Has a grading plan been stapled to this checklist? (Note: See Grading Plan Requirements on the back of this page.)	YES ✓	NO
If a driveway is to be constructed to a State of Alaska Department of Transportation right-of-way, attach a copy of the ADOT driveway permit. (Note: Glacier Highway, Mendenhall Loop Road, and other major arterial roads in the CBJ are ADOT rights-of-way.) Are ADOT permits required and attached to this checklist?	YES	NO ✓
If grading project will require a well or on-site sanitary sewer disposal, permits from the State of Alaska Department of Environmental Conservation are required. Are ADEC permits required and attached to this checklist?	YES	NO ✓
CBJ Land Use Code may require a Conditional Use Permit be issued by the Planning Commission for Sand and Gravel Extraction. Please respond to the following questions in order to determine if the extraction is exempt from a planning permit.		
Is the extraction a necessary incident to work authorized under a valid building permit for a proposed permitted use?	YES	NO ✓
Has a building permit been issued for the proposed permitted use?	YES	NO ✓
Is the extraction a necessary incident to improvements which are part of an approved subdivision plat?	YES	NO ✓
If associated with subdivision improvement, will the material excavated remain entirely on the property or original tract or parcel subdivided?	YES	NO ✓
Is the extraction less than two feet in depth and not creating a slope greater than five feet in height or steeper than one and one-half horizontal to one vertical?	YES	NO ✓
Does the extraction involve the removal of less than two hundred cubic yards from the lot?	YES	NO ✓
Is the extraction a necessary incident to the location or placement of work located primarily in the public way which is exempt from the building code?	YES	NO ✓
Is the extraction for cemetery graves, excavations for wells or tunnels, utilities or exploratory excavation totaling less than two hundred cubic yards?	YES	NO ✓

A NO answer to one or more of the questions A through H above may indicate that a Conditional Use Permit is required.



DEVELOPMENT PERMIT APPLICATION

(APPLICANT - PLEASE FILL IN THE PROJECT/APPLICANT INFORMATION)

Project Number	CITY and BOROUGH of JUNEAU	Date Received:
Project Name (City Staff to assign name)		

PROJECT / APPLICANT INFORMATION	Project Description <u>DEVELOPMENT OF SITE AND ASSOCIATED OFF-SITE DRAINAGE IMPROVEMENTS TO FACILITATE CONSTRUCTION OF AN OFFICE/WAREHOUSE COMPLEX</u>																
	PROPERTY LOCATION																
	Street Address <u>CHARLES WAY</u>		City / Zip <u>JUNEAU 99801</u>														
	Subdivision (if known)	Survey (if known) <u>SSG IV</u>	Block / Tract (if known) <u>TRACT B</u>	Lot (if known)													
	Assessor's Parcel Number (if known)																
	LANDOWNER / LESSEE																
	Property Owner's Name <u>THANA</u>		Contact by E-Mail: ☒ <u>C.MOORE@thna.org</u>	Contact Person <u>CRAIG MOORE</u>													
	Mailing Address <u>P.O. BOX 32237 - JUNEAU AK 99803</u>		Home Phone No.	Work Phone No. <u>780-3130</u>													
	FAX No.																
	LANDOWNER/LESSEE CONSENT (Required for Planning permits not needed on Building/Engineer permits)		INITIAL ALL THAT MAY APPLY														
I am (we are) the owner(s) or Lessee 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. _____ Landowner/Lessee Signature _____ Date _____ 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 and/or the Design Review Board may visit the property and may do so during the weekend before the scheduled public hearing date.		<table border="1"> <tr> <th>APPLICATION TYPE</th> <th>OWNER'S INITIALS</th> </tr> <tr> <td>ALLOWABLE USE</td> <td></td> </tr> <tr> <td>CONDITIONAL USE</td> <td></td> </tr> <tr> <td>VARIANCE</td> <td></td> </tr> <tr> <td>DESIGN REVIEW</td> <td></td> </tr> <tr> <td>SUBDIVISION</td> <td></td> </tr> <tr> <td>OTHER <u>DH</u></td> <td></td> </tr> </table>		APPLICATION TYPE	OWNER'S INITIALS	ALLOWABLE USE		CONDITIONAL USE		VARIANCE		DESIGN REVIEW		SUBDIVISION		OTHER <u>DH</u>	
APPLICATION TYPE	OWNER'S INITIALS																
ALLOWABLE USE																	
CONDITIONAL USE																	
VARIANCE																	
DESIGN REVIEW																	
SUBDIVISION																	
OTHER <u>DH</u>																	
APPLICANT (If same as OWNER, write "SAME" and sign and date at X below)																	
Applicant's Name <u>DAVE HANNA</u>		Contact by E-Mail: ☒ <u>hannaco@gci.net</u>	Contact Person														
Mailing Address <u>P.O. BOX 20834 JUNEAU AK 99802</u>		Home Phone No.	Work Phone No.														
FAX No.																	
X <u>[Signature]</u> Applicant's Signature		X <u>8-4-09</u> Date of Application															

(OFFICE USE ONLY BELOW THIS LINE)

STAFF APPROVALS	C	PERMIT TYPE	SIGN	DATE RECEIVED	APPLICATION NO.	C	PERMIT TYPE	DATE RECEIVED	APPLICATION NO.
	K	ALLOWABLE USE APPROVAL				K	WATER PERMIT		
		CONDITIONAL USE APPROVAL					SEWER PERMIT		
		VARIANCE					GRADING PERMIT		
		DESIGN REVIEW APPROVAL	MINOR MAJOR				DRIVEWAY PERMIT		
		SUBDIVISION	MINOR MAJOR PUD				RIGHT-OF-WAY PERMIT		
		STREET VACATION					PUB. FAC. TRANSMISS. & EXCAV. PERMIT		
		SIGN APPROVAL	LOCATED IN HISTORIC DISTRICT? ☐ YES ☐ NO				OTHER - (Describe)		
		BUILDING PERMIT					Permit Intake Initials		
	Zone		Total Lot Area	Required Setbacks					
			Front _____ Back _____ Side _____ Other _____						
COMMENTS:									

(J:\FORMS\CD\FORMS\PERMFORM.XLS REV. 2/18/99)

NOTE: DEVELOPMENT PERMIT APPLICATION FORM MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

RECEIVED
AUG 10 2009
PERMIT C

U.S. Army Corps of Engineers, Alaska District
PRECONSTRUCTION NOTIFICATION FORM

May be used instead of Form ENG 4345 to request authorization under a Nationwide Permit (NWP)

Applicant: Tlingit Haida Regional Housing Authority	Phone: 907-780-3130
Address: PO Box 32237	Fax:
City, State, Zip: Juneau Alaska 99803	Cell/Direct Line: 723-7421
Point of Contact: Craig Moore	e-mail:

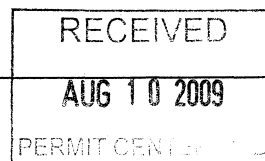
Agent: Dave Hanna	Phone: 907-789-1902
Address: PO Box 20834	Fax: 907-790-4901
City, State, Zip: Juneau Alaska 99802	Cell/Direct Line: 723-1902
Point of Contact:	e-mail: hannaco@gci.net

Location of the Proposed Project Site:

Nearest Waterway: Vanderbilt Creek	
Section, Township, Range, and Meridian: Sec 35, T 40 S, R. 66E, Copper River Meridian	
Latitude and Longitude (Decimal Degrees, NAD-83): Latitude 58.358 degrees N, Longitude 134.480 degrees W	
Nearest City: Juneau	Subdivision: Tract B, SSG IV Subdivision
Borough: City Borough of Juneau	USGS Quad(s):
Driving Directions to Site: Take Glacier Highway to Anka intersection, turn up Anka and turn right on Shaune Dr, proceed to Charles Way. Property lies between Commercial Drive and Shaune Drive ROW	

Project Description:

To ensure your project meets the requirements for a NWP, read all of the NWP General Conditions and Regional Conditions, which can be found on our website at http://www.poa.usace.army.mil/reg/NWPs.htm .
Description of the proposed project, including the area of impacts and the volume of fill material to be used (If there is a NWP that you think would apply to your proposed project, please include that in this section): Project involves the excavation and backfill of wetlands to facilitate the construction of building, parking and drainage improvements for a new THRHA office and warehouse complex. Approximately 18000 Sq. Ft. of wetlands fill will be for building pad and parking areas. Approximately 8500 Sq. Ft. of wetlands fill will be for drainage improvements that also serve as on site mitigation. Approximately 4300 Cu. Yds. Of NFS gravel fill will be used for pads and parking areas. Approximately 600 Cu. Yds. Of drain rock will be used for approximately 650 lineal feet of drainage improvements. Approximately 600 Cu. Yds. Of impervious soil will be used for slope of drainage improvements. Part of the site is an already developed ¾ acre uplands site that will serve as a staging area for the work. All excavated material will be loaded directly into trucks and removed to an approved uplands storage and disposal area. See attached project letter for additional details. We feel that the re-issuance of our Nationwide 39 permit is the most appropriate method to permit this project. Project purpose: Project will facilitate the construction of a new complex large enough to allow the much needed consolidation of all the activities of THRHA. (see attached letter from Craig Moore)
Describe any direct and/or indirect adverse environmental effects that may result from the proposed project: While filling of wetlands will occur as a direct environmental effect we feel that the completed storm water improvements will actually be an overall improvement to the health of Vanderbilt Creek. Please see attached project letter for more details



Do you intend to use any other authorizations for any part of the proposed project or any related activity, for example, a NWP, General Permit (GP), or Individual Permit (IP)?

YES or NO X

If YES, specify what permit type (NWP, GP, IP) and for what aspect of the project:

Will your proposed project result in the loss of greater than 1/10 of an acre of wetlands?

YES X or NO

If YES, describe how you will satisfy the mitigation requirement in Nationwide Permit General Condition 20 (attached). If additional space is needed, please attach sheets.

See attached project description

Are there any threatened or endangered species that may be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work? Contact USFWS or NMFS...

YES or NO X

If YES, list all species:

Are there any historic properties that may be affected by the proposed work? Contact SHPO...

YES or NO X

If YES, state which property or properties may be affected and/or attach a vicinity map indicating the location of the historic property or properties.

Will the proposed work involve ground disturbing activities?

YES X or NO

If YES, attach a short narrative describing the topsoil or organic materials (including seed) that you intend to use for rehabilitation. If you intend to use other locally-obtained native materials, identify the source.

Attach the following in addition to the above applicable items:

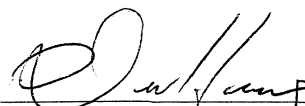
- Drawings of the site and project plans (For more information on acceptable drawings and plans, please visit our website at <http://www.poa.usace.army.mil/reg/permitapp.htm> and click on "Guide to Drawings")
- Delineation of special aquatic sites including wetlands, riffle and pool complexes, sanctuaries and refuges, mudflats, vegetated shallows, and/or coral reefs. You may request a delineation from the Corps. Please visit our website for the Request Jurisdictional Determination from the Corps Form at <http://www.poa.usace.army.mil/reg/JD%20Request%20Form%20Web.pdf>.

Note: If you request a Corps delineation, you may be delayed in receiving authorization for your proposed project.

Application is hereby made for a permit or permits to authorize the work described in this preconstruction notification form. I certify the information in this preconstruction notification form is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.


SIGNATURE OF APPLICANT

6-18-09
DATE


SIGNATURE OF AGENT

RECEIVED DATE

AUG 10 2009

PERMIT CENTER ADD



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

Case name

Case Number: PAC2024 0014
 Applicant: Charles Donart
 Property Owner: Geoffrey L Larson; Marcelle A Larson
 Property Address: 5220 & 5200 Commercial Blvd
 Parcel Code Number: 5B1201030030 & 5B1201360051
 Legal Description: SSG IV TR B & HDK LT 2A
 Site Size: 78,632 square feet & 86,401 square feet
 Zoning: Industrial
 Existing Land Use: Vacant

Conference Date: March 19, 2025
 Report Issued: April 17, 2025

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
Charles Donart	Applicant	cdonart@gmail.com
Jolene Murphy	Planning	Jolene.murphy@juneau.gov
Theresa Ross	Fire	theresa.ross@juneau.gov
Bridget LaPenter	General Engineering	bridget.lapenter@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.

- This PAC is a part of the public record and can be viewed by the property owners upon request.
- General Recommendations:
 - Our department would not recommend rezone due to conflict with the Light Industrial Land Use Designation of the Comprehensive Plan
 - However, the planning commission may approve/deny rezone despite CDD's recommendation
 - I would recommend submitting input to Title 49 rewrite [website](#) asking why residential uses should be permitted in Industrial zones as a Rezone is not likely. Title 49 rewrites are estimated to be completed in 2027

Project Overview

Rezone request from Industrial (I) to Light Commercial (LC) for 2 parcels. Applicant seeks to combine the parcels then construct a multifamily development.

Updated Site Plan – Includes 8,000 SF Office Building



REZONE PROCESS

- Apply for the rezone by July 29, 2025, or wait until January 2026.
- Work with Community Development on organizing a public meeting. Community Development would present on the regulatory details, and CCTHITA would be able to present based on the vision for the area.
- Modify the proposal as warranted by public comments.
- Present the proposal to the Planning Commission. They will forward to the Assembly, and:

- Recommend approval, OR
 - Recommend approval with conditions, OR
 - Recommend denial, OR
 - If they need more information, they will “continue.”
- The Assembly will most likely consider the rezone:
 - At a subcommittee, probably Lands, Housing and Economic Development.
 - At a Committee of the Whole (work group), then
 - At a regular Assembly Meeting, the rezone will be voted on.

Previous PAC2021 0005 attempted to rezone from Industrial to General Commercial.

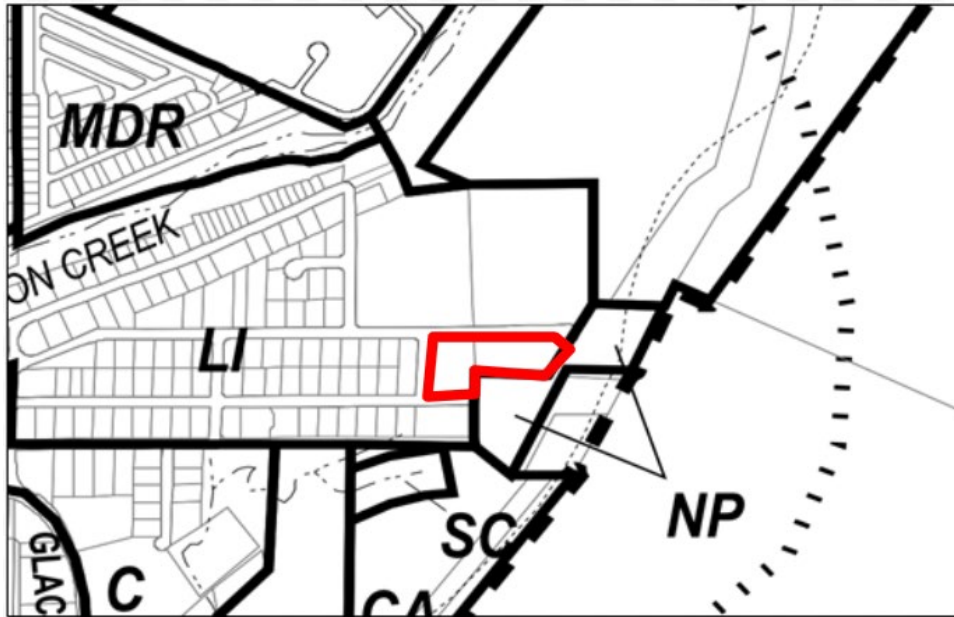
CBJ 49.75.120 Restrictions on Rezoning. Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezoning requests, which are substantially the same as a rezoning request rejected within the previous 12 months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.

In considering re-zoning requests, the Planning Commission and Assembly should aim to promote the highest and best use of the land under consideration and all new zoning or re-zoning designations are required to be substantially consistent with the Comprehensive Plan and associated land use maps. In some cases, the highest and best use may be increased density or more intensive use of the land; in other cases, the highest and best use may be preservation in an undisturbed state for purposes of habitat preservation, flood control, or providing a buffer between development and areas subject to natural hazards.

The Assembly makes the ultimate decision on rezoning. A strict interpretation of the Comprehensive Plan would make rezone seem unlikely due to the definition of Light Industrial, which is how the property is mapped.

Per the 2013 Comprehensive Plan, both parcels are designated **Light Industrial** which is defined as:

Land to be developed for heavy commercial or light industrial uses such as small- to medium-scale food processing; printing and other business services; wholesale trade; research and development laboratories; light manufacturing processes; metal fabrication; warehousing, trucking; animal kennels; crematoria; indoor and outdoor storage; car, boat, and heavy equipment sales; and repair and maintenance activities. Residential units should be limited to caretaker units where the occupant works directly for or owns the business for which the occupant is caretaking.



Land Use Code definitions:

Industrial: The I, industrial district, is intended to accommodate industrial activity which includes manufacturing, processing, repairing and assembling goods. Because of noise, odors, waste and other impacts inherent in industrial activity, performance standards are applied.

Light Commercial: The LC, light commercial district, is intended to accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in the GC, general commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed- and single-use developments in the light commercial district.

Planning Division

1. **Zoning – Industrial**
2. **Table of Permissible Uses** – Multifamily units are not permitted in Industrial zoning districts. A rezone to LC would permit a residential development up to 12 units without a USE permit. Development over 12 units would require planning commission approval. With lot consolidation, a development with up to 92 units would be permitted on the 3.07-acre lot.

An office up to 10,500 square feet would not require a USE permit in LC.

3. **Setbacks** – Lot SSG IV TR B is bordered by three rights-of-way and therefore does not have to provide a rear yard setback. Setbacks will be front, street side and side.

	Industrial	Light Commercial
Front	10 feet	25 feet
Rear	10 feet	10 feet
Side	10 feet	10 feet
Side	10 feet	10 feet

4. **Height –**

	Industrial	Light Commercial
Permissible	None	45 feet
Accessory	None	35 feet

5. **Access** – Access for Lot SSG IV TR B can come from either Commercial Blvd. or Charles Way. Per applicant's proposal, development on Site A would be accessible from both streets.

6. **Parking & Circulation**– Parking requirements will be assessed during the Conditional Use Permit (CUP) and/or Building Permit process.

7. **Lot Coverage** – Both zoning restrictions have no lot coverage restrictions.

8. **Vegetative Coverage** – Vegetative coverage would increase with a rezone to LC.

Industrial: 5%

Light Commercial: 15%

1. **Lighting** – All on-site lighting must be of full cut-off design. Lighting plans must be submitted with CUP & Building Permit applications.

9. **Noise** – Noise impacts will be assessed during the Conditional Use Permit and/or Building Permit process

10. **Flood** –Flood Zone X Area of Minimal Flood Hazard (Panel 02110C1551E)

11. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – None mapped

12. **Wetlands** – No known wetlands

13. **Habitat** – 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. No anadromous waterbodies are on the subject parcel, or within 50 feet.

14. **Plat or Covenant Restrictions** – N/A

15. **Traffic** – Traffic impacts will be assessed during the Conditional Use Permit and/or Building Permit process.

16. **Nonconforming situations** – N/A

Building Division

17. **Building** – N/A

General Engineering/Public Works

18. **Engineering** – No concerns at this time

Fire Marshal

19. **Fire Items/Access** –No concerns at this time

Other Applicable Agency Review

20. N/A

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.

1. Two (2) Development Permit Applications (1 for Rezone signed by property owners , 1 for Lot Line Adjustment)
2. Rezone Application (Accepted in July or January)
3. Subdivision Application

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.

1. A copy of this pre-application conference report.
2. A preliminary plat for the lot line adjustment and closure 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.

1. 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. Rezone Application Fee: \$600 + \$150 public notice sign fee (\$100 of which is refundable upon return of the sign)
2. Lot line adjustment fee: \$160 (\$110 plus \$25 for each lot changed)

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 email to permits@juneau.gov

OR in person with payment made to:

City & Borough of Juneau, Permit Center
230 South Franklin Street

Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715

Web: www.juneau.org/community-development

Attachments:

49.75 Article I - Rezoning

49.15.411 – Preliminary Plat Requirements

49.15.411 - Preliminary plat requirements.

- (a) The preliminary plat shall be prepared by a professional land surveyor, registered in the State of Alaska.
- (b) The preliminary plat shall be submitted on 22- by 34-inch sheets. The director of engineering and public works may approve alternate sheet sizes.
- (c) The preliminary plat shall be drawn with black ink to a scale of one-inch to 100 feet or less, or other suitable scale approved by the director of engineering and public works.
- (d) The preliminary plat shall be oriented with north toward the top of the sheet. A vicinity map shall be located in the upper right-hand corner of the sheet. The vicinity map shall be oriented in the same direction as the plat. A suitable north arrow shall be shown for the plat and vicinity map.
- (e) All line work and lettering must be of professional quality, and all line widths and lettering sizes must be of such size that all information can be clearly shown without overlap or confusion.
- (f) A preliminary plat shall contain the following information:
 - (1) An enclosed title block in the lower right-hand corner containing the following information:
 - (A) The proposed name of the subdivision;
 - (B) The legal description of the parcel to be subdivided including U.S. Survey, U.S. Mineral Survey, A.T.S. number or section, township, and range number, as applicable;
 - (C) "City and Borough of Juneau, Alaska";
 - (D) "State Recorder's Office at Juneau";
 - (E) The date the preliminary plat was prepared and revised;
 - (F) The horizontal scale;
 - (G) The name and address of the owner of record;
 - (H) The case number for the preliminary plat;
 - (I) The parcel numbers of the property; and
 - (J) The name, address, and telephone number of the surveyor preparing the preliminary plat.
 - (2) Lot, block, and street information:
 - (A) The area of each lot;
 - (B) The dimensions in feet and hundredths of a foot;
 - (C) An identifying number and letter for lots and blocks;
 - (D) Lots numbered consecutively, commencing with the number "1," with no omissions or duplications;
 - (E) If the remainder of an original parcel being subdivided is relatively large, it shall be designated as a "tract" with an identifying number;

- (F) All parcels of land intended to be dedicated for public use or reserved for the use of all of the property owners in the proposed subdivision shall be shown as lots, and consecutively numbered. The purpose and any conditions or limitations on the use of the parcel shall be noted on the plat;
 - (G) Abutting properties shall be shown with dashed lines, numbers, and/or letters;
 - (H) For resubdivisions or public way vacations, the lines and legal description of the previous lots shall be shown with light dashed lines, numbers, and/or letters, or by a separate plat on the same sheet showing the previous lot lines;
 - (I) The minimum data shown for each curve shall be as follows:
 - (i) Length;
 - (ii) Central angle;
 - (iii) Radius; and
 - (iv) Bearing and distance of long chord.
 - (J) Setbacks shall be shown on all corner lots and any lots with multiple frontage. Setbacks shall be shown on typical lots.
- (3) Boundary lines:
- (A) All boundary lines of the subdivision with bearings and distances described;
 - (B) All retraced boundary lines shall show record and measured bearings and distances where they differ. Record dimension information shall be shown within parentheses and include a record source identification;
 - (C) The exterior boundary lines of the subdivision shall be a solid black opaque line that is of a width that distinguishes it from all other property lines shown on the plat; and
 - (D) If phasing is proposed, then the boundaries and number of each phase, sequential lot numbering, and a subdivision name consistent with previous phases shall be shown.
- (4) Monumentation:
- (A) The monuments used to establish the basis of bearing;
 - (B) Each monument found or set shall be identified on the plat by a symbol;
 - (C) A complete description of the monument, including type and all information printed on the cap. A typical drawing shall be shown for each type of monument cap set;
 - (D) A legend showing the symbols for all the types of monuments; and
 - (E) The identification, description location, elevation, and datum of the benchmark used to establish vertical control.
- (5) Site access, circulation, and utilities:
- (A)

The widths and names of existing rights-of-way within the subdivision and within 100 feet of the subdivision boundary;

- (B) Proposed rights-of-way, including their widths and proposed names;
 - (C) The grades of existing and proposed streets within these rights-of-way;
 - (D) The width, ownership, use, and record reference of all proposed and existing easements within the subdivision and within 100 feet of the subdivision boundary;
 - (E) The width, ownership, and use of all proposed easements;
 - (F) All proposed and existing easements shall have sufficient dimensions shown to determine their location on the ground;
 - (G) Existing trails or pathways within the subdivision and within 100 feet of the subdivision boundary, including the width of any associated rights-of-way or easements;
 - (H) Proposed trails or pathways and widths of their rights-of-way; and
 - (I) If the plat submitted covers only a part of the tract under the control of the applicant, a sketch plat of the prospective street system of the unplatted part shall be submitted.
- (6) Topographic information:
- (A) For slopes of less than five percent, show one-foot contour lines and include spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions;
 - (B) For slopes between five percent and ten percent, show two-foot contour lines;
 - (C) For slopes greater than ten percent, show five-foot contour lines;
 - (D) Every fifth elevation contour shall be distinctive and clearly labeled;
 - (E) Dashed lines shall represent existing contours;
 - (F) Mapping shall include any significant features which can materially affect the design of the subdivision, including, but not limited to, structures, fences, walls, and utility poles;
 - (G) If irregular slopes or special features are present, additional contour information may be required by the director of engineering and public works for planning or construction purposes. Additional required information may include projecting the topography of the site after grading has taken place, showing such items as:
 - (i) Pad elevations and drainage patterns for each lot;
 - (ii) Tops and toes of all manufactured slopes, including daylight lines; and
 - (iii) Existing and proposed retaining wall locations and heights.
 - (H) For subdivisions located in hillside areas with slopes greater than 18 percent, additional requirements apply in accordance with CBJ 49.70, article II.
- (7) Sewer and water:

- (A) Existing sewer and water mains within the tract with pipe sizes and grades; and
 - (B) A draft plan for proposed water and sewer lines showing the size, approximate slope, and connection points with elevations for the purpose of determining the feasibility of construction.
- (g) Multisheet plats. When a plat requires more than one sheet, exclusive of a certificate sheet, an index sheet shall be included. When a plat requires more than three sheets, a cover sheet shall also be included, showing the subdivision title, a key map, and all certificates. Each additional sheet shall include the following data:
- (1) North arrow;
 - (2) Legend;
 - (3) Surveyor's seal and signature;
 - (4) Title block;
 - (5) Sheet ___ of ___;
 - (6) Scale;
 - (7) All plat notes; and
 - (8) Vicinity map.
- (h) The preliminary plat shall be submitted with the following required documents:
- (1) A lot closure report; and
 - (2) Disclosure of all known environmental hazards and any proposed mitigation measures recommended in the applicable environmental document.
- (i) Additional mapping or reports. If required by this title or by the director, the following additional mapping or reports shall be submitted with the preliminary plat:
- (1) Any portion of a special flood hazard area, landslide or avalanche area, habitat area as defined by CBJ 49.70.310, or watersheds, either existing at the proposed subdivision site or shown on the overlay maps, adopted pursuant to this title, to exist at the proposed subdivision site, must be depicted on the preliminary plat;
 - (2) The boundaries of any wetland areas must be depicted on the preliminary plat. Boundaries must be determined by a person qualified to perform wetland delineations;
 - (3) Soils report. A soils report prepared by an engineer licensed by the State of Alaska shall be required if the proposed subdivision is located farther from the existing public sewer system than specified in CBJ 49.35, and the applicant chooses to provide on-lot waste disposal rather than to connect to the public system. A soils report shall include the following:
 - (A) Certification that the proposed lots are large enough and have soil of sufficient permeability to permit the construction of approved waste treatment systems for on-lot waste disposal;

- (B) The location and size of drain fields for each lot;
 - (C) The locations and logs of test borings, percolation test results, and a hydrological evaluation of on-site sewage disposal;
 - (D) If the soils report indicates that the soils found on the site are not of sufficient permeability or the lots are not large enough to permit the construction of systems for on-lot waste disposal, the size of the proposed lots must be increased or alternate methods for waste disposal proposed; and
 - (E) The soils report shall describe the nature of the subsurface soils and any soil conditions that would affect the design of the proposed development. The soils report shall state whether the proposed subdivision plan is feasible and provide general solutions for all known geotechnical conditions or problems.
- (4) Drainage report. A preliminary report specifying the method by which the applicant proposes to manage surface and subsurface drainage for the subdivision and the effect of such method on adjacent areas. Unlike the drainage plan required by CBJ 49.35.510, the preliminary drainage report does not need to be prepared by a licensed engineer. The report must address the following:
- (A) A calculation of the increase in stormwater runoff resulting from the proposed development as well as the runoff from all drainage areas associated with the site. Runoff calculations shall be based on a fully-developed subdivision and a 25-year storm event;
 - (B) How drainage from the proposed subdivision will join an established drainage channel or channels, unless the director of engineering and public works approves use of an alternative drainage way;
 - (C) An evaluation of existing drainage ways and structures located between the subdivision and the receiving water body, and verification that the existing drainage ways can accommodate the increased runoff. If the increased runoff cannot be handled, the plan must propose solutions to the problem; and
 - (D) All required improvements, on or off site, that are shown on the construction plans in accordance with CBJ 49.35, article V, and that will be constructed as part of the subdivision.
- (5) Water.
- (A) For subdivisions of five or more lots, including major subdivisions, the following shall be included, where applicable, in accordance with CBJ 49.15.412:
 - (i) If a proposed subdivision is located at greater distance from the existing public water system than specified in CBJ 49.35, article III, and the applicant chooses not to connect to the public system, a statement that the applicant will provide a community water system or that individual wells will be used;

- (ii) A report by a registered engineer or geologist that clearly supports the legal and physical availability of adequate water. Methods for proof of water availability and the standards for quantity are listed in CBJ 49.35, article III; and
 - (iii) A copy of the state application for a permit to appropriate water in the quantity required to meet the subdivisions demands.
- (B) This section does not apply to remote subdivisions unless: the subdivider of the remote subdivision chooses to provide potable water, a public water system is available and the subdivision falls within the criteria outlined in CBJ 49.35.310(a), or the subdivision has four or fewer lots.
- (C) The director for minor subdivisions, and the planning commission for major subdivisions, may, for good cause, temporarily waive the requirement to provide a water report and proof of water, and condition the approval of the preliminary plat upon the provision of both documents as part of the final plat application and approval process.
- (6) Erosion control. A report explaining the method by which the applicant proposes to control erosion and manage runoff, and potential impacts to adjacent properties or water bodies. The report shall include a plan for preservation of ground cover in areas where runoff and resulting erosion need to be minimized.
- (7) Traffic study. A traffic impact analysis may be required with the preliminary plat in accordance with CBJ 49.40.300.
- (8) Shadow plats. For subdivisions of five or more lots in transition areas, a shadow plat shall be submitted according to CBJ 49.70.710. The shadow plat shall consist of a sketch superimposed on the proposed subdivision layout. This sketch shall reflect any future resubdivision of the parcels into smaller lots consistent with the higher density and the lot size allowed under the transition zoning.

(Serial No. 2015-03(c)(am), § 10, 8-31-2015)

ARTICLE I. - REZONINGS

49.75.110 - Initiation.

A rezoning may be initiated by the director, the commission, or the assembly at any time during the year. A developer or property owner may initiate a request for rezoning in January or July only. Adequate public notice shall be provided by the director to inform the public that a rezoning has been initiated.

(Serial No. 87-49, § 2, 1987)

49.75.120 - Restrictions on rezonings.

Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezoning requests which are substantially the same as a rezoning request rejected within the previous 12 months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.

(Serial No. 87-49, § 2, 1987; Serial No. 2012-31(b), § 2, 8-27-2012)

49.75.130 - Procedure.

A rezoning shall follow the procedure for a major development permit except for the following:

- (a) The commission shall make a recommendation to the assembly to approve, approve with modifications, or deny a rezoning request. The commission shall prepare written findings in support of its recommendation. The commission's notice of recommendation shall be posted on the department's website within ten days of the public hearing on the proposed rezone. If the commission recommends approval of the rezoning request or approval with modifications, the director shall forward the commission's written recommendation to the assembly with an ordinance to amend the official zoning map in accordance with the recommendation. If the commission recommends denial, the amendment shall be deemed disapproved unless the applicant files a notice of protest in accordance with CBJ 49.75.130(b).
- (b) Protests.
 - (1) An applicant may protest the commission's recommendation to deny the rezoning by filing a written statement with the municipal clerk within 20 days of the commission's written notice of recommendation for denial, requesting that an ordinance amending the zoning map as set out in the application be submitted for action by the assembly. The

director shall, within 30 days of the filing of the protest with the municipal clerk, prepare a draft ordinance to be appended to the notice of recommendation for consideration by the assembly.

- (2) Any person may protest the commission's recommendation to approve a rezoning request or approve a rezoning request with modification by filing a written protest with the municipal clerk within 20 days of the commission's written notice of recommendation.
- (3) In the case of a timely filed protest and after introduction of the proposed ordinance at a regularly scheduled assembly meeting, the assembly shall hold a public hearing on the proposed rezoning. At the close of the hearing, the assembly shall approve the zoning map amendment as recommended by the commission, approve the zoning map amendment with modifications, or deny the zoning map amendment.
- (c) All rezonings shall be adopted by ordinance, and any conditions thereon shall be contained in the ordinance. Upon adoption of any such ordinance, the director shall cause the official zoning map to be amended in accordance with the adopted ordinance.

(Serial No. 87-49, § 2, 1987; Serial No. 2012-11, § 2, 4-2-2012; Serial No. 2014-14(c)am, § 2, 4-6-2015, eff. 5-7-2015; Serial No. 2015-03(c)(am), § 57, 8-31-2015)



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/community-development
155 S. Seward Street • Juneau, AK 99801

COMMUNITY DEVELOPMENT DEPARTMENT - REQUEST FOR AGENCY COMMENT

DEPARTMENT: Community Development - Planning

STAFF PERSON/TITLE: Brandon Robinson, Planner II

DATE: 09/09/25

APPLICANT: Charles Donart

TYPE OF APPLICATION: Rezoning

PROJECT DESCRIPTION:

Proposed rezone of 3.79 acres at 5200 and 5220 Commercial Boulevard from Industrial to Light Commercial

LEGAL DESCRIPTION: SSG IV TR B & HDK LT 2A

PARCEL NUMBER(S): 5B1201030030 & 5B1201360051

PHYSICAL ADDRESS: 5220 Commercial Boulevard & 5200 Commercial Boulevard

SPECIFIC QUESTIONS FROM PLANNER:

AGENCY COMMENTS:

Would this impact the road/traffic to the "waste campus" as the current plan is to develop the road behind Home Depot as the public access to the site for drop off. Does this impact how the adjacent Industrially zone property can be used? For example, if CBJ wanted to lease this property for uses that create loud sounds or smells or fumes, are there any regulations that state these activities need to be a certain distance from this proposed change that would limit the future use of this CBJ property?

RE: [AME20250002] Seeking Comments for Proposed Rezoning on Commercial Boulevard

From Jeffrey Hedges <Jeffrey.Hedges@juneau.gov>

Date Mon 9/22/2025 11:30 AM

To Brandon Robinson <Brandon.Robinson@juneau.gov>

Brandon,

The Building Division has no comments or concerns at this time.

Thanks,

Jeff Hedges, MCP, CBO, CSP | Building Code Official

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0767 ext. 4137 Cell: 312.213.2245



Fostering excellence in development for this generation and the next.

How are we doing? Provide feedback here: <https://juneau.org/community-development/how-are-we-doing>

From: Brandon Robinson <Brandon.Robinson@juneau.gov>

Sent: Monday, September 22, 2025 9:41 AM

To: Jeffrey Hedges <Jeffrey.Hedges@juneau.gov>

Subject: Re: [AME20250002] Seeking Comments for Proposed Rezoning on Commercial Boulevard

Good Morning Jeff,

Hope this email finds you well—

I am writing to see if you had any comments to the proposed rezoning on Commercial Boulevard at this time. If not, we would very much appreciate a note from you saying that you have no comments at this time. If you'd like more time to respond, please let me know!

Very best regards,
Brandon

Brandon Robinson | Planner II

[Community Development Department](#) | City & Borough of Juneau, Alaska

Physical Location: 230 S. Franklin Street, 4th Floor, Marine View Building

Office: (907) 586-0753; Extension 4139

From: Brandon Robinson <Brandon.Robinson@juneau.gov>

Sent: Tuesday, September 9, 2025 11:10 AM

To: Jeffrey Hedges <Jeffrey.Hedges@juneau.gov>

Subject: [AME20250002] Seeking Comments for Proposed Rezoning on Commercial Boulevard

Good Morning Jeff,

Please find attached a form for you if your Division should have any comments or concerns on the proposed rezoning at 5200 and 5220 Commercial BLVD (AME25-02).

If you would be able to get this back to me by September 22nd, it would be much appreciated. Let me know if you would need more time.

Best regards,
Brandon

Brandon Robinson | Planner II

[Community Development Department](#) | City & Borough of Juneau, Alaska

Physical Location: 230 S. Franklin Street, 4th Floor, Marine View Building
Office: (907) 586-0753; Extension 4139



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/community-development
155 S. Seward Street • Juneau, AK 99801

COMMUNITY DEVELOPMENT DEPARTMENT - REQUEST FOR AGENCY COMMENT

DEPARTMENT: Capital City Fire Rescue

STAFF PERSON/TITLE: Theresa Ross, Fire Marshal

DATE: 09/22/25

APPLICANT: Charles Donart

TYPE OF APPLICATION: Rezoning

PROJECT DESCRIPTION:

Proposed rezone of 3.79 acres at 5200 and 5220 Commercial Boulevard from Industrial to Light Commercial

LEGAL DESCRIPTION: SSG IV TR B & HDK LT 2A

PARCEL NUMBER(S): 5B1201030030 & 5B1201360051

PHYSICAL ADDRESS: 5220 Commercial Boulevard & 5200 Commercial Boulevard

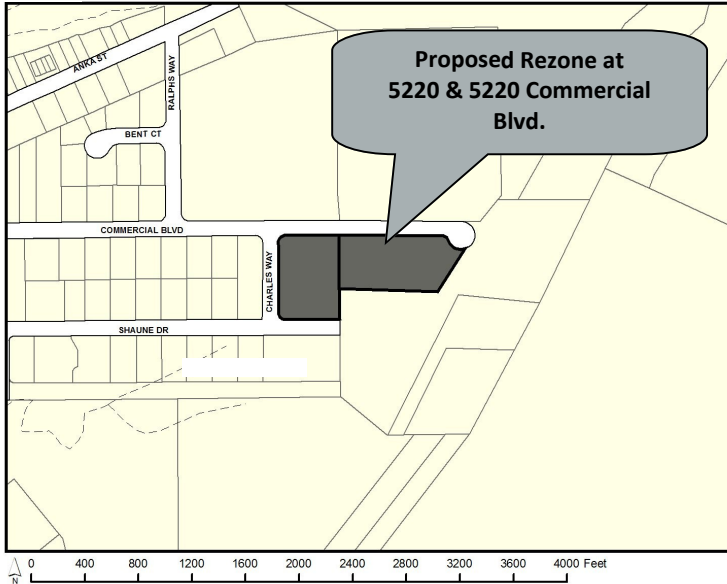
SPECIFIC QUESTIONS FROM PLANNER:

AGENCY COMMENTS:

No concerns from Fire at this time.



Please Come to a Meeting
About a Rezone in Your Neighborhood
Your Community, Your Voice



TO

The Community Development Department is hosting an opportunity for the community to discuss an application to **rezone 3.79 acres from Industrial to Light Commercial zoning at 5200 and 5220 Commercial Boulevard**. This meeting will be held virtually over Zoom. Your questions, comments and concerns are welcome.



NEIGHBORHOOD MEETING

October 2, 2025 at 6-8pm

Call In: 1 253 215 8782

Webinar ID: 844 6763 7707

If you are not able to attend this meeting but have questions or comments, please contact **Brandon Robinson**, CDD Planner, at (907) 586-0753 ext. 4139 or Brandon.Robinson@juneau.org

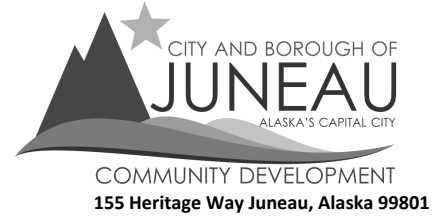
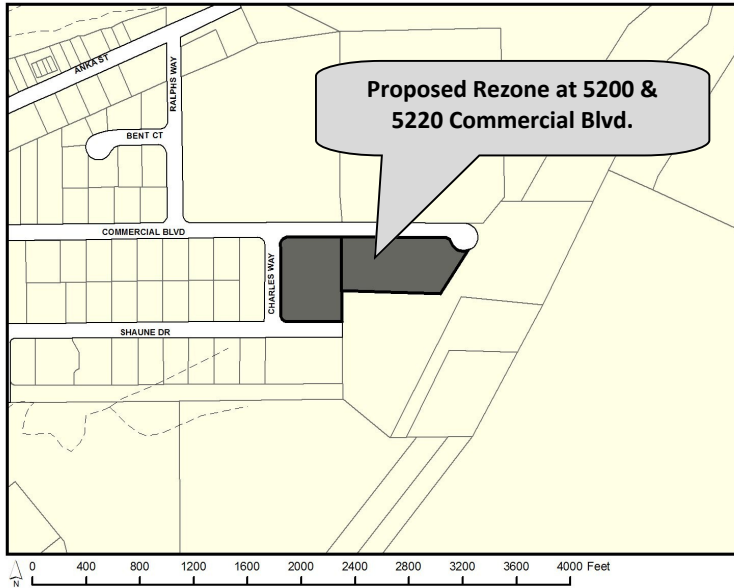
*This project is scheduled for review by the Planning Commission on **October 14, 2025**. All property owners within 500 feet of the proposed rezone will receive a separate notice with details on how and where to submit comments or testify before the Commission.*

Case No.: AME2025 0002
Parcel No.: 5B1201030030
CBJ Parcel Viewer: <http://epv.juneau.org>

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



TO

An application has been submitted for consideration and public hearing by the Planning Commission to **rezone 3.79 acres from Industrial to Light Commercial zoning at 5200 and 5220 Commercial Boulevard.**

PROJECT INFORMATION:

Project Information can be found at:

<https://juneau.org/community-development/short-term-projects>

PLANNING COMMISSION DOCUMENTS:

Staff Report expected to be posted **Monday, October 6, 2025** at

<https://juneau.org/community-development/planning-commission>

Find hearing results, meeting minutes, and more here, as well.

Now through Sept. 22

Comments received during this period will be sent to the Planner, **Brandon Robinson**, to be included as an attachment in the staff report.

Sept. 23— noon, Oct. 10

Comments received during this period will be sent to Commissioners to read in preparation for the hearing.

HEARING DATE & TIME: 6:00 pm, Oct. 14, 2025

This meeting will be held in person and by remote participation. For remote participation: join the Webinar by visiting <https://juneau.zoom.us/j/85421744892> and use the Webinar ID: 854 2174 4892 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above).

You may also participate in person in City Hall Assembly Chambers, 155 Heritage Way Juneau, Alaska.

Oct. 15

The results of the hearing will be posted online.

FOR DETAILS OR QUESTIONS,

Phone: (907)586-0753 ext. 4139

Email: pc_comments@juneau.gov or Brandon.Robinson@juneau.gov

Mail: Community Development, 155 Heritage Way, Juneau AK 99801

Case No.: AME2025 0002

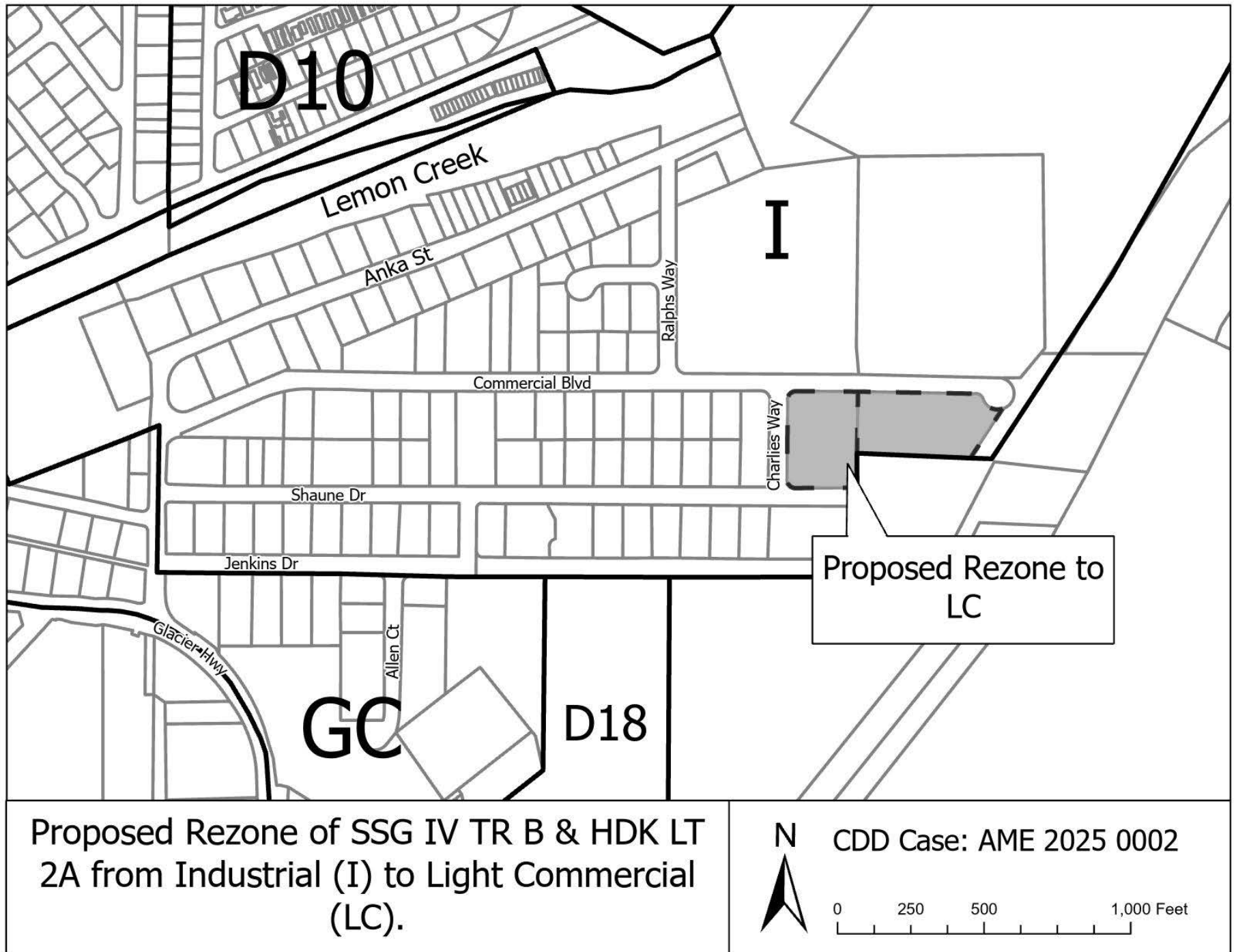
Parcel No.: 5B1201030030

CBJ Parcel Viewer: <http://epv.juneau.org>

Printed September 8, 2025



Attachment R – Public Notice Sign – Posted





PLANNING COMMISSION STAFF REPORT

REZONE: AME2025 0003

HEARING DATE: OCTOBER 28, 2025

(907) 586-0715

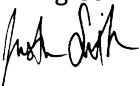
CDD_Admin@juneau.gov

www.juneau.org/community-development

155 Heritage Way • Juneau, AK 99801

DATE: October 16, 2025

TO: Erik Pedersen, Chair, Planning Commission

BY: Justin Smith, Planner I 

THROUGH: Jill Lawhorne, Director, AICP

PROPOSAL: Applicant proposes rezone of 4.03 acres at 7170 Glacier Highway from D18 to Light Commercial.

STAFF RECOMMENDATION: Staff recommends the Planning Commission forward a recommendation of DENIAL to the Assembly.

KEY CONSIDERATIONS FOR REVIEW:

- Light Commercial does not conform to the Comprehensive Plan's Land Use Designation of Medium Density Residential.
- D18 allows for up to 73 units on the site and LC allows for up to 121 units on the site.
- An Alternative Residential Subdivision (ARS) could give a 25% density bonus, resulting in up to 91 units, while maintaining Comprehensive Plan consistency.
- LC allows for many uses that are not residential and does not require residential as part of the development.
- The State of Alaska Mental Health Trust Land Office does not support the rezone.

ALTERNATIVE ACTIONS:

1. **Amend:** recommend an amended rezone boundary; recommend an alternative zoning district; or recommend conditions.
2. **Deny:** recommend denial of the requested rezone. Planning Commission must make its own findings.
3. **Continue:** continue the hearing to a later date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is required for this rezone.

STANDARD OF REVIEW:

- Quasi-legislative decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - CBJ 49.75.120
 - CBJ 49.10.170(d)
 - CBJ 49.80

GENERAL INFORMATION	
Property Owner	Duran Construction Company LLC
Applicant	Marciano Duran
Property Address	7170 Glacier Hwy
Legal Description	SEVEN MILE LT 4
Parcel Number	5B1401000031
Zoning	D18
Land Use Designation	Multifamily
Lot Size	175,620 square feet / 4.03 acres
Water/Sewer	CBJ/CBJ
Access	Glacier Highway
Existing Land Use	Vacant
Associated Applications	None

The Commission shall hear and decide the case per CBJ 49.75.120 - Restrictions on rezoning. *Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezoning requests which are substantially the same as a rezoning request rejected within the previous 12 months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.*

SITE FEATURES AND ZONING



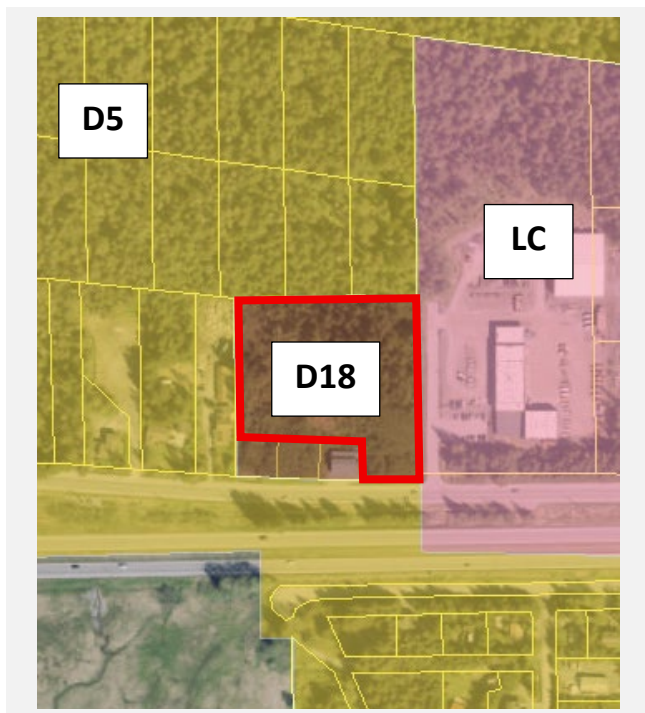
SURROUNDING ZONING AND LAND USES

North (D5)	Vacant/Alaska Mental Health Trust Authority
South (D5)	Glacier Hwy
East (LC)	CBJ Public Works Department – Street Division
West (D5)	Residential

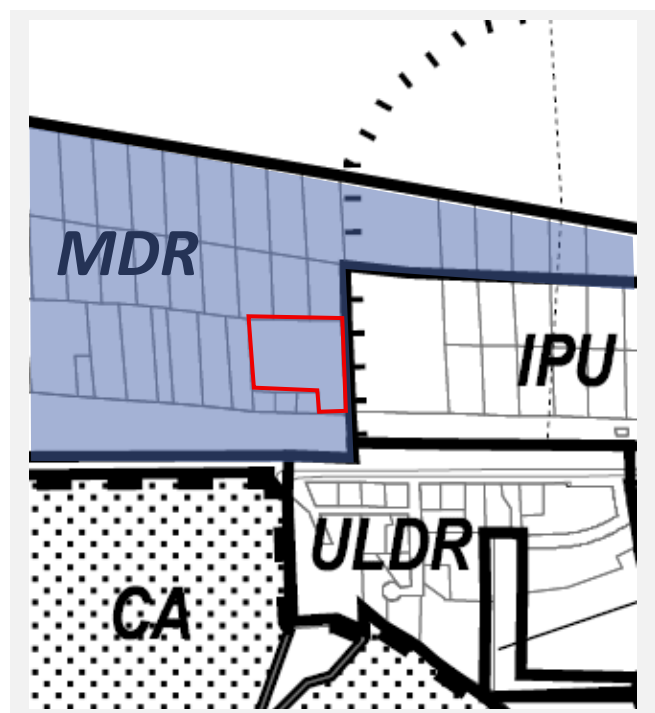
SITE FEATURES

Anadromous	No
Flood Zone	No
Hazard	None Mapped
Hillside	No
Wetlands	No
Parking District	No
Historic District	No
Overlay Districts	Mining & Exploration Surface Activities Exclusion District; Urban Mining District

CURRENT ZONING MAP



LAND USE DESIGNATION MAP



BACKGROUND INFORMATION

Project Description – The applicant is requesting a zone change of 7170 Glacier Highway in order to achieve an affordable development by increasing the density (**Attachment A**). No development plan has been submitted. The site is currently zoned D18 and is vacant. Adjacent properties are zoned D5 to the west, LC to the east, and D5 to the south.

Background – The lot was originally zoned R1B in 1964 through the Greater Juneau Borough Ordinance. R1B was intended as a single-family detached dwelling or two-family dwelling per lot district. In 1969, the lot was zoned R7, which continued the low-density single- and two-family district. In 1987, under Ordinance 87-49, the property was rezoned to D5, which was intended to accommodate primarily single-family and duplex residential development at a density of five dwelling units per acre, as part of a borough-wide revision.

In 2001, the subdivision process was started through application SUB2001-00024 (**Attachment D**); however, due to a bond issue, it was not finalized until 2006. Plat 2006-62 subdivided Lot D of U.S. Survey 2476 into four smaller lots: Lots 1, 2, 3, and 4.

In 2009, MAP2009-03 rezoned Lots 1–4 from D5 to D18 (**Attachment E** and **Attachment F**). The original request had been to rezone Lot 4 from D5 to Light Commercial (LC), during the process Lots 1, 2 and 3 were added to the rezone request. A rezone from D5 to LC was modified because LC zoning, which allows up to 30 dwelling units per acre, is inconsistent with the Comprehensive Plan's Medium Density Residential (MDR) designation that supports 5 to 20 units per acre. LC also allows for many uses that are not residential and does not require commercial developments to include residential uses. As part of the 2009 rezone, a condition was added to limit the site to one access point onto Glacier Highway to mitigate future traffic concerns.

Permit and Parcel History – The below table summarizes relevant history for the lot.

Item	Summary
Building Permit 1607.01 – Grading Permit (Attachment C)	In 1987, approximately 99 cubic yards of rock were used to fill the lot.
SUB2001-00024 (Attachment D)	A subdivision splitting Lot D of U.S. Survey 2476 into Lots 1, 2, 3, and 4. The subdivision was approved in 2006 through Plat 2006-62. Lot 4 is the applicant's lot.
MAP2009-03 Final Bundle (Attachment E)	A rezone change request from D5 to Light Commercial, which was granted as D5 to D18. The Light Commercial zone's allowable density went against the Comprehensive Plan's Land Use Map G.
MAP2009-03 Planning Commission and Assembly Minutes (Attachment F)	Planning Commission minutes involving the discussion of MAP2009-03 and recommending approval of a D5 to D18 zone change. Assembly minutes referencing MAP2009-03 and approving the zone change from D5 to D18 for Lots 1, 2, 3, and 4.

Zoning History – The below table summarizes zoning history for the lot.

Year	Zoning	Summary
1964	R1B	Under the 1964 Greater Juneau Borough Ordinance, the lot was zoned R1B. This district's principal uses outright were one single-family detached dwelling on each lot or one two-family dwelling.
1969	R7	The purpose of the R7 District was to provide and protect residential land for families who desire to live in an environment of single- and two-family dwellings. These districts were established to protect the character of existing residentially developed areas.
1987	D5	The D5 residential district is intended to accommodate primarily single-family and duplex residential development at a density of five dwelling units per acre. D5 zoned lands are located in the urban service boundary and are served or can be served by public water and sewer.
2009	D18	Under MAP2009-03, a zone change was granted from D5 to D18, after an initial request to rezone from D5 to Light Commercial was modified. The D-18 residential district is intended to accommodate primarily multi-family development at a density of 18 dwelling units per acre. This is a high density multi-family zoning district intended to accommodate midrise-type development.

ZONING ANALYSIS

The 2013 Comprehensive Plan Map G identifies Lot 4 as Medium Density Residential. This refers to urban residential lands for multi-family dwelling units at densities ranging from 5 to 20 units per acre. Commercial development at a scale consistent with a residential neighborhood is allowed [Table of Permissible Uses, CBJ 49.25.300].

CBJ 29.25.200 Zoning Districts Defined –

Current Zoning – D18	Proposed Zoning – Light Commercial (LC)
<i>The D-18, residential district, is intended to accommodate primarily multifamily development at a density of 18 dwelling units per acre. This is a high density multifamily zoning district intended to accommodate midrise-type development.</i>	<i>The LC, light commercial district, is intended to accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in the GC, general commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed- and single-use developments in the light commercial district.</i>

CBJ 49.25.300 Table of Permissible Uses Comparison – The lot is currently vacant.

The D18 zoning district is primarily residential, allowing single-family dwellings, duplexes, and multifamily housing, with only limited commercial uses by conditional use permit. In contrast, Light Commercial permits a wide range of commercial development. LC allows large offices, retail shops, restaurants, and hotels. These uses are restricted or not permitted in D18.

Through conditional use permits, LC also allows marijuana-related businesses, car washes, fuel stations, and entertainment venues. Rezoning from D18 to LC would therefore shift the property from a residential zone with limited commercial uses to a commercial district with broader, higher-intensity activities, and no requirements for housing.

These uses extend beyond the neighborhood-scale commercial envisioned in MDR and could allow development inconsistent with the residential character of the area, and result in the loss of potential housing units.

An expanded list of differences between D18 and LC is below with Uses bolded that are allowed in LC and not D18.

- Blank – not allowed
- 1 – allowed
- 3 – conditional use permit required
- 1,3 – department approval if minor development, conditional use permit if major development

TPU #	Use Description	D-18	LC
1.620	Hotels, motels		1, 3
1.910	Common Wall Development – Two dwelling units	1	

2.120	With less than 5,000 square feet and less than 20 percent of the gross floor area of outside merchandising of goods – Miscellaneous		1
2.130	Marine merchandise and equipment		1, 3
2.200	Storage and display of goods with greater or equal to 5,000 square feet and/or 20 percent of the gross floor area of outside merchandising of goods		1, 3
2.300	Marijuana retail store		3
3.050	Offices of not more than 1,000 square feet	3	1
3.100	Offices greater than 1,000 but not more than 2,500 square feet	3	1
3.300	Research, laboratory uses		1, 3
3.400	Offices greater than 2,500 square feet		1, 3
3.500	Marijuana testing facility		3
4.050	Light manufacturing	3	1, 3
5.120	Trade, vocational schools, commercial schools		3
5.200	Churches, synagogues, temples	3	1, 3
5.300	Libraries, museums, art galleries	3	1, 3
5.400	Social, fraternal clubs, lodges, union halls, yacht clubs		1, 3
6.110	Bowling alleys, billiard, pool halls		1, 3
6.120	Tennis, racquetball, squash courts, skating rinks, exercise facilities, swimming pools, archery ranges	3	1, 3
6.130	Theaters seating for 200 or fewer	3	1
6.135	Theaters seating from 201 to 1,000		3
7.100	Hospital		3
7.150	Health care clinics, other medical treatment facilities providing out-patient care	3	1, 3
7.300	Day care centers	3	1, 3
7.310	Child care centers	3	1, 3
7.600	Sobering centers		3
8.050	Small restaurants, less than 1,000 square feet without drive through service	3	1
8.100	Restaurants, bars without drive through service		1, 3
8.200	Restaurants, coffee stands with drive through service		1, 3
8.300	Seasonal open air food service without drive through		1, 3
9.050	Motor vehicle, mobile home sale or rental		1, 3
9.200	Automotive fuel station		3
9.300	Car wash		3
9.400	Boat sales or rental		3
10.100	Automobile parking garages or parking lots not related to a principal use on the lot		3
10.210	All storage within completely enclosed structures		3
10.235	Regional, ½ to 1 acre		3²
10.510	Public, commercial		3
11.110	Enclosed collection structures 0 of less than 80 square feet total and less than six feet in height	1 ^P	1
11.120	Enclosed structures for recyclable materials collection	1, 3	1 ^P , 3 ^P
11.200	Reclamation landfill not associated with a specific use	1, 3	1, 3

12.100	Veterinary clinic		3
12.200	Kennel		3
12.250	Day animal services, grooming, walking, day care		3
12.300	Zoos, aquaria, or wild animal rehabilitation facilities with a visitor component		3
12.310	Wild animal rehabilitation facilities without a visitor component		3
12.400	Horseback riding stables, dog team yards		3
14.230	Stabling of farm animals		3
14.240	Marijuana cultivation (500 square feet or more under cultivation)		3
14.245	Marijuana cultivation (fewer than 500 square feet under cultivation)		3
14.253	Hens, 6 maximum	3	1
14.500	Sand and gravel operations		3
15.400	Military reserve, National Guard centers		3
15.610	Transit center	3	1, 3
15.630	Park and ride not associated with transit station	3	1
15.700	Public works facility		3
16.200	Full service onsite laundry and/or dry cleaning		3
18.200 AA	Towers and antennas 35 to 50 feet	3	1
19.100	Open air markets (farm, craft, flea, and produce)		1, 3
19.210	Retail sales	3	1, 3
19.230	Marijuana cultivation (500 square feet or more under cultivation)		3
19.240	Marijuana cultivation (fewer than 500 square feet under cultivation)		3
20.300	Funeral home		1,3
21.300	Visitor, cultural facilities related to features of the site		3

CBJ 49.25.400 Dimensional Standards – Dimensional standards will not become nonconforming. LC allows smaller lot sizes, increased height maximum, and no lot coverage limit, increasing potential intensity.

Standard		Current Zoning – D18	Proposed Zoning – LC
Lot	Size	5,000 square feet	2,000 square feet
	Width	50 feet	20 feet
Setbacks	Front	20 feet	25 feet
	Rear	10 feet	10 feet
	Side	5 feet	10 feet
	Side	5 feet	10 feet
	Street Side	13 feet	17 feet
Lot Coverage	Permissible	50 percent	None
	Conditional	50 percent	None
Height	Permissible	35 feet	45 feet
	Accessory	25 feet	35 feet

CBJ 49.25.500 Density –

	Current Zoning – D18 (18 Units/Acre)	Current Zoning – D18 ARS (18 Units/Acre Plus 25% Density Bonus)	Proposed Zoning – LC (30 Units/Acre)
Maximum Number of Dwelling Units	73 units	Up to 91 units	121 units

Potential for Subdivision – Alternative Residential Subdivision (ARS)

The Assembly continues to maintain housing as its number one goal. In support of housing, CBJ adopted the alternative residential subdivision (ARS) code in 2019. The specific purpose of the ARS (CBJ 49.15.900) is to *permit flexibility in the regulation and use of land in order to promote its most appropriate use for unit-lot residential communities; to encourage residential developments that are planned, designed and developed to function as integral units with common facilities; to encourage developments that provide different types of housing options; to encourage development of quality affordable housing; to facilitate the adequate and economical provisions of access and utilities; and to encourage developments that are in harmony with the surrounding area.*

The ARS standards allow for higher density development in a district than typically allowed by awarding density bonuses. Creating this type of subdivision would result in individual lots surrounded by a parent lot. Individual lots have no minimum size. The formation of an HOA or similar entity would be required. ARS also supports childcare facilities, another high priority of the Assembly and community.

The density under ARS is calculated by multiplying the maximum number of dwelling units per gross acre permitted in the underlying zoning district, D18, by the number of acres in the ARS, 4.03 acres, and rounding to the nearest whole number. An ARS subdivision would allow a comparable level of density, up to 91 units, while maintaining consistency with the MDR designation and avoiding the broader commercial uses allowed in LC.

TRAFFIC AND TRANSPORTATION

Access	Roadway Classification	Current Level of Service
Glacier Highway	Collector	

The lot is limited to one access from Glacier Highway from a condition from MAP2009-03. This condition may limit the achievable density.

Non-motorized transportation – Glacier Highway has a sidewalk on the north side and a shoulder bike lane on the south side. Heintzleman Ridge Route Trail is on the northeast side of the lot.

Proximity to Public Transportation – The Department of Transportation at Glacier Highway bus stop (Stop Code: 425) is approximately 0.2 miles from the access to the lot. It is listed as a stop on the 3 Mendenhall Loop Counterclockwise, 4 Mendenhall Loop Clockwise, 7 Lemon Creek Commuter, and 8 Downtown/Valley Express.



COMMUNITY SERVICES

The table below summarizes community services that may be affected by the proposed rezone.

Service	Summary
Water/Sewer	No comments provided.
Fire Service	No comments provided.
Schools	No comments provided.
Parks & Recreation	No comments or concerns.

ENVIRONMENTAL, CONSERVATION, HISTORIC, AND ARCHEOLOGICAL RESOURCES

The table below summarizes Conservation, Historic, and Archeological Resources which may be affected by the proposed rezone.

Resource	Summary
Conservation	None.
Wetlands	No wetlands mapped on the National Wetlands Inventory website: https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/ Presence of wetlands was mentioned in MAP2009-03 (Attachment E).
Anadromous	None.
Historic	None.
Archeological	None.

CONFORMITY WITH ADOPTED PLANS

2013 COMPREHENSIVE PLAN VISION: *The City and Borough of Juneau is a vibrant State Capital that values the diversity and quality of its natural and built environments, creates a safe and satisfying quality of life for its diverse population, provides quality education and employment for its workers, encourages resident participation in community decisions and provides an environment to foster state-wide leadership.*

2013 COMPREHENSIVE PLAN - The proposed text amendment is NOT in compliance with the 2013 Comprehensive Plan.

Chapter	Page No.	Item	Summary
11	157	Land Use Designation	The rezone does NOT conform with the 2013 Comprehensive Plan's Land Use Map G. The lot is classified as MDR, which does not align with Light Commercial zoning.
11	180-182	Subarea 4 Guidelines	The Subarea 4 Guidelines are not in conflict with the rezone.

2018 LEMON CREEK AREA PLAN: *The Lemon Creek Area Plan strives to encourage future development that should protect its cultural and natural resources, provide for quality housing, and walkable, bikeable, safe neighborhoods, while sustaining its position as an attractive area for local businesses – Juneau's midtown.*

2018 LEMON CREEK AREA PLAN - The proposed text amendment complies with the 2018 Lemon Creek Area Plan.

Chapter	Page No.	Item	Summary
3	21	Goal 3: Promote a mixed-use environment to ensure a vibrant community and quality neighborhoods	The proposed LC zoning could support this goal by allowing more commercial activity consistent with a mixed-use environment. However, because LC does not require residential development, it only partially supports this goal.
	21	Action: Provide a variety of housing choices in residential portions of mixed-use buildings.	The proposed LC zoning allows residential uses but does not require them. D18 and ARS allow a similar range of housing types and better protect residential uses, while LC does not.
4	37	Goal 1: Create and sustain viable, safe and diverse neighborhoods that work together.	The proposed LC zoning could contribute to a diverse neighborhood mix but does not ensure residential development or neighborhood cohesion. D18 and ARS better support this goal by preserving residential character.
	37	Action: Maximize compatibility between residential and nonresidential uses by ensuring appropriate buffers and distance.	The proposed LC zoning allows larger-scale commercial uses that may not be compatible with adjacent residential areas. D18 and ARS support this action by limiting intensity and ensuring scale compatibility.

2018 LEMON CREEK AREA PLAN - The proposed text amendment complies with the 2018 Lemon Creek Area Plan.			
	37	Action: Explore and implement methods to expand the Lemon Creek area's housing options for workforce housing and senior housing, such as commonwalls and senior living communities.	The proposed LC zoning does not support this action because it does not permit common wall development and does not require residential uses. D18 supports this action more directly.
4	38	Goal 2: Designate buildable land, particularly along transit corridors, for residential use at densities that can produce affordable housing to all economic groups	The proposed LC zoning does not require or encourage residential use, which may limit opportunities for affordable housing near transit corridors. ARS better supports this goal by allowing increased density over D18.
	38	Action: Designate suitable land within one-quarter mile distance from public transit routes as a Transit Oriented Corridor (TOC) overlay zoning district allowing for medium-to high-density housing in wholly residential or mixed use developments.	The proposed LC zoning does not require residential or mixed-use development, so it does not support this action.

While the Lemon Creek Area Plan encourages mixed-use development and a variety of housing options, the LC zoning district would also allow density and commercial uses exceeding the MDR designation. Because the Comprehensive Plan is the guiding document for rezones, staff finds the proposal is not in substantial conformance overall.

AGENCY REVIEW

CDD conducted an agency review comment period between August 8, 2025, and October 6, 2025. Agency review comments can be found in **Attachment G**.

Agency	Summary
AHMTA	The Trust supports development in this area and recognizes the need for high-density housing, which the current D18 zoning already allows. Because no development plan has been provided, rezoning to LC could result in strictly commercial use, and therefore the Trust does not support the change at this time but would be open to considering it in the future if a plan is submitted.
ADOTP&F	No comments provided.
CBJ Engineering – Public Works	No comments provided.
Capital City Fire/Rescue	No comments provided.
CBJ Parks and Recreation	No comments or concerns.

PUBLIC COMMENTS

CDD held a public meeting for the rezone on September 24, 2025. Public notice was mailed to property owners within 500 feet of the proposed rezone (**Attachment H**). No public comments were received at the meeting.

CDD conducted a public comment period between September 25, 2025, and October 6, 2025. Public notice was mailed to property owners within 500 feet of the proposed rezone (**Attachment I**). A public notice sign was also posted on-site two weeks prior to the scheduled hearing (**Attachment J**). There are no public comments as of October 6, 2025.

ZONE CHANGE OPTIONS AND ALTERNATIVES

As stated in CBJ 49.75.130(a), the Commission may recommend approval, approval with modifications or denial of a rezone request. The Commission may recommend approval to the Assembly for different zoning districts than what is requested by the applicant or recommended by staff. Additionally, the Commission can recommend modifications to the boundaries of the area to be rezoned. This means that if the Commission wishes to do so, the zoning district boundary line may be moved from its current location, as long as it is found to be in substantial conformance with the Comprehensive Plan and Title 49 – Land Use Code. Zoning district boundary lines are intended to follow property lines, centerlines of streets, alleys, streams (CBJ 49.25.110(f)).

Staff did not identify an alternative zoning district consistent with the MDR designation; the existing D18 with ARS provides maximum density allowed, and the land use code through the ARS provides for increased density.

FINDINGS

In accordance with CBJ 49.75 the Director makes the following findings on the proposed rezone:

1. Was the rezone application filed timely in accordance with CBJ 49.75.110?

Analysis: No additional analysis required.

Finding: Yes. The rezone application was filed in July of 2025.

2. Was adequate public notice provided in accordance with CBJ 49.75.110?

Analysis: CDD staff held a public meeting on September 24, 2025; mailed written notice to property owners within 500 feet of the proposed rezone for the public meeting and the Commission hearing; and a public notice sign was posted on the site two weeks prior to the scheduled Planning Commission meeting.

Finding: Yes. Adequate public notice was provided in accordance with CBJ 49.75.110.

3. Is this request for an area covering more than two acres or an expansion of an existing zoning district as required by CBJ 49.75.120?

Analysis: The rezone request is for 4.03 acres and would be an expansion of an existing zoning district.

Finding: Yes. The proposed rezone meets the minimum area and is an expansion of an existing zoning district.

4. *Has a similar request been made within the previous 12 months as required by CBJ 49.75.120?*

Analysis: No additional analysis required.

Finding: No. A similar rezone request has not been filed within the previous 12 months.

5. *Is the proposed zoning district and the uses allowed therein found to be in substantial conformance with the land use maps of the comprehensive plan and policies of the comprehensive plan, in accordance with CBJ 49.75.120?*

Analysis: The site is designated Medium Density Residential (MDR), and as defined by the Comprehensive Plan, means urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300). Light Commercial allows a density of 30 units. Additionally, the land use code has regulation that supports higher density while conforming to the Comprehensive Plan.

Finding: No. The proposed rezone is not in substantial conformance with the land use maps and policies of the Comprehensive Plan.

6. *Is the proposed zoning district and the uses allowed therein found to be in substantial conformance with Title 49 – Land Use Code, in accordance with CBJ 49.75.120?*

Analysis: No further analysis needed.

Finding: Yes. The proposed rezone conforms with Title 49 CBJ 49.75.120.

RECOMMENDATION

Staff finds the rezone request inconsistent with the Comprehensive Plan's Medium Density Residential (MDR) designation and that the applicant's stated objectives can be achieved through existing zoning with an ARS.

Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of denial to the Assembly for the requested rezone application of a proposed rezone of 4.03 acres at 7170 Glacier Highway from D18 to Light Commercial.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet with PAC Notes
Attachment B	Proposed Ordinance Map
Attachment C	Building Permit 1607.01
Attachment D	SUB2001-00024
Attachment E	MAP2009-03 Final Bundle

Item	Description
Attachment F	MAP2009-03 Planning Commission and Assembly Minutes
Attachment G	Agency Comments
Attachment H	Neighborhood Meeting Materials
Attachment I	Planning Commission Abutters Notice
Attachment J	Public Notice Sign



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications.

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 7170 Glacier Hwy		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) SEVEN MILE LOT 4		
	Parcel Number(s) 5B1401000031		
	☐ This property located in the downtown historic district ☒ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner Duran Construction Co, LLC	Contact Person Marciano Duran	
	Mailing Address P.O. Box 32634 Juneau, AK 99801	E-mail Address mduran@acsalaska.net	Phone Number(s) 907-321-6161
	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 <u>Marciano Duran</u> 1/31/2025 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"			
Applicant SAME	Contact Person		
Mailing Address	E-mail Address	Phone Number(s)	
X <u>Marciano Duran</u> 1/31/2025 Applicant's Signature Date of Application			

DEPARTMENT USE ONLY BELOW THIS LINE

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

I:\FORMS\PLANFORM\DPA.docx

Intake Initials <u>[Signature]</u>	
Case Number AME25-03	Date Received 6/30/25

Updated 2017 – Page 1 of 1



See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

PROJECT SUMMARY
Change existing Zone from D-18 to LC (Light Commercial) in order to achieve an affordable Development by increasing the density.

IS THIS AN EXPANSION OF AN EXISTING ZONE? ☒ Yes ☒ No

Total Land Area of Proposed Change 4.03 acres Comprehensive Plan Land Use Designation MDR

Current Zone(s) D-18 Comprehensive Plan Map Letter G

New Zone Requested LC

TYPE OF ZONE CHANGE REQUESTED ☒ Regular ☐ Transition

Has this or a similar zone change been requested in the previous 12 months? ☐ Yes Case # _____ ☒ No

UTILITIES AVAILABLE WATER: ☒ Public ☒ On Site SEWER: ☒ Public ☒ On Site

ALL REQUIRED MATERIALS ATTACHED

☒ Complete application

☒ Pre-Application Conference notes

☒ Narrative including:

☒ Purpose of the requested zone change

☒ Any potential impacts to public infrastructure (streets, water, & sewer)

☒ How the requested zone change comply with the maps and policies of the Comprehensive Plan

☒ Site Plan and/or map of proposed zone change (details on reverse side)

To be completed by Applicant

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

ZONE CHANGE FEES	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>600⁰⁰</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>50⁰⁰</u>			
Pub. Not. Sign Deposit	\$ <u>100⁰⁰</u>			
Total Fee	\$ _____			

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number	Date Received
<u>AME25-03</u>	<u>6/30/25</u>

Zone Change Application Information

Zone changes are outlined in CBJ 49.75 article I

Pre-Application Conference: A pre-application conference is encouraged prior to submitting an application. The applicant shall meet with City & Borough of Juneau (CBJ) staff to discuss the Zone Change process and analysis. To schedule a pre-application conference, please contact the Permit Center at 586-0770 or via email at Permits@juneau.org.

Application: An application for a Zone Change will not be accepted by the CBJ until it is determined to be complete. **Zone Change may only be applied for during January and July.** The items needed for a complete application are:

1. **Forms:** Completed Zone Change Application and Development Permit Application.
2. **Fees:** The fee for Zone Change Application is \$600.00. No work can be approved with a Zone Change. All fees are subject to change.
3. **Project Narrative:** A detailed narrative describing the purpose for the requested zone change.
4. **Plans:** A site plan showing the following information:
 - A. The boundaries of the existing and proposed zone change and proposed buffers;
 - B. The location of existing structures (i.e. buildings, fences, signs, parking areas, etc.); and
 - C. The location of existing physical features of the site (i.e. drainage, topography, eagle trees, hazard areas, salmon streams, wetlands, etc.).
5. A traffic study may be required for zone changes.

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

1. Electronic copies in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf (other formats may be preapproved by the Community Development Department).
2. Paper copies 11" X 17" or smaller (larger paper size may be 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: 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 Zone Change request, the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department will coordinate the review of this application by other agencies, as necessary. **Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed Zone Change.**

Hearing: Once an application has been reviewed by all applicable parties the Community Development Department will schedule the zone change for the next appropriate Planning Commission meeting. All Zone Change Applications will be reviewed by the Planning Commission who will send a recommendation to the Assembly. Following a recommendation of approval by the Planning Commission, the Community Development Department will coordinate the zone change review by the Assembly. In order for zone changes to become effective, they must be adopted by ordinance by the CBJ Assembly.

Public Notice Responsibilities: All Zone Change requests must be given the following public notice as outlined in CBJ 49.15.230:

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 notices to all property owners within 500-feet of the project site.

The 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 appropriate by CDD. 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 within seven days of the scheduled hearing date. If the sign is returned between eight and 14 days of the scheduled hearing \$50 may be refunded. The Applicant may make and erect their own sign. Please contact the Community Development Department for more information.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



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

Rezone – 7170 Glacier Hwy

Case Number: PAC2025 0008
 Applicant: Marciano Duran
 Property Owner: Duran Construction Company LLC
 Property Address: 7170 Glacier Hwy
 Parcel Code Number: 5B1401000031
 Site Size: 175,620 square feet; 4.03 acres
 Zoning: D18
 Existing Land Use: Vacant

Conference Date: March 5, 2025
 Report Issued: April 25, 2025

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 complete application and are not 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
Marciano Duran	Applicant	MDuran@acsalaska.net
Josette Duran		Duran@acsalaska.net
Marciano Duran Jr.		MarsDuran19@gmail.com
Jolene Murphy	Planning	Jolene.Murphy@juneau.gov
Irene Gallion		Irene.Gallion@juneau.gov
Ilsa Lund		Ilsa.Lund@juneau.gov
Jeff Hedges	Building	Jeffrey.Hedges@juneau.gov
Bridget LaPenter	General Engineering	Bridget.LaPenter@juneau.gov
Sydney Hawkins	Permitting	Sydney.Hawkins@juneau.gov

Revised 5/31/2024

Conference Summary

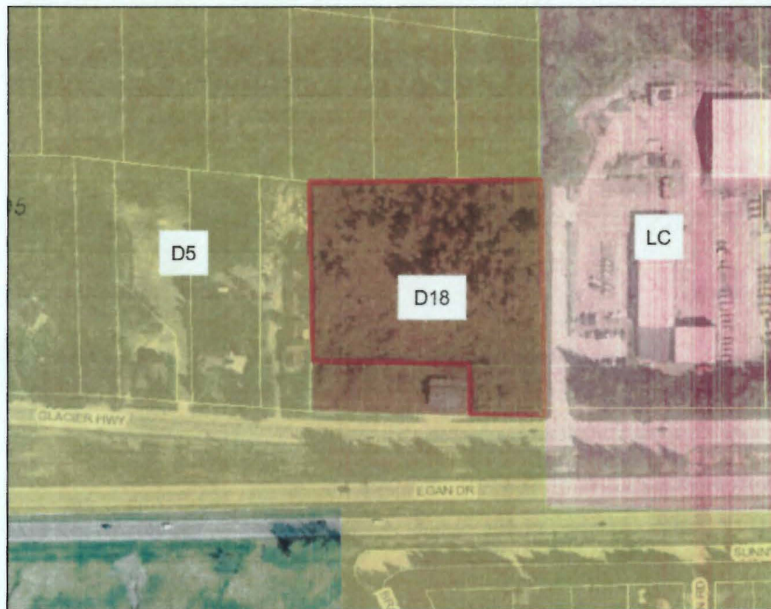
Questions/issues/agreements identified at the conference that weren't identified in the attached reports.

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

- Possible driveway access discussion with eastern property; AMHTA owned parcels to the north have expressed possible interest in development of lands with shared driveway
- Applicant should contact DOT about the possibility of creating access to the lot from Glacier Hwy

Project Overview

Applicant is requesting a zone change from D18 to LC to increase the allowable residential density of 7170 Glacier Hwy. The lot is currently vacant. Adjacent properties are zoned D5 to the west, LC to the East and D18 to the south.



Zone Change Process

The CBJ Land Use Code provides minimum restrictions for zone change requests. This proposal conforms to these restrictions as follows:

1. The request constitutes an expansion of the existing Light Commercial (LC) zone and is more than 4 acres, which exceeds the minimum lot size of 2 acres for a single lot rezoning request.
2. No similar request has been made in the past year

Application process:

- Apply for the rezoning in July
- Work with CDD on organizing a public meeting. CDD would present on the regulatory details, and the applicant would be able to present based on the vision for the area
- Modify the proposal as warranted by public comments
- Present the proposal to the Planning Commission. They will forward to the Assembly, and:
 - Recommend approval, OR
 - Recommend approval with modifications OR

- Recommend denial
- The Assembly will most likely consider the rezone:
 - At a subcommittee, probably Lands, Housing and Economic Development
 - At a Committee of the Whole (work group), then
 - At a regular Assembly Meeting, where the rezone will be voted on.

Background

The site was zoned R-7 in 1969. R-7 zoning established a low density, single- and two- family district, with a minimum lot size of 7,000 square feet for a single-family home. It was zoned D-5 under ordinance 87-49 under a major, borough-wide revision. Plat 2006-62 subdivided one larger lot into four smaller lots, including this one.

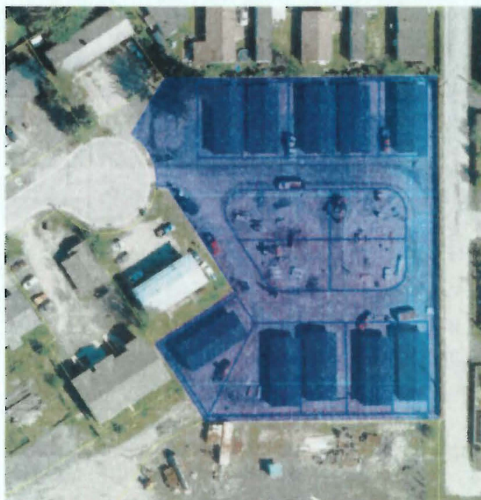
Under MAP2009-03 a rezone change was granted from D5 to D18, after an initial request to rezone from D5 to LC was modified. The lot is designated Medium Density Residential (MDR) in the Comprehensive Plan. Changing the zoning to LC was not approved as commercial use on this site was not consistent with an MDR Comprehensive Plan designation.

The site was never developed, but was conditioned to have no more than one access point to Glacier Highway when developed. This condition was added to alleviate future traffic concerns. Negotiations with the city were unsuccessful in creating private shared access with the CBJ driveway. A future subdivision would require the creation of a publicly maintained ROW with DOT permitting [CBJ 49.35.210(c)(1)(C)]

Alternative Residential Subdivision (ARS) Possibility

Because a similar rezone request was denied in 2009, pursuing ARS development standards may be another way to increase the allowable density while avoiding concerns about a rezone not being consistent with the Comprehensive Plan.

The alternative residential subdivision (ARS) standards allow for higher density development than what would typically be allowed in a district by awarding density bonuses. Creating this type of subdivision would result in individual lots surrounded by a parent lot. Individual lots have no minimum size. The formation of an HOA/similar entity is required. The parent lot would need to conform to the zoning district standards, while individual lots only need to conform to parking requirements. The units on 4090 Delta Drive are an example of this kind of development.



4090 Delta Drive

The density under ARS is calculated by multiplying the maximum number of dwelling units per gross acre permitted in the underlying zoning district (D18) by the number of acres in the ARS (4) and rounding to the nearest whole number. 72 units would be permitted, with the potential for more with a density bonus of up to 25%. With a 25% bonus up to 90 units could be developed.

Applicable density bonuses can be awarded as follows:

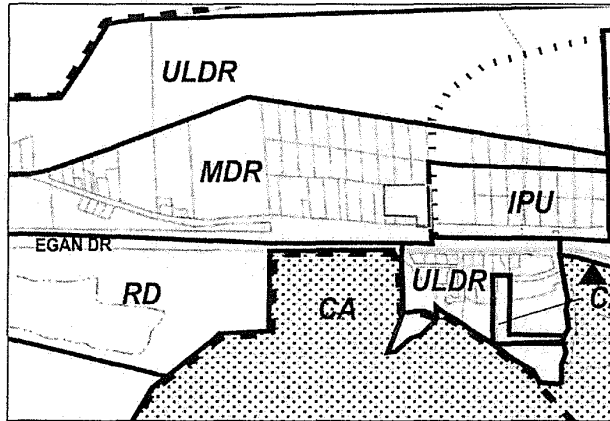
- 5% for each 10% of open space in excess of the 50% lot coverage maximum
- 5% for a continuous setback >50 feet
- 15% for a mixture of housing units restricted by a recorded document for 30 years from sale:
 - In which 10% of units are set aside for households earning no more than 80% AMI or
 - In which 20% of units are set aside for households earning no more than 120% AMI
- Up to 10% for common space amenities such as siting, landscaped buffers or preservation view corridors
- 10% for the dedication of a public ROW accessible to all unit lots
- 10% for bike/ped pathways through the development
- 5% for designing a five-star plus energy efficiency rating
 - 10 % for designing to a six-star plus energy efficiency rating
- Up to 10% for using high-efficiency primary heating methods (heat pumps) in all dwellings

ARS Abbreviated Review Process:

- Schedule a preapplication conference with informal project permit review
- Submit a Development Permit Application and ARS application
- Applications reviewed according to the Conditional Use Permit process
 - Approval is a two-step process:
 - Preliminary Plan Approval
 - Director will schedule preliminary plan for the planning commission
 - If approved, applicant will submit final plan
 - Final Plan Approval
 - HOA must be established as a part of the final plan review process
 - An approved final plan will expire 18 months after recording if applicant does not obtain a building permit and make substantial construction progress
 - A development permit extension may be applied for

Planning Division

1. **Current Zoning** – A rezone must conform to the 2013 Comprehensive Plan land use maps. On Map F (Submitted with this application) this area is Medium Density Residential (MDR) The Comprehensive Plan defines MDR as:



2.

Lands characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300).

CBJ 49.25.210 outlines the densities of D18 and LC:

The D-18, residential district, is intended to accommodate primarily multifamily development at a density of 18 dwelling units per acre. This is a high-density multifamily zoning district intended to accommodate midrise-type development.

The LC, light commercial district, is intended to accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in the GC, general commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed- and single-use developments in the light commercial district.

3. **Subdivision** – N/A

4. **Setbacks** – A rezone to LC would increase front, side and street side yard setback requirements.

Setback type	D18 (feet)	LC (feet)
Front yard	20	25
Side yard	5	10
Street side yard	13	17
Rear	10	10

5. **Height** – Height restrictions would be unchanged.

	D18 (feet)	LC (feet)
Permissible	35	35
Accessory	25	25

6. **Access** – Glacier Hwy

7. **Parking & Circulation** –

Housing Type	Spaces Required
Single-Family & Duplex	2 per dwelling unit
Multifamily Units	1 per one-bedroom
	1.5 per two-bedroom
	2.0 per three-or more bedroom
Accessory Apartment	1 per unit

8. **Lot Coverage** – Lot coverage maximums would be eliminated with this zone change.

9. **Vegetative Coverage** – Vegetative coverage minimums would be reduced from 30% to 15% with a rezone. Lot is currently 100% vegetative coverage.

1. **Lighting** – No lighting is proposed at this time.

10. **Noise** – Not applicable to this application

11. **Flood** – Property is not located within a mapped flood hazard area. Per panel 02110C1531D.

12. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – Property is not located within a mapped hazard area.

13. **Wetlands** – N/A

14. **Habitat** – Check with the U.S. Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact future construction scheduling. No anadromous waterbodies are on the subject parcel, or within 50 feet.

15. **Plat or Covenant Restrictions** –

16. **Traffic** – N/A

17. **Nonconforming situations** – N/A

Building Division

18. **Building** – Be mindful of fire separation distances. 4 or more units require full design professionals.

19. **Outstanding Permits** – BLD2001-00001 Stockpile of rock for future use.

General Engineering/Public Works

20. **Engineering/Drainage/Utilities** – No comments at this time.

Fire Marshal

21. **Fire Items/Access** – No comments at this time.

Other Applicable Agency Review

22. DOT&PF

List of required applications

Pre-Application Conference Final Report

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.

1. Development Permit Application
2. Zone Change Application or Alternative Residential Subdivision Application

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.

1. 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.

1. 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.

Fees for Rezoning

- Zone change: \$600
- Public Notice Sign: \$150, \$100 of which is refundable if the sign is returned by the Monday following the Planning Commission meeting.

Fees for Alternative Residential Subdivision

- Preliminary plan application review: \$400 plus \$80 per residential unit
- Final plan review: \$300 plus \$60 per residential unit
- Plus subdivision fees. Subdivision over 13 lots:
 - Preliminary plat: \$110 per lot
 - Final plat: \$70 per lot

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 email to permits@juneau.gov

OR in person with payment made to:

City & Borough of Juneau, Permit Center
230 South Franklin Street
Fourth Floor Marine View Center
Juneau, AK 99801

Pre-Application Conference Final Report

Phone: (907) 586-0715

Web: www.juneau.org/community-development

Attachments:

Title 49 References:

1. 49.15.920 – Alternative Residential Subdivisions
2. 49.25.300 – Table of Permissible Uses
3. 49.25.400 – Minimum Dimensional Standards
4. 49.75.110 – Rezonings

MAP2009-03 NOD

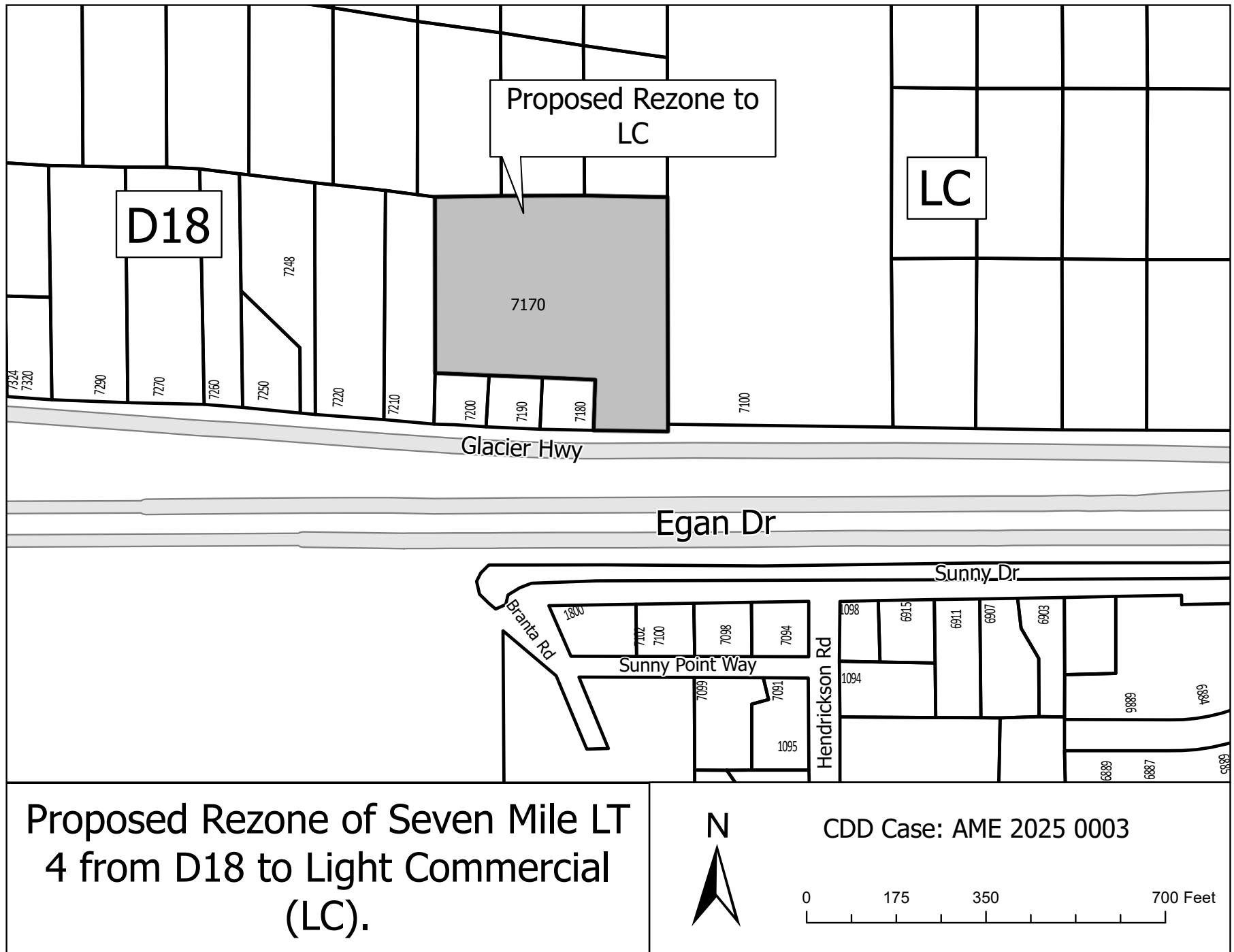
MAP2009-03 Staff Report

Applications:

DPA – Development Permit Application

AME – Zone Change Application

ARS – Alternative Residential Subdivision Application



BUILDING PERMIT APPLICATION

Date Received:

Date Issued:

Process #	CITY and BOROUGH of JUNEAU, ALASKA		Permit #
Project Address	7170 Glacier Highway	City/Zip	99801
Subdivision/USS	USS 2476	Block/Tract	—
APN/File #	5-B14-0-100-003-0	Dwelling Units	.0
OWNER/S	Thomas Hoey	Contact Person:	Same
Mailing Address	POBox 2619	Home Phone No.	789-2590
CONTRACTOR	Same	Work Phone No.	
Mailing Address		Phone No.	
ARCHITECT	N/A	License No.	
Mailing Address		Phone No.	
ENGINEER	N/A	License No.	
Mailing Address		Phone No.	
CLASS OF WORK: ☐ New ☐ Addition ☐ Remodel/Repair ☐ Demolition ☒ Other			
BUILDING TYPE: ☐ Residential ☐ Commercial ☒ Other			
Is there a separate application for real property tax exemption ☐ Yes ☐ No Located in flood plain area? ☐ Yes ☐ No			
Is the proposed work to be done on land which has been previously filled or is proposed to be filled? ☐ Yes ☐ No			
REMARKS/EXPLANATION OF WORK: approximately 99 cubic yards of fill.			
NOTE: If the work is on a landfill, in water, wetlands, or an intertidal area, a Corps of Engineers or other permits may be required.			
I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be compiled with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.			
Signature of Owner, Contractor, or Authorized Agent		Date	
X Thomas Hoey			

BUILDINGS

Occupancy Class: θ Type of Construction: GR

FCC Code: θ Permit Classification: GR

Occup.	Sq. Ft.	@	Rate	=	Valuation						
No. of Stories:		No. of Bedrooms:									

Authorizations (Init. & Date)

Arch./S _____

Mech./Pl: _____

Elec: _____

Fire: _____

Zoning: ARB

Eng: _____

Other: _____

Approved for Issuance: _____

Signature _____

Date 6-11-87

BUILDING PERMIT FEES

Est. Plan Review: \$ _____

Check No: _____ Receipt No: _____

Building Permit Fee \$ _____

Actual Plan Review: \$ _____

Grading Fee: \$ 22.50

Total Building Permit Fee: \$ 22.50

Radio Fire Alarm Fee: \$ _____

ENGINEERING FEES:

Water Fee \$ _____

Inspection Fee \$ _____

Sewer Assessment \$ _____

Permit Fee \$ _____

Bond \$ _____

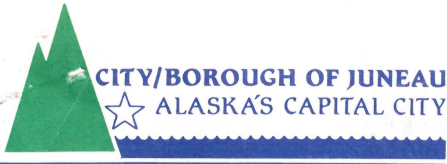
TOTAL RECEIVED \$ 22.50

Check No. _____ Receipt No. _____

REMARKS:

Attachment C – Building Permit 1607.01

Page 154 of 725



BUILDING PERMIT

Your special attention is called to the following:

This permit is granted on the express conditions that the construction shall, in all respects, conform to the ordinances of the City and Borough of Juneau. It may be revoked at any time upon violation of any provisions of said ordinances.

The granting of this permit does not authorize the violation of the provisions of any federal, state, or local law regulating construction nor the violation of the terms of any deed or covenant or any zoning or other regulations.

The permit issued must be attached to the approved drawings which should be available on site at all times while the construction is in progress.

This permit becomes null and void if work or construction authorized is not commenced within 180 days or if work or construction is suspended or abandoned for a period of 180 days at any time after work is commenced.

Inspections can be arranged by telephoning 586-1703 or by written notification. Work shall not proceed until the inspector has approved the various stages of construction.

JOB ADDRESS	RECEIPT # 1680	DATE 06/11/87	PROJECT # 1607.01
USE OF PERMIT 12' OF UNDER 100 CU YRDS FILL @ 7 MILE			

OWNER		
ADDRESS		
CITY	ST	ZIP
APPLICANT		
CONTRACTOR		
ADDRESS		
CITY	ST	ZIP
PH	STATE LIC.	CITY LIC.
ARCH/ENGINEER		
ADDRESS		
CITY	ST	ZIP

TRACT #	LOT #	APN 5-814-0-100-003-0		
TRACT NAME 888 2476		MODULE #	CENSUS TRACT	
ZONE	SETBACKS FRONT	LEFT	RIGHT	REAR
Grading Permit		0000000906 12.50		
Other Fees		12.50		
COUNTER APPROVAL		PAYMENT FORM	TOTAL FEE 25.00	

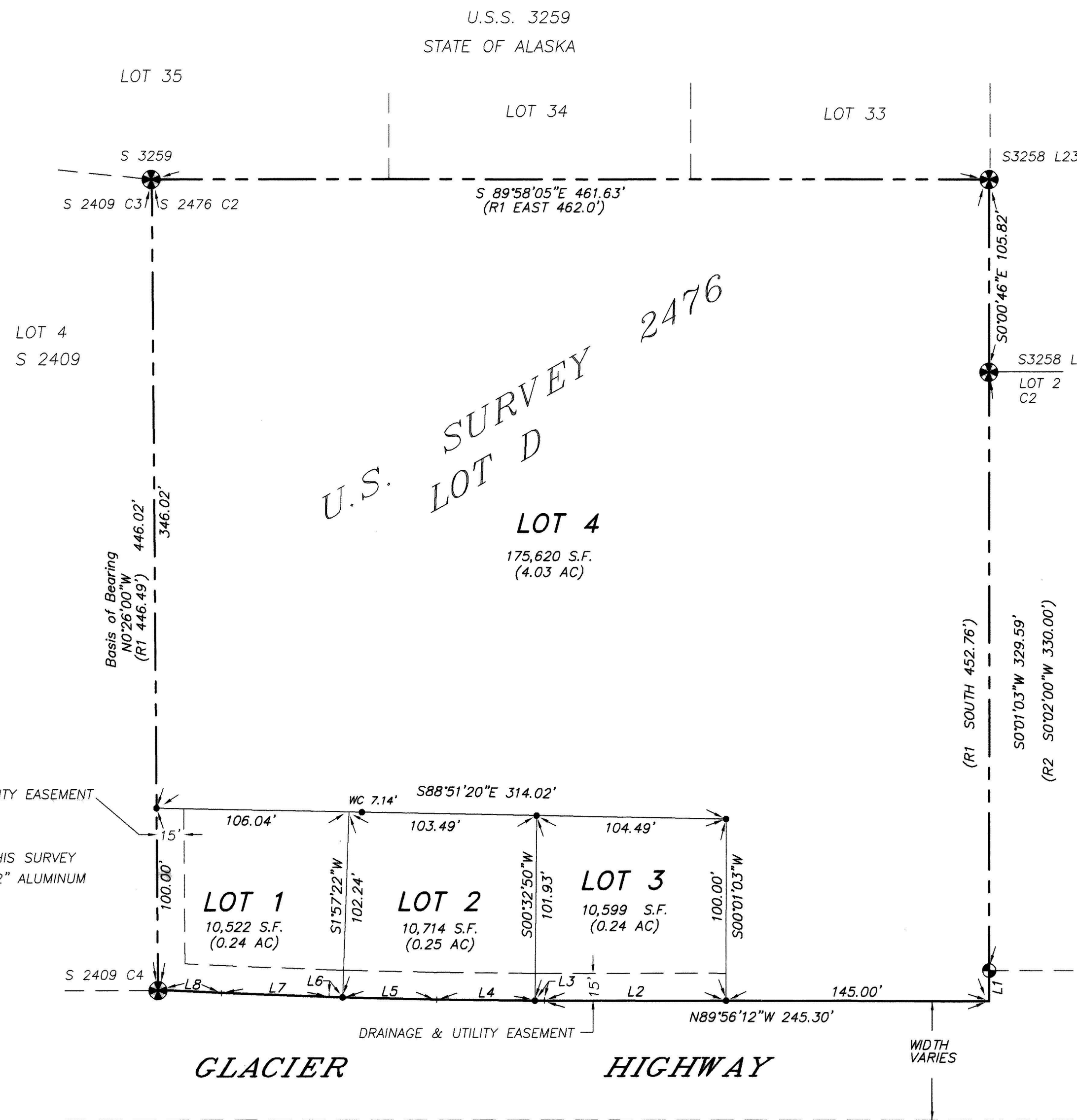
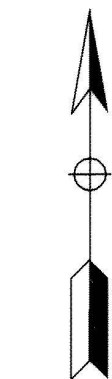
PROJECT PERMIT

Estimated Construction Valuations

Permit Type	Sq Feet	Rate	Valuation
Grading Permit			0.00

OTHER Fees

Grading Permit Fee	N	12.50	(000000910)
Total		12.50	



TYPICAL MONUMENTS SET THIS SURVEY
36" X 5/8" REBAR WITH 2" ALUMINUM
SURV-CAP:



CERTIFICATE OF REGISTERED LAND SURVEYOR
I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4, COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

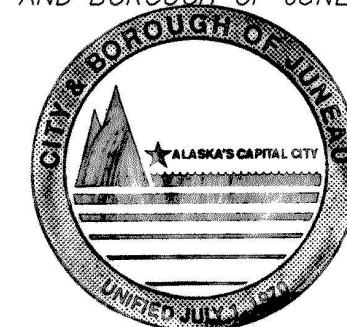
Douglas Finley
DOUGLAS FINLEY LS-6277
DATE 10/31/06

CERTIFICATE OF APPROVAL CITY & BOROUGH OF JUNEAU, DEPARTMENT OF COMMUNITY DEVELOPMENT

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU DEPARTMENT OF COMMUNITY DEVELOPMENT FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

DATED: 10/31/06

Dee Penick
DIRECTOR, CITY & BOROUGH OF JUNEAU
DEPARTMENT OF COMMUNITY DEVELOPMENT
ATTEST: CLERM, CITY AND BOROUGH OF JUNEAU
PLANNING COMMISSION



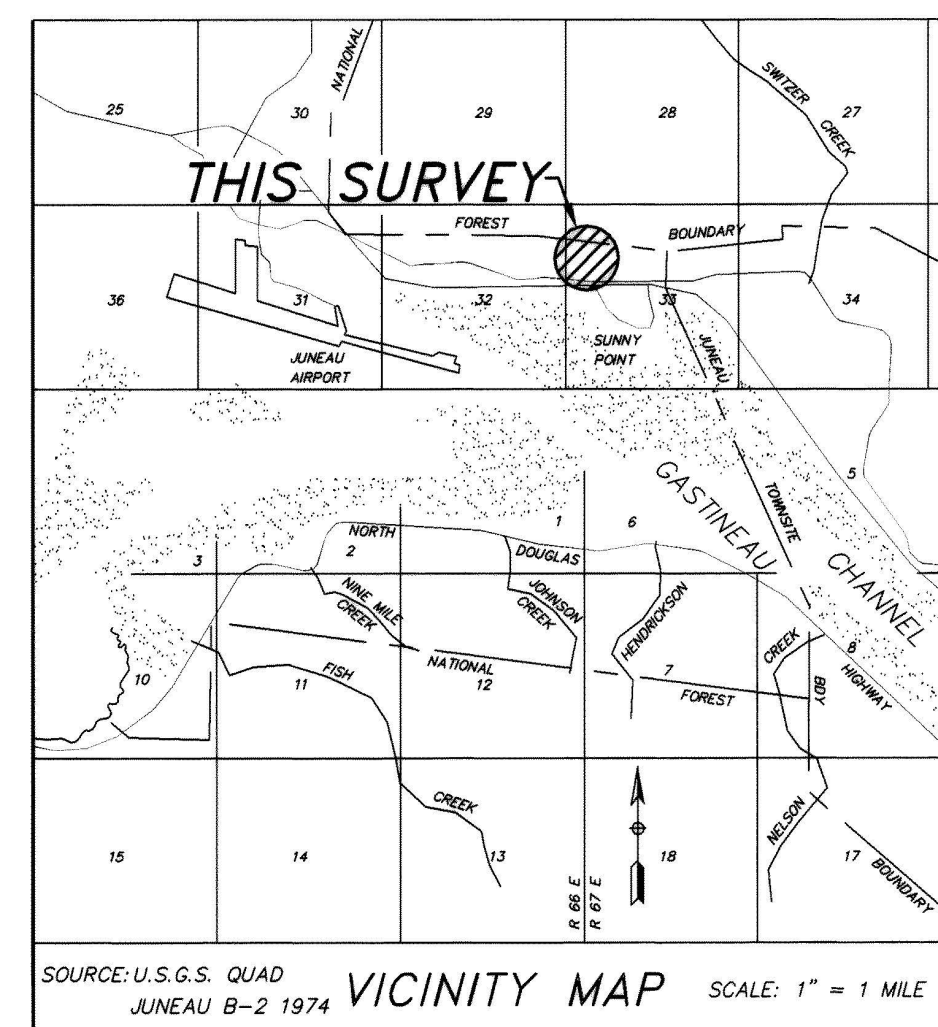
NOTES:

- 1.) LOTS ARE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD
- 2.) DOMESTIC WATER AND SANITARY SEWER PROVIDED BY CITY & BOROUGH OF JUNEAU UTILITIES
- 3.) MEASURED BEARINGS AND DISTANCES ARE SHOWN OUTSIDE PARENTHESES; RECORD BEARINGS AND DISTANCES ARE SHOWN IN PARENTHESES. RECORD R1 REFERS TO 1940 BLM (GLO) PLAT, U.S. SURVEY NO. 2476 RECORD R2 REFERS TO 1953 BLM PLAT, U.S. SURVEY NO. 3258 ALASKA RIGHT OF WAY SHOWN AS DEPICTED ON STATE OF ALASKA DEPT. OF TRANSPORTATION AND PUBLIC FACILITIES RIGHT-OF-WAY MAP ALASKA PROJECT FM-0955 (3) JAN. 1986, BY ROBERT HUNGERFORD, SHEETS 3 AND 4 OF 8.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°01'02"W	16.78'
(R2)	(S0°02'00"W)	(16.90')
L2	N89°56'12"W	100.30'
L3	N89°27'10"W	5.12'
L4	N89°27'10"W	54.22'
L5	N88°33'07"W	51.78'
L6	N88°33'07"W	7.56'
L7	N87°42'04"W	59.35'
L8	N87°11'03"W	34.95'

LEGEND

- U.S.B.L.M. PRIMARY MONUMENT, MARKED AND WITNESSED AS DESCRIBED IN THE OFFICIAL RECORDS, RECOVERED THIS SURVEY
- PRIMARY MONUMENT BY TRYCK NYMAN HAYES, RECOVERED THIS SURVEY: 3" ALUMINUM CAP ON 2" ALUM PIPE
- 36" X 5/8" REBAR WITH 2" ALUMINUM SURV-CAP SET THIS SURVEY



STATEMENT OF OWNERSHIP:

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND THAT I DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS INDICATED.

DATE 10/31/06 2006

OWNER Brendan Kelly
BRENDAN KELLY

NOTARY ACKNOWLEDGMENT:

UNITED STATES OF AMERICA)
STATE OF ALASKA) S.S.

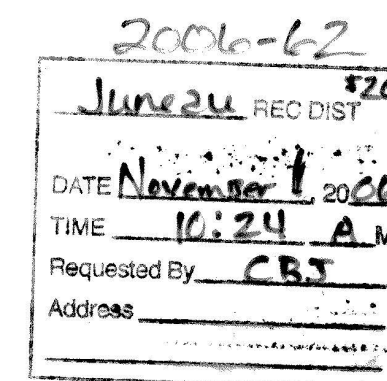
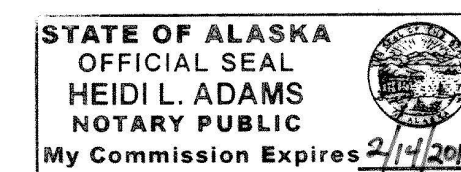
THIS IS TO CERTIFY THAT ON THIS 31 DAY OF October, 2006 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED;
BRENDAN KELLY

KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR ALASKA Heidi L. Adams

MY COMMISSION EXPIRES 2/14/2010



Scale 1" = 50 ft

A PLAT OF
SEVEN MILE SUBDIVISION
A SUBDIVISION OF LOT D, US SURVEY No. 2476
LOCATED IN THE CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU, ALASKA RECORDING DISTRICT

OWNER		JUNEAU, ALASKA RECORDING DISTRICT		SHEET 1 OF 1
BRENDAN KELLY		DOUGLAS FINLEY LAND SURVEYING		
PO BOX 34101- JUNEAU, ALASKA 99803		820 6TH STREET - JUNEAU, ALASKA 99801		
DATE: 9/30/06	DRAWN BY: GDM	PROJ. No.: 95-186-C145	SCALE: 1" = 50'	

A
L
A
S
K
A

2006-007999-0

Recording Dist: 101 - Juneau

11/1/2006 10:24 AM Pages: 1 of 1



PLAT PROCESSING WORKSHEET

PLAT # (ASSOC PLAT):

2006-62

INDEX CODE:

P1

DOCUMENT TYPE:

plat

OF MYLAR PAGES:

1

(WHEN INDEXING NUMBER OF PAGES, ONLY INDEX THE NUMBER OF MYLAR PAGES)

OF ATTACHMENT PAGES:

9

(THIS PLAT PROCESSING WORKSHEET IS NOT COUNTED AS A MYLAR OR ATTACHMENT PAGE)

Submitted by DNR:

Yes

No

X

If Yes, File Type

File Number

GRANTOR(S):

Kelly, Brenden

GRANTEE(S):

Seven Mile Subdivision

LEGAL (NEW):

<u>Lot 1</u>	<u>plat 2006-62</u>
<u>Lot 2</u>	<u>2006-62</u>
<u>Lot 3</u>	<u>2006-62</u>

LEGAL (OLD):

Lot D USS 2476

EMPLOYEE'S INITIALS

MGP

5/18/2005 Revd

SUBDIVISION OR PLATTING APPLICATION

(APPLICANT PLEASE FILL IN SHADED AREAS AS A MINIMUM)

Project Number	Project Name (15 characters) <u>Greenridge 4 L+Subs</u>	Case Number <u>SUB01-24</u>	Hearing Date	Date Received <u>6/21/06</u>
----------------	--	--------------------------------	--------------	---------------------------------

LEGAL DESCRIPTION OF PROPERTY WHICH WILL BE SUBDIVIDED OR PLATTED:

PARCEL NUMBER: SB1401000030

USS 2476

7170 GLACIER HWY.

Number of Existing Parcels 1 Total Land Area 207,000 SQ. FT. Resulting Lots or Parcels 4

TYPE OF SUBDIVISION OR PLATTING APPROVAL REQUESTED

(please see submittal requirements on reverse)

MINOR SUBDIVISION

(Changing or creating 4 or fewer lots)

- ☐ Zero Lot Line (Common Wall)
- ☐ "Panhandle" Subdivision
- ☐ Accretion Survey
- ☐ Boundary Adjustment
- ☐ Lot Consolidation
- ☒ Subdivision resulting in 4 or fewer lots
- ☐ Other _____

MAJOR SUBDIVISION

(Changing or creating greater than 4 lots)

- * ☐ Preliminary Plat
- ☐ Final Plat
- * ☐ Plat Amendment
- * ☐ Planned Unit Development - Preliminary Plan Approval
- ☐ Planned Unit Development - Final Plan Approval
- ☐ Other _____

* Public Notice Sign Required

Please attach cover letter to fully explain the project if there is not adequate space on this form.

PREVIOUS USE OF LAND OR BUILDING(S):

CURRENT BUILDING(S) OR STRUCTURES ON THE LAND:

☐ YES ☒ NO

If Yes, provide a site plan drawn to scale showing all improvements on the lot. An As-Built Survey may be required.

CURRENT USE OF LAND OR BUILDING(S):

PROPOSED USE OF LAND OR BUILDING(S):

LOTS 1,2,3 AS SINGLE FAMILY HOMES.

UTILITIES AVAILABLE

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

UNIQUE CHARACTERISTICS OF LAND OR BUILDING:

REVIEW APPROVALS

Initials Date

Buildings _____

Engineering _____

Planning _____

SUBDIVISION/PLATTING/PUD FEES

Fees	Check No.	Receipt	Date
Application Fees	\$		
Admin. of Guarantee	\$		
Adjustment	\$		
Pub. Not. Sign Lease	\$		
Total Fee	\$		

permform.xls 1/13/98

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Page 1 of 2

DEVELOPMENT PERMIT APPLICATION

(APPLICANT - PLEASE FILL IN THE PROJECT/APPLICANT INFORMATION)

Project Number	CITY and BOROUGH of JUNEAU		Date Received:	6/21/06
Project Name (City Staff to assign name)	Greenridge 4 Lot SUB			
Project Description Minor 4-Lot Subdivision				
PROPERTY LOCATION				
Street Address 7170 Glacier Highway		City / Zip Juneau, Alaska 99801		
Subdivision (if known)	Survey (if known) USS 2476	Block / Tract (if known)	Lot (if known) D	
Assessor's Parcel Number (if known) 5B1401000030				
LANDOWNER/LESSEE				
Property Owner's Name Brendan K. Kelly		Contact by E-Mail: kelly_brendan@hotmail.com		Contact Person Brendan Kelly
Mailing Address P.O. Box 34101		Home Phone No. 523-1011		Work Phone No. 723-3540
LANDOWNER/LESSEE CONSENT (Required for Planning permits not needed on Building/Engineer permits)				
I am (we are) the owner(s) or Lessee 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.			INITIAL ALL THAT MAY APPLY APPLICATION TYPE OWNER'S INITIALS ALLOWABLE USE CONDITIONAL USE VARIANCE DESIGN REVIEW SUBDIVISION OTHER:	
X [Signature] Landowner/Lessee Signature 6/21/06 Date X [Signature] 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 and may do so during the weekend before the scheduled public hearing date.				
APPLICANT (If same as OWNER, write "SAME" and sign and date at X below)				
Applicant's Name Same		Contact by E-Mail:		Contact Person
Mailing Address		Home Phone No.		Work Phone No.
X [Signature] Applicant's Signature		X 6/21/06 Date of Application		FAX No.

(OFFICE USE ONLY BELOW THIS LINE)

STAFF APPROVALS	C K	PERMIT TYPE	SIGN	DATE RECEIVED	APPLICATION NO.	C K	PERMIT TYPE	DATE RECEIVED	APPLICATION NO.
		ALLOWABLE USE APPROVAL					WATER PERMIT		
		CONDITIONAL USE APPROVAL					SEWER PERMIT		
		VARIANCE					GRADING PERMIT		
		DESIGN REVIEW APPROVAL	MINOR				DRIVEWAY PERMIT		
			MAJOR				RIGHT-OF-WAY PERMIT		
	X	SUBDIVISION	MINOR	6/21/06	SUB01-24		PUB. FAC. TRANSMISS. & EXCAV. PERMIT		
			MAJOR				OTHER - (Describe)		
			PUD						
		STREET VACATION							
	SIGN APPROVAL	LOCATED IN HISTORIC DISTRICT? ☐ YES ☐ NO							
	BUILDING PERMIT								
	Zone	Total Lot Area	Required Setbacks		Permit Intake Initials				
			Front Back Side Other						
	COMMENTS:								

NOTE: DEVELOPMENT PERMIT APPLICATION FORM MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

DEVELOPMENT PERMIT APPLICATION

(APPLICANT - PLEASE FILL IN THE PROJECT/APPLICANT INFORMATION)

Project Number	CITY and BOROUGH of JUNEAU	Date Received: <u>6/21/06</u>
Project Name (City Staff to assign name)	<u>Greenridge 4 Lot SUB</u>	

PROJECT / APPLICANT INFORMATION	Project Description <u>Minor 4-Lot Subdivision</u>			
	PROPERTY LOCATION			
	Street Address <u>7170 Glacier Highway</u>		City / Zip <u>Juneau, Alaska 99801</u>	
	Subdivision (if known)	Survey (if known) <u>USS 2476</u>	Block / Tract (if known)	Lot (if known) <u>D</u>
	Assessor's Parcel Number (if known) <u>5B1401000030</u>			
	LANDOWNER/LESSEE			
	Property Owner's Name <u>Brendan K. Kelly</u>		Contact Person <u>Brendan Kelly</u>	Work Phone No. <u>723-3540</u>
	Mailing Address <u>P.O. Box 34101</u>		Home Phone No. <u>523-1011</u>	FAX No.
	☒ Contact by E-Mail: <u>kelly_brendan@hotmail.com</u>			
	LANDOWNER/LESSEE CONSENT (Required for Planning permits not needed on Building/Engineer permits)			
I am (we are) the owner(s) or Lessee 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. <u>X</u> <u>[Signature]</u> Landowner/Lessee Signature Date <u>6/21/06</u> <u>X</u> _____ 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 and may do so during the weekend before the scheduled public hearing date.				
INITIAL ALL THAT MAY APPLY				
APPLICATION TYPE		OWNER'S INITIALS		
ALLOWABLE USE				
CONDITIONAL USE				
VARIANCE				
DESIGN REVIEW				
SUBDIVISION				
OTHER:				
APPLICANT (If same as OWNER, write "SAME" and sign and date at X below)				
Applicant's Name <u>Same</u>		Contact Person	Work Phone No.	
Mailing Address		Home Phone No.	FAX No.	
<u>X</u> <u>[Signature]</u> Applicant's Signature		<u>X</u> <u>6/21/06</u> Date of Application		

(OFFICE USE ONLY BELOW THIS LINE)

STAFF APPROVALS	C K	PERMIT TYPE	DATE RECEIVED	APPLICATION NO.	C K	PERMIT TYPE	DATE RECEIVED	APPLICATION NO.
		ALLOWABLE USE APPROVAL				WATER PERMIT		
		CONDITIONAL USE APPROVAL				SEWER PERMIT		
		VARIANCE				GRADING PERMIT		
		DESIGN REVIEW APPROVAL				DRIVEWAY PERMIT		
		SUBDIVISION				RIGHT-OF-WAY PERMIT		
		STREET VACATION				PUB. FAC. TRANSMISS. & EXCAV. PERMIT		
		SIGN APPROVAL				OTHER - (Describe)		
		BUILDING PERMIT						
		Zone	Total Lot Area	Required Setbacks		Permit Intake Initials		
				Front _____ Back _____ Side _____ Other _____				
		COMMENTS:						

NOTE: DEVELOPMENT PERMIT APPLICATION FORM MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

PLAT RECORDING REQUIREMENTS

File No. SUB2001-00024

4/1/06
Date

Proposal: Subdivide USS 2476 Lot D into 4 lots

1. Is there a **title block** (Contains a title reflecting the overall intent of the document)? Y ☒ N ☐
 2. Do you have **2 mylars** for recording purposes? Y ☒ N ☐
 3. Is the plat **legible**? Document text must be of consistent clarity (no broken characters, or severe light & dark zones in text). Names printed out under signatures. Y ☒ N ☐
 4. Do you have appropriate **Fee**? Y ☐ N ☐
 5. Does the plat state **Juneau Recording District**? Y ☒ N ☐
 6. Does the plat have original **Signatures** for all signers? Y ☒ N ☐
 - a. All the owners and witnesses? Y ☒ N ☐
 - b. All notary signatures including seal/stamp? Y ☒ N ☐
 - c. DEC signature when needed? Y ☒ N ☐
 7. Is the document written in **English**? Y ☒ N ☐
 8. Is the plat a reproducible **black Mylar**? Y ☒ N ☐
 9. Is the **Mylar 32" x 36"** or smaller? Y ☒ N ☐
 10. Does the plat have **surveyor's seal & signature**? Y ☒ N ☐
 11. Do you have **tax certificates** for **all** parcels involved (an Authorization to Subdivide must be included as an attachment from Jan 1 to June 30 along with the tax certificates)? Y ☒ N ☐
 12. Does the plat have **Platting Authority approval** (i.e., Director/Acting Director and City Clerk signatures or Planning Commission Chair and Planning Commission Clerk signatures)? This section must be labeled as such. Y ☒ N ☐
 13. Does the plat have the proper **legal description**? Y ☒ N ☐
- No paper attachments larger than 8 1/2 x 14.** Y ☒ N ☐

* If you have documents that need to be recorded with the plat or separately, please see Annie or Heidi. These documents may have different/additional requirements. Y ☐ N ☐

Subsidiary document for a plat requires a "Return to" name & address (usually belonging to the owner). Ask for a conformed copy of any document recorded separately from a plat (not as an attachment, such as a deed restriction). Y ☐ N ☐

Juneau 2006-62

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

CERTIFICATION OF PAYMENT OF TAXES
AND SPECIAL ASSESSMENTS

I, the undersigned, being duly appointed, qualified Treasurer for the City and Borough of Juneau, First Federal District, State of Alaska, do hereby certify that, according to the records of the City and Borough of Juneau, the following described property is carried on the tax records in the name of:

Brendan K. Kelly

Current Owner

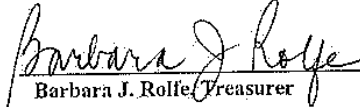
USS 2476 L D

Description

5-B14-0-100-003-0

Parcel Code Number

and that, according to the records in my possession, all taxes and special assessments assessed against said lands and in favor of the City and Borough of Juneau are paid in full; that current taxes of the year 2006, due on or before September 30, 2006, have been paid.


Barbara J. Rolfe, Treasurer

October 12, 2006

Date

155 So. Seward Street, Juneau, Alaska 99801-1397

SUB2001-00024

Permit No.

5-B14-0-100-003-2

A.P.N.

BND2007-00053

Bond No.

**CITY AND BOROUGH OF JUNEAU, ALASKA
IMPROVEMENT GUARANTEE**

In order to ensure the restoration, and/or installation of improvements required by the Uniform Building Code, the City and Borough Engineering Department, and/or the above referenced permit, the property owner or developer hereby guarantees the installation of required improvements described as:

Installation a four-inch sanitary sewer service. Also installation of a new one-inch water service connection to Lots 1, 2, 3, and 4 Seven Mile Subdivision. All work must comply with CBJ Standard Details, Specifications, and their latest revision, and attached conditions and all ADOT permit requirements. A certified as built stamped by an Alaskan Licensed Civil Engineer or Surveyor of the new water and sewer services must be submitted. All work must be inspected and approved before bond will be released.

Uniform Building Code Section: _____

Engineering Department Standard Detail Nos. 125 (modified), 210, 213, and 406.

Located at: Glacier Highway, Lots 1, 2, 3, and 4 Seven Mile Subdivision.

(Address)

This document is evidence that Brendan Kelly

(Owners or Applicants name)

Has posted the sum of \$35,360.00 to guarantee performance of the required work as described above and as required in City and Borough of Juneau permit No.: SUB2001-00024 and BND2007-00053 incorporated by reference herein. Should the Owner/Applicant, after fourteen (14) calendar days written notification, fail to satisfactorily complete the required permitted restoration and/or improvements, the money shall be forfeited to the City and Borough of Juneau. In any event, all work must be completed by January 15, 2008 unless extended in writing by agreement of the CBJ and the Developer. The City and Borough of Juneau may use the forfeited money as needed to perform the completion of the permitted work.

The owner or applicant shall notify the City and Borough Engineering department when the restoration or improvements are completed to schedule an inspection of the site. The bond shall be returned upon written approval of the required improvements.

CITY AND BOROUGH OF JUNEAU, ALASKA
IMPROVEMENT GUARANTEE

(Page 2)

Approved as to terms and conditions, and receipt is acknowledged by a copy hereof.

Dated this 26th day of Nov, 2007 in Juneau, Alaska

[Signature]
(Owner / Applicant)

Dated This 27 day of November, 2007 in Juneau, Alaska.

City and Borough of Juneau

[Signature]
(Name)

Eng. Associate, General Eng
(Title and Department)

VERIFICATION GUARANTEE FUNDS

The owner/applicant, Brendan Kelly, has deposited the amount of \$ 35,300.00 to guarantee the described restoration and/or improvements by:

☒ 1. Payment of a cash bond in the amount of \$ 35300.00, to the City and Borough of Juneau, Engineering Department, on 11/27/07 by cash/check no 53852 and a copy of the receipt is attached.

☐ 2. Posting of a corporate surety bond in the amount of \$ _____, a copy of which is attached, and which has been approved as to form by the City and Borough Attorney.

☐ 3. By depositing the amount of \$ _____, in an account established in the name of the City and Borough of Juneau, I.T.F., _____, located at: _____, account no.: _____. A copy of the escrow agreement is attached which has been approved as to form by the City and Borough Attorney.

Dated this 27th day of November, 2007 in Juneau, Alaska.

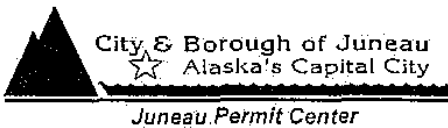
General Engineering
(CBJ Department)

[Signature]
(Name)

Engineering Associate
(Title)

Approved as to form:

Assistant City-Borough Attorney



RECEIPT NO: 25528

Tuesday, November 27, 2007

Payment Receipt

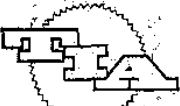
Case #: BND2007-00053

Name : BRENDAN KELLY
PO BOX 34101
JUNEAU, AK 99803

Parcel No: 5B1401000032

Case Number	Description	Account Number	Receipt Number	Check Number	Date Paid	Amount Due	Amount Paid
BND2007-00053	3 Bond - Eng	110-00-1-33-02-000	25528	53852	11/27/2007	35,360.00	35,360.00
Total Paid:						\$35,360.00	

RECEIPT PREPARED BY:

 **TITLE INSURANCE AGENCY, INC.**
ESCROW ACCOUNT
8251 GLACIER HIGHWAY, SUITE A (907) 789-1671
JUNEAU, ALASKA 99801

WELLS FARGO BANK
89-571252
FILE # 37946
CHECK NO. 53852

THIRTY-FIVE THOUSAND FIVE HUNDRED TEN AND 00/100 DOLLARS ***

PAY

DATE 11/27/07 AMOUNT *****\$35,510.00

City and Borough of Juneau
155 South Seward
Juneau, Alaska 99801

TO THE ORDER OF

Brendan Kelly
Brenda Anderson
AUTHORIZED SIGNATURE

⑈053852⑈ ⑆1127200053⑈0018844619⑈

Note: If your project involves a Plan Review or other CBJ Approval, you can check the status on the Internet at the following URL:
<http://www.juneau.org/permits/> and click on Forms, Reports and Handouts then on Permit Lists/Reports under Land Use or Building
Permits to see a list of active reviews.

Printed: November 27, 2007 3:12PM

Fee@Receipt.rpt



TITLE INSURANCE AGENCY, INC.
ESCROW ACCOUNT

53852

FILE #: 37946 AMOUNT: \$35,510.00 DATE: 11/27/07 CODE: e18
CK #: 53852 ALT:

PAYEE: -- City and Borough of Juneau

SELLER(S) -- Brendan K. Kelly

BUYER(S) -- Phao Nguyen and Hong Nguyen

PROPERTY LOCATION --

7170 Glacier Hwy, Juneau, Ak 99801

Lot 3 Seven Mile Sub

Mortgage Payoff #1

NOV 27 2007

ENGINEERING

Includes \$150.00 fee



RECEIPT NO: 25529

Tuesday, November 27, 2007

Payment Receipt

Case #: SUB2001-00024

Name: **BRENDAN KELLY**
2160 FRITZ COVE RD
JUNEAU, AK 99801

Parcel No: 5B1401000030

Case Number	Description	Account Number	Receipt Number	Check Number	Date Paid	Amount Due	Amount Paid
SUB2001-00024	10 Reconveyance Fee	110-00-3-00-00-201	25529	53852	11/27/2007	150.00	150.00
Total Paid:							\$150.00

RECEIPT PREPARED BY:

 **TITLE INSURANCE AGENCY, INC.**
ESCROW ACCOUNT
8251 GLACIER HIGHWAY, SUITE A (907) 789-1671
JUNEAU, ALASKA 99801

WELLS FARGO BANK
89-5/1253

FILE # 37946

CHECK NO. 53852

THIRTY-FIVE THOUSAND FIVE HUNDRED TEN AND 00/100 DOLLARS ***

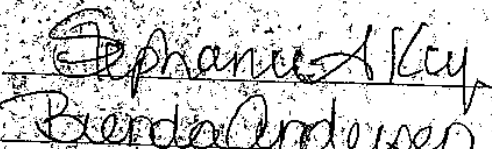
PAY

DATE 11/27/07

AMOUNT *****\$35,510.00*

City and Borough of Juneau
155 South Seward
Juneau, Alaska 99801

TO THE ORDER OF


Brenda Andersen
AUTHORIZED SIGNATURE

⑈053852⑈ ⑆125200057⑈001884⑈619⑈

Note: If your project involves a Plan Review or other CBJ Approval, you can check the status on the Internet at the following URL: <http://www.juneau.org/permits/> and click on Forms, Reports and Handouts then on Permit Lists/Reports under Land Use or Building Permits to see a list of active reviews.

Printed: November 27, 2007 3:14PM

FeeReceipt.rpt

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

TO: Steve Pfister
Administrative Assistant

DATE: November 28, 2007

FROM: Paul Beck
Engineering Associate

FILE: SUB2001-00024
BND2007-00053

RE: Bond for water and sewer service installation to Lots 1, 2, 3, and 4 Seven Mile subdivision.

Attached is the original bond. Please hand carry it over to Treasury.

1 – copy – Bond File area – Still needs to be filed.

Please make the data entry in the bond case in Permit Plan. The entry should go under the activity – Bond sent to Treasury. Thanks.

cc:

cc:



Title Insurance Agency
8251 Glacier Highway, Suite A
Juneau, Alaska 99801
(907) 789-1671 FAX 789-2375

THIS SPACE RESERVED FOR RECORDERS USE

Filed for Record at Request of and Return to:

Name: Phao Nguyen and Hong Nguyen
Address: 8513 Rainbow Row
City, State, Zip Juneau, Ak, 99801

TIA # 37946

STATUTORY WARRANTY DEED

THE GRANTOR, Brendan K. Kelly, an unmarried man of PO Box 34101, Juneau, Ak 99803

for and in consideration of TEN DOLLARS and other valuable consideration

in hand paid, conveys and warrants to GRANTEE Phao Nguyen and Hong Nguyen, husband and wife, as tenants by the entirety of 8513 Rainbow Row, Juneau, Ak 99801

the following described real estate, situated in the Juneau Recording District, First Judicial District, State of Alaska:

Lot 3, Seven Mile Subdivision, (a subdivision of Lot D, U.S. Survey 2476) according to Plat 2006-62, Juneau Recording District, First Judicial District, State of Alaska.

SUBJECT HOWEVER, to any easements, reservations, covenants, conditions, restrictions, plat notations, patent reservations, right-of-way and agreements of record.

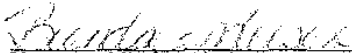
November 26, 2007

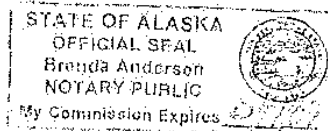

Brendan K. Kelly

State of Alaska)
)ss.
First Judicial District)

On this 26th day of Nov, 2007 personally appeared before me, Brendan K. Kelly and I, to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal hereto affixes the day and year first above written.


Notary Public for Alaska
My Commission Expires: 12/31/07



Title Insurance Agency, Inc.
9097 Glacier Highway
Juneau, Alaska 99801
(907) 789-1671 FAX (907) 789-2375

RETURN TO: GRANTEE

Quit Claim Deed

THE GRANTOR: City and Borough of Juneau, a municipal corporation, of 155
S. Seward Street, Juneau, AK 99801

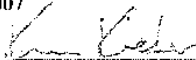
for and in consideration of **ONE DOLLAR** and other good and valuable
consideration

conveys and quit claims to GRANTEE: Brendan K. Kelly, of PO Box 34101,
Juneau, AK 99803

the following described real estate situated in the Juneau Recording District,
First Judicial District, State of Alaska,

Lot 3, Seven Mile Subdivision, (a subdivision of Lot D, U.S. Survey
2476) according to Plat 2006-62, Juneau Recording District, First
Judicial District, State of Alaska.

Dated this 27th day of November, 2007



Kim Kiefer, Deputy City Manager

State of Alaska)
)ss,
First Judicial District)

THIS IS TO CERTIFY that on this day personally appeared before me, Kim
Kiefer, Deputy City Manager of the City and Borough of Juneau, Alaska, a
municipal corporation which executed the above and foregoing instrument, who
on oath stated that he was duly authorized to execute said instrument on behalf
of said corporation, who acknowledged to me that he signed the same freely
and voluntarily for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this November 27th, 2007



Notary Public for Alaska
My Commission Expires: 05-14-11

Request for Manager's Approval

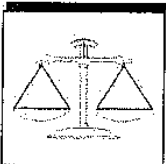
Prepared by: Paul Beck 10/2/07
Division: General Engineering
Dept. Head Approval: _____



State date

ASAP

Originally, Mr. Kelly reconveyed Lot 3 Seven Mile Subdivision to the CBJ to guarantee the utility improvements for Seven Mile Subdivision (see attached document). On Friday, September 28, 2007, Mr. Kelly sold Lot 3 Seven Mile Subdivision. The Quit Claim Deed is to reconvey Lot 3, Seven Mile Subdivision back to Mr. Kelly. Before the Quit Claim Deed will be recorded, Mr. Kelly will post a bond for the utility improvements.



Describe the action for which approval is sought. Include a concise statement of the type of commitment, term, budget implications, and other important facts.



If there is a financial commitment, explain the source of funds and the date of Assembly appropriation.

Approved _____

Date: _____

Not Approved _____

Title Insurance Agency, Inc.
9097 Glacier Highway
Juneau, Alaska 99801
(907) 789-1671 FAX (907) 789-2375

RETURN TO: GRANTEE

Quit Claim Deed

THE GRANTOR: City and Borough of Juneau, a municipal corporation, of 155 S Seward St,
Juneau, AK 99801

for and in consideration of ONE DOLLAR and other good and valuable consideration

conveys and quit claims to GRANTEE: Brendan K. Kelly, of PO Box 34101, Juneau, AK
99803

the following described real estate situated in the Juneau Recording District, First Judicial
District, State of Alaska,

Lot 3, Seven Mile Subdivision, (a subdivision of Lot D, U.S. Survey 2476) according to Plat
2006-62, Juneau Recording District, First Judicial District, State of Alaska.

Dated this ____ day of October, 2007

Rod Swope, Manager City and Borough of Juneau

State of Alaska)
)ss.
First Judicial District)

THIS IS TO CERTIFY that on this day personally appeared before me, Rod Swope, to me
known to be the Manager of the City And Borough of Juneau, Alaska, a municipal corporation
which executed the above and foregoing instrument, who on oath stated that he was duly
authorized to execute said instrument on behalf of said corporation, who acknowledged to me
that he signed the same freely and voluntarily for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this October: ____, 2007

Notary Public for Alaska
My Commission Expires: _____

Juneau 2006-62

Title Page for
Reconveyance Agreement, for Lot 3, Seven Mile Subdivision.
A subdivision of U.S. Survey 2476, Lot D

Return to:

City and Borough of Juneau
Community Development Department
155 S. Seward Street
Juneau, Alaska 99801

JUNEAU 2006-62

Title Page for
Reconveyance Agreement, for Lot 3, Seven Mile Subdivision.
A subdivision of U.S. Survey 2476, Lot D

Return to:

City and Borough of Juneau
Community Development Department
155 S. Seward Street
Juneau, Alaska 99801

Juneau 2006-62

RECONVEYANCE AGREEMENT

This agreement, entered into this 12 day of October, 2006, by and between Brendan K. Kelly, P.O. box 34101, Juneau, Alaska 99803, ("Grantor") and the CITY AND BOROUGH OF JUNEAU, 155 S. Seward Street Juneau, Alaska 99801 ("Grantee").

WHEREAS, the Grantor did convey and warrant unto Grantee by Warranty Deed the following lot legally described as:

Lot 3, Seven Mile Subdivision. A subdivision of U.S. Survey 2476, Lot D according to Plat No. 132476^{LD} Juneau Recording District, First Judicial District, State of Alaska, as guarantee for construction of utility improvements on Seven Mile Subdivision which are conditions to receive final subdivision plat approval pursuant to CBJ 49.15.440, and

WHEREAS, the terms and conditions under which the Grantee shall hold title to the property and the manner by which the above-described property will be reconveyed to the Grantor must be set forth, and

THEREFORE, IT IS HEREBY AGREED:

1. Conditions to be Performed by Grantor,

- a. Within one year of executing this agreement, the subdivision utility improvements shall be completed and in conformance with:
 - i. Applicable subdivision utility improvement construction standards as set forth in CBJ 49.35.

- d. Upon acceptance of the subdivision utility improvements by the Grantee, the Grantor will post a maintenance bond as required by CBJ 49-55-110(g).
 - e. The Grantor will pay all real property taxes on the above-described property as if the conveyance to the Grantee has not occurred.
 - f. To reimburse the Grantee for its administrative costs in utilizing Reconveyance agreements, Grantor will pay an administrative fee of \$120.00. For the lot conveyed, substituted or reconveyed Grantee.
2. Conditions to be performed by Grantee.
- a. The grantee will not pledge, encumber, transfer or otherwise hypothecate the above-described property for a period of one year from the date at which the subdivision plat is filed with the State Recorder's Office in the Juneau Recording District.
 - b. Upon receipt of notice of completion and acceptance of the subdivision utility improvements required, the Grantee shall reconvey the property to the Grantor by quitclaim deed and this agreement shall terminate and have no further force or effect.
 - c. In the event all required subdivision utility improvements have not been completed with the requirements specified in this agreement, and after one year from the date the plat is filed with the State Recorder's Office in the Juneau Recording District, the Grantee may, after ten (10) days' written notice to Grantor, sell the above-described property and use the proceeds derived from the sale for the purpose of completing the required

subdivision utility improvements. Proceeds of the sale not used for the construction of the subdivision utility improvements will be returned to the Grantor after all direct and indirect costs of the sale have been deducted. An accounting of the costs incurred shall accompany the return of the excess proceeds.

- d. Grantee shall not be subject to any covenants, conditions, or restrictions applicable by private agreement to owners of property in Seven Mile Subdivision, and Grantor shall indemnify, defend, and hold Grantee harmless against any claim for liability under any such covenants, conditions, or restrictions.

3. Severability of terms.

If any term or provision of this agreement or the application thereof to any person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this agreement, or the application of such terms or provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected to the fullest extent permitted by law.

4. Binding agreement.

The parties to this agreement mutually agree that it shall be binding upon them and each of their respective heirs, executors, administrators, successors, and assigns and that this agreement and the deeds mentioned herein contain the final and entire agreement between the parties hereto and that they shall not be bound by any terms, conditions, statements, warranties, or representations oral or written, not contained herein, Any

Juneau 2006-62

modification to this agreement must be made in writing and signed by the party charged with performance under the modification.

5. Expiration.

Upon Reconveyance of all real property previously conveyed to grantee, this agreement shall expire and Grantee shall have no further ownership or possessory interest in such property.

6. Construction.

The parties agree that this instrument shall be construed according to the laws of the State of Alaska, and the parties have jointly participated in the negotiations and drafting of this agreement.

DATED in Juneau, Alaska, the day, month, and year hereinabove first mentioned.

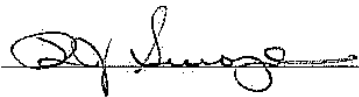
GRANTOR:

GRANTEE:

CITY AND BOROUGH OF JUNEAU



Brendan K. Kelly

BY: 



CC

SANITARY SEWER LINE MAINTENANCE AND HOLD HARMLESS AGREEMENT

I, Brendan K. Kelly, whose physical address is 922 first Street, Douglas, Alaska; the owner of:

Lots 1, 2, 3, and 4 Seven Mile Subdivision within the City and Borough of Juneau, Juneau Recording District First Judicial District, State of Alaska

Hereby agrees to accept private ownership of said sanitary sewer service line and the portions of the sewer service pipes that are jointly used by Lots 1, 2, 3, and 4, and assume severally, all responsibility for future dismantling, maintenance, and repairs of said sanitary sewer service line by the owners of said lots who are jointly using the common sewer service. The common use sewer pipe is that which extends from the public main in Glacier Highway into the fifteen-foot utility and drainage easement within Seven Mile Subdivision to the connections for the lots jointly utilizing sewer service pipes that are existing or those that will be installed in the future shown on the approved construction plans dated October 6, 2006 and titled **Manhole K1 to Main Plan and Profile**. I also agree, severally, to indemnify, defend, and hold harmless the City and Borough of Juneau its officers, agents, and employees, from all suits, claims, actions, losses, costs, penalties, and damages, including attorney's fees arising out of the existence or location of said sanitary sewer service line, within Glacier Highway and the fifteen-foot utility and drainage easement across Seven Mile Subdivision and other properties.

It is understood that the City and Borough of Juneau is not responsible for the repair of the sewer service pipes.

It is understood that no repair or replacement that requires excavation within the public right-of-way, shall be done without obtaining the appropriate permits from the City and Borough of Juneau.

I agree, and this agreement runs with the land, and shall be binding on all present and future owners, their heirs and assigns of said Lots 1, 2, 3, and 4 Seven Mile Subdivision.

IN WITNESS WHEREOF, the party hereto has executed this agreement as of the 12 day of October, 2006

By: Brendan Kelly Dated: October 12, 2006
Brendan K. Kelly

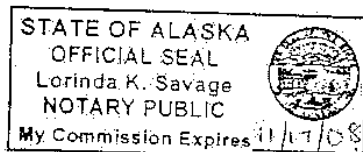
ACKNOWLEDGEMENT**STATE OF ALASKA**

SS.

FRIST JUDICIAL DISTRICT

This is to certify that on this 12 day of October, 2006, before the undersigned Notary Public in and for the State of Alaska, duly commissioned and sworn, appeared Brendan K. Kelly, to me known to be the owner of the Lots 1, 2, 3, and 4 Seven Mile Subdivision, acknowledged to me that he executed this document freely and voluntarily, being fully authorized to do so.

Witness my hand and official seal the day, month and year herein first above written.



Lorinda K. Savage
Notary Public, State of Alaska
My Commission Expires: Nov. 17, 2008

Juneau 2006-62

SANITARY SEWER LINE MAINTENANCE AND HOLD HARMLESS AGREEMENT

I, Brendan K Kelly, whose physical address is 922 first Street, Douglas, Alaska; the owner of:

Lots 1, 2, 3, and 4 Seven Mile Subdivision within the City and Borough of Juneau, Juneau Recording District First Judicial District, State of Alaska

Hereby agrees to accept private ownership of said sanitary sewer service line and the portions of the sewer service pipes that are jointly used by Lots 1, 2, 3, and 4, and assume severally, all responsibility for future dismantling, maintenance, and repairs of said sanitary sewer service line by the owners of said lots who are jointly using the common sewer service. The common use sewer pipe is that which extends from the public main in Glacier Highway into the fifteen-foot utility and drainage easement within Seven Mile Subdivision to the connections for the lots jointly utilizing sewer service pipes that are existing or those that will be installed in the future shown on the approved construction plans dated October 6, 2006 and titled Manhole K1 to Main Plan and Profile. I also agree, severally, to indemnify, defend, and hold harmless the City and Borough of Juneau its officers, agents, and employees, from all suits, claims, actions, losses, costs, penalties, and damages, including attorney's fees arising out of the existence or location of said sanitary sewer service line, within Glacier Highway and the fifteen-foot utility and drainage easement across Seven Mile Subdivision and other properties.

It is understood that the City and Borough of Juneau is not responsible for the repair of the sewer service pipes.

It is understood that no repair or replacement that requires excavation within the public right-of-way, shall be done without obtaining the appropriate permits from the City and Borough of Juneau.

I agree, and this agreement runs with the land, and shall be binding on all present and future owners, their heirs and assigns of said Lots 1, 2, 3, and 4 Seven Mile Subdivision.

IN WITNESS WHEREOF, the party hereto has executed this agreement as of the 12 day of October, 2006

By: Brendan Kelly Dated: October 12, 2006
Brendan K. Kelly

ACKNOWLEDGEMENT

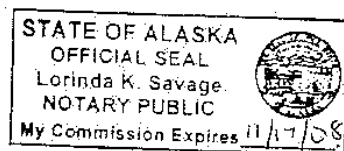
STATE OF ALASKA

SS

FIRST JUDICIAL DISTRICT

This is to certify that on this 12 day of October, 2006, before the undersigned Notary Public in and for the State of Alaska, duly commissioned and sworn, appeared Brendan K. Kelly, to me known to be the owner of the Lots 1, 2, 3, and 4 Seven Mile Subdivision, acknowledged to me that he executed this document freely and voluntarily, being fully authorized to do so.

Witness my hand and official seal the day, month and year herein first above written.



Lorinda K. Savage
Notary Public, State of Alaska
My Commission Expires: Nov. 17, 2008

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

DATE: July 31, 2006

TO: Erin Russell
Jeanette St. George
Ron King
Rich Etheridge

FROM: Teri Camery

SUBJECT: EXPEDITED REVIEW OF SUB2001-00024

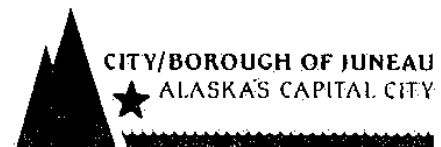
Review of a minor lot subdivision of US Survey No. 2476 into 4 lots. Lot 7 into 7a and 7b. The parcel code number is 5B1401000030.

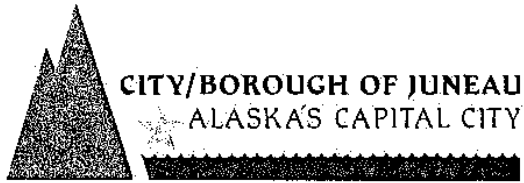
This subdivision had full review and approval in 2001, but was not recorded because of the bond for sewer. (At least that is my vague memory of it.) Unfortunately I cannot find records in the file documenting that review. Mr. Kelly says that Terry Brenner had approved it, so I am hoping that there is information in Engineering's files.

A state coastal management program review has been completed which has approved four residential fill pads for this subdivision. Also, Glacier Highway is a collector street, which allows access directly onto the road in this section.

Mr. Kelly is urgent to complete this, and again it seems that review was completed in 2001. So I am asking for your help to complete this just as quickly as your schedule allows, preferably within 3-5 working days (by end-of-business Friday August 4, or sooner).

Thank you for your help!





October 2, 2006
File No. SUB2001-00024
APN: 4-B14-0-100-003-0

Douglas Finley
820 6th Street
Juneau, Alaska 99801

Subject: Subdivision Plat for SUB2001-00024

Property Owner: Brendan Kelly

Dear Mr. Finley,

Teri Camery is the Planner assigned to this case however, she is currently out of the office and I am filling in for her until she returns.

This letter concerns minor corrections required for the draft plat you have prepared titled:

**A PLAT OF
SEVEN MILE SUBDIVISION
A SUBDIVISION OF
U.S. SURVEY No. 2476**

*LOCATED IN THE CITY & BOROUGH OF JUNEAU,
JUNEAU, ALASKA RECORDING DISTRICT*

155 So. Seward Street, Juneau, Alaska 99801-1397

MEMORANDUM

CITY/BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

TO: Greg Chaney CDD

DATE: October 2, 2006

FROM: Ron King General Engineering *RF*

FILE: 7 Mile Subdivision
SUB2001-00024

RE: Review Comments

Plat: East lot line...Label Lot 2 Lot 23
Remove ('S) from Notary Acknowledgement

Construction Plans

Add notes: All work shall be in accordance with City & Borough of Juneau current Standard Drawings and Specifications.

Water services to be 1" copper pipe installed per CBJ Standard 406

Add water valve symbol and label 1"Cu Water Service (typical)

Label 4" PVC Sanitary Sewer Service (typical)

Move Sanitary Sewer Service up line, not directly into manhole

Remove from note 6 "this drawing does not to propose subdivision sewer or water design at this time"

This project will require a joint maintenance agreement for the sanitary sewer and a bond in the amount of \$35,360.00.

All corrections shall be made to the Plat and construction plans and resubmitted for final approval. The construction bond is required prior to recording.

cc: Paul Beck



Douglas Finley
File No. SUB2001-00024
October 2, 2006
Page 2 of 2

Two minor corrections are needed prior to printing mylars for recording:

- Apostrophe "S" needs to be removed from "Notary's Acknowledgment".
- Add lot numbers to lots bordering east lot line.
- Per 04 CBJAC 010.010(1), all legal descriptions for property outside of the lot being subdivided must be in a dashed or lighter font.

If you have any additional questions please feel free to call me at the phone number below.

Sincerely,



Greg Chaney, Planner
Community Development Department
(907) 586-0761

Enclosures

cc: File SUB2001-00024

Teri Camery

From: Fred_Thorsteinson [Fred_Thorsteinson@dot.state.ak.us]
Sent: Tuesday, July 10, 2001 1:32 PM
To: Teri Camery
Subject: Kelley Subdivision USS 2476



Kelley Subd.BMP

I reviewed the subdivision of USS 2476 proposed by Brendon Kelly which divides his property into 4 lots. Although the AK Department of Transportation would prefer that the number of access points to the state highway be limited to as few as possible, our design standards do not preclude this type of development. There is sufficient sight distance for a driveway for each one of the proposed lots. We have previously reviewed a different subdivision design for this property and issued permits for two access roads. (See Attachment) Lot 4 of the proposed subdivision is a large parcel which may be further subdivided in the future. This could result in 4 access points to the highway instead of the 2 in the earlier proposed subdivision. It might be better to subdivide this property into 4 lots along the Glacier Highway frontage as originally proposed with platted ROWs between the lots which could provide access to the larger undeveloped area behind in the future. The ROW could be utilized by common use driveways until such time as the property is fully developed. As I stated earlier though, we have no standards or regulations which would require this.

I am curious about the utility service to the proposed lots, in particular the sewer. Any sewer service connections would have to be done either by a collector line parallel to the Glacier Highway on the uphill side of the road or by boring under the highway. No open cutting of the Glacier Highway will be permitted.

If you need more information, please call me at 465-4526.

Douglas Finley Land Surveying

820 Sixth Street
Juneau, AK 99801

Phone (907) 586-4253
Fax (907) 586-3250

Tuesday, October 2, 2001

Brendan Kelly
2160 Fritz Cove Road
Juneau, AK 99801

**STATEMENT FOR SURVEYING AND MAPPING
SERVICES**

SUBJECT PROPERTY:

US Survey No. 2476
Subdivision Plat

5-30-01	Computations for New Lots Draft new Preliminary Plat Plat Copies	\$254
5-31	Submit Plat to CBJ for Review Discuss Proposed Subdivision with Planners Review Highway Sight Distances for Proposed Driveway Locations	\$165
7-23-01	Revise Plat after Review Create Computation Data Sheets on Lot Closures for Engineering Review	\$180
8-2 & 8-3	Set Lot Corners	\$640
9-13-09	Plat Copies & Mylars for recording	\$76
		\$1315.00
	CBJ Sales Tax (omit if Bldg. Permit issued. Send No.)	\$65.75

4635
\$1380.75

RECEIVED

MEMORANDUM

JUN 11 2001

CITY/BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

TO: Teri Camery
Planner

DATE: June 8, 2001

FROM: Terry Brenner, P.E., L.S.
Land Surveyor

FILE: Kelly Subdivision

RE: Minor Subdivision Review

Please note the following Engineering review comments:

1. Area and closure computations need to be submitted to complete the review.
2. Approval from D.O.T. for the proposed driveways on to Glacier Highway.
3. Submittal of engineered plans for the sewer and water services to the unserved lots.
4. Installation of the required services. A performance bond may be substituted for the installation up to one year. An amount of the bond can be given upon submittal of the engineered plans and a D.O.T. permit for the work in the Glacier Highway right-of-way.

I notice the subdivision has a different name on the reduced copy of the plat. Which name will be used for the subdivision?

586-3250
Ding Freley
L.S.

KELLYMINORPLAT.DOC



MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

DATE: July 31, 2006

TO: Erin Russell
Jeanette St. George
Ron King
Rich Etheridge

FROM: Teri Camery

SUBJECT: EXPEDITED REVIEW OF SUB2001-00024

Review of a minor lot subdivision of US Survey No. 2476 into 4 lots. Lot 7 into 7a and 7b. The parcel code number is 5B1401000030.

This subdivision had full review and approval in 2001, but was not recorded because of the bond for sewer. (At least that is my vague memory of it.) Unfortunately I cannot find records in the file documenting that review. Mr. Kelly says that Terry Brenner had approved it, so I am hoping that there is information in Engineering's files.

A state coastal management program review has been completed which has approved four residential fill pads for this subdivision. Also, Glacier Highway is a collector street, which allows access directly onto the road in this section.

Mr. Kelly is urgent to complete this, and again it seems that review was completed in 2001. So I am asking for your help to complete this just as quickly as your schedule allows, preferably within 3-5 working days (by end-of-business Friday August 4, or sooner).

Thank you for your help!

- x1 Certificate of Taxes
- Check Title 4



CITY/BOROUGH OF JUNEAU
★ ALASKA'S CAPITAL CITY

Teri Camery

From: Brendan Kelly [kelly_brendan@hotmail.com]
Sent: Friday, June 23, 2006 8:21 AM
To: Teri Camery
Subject: 4-lot minor subdivision

June 23, 2006

Teri Camery Planner II
City and Borough of Juneau
Community Development Division
155 S. Seward Street
Juneau, Alaska 99801

Hi Teri,

On Wednesday, I met with Jennifer Mannix, Tim Maquire, and Susana Montana and discussed the 4-lot minor subdivision I once applied for, and the project was assigned to you. Because 2-years had past, I incorrectly assumed that I had to re-apply. But it turns out, the time limit is only for major subdivisions, not 4-lot minor subdivisions. Jennifer found the project on the system and it had been flagged as "inactive", and Jennifer changed the status to "Active".

Terry Brenner approved the 4-lot subdivision but the last thing he requested were drawings of the sewer connections. But I waited because the National Guard Armory announced plans to build a facility bordering my property, so I was going to wait for them to bring the sewer and electrical utilities across Glacier Highway before I proceeded. But that project was later cancelled.

Today there is a question with the sewer stub-out to Lot #1. If that stub-out is 6-inches or greater, I can install a manhole in the Right-of-Way in front of Lot 1, then run a 6-inch sewer line to service Lots 2 and 3 with a clean-out positioned in front of Lot 3. If the stub-out is only 4 inches, it will be used to service Lot #1 and I will have to boar under the highway to the manhole in the highway shoulder across the street. I spoke with CBJ Public Works Sewer Manager Tom Trego and he has scheduled that stub-out to be located and sized by this coming Tuesday June 27th. When the stub-out size is determined, I will submit drawings of the sewer plans.

I submitted 5 copies of the plans (2' x 3') on Wednesday with Jennifer, and I stopped by your office yesterday afternoon to discuss this but you were out of your office. If there is anything you need from me, please let me know.

Thanks,

Brendan Kelly

2005-006974-0

Recording Dist: 101 - Juneau
7/29/2005 11:37 AM Pages: 1 of 2

A
L
A
S
K
A



File for Record at Request of:
First American Title Insurance Company

AFTER RECORDING MAIL TO:

Name: Linda E. Kruger

Address: 824 Second Street

Douglas, AK 99824

File No.: 0231-628182 (GK)

STATUTORY WARRANTY DEED

THE GRANTOR, **Michael J. Venner**, a single person, whose mailing address is P.O. 240954, Douglas AK 99824, for and in consideration of **TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION**, in hand paid, conveys and warrants to **Linda E. Kruger**, residing at **824 Second Street, Juneau AK 99801**, the following described real estate, situated in the Juneau Recording District, First Judicial District, State of Alaska:

Lot 10, Block 32, Resubdivision of Block 32, Millsite Addition and fraction of Block 2 and 4, Douglas Townsite according to Plat 262, Juneau Recording District, First Judicial District, State of Alaska.

EXCEPT THEREFROM that part described as:

Begin at the Northeast corner of said Lot 10, run thence S 77° 42' W 65.50 feet; thence S 82° 33' E 61.81 feet to the Easterly line of said Lot 10; thence N 07° 02' E, along the Easterly line of said Lot 10, 22.13 feet to the point of beginning.

SUBJECT TO reservations, exceptions, easements, covenants, conditions and restrictions of record, if any.

Dated: 28 JULY, 2005.

Michael J. Venner

AUTHORIZATION TO SUBDIVIDE

This form allows for the appropriate property tax billing to occur when a parcel is subdivided between the dates of January 1 and June 30. Property taxes are assessed on January 1, however, the tax amount is not determinable until the millage rate is set, which can be as late as June 15.

If a landowner chooses to authorize the CBJ Assessor to divide the subject real property for the tax year, the assessment will be prorated from the old parcel to the newly created parcels based on their size. As a result, separate tax bills will be created for the new parcels, reducing the confusion when subdivided property is sold or transferred.

Example: Parcel A is 10,000 square feet. The assessed value on January 1 is \$20,000. Upon subdivision, Parcel B (4,000 square feet) and Parcel C (6,000 square feet) are created. If the property owner authorizes the division of the property tax, then the assessed value will be allocated to the two newly created parcels. Parcel B will have an assessed value of \$8,000, and Parcel C will have an assessed value of \$12,000. Please note, a tax bill will not be created for Parcel A.

If the property owner has not identified a party to sell or transfer a newly created parcel to, or does not wish to split the property tax bill, then an authorization to combine the property tax for the year is necessary.

Tax bills are mailed on or before July 1 and are due September 30 of each year.

I, GREEN RIDGE DEVELOPMENT, the owner of the following described property:

Parcel Number/Legal Description: U.S. SURVEY 2476

Street Address: 7 1/2 MILE GLACIER HWY

hereby authorize the CBJ Assessor to divide/combine the subject real property for the tax year 2001.

Future assessment notices and tax bills should be sent to:

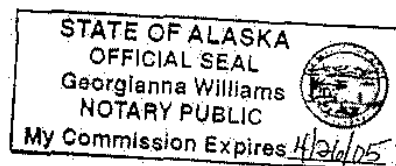
Name: GREEN RIDGE DEVELOPMENT Name: _____

Address: 2160 FRITZ COVE RD Address: _____

JUNEAU, AK 99801

Bryan Kelly GENERAL PARTNER
Signature of Owner

Subscribed and sworn to before me this 5 day of JUNE, 2001.



Georgianna Williams
Notary Public
My Commission expires 4-26-05

Application Number: _____

1-800-455-6245

Douglas Finley Land Surveying

820 Sixth Street
Juneau, AK 99801

Phone (907) 586-4253
Fax (907) 586-3250

Tuesday, October 2, 2001

Brendan Kelly
2160 Fritz Cove Road
Juneau, AK 99801

STATEMENT FOR SURVEYING AND MAPPING
SERVICES SUBJECT PROPERTY:
US Survey No. 2476
Subdivision Plat

5-30-01	Computations for New Lots Draft new Preliminary Plat Plat Copies	\$254
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8-2 & 8-3	Set Lot Corners	\$640
9-13-09	Plat Copies & Mylars for recording	\$ 76
		\$1315.00
	CBJ Sales Tax (omit if Bldg. Permit issued. Send No.)	\$65.75
		\$1380.75

#4635

SUBDIVISION OR PLATTING APPLICATION

(APPLICANT PLEASE FILL IN SHADED AREAS AS A MINIMUM)

Project Number _____ Project Name (15 characters) Greenidge 54 LOT Subdivision Case Number SUB01-24 Hearing Date _____ Date Received 6-5-0

LEGAL DESCRIPTION OF PROPERTY WHICH WILL BE SUBDIVIDED OR PLATTED:

U.S.S. 2476

Number of Existing Parcels 1 Total Land Area 4.7 Resulting Lots or Parcels 4

TYPE OF SUBDIVISION OR PLATTING APPROVAL REQUESTED

(please see submittal requirements on reverse)

MINOR SUBDIVISION

(Changing or creating 4 or fewer lots)

- ☐ Zero Lot Line (Common Wall)
- ☐ "Panhandle" Subdivision
- ☐ Accretion Survey
- ☐ Boundary Adjustment
- ☐ Lot Consolidation
- ☒ Subdivision resulting in 4 or fewer lots
- ☐ Other _____

MAJOR SUBDIVISION

(Changing or creating greater than 4 lots)

- ☐ Preliminary Plat
- ☐ Final Plat
- ☐ Plat Amendment
- ☐ Planned Unit Development - Preliminary Plan Approval
- ☐ Planned Unit Development - Final Plan Approval
- ☐ Other _____
- ☐ Public Notice Sign Required

Please attach cover letter to fully explain the project if there is not adequate space on this form.

PREVIOUS USE OF LAND OR BUILDING(S):

FARM

CURRENT BUILDING(S) OR STRUCTURES ON THE LAND:

☐ YES ☒ NO

If Yes, provide a site plan drawn to scale showing all improvements on the lot. An As-Built Survey may be required.

CURRENT USE OF LAND OR BUILDING(S):

VACANT

PROPOSED USE OF LAND OR BUILDING(S):

SINGLE FAMILY LOTS

UTILITIES AVAILABLE

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

UNIQUE CHARACTERISTICS OF LAND OR BUILDING:

REVIEW APPROVALS

	Initials	Date
Buildings	_____	_____
Engineering	_____	_____
Planning	_____	_____

SUBDIVISION/PLATTING/PUD FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ 350 ⁰⁰			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Lease	\$ _____			
Total Fee	\$ 350 ⁰⁰	V35526	11857	4/5/01

performs 1/13/99

DEVELOPMENT PERMIT APPLICATION

(APPLICANT - PLEASE FILL IN THE PROJECT/APPLICANT INFORMATION)

Project Number	CITY and BOROUGH of JUNEAU		Date Received:	6-5-01
Project Name (City Staff to assign name)	GREENRIDGE DEVELOPMENT 4-Lot Sub			
Project Description	MINOR SUBDIVISION RESULTING IN 4 LOTS			
PROPERTY LOCATION 7170 GLACIER HWY.				
Street Address	7170 GLACIER HWY	City / Zip	JUNEAU AK 99801	
Subdivision (if known)	US 2476	Block / Tract (if known)	Lot (if known)	
Assessor's Parcel Number (if known)	SB14 0100 0030			
LANDOWNER / LESSEE				
Property Owner's Name	GREENRIDGE DEVELOPMENT	Contact by E-Mail	KELLY.BRENNAN@BIBBANA.COM	Contact Person
Mailing Address	2160 FRITZ COVE ROAD	Home Phone No.	790-7824	Work Phone No.
LANDOWNER/LESSEE CONSENT (Required for Planning permits not needed on Building/Engineer permits)				
I am (we are) the owner(s) or Lessee of the property subject to this application and I (we) consent as follows:			INITIAL ALL THAT MAY APPLY	
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.			APPLICATION TYPE	
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.			OWNER'S INITIALS	
Landowner/Lessee Signature: <i>[Signature]</i>			ALLOWABLE USE	
Date: 6/5/01			CONDITIONAL USE	
Landowner/Lessee Signature			VARIANCE	
Date			DESIGN REVIEW	
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 and/or the Design Review Board may visit the property and may do so during the weekend before the scheduled public hearing date.			SUBDIVISION	
APPLICANT (If same as OWNER, write "SAME" and sign and date at X below)			OTHER	
Applicant's Name: SAME			Contact Person	
Mailing Address			Work Phone No.	
Home Phone No.			FAX No.	
X <i>[Signature]</i>			X 6/5/01	
Applicant's Signature			Date of Application	

(OFFICE USE ONLY BELOW THIS LINE)							
C K	PERMIT TYPE	DATE RECEIVED	APPLICATION NO.	C K	PERMIT TYPE	DATE RECEIVED	APPLICATION NO.
	ALLOWABLE USE APPROVAL				WATER PERMIT		
	CONDITIONAL USE APPROVAL				SEWER PERMIT		
	VARIANCE				GRADING PERMIT		
	DESIGN REVIEW APPROVAL				DRIVEWAY PERMIT		
X	SUBDIVISION	6/5/01	SUB01-24		RIGHT-OF-WAY PERMIT		
	STREET VACATION				PUB. FAC. TRANSMISS. & EXCAV. PERMIT		
	SIGN APPROVAL				OTHER - (Describe)		
	BUILDING PERMIT				Permit Intake Initials	<i>[Signature]</i>	
Zone D-5		Total Lot Area		Required Setbacks			
				Front Back Side Other			
COMMENTS:							

NOTE: DEVELOPMENT PERMIT APPLICATION FORM MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF RECOMMENDATION

Date: October 14, 2009

File No.: MAP2009-00003

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

Application For: Planning Commission Recommendation to the City and Borough Assembly regarding a request to rezone Seven Mile Lot 4 from D-5 to LC.

Legal Description: SEVEN MILE LT 4

Parcel Code No.: 5-B14-0-100-003-1

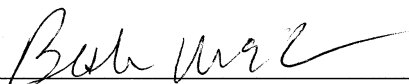
Hearing Date: October 13, 2009

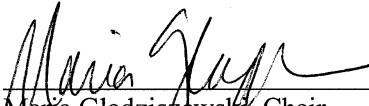
The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated October 6, 2009, and recommended that the City and Borough Assembly adopt staff's recommendation for immediate zone change from D-5 to D-18. This regulatory map change would modify the current D-5 zone in the designated area to D-18, allowing 18 dwellings per acre, with the following conditions:

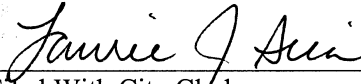
1. Future development of the site will have no more than one access point to the Glacier Highway.

Attachments: October 6, 2009 memorandum from Beth McKibben, Community Development, to the CBJ Planning Commission regarding MAP2009-00003.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ §01.50.020 (b).

Project Planner: 
Beth McKibben, Planner
Community Development Department


Maria Gładziszewski, Chair
Planning Commission


Filed With City Clerk

10/15/09
Date

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this recommended map change. ADA regulations have access requirements above and beyond CBJ - adopted regulations. 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.

155 So. Seward Street, Juneau, Alaska 99801-1397

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

DATE: October 6, 2009

TO: Planning Commission

FROM: Beth McKibben, Planner *BME*
Community Development Department

FILE NO.: MAP2009-00003

PROPOSAL: A Zone change request for Seven Mile Lot 4 from D-5 to LC.

GENERAL INFORMATION

Applicant: Murray Walsh

Property Owner: True North Federal Credit Union

Property Address: 7170 Glacier Hwy

Legal Description: Seven Mile Lot 4

Parcel Code No.: 5-B14-0-100-003-1

Site Size: 4.03 acres

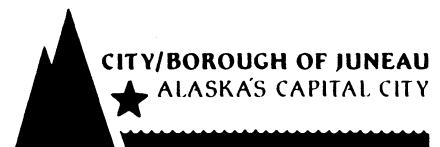
Zoning: D-5

Utilities: City water & sewer

Access: Glacier Highway

Existing Land Use: Vacant

Surrounding Land Use:
North - Vacant (Mental Health Trust) (D5)
South - Vacant/Residential/Glacier Highway(D5)
East - Public Works Facility (LC)
West - Residential (D5)



PROJECT DESCRIPTION

The applicant is requesting a zone change without any specific development plans for the immediate future. The site is currently zoned D-5. Immediately to the east is the new CBJ public works facility, which is zoned Light Commercial.

The following language is provided by the CBJ Land Use Code to describe the current zoning designations:

The D-5, residential district, is intended to accommodate primarily single-family and duplex residential development at a density of five dwelling units per acre. D-5 zoned lands are located in the urban service boundary and are served or can be served by public water and sewer.

The applicant proposes that the parcel should be zoned Light Commercial (LC). The CBJ Land Use code describes Light Commercial as follows:

The LC, light commercial district, is intended to accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in the GC, general commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions.

The site is located in Subarea 5 of the 2008 Comprehensive Plan (Map G). The plan shows this lot as MDR, or Medium Density Residential. Page 164 of the 2008 Comprehensive Plan describes MDR as follows:

These lands are characterized by urban residential lands for multi-family dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood.

BACKGROUND

The site was zoned R-7 in 1969. R-7 zoning established a low density single family and two family district, with a minimum lot size of 7,000 square feet for a single family home. It was zoned D-5 with ordinance 87-49 in the major revisions completed borough-wide. Plat 2006-62 was recorded in November 2006 subdividing one larger lot into four smaller lots, including this one (attachment A). The lot is currently vacant.

ANALYSIS

Zone Change Initiation

CBJ §49.75.110. INITIATION. A rezoning may be initiated by the director, the commission or the assembly at any time during the year. A developer or property owner may initiate a request for rezoning in January or July only. Adequate public notice shall be provided by the director to inform the public that a rezoning has been initiated.

1. Was the proposed zone change initiated by the property owner during the appropriate time frame?

Yes. The application for the subject zone change was made on July 31, 2009.

2. Has the director provided adequate public notice through newspaper advertising, property owner mailings and requiring a public notice sign to be posted on-site

Yes. The public was notified through newspaper advertising published on October 2, 2009 and October 12, 2009, as well as mailings to owners of all properties within 500 feet of the subject property, and a public notice sign posted on-site for two weeks prior to the Planning Commission hearing on the rezone request.

49.70.900-49.70.1097 COASTAL DEVELOPMENT, HABITAT, AND WETLANDS

There appears to be a small area of category D wetlands on the subject lot. This rezone request does not include any specific development plans. The applicant is advised that prior to development of the lot wetlands delineation by the US Army Corps of Engineers will be required.

ALASKA COASTAL MANAGEMENT PROGRAM (ACMP)

Not applicable. Rezoning does not require a state-coordinated ACMP review.

RESTRICTIONS AND PROCEDURE

CBJ §49.75.120. RESTRICTIONS ON REZONINGS. Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Requests which are substantially the same as a rezoning request rejected within the previous twelve months shall not be considered. A rezoning shall not allow uses which violate the land use maps of the comprehensive plan.

The CBJ Land Use Code provides minimum restrictions for zone change requests. This proposal conforms to these restrictions as follows:

1. The request constitutes an expansion of the existing Light Commercial (LC) zone and is more than 4 acres, which exceeds the minimum lot size of 2 acres for a single lot rezone request.
2. No similar request has been made in the past year.

However, this request does NOT conform in that the request is not consistent with the land use maps of the 2008 Comprehensive Plan. The Comprehensive Plan designates this area as MDR (attachment B); page 164 of the 2008 Comprehensive Plan describes MDR as follows:

These lands are characterized by urban residential lands for multi-family dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood.

The area immediately adjacent to the subject parcel is identified as Institutional and Public Use (IPU); page 163 of the 2008 Comprehensive Plan describes IPU as follows:

Lands that are in public ownership and dedicated for a variety of public uses, such as the University of Alaska Southeast; local, State and Federal government uses; and for such public facilities as community gardens, schools, libraries, fire stations, treatment plants, and public sanitary landfills. Included are potential sites for future boat harbors, schools, parks, farmers markets, publicly supported arts events, permitted arts or food-service kiosks or sales activities, parking facilities may also be accommodated within Transit Corridors. Transit Corridors can be expected to support Affordable Housing, and Transit Oriented Development overlay districts.

Staff notes the lot adjacent to the requested rezone that is shown as IPU in the Comprehensive Plan is where the CBJ Public Works facility is being constructed. The Public Works site is currently zoned Light Commercial.

Unlike the Land Use Code, the Comprehensive Plan is a guiding document. Chapter 1, Introduction and Background of the Comprehensive Plan contains the following guidance (pg 1):

To be a meaningful and effective document the Comprehensive Plan must be considered regularly and used by residents, the Planning Commission, and the governing body to guide its decisions and resource allocations and it must be kept current to reflect community values, resources, constraints and opportunities. Discussions related to community growth, redevelopment, capital and social improvements, or budget, must occur in consultation with the Plan. This is not to say that the Plan will be infallible or that it is cast in concrete. It should, however, bring into focus sufficient information and data so that the best possible considered and objective judgments can be made, using the most current data available when the date in the Plan is out of date.

In Chapter 11, Comprehensive Plan Land Use Maps (pg 159) the following guidance is made in regard to rezoning:

In considering re-zoning request, the Planning Commission and Assembly should aim to promote the highest and best use of the land under consideration: in some cases, the highest and best use may be increased density or more intensive use of the land; in other cases, the highest and best use may be preservation in an undisturbed state for purposes of habitat preservation, flood control, or providing a buffer between development and areas subject to natural hazards.

Clearly the land use maps of the Comprehensive Plan are not “cast in concrete” and there is some flexibility in review, and the proposal as presented is an extension of an existing district. However, staff recommends that a rezone to D-18 be considered. Other alternative zoning districts that are consistent with the 2008 Comprehensive Plan maps that could be considered are: D-10-SF, D-10, and D-15. This staff report will evaluate rezoning to D-18 in accordance with the 2008 Comprehensive Plan. Staff will also evaluate rezoning to LC as requested by the applicant.

CBJ §49.75.130. PROCEDURE. A rezoning shall follow the procedure for a major development permit except for the following:

- 1) The commission decision for approval shall constitute only a recommendation to the assembly.*

The action by the Planning Commission on a zone change request is different from action on a permit request. Action on a zone change request is discretionary. There is no assumption the zone change will be approved. Specifically, the Planning Commission action is to make a recommendation to the Assembly to change the zoning maps or deny the request.

Land Use

The subject parcel is located on Glacier Highway, adjacent to the Public Works Facility which is zoned Light Commercial. It is currently vacant. To the north is vacant land, zoned D-5 and currently owned by the Alaska Mental Health Trust. To the south is Glacier Highway. There are also three lots between the subject site and Glacier Highway. Two of these lots are vacant, one has a duplex, and they are all zoned D-5 (see Attachment C). Staff has contacted the owners of these three lots to see if they are interested in being included in this proposed rezone. At the time of the writing of this staff report, the owner of Lot 3, where the duplex is located, contacted staff. He would like his lot to be included in the rezone, and his preference would be to have the lot zoned Light Commercial. He further indicated that D-18 would be an acceptable alternative. To the west is single family residential, also zoned D-5.

Density

Current zoning for these lots will allow for 5 units per acre, with 1 dwelling per lot, and a possible maximum of 20 dwelling units. To achieve the maximum density in D-5, the lot would have to be

subdivided, and roads constructed. The staff recommended D-18 zone would allow for up to 18 dwellings per acre, for an increase of 52 dwellings. With D-18 zoning it is easier to achieve maximum density by using multi-family buildings because a subdivision would not be required. All these figures are approximate because of possible variations in development schemes and in the final lot size.

If the lot were zoned Light Commercial the minimum lot size for permissible uses would become 2,000 square feet. Residential uses could be permitted at 18 units per acre, as well as professional offices, clinics, restaurants and a variety of other, non-residential uses.

Comprehensive Plan

The Comprehensive Plan map designation of the subject site is MDR. As discussed above, MDR considers urban residential multi-family uses and small neighborhood scale commercial development options. On page 205 of the 2008 Comprehensive Plan, Subarea 5 is discussed in detail. There is a long list of guidelines and considerations for this subarea. Item 2 states, in part, “provide for additional medium to high density residential development in areas with access to arterial roadways from collector streets.”

The Comprehensive Plan offers general guidance for residential development: Policy 10.1 (page 142) states “it is the policy of the CBJ to facilitate availability of sufficient land with adequate public facilities and services for a range of housing types and densities to enable the public and private sectors to provide affordable housing opportunities for all CBJ residents.”

Standard Operating Procedure 10.1.SOP2 (page 143) states “Designate sufficient land on the Comprehensive Land Use Maps and zoning maps to provide for a full range of housing types and densities desired by CBJ households. Provide choices in residential neighborhood character such that residents can choose to live in urban, suburban and rural residential settings and neighborhoods.”

Policy 10.3 (page 144) states “It is the policy of the CBJ to facilitate residential developments of various types and densities that are appropriately located in relation to site considerations, surrounding lands uses, and capacity of public facilities and transportation systems.”

The Comprehensive Plan also offers general guidance for commercial and industrial development: Policy 10.7 (pg 150) states “it is the policy of the CBJ to designate on land use and zoning maps, and to provide services to, sufficient vacant land within the urban service area appropriately located to accommodate future commercial and industrial uses.”

Standard operating procedure 10.7.SOP1 (pg 150) states “review local economic indicators and conduct periodic surveys and analysis of the space needs of commercial and industrial sectors in the CBJ and, when appropriate, allocate sufficient land and infrastructure to support the expansion and/or relocation needs of those sectors of the economy.”

Access

The site is accessed via Glacier Highway. The applicant's letter suggests that the access road serving the Public Works Facility could serve as the primary access for the site. The 2008 Comprehensive Plan identifies this as a "potential road alignment". However, Joe Buck, Director of Public Works and Mike Scott, Streets Superintendent both clarified that this is not a public right-of-way (Attachments D & E). Further, they indicate that there are no plans to dedicate a right-of-way or upgrade the access road. However, Mike Scott does say that at some point in the past there were some negotiations with the previous property owner to create a shared right-of-way. But negotiations were unsuccessful. Staff recommends as a condition of this rezone that future development of the site have no more than one access point to the Glacier Highway.

Traffic

Carolyn Morehouse, with AKDOT shared some concerns with the potential development of a high volume traffic business, and potential impacts to Glacier Highway (Attachment F). This is an important consideration if Light Commercial is considered. However, the requirement of limiting future development to no more than one access to the Glacier Highway would alleviate some of the traffic concerns whether the site is zoned Light Commercial or D-18. There is also potential that future development of the site could require a Traffic Impact Study. At this point there are no firm development plans for the site.

Public Comments

At the time of the writing of this staff report staff received an email (Attachment G) from Timothy Spernak, Senior Resource Manager for the Land Trust Office. The Land Trust Office represents the Alaska Mental Health Trust Authority (AMHT). AMHT is an adjacent property owner. AMHT objects to the rezoning request from D-5 to Light Commercial as it is not so identified in the Comprehensive Plan.

Summary

The requested rezone to Light Commercial is not consistent with the Comprehensive Plan. However, Light Commercial could be approved as it would be a boundary adjustment of an adjacent zoning district. Staff recommends rezoning to D-18 because this is the maximum density zoning that conforms to the recommendations and maps of the 2008 Comprehensive Plan.

FINDINGS

After review of the application materials, the CBJ Land Use Code and the CBJ Comprehensive Plan the Director makes the following findings:

1. The request meets the submittal requirements and the rezoning initiation, zone change restrictions and procedural requirements of the CBJ Land Use Code.
2. D-18 zoning does not violate the Land Use maps of the Comprehensive Plan and is consistent with Map G.
3. The rezoning is larger than 2 acres.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and recommend the Assembly approve the rezone the subject parcel from D-5 to D-18 with the following condition:

1. Future development of the site will have no more than one access point to the Glacier Highway.

ATTACHMENTS

- A - Plat 2006-62
- B - Map G, 2008 Comprehensive Plan
- C - Map showing current zoning and location of requested rezone
- D - Email from Joe Buck, Public Works Director
- E - Email from Mike Scott, Streets Superintendent
- F - Email from Carolyn Moorehouse, AKDOT Engineer
- G - Email from Timothy Spernak, AMHT

DEVELOPMENT PERMIT APPLICATION

(APPLICANT - PLEASE FILL IN THE PROJECT/APPLICANT INFORMATION)

Project Number PR2009-129	CITY and BOROUGH of JUNEAU	Date Received: 7-31-09
Project Name Sevenmile Lt 4 Rezone		

PROJECT / APPLICANT INFORMATION	Project Description Rezone the subject parcel to Light Commercial from D-5			
	PROPERTY LOCATION			
	Street Address 7170 Glacier Highway		City / Zip Juneau, 99801	
	Subdivision (if known) Seven Mile L4. USS 2476	Survey (if known)	Block / Tract (if known)	Lot (if known)
	Assessor's Parcel Number (if known) 5B1401000031			
	LANDOWNER/LESSEE			
	Property Owner's Name True North Federal Credit Union		Contact Person Lauren MacVay	Work Phone No. 523-4720
	Mailing Address PO Box 034157, Juneau, AK 998093		Home Phone No.	FAX No. 586-8078
	LANDOWNER/LESSEE CONSENT (Required for Planning permits not needed on Building/Engineer permits)		INITIAL ALL THAT MAY APPLY	
	I am (we are) the owner(s) or Lessee 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 <i>Lauren</i> Landowner/Lessee Signature Date 7-30-09 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 and may do so during the weekend before the scheduled public hearing date.		APPLICATION TYPE ALLOWABLE USE CONDITIONAL USE VARIANCE DESIGN REVIEW SUBDIVISION OTHER: RE-ZONE <i>LM</i>	
APPLICANT (If same as OWNER, write "SAME" and sign and date at X below)				
Applicant's Name True North FCU, Walsh Services, Agent		Contact Person Murray Walsh	Work Phone No. 586-4083	
Mailing Address 2974 Foster Ave., Juneau, AK 99801		Home Phone No. 586-1106	FAX No. 586-4093	
Applicant's Signature <i>Murray R. Walsh</i>		Date of Application July 31, 2009		

(OFFICE USE ONLY BELOW THIS LINE)

STAFF APPROVALS	C K	PERMIT TYPE	DATE RECEIVED	APPLICATION NO.	C K	PERMIT TYPE	DATE RECEIVED	APPLICATION NO.
		ALLOWABLE USE APPROVAL				WATER PERMIT		
		CONDITIONAL USE APPROVAL				SEWER PERMIT		
		VARIANCE				GRADING PERMIT		
		DESIGN REVIEW APPROVAL	MINOR MAJOR			DRIVEWAY PERMIT		
		SUBDIVISION	MINOR MAJOR PUD			RIGHT-OF-WAY PERMIT		
		STREET VACATION				PUB. FAC. TRANSMISS. & EXCAV. PERMIT		
		SIGN APPROVAL	LOCATED IN HISTORIC DISTRICT ☐ YES ☐ NO			OTHER - (Describe) REZONE 7/31/09 MAP09-003		
		BUILDING PERMIT				Permit Intake Initials		
	Zone		Total Lot Area	Required Setbacks				
			Front Back Side Other					
COMMENTS:								

NOTE: DEVELOPMENT PERMIT APPLICATION FORM MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

ZONE CHANGE APPLICATION

(APPLICANT PLEASE FILL IN SHADED AREAS AS A MINIMUM)

Project Number PR2009-129	Project Name SEVEN MILE LTH	Case Number Rezone MAP09-3	Hearing Date	Date Received 7-31-09																																										
NEW ZONE REQUESTED: <u>Light Commercial</u>																																														
DESCRIBE LIMITS OF AREA TO BE REZONED: Parcel 5B1401000031 , containing 175,620 square feet.																																														
TYPE OF ZONE CHANGE: ☒ Regular ☐ Transition																																														
PURPOSE OF THE REQUESTED ZONE CHANGE: See attached narrative.																																														
TYPE AND DENSITY OF PROPOSED DEVELOPMENT: None proposed at this time.																																														
DESCRIBE IMPACTS TO ROADS AND ANY ADDITIONAL ROADS PROPOSED: See attached narrative.																																														
UTILITIES AVAILABLE WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site																																														
DIMENSIONS OF SITE: Width _____ ft. Depth _____ ft. Square Feet _____																																														
REVIEW APPROVALS <table style="width: 100%;"> <thead> <tr> <th></th> <th style="text-align: center;">Initials</th> <th style="text-align: center;">Date</th> </tr> </thead> <tbody> <tr> <td>Buildings</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Engineering</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Planning</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table>			Initials	Date	Buildings	_____	_____	Engineering	_____	_____	Planning	_____	_____	ZONE CHANGE FEES <table style="width: 100%;"> <thead> <tr> <th></th> <th style="text-align: center;">Fees</th> <th style="text-align: center;">Check No.</th> <th style="text-align: center;">Receipt</th> <th style="text-align: center;">Date</th> </tr> </thead> <tbody> <tr> <td>Application Fees</td> <td style="text-align: right;">\$ 500.00</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Adjustment</td> <td style="text-align: right;">\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Public Notice Sign</td> <td style="text-align: right;">\$ 50.00</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Public Notice Sign Deposit</td> <td style="text-align: right;">\$ 100.00</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Total Fee</td> <td style="text-align: right;">\$ 650.00</td> <td>VD2569D</td> <td>28/01</td> <td>7-31-09</td> </tr> </tbody> </table>				Fees	Check No.	Receipt	Date	Application Fees	\$ 500.00	_____	_____	_____	Adjustment	\$ _____	_____	_____	_____	Public Notice Sign	\$ 50.00	_____	_____	_____	Public Notice Sign Deposit	\$ 100.00	_____	_____	_____	Total Fee	\$ 650.00	VD2569D	28/01	7-31-09
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Total Fee	\$ 650.00	VD2569D	28/01	7-31-09																																										

devappzc.xls 1/30/97

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

**Narrative for Zone Change Request for Seven Mile, Lot 4
Parcel Number 5B1401000031**

RECEIVED

JUL 31 2009

PERMIT CENTER

July 31, 2009

General

The subject parcel is now zoned D-5. It consists largely of forested wetlands and a portion of land adjacent to the roadway that has been affected by development of adjoining parcels. The eastern boundary of the parcel adjoins an area presently zoned LC and which is now under development by the CBJ. A new general shop is being built for the Public Works Department. There is a road, evidently built to CBJ street standards, that runs along the eastern boundary of the target parcel.

There is very little un-built commercial property in Juneau and virtually no parcels as large as this one. The presence of forested wetlands on the majority of the parcel means that any development proposal will require a permit from the Corps of Engineers and obtaining such a permit will require preservation of a substantial portion of those wetlands or some other form of mitigation that would be very difficult for individual home builders to provide if the parcel is subdivided for residential use.

Traffic

The first aspect to consider is that general access to the property could be provided via the access road to the new Public Works Facility if that road is designated as a city street – something we understand that the Public Works Department wants to do. Thus, all commercial traffic would enter and exit the property by that new street rather than directly on to Glacier Highway. This is seen as preferable.

The next aspect is to compare traffic generation. If the property was developed in residential use, it could host up to 34 dwelling units if developed in duplexes or zero-lot attached homes. Each dwelling unit, according to local and national trip generation observations, will generate seven trips per day or 238 for the development as a whole. This is the total of trips in and out. There is no way to forecast what a commercial development will generate without knowing what kind of commercial development is eventually proposed.

A furniture store generates very little traffic (6 trips per 1000 square feet per day) while a convenience store or carwash generates a great deal of traffic. The CBJ code provides for Traffic Impact Analyses at the time a specific commercial development is proposed and the developer is required to address traffic impacts that are found to be problematic. In this instance, the developer might be required to install a traffic signal at the intersection of Glacier Highway and the un-named access street.

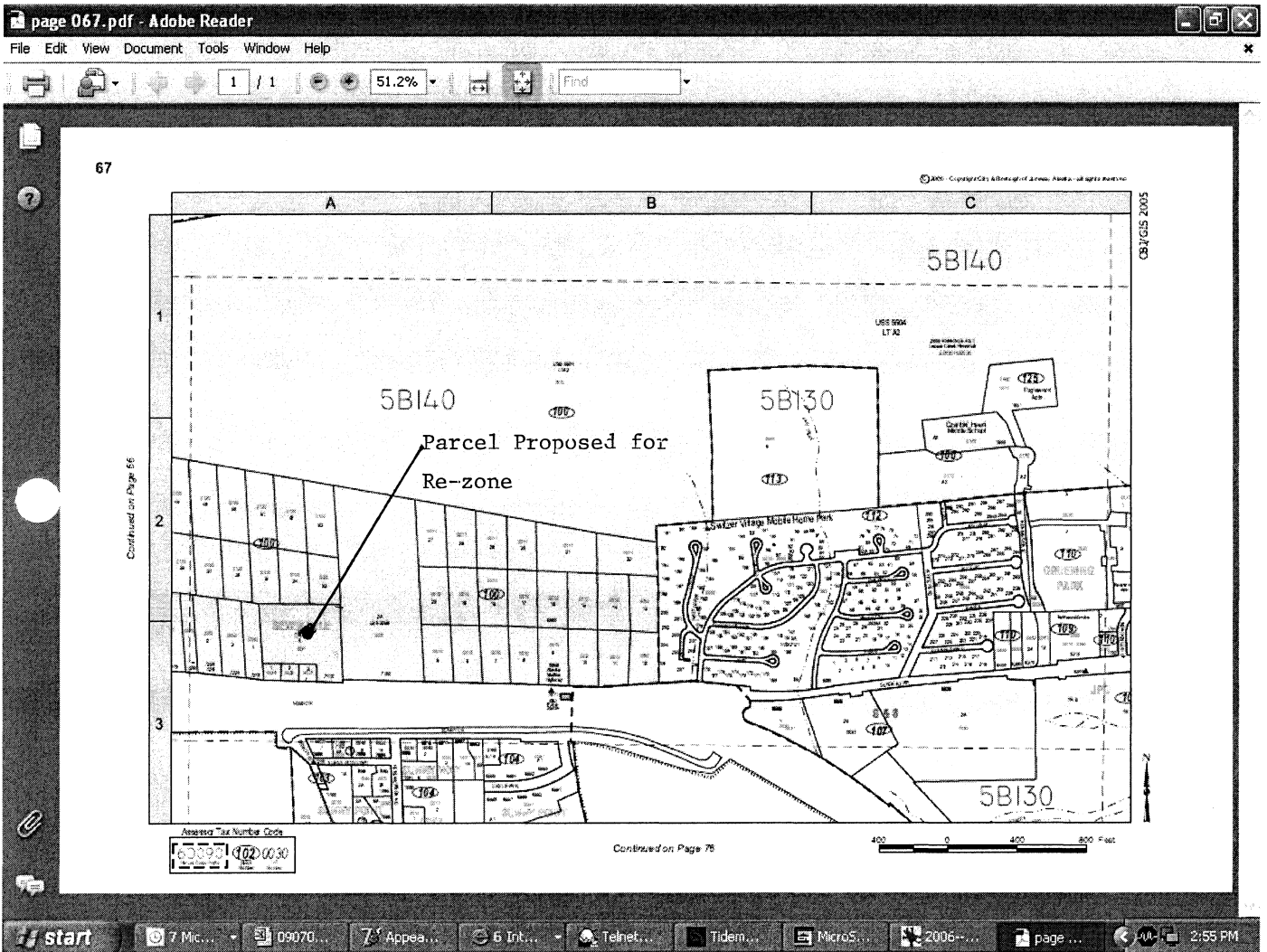
Buffering

There is no buffering between the new city shop and the target parcel as zoned today. Residential development would be affected by the 24/7 operations expected at the shop. This rezone request is an opportunity to provide buffering between commercial and residential uses. The target parcel had three residential lots subdivided from it a few years ago. No provision for buffering was included in that subdivision. Now, however, the applicant is willing to provide a definite buffer of vegetation and perhaps a berm to protect those three lots and the residential area to the west and make such a requirement a permanent obligation on the parcel. A more specific buffering provision can be designed and applied at the time a specific commercial development is proposed, but the *obligation* to impose such a requirement can be imposed as a part of this rezone request.

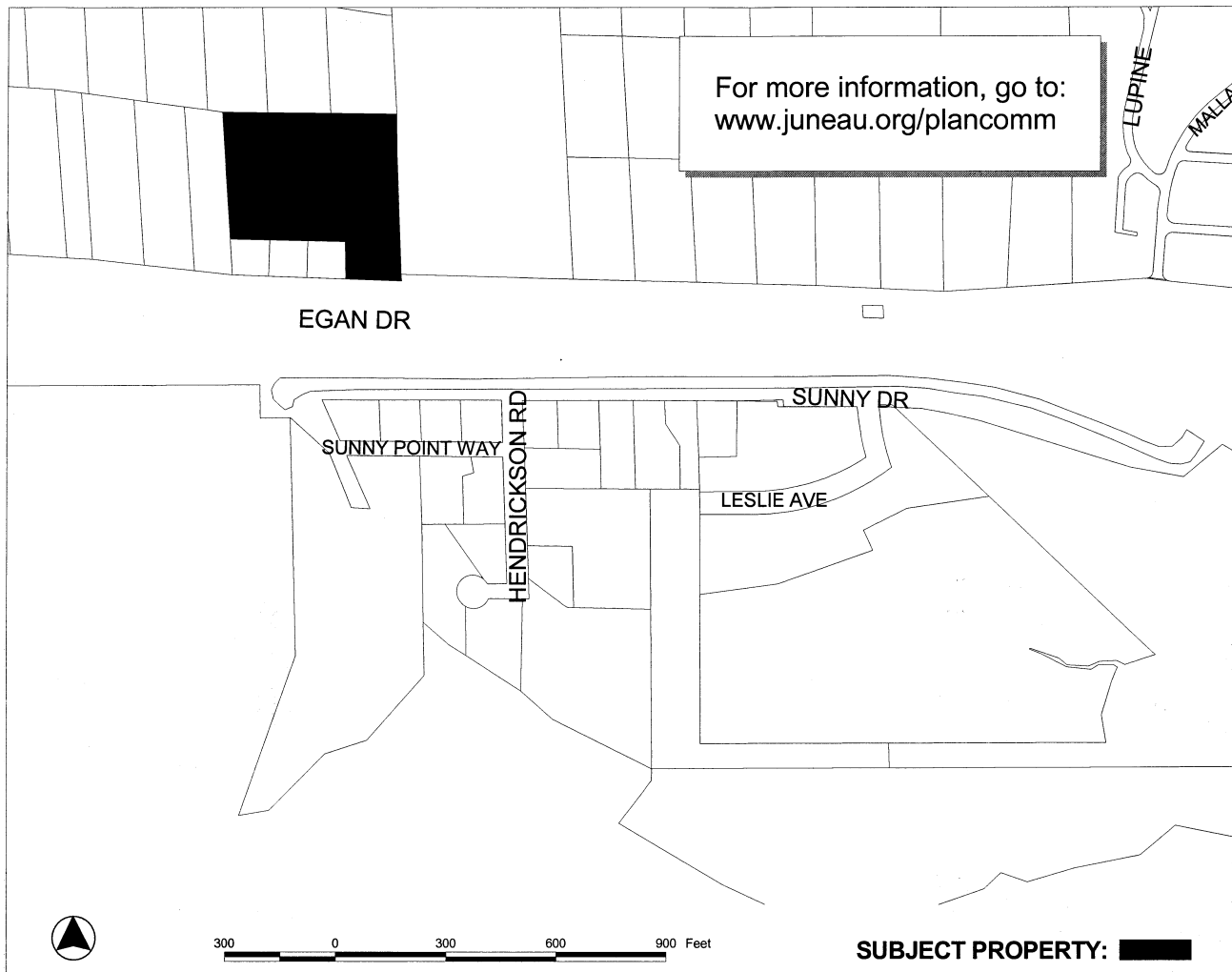
RECEIVED
JUL 8 2009
CITY OF SEATTLE

10/10/09

JUL 31 2009



NOTICE OF PUBLIC HEARING



PROPOSAL: A Zone change request for SEVEN MILE LT 4 from D-5 to LC, and other zones may be considered.

FILE NO:	MAP2009-00003	APPLICANT:	MURRAY WALSH
TO:	Adjacent Property Owners	PROPERTY OWNER:	TRUE NORTH FCU
HEARING DATE:	September 22, 2009	PROPERTY ADDRESS:	7170 GLACIER HWY
HEARING TIME:	7:00 P.M.	PARCEL CODE NUMBER:	5-B14-0-100-003-1
PLACE:	ASSEMBLY CHAMBERS Municipal Bldg. 155 South Seward St., Juneau, Alaska 99801	SITE SIZE:	4.03 acres
		ZONING:	D5
		ACCESS:	GLACIER HWY

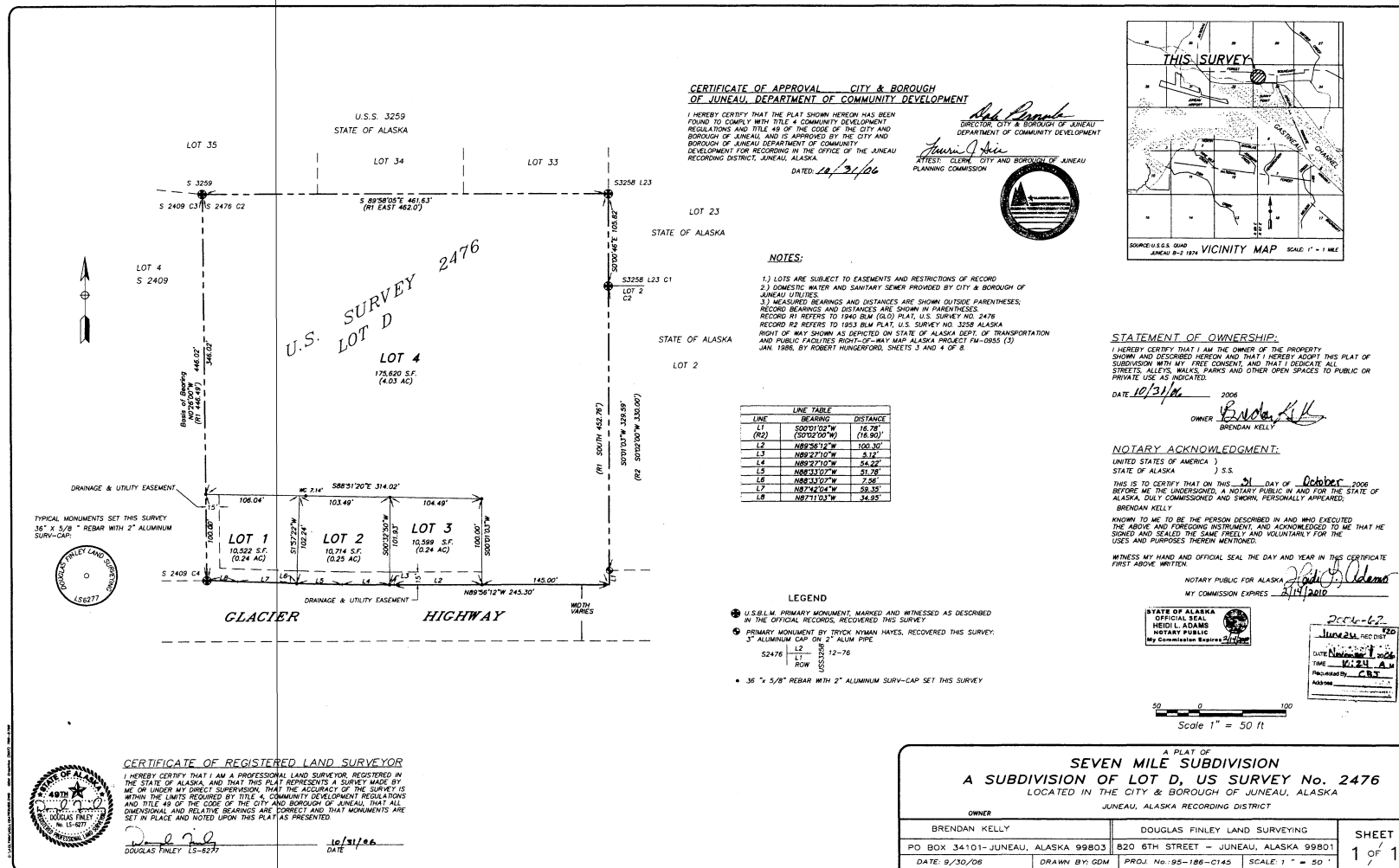
PROPERTY OWNERS PLEASE NOTE:

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 no later than 5:00 P.M. on Monday, the week preceding the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a few days before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

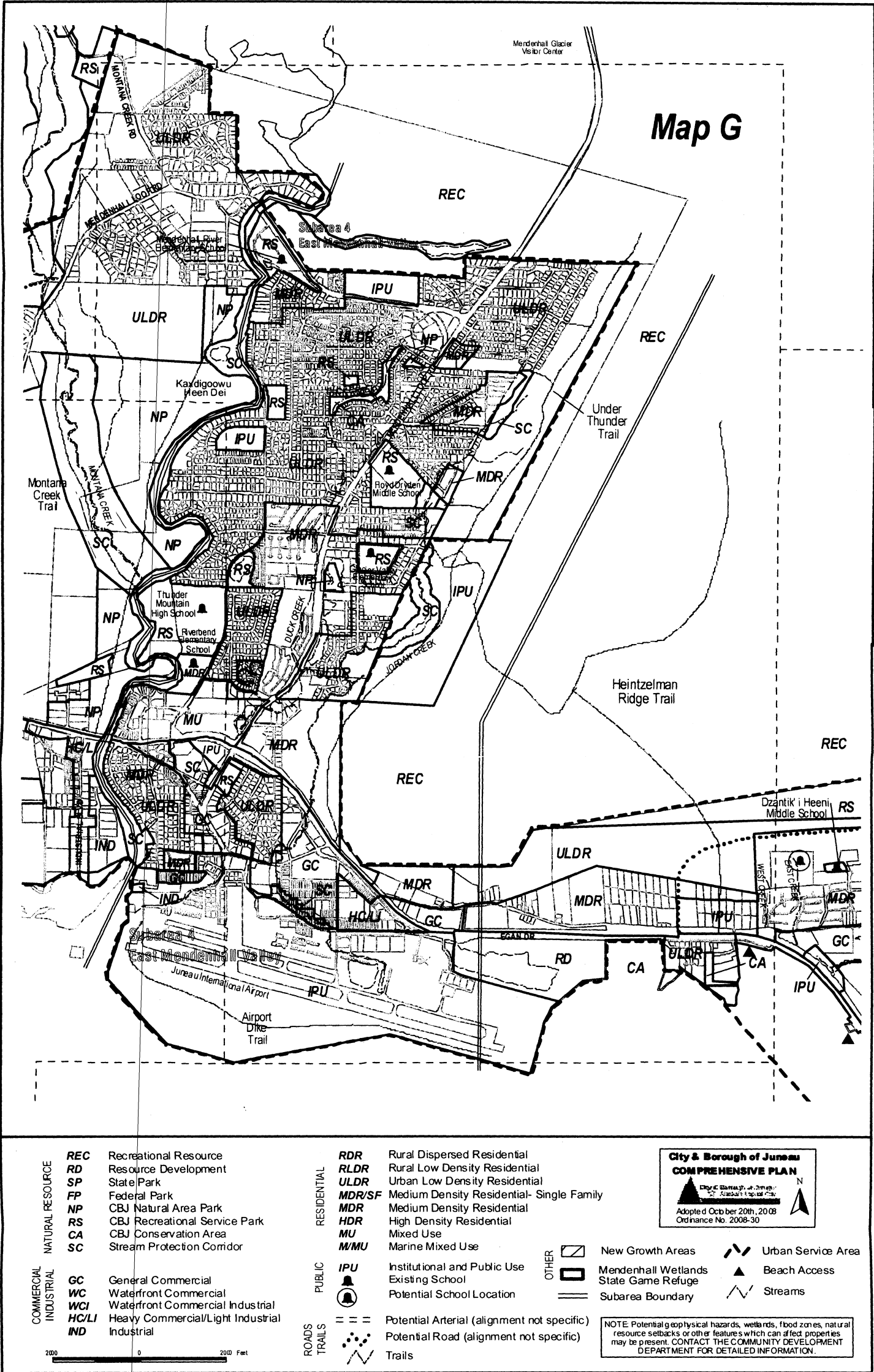
If you have questions, please contact Beth McKibben at (907)-586-0736 or e-mail: beth_mckibben@ci.juneau.ak.us

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

Date notice was printed: September 8, 2009



ATTACHMENT A



Map G



ATTACHMENT C

Beth McKibben

From: Joe Buck
Sent: Thursday, September 03, 2009 4:26 PM
To: Mike Scott; Beth McKibben; Brad Flynn, USFS ; Carolyn Morehouse; Chris Meade; Dan Jager; Debra Purves; Eric Eriksen, AEL&P; Fred Thorsteinson, DOT; Greg Browning; Heather Holman, JCVB; Jackie Timothy, DNR; Joe Myers; John Leeds, Army Corps of Engineers; Marc Matsil; Mike Eberhardt, DNR; Monty Williams, ACS; Peggy Cowan, CBJ School District; Richard Enriquez, US Fish & Wildlife; Sally Wanstall, DEC; Scott Jeffers; Steve Brockmann, US Fish & Wildlife; Susan Walker, NOAA; Ted Anderson; Tom Lawson, Division Director; Tom Trego; William Groom
Subject: RE: Review Requested MAP2009-0003

Mike makes a very good point. The driveway to the new shop is ***not*** a public street or right-of-way – it is a portion of the new Street & Fleet Maintenance Shop Facility.

There are no plans to provide access or utilities from the shop facility to adjacent properties.

Joe

From: Mike Scott
Sent: Thursday, September 03, 2009 1:34 PM
To: Beth McKibben; Brad Flynn, USFS ; Carolyn Morehouse; Chris Meade; Dan Jager; Debra Purves; Eric Eriksen, AEL&P; Fred Thorsteinson, DOT; Greg Browning; Heather Holman, JCVB; Jackie Timothy, DNR; Joe Buck; Joe Myers; John Leeds, Army Corps of Engineers; Marc Matsil; Mike Eberhardt, DNR; Monty Williams, ACS; Peggy Cowan, CBJ School District; Richard Enriquez, US Fish & Wildlife; Sally Wanstall, DEC; Scott Jeffers; Steve Brockmann, US Fish & Wildlife; Susan Walker, NOAA; Ted Anderson; Tom Lawson, Division Director; Tom Trego; William Groom
Subject: RE: Review Requested MAP2009-0003

While I am not opposing or supporting the proposed zone change I will clear up some confusion regarding the “general” and “traffic” statements as put forth.

There is no road access to the new City Shop. It is a driveway as constructed with no plans at this point to upgrade it to a standard city street. It is not currently designed to meet the needs of the adjoining property. Negotiations with the previous property owner and other affected properties were unsuccessful in creating a shared ROW that would have served both properties and provided future access for the other locations.

Mike Scott

From: Beth McKibben
Sent: Thursday, September 03, 2009 11:42 AM
To: Brad Flynn, USFS ; Carolyn Morehouse; Chris Meade; Dan Jager; Debra Purves; Eric Eriksen, AEL&P; Fred Thorsteinson, DOT; Greg Browning; Heather Holman, JCVB; Jackie Timothy, DNR; Joe Buck; Joe Myers; John Leeds, Army Corps of Engineers; Marc Matsil; Mike Eberhardt, DNR; Mike Scott; Monty Williams, ACS; Peggy Cowan, CBJ School District; Richard Enriquez, US Fish & Wildlife; Sally Wanstall, DEC; Scott Jeffers; Steve Brockmann, US Fish & Wildlife; Susan Walker, NOAA; Ted Anderson; Tom Lawson, Division Director; Tom Trego; William Groom
Subject: Review Requested MAP2009-0003

Applicant seeks to rezone one 4.03 parcel from D-5 to Light Commercial

Beth McKibben

9/8/2009

ATTACHMENT D

Beth McKibben

From: Mike Scott
Sent: Thursday, September 03, 2009 1:34 PM
To: Beth McKibben; Brad Flynn, USFS ; Carolyn Morehouse; Chris Meade; Dan Jager; Debra Purves; Eric Eriksen, AEL&P; Fred Thorsteinson, DOT; Greg Browning; Heather Holman, JCVB; Jackie Timothy, DNR; Joe Buck; Joe Myers; John Leeds, Army Corps of Engineers; Marc Matsil; Mike Eberhardt, DNR; Monty Williams, ACS; Peggy Cowan, CBJ School District; Richard Enriquez, US Fish & Wildlife; Sally Wanstall, DEC; Scott Jeffers; Steve Brockmann, US Fish & Wildlife; Susan Walker, NOAA; Ted Anderson; Tom Lawson, Division Director; Tom Trego; William Groom
Subject: RE: Review Requested MAP2009-0003

While I am not opposing or supporting the proposed zone change I will clear up some confusion regarding the "general" and "traffic" statements as put forth.

There is no road access to the new City Shop. It is a driveway as constructed with no plans at this point to upgrade it to a standard city street. It is not currently designed to meet the needs of the adjoining property. Negotiations with the previous property owner and other affected properties were unsuccessful in creating a shared ROW that would have served both properties and provided future access for the other locations.

Mike Scott

From: Beth McKibben
Sent: Thursday, September 03, 2009 11:42 AM
To: Brad Flynn, USFS ; Carolyn Morehouse; Chris Meade; Dan Jager; Debra Purves; Eric Eriksen, AEL&P; Fred Thorsteinson, DOT; Greg Browning; Heather Holman, JCVB; Jackie Timothy, DNR; Joe Buck; Joe Myers; John Leeds, Army Corps of Engineers; Marc Matsil; Mike Eberhardt, DNR; Mike Scott; Monty Williams, ACS; Peggy Cowan, CBJ School District; Richard Enriquez, US Fish & Wildlife; Sally Wanstall, DEC; Scott Jeffers; Steve Brockmann, US Fish & Wildlife; Susan Walker, NOAA; Ted Anderson; Tom Lawson, Division Director; Tom Trego; William Groom
Subject: Review Requested MAP2009-0003

Applicant seeks to rezone one 4.03 parcel from D-5 to Light Commercial

Beth McKibben
Senior Planner, CDD
City & Borough of Juneau
(907)586-0465 phone
(907)5863365 FAX

9/8/2009

ATTACHMENT E

Beth McKibben

From: Morehouse, Carolyn H (DOT) [carolyn.morehouse@alaska.gov]
Sent: Thursday, September 03, 2009 1:10 PM
To: Beth McKibben
Cc: Epstein, David B (DOT)
Subject: RE: Review Requested MAP2009-0003

It is unfortunate that those three parcels were split off from a larger one. That was a good opportunity for a city street with multiple residences off it.

Traffic wise there needs to be some zoning to limit the types of businesses. Concrete Way is a perfect example of a development that was supposed to be low volume traffic (light retail). The first business was a convenient store. If a condition could be placed to limit high volume traffic business that would help but I am not sure the City can do that.

Thanks for the opportunity to comment.

From: Beth McKibben [mailto:Beth_McKibben@ci.juneau.ak.us]
Sent: Thursday, September 03, 2009 11:42 AM
To: Brad Flynn, USFS ; Morehouse, Carolyn H (DOT); Chris Meade; Dan Jager; Debra Purves; Eric Eriksen, AEL&P; Thorsteinson, Fredrik J (DOT); Greg Browning; Heather Holman, JCVB; Timothy, Jackie L (DFG); Joe Buck; Joe Myers; John Leeds, Army Corps of Engineers; Marc Matsil; Eberhardt, Michael W (DNR); Mike Scott; Monty Williams, ACS; Peggy Cowan, CBJ School District; Richard Enriquez, US Fish & Wildlife; Wanstall, Sally S (DEC); Scott Jeffers; Steve Brockmann, US Fish & Wildlife; Susan Walker, NOAA; Ted Anderson; Lawson, Thomas W (DFG); Tom Trego; Groom, William M (DNR)
Subject: Review Requested MAP2009-0003

Applicant seeks to rezone one 4.03 parcel from D-5 to Light Commercial

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9/8/2009

ATTACHMENT F

Beth McKibben

From: Spernak, Timothy J (DNR) [timothy.spernak@alaska.gov]
Sent: Tuesday, September 22, 2009 3:09 PM
To: Beth McKibben
Cc: Menefee, Marcia M (DNR)
Subject: my contact information

Beth,

Good to speak to you earlier in the day regarding the credit union's rezone and CBJ's Public Notice.

The Trust Land Office, as representative of the Alaska Mental Health Trust Authority, objects to the rezoning request of True North Federal Credit Union from D-5 to Light Commercial (LC): as that zoning classification is not a permitted principle use in the CBJ comprehensive plan for that area.

I look forward to reviewing the Staff Packet and hope to have that analysis sent to me before the scheduled Public Hearing of October 13, 2009.

Again, thank you for the Public Notice and I look forward to speaking to you again in the near future,

Tim Spernak

Timothy J. Spernak
Senior Resource Manager
Trust Land Office
718 "L" Street, Suite 202
Anchorage, Alaska 99501
Tel: (907) 269-8688
Fax: (907) 269-8905
E-Mail: timothy.spernak@alaska.gov

9/23/2009

ATTACHMENT G

There being no objection, it was so ordered and USE2009-00044 was approved with a modification to Condition 3.

Mr. Miller returned to his seat on the PC.

MAP2009-00003

A Zone change request for Seven Mile Lot 4 from D-5 to LC.

Location: 7170 Glacier Hwy.

Applicant: Murray Walsh

Staff report

Beth McKibben said the application is for a Map Amendment request for a zone change for Seven Mile Lot 4 from D-5 to Light Commercial (LC). She noted that immediately to the east is the new CBJ public works facility, which is zoned LC. She said the site is located in Subarea 5 of the 2008 Comprehensive Plan (Comp Plan), Map G, which shows this lot as Medium Density Residential (MDR). She referred to Attachment C where it reflects this existing zoning, and noted that across the street is zoned D-5. She stated that Title 49 sets out restrictions regarding how rezonings can be considered, which states that a rezoning request has to be more than two acres or an expansion of an existing zone. She said this request is both more than two acres and an expansion of an existing zone. However, a rezone request cannot be substantially the same as the rezoning request that was rejected within the previous year, and it shall not allow uses that violate the Land Use Maps of the Comp Plan. She stressed that this is important, noting that she previously showed the PC Map G of the Comp Plan where it reflects this as being zoned MDR. She also referred to Page 2 of the report regarding Page 164 of the Comp Plan that describes MDR [which she cited]. She said staff is requesting the PC forward to the Assembly a recommendation of approval for the rezone from D-5 to D-18, subject to the condition outlined in the report. She noted that two Blue Folder items were presented, and one e-mail is from the property owner of Lot 3 [Phao Nguyen, dated October 8, 2009], stating that he is willing to have his lot rezoned to LC. She noted that while driving down Glacier Highway this site is where a blue duplex is located. She said she recently held a telephone conversation with Mr. Nguyen and he indicated that he is still willing to have his lot rezoned to LC, plus he is also not opposed to having it rezoned to D-18. She said she provided letters to the landowners of Lots 1 and 2, but they have not yet responded. She noted that the applicant's representative Murray Walsh also provided a letter to the PC who is requesting Lot 4 be rezoned to LC, which is different than staff's recommendation to D-18.

Ms. Bennett asked staff to elaborate regarding the objection of this proposal by the Alaska Mental Health Trust Authority (AMHTA). Ms. McKibben said the AMHTA received a copy of the report once it was completed, and she has not heard from them since that time. She explained that the AMHTA comments were received when the notices regarding this case were distributed, which was when AMHTA stated that they support the rezoning if it is consistent with the Comp Plan.

Mr. Rue said he is concerned regarding the potential of spot zoning by applying uses zones might not be consistent with adjoining neighborhoods. Therefore, he asked staff if this same concern was part of the rationale regarding their recommendation for a rezone from D-5 to D-18, rather than LC. He noted that it appears a fair amount of commercially zoned land is within

close proximity to the proposed site. Ms. McKibben explained that with the exception of the CBJ public works facility, most of the surrounding uses are residential.

Public testimony

Murray Walsh, representing True North Federal Credit Union (TNFCU), and Lauren MacVay the President/CEO of TNFCU. Mr. Walsh said this property has had an awkward past, explaining that TNFCU had to take this property back from a person who secured a loan on it, and therefore the bank is attempting to figure out what their options are with it. He said he provided a letter in response to staff's recommendation. He explained that staff makes a recommendation to the PC who in turn makes a recommendation to the Assembly. He said the Assembly has discretion in making their decision, but they are not necessarily bound by past decisions. In the past, he said the Assembly has granted rezones that were not consistent with the Comp Plan, which is what he is asking the PC to do tonight. He said the current zoning where the CBJ public works facility is located to the east of this property was zoned LC to reflect the types of development that has existed in this area for a long time. He said this is going to be a 24/7, 365 days of the year facility, which will be operating year-round. He said a rezone from D-5 to LC will ensure that they are a much better neighbor to this commercial area, versus a residential rezone at whatever density. Therefore, he believes the request to rezone this property to LC makes sense from a practical standpoint, noting that his letter states five reason for doing so. He said #1 relates to the current use, including that the Institutional and Public Use (IPU) designation in the Comp Plan states that this property can be utilized for any type of public use. For example, if this was a park it would be designated in the Comp Plan as IPU, but it would not be zoned LC, and instead, it would be designated as a Natural Park. He said there is some multi-family zoned land available for further development surrounding the subject site, including that there will be much more elsewhere when the North Douglas rezone takes effect. However, he stressed that there is a shortage of well-located commercial and industrial zoned property in the borough. He noted that there is only one other such parcel, but it is located on important wetlands across from Grant's Plaza. Therefore, this site is the only commercially zoned property of this size in the borough that is vacant, which is located on the transit corridor, but it is not the best place for residential development. He said he is puzzled how the adjacent Lots 1, 2, and 3 were recently created given the CBJ's rules regarding development on transit corridors. He noted that the owner of the lease of one of these lots is willing to rezone to LC, but if all three were willing to rezone to LC this would provide an opportunity to install a good buffer between the LC and residential areas. He explained that this is especially true since Lots 1 & 2 are not yet developed. He said the PC should place their mindset in that of the Assembly while they are contemplating the rule about uses that are inconsistent with the Land Use Maps in the Comp Plan, because it is their own rule and the PC can choose not to employ it as the Assembly has done in the past. He believes it would be best if the PC cleaned up the Land Use Code, and then provide the Assembly the overt discretion to do this so they are not placed in this awkward situation in the future. Furthermore, he said the Comp Plan is a good plan, including its enforcement, but in this instance it does not make sense, and therefore the PC should forward a recommendation to rezone this property to LC to the Assembly, including another recommendation to amend the Land Use Code. He explained that it takes the same Assembly action for both of these.

Ms. MacVay said TNFCU wishes to provide due diligence for its members so they want to move this property in a reasonable fashion. She stated that given the current real estate market and the lack of available commercial and industrial land, rezoning this property to LC will be good for

the community and assist them in doing something positive with it. She said she has real concerns trying to sell this property if it were to remain residentially zoned, including impacts from the CBJ public works facility. She explained that per her conversations with CBJ personnel, gravel is going to be transported, snowplows and trucks will be operating, and the facility will be utilizing bright lights during wintertime months, which she does not believe are very desirable activities to reside next to. She explained that she instead prefers that the PC recommend a condition that the applicant is required to provide buffering to protect the neighboring residential areas from such impacts. She said she understands that the AMHTA has a problem accessing their parcel from Glacier Highway, which is located above this one, and although she is not attempting to assume a motive in their objection to this rezone, however if AMHTA were to at some point in the future acquire this land it would provide them improved access to Glacier Highway. Mr. Walsh added that the motive for AMHTA might have to do with future property transactions, which they might anticipate having with TNFCU. Mr. Rue asked if they anticipate any particular type of commercial development. Mr. Walsh said no, adding that there are commercial prospects that need larger sites and this is the only one available.

Steve Haavig, 7260 Glacier Hwy., said he moved to this location before Fred Meyer was constructed, and has resided in this area for 27 years. He opposes the rezone request to LC, which he feels would be a mistake. He said he has not been provided a good rationale regarding how much commercial property is actually available, versus residential. He said the subject property is located on a transit corridor, and the residents are able to walk to Wal-Mart so it does have advantages of being residentially zoned. He explained that he attended previous public meetings when CBJ proposed the public works facility. Following these meetings, he noted that the CBJ incorporated changes due to some of the concerns voiced by adjacent residential property owners. In doing so, he explained that the development was set further back from the road, and the residents were provided more buffering, but unfortunately about that time the development of the other lots started occurring. He does not feel that anyone anticipated such a gaping hole this area now has since CBJ developed the public works facility site. He said granted they tried to be a good neighbor, however any argument that the CBJ public works facility lessens the value of the TNFCU property as being residentially zoned is false. In addition, this particular lot has proven to be very difficult to build on. He explained that many mistakes that have happened with this subject lot is because it mostly consists of muskeg. He said the reason why TNFCU now owns it is because the previous owner could not feasibly develop it into large lots that he was proposing. Therefore, in order for TNFCU to get their money back, they are now proposing to rezone this property to LC. He said this is the only economic benefit to it because with it being rezoned to LC they could probably spread gravel over the soil where they could provide for bus/boat parking, commercial storage sheds, etc. He said all of these uses would not be too attractive to the neighbors, but this is what TNFCU is proposing. He is not against the property being rezoned to a higher density in terms of multi-family zoning from D-5, as this property has some value in doing so, however he does not know what D-18 zoning actually consists of. Even so, he does know that in order to develop the property for either commercial or multi-family residential it is going to take a lot more work than what has been done to date. He said he does not understand why the previous property owner pushed muskeg around on this property for two years, and instead, they should have noticed early on what was taking place. Therefore, TNFCU now has a situation where adjacent residential property is located in the center, which consists of two lots that may not be sold, including an access issue to the AMHTA property. He stressed that he is against this property being utilized to provide access by AMHTA to the road that was constructed for the CBJ public

works facility. He explained that during the public hearings he previously mentioned, the CBJ access road was not considered to encompass other adjacent lots to it or in the fashion that is being proposed tonight. As a taxpayer, he does not want TNFCU making money by providing further access to others via this road. He also does not agree with the proposed rezone just because the CBJ public works facility is located nearby, and therefore TNFCU representatives are stating that LC would allow them to be a better neighbor. He said they also mentioned that there are concerns about equipment noise and lights from the CBJ facility, but these concerns were already addressed by CBJ during the early development stages of that project. He stated that since the subject property is so visible and close to Glacier Highway it will continue to be a difficult site to develop, and therefore he hopes extra caution is provided to do it right. He said he does not want this site to have an inadequate design so it poses drainage issues later on such as the nearby property where homes were recently constructed. Mr. Satre stated that a couple of e-mails from CBJ personnel were provided in the report, and one specifically addresses the use of the CBJ access road, which states that it is not to be utilized as an access for other adjacent properties. In addition, he said rezoning from D-5 to D-18 encompasses a four-acre lot so they can potentially construct 52 to 53 dwelling units. Mr. Haavig said there was a lot of muskeg that was removed from the CBJ site when it was developed, and therefore it is going to be very difficult for any landowner to develop this property, including installing water/sewer utilities and foundations. He noted that there was instances where the muskeg was found to be as deep as 30', which may all have to be removed, but if it is not handled properly it will create a huge mess.

Mr. Walsh and Ms. MacVay. Mr. Walsh said the use of the CBJ's access road adjacent to this site is apparently not an option, which they do not intend to pursue. He noted that staff recommends a limitation of one access point to Glacier Highway, which they intend to abide by. He said he does not believe the adjacency of the CBJ public works facility can be easily dismissed. He stated that although equipment noise and lighting issues may have been previously discussed when the CBJ proposed their development, but the point is that this property will make a better neighbor as a commercial development to the nearby residential neighbors. He said the challenges of the property is that it consists of forested wetlands in the section that has not yet been torn up, which will require a Corps permit before they are able to do so. He said this will entail minimizing the loss of wetlands, including addressing some other challenges. He explained that the more valuable the development is the more economic weight it can provide in terms of its design, and therefore a better chance for its success. He said they would be able to do this with the property being rezoned to LC, but less so if it is rezoned to D-18. He said he knows that they can cause this property to be developed with a plan between TNFCU and the CBJ so they are able to protect the residential values of the surrounding neighborhood. He noted that this property abuts Glacier Highway, and across the highway is where a vegetated strip abuts Egan Dr. Therefore, although Sunny Pt. is on the other side of Egan Dr., there is a freeway and an arterial highway between that residential area and this property so there is plenty of opportunity to provide sufficient buffering.

Public testimony was closed.

Commission discussion

Mr. Miller said staff has previously presented zoning boundary changes to the PC, but he does not believe all of those coincided with the Comp Plan. Mr. Pernula said the Comp Plan boundaries are not 'hard' boundaries. However, he explained that in the cases when areas are

rezoned, assuming that the Comp Plan boundaries were not 'hard', usually the adjoining property has an underlying commercial designation, but in this case it does not, and it has an IPU designation instead. Mr. Miller stated that hypothetically if CBJ purchased the TNFCU property to expand the CBJ public works facility, staff could recommend that it be rezoned to LC. Mr. Pernula said this is possible, but it would have to be utilized for institutional-type purposes so it might encompass a small amount of the IPU boundary. Ms. Gladziszewski asked where the IPU boundary is located. Ms. McKibben noted that the boundary line is between the IPU (the CBJ site) and the MDR (the subject site) on Attachment B. Ms. Gladziszewski asked why the adjacent property was zoned IPU. Mr. Pernula said the reason is that just to the east is where the DOT facility is located, including the CBJ public works facility as well so those properties were designated IPU.

Mr. Rue asked staff to list the permissible uses in D-18 zoning. Ms. McKibben cited the Use Descriptions allowed in D-18 Zones from the Table of Permissible Uses (CBJ §49.25.300), as follows:

“Single-Family Dwellings; Duplexes; Multifamily Dwellings; Group Homes; Childcare Homes up to 12 people; Rooming Houses; Boarding Houses; Home Occupations; Mobile Home Parks and Subdivisions by CUP; Common Wall Developments; Professional Offices of not more than 2,500 sq. ft. or four full-time employees by CUP; Schools, Elementary, College & Universities by CUP; Churches & Synagogues by CUP; Libraries, Museums & Art Galleries by CUP; Indoor Tennis & Racquetball/Squash Courts, Skating Rinks, and Exercise Facilities by CUP; Outdoor Recreational Facilities; Parks and Open Space by CDD approval, Aerial Conveyances & Appurtenant Facilities by CUP; Nursing Care, Immediate Care, and Childcare Institutions by CUP; Care Centers by CUP; Penal or Correctional Facilities by CUP; Temporary Contractor's Storage by CUP; (not applicable to this site is Private Moorage); Enclosed Collection Structures by CDD approval or by CUP; Emergency Services by CUP; Aquaculture, Agriculture, Silviculture, Mining, Quarrying Operations, Spring Water Bottling by CUP; Public and Semi-Public Facilities by Allowable Use permit (AUP) or CUP; Transit Center by CUP; Transit Station by CDD approval; Park and Ride by CUP; Minor Utility Facilities by AUP; Major Utility Facilities by CUP; Access Driveways by AUP; Towers and Antennas; and Nurseries and Commercial Greenhouses-Retail and Nonretail.”

Mr. Rue said they are allowed mixed-uses, including other professional uses under D-18 zoning, but not a department or convenience store or a restaurant. Ms. McKibben said yes. Mr. Rue said when the PC reviewed and updated the Comp Plan, they discussed increasing residential densities along transit corridors and D-18 fits within this notion, which is a good idea. In reviewing rezoning this property to LC, he wonders if doing so will hurt the adjacent residential areas if they allow additional commercial facilities to be placed amongst these homes. He noted that Mr. Walsh indicated that this would be an improvement to the neighborhood, but he also heard Mr. Haavig's concerns regarding the quality of the subject site and its potential impacts to adjacent homeowners.

Mr. Miller said he prefers rezoning from D-5 to D-18. He stated that depending upon the development, a LC facility might provide a much better or a bad transition to the residential area. However, the PC recently reviewed several permit applications when commercial buildings were being proposed to be constructed on limited commercial property available in the borough. He explained that one was when they were able to squeeze a fairly large building onto a small commercial lot. Further, he noted that there was a similar case behind McDonald's where they

were attempting to do the same, but the building just would not fit. He believes there is a definite need in this community for more LC property, therefore perhaps the PC should request the Assembly to consider what Mr. Walsh is suggesting.

Mr. Rue asked what the required side yard setback is between the LC and residential lots because this has often been brought forth to the PC by the neighbors who generally do not feel these buffers are sufficient. Mr. Chaney said it would be a 10' setback. Mr. Rue commented that this does not allow much transition between commercial and residential areas.

Mr. Satre said this is a refreshing zoning discussion because too often the commissioners are reviewing cases that already have architectural building plans. He said when this happens the PC tends to become dazzled with what is proposed to be built on the property, versus viewing the underlying land use and its potential impacts over the long-term. He said this is the first rezone case that he can remember where the PC does not have a building proposal, and instead it is just a rezone request, therefore the PC is obligated to address all the potential issues in relation to this particular piece of property. He said if they were to rezone it to LC the applicant could still build it to D-18 density, but they might have restrictions on lot size due to its topography so they probably would not be able to obtain full D-18 density. He wonders why the PC is unable to include any retail activities in very dense development areas such as a corner restaurant or a small bakery, which makes residential neighborhoods more appealing. He explained that he is not sure the PC will ever witness this in Juneau given the method in which the zoning is laid out, but doing so would provide developers more options. He is somewhat bothered about rezoning to LC because of the adjacent residential Lots 1, 2, & 3 located in front of this property, but it might make sense if this property was one big block to rezone it to LC if the PC were able to get past the Comp Plan map issue. Mr. Pernula said he recommends that if the PC wants to rezone this property from D-5 to LC, they should first change the Comp Plan, as this plan has to have some meaning. He said whether or not the Assembly might rezone this property even though it is not the designation provided for in the Comp Plan, he believes the entire Comp Plan update process the PC went through over a two- to three-year period is important. He noted that during the Comp Plan review process, the PC was constantly told that affordable housing was a crisis. Mr. Satre clarified that he just wished to provide comments for the record regarding rezoning this property from D-5 to LC, versus staff's recommendation to D-18. He said when the PC completed the update to the Comp Plan, there was a big move to locate high-density development on transit corridors in locations such as this. He noted that a previous rezone was for an area in Twin Lakes not too long ago, which was a push for high-density development along the transit corridor. He said this was to move forward and contribute towards affordable housing movements and initiatives. However, he believes the PC is somewhat limited by the rules in terms of what they can recommend to the Assembly regarding this case. Even so, he feels it is good that the PC has discussed some of the D-18 options that the applicant might contemplate as they move forward.

Mr. Miller said an affordable housing idea in the Comp Plan would be for an professional building that has office space on the ground-level floor with residences or apartments above it, which provides for mixed-use. He said this would allow the applicant to be a better neighbor and still meet the affordable housing criteria, which is opposed to another potential contractor building where they might operate heavy equipment.

Mr. Rue said he prefers rezoning from D-5 to D-18, stressing that the Comp Plan is an important document. He said more discussion by staff and the PC needs to take place regarding the zoning of this entire stretch of Glacier Highway. He recalls that the PC already held a discussion regarding the Mendenhall Valley businesses so they might contemplate adding height to their commercial structures by adding mixed-use residential units above, but have not discussed rezoning residential areas such as this. Therefore, he believes this area in the long-term can potentially be a mix of commercial and residential in a mixed-use zone. For the short-term however, he believes D-18 is a good zoning designation, which allows for some professional uses associated with residential. In addition, if they add office space, he said it would make the development economically more appealing, which abides with the Comp Plan, including that it is on a transit corridor.

Staff recommendation: that the Planning Commission adopt the Director's analysis and findings and recommend the Assembly approve the rezone the subject parcel from D-5 to D-18 with the following condition:

1. Future development of the site will have no more than one access point to the Glacier Highway.

Commission action

MOTION: *by Mr. Rue, that the Planning Commission adopts the Director's analysis and findings and recommends the Assembly approve the rezone from D-5 to D-18 for Lot 4, MAP2009-00003. The approval is subject to the condition outlined by staff, as presented.*

Ms. Bennett said she prefers rezoning Lot 4 to D-18, which is unless there is a real need for more commercial facilities within this area between neighboring residences. She explained that there is a limited amount of commercial property available in the borough, but rezoning Lot 4 into LC would more or less split Glacier Highway and create a new commercial activity zone that would probably push the residential neighborhood out of balance. She explained that over time, the area on the other side of the airport experienced a slow evolution to commercial, but it started out consisting of mostly residential. Therefore, she believes rezoning Lot 4 from D-5 to D-18 will allow this area to develop with residential and other professional uses, and then potentially further commercial uses might be appropriate in the future.

Ms. McKibben asked if the PC wishes to include the Lot 3 in the motion, which the owner has agreed to, plus the possibility of adding Lots 1 & 2 as well. Chair Gladziszewski stated that Lots 1, 2 & 3 were not noticed. Mr. Pernula agreed, but explained that before long they will need to review these three lots, and perhaps the parcels behind them to determine what the proper zoning should be. He said doing so would not be considered spot zoning because it would be a continuation of this rezone the PC is acting on tonight.

Mr. Satre said the LC rezone proposal has merit, but the Comp Plan that the PC diligently worked on does not allow them to do so, which is the method in which this commission operates. He appreciates staff being able to derive an alternative zoning designation to D-18, which steers the PC in the direction they anticipate for this area, rather than the commission denying this rezone request. He said the PC has to contemplate developing this area in the best interest of Juneau in accordance with the Comp Plan, and therefore he supports the motion.

Chair Gladyszewski said she supports the motion, and is appreciative of Mr. Walsh's memorandum. She explained that because she is not an absolutist she did consider rezoning this property to LC. However, due to the configuration of this property and its adjacency to Lots 1, 2 & 3, including the many comments provided tonight, and because the PC worked for such a long time revising the Comp Plan, she would be amenable to sometime in the future contemplating revising the Comp Plan, but at this particular time the PC is unable to do so.

Ms. Taug said she supports the motion. She noted that although she was not serving on the PC during the Comp Plan revision process, she believes rezoning this property from D-5 to D18 includes many permissible uses, plus the density of 18 units per acre will serve to address the shortage of affordable housing in Juneau.

There being no objection, it was so ordered, and MAP2009-00003 was approved, as presented.

BREAK: 8:15 to 8:22 p.m.

INQ2009-00043

CBJ Mitigation Options under the new Corps of Engineers Compensatory Mitigation Rule.

Location: Boroughwide

Applicant: City & Borough of Juneau

Staff report

Teri Camery said the wetland mitigation is a new issue for several commissioners so she will briefly summarize major points of the report and provide an update, and then she will respond to questions of the PC. She explained that the CBJ Mitigation Options under the new Corps Compensatory Mitigation Rule does not require formal action by the PC, and instead, she is just presenting it because the mitigation bank has been on the PC's list of priorities for quite sometime. She said although the federal government has full jurisdiction over wetlands through the Clean Water Act, CBJ has played an active role since the Juneau Wetland Management Plan (JWMP) studies were first conducted in the 1980s. She stated that the CBJ has continually monitored the regulations and policies of the federal government, including attempting to adapt local policies in response to these. With this in mind, she said the CBJ obtained Corps wetland-permitting authority over JWMP low-value Category C and D wetlands in 1994 through a General Permit, which has been continuously renewed. She explained that the JWMP regulations for high-value A & B and uncategorized wetlands are enforced through planning and building permits, plus through the Alaska Coastal Management Program (ACMP).

Since 1992, she said the Land Use Code, the JWMP, and the Comp Plan have all called for development of a mitigation bank to be utilized for Category C wetlands. Further, she noted that the Land Use Code also calls for development of a mitigation strategy.

In 1997, she explained that the CBJ was awarded an Environmental Protection Agency (EPA) grant for development of a mitigation-banking instrument, which is what led them where they are today. She explained that when staff initially worked on obtaining this EPA grant, it was built around a preferred mitigation bank site owned by Juneau Youth Services (JYS). However, JYS rescinded their offer and therefore the CBJ was no longer able to purchase that land, which delayed development of the mitigation-banking instrument for quite sometime. She stated that the CBJ eventually settled on the Nancy Street Wetland Enhancement Project (the old gravel

his concern about clearing the sidewalks leading to the visiting Coast Guard ship, to ease their route into town.

VI. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction

Dixie Hood requested that Resolution 2510 be removed from the consent agenda for public comment.

B. Assembly Requests for Consent Agenda Changes

Mr. Anderson requested that Resolution 2509 be removed from the consent agenda for discussion.

C. Assembly Action

MOTION, by Anderson, to adopt the consent agenda, as amended with the removal of Resolution 2509 and Resolution 2510. Hearing no objection, it was so ordered.

1. Ordinances for Introduction

a. Ordinance 2009-25

An Ordinance Amending The Official Zoning Map Of The City And Borough Land Use Code To Change The Zoning Of Lot 4, Seven Mile, Glacier Highway, Currently Zoned D-5, To D-18.

Administrative Report: Attached. The manager recommended Ordinance 2009-25 be introduced and set for public hearing at the next regular meeting.

2. Resolutions

a. Resolution 2503

A Resolution Approving The Nomination Of The X'unáxi (Auke Cape - Indian Point) Located In The Auke Bay Area Of Juneau To The National Register Of Historic Places And Authorizing The Alaska State Office Of History And Archaeology To Submit The Nomination To The National Park Service.

Administrative Report: Attached. The manager recommended Resolution 2503 be adopted.

b. Resolution 2505

A Resolution Authorizing The Manager To Apply For A Community Development Block Grant From The Alaska Department Of Commerce, Community And Economic Development, In Cooperation With Aiding Women In Abuse And Rape Emergencies, To Be Used For Construction Of A New Building Adjacent To The Existing AWARE Shelter.

Administrative Report: Attached. The manager recommended Resolution 2505 be adopted.

b. Resolution 2512

A Resolution Certifying That In 2008 The City And Borough Suffered Significant Effects From Fisheries Business Activities, Such Certification Being For The Purpose Of Participating In The Fiscal Year 2010 Alaska Shared Fisheries Business Tax Program.

Administrative Report: Attached. The manager recommended Resolution 2512 be adopted.

VII. PUBLIC HEARING

A. Ordinance 2009-25

An Ordinance Amending The Official Zoning Map Of The City And Borough Land Use Code To Change The Zoning Of Lot 4, Seven Mile, Glacier Highway, Currently Zoned D-5, To D-18.

Administrative Report: Attached. The manager recommended Ordinance 2009-24 be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Doll, to adopt Ordinance 2009-25. Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS – None.

IX. NEW BUSINESS

A. Docks and Harbors Regulations

Amendment To Title 05, Chapter 20, Small Boat Harbor Fees and Regulations

Administrative Report: Attached. The manager made no recommendation.

Public Comment: None.

Assembly Action:

MOTION, by Dybdahl, for orders of the day. Hearing no objection, the Regulations were adopted.

B. Docks and Harbors Regulations

Amendment To Title 05, Chapter 45, Small Boat And Port Facilities Use Regulations

Administrative Report: Attached. The manager made no recommendation.

Public Comment: None.

Assembly Action:

MOTION, by Dybdahl, for orders of the day. Hearing no objection, the Regulations were adopted.



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/community-development
155 S. Seward Street • Juneau, AK 99801

COMMUNITY DEVELOPMENT DEPARTMENT - REQUEST FOR AGENCY COMMENT

DEPARTMENT: State of Alaska Mental Health Trust Land Office

STAFF PERSON/TITLE: Katie Vachris, Project Manager

Katie Vachris

DATE: 9/9/2025

APPLICANT: Duran Construction Co, LLC

TYPE OF APPLICATION: Zone Change Application

PROJECT DESCRIPTION:

Proposed rezone of 4.03 acres at 7170 Glacier Highway from D18 to Light Commercial.

LEGAL DESCRIPTION: Seven Mile Lot 4

PARCEL NUMBER(S): 5B1401000031

PHYSICAL ADDRESS: 7170 Glacier Hwy

SPECIFIC QUESTIONS FROM PLANNER:

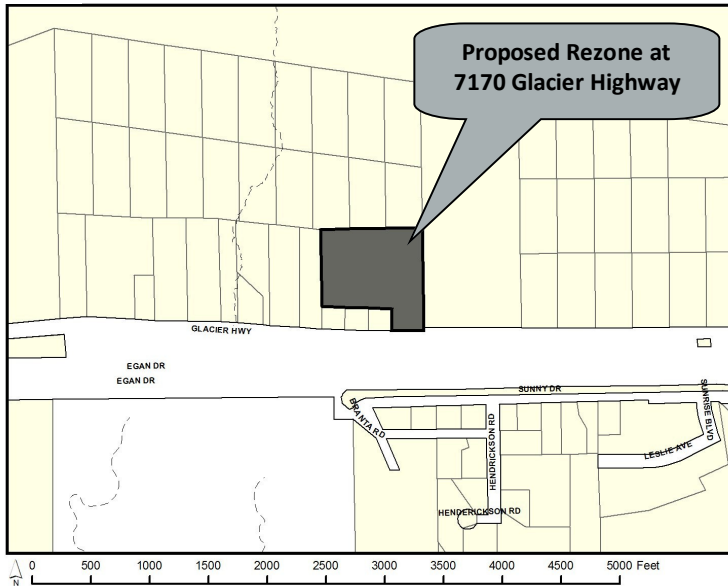
N/A

AGENCY COMMENTS:

The Trust supports development in this area. Although the property to the East is zoned LC, the remainder of the surrounding area is residential, including Trust property directly adjacent. High density housing is needed and the current zoning for the property supports this need for density already. While we generally understand a mixed use zoning could also support achieving residential density, simply rezoning to LC does not guarantee a residential use. Given the vague purpose provided on the application, and no provided development plan, it is possible a rezone could result in strictly commercial rather than mixed use or residential and we do not support that use or believe it is in the best interest of the Trust or community. If a development plan is forthcoming, a rezone could occur at such a time as that is filed with the Borough and noticed. We would be willing to consider a rezone at that time; however, given the limited information available presently, we do not support a change from D18 to LC.



Please Come to a Meeting
About a Rezone in Your Neighborhood
Your Community, Your Voice



TO

The Community Development Department is hosting an opportunity for the community to discuss an application to **rezone 4.03 acres from D18 to Light Commercial at 7170 Glacier Highway**. This meeting will be held virtually over Zoom. Your questions, comments and concerns are welcome.



NEIGHBORHOOD MEETING
September 24, 2025 at 6-8pm
Call In: 1 253 215 8782
Webinar ID: 813 7001 1983

If you are not able to attend this meeting but have questions or comments, please contact **Justin Smith**, CDD Planner, at (907) 586-0753 ext. 4129 or justin.smith@juneau.org

*This project is **PENDING** to be scheduled for review by the Planning Commission. All property owners within 500 feet of the proposed rezone will receive a separate notice with details on how and where to submit comments or testify before the Commission.*

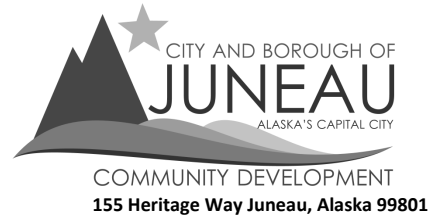
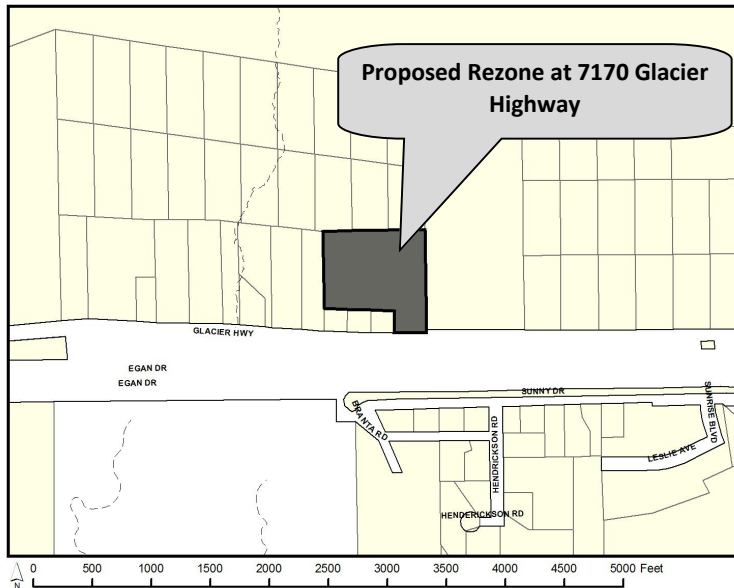
Case No.: AME2025 0003
Parcel No.: 5B1401000031
CBJ Parcel Viewer: <http://epv.juneau.org>

Printed August 14, 2025

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



TO

A rezone application has been submitted for consideration and public hearing by the Planning Commission to **rezone 4.03 acres from D18 to Light Commercial at 7170 Glacier Highway.**

PROJECT INFORMATION:

Project Information can be found at:

<https://juneau.org/community-development/short-term-projects>

PLANNING COMMISSION DOCUMENTS:

Staff Report expected to be posted **October 20, 2025** at

<https://juneau.org/community-development/planning-commission>

Find hearing results, meeting minutes, and more here, as well.

Now through Oct. 6

Comments received during this period will be sent to the Planner, Justin Smith, to be included as an attachment in the staff report.

Oct. 7— noon, Oct. 24

Comments received during this period will be sent to Commissioners to read in preparation for the hearing.

HEARING DATE & TIME: 6:00 pm, Oct. 28, 2025

This meeting will be held in person and by remote participation. For remote participation: join the Webinar by visiting <https://juneau.zoom.us/j/85421744892> and use the Webinar ID: 854 2174 4892 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above).

You may also participate in person in City Hall Assembly Chambers, 155 Heritage Way Juneau, Alaska.

Oct. 29

The results of the hearing will be posted online.

FOR DETAILS OR QUESTIONS,

Phone: (907)586-0753 ext. 4129

Email: pc_comments@juneau.gov or Justin.Smith@juneau.gov

Mail: Community Development, 155 Heritage Way, Juneau AK 99801

Case No.: AME2025 0003

Parcel No.: 5B1401000031

CBJ Parcel Viewer: <http://epv.juneau.org>

Printed September 25, 2025



FOR SALE

4-ACRES ZONED D-18, CENTRALLY LOCATED!

CALL MARCIANO DURAN JR. AT 907-321-6162



COLDWELL BANKER
RACE REALTY

NOTICE For more information: 586-0715
pc_comments@juneau.org

REZONE REQUEST
CASE: AME 2025 0003
PROPOSED REZONE OF 4.03
ACRES AT 7171 GLACIER
HWY FROM D18 TO LIGHT
COMMERCIAL.
HEARING DATE: 10/28/2025



**PLANNING COMMISSION STAFF REPORT
CONDITIONAL USE PERMIT USE2025 0010
HEARING DATE: OCTOBER 28, 2025**

(907) 586-0715

CDD_Admin@juneau.gov

www.juneau.org/community-development

155 Heritage Way • Juneau, AK 99801

DATE: October 20, 2025
TO: Erik Pedersen, Chair, Planning Commission
BY: Ilsa Lund, Planner II *Ilsa Lund*
THROUGH: Jill Lawhorne, Director, AICP

PROPOSAL: A Conditional Use Permit for the Lower Sweetheart Lake hydroelectric dam and related infrastructure, a high voltage transmission line, and electric distribution from the Lena Point Substation to Cascade Point and the Kensington Mine in Berners Bay with a substation at Echo Ranch Bible Camp.

STAFF RECOMMENDATION: Approval with conditions

KEY CONSIDERATIONS FOR REVIEW:

- The Regulatory Commission of Alaska approved Juneau Hydropower, Inc. as an electric utility on June 11, 2025.
- The 2013 Comprehensive Plan supports expanding hydroelectric capabilities throughout the Borough to reduce reliance on fossil fuels.

GENERAL INFORMATION	
Property Owner	Various
Applicant	Juneau Hydropower Inc.
Property Address	CBJ-Wide
Legal Description	Various
Parcel Number	Zero Parcel
Zoning	Various
Land Use Designation	Various
Lot Size	N/A
Water/Sewer	N/A
Access	Various
Existing Land Use	Various
Associated Applications	Flood Zone Development Permit Required

ALTERNATIVE ACTIONS:

1. **Amend:** require additional conditions, or delete or modify the recommended conditions.
2. **Deny:** deny the permit and adopt new findings for items 1-6 below that support the denial.
3. **Continue:** to a future meeting date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

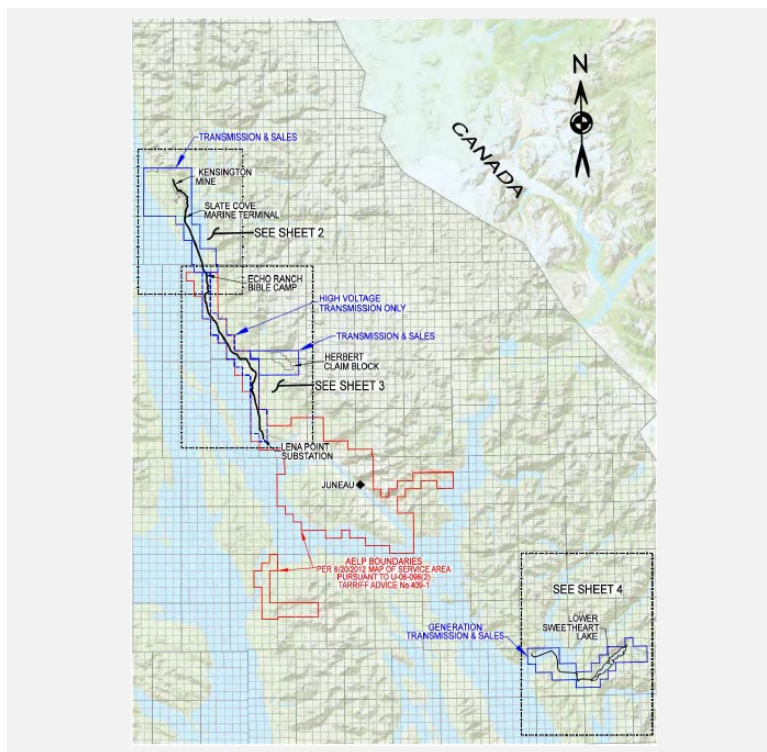
Assembly action is not required for this permit.

STANDARD OF REVIEW:

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - 49.15.330
 - 49.80

The Commission shall hear and decide the case per 49.15.330(a) Conditional Use Permit. A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedures is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites. The commission may attach to the permit those conditions listed in subsection (g) of this section as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.

SITE FEATURES AND ZONING



BACKGROUND INFORMATION

Project Description – Juneau Hydropower, Inc. (JHI) has submitted an application for a Conditional Use Permit (CUP) to develop the Sweetheart Lake Hydroelectric Project, a renewable energy facility aimed at expanding Juneau’s clean energy capacity. The proposed project involves the construction of a hydroelectric dam at the natural outflow of Lower Sweetheart Lake, located in Gilbert Bay, southeast of Juneau. In addition to the dam, supporting infrastructure such as a powerhouse, penstock, transmission lines, access roads, and a caretaker’s residence will be constructed to support operations and maintenance. A full description can be found in the executive summary located in the application packet (Attachment A).

The project is designed to harness the lake’s natural hydrology to generate approximately 19.8 megawatts of power, which will be transmitted through a newly constructed transmission line. This line will interconnect with existing hydroelectric infrastructure located approximately nine (9) miles to the north at Port Snettisham, facilitating integration into the existing power grid.

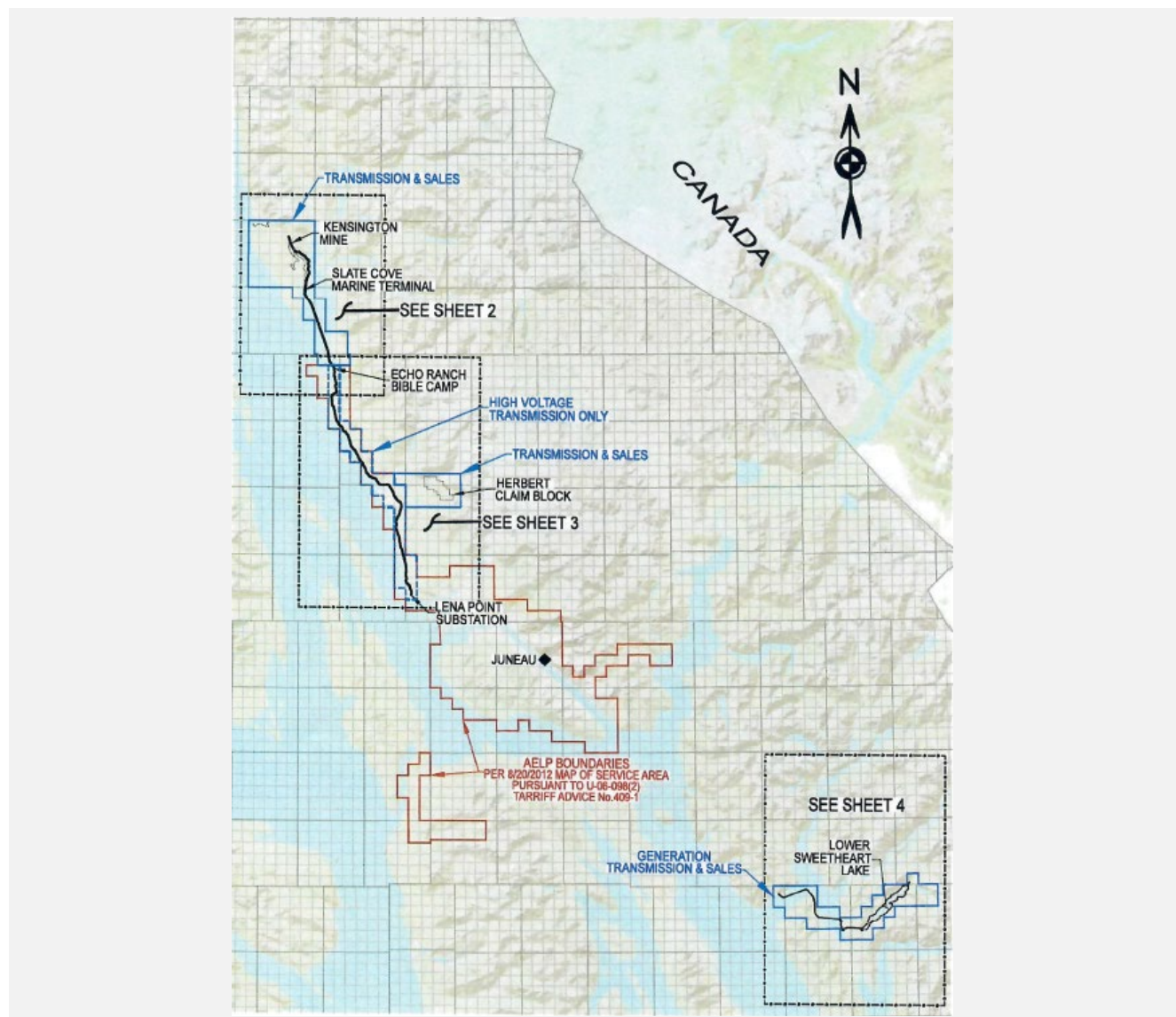
A key component of this project is the extension of electrical service from the current grid terminus at the Point Lena Substation. The new infrastructure will carry electrical transmission eastward to Cascade Point, Echo Cove, and ultimately to the Kensington Mine located in Berners Bay. This extension aims to replace diesel-generated power currently used in these remote areas with clean, renewable energy, reducing greenhouse gas emissions and supporting regional energy resilience. All JHI infrastructure will be installed in Rural Reserve zoning districts.

Background – The Sweetheart Lake Hydropower Project was initially granted a CUP by the City and Borough of Juneau (CBJ) Planning Commission in 2016, under case number USE2016 0021 (Attachment B). This permit authorized JHI to proceed with the development of a hydroelectric facility at Lower Sweetheart Lake, including associated infrastructure such as a powerhouse, dam, and transmission components. Since no building permit was issued for the proposed development before February 23, 2018, the CUP expired. This expiration necessitates a new application and review process to obtain a valid CUP before any construction or site development can proceed.

ZONING REQUIREMENTS

All JHI infrastructure will be constructed in Rural Reserve (RR) zoning districts. This project is classified as major utility infrastructure, which is permissible in RR zoning districts with an approved Conditional Use Permit.

SITE PLAN



ANALYSIS

Project Site – The Sweetheart Lake Hydropower Project is a geographically extensive undertaking that will span a significant portion of the CBJ, effectively linking remote southern and northern areas of the borough through new energy infrastructure. The core project site is located at the natural outflow of Lower Sweetheart Lake, situated on the eastern shore of Gilbert Bay. This remote area lies approximately 30 miles southeast (by air or water) from downtown Juneau.

The hydroelectric dam and associated powerhouse will be constructed at the lake's outlet, where water naturally flows into Sweetheart Creek before reaching Gilbert Bay. Due to its remote location, the project will require the development of supporting infrastructure such as access routes, staging areas, and worker housing during construction, as well as long-term operational facilities, including a caretaker residence.

From the power generation site, a new transmission line corridor will be developed, extending northward approximately nine (9) miles to interconnect with the existing Snettisham Hydroelectric transmission system near Port Snettisham. This connection is critical for integrating the new power source into the broader CBJ electrical grid.

Beyond this interconnection, the project includes a major expansion of transmission infrastructure reaching west and north from the Snettisham line toward the Juneau road system. Electrical service will be extended from the current grid terminus at the Point Lena Substation, north of downtown Juneau, to outlying areas including Cascade Point, Echo Cove, and ultimately to the Kensington Mine in Berners Bay. This expansion will provide renewable energy access to currently off-grid or diesel-reliant operations and support potential future development in the northern borough.

Condition: None.

Project Design – The proposed Sweetheart Lake Hydroelectric Project by JHI is a hydroelectric system with storage capability, designed to generate renewable energy from the natural hydrology of Lower Sweetheart Lake. The overall design aims to provide long-term, sustainable power to underserved areas within the CBJ.

- **Dam and Intake Structure-** The dam will be constructed at the natural outlet of Lower Sweetheart Lake, which flows into Sweetheart Creek, eventually reaching Gilbert Bay. A low-profile concrete gravity dam, approximately 280 feet long and up to 111 feet high, will regulate outflow from the lake. The dam is designed to raise the lake level by approximately 60 feet, increasing storage capacity to allow for year-round power generation. The intake structure will be integrated into the dam and equipped with screening systems to prevent fish entrainment and debris entry into the penstock.
- **Penstock-** A steel penstock approximately 9,000 feet long will convey water from the intake to the powerhouse. The penstock route follows a steep gradient, maximizing hydraulic head to increase turbine efficiency.
- **Powerhouse-** The powerhouse will be located near tidewater at the mouth of Sweetheart Creek, close to Gilbert Bay. It will house two Francis-type turbines and associated generators, with a combined generating capacity of approximately 19.8 megawatts (MW). The powerhouse will include mechanical, electrical, and control rooms, and be designed to operate year-round with remote monitoring capabilities.
- **Caretaker Facility-** A small, permanent caretaker's facility will be constructed near the powerhouse or dam for year-round on-site monitoring and maintenance support. The facility will include sleeping quarters, basic utilities, and communications systems.

- **Transmission Infrastructure-** A 25- to 34.5-kilovolt (kV) transmission line will be installed from the powerhouse northward to connect with the existing Snettisham transmission system approximately 9 miles away at Port Snettisham. From Snettisham, the project includes a new transmission corridor linking to the Point Lena Substation and extending service to Cascade Point, Echo Cove, and ultimately the Kensington Mine in Berners Bay. The transmission lines will be constructed using a combination of overhead lines and underground segments where necessary, with attention to terrain, wildlife corridors, and visual impact.
- **Access and Logistics-** Due to the remote nature of the project site, construction and maintenance access will primarily be via barge and helicopter. A temporary dock and staging area will be established in Gilbert Bay for material delivery. Temporary facilities, including the staging area and dock in Gilbert Bay, will be decommissioned and removed promptly following the completion of construction activities. Site cleanup and re-vegetation will follow immediately to minimize long-term environmental impacts. Specific removal timelines may vary slightly based on seasonal weather constraints and regulatory requirements, but the goal is to restore disturbed areas to their natural state as efficiently as possible. Minimal permanent road construction is anticipated, reducing long-term environmental disturbance. Roads will be built to low-impact design standards to minimize environmental disturbance, including proper drainage and erosion control. Any temporary roads not needed post-construction will be decommissioned and re-vegetated to restore natural contours and ecosystems.

Condition: None.

Traffic – Not applicable.

Vehicle Parking & Circulation – Not applicable.

Noise – Noise impacts associated with the Sweetheart Lake Hydroelectric Project are anticipated to be minimal due to the remote location of the primary infrastructure components. The major facilities—including the dam, powerhouse, and transmission line corridor—are located in largely undeveloped, unpopulated areas of the CBJ, far from residential neighborhoods, schools, etc.

Temporary noise will be generated during the construction phase from equipment such as helicopters, excavators, blasting (if required for the penstock route), generators, and transport vessels. While these activities may result in elevated sound levels locally, the remote setting ensures that no nearby residents will be affected. Wildlife in the project area may be temporarily affected by construction noise, but impacts are expected to be short-term and localized, with mitigation measures in place such as seasonal timing restrictions to avoid sensitive periods for species like nesting birds or spawning fish.

Once operational, the facility is expected to generate minimal noise. The turbines within the powerhouse will be enclosed within a sound-insulated structure, reducing any potential sound propagation. Transformer and switchgear noise at substations or transmission interconnection points is generally low and highly localized. Since these facilities are not located near populated areas, operational noise will not pose a concern. In addition, the project design includes construction of a vegetated landform barrier to further shield recreational users from sound and visual impacts of the powerhouse and switchyard. The applicant states that the intended goal is to lessen or virtually eliminate scenic and audio disturbance in the area of powerhouse operations.

Condition: Prior to issuance of a Certificate of Occupancy, the applicant will provide photographic evidence that the landform barrier is in place.

Lighting – The applicant has submitted a lighting plan, which is included in the application packet (Attachment A).

Condition: None.

Vegetative Cover & Landscaping – As part of the proposed Sweetheart Lake Hydroelectric Project, JHI will be required to develop and implement a comprehensive Vegetation Management Plan (VMP) in coordination with appropriate State and Federal agencies. These agencies will oversee the development, review, and approval of the VMP to ensure that project construction and operations do not cause undue harm to native vegetation, wetland resources, fish habitat, or riparian ecosystems. Re-vegetation will focus on restoring native vegetation in areas disturbed by temporary construction activities, such as the staging area, dock site, and any minimal road development. Native plant species suited to the local climate and soil conditions will be used to ensure long-term ecological recovery.

Condition: None.

Habitat – Sweetheart Creek is classified as an anadromous stream by the Alaska Department of Fish and Game (ADF&G). Given the ecological sensitivity of this area and the potential for wide-ranging environmental effects, JHI has been required to conduct a comprehensive Environmental Impact Study (EIS) as part of the permitting process for the proposed Sweetheart Lake Hydroelectric Project. Areas of oversight include but are not limited to soil erosion and disposal, water turbidity, marine mammal protection, and wildlife management.

Condition: None.

Drainage and Snow Storage – Not applicable.

Historic District – Not applicable.

Hazard Zones – The project's infrastructure spans remote alpine terrain, riparian corridors, marine shorelines, and tidal environments. Various segments of the project—especially those located near Sweetheart Creek, Gilbert Bay, and Echo Ranch—fall within the Federal Emergency Management Agency (FEMA) designated Special Flood Hazard Areas (SFHAs). The project includes the installation of submarine transmission lines which will cross through coastal flood hazard areas and may be subject to tidal action, sediment movement, and wave energy. Special engineering and protective measures (such as armoring, trenching, or burial of the lines) will be required to ensure their resilience and to prevent exposure or damage over time.

In accordance with CBJ 49.70.400 and FEMA floodplain management standards, any infrastructure proposed within flood hazard areas must be designed to:

- Withstand flood conditions, including flow velocity, depth, and hydrostatic pressure.
- Avoid increases in base flood elevation or redirection of floodwaters that could impact adjacent properties or habitats.
- Be elevated, floodproofed, or otherwise protected depending on the infrastructure type and location.

JHI will be required to submit detailed hydrologic and hydraulic studies and floodplain development permits for any project components within mapped flood zones.

The infrastructure for this project will not be located within any other mapped hazard areas.

Condition: Prior to issuance of a building permit, the applicant shall obtain a Flood Zone Development Permit issued by the department.

Public Health, Safety, and Welfare – This project has been carefully designed to ensure public health and safety protections are integrated into every phase of development, from construction through operation. With robust plans in place for stormwater management, waste disposal, site security, and wildlife interaction, the project is not anticipated to present any risk to community health or safety.

Condition: None.

Property Value or Neighborhood Harmony – By bringing new and reliable hydroelectric service to previously unserved or energy-constrained areas, the Sweetheart Lake Hydroelectric Project has the potential to increase property values through improved utility access, greater development potential, and enhanced economic and environmental viability. These benefits are expected to be particularly notable in remote parts of the CBJ that have historically lacked grid connectivity, creating new opportunities for growth and investment.

Condition: None.

AGENCY REVIEW

CDD conducted an agency review comment period between September 22, 2025, and October 15, 2025, and received the following responses:

Agency	Summary
Building Division	No concerns at this time.
General Engineering	No response received.
Capital City Fire & Rescue	No response received.
Department of Natural Resources	No comments at this time.
Department of Transportation	No response received.
US Army Corps of Engineers	No response received.
US Fish and Wildlife Service	No response received.

PUBLIC COMMENTS

CDD conducted a public comment period between September 18, 2025, and October 6, 2025. Public notice was mailed to property owners within 1,500 feet of the proposed development and a public service announcement was issued by the CBJ Public Information Office. Two (2) public notice signs were also posted at strategic sites along Veterans Memorial Highway two weeks prior to the scheduled hearing. No public comments were received at the time of writing this staff report.

CONFORMITY WITH ADOPTED PLANS

The proposed development is in general conformity with the 2013 Comprehensive Plan, the 2015 Juneau Economic Development Plan, and the 2011 Climate Action & Implementation Plan.

PLAN	Chapter	Page No.	Item	Summary
2013 Comprehensive Plan	5	61	Policy 5.15	Take advantage of Juneau’s favorable electrical energy assets to add quality job opportunities by actively supporting hydroelectric development and other renewable energy projects.
	6	70	Policy 6.2	Commitment to advancing renewable energy development both locally and throughout Southeast Alaska, calling for collaboration with state agencies, tribal organizations, utilities, and private energy producers to plan and fund renewable energy projects. The policy also promotes transitioning from fossil fuel heating to alternatives like heat pumps and biomass.
	6	70	Policy 6.3	Support the development of a Southeast Alaska intertie that will provide electrical power to Cascade Point.
	6	71	Policy 6.6	Maximize the use of local energy resources.
	12	202	Policy 12.3	Encourage an adequate supply of hydroelectric energy to reduce dependence on fossil fuels.
2015 Economic Development Plan	3	39		Juneau’s access to hydropower is an asset to the community.
2011 Climate Action & Implementation Plan	3	61	Goal RE-3	Ensure sufficient renewable energy resources by considering the feasibility of other hydroelectric sources like Sweetheart Lake.

FINDINGS

Conditional Use Permit Criteria – 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?*

Analysis: No further analysis needed.

Finding: Yes. The Conditional Use Permit application is complete.

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

Analysis: No further analysis needed.

Finding: Yes. This project qualifies as a major utility which is listed in the Table of Permissible Uses as 17.200.

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

Analysis: No further analysis needed.

Finding: Yes. With the recommended conditions, the proposed development will comply with Title 49, including lighting, vegetative cover, noise, and flood zone development.

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

Analysis: No further analysis needed.

Finding: No. There is no evidence to suggest that with appropriate conditions, the requested hydroelectric dam, associated infrastructure, and transmission lines in a Rural Reserve zoning district, will materially endanger the 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?

Analysis: No further analysis needed.

Finding: No. There is no evidence to suggest that with appropriate conditions, the requested hydroelectric dam, associated infrastructure, and transmission lines, in a Rural Reserve zoning district will substantially decrease the value or be out of harmony with the property in the neighboring area.

6. Will the proposed development be in general conformity with the Land Use Plan, Thoroughfare Plan, or other officially adopted plans?

Analysis: No further analysis needed.

Finding: Yes. The proposed hydroelectric dam, associated infrastructure, and transmission lines, with the recommended conditions, will be in general conformity with the 2013 Comprehensive Plan, the 2015 Juneau Economic Development Plan, and the 2011 Climate Action & Implementation Plan.

RECOMMENDATION

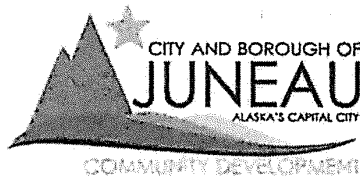
Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit. The permit would allow the development of a hydroelectric dam, associated infrastructure, and transmission lines, in a Rural Reserve zoning district.

The approval is subject to the following conditions:

1. **Prior to issuance of a Certificate of Occupancy, the applicant will provide photographic evidence that the landform barrier is in place.**
2. **Prior to issuance of a building permit, the applicant shall obtain a Flood Zone Development Permit issued by the department.**

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	<i>Application Packet</i>
Attachment B	<i>USE2016 0021</i>
Attachment C	<i>Addendum submitted by applicant re: Cascade Point and Julian Road</i>
Attachment D	<i>Abutters Notice</i>
Attachment E	<i>Public Notice Sign Photo</i>
Attachment F	<i>Agency Comments</i>
Attachment G	<i>Certificate of Public Conveyance and Necessity</i>
Attachment H	<i>Regulatory Commission of Alaska Pleading</i>



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 Echo Ranch Bible Camp, Juneau, AK 99801		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) (See Attachments 1 and 2)		
	Parcel Number(s) (See Attachments 1 and 2)		
	☐ This property is located in the downtown historic district ☒ This property is located in a mapped hazard area, if so, which FEMA A & V		
	LANDOWNER/ LESSEE		
	Property Owner Gospel Missionary Union	Contact Person Randall Aldefer	
	Mailing Address PO Box 210608 - Auke Bay, AK 99821	Phone Number(s) 907-723-2998	
	E-mail Address Randy.Alderfer@avmi.org		
	LANDOWNER/ LESSEE CONSENT		
Required for Planning Permits, not needed on Building/ Engineering Permits. Consent is required of all landowners/ lessees. If submitted with the application, alternative written approval may be sufficient. Written approval must include the property location, landowner/ lessee's printed name, signature, and the applicant's name. 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 the City and Borough of Juneau officials/employees to inspect my property as needed for purposes of this application. <u>Randall Aldefer</u> Landowner/Lessee (Printed Name) Title (e.g.: Landowner, Lessee) X <u>[Signature]</u> Landowner/Lessee (Signature) Date <u>11/24/24</u> _____ Landowner/Lessee (Printed Name) Title (e.g.: Landowner, Lessee) X _____ Landowner/Lessee (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) Juneau Hydropower Inc.		Contact Person Duff Mitchell	
Mailing Address PO Box 22775 Juneau, AK 99802		Phone Number(s) 907-723-2481	
E-mail Address duff.mitchell@juneauhydro.com			
X <u>[Signature]</u> Applicant's Signature		Date of Application <u>1-24-24</u>	

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 <u>[Signature]</u>		
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>Case Number <u>USE25-10</u></td> <td>Date Received <u>7/11/25</u></td> </tr> </table>	Case Number <u>USE25-10</u>	Date Received <u>7/11/25</u>
Case Number <u>USE25-10</u>	Date Received <u>7/11/25</u>	

Juneau Hydropower Inc.

CUP Application and Supporting Documents

CBJ Development Permit Application



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

To be completed by Applicant

PROJECT SUMMARY

Juneau Hydropower Utility-Sweetheart Lake Hydroelectric and Northern Juneau Transmission Line-Lena to Kensington

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

- ☐ Accessory Apartment – Accessory Apartment Application (AAP)
☒ Use Listed in 49.25.300 – Table of Permissible Uses (USE)
 Table of Permissible Uses Category: 17.200 Utility Facilities

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☐ YES – Case # _____ ☒ NO

UTILITIES PROPOSED

WATER: ☐ Public ☒ On Site

SEWER: ☐ Public ☒ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot _____ square feet Total Area of Existing Structure(s) _____ square feet

Total Area of Proposed Structure(s) _____ square feet **See attached documents**

EXTERNAL LIGHTING

Existing to remain ☐ No ☐ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures
 Proposed ☐ No ☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

ALL REQUIRED DOCUMENTS ATTACHED

☒ Narrative including:

- ☒ Current use of land or building(s)
☒ Description of project, project site, circulation, traffic etc.
☒ Proposed use of land or building(s)
☒ How the proposed use complies with the Comprehensive Plan

If this is a modification or extension include:

- ☐ Notice of Decision and case number
☐ Justification for the modification or extension
☐ Application submitted at least 30 days before expiration date

☐ Plans including:

- ☐ Site plan
☐ Floor plan(s)
☐ Elevation view of existing and proposed buildings
☐ Proposed vegetative cover
☐ Existing and proposed parking areas and proposed traffic circulation
☐ Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)

SEE ATTACHED NARRATIVE

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

ALLOWABLE/CONDITIONAL USE FEES		Check No.	Receipt	Date
	Fees			
Application Fees	\$ <u>1,600</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>50</u>			
Pub. Not. Sign Deposit	\$ <u>100</u>			
Total Fee	\$ <u>1750</u>			

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number

Date Received

USE25-10

7/11/25

Allowable/Conditional Use Permit Application Instructions

Allowable Use permits are outlined in CBJ 49.15.320, Conditional Use permits are outlined in CBJ 49.15.330

Pre-Application Conference: A pre-application conference is required prior to submitting an application. There is no fee for a pre-application conference. 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:

1. **Forms:** Completed Allowable/Conditional Use Permit Application and Development Permit Application forms.
2. **Fees:** 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.
3. **Project Narrative:** A detailed narrative describing the project.
4. **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 materials submitted as part of an application shall be submitted in either of the following formats:

1. Electronic copies in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf (other formats may be preapproved by the Community Development Department).
2. Paper copies 11" X 17" or smaller (larger paper size may be 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 for vote. 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: Allowable/Conditional Use requests must be given proper public notice as outlined in CBJ 49.15.230:

The 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, CDD will mail notices to all property owners within 500-feet of the project site.

The 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 appropriate by CDD. 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 within seven days of the scheduled hearing date. If the sign is returned between eight and 14 days of the scheduled hearing \$50 may be refunded. The Applicant may make and erect their own sign. Please contact the Community Development Department for more information.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Avant

October 25, 2022

To Whom It May Concern:

The Board of Directors of Gospel Missionary Union, doing business as Avant Ministries, fully authorizes Randall Alderfer, serving as the Director of Echo Ranch Bible Camp, to sign documents on behalf of our organization regarding Easements and any other land transfers involving ministry of Echo Ranch Bible Camp.

Sincerely,

Scott Holbrook

Scott Holbrook

President

Terresa Jones

Terresa Jones

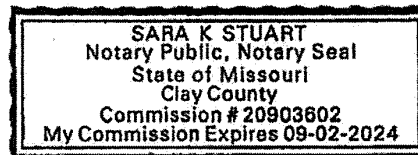
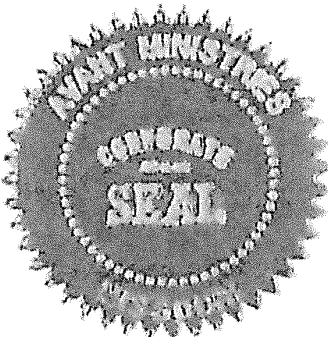
Corporate Secretary

Subscribed and sworn before me, this 25th
day of October, 2022, a Notary Public
In and for Clay County.
State of Missouri

Sara K Stuart
(Signature)

NOTARY PUBLIC

My Commission expires 09/02, 2024



Avant Ministries

10000 N. Oak Trafficway • Kansas City, MO 64155 | 2121 Henderson Highway • Winnipeg MB R2G 1P8
800.468.1892 • Fax: 816.734.4601 | 866.81.AVANT • Fax: 204.339.3321
avantministries.org

Gospel Missionary Union / Echo Ranch Bible Camp
Development Permit Application Legal Descriptions
(Attachment 1)

CBJ 3B4501000041- Gospel Missionary Union, USS 2925 lot 1.

CBJ 3B4501000020- Gospel Missionary Union, USS 1157.

CBJ 3B4501000035- Gospel Missionary Union, USS 1154 B1-1.

ADL 106979 – Gospel Missionary Union, Lots 3, 6, 16 and 17, Section 13, T.37S R.63E CRM.

ADL 109033 - Juneau Hydropower, Utility Easement located within the NE 1/4 of Section 24, township 37 South, Range 63 East, Copper River Meridian, approximately 2,000 feet in length.

ADL 109053 - Gospel Missionary Union, Easement across State land in Section 12, Township 37 South, Range 63 East.



ADL 109053 - Gospel Missionary Union,
Easement across State land in Section 12,
Township 37 South, Range 63 East.

CBJ 3B4501000041- Gospel Missionary Union, USS
2925 lot 1

ADL 106979 - Gospel Missionary Union, Lots 3, 6, 16
and 17, Section 13, T.37S R.63E CRM

CBJ 3B4501000020- Gospel Missionary Union, USS,
1157

CBJ 3B4501000035- Gospel Missionary
Union, USS 1154 B1-1

ADL 109033 - Juneau Hydropower, Utility Easement
located within the NE 1/4 of Section 24, township 37
South, Range 63 East, Copper River Meridian,
approximately 2,000 feet in length

**Gospel Missionary Union / Echo
Ranch Bible Camp**

**Development Permit Legal
Descriptions**

(Attachment 2)



August 10, 2022

To whom it may concern:

Coeur Alaska, Inc. ("Coeur") strongly supports the granting of an easement to Juneau Hydropower, Inc. for the installation and operation of a submarine high-voltage electric transmission cable. Line power to Coeur's Kensington mine would allow the operation to eventually eliminate its reliance on diesel power and would thereby decrease power generation costs and greenhouse gas emissions.

Further, Coeur will allow Juneau Hydropower, Inc. to utilize Coeur's tideland easement A.T.S. 1655 for the proposed routing of the submarine electric transmission cable.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Ball", written over a horizontal line.

Steve Ball

General Manager

Coeur Alaska, Inc.



Juneau Hydropower, Inc.
PO Box 22775
Juneau, AK 99802
www.juneauhydro.com
Telephone: (907) 789-2775
Fax: (907) 375-2973

Introduction

Juneau Hydropower Inc. (JHI), a locally owned and operated utility, is advancing a **transformational energy infrastructure project** to support Juneau's clean energy future, grid resilience, and long-term economic vitality. This permit application package includes the Executive Summary, Narrative, and all required documentation for JHI's CBJ development, conditional use, and floodplain permits associated with the Juneau Utility Project.

The Utility Project consists of two primary components:

1. **Sweetheart Lake Hydroelectric Project** (19.8 MW, FERC P-13563) – Fully permitted and shovel-ready, including a dam, tunnel, powerhouse, switchyard, and 8.7 miles of 138kV transmission.
2. **North Juneau Transmission Infrastructure** – Over 40 miles of new 69kV overhead and submarine transmission lines with integrated fiber optics, plus a future **10 MW / 20,000 MWh Battery Energy Storage System (BESS)** for grid stabilization and backup power.

As the **nation's newest regulated utility**, this Utility Project expands Alaska's high-voltage grid by approximately 3%. Further, this tremendous Utility Project equips the **City and Borough of Juneau (CBJ)** to meet rising energy demands for:

- Beneficial electrification of homes and businesses
- The transition from diesel-based heating to electric and heat pump systems
- Public and private electric transportation
- Dock electrification for maritime operations
- Housing expansion and industrial growth in all areas of our Borough

Community Impact and Economic Benefit

The **Juneau Utility Project** goes beyond expanding utility service to previously unserved areas—it delivers **affordable, renewable power** that strengthens quality of life, supports economic development, and builds long-term community resilience.

By providing reliable electrical service to underserved regions of the **City and Borough of Juneau (CBJ)**, the project:

- **Enables housing and business growth** in areas previously constrained by lack of utility access
- **Attracts new investment and job opportunities** through lower energy costs and improved infrastructure
- **Reduces reliance on diesel**, improving air quality and public health

- **Promotes energy equity** by extending clean, cost-effective utility service to all residents

Access to affordable, renewable energy is a **catalyst for economic prosperity**, and this project lays the foundation for a stronger, more self-reliant Juneau—today and for generations to come.

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Acronyms and Abbreviations

AAC	Access Alaska Coalition
ADEC	Alaska Department of Environmental Conservation
ADF&G	Alaska Department of Fish and Game
Alaska DOL	Alaska Department of Labor
ADNR	Alaska Department of Natural Resources
Alaska DOT	Alaska Dept. of Transportation and Public Facilities
AEA	Alaska Energy Authority
AESTF	Alaska Energy State Task Force
AEL&P	Alaska Electric Light and Power
AIDEA	Alaska Industrial Development and Export Authority
Ameresco	Ameresco, Inc.
APLIC	Edison Electric Institute's Avian Power Line Interaction Committee
BESS	Battery Energy Storage System
CPCN	Certificate of Public Convenience and Necessity
CBJ	City and Borough of Juneau
CDD	CBJ Community Development Department
Commission	CBJ Planning Commission
CUP	Conditional Use Permit
DIPAC	Douglas Island Pink and Chum
ERBC	Echo Ranch Bible Camp
EIS	Environmental Impact Statement
EPC	Engineering, Procurement and Construction
EPS	Electric Power Systems
FERC	Federal Energy Regulatory Commission
Goldbelt	Goldbelt Corporation
GHG	Green House Gas Emissions
IBEW 1547	Intl Brotherhood of Electrical Workers
IUOE Local 302	Intl Union of Operating Engineers
JEDC	Juneau Economic Development Council
JHI	Juneau Hydropower, Inc.
Juneau Utility Project	Project
Kensington	Coeur Alaska Kensington Mine
kV	Kilovolt
MW	MegaWatt
MWh	MegaWatt Hour
NMFS	National Marine Fisheries Service
RCA	Regulatory Commission of Alaska

RUS	USDA Rural Utilities Service
SCPFOC	Submarine Composite Power & Fiber Optic Cable
USACE	US Army Corps of Engineers
USFS	US Forest Service
USFWS	US Fish and Wildlife Service
Utility Project or Project	JHI Utility Project-Sweetheart Lake Hydro and Transmission lines

Executive Summary: JHI Utility Project – Sweetheart Lake Hydroelectric and Transmission Expansion

Juneau Hydropower Inc. (JHI) Utility Project Sweetheart Lake Hydroelectric & Transmission Expansion

Overview(

Juneau Hydropower Inc. (JHI), a locally owned utility, is developing a transformational infrastructure project to strengthen Juneau's clean energy future. The Utility Project consists of:

1. **Sweetheart Lake Hydroelectric Project** (19.8 MW, FERC P-13563) – Fully permitted and shovel-ready, including dam, tunnel, powerhouse, switchyard, and 8.7 miles of 138kV transmission.
2. **New Northern Transmission Infrastructure** – Over 40 miles of new 69kV overhead/submarine line with fiber optics-Submarine Composite Power & Fiber Optic Cable (SCPFOC), and a future 10 MW / 20,000 MWh Battery Energy Storage System (BESS).

Objectives

- Displace diesel generation and extend electric utility service to currently unserved areas of the CBJ, including the Kensington Mine.
- Enhance grid resilience, reduce greenhouse gas emissions, and lower long-term energy costs for residents and industry.

Project Status

- **Fully permitted:** FERC license, USFS Special Use Permit, USACE 404, ADF&G, ADNRR leases, and requiring a CBJ Conditional Use Permit, Development Permit, and Floodplain permit.

- **Service area:** Entirely within CBJ territorial borders, development primarily within rural reserve zones without electrical or fiber utility services and following state rights-of-way and one private right-of-way/easement.

Benefits

- **up to 15.6% reduction** in CBJ greenhouse gas emissions
- **Over 20% increase** in Juneau's clean energy capacity
- **2.5% expansion** of Alaska's statewide high-voltage transmission infrastructure
- Supports CBJ Comp Plan and Resolutions 1882, 2593, 2632, and 2808
- Provides expansion of electrical utility service to rural and remote areas of the CBJ
- Creates long-term, prevailing-wage jobs and boosts energy security

Project Components

Generation (Sweetheart Lake):

- 111-ft high roller-compacted dam
- Underground tunnel and steel penstocks
- 19.8 MW powerhouse (3 Francis turbines)
- FERC-approved switchyard, roads, and submarine/overhead transmission

Transmission & Grid Expansion:

- 40.29 miles of new 69kV line with fiber
- BESS for backup power and grid stabilization
- Connects High voltage transmission from Lena Point to Berners Bay and Kensington Mine

Policy & Public Alignment

- **CBJ 2013 Comprehensive Plan:** Supports hydropower and regional interties
- **CBJ Resolutions:** Endorse transmission expansion and diesel displacement
- **State Support:** AEA, AIDEA, and Alaska Energy Security Task Force Alignment
- **Public & Agency Support:** Alaska DOT, Alaska DOL, of Labor, IBEW, Juneau Building Trades, Alaska AFL-CIO, Goldbelt, and others

Schedule

- Construction mobilization in **late 2025**, with commercial operation by **2028**

Conclusion

The JHI Utility Project is a once-in-a-generation opportunity to expand clean energy access, replace diesel, and power Juneau's future growth. It is fully permitted, locally led, and aligned with the CBJ's vision for sustainable development, climate goals, and economic resilience.

For full details of the JHI Regulatory Commission of Alaska Utility Application, community benefits, maps, technical information, Juneau letters of Support, sworn testimony, submitted documents, and transcripts, see RCA Docket U-24-036.

This application responds to guidance from CBJ staff, as discussed during the July 23, 2023, Pre-Application Conference and formalized in the CBJ Report dated August 23, 2023 (Attachment 1), as well as further guidance provided on June 4, 2027.

See Attachment 1 CBJ Pre-Application Report at the end of this Project Narrative.

Permitting Background and Reference

For situational awareness, the **Sweetheart Lake Hydroelectric Project** has been **previously reviewed and permitted** by the City and Borough of Juneau in 2016. Due to the non-resolution of a transmission interconnection agreement with AEL&P and AIDEA, this matter required resolution with the Regulatory Commission of Alaska. Following guidance provided by Planning Department staff, **Juneau Hydropower Inc.** is now submitting the **previously approved hydropower generation component** together with the **new Northern Transmission Line component**—which extends from **Lena Point to the Kensington Mine**—as part of this comprehensive Utility Project application.

For CBJ Planning Commission (Commission) reference, the Commission's prior approval of the Sweetheart Lake Hydroelectric Project can be found in the following CBJ Planning Commission meeting packet:

CBJ 2016 Permit Packet – The Hydropower component begins on **page 186**
https://juneau-ak.municodemeetings.com/sites/juneau-ak.municodemeetings.com/files/fileattachments/planning_commission/meeting/packets/11436/2016-08-23_pc_pkt.pdf

Project Objective

Juneau Hydropower Inc. is committed to delivering **clean, reliable, and affordable hydropower** while strengthening Juneau's energy infrastructure to support long-term **resilience, sustainability, and economic growth**.

Providing More Clean Energy Now, the Juneau Utility Project expands the electrical transmission grid and adds new generating capacity to:

- **Lower energy costs** for consumers, businesses, and industry within JHI's certificated utility service area
- **Enhance community-wide energy security** and grid reliability
- **Enable beneficial electrification** of homes, commercial buildings, industrial operations, and transportation

Our Juneau Utility Project directly supports Juneau's transition toward a **sustainable and self-reliant energy future**, reducing dependence on diesel and positioning the community for future growth.

Juneau Hydropower Inc. is committed to delivering clean, reliable, and affordable hydropower while strengthening Juneau's energy infrastructure for long-term resilience and economic development. Providing More Clean Energy Now. By expanding the electrical transmission grid and adding new generating capacity, the Juneau Utility Project will:

- Lower energy costs for consumers, businesses, and industry in JHI's certificated utility
- Enhance community-wide energy security
- Enable the electrification of homes, businesses, and industry

This initiative supports Juneau's transition to a more sustainable, self-reliant energy future.

Operational Commitment

Juneau Hydropower Inc. (JHI) is committed to operating and maintaining its hydropower generation and transmission assets with the highest standards of safety, reliability, and efficiency.

To ensure professional execution and long-term operational success, JHI has entered into the following agreements:

- **Engineering, Procurement, and Construction (EPC) Agreement** with Ameresco, a nationally recognized clean energy integrator with extensive engineering, procurement, and construction expertise in energy and transmission infrastructure.
- **Operations and Maintenance (O&M) Agreements** with both Ameresco and Electric Power Systems (EPS), a leading utility services provider with decades of experience engineering and managing grid and generation assets in Alaska and beyond with offices in Juneau, Alaska.

While JHI's utility service area awarded by the Regulatory Commission of Alaska targets currently unserved parts of Juneau, the Juneau Utility Project delivers broader benefits to the entire community, including:

- Enhanced grid reliability and resilience

- Additional backup power capacity during outages
- Economic development through infrastructure investment and job creation
- Reduced reliance on diesel and improved environmental outcomes

The Juneau Utility Project represents a **transformational, forward-looking investment** in Juneau's clean energy future and long-term energy security. It is grounded in strong public-private partnerships, proven technical expertise, and a commitment to operational excellence.

Description of the Utility Project: Consisting of a hydropower energy resource with energy storage and associated transmission and fiber optic telecommunications.

Generation Infrastructure

The Sweetheart Lake Hydroelectric Generation Facilities, as identified and described in the FERC Licensed hydropower facility, consists of the following new facilities:

- 1) a 280-foot-wide, 111-foot-high roller-compacted concrete dam to be constructed at the existing natural outlet of Lower Sweetheart Lake, with a 125-foot-wide ungated overflow spillway at a crest elevation of 636 feet;
- 2) a 525-foot-long, 10-foot-high, 10-foot-wide arched reservoir outlet tunnel at the right dam abutment;
- 3) a 45-foot-long, 25-foot-wide, 16-foot-high rectangular concrete intake structure, with six 7-foot-diameter, 10-foot-high cylindrical fish screens adjacent to the right dam abutment;
- 4) a 9,612-foot-long, 15-foot-wide, 15-foot-high horseshoe-shaped,¹ unlined underground power tunnel;
- 5) an 896-foot-long, 9-foot-diameter saddle-supported steel penstock installed within the lower portion of the power tunnel;
- 6) three 160-foot-long (mean length), 7- to 9-foot-diameter buried steel penstocks connecting the lower portion of the power tunnel to the powerhouse;
- 7) a 160-foot-long, 60-foot-wide, 30-foot-high concrete and steel powerhouse;
- 8) three 7.1-megawatt (MW) Francis turbines with 6.6-MW generators with a total installed capacity of 19.8 MW;
- 9) a 541-foot-long, 30- to 90-foot-wide rock tailrace with a fish exclusion structure discharging to Sweetheart Creek;
- 10) a 4,400-foot-long coastal road from the powerhouse to a dock/landing site for aerial and marine vehicle access, located on the east shore of Gilbert Bay;
- 11) an 8.69-mile-long, 138-kilovolt (kV) transmission line transversing Gilbert Bay, the Snettisham Peninsula, and Port Snettisham, consisting of:
 - a) two buried segments, totaling 4,800 feet in length;

¹ Tunnel will have a flat and drivable floor with straight walls and an arched ceiling.

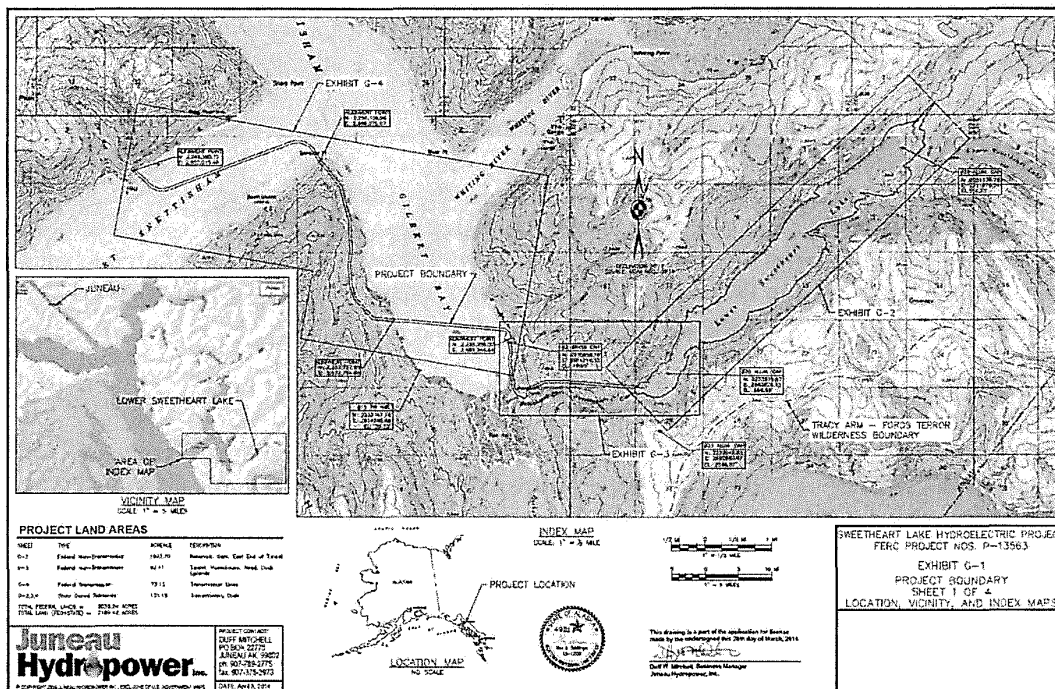
- b) two submarine segments, totaling 25,700 feet in length; and
- c) one 15,400-foot-long overhead segment;
- 12) a 22,000-square-foot fenced switchyard adjacent to the powerhouse;
- 13) a 25-foot-long, 5-foot-wide, 4-foot-deep salmon smolt re-entry pool² located adjacent to the powerhouse and tailrace;
- 14) a 4,225-square-foot caretaker's facility near the dock;
- 15) a 4,800-foot-long, 12.47kV service transmission line and communication cable extending from the powerhouse to the dock and caretaker's facility, providing operational electricity and communications;
- 16) a 10,000-foot-long, 12.47kV service transmission line and communication cable extending from the powerhouse to the dam site, providing operational electricity and communications;
- 17) a 400-square-foot shelter at the dam for employee use during smelt transport operations; and
- 18) appurtenant facilities.

Construction of the generation portion of the Utility Project will raise Lower Sweetheart Lake from a water surface elevation of 551 feet mean lower low water³ and a surface area of 1,414 acres to a new maximum water surface elevation of 636 feet and surface area of 1,702 acres, and a new minimum water surface elevation of 576 feet and surface area of 1,449 acres.

The JHI Utility Project comprises 2,058.24 federal and 131.18 State acres administered under ADNR, with leases to JHI for its generation and interconnection assets. The FERC licenses these assets, and JHI has received all necessary approvals from the USACE, USFWS, ADF&G, ADNR, and USFS. JHI has agreed to build its generation transmission line in accordance with the Edison Electric Institute's Avian Power Line Interaction Committee (APLIC) avian protection standards. JHI has also agreed with ADF&D and DIPAC hatchery to protect and expand the personal use of the sockeye fishery at Sweetheart Creek.

² The re-entry pool will provide temporary holding of sockeye salmon smolts collected and transported from Sweetheart Lake, for imprinting and release to the tailrace

³ The mean lower low water level is the 19-year average of the lower of the two daily tides and serves as the reference elevation chosen by Juneau Hydro for the project facilities.



The CBJ Planning Commission and Community Development Department staff can access and find the complete set of documents related to Juneau Hydropower Inc.'s Utility Project under FERC Project No. P-13563 through the Federal Energy Regulatory Commission (FERC) eLibrary at the following link:

FERC eLibrary Search – Project P-13563

This online archive includes:

- FERC Project Boundary Maps
- Transmission and Infrastructure Drawings
- Final Environmental Impact Statement (EIS)
- US Army Corps of Engineers (USACE) Section 404 Permit
- Alaska Department of Environmental Conservation (ADEC) Section 401 Water Quality Waiver
- All environmental, engineering, and technical filings submitted to date
- Intervener comments, Congressional and public letters of Support

As of the submission of this application, **more than 407 filings with multiple documents** have been filed for FERC Project P-13563, providing a comprehensive record of environmental review, permitting, and project development.

North Juneau Transmission Infrastructure

The non-FERC portion of the JHI Utility Project includes the construction of approximately **40.29 miles** of new **69-kilovolt (kV) high-voltage transmission line** and associated infrastructure to deliver utility service to currently unserved areas of North Juneau. This system, referred to as the **North Juneau Transmission Infrastructure**, is a crucial component of JHI's initiative to expand the regional power grid and enhance system reliability.

Overhead Transmission Line

A new 69 kV overhead transmission line, co-located with a fiber optic communication cable, will originate at the existing AEL&P Lena Point Substation. It will follow existing State of Alaska rights-of-way along the Veterans Memorial Highway and pass through the Echo Ranch Bible Camp (ERBC) area, terminating at Berners Bay.

Submarine Transmission Segment

From the south shore of Berners Bay, a **69 kV submarine transmission cable with integrated fiber optic line** will extend across the bay to **Slate Creek Cove**, located on the northern shoreline near the Coeur Alaska Kensington Mine. This segment ensures a continuous and resilient connection to the project's end-users and utility customers.

Battery Energy Storage System (BESS)

To further support system stability, the Utility Project will include a future **Battery Energy Storage System (BESS)**, estimated at **8 to 10 MW with up to 20,000 MWh of storage capacity** (final sizing to be determined). This system will provide:

- Instantaneous backup power during outages
- Grid stabilization services for JHI's transmission system in North Juneau

Details and technical specifications for the BESS will be submitted in a future permit modification, along with all required supporting documentation.

A complete **1,057-page Application for a New Certificate of Public Convenience and Necessity (CPCN) Utility Application**, filed under **Docket U-24-036** with the **Regulatory Commission of Alaska** on **November 8, 2024**, is available at the following link:

RCA Utility Application – Docket U-24-036

This comprehensive filing includes all details related to Juneau Hydropower Inc.'s Utility Project, including proposed service territory maps, engineering plans, operational descriptions, and supporting technical documentation.

JHI anticipates receiving a Certificate of Public Convenience and Necessity upon the conclusion of this docket. The RCA record also contains **thousands of pages of supplemental materials** that support and correspond with the CBJ permit applications, providing extensive background for agency and public review. This docket closed on June 11, 2025.

Attachment 2 depicts the JHI Utility service territory as presented to the RCA, providing an Infrastructure overview Map and the legal description of the Utility Project, including specific easements, rights-of-way, and Letters of No Objection.

See Attachment 2 JHI Utility Map, Land Ownership, Easements or Letter of No Objection and Legal Description

Note Attachment 2, due to its maps and size, is filed as a separate document.

Public Support, CBJ Support, and compliance with the 2013 CBJ Comprehensive Plan

Project Alignment with the 2013 CBJ Comprehensive Plan

The Sweetheart Lake Hydroelectric facilities and related high-voltage transmission system are in alignment and Support of policies and implementing actions in the 2013 CBJ Comprehensive Plan⁴, including:

POLICY 4.8. IT IS THE POLICY OF THE CBJ TO ENCOURAGE THE PROVISION OF AN ADEQUATE SUPPLY OF HYDROELECTRIC POWER TO PROVIDE FOR THE CONTINUED GROWTH AND DEVELOPMENT OF THE COMMUNITY.

4.8.1. Encourage the continued development of hydroelectric power generating facilities to provide for future community needs.

POLICY 6.2. TO SUPPORT THE DEVELOPMENT OF RENEWABLE ENERGY RESOURCES IN JUNEAU AND IN THE SOUTHEAST ALASKA REGION;

POLICY 6.3. TO SUPPORT THE DEVELOPMENT OF A SOUTHEAST ALASKA INTERTIE.

⁴ CBJ Comprehensive Plan 2013 update. <https://juneau.org/community-development/comp-plan-2013>

In addition to unequivocal Support found for the Utility Project within the CBJ Comprehensive Plan, the Utility Project and its transmission infrastructure are bolstered by the Support of multiple CBJ resolutions.

Project Alignment with CBJ Resolutions

CBJ RESOLUTION 1882 (1997) OF THE CITY AND BOROUGH OF JUNEAU, ALASKA.⁵

A Resolution Supporting a Twenty-Year Power Grid Plan for Southeast Alaska. *The City & Borough of Juneau respectfully recommends that the Alaska Legislature and the Congress support the Southeast Alaska Electrical Intertie and Transportation Corridors Projects. The plan should be responsive to each community's needs and plans and should promote regional economic development opportunities.*

CBJ RESOLUTION 2632 (2012) OF THE CITY AND BOROUGH OF JUNEAU, ALASKA⁶ supports the extension of the transmission line from Juneau to Berners Bay. The resolution reads in part, "*That the Assembly expresses its support for the State of Alaska in funding the extension of electrical power along the Veterans Memorial Highway to Cascade Point (Berners Bay) to improve highway safety, provide expanded emergency services, reduce electrical costs and carbon emissions, and facilitate economic development.*"

CBJ resolution 2632 supports the Utility Project's high voltage transmission line extension of electrical power along the Veterans Memorial Highway to north Juneau in Berners Bay (north Juneau) to serve this area of Juneau, including the Coeur Alaska Kensington Mine.

The transmission facilities of JHI's Utility Project application extend both the southern and northern expansions of the Juneau Grid system, which expands the incremental electrical transmission along the Veterans Memorial Highway (Glacier Highway) and the Southeast Intertie, identified and in compliance with the Support of CBJ Resolutions 1882 and 2632.

The Utility Project expands the Juneau transmission grid to encompass the south-to-north and eastern portions of the City and Borough of Juneau territorial boundaries.

⁵ CBJ Resolution 1882 <https://juneau.org/index.php?gf-download=2019%2F12%2Fres1882-Resolution-Supporting-Twenty-Year-Power-Grid-Plan-Southeast-and-backup-docs.pdf&form-id=22&field-id=11&hash=0294ff642e2caab00888be0dc8133104957b21fbfd01df086648870366646eeb>

⁶ CBJ Resolution 2632 <https://juneau.org/index.php?gf-download=2019%2F12%2FRes2632-Final-Support-Extend-Electrical-Power-Veterans-Highway.pdf&form-id=22&field-id=11&hash=9c588b74dee5cebd4fdc7d33d330ed62b282ff560e24035fa6df04cd1d13c9fc>

Project Alignment with CBJ Resolution 2593 (2009): Juneau Climate Action and Implementation Plan

The Utility Project, which will deliver clean hydropower to the Coeur Alaska Kensington Mine, represents the most impactful step taken to date toward reducing greenhouse gas (GHG) emissions within the City and Borough of Juneau.

By displacing diesel-fired generation at the mine, the Project will produce **significant and quantifiable reductions in carbon emissions**, directly advancing the goals established in the **Juneau Climate Action and Implementation Plan**, adopted under **CBJ Resolution 2593 (2009)**.

These environmental gains are the result of a strategic partnership between Juneau Hydropower Inc. and Kensington, demonstrating how public-private collaboration can drive meaningful industrial electrification and climate progress.

The Juneau Utility Project strengthens CBJ's position to **meet—and potentially exceed—its community-wide greenhouse gas (GHG) reduction targets, delivering lasting environmental, economic, and health benefits for Juneau residents today and in future generations.**

Project Alignment with CBJ Resolution 2808 (2018): Juneau Renewable Energy Strategy

CBJ Resolution 2808, which adopts the **Juneau Renewable Energy Strategy**, explicitly supports efforts to develop new renewable energy sources for Juneau. The resolution affirms community backing for projects like the JHI Utility Project, recognizing their alignment with Juneau's long-term energy and environmental goals.

Juneau Hydropower Inc. (JHI), in collaboration with its customers and private partners, is investing over **\$250 million** to bring new renewable energy generation and transmission infrastructure to Juneau. These investments directly support the resolution's intent by expanding access to clean, lower-cost hydropower and displacing diesel use for heating and electricity.

The JHI Utility Project is foundationally aligned with the **CBJ 2013 Comprehensive Plan** and is supported by a suite of related CBJ resolutions, including:

- Resolution 1882 – Supporting the development of the Utility Project's transmission infrastructure
- Resolution 2593 – Adopting the Juneau Climate Action and Implementation Plan
- Resolution 2632 – Supporting North CBJ Grid extension and electrification
- Resolution 2802 – Encouraging economic development through renewable energy

Together with formal Assembly support for the Sweetheart Lake Project⁷, the Juneau Renewable Energy Strategy (2018)⁸ reinforces CBJ's policy commitment to enabling new local generation and transmission to meet present and future energy needs. The Utility Project directly advances this vision by delivering sustainable, affordable energy while reducing dependence on diesel.

Project Alignment with Strong Institutional and Policy Support

The **Juneau Utility Project** is backed by a broad base of state and local support, reinforcing its strategic value and alignment with public policy goals.

At the **state level**, the Utility Project is supported by formal documents and resolutions from the **Alaska Energy Authority (AEA)**⁹ and the **Alaska Industrial Development and Export Authority (AIDEA)**.¹⁰ The Juneau Utility Project is also fully aligned with the **Alaska Energy Policy** and advances the priorities outlined in the **2023 Alaska Energy Security Task Force (AESTF) Recommendations**¹¹, including grid expansion, diesel displacement, and investment in firm renewable energy.

At the **local level**, the Utility Project is grounded in and strengthened by:

- The **CBJ Comprehensive Plan**
- Multiple **CBJ Resolutions** supporting renewable energy and grid expansion
- A **Strong Letter of Support** from the former Mayor and the CBJ Assembly

Together, these endorsements reflect a unified public-sector commitment to advancing this transformational infrastructure project, which will enhance energy security, economic resilience, and sustainability for the City and Borough of Juneau and the State of Alaska.

Public Support

Additionally, JHI has the following Support from State Agencies and local organizations that have taken the opportunity to support JHI's recent utility application with the Regulatory Commission of Alaska:

⁷ City and Borough Strong Letter of Support file:///C:/Users/duffm/Documents/20160323-5176_JHI%20CBJ%20Strong%20Letter%20of%20Support%203-22-16.PDF

⁸ CBJ Renewable Energy Strategy <https://juneau.org/wp-content/uploads/2019/03/CBJ-Energy-Strategy-Approved.pdf>

⁹ AEA Resolution 2019-03

<https://www.akenergyauthority.org/Portals/0/Board%20Meeting%20Resolutions/2019%20Board%20Meeting%20Resolutions/2019-03-AEA-Sweetheart-Lake-Hydro.pdf?ver=2021-08-24-115354-503>

¹⁰ AIDEA Resolution G 24-07

https://www.aidea.org/Portals/0/Meeting%20Docs/2024BoardMeeting/062024/Signed_Resolution_No._G24-07_Juneau_Hydro_062024.pdf?ver=EVFvGSu_W68WjFNV2uJpJQ%3d%3d

¹¹ 2023 Alaska Energy Security Task Force (AESTF) Recommendations <https://www.akenergyauthority.org/What-We-Do/Energy-Planning-Project-Development/Alaska-Energy-Security-Task-Force>

Alaska Department of Labor and Workforce Development, Alaska Department of Transportation and Public Facilities, IBEW 1547, Juneau Building Trades, IUOE 302, AFL-CIO Alaska, the Goldbelt Corporation, and many others. The Commission and the Public can find these documents; supporting letters can be found in [RCA Docket U-24-036](#).

Public Benefits

The **Juneau Utility Project** will deliver enduring public benefits through the development of privately financed hydropower generation, high-voltage transmission, and fiber optic infrastructure. These long-life assets will:

- **Enhance energy security** by reducing reliance on diesel and providing firm, renewable power
- **Lower long-term energy costs** for residents, businesses, and industry
- **Enable future renewable energy development** by strengthening regional grid capacity
- **Extend utility service** to currently unserved areas within JHI's proposed service territory

Alaska faces a severe shortage of transmission infrastructure. As highlighted in the **2023 Alaska Energy Security Task Force (AESTF) Report**:

"Despite covering 17.5% of the US landmass, Alaska has only 1,697 miles of high- and low-voltage transmission—less than 0.25% of the national total. In comparison, Puerto Rico has 2,478 miles, and Wyoming—similar in population—has 4,300 miles. This deficiency limits renewable energy integration and compromises mission-critical energy resilience for military installations."

The JHI Utility Project directly addresses this infrastructure gap by:

- **Expanding Alaska's high-voltage transmission system by more than 2.5%**
- **Increasing Juneau's transmission capacity by over 20%**, enabling broader electrification of homes, transportation, heating, and industrial operations across the City and Borough of Juneau.
- **Increasing Juneau's energy generation capacity and energy by over 20%** enhances Juneau's energy security, as the Utility Project generates energy not susceptible to the known Snettisham avalanche hazard areas, which caused disastrous Juneau power outages in 2008 and 2009.

This investment not only improves local quality of life and energy security but also strengthens local and Alaska's statewide energy resilience and economic competitiveness.

The Alaska Energy State Task Force Recommendations epitomize the Juneau Utility Project with this statement:

"Hydropower in Alaska is not just an energy source; it is Alaska's energy DNA."¹²

Specific AESTF recommendations crystallize public benefits for the Juneau Utility Project:

Action B-3.1:

*Establish an Alaska/Federal Clean Energy Policy Force to develop, collaborate, and prioritize State energy, plan, goals, and rights to optimally advance renewable energy transmission lines on federal lands.*¹³

STRATEGY B-4: ALASKA HYDROPOWER GENERATION RECOMMENDATIONS

Action B-4-1:

*Foster, Support, and Assist Hydropower development and transmission in Alaska to lower energy costs, provide energy security, and spur economic growth, job creation, and prosperity for Alaska.*¹⁴

*Action B-1-4: Identify and support the colocation of industrial loads (e.g., data servers) with Alaska Hydropower facilities for synergies to lower energy costs.*¹⁵

*Action B-1.5: Identify, Assist, and fund Battery Energy Storage Systems (BESS) and other Energy Storage Systems (ESS) for successful integration into Coastal communities to increase energy security, increase grid resilience, and lower energy costs.*¹⁶

STRATEGY F-1: IMPROVE ELECTRICAL TRANSMISSION SYSTEM

*Action F-2.3 Encourage development of cost effective hydropower projects throughout Alaska, including ensuring that state funds are appropriated for timely investment in the Dixon Diversion Hydroproject as project feasibility warrants.*¹⁷

Permitting and Regulatory Compliance

For this application, **Juneau Hydropower Inc.** has addressed all topics outlined in the previously approved **Conditional Use Permit (USE2016-0021)** and the **current application Pre-Conference report**. As a result, JHI has included selected backup materials to provide detailed documentation. Aside from local CBJ permitting, both Federal and state agencies have conducted extensive reviews of the project's FERC-jurisdictional components, resulting in full regulatory authorization.

¹² Ibid. Page 51

¹³ Ibid. Page Appendix II - 37

¹⁴ Ibid. Pages Appendix II 41-43

¹⁵ Ibid. Page Appendix II 19-21

¹⁶ Ibid. Page Appendix II 22-24

¹⁷ Ibid. Page Appendix 11-64

Specifically, the following permits and approvals are issued for the **Sweetheart Lake Hydroelectric Project (FERC Project P-13563)**:

- **Federal Energy Regulatory Commission (FERC)**: Final Environmental Impact Statement (EIS) and 50-year License
- **US Army Corps of Engineers**: Section 404 Permit
- **US Fish and Wildlife Service (USFWS)**: Bald Eagle Take Authorization
- **National Marine Fisheries Service (NMFS)**: Marine Mammal Protection Act Authorization
- **Alaska Department of Fish & Game (ADF&G)**: Fish Habitat Permit
- **U.S. Forest Service (USFS)**: Special Use Permit
- **Alaska Department of Natural Resources (ADNR)**: Tideland Leases, Water Rights, and Project Easements

Applications, Approved Easements, and Rights of Way

In addition to these FERC-related approvals, JHI has secured multiple authorizations for the **northern transmission component** of the Utility Project. These include:

- **ADNR Land Leases**, including two complex land exchanges between the **Echo Ranch Bible Camp** and ADNR, in which JHI is a named grantee
- **Letters of No Objection** from **Kensington Coeur Alaska**, ADNR, and the **Alaska Department of Transportation & Public Facilities (Alaska DOT)**

JHI has either filed for or secured **all required rights-of-way, easements, and construction authorizations** necessary to build the northern transmission line. These authorizations include formal **Alaska Department of Transportation authorization** to file for construction within the **State of Alaska Veterans Memorial Highway utility corridor**.

Community Engagement and Responsible Development with approved licenses, permits, and resource plans

Since 2009, **Juneau Hydropower Inc.** has worked collaboratively with community members, customers, local businesses, Alaska Native tribes, governmental agencies, regulators, and federal permit holders to develop the Juneau Utility Project responsibly. The Project's design collaboratively enhances energy security and helps future-proof Juneau's renewable energy needs.

JHI has submitted over **6,000 pages of documentation** to federal regulators detailing every aspect of project planning, environmental stewardship, and technical execution. These materials include the Project's full **Environmental Impact Statement (EIS)**, as well as all **federal and state permits, easements, and approvals**. Over **20 federally approved environmental and resource**

management plans are included in JHI's Federal Energy Regulatory Commission (FERC) license under Docket P-13563, accessible at:

<https://elibrary.ferc.gov/eLibrary/search>

Approved Resource and Environmental Management Plans Include:

- Construction Plan
- Spoils Disposal Plan
- Access and Road Management and Maintenance Plan
- Reservoir Management and Inundation Plan
- Erosion Control Plan
- Solid Waste and Wastewater Plan
- Hazardous Substances Plan
- Fire Prevention Plan
- Heritage Resource Protection Plan
- Scenery Management Plan
- Vegetation Management Plan
- Invasive Species Management Plan
- Wildlife Mitigation and Monitoring Plan
- Fish Mitigation and Monitoring Plan
- Threatened, Endangered, Proposed, and Sensitive Species Plan
- Stream Flow Management Plan
- Stream Flow Measurement Plan
- Aquatic Habitat Restoration and Monitoring Plan
- Environmental Compliance Monitoring Plan
- Storm Water and Pollution Prevention Plan

Additional plans approved and submitted in the prior CBJ Conditional Use Permit (USE2016-0021) include:

- **Recreation Management Plan**
- **Bear Safety Plan**

All associated **license articles and conditions** governing the project's environmental compliance are publicly available via the FERC eLibrary, as provided earlier in this narrative.

Project Operations and Employment

The JHI Utility Project will operate on a **24/7/365 basis** and will support a mix of permanent and contracted staff here in Juneau:

- On-site caretaker crew at the hydropower facility
- Routine maintenance and operations crews dispatched as needed
- Transmission and grid operations employees based in Juneau and throughout Alaska
- Local management and administrative staff headquartered in Juneau
- All construction and operations will comply with **federal prevailing wage requirements** employing local hire and local labor.

As a **locally owned "home team" utility**, JHI is committed to local employment, our shared community values, and economic benefit for the Juneau community.

CBJ Land Use and Zoning Compliance-Current Use of Lands

The land designated for the hydropower facility is zoned **Rural Reserve** and is currently undeveloped. The project qualifies as a **Major Utility** under **TPU Category 17.200**, which requires a **Conditional Use Permit** in all zoning districts except MU and MU2.

The Utility Project's northern transmission corridor passes through **D1, D3, and Rural Reserve** zoning districts, following the alignment from the **Lena Point Substation to Berners Bay**, primarily adjacent to Veterans Memorial Highway. This transmission component significantly expands Juneau's grid infrastructure and increases system capacity.

Zoning classifications and land use designations are confirmed using the **CBJ April 2023 Zoning Wall Map**, available at:

CBJ Zoning Map (April 2023)

https://juneau.org/index.php?gf-download=2023%2F04%2Fzoning_wall_map_april_2023web.pdf&form-id=106&field-id=4&hash=e9424377d11767504e62dc598400f23f97901b3e26e86656a09691e0cc21c3d9

Proposed use of land and buildings-Project Infrastructure and Environmental Integration

Detailed infrastructure drawings for the Juneau Utility Project are classified as **Critical Energy Infrastructure Information (CEII)**. These drawings are included as **Exhibit F** of the FERC license application, which has been reviewed and approved by the **Federal Energy Regulatory Commission (FERC)**. While not publicly released due to national security protocols, the project's major hydroelectric infrastructure components are summarized as follows:

- Dam and intake structure
- Power tunnel and penstock

- Powerhouse with caretaker facilities
- Electrical switchyard
- Overhead and submarine transmission lines
- Dock and shoreline access features
- Other support structures and utility appurtenances as outlined in the Project Description

The proposed project facilities will be constructed within **Semi-Remote Recreation**, **Timber Production**, and **Old-Growth** designations, as identified by the U.S. Forest Service. JHI's **Scenic Management and Monitoring Plan** and **Spoil Disposal Plan** are implemented to **minimize visual and environmental impacts** by ensuring that the Utility Project's infrastructure and transmission lines are constructed to blend in and harmonize with the natural surroundings wherever feasible.

There are **no public recreation facilities** along the shoreline of **Sweetheart Lake** or **Sweetheart Creek**. However, the surrounding areas—particularly **Gilbert Bay** and **Sweetheart Creek**—support a range of recreational and subsistence activities, including fishing, sport and guided hunting, and trapping.

To manage these uses responsibly, JHI will implement its approved **Recreation Management Plan**, which includes:

- Measures to accommodate public access while avoiding natural resource impacts
- Strategies to reduce bear-human conflicts
- Management of increased visitor use in the project area

Recreation Enhancements and Public Access

Recreation-related improvements associated with the project include:

- Surface improvements and ongoing maintenance of existing footpaths
- Installation of **interpretive signage**, including **bear safety information**, trail details, and relevant guidance from the **Alaska Department of Fish & Game** and **U.S. Forest Service**
- Limited, **non-commercial public access** to the facility's dock, landing ramp, and mooring buoys.
- A **vegetated landform barrier** between the powerhouse and nearby footpaths to mitigate visual and noise impacts

Cultural and Fisheries Considerations

- **Cultural Resources:** An extensive agency review has confirmed that the project will not impact **any known cultural or historical resources**.

- **Commercial and Subsistence Fishing:** The project is expected to have no long-term adverse effects on commercial fisheries. Fishing activities can continue as they do today, with only **minor adjustments to avoid the submarine transmission cable**.
- If successful, the **proposed smolt collection system** will help preserve the personal-use fishery and support the **subsistence economy** of families who rely on fishing in the project area.

Excerpted and adapted from the "Environmental Impact Statement for Hydropower License – Sweetheart Lake Hydroelectric Project, FERC Project No. 13563-003.

Location, Type, Size, and Renewable Energy Contribution of the Utility Project

Location

The Juneau Hydropower Inc. (JHI) Utility Project, including generation facilities, proposed service territory, and initial customer sites, is located in remote and rural areas of the City and Borough of Juneau (CBJ), designated as a **Rural Reserve** under CBJ zoning. These areas include lands owned by **Goldbelt, Inc.**, an Alaska Native Corporation.

Technology and Timeline

1. The Utility Project will be **designed, constructed, and operated using commercially available technology**, employing best practices commonly used by regulated utilities throughout Alaska.
2. JHI anticipates the following schedule:
 - **Mobilization and early construction activities:** 2025
 - **Full construction phase:** 2026–2028
 - **Commercial Operations Date (COD):** 2028, subject to construction contingencies and natural inflow conditions for reservoir fill from rain and runoff in the **Tongass National Forest**, North America's largest temperate rainforest

Transmission Line alignment and Parcel Code Numbers for Properties affected by the Utility Project

Transmission Line Alignment and Right-of-Way Use

Juneau Hydropower Inc. proposes to upgrade existing transmission infrastructure by replacing lower-voltage transmission poles with new **69 kV high-voltage poles** along the **State of Alaska Veterans Memorial Highway utility corridor**, extending from the **Lena Point Substation** to the current terminus of **AEL&P's electrical service near Eagle Beach**.

All proposed transmission poles will be installed **within existing State of Alaska rights-of-way** or **secured private easements** built to USDA Rural Utilities Service (RUS) specifications. No

direct impacts to private parcels or CBJ-assigned parcel codes are anticipated. Pole replacements will generally occur in or near the same locations as existing infrastructure, maintaining consistency with the current alignment.

Transmission design measures include:

- Avoiding wetlands and deviations where existing poles fall outside the Alaska Department of Transportation & Public Facilities (Alaska DOT) right-of-way
- Utilizing only State lands and approved easements for pole placement from Eagle Beach to Berners Bay
- Following existing utility corridors to minimize new land disturbance and visual impacts

Land Ownership, Parcel Impacts, and Easement Control

There are **no affected parcel numbers** associated with the **hydropower generation component** of the Utility Project. This infrastructure is situated entirely on federal and state lands and is authorized under existing permits and land-use agreements.

Similarly, there are **no affected parcel numbers** along the transmission line route located within the **State of Alaska-designated utility corridor** adjacent to the Veterans Memorial Highway. In this corridor:

- Existing transmission infrastructure is already in place, or
- The new infrastructure will be constructed entirely within the established right-of-way, which does not carry CBJ-assigned parcel numbers.

From **Lena Point Substation to Eagle Beach**, JHI will replace existing poles in the same general alignment, strictly within State or private rights-of-way, ensuring that **no private properties are directly impacted**.

Beyond Eagle Beach, the transmission line continues toward **Berners Bay**, crossing:

- **State of Alaska Department of Natural Resources (ADNR) lands**, and
- A defined segment of **private land owned by Echo Ranch Bible Camp**

These are the **only parcels** outside the core highway corridor that are affected. JHI has secured all necessary **easements and rights-of-way** for these segments.

Development Permit Application/Letter of Permission

JHI is supplying this application with a Development Permit Application that includes the respective permissions from state and federal authorities authorizing development on all properties within the application. For clarity, JHI has secured all necessary authorizations from the Federal Energy Regulatory Commission, the US Forest Service, the Alaska Department of Natural Resources, and private property owners for the Utility Project. **The Development Permit Application and appropriate Letters of Permission are submitted simultaneously and separately from the Conditional Use Permit.**

An excerpt from our Pre-conference report,

"The Sweetheart Lake hydropower project was originally permitted in 2016 as USE2016-0021. The Project has not been constructed, and the USE permit has expired. The USE2016-0021 permit application included a Letter of Permission from the State of Alaska Department of Natural Resources instead of the signed Development Permit Application (DPA) that the Community Development Department typically requires. Staff has confirmed with Community Development Department Jill Maclean has confirmed that this type of letter is acceptable from state and federal agencies who will not sign the DPA form."

JHI is submitting its Development Permit Application for the portion of the Utility Project located on private lands, Echo Ranch Bible Camp. The balance of the Utility Project is located on federal and State lands, and JHI is submitting Letters of No Objection from these agencies.

Floodplain Development Permit

JHI submitted a Floodplain Development Permit for the Utility Project for review, and it was deemed complete and acceptable. JHI is submitting the Utility Project's Floodplain Development simultaneously and separately with this application.

Work Within Mapped Landslide and Avalanche Areas

The **Juneau Utility Project** does not involve any work or infrastructure development within mapped landslide or avalanche hazard areas identified in the **CBJ 2022 Landslide and Avalanche Assessment Maps** outside of general service territory boundaries.

Importantly:

- **No portion of the Utility Project** is located within the known **Snettisham avalanche chutes**.
- The Project is **not dependent** on any transmission segments affected by the 2008 or 2009 avalanches that damaged the original Snettisham Transmission Line.
- JHI has **intentionally avoided** these documented hazard areas by establishing its interconnection point on the **AIDEA-owned 138 kV Snettisham Transmission Line**, which is located outside the high-risk zones.

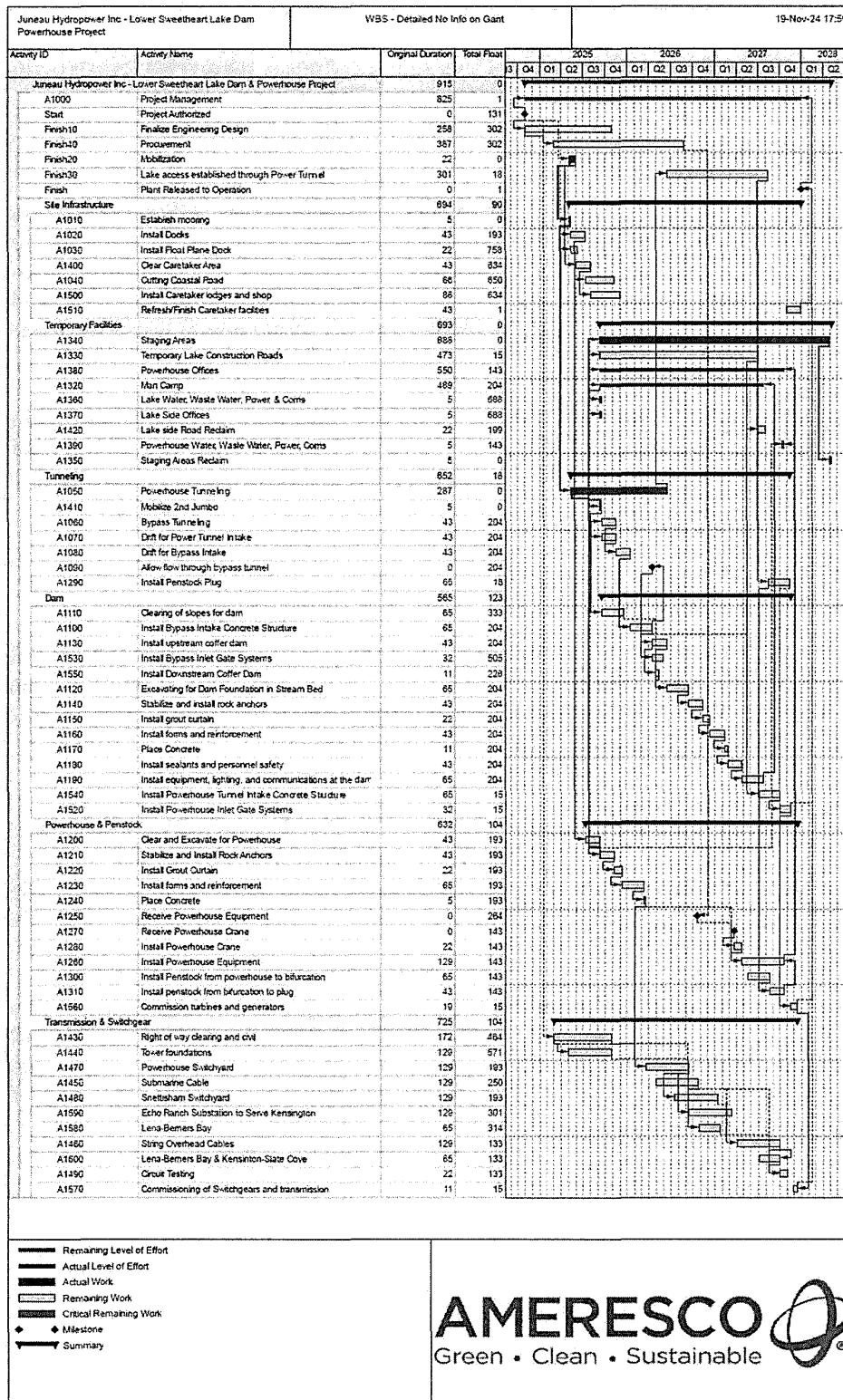
- The Project's **transmission infrastructure is not located within the 2022 Downtown Juneau Landslide and Avalanche Assessment Map area.**

CBJ landslide and avalanche hazard information is available at:
[CBJ Landslide & Avalanche Assessment Map \(2022\)](#)

Construction Schedule

The Utility Project is expected to take approximately **2 to 3 years to complete**, depending on the start date, construction windows, and seasonal weather conditions. Construction will include:

- Hydropower generation infrastructure
- Overhead and submarine transmission lines
- Associated utility system components



Noise and Light Impacts

The **Juneau Utility Project** will generate two primary sources of noise: **temporary construction noise** and **low-level operational noise at the power generation location**.

Construction-Related Noise

Construction activities associated with the **FERC-licensed infrastructure** will occur in **Rural Reserve areas**, far from residential properties and public recreation areas. Key components such as tunneling, dam construction, and spillway development will take place several miles from any public trails or access points. The **powerhouse, access road, and tidewater facilities** are already permitted under the FERC Environmental Impact Statement and must comply with **U.S. Forest Service Special Use Permit conditions**.

JHI will implement **Prudent Utility Practices** for all transmission work, including pole setting and cable installation. Construction noise along the **Veterans Memorial Highway** will primarily result from standard utility equipment, such as:

- Bucket trucks
- Pole installation rigs
- Material delivery vehicles

As detailed in the FERC EIS, JHI will maintain noise levels **at or below thresholds that protect marine mammals and nesting eagles**, as required by the **US Fish and Wildlife Service (USFWS)** and **National Marine Fisheries Service (NMFS)**. JHI has obtained agreements from both agencies to ensure compliance during sensitive biological periods.

Operational Noise and Light Impacts

Operational noise from the project will be minimal. The **powerhouse** is strategically situated in deep excavation, approximately 600 feet northwest of the anadromous fish barrier on Sweetheart Creek and 2,000 feet east of its confluence with Gilbert Bay, which helps reduce visual and acoustic impacts.

JHI has designed a **vegetated landform barrier** to shield nearby users from sound and visual disturbances related to the powerhouse and switchyard. This natural barrier will **significantly reduce or virtually eliminate operational noise**. To JHI's knowledge, this is the **first hydropower facility to incorporate such a sound barrier**, underscoring the project's commitment to environmental compatibility.

Operations at the hydropower site will be limited to:

- Routine maintenance

- Occasional snow removal (scheduled during non-peak recreational periods)
- Minimal on-site staffing with restricted vehicle access

Lighting Controls

Exterior lighting at the hydropower facility will be:

- **Downward-facing**
- **Non-glare**
- **Minimally intrusive**

Lighting will only be used as necessary for operational safety and security. An example of the proposed lighting fixture is included below.

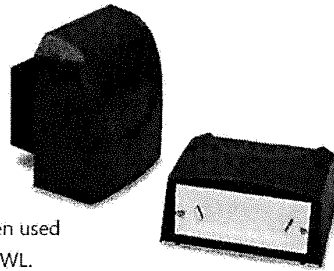
EVOLVE

EWL Series

LED Area & Wall Pack Lighting

Brighten up your service areas & exits with the Evolve® LED L-Series Wall Pack – EWL

The **Evolve®** LED L-Series Wall Pack, **EWL**, is a designed replacement for 50W to 250W HID, while offering significant energy savings in a long-life LED wall pack. The EWL's 2-screw housing design enables a fast and simplified installation. The low-watt Egress package (13W) is designed to meet recommended illuminance requirements for egress applications such as side and rear exit doors in commercial buildings and can meet NFPA 101 life safety lighting requirements when used with external battery backup. Increase the Sense of Security with the EWL.



Features:

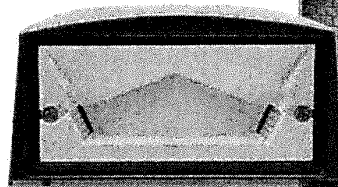
- 1500 and 4000 lumen output
- High Brightness LEDs
- 70 CRI @ 3000K, 4000K, and 5000K typical
- L90 > 100,000 hours (1500lm), L90 > 60,000 hours (4000lm)
- Small Form Factor, <10 lbs
- 0-10V Dimming
- Motion Sensor & Button Photo Electric Sensors available
- Impact resistant tempered glass lens
- Zero up-light construction, full cut-off
- International Dark-Sky Association (IDA) Approved for 3000K CCT
- Robustly engineered and tested using Current Six Sigma standards

Applications:

- Building entrances and perimeters
- Side and rear exit doors
- Retail and commercial buildings



DLC Premium & Standard qualified models available. Please visit designlights.org/QPL for complete information

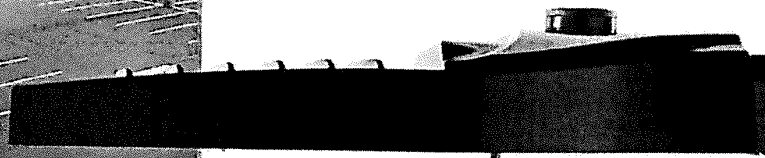


3



EVOLVE

LED Area & Wall Pack Lighting



The Current Difference

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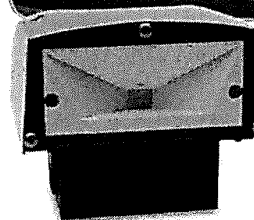


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(Rev 06/22/23)
OLP3130

Previous Recommended Condition:

Prior to issuance of a building permit, JHI shall submit a **Lighting Plan** illustrating the location, type, and shielding of all proposed exterior lighting. Lighting shall be designed and located to **minimize offsite glare**, in alignment with Community Development Department (CDD) standards applied to other commercial developments.

Agency Coordination and Environmental Compliance

Juneau Hydropower Inc. (JHI) has fully complied with the **U.S. Forest Service's Preliminary 4(e) Conditions** and the **Alaska Department of Fish and Game's (ADF&G) Section 10(j) Recommendations**, as outlined in the FERC Environmental Impact Statement (EIS). The **Alaska Department of Natural Resources (ADNR)** deferred to the Alaska Department of Fish and Game (ADF&G) for mitigation recommendations, and ADF&G was the sole agency to submit formal 10(j) conditions.

ADF&G's 10(j) recommendations addressed:

- Water quantity, quality, and timing
- Setbacks from Sweetheart Creek
- Smolt passage and fish screening
- Bio-aquatic monitoring
- Bear safety planning and operations
- Wildlife disturbance and passage
- Avian-safe power line and pole design

JHI has obtained an **ADF&G Fish Habitat Permit** for the hydroelectric generation component. For the transmission component, **no poles will be placed within 100 feet of known anadromous streams**, thereby eliminating the need for a Fish Habitat Permit for that portion of the Utility Project.

The **US Army Corps of Engineers Clean Water Act Section 404 Permit**, covering both the hydropower and transmission components, has been submitted and approved. The Army Corps served as a **cooperating agency** with FERC in reviewing and approving the Project EIS.

All referenced permits, approvals, and environmental plans are described in earlier sections of this Application Narrative and are available via the **FERC eLibrary under Project P-13563**: <https://elibrary.ferc.gov/eLibrary/search>

Planning Division Pre Conference Final Report Issues and Determinations

Planning Division

1. **Zoning** – hydropower facility and submarine cable are in Rural Reserve; powerlines cross many emanating from Lena Substation along the Veterans Memorial Highway and through State and private land at Berners Bay Alaska- zoning districts D1, D3 and Rural Reserve

2. **Table of Permissible Uses** – Major Utility, category 17.200

3. **Subdivision** – N/A

4. **Setbacks** – N/A

5. **Height** – N/A

6. **Access** – N/A

7. **Parking & Circulation**– N/A

8. **Lot Coverage** – N/A

9. **Vegetative Coverage** – N/A

10. **Lighting** – The applicant should address lighting in the project narrative if relevant.

Response- *Lighting and mitigation is addressed in the Application narrative.*

11. **Noise** – The applicant should address noise in the project narrative if relevant. **Response - *Noise and mitigation is addressed in the Application narrative.***

12. **Flood** –A Floodplain Development Permit will be required for any element of the Project within a mapped Special Flood Hazard Area. Floodplain Development standards most relevant to utility poles are listed in CBJ 49.70(g)(2).

Response. JHI refers CBJ Planning Staff and Planning Commissioners to JHI's Floodplain Development Permit, which JHI has meticulously developed and pre-submitted to CBJ Planning staff for review prior to the submission of this Conditional Use and Development Permit Application.

13. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – The project narrative should address any work within mapped landslide and avalanche areas (downtown Juneau area only). It may be helpful in the project narrative to address work in known but not formally mapped and adopted landslide/avalanche areas, and address how the development will be constructed and protected with this risk. **Response. JHI has provided detailed information for this requirement.**

14. **Wetlands** – The applicant should address wetland impacts and Corps of Engineers permits in the Project narrative. **Response. JHI has addressed this matter and submitted its Corps of Engineers permits in Attachment 9.**

15. **Habitat** – Check with the US Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling. Verify that transmission lines are not within 50 feet of any anadromous waterbodies.

16. **Plat or Covenant Restrictions** – N/A

17. **Traffic** – N/A

18. **Nonconforming situations** – There are no known nonconforming situations on the affected parcels.

17. **Traffic** – N/A

18. **Nonconforming situations** – There are no known nonconforming situations on the affected parcels.

Building Division

19. **Building** – N/A

20. **Outstanding Permits** – N/A

General Engineering/Public Works

21. **Engineering** – From the information provided, the Project as described does not appear to impact CBJ infrastructure.

22. **Drainage** – No immediate concerns.

23. **Utilities** – (water, power, sewer, etc.) – No immediate concerns relevant to CBJ General Engineering.

Fire Marshal

24. **Fire Items/Access** – N/A

Other Applicable Agency Review

25. Applicant has obtained other state and federal agency permits. **Response. Submitted with the CUP Application and Narrative.**

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.

1. Development Permit Application (Letter of Permission is authorized for state and federal agencies who do not want to sign the DPA form.). **Response. Response. Submitted with CUP Application and Narrative**

2. Conditional Use Permit Application. **Response. Submitted with Narrative.**

3. Floodplain Development Permit Application, if any work falls within a mapped Special Flood Hazard Area. **Response. Submitted with Narrative. Draft Floodplain permit previously submitted and preapproved.**

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.

1. A copy of this pre-application conference report. **Response. Submitted with CUP Narrative and Application as Attachment 1**

Exceptions to Submittal Requirements

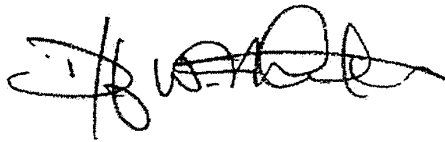
Submittal requirements that staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

1. N/A

Juneau Hydropower Inc. is pleased to submit its **Utility Project Conditional Use Permit, Development Permit, and Floodplain Permit** for **timely review, staff recommendation, and consideration by the CBJ Planning Commission**. These approvals are essential for JHI to move forward with construction and begin delivering **reliable, renewable utility services** that will benefit the citizens of Juneau.

If you have any questions or require further information, please don't hesitate to contact us. You can contact me directly at (907) 723-2481 or by email at duff.mitchell@juneauhydro.com.

Kindest regards,

A handwritten signature in black ink, appearing to read 'Duff Mitchell', with a stylized, cursive script.

Duff Mitchell
Managing Director
Juneau Hydropower Inc.

Juneau Hydropower Inc.

CUP Application and Supporting Documents

Attachment 1- CBJ PreConference Report

Attachment 1



(907) 586-0715
 CDD_Admin@juneau.org
 www.juneau.org/community-development
 155 S. Seward Street • Juneau, AK 99801

Juneau Hydropower Hydroelectric Dam and transmission lines

Case Number: PAC2023 0028
 Applicant: Duff Mitchell for Juneau Hydropower Inc.
 Property Owner: Various
 Property Address: Various
 Parcel Code Number: Various
 Site Size: Undetermined; site size encompasses the hydropower site, powerlines, and submarine cable
 Zoning: Various
 Existing Land Use: Various

Conference Date: July 26, 2023

Report Issued: August 23, 2023

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
Duff Mitchell	Applicant	Duff.mitchell@juneauhydro.com
Kriss Hart	Applicant	Kriss@wmc2775.com
Ted Deats	Applicant	finaleboat@gmail.com

Teri Camery	Senior Planner	teri.camery@juneau.gov
Bridget LaPenter	General Engineering	bridget.lapenter@juneau.gov
David Sevdv	Permitting	David.sevdv@juneau.gov

Revised 5/07/2021

c:\users\david_sevdv\desktop\pac v3.docx

Attachment 1

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, proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

Project Overview

The applicant, Juneau Hydropower Inc., plans to construct 1) a dam and hydroelectric generators at the outflow of Sweetheart Lake 30 miles south of Juneau; 2) associated transmission lines to connect with the Snettisham transmission line; and 3) a transmission line from AELP's substation to Slate Creek Cove on the north shore of Berners Bay to supply Kensington Mine with electricity. The applicant has obtained the FERC license, ADNR land permits, Corps wetland permits, and other relevant permits.

The development falls under TPU Category 17.200, Major Utility, and requires a Conditional Use Permit in all zoning districts except for the MU and MU2 zoning districts. The hydropower facility is in the Rural Reserve zoning district, while the powerlines cross many districts.

The Sweetheart Lake hydropower project was originally permitted in 2016 as USE2016-0021. The project has not been constructed, and the USE permit has expired. The USE2016-0021 permit application included a Letter of Permission from the State of Alaska Department of Natural Resources instead of the signed Development Permit Application (DPA) that the Community Development Department typically requires. Staff has confirmed with Community Development Department Jill Maclean has confirmed that this type of letter is acceptable from state and federal agencies who will not sign the DPA form.

The Conditional Use Permit application materials should include the following:

To be complete	ALL REQUIRED DOCUMENTS ATTACHED	
	☐ Narrative including: ☐ Current use of land or building(s) ☐ Description of project, project site, circulation, traffic etc. ☐ Proposed use of land or building(s) ☐ How the proposed use complies with the Comprehensive Plan	<i>If this is a modification or extension include:</i> ☐ Notice of Decision and case number ☐ Justification for the modification or extension ☐ Application submitted at least 30 days before expiration date
	☐ Plans including: ☐ Site plan ☐ Floor plan(s) ☐ Elevation view of existing and proposed buildings ☐ Proposed vegetative cover ☐ Existing and proposed parking areas and proposed traffic circulation ☐ Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)	

Expanding on the requirements above, the project narrative should also address:

- A detailed site plan and list of parcel code numbers for all properties affected by the development, for the full length of the transmission line.

Attachment 1

- A signed Development Permit Application or a Letter of Permission (from state and federal agencies only) must be accompany each parcel, or the form or letter must clearly state all properties addressed by the property owner.
- Work within the mapped Special Flood Hazard Area of CBJ's adopted National Floodplain Insurance Rate Map and how the project complies with CBJ floodplain management requirements in CBJ Code 49.70.400;
- Work within any mapped landslide and avalanche areas;
- Construction schedule if known;
- Any noise impacts (likely only during construction), and how noise will be addressed;
- A description of lighting (must be non-glare, downward facing);
- State and federal permits for the development; and
- Habitat impacts, including any work in proximity to anadromous waterbodies.

Planning Division

1. **Zoning** – hydropower facility and submarine cable are in Rural Reserve; powerlines cross many districts
2. **Table of Permissible Uses** – Major Utility, category 17.200
3. **Subdivision** – N/A
4. **Setbacks** – N/A
5. **Height** – N/A
6. **Access** – N/A
7. **Parking & Circulation** – N/A
8. **Lot Coverage** – N/A
9. **Vegetative Coverage** – N/A
10. **Lighting** – The applicant should address lighting in the project narrative if relevant.
11. **Noise** – The applicant should address noise in the project narrative if relevant.
12. **Flood** –

A Floodplain Development Permit will be required for any element of the project within a mapped Special Flood Hazard Area. Floodplain Development standards most relevant to utility poles are listed in CBJ 49.70(g)(2).

13. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – The project narrative should address any work within mapped landslide and avalanche areas (downtown Juneau area only). It may be helpful in the project narrative to address work in known but not formally mapped and adopted landslide/avalanche areas, and address how the development will be constructed and protected with this risk.

14. **Wetlands** – The applicant should address wetland impacts and Corps of Engineers permits in the project narrative.
15. **Habitat** – Check with the US Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling. Verify that transmission lines are not within 50 feet of any anadromous waterbodies.
16. **Plat or Covenant Restrictions** – N/A

Attachment 1

17. **Traffic** – N/A
18. **Nonconforming situations** – There are no known nonconforming situations on the affected parcels.

Building Division

19. **Building** – N/A
20. **Outstanding Permits** – N/A

General Engineering/Public Works

21. **Engineering** – From the information provided, the project as described does not appear to impact CBJ infrastructure.
22. **Drainage** – No immediate concerns.
23. **Utilities** – (water, power, sewer, etc.) – No immediate concerns relevant to CBJ General Engineering.

Fire Marshal

24. **Fire Items/Access** – N/A

Other Applicable Agency Review

25. Applicant has obtained other state and federal agency permits.

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.

1. Development Permit Application (Letter of Permission is authorized for state and federal agencies who do not want to sign the DPA form.)
2. Conditional Use Permit Application
3. Floodplain Development Permit Application, if any work falls within a mapped Special Flood Hazard Area

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.

1. 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.

1. 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. Class V Conditional Use Permit, \$1600.00
2. Conditional Use Permit Public Notice Sign Fee \$50; deposit \$100.
3. Floodplain Development Permit if applicable; \$100.00

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 email to permits@juneau.gov OR in person with payment made to:

City & Borough of Juneau, Permit Center
230 South Franklin Street
Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715

Web: www.juneau.org/community-development

Attachments:

49.70 Article IV Flood Hazard Areas

49.15.330 – Conditional Use Permit

USE2016 00021 Notice of Decision

Development Permit Application

Conditional Use Permit Application

Floodplain Development Permit Application

Utility Service Area and Legal Description

Utility Service Area Maps and Legal Description of Proposed Service Area

The legal description of these areas is shown below:

Generation, Transmission, and Sales (Sheet 4 Sweetheart Lake Area):

Range: 74E	Township: 45S	Sections: 5, 6, 7, 8
Range: 73E	Township: 44S	Section: 32
Range: 73E	Township: 45S	Sections: 1, 2, 3, 12, 11, 10, 9, 15, 16, 17, 21, 20, 19, 29, 30
Range: 72E	Township: 45S	Sections: 4, 5, 6, 7, 8, 9, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25
Range: 71E	Township: 45S	Sections: 1, 12

Transmission and Sales (Sheet 2, 3 Berners Bay and Herbert Glacier Areas)

Range: 64E	Township: 38S	Section: 36
Range: 65E	Township: 38S	Sections: 31, 32, 33, 34, 35
Range: 65E	Township: 39S	Sections: 2, 3, 4, 5, 6, 7, 8, 9, 10, 11
Range: 63E	Township: 37S	Sections: 1, 2
Range: 64E	Township: 37S	Section: 6
Range: 63E	Township: 36S	Sections: 7, 18, 19, 28, 29, 30, 31, 32, 33
Range: 62E	Township: 36S	Sections: 1, 2, 12, 13
Range: 62E	Township: 35S	Sections: All (1-36)

High-Voltage Transmission Only (69 kV and above) (Sheet 3)

Range: 63E	Township: 37S	Sections: 12, 13, 24, 25, 36
Range: 63E	Township: 38S	Section: 1
Range: 64E	Township: 38S	Sections: 6, 7, 8, 17, 18, 20, 21, 28, 33, 34, 35
Range: 64E	Township: 39S	Sections: 1, 2, 3, 11, 12, 13, 24, 25, 36

Range: 64E Township: 40S Sections: 1, 12, 13

Range: 65E Township: 40S Sections: 6, 7, 18, 19

Maps of Juneau Hydropower's service area are included below.

The blue and blue hashed areas represent JHI's proposed Generation, Transmission, and Electric Sales service areas.

The unfilled blue dashed sections represent areas that are in AEL&P's service area, which JHI intends to provide high-voltage transmission services required to service the proposed JHI service areas. The high-voltage transmission area overlay remains AEL&P's exclusive service area for distribution transmission and electric service sales.

The Green lines and related description identify the easements or LONO's associated with the Juneau Utility Project.



Attachment 1

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:

August 25, 2016

File No.: USE2016 0021

Juneau Hydropower Inc.

Attn: Duff Mitchell

PO Box 22775

Juneau, AK 99802

Email duff.mitchell@juneauhydro.com

Application For: A Conditional Use Permit for the Sweetheart Lake Hydroelectric Project

Legal Description: Not applicable

Property Address: Not applicable

Parcel Code No.: Zero Parcel

Hearing Date: August 23, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated August 10, 2016, and approved the Conditional Use Permit for the Sweetheart Lake Hydroelectric Project, to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare.

Attachments: August 10, 2016 memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding USE2016 0011.

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 Juneau Hydropower, Inc.

File No.: USE2016 0021

August 25, 2016 Page 2 of 2

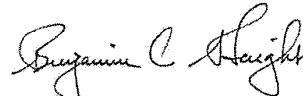
(c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Commission, August 23, 2016.

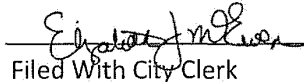
Expiration Date: The permit will expire 18 months after the effective date, or February 23, 2017, if no Building Permit has been issued and substantial construction progress has Project not been made in accordance with the plans for which the development permit Planner: was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.



Teri Camery, Senior Planner
Community Development Department



Ben Haight, Chair
Planning Commission



Filed With City Clerk

8/30/2016

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.

Attachment 2- JHI Utility Map, Land Ownership, Easements or Letter of No Objection and Legal Description

Note, due to file size and detail of maps, this attachment is attached as a separate file to this set of applications.

Attachment 3 USACE 404 PERMITS

DEPARTMENT OF THE ARMY
ALASKA DISTRICT, US ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 22270
JUNEAU, AK 99802-2270

October 22, 2021



Regulatory Division
POA-2009-01064-M1

Juneau Hydropower Inc.
Attention: Mr. Duff W. Mitchell
Post Office Box 22775
Juneau, Alaska 99802

Dear Mr. Mitchell:

Enclosed is the signed Department of the Army (DA) permit modification, file number POA-2009-01064-M1, Sweetheart Lake. This is the first permit modification of the original permit. Also enclosed is a Notice of Authorization that should be posted in a prominent location near the authorized work.

If changes to the plans or location of the work are necessary for any reason, plans must be submitted to us immediately. Federal law requires approval of any changes before construction begins.

Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

Please contact me via email at Randal.P.Vigil@usace.army.mil, by mail at the address above or by phone at (907) 201-5022, if you have questions. For more information about the Regulatory program, please visit our website at www.poa.usace.army.mil/Missions/Regulatory.



Sincerely,

Enclosure

Randal P. Vigil Project Manager

DEPARTMENT OF THE ARMY
ALASKA DISTRICT, US ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 22270
JUNEAU, AK 99802-2270

October 22, 2021



Regulatory Division
POA-2009-01064-M1

DEPARTMENT OF THE ARMY
PERMIT MODIFICATION

Department of the Army permit number POA-2009-01064, Sweetheart Lake, was issued to Mr. Duff W. Mitchell, Juneau Hydropower Inc., on November 9, 2016, authorizing the following work to construct the Sweetheart Lake Hydroelectric Project:

1. Discharge approximately 1,028 cubic yards of rock fill into 0.21 acre of Sweetheart Creek to construct two cofferdams and a 280' wide, 111-foot-high roller-compacted concrete (RCC) dam with a 45' long, 25' wide, 16' high rectangular concrete intake structure, with (6) 7' diameter, 10' high cylindrical fish screens adjacent to the right dam abutment, and a 125' wide ungated overflow spillway at a crest elevation of 636 feet. The RCC dam will permanently increase Sweetheart Lake's existing elevation by 25 feet to an elevation of 576 feet, and the maximum elevation to 636 feet, for a total maximum increase of 85 feet. The inundation area will result in the permanent conversion of waters of the US including, 11.38 acres of wetlands and 15,233 linear feet of stream channel to lacustrine habitat. Additionally, 14,130 linear feet of stream and 16.34 acres of wetlands will be impacted to varying degrees as a result of seasonal inundation.
2. The construction of the powerhouse facilities will include 155,000 cubic yards of excavation within upland and wetland resources and a discharge of 28,000 cubic yards of fill resulting in the permanent loss of 2.42 acres of forested wetlands. These facilities include a 160' long, 60' wide powerhouse, a 541' long (30-90' wide) tailrace with a fish

exclusion structure, a 25' long, 5' wide, 4' deep salmon smolt re-entry pool located adjacent to the powerhouse and tailrace, a 22,000 square foot fenced switchyard, and a 44,431 square foot visual landform barrier.

3. Discharge approximately 194,000 cubic yards of material below the high tide line (approximate elevation +20.8' above the 0.0' contour) (HTL), on the east side of Gilbert Bay. Activities include the construction of a 4,400' long coastal road, a 4,225 square foot caretaker's facility, a dock pad, staging areas, a 4,800-foot-long, 12.47-kV service transmission line and communication cable extending from the powerhouse to the dock and caretaker's facility. These activities are connected and will permanently fill 0.48 acre of estuarine wetland, and 9.18 acres of marine waters.

-2-

4. Construct an 8.69-mile-long, 138-kilovolt transmission line traversing Gilbert Bay, the Snettisham Peninsula, and Port Snettisham, consisting of: (a) two buried segments, totaling 4,800 feet in length; (b) two submarine segments within Waters of the US below the mean high water mark (approximate elevation +15.4' above the 0.0' contour) (MHW), totaling 25,700 feet in length; and (c) one 15,400-foot-long overhead segment. These activities will result in the discharge of 7,000 cubic yards of fill permanently impacting 1.0 acre of marine waters at 4 separate locations below the HTL. Additionally, 0.29 acre of forested wetland would be permanently filled from transmission line tower construction, and 18.8 acres of forested wetlands would be converted to emergent wetlands as a result of ground crews hand clearing the transmission line right of way.

5. Construct a marine dock facility within waters of the US below the MHW mark, including a rock ramp (included with the dock pad above), mooring dolphins, small boat float, and a sea plane float. The dock will be constructed of steel and treated wood and will consist of a 100' gangway, a 24' x 100' loading float and a 4,500 square foot timber seaplane float. All supported by (14) 24" steel piles that will be installed utilizing vibratory hammer and/or impact hammer (if required).

The project site is located within Section 24, T. 45 S., R. 72 E., Copper River Meridian; USGS Quad Map SUMDUM D-6; Latitude 57.9561° N., Longitude 133.6911° W.; located within the Borough of Juneau, approximately 35 miles southeast of Juneau, Alaska.

This is the first modification of the original permit. In accordance with your request, General Condition No. 1 of the permit is hereby amended to read as follows:

The time limit for completing the work authorized ends on **October 31, 2026**. If you find that you need more time to complete the authorized activity, please submit your request for a time extension to the Corps of Engineers for consideration at least one month before permit expiration.

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

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

A handwritten signature in black ink, appearing to read "Randal P. Vigil". The signature is fluid and cursive, with the first name "Randal" being the most prominent part.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Randal P. Vigil
Project Manager



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

United States Army Corps of Engineers
Sweetheart Lake

**A PERMIT TO: DISCHARGE FILL MATERIAL AND INSTALL STRUCTURES IN
WATERS OF THE UNITED STATES, INCLUDING WETLANDS FOR THE
CONSTRUCTION OF SWEETHEART LAKE HYDROELECTRIC PROJECT**

**AT: LATITUDE 57.9561° N., LONGITUDE 133.6911° W.; WITHIN THE
BOROUGH OF JUNEAU, APPROXIMATELY 35 MILES SOUTHEAST OF
JUNEAU, ALASKA**

HAS BEEN ISSUED TO: DUFF W. MITCHELL, JUNEAU HYDROPOWER INC.

ON: OCTOBER 22, 2021 AND EXPIRES ON: OCTOBER 31, 2026.

ADDRESS OF PERMITTEE: PO BOX 22775, JUNEAU, AK 99802.

PERMIT NUMBER:

Under "View", change to
Print View

POA-2009-01064-

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

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

(Proponent: CECW-O)



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 22270
JUNEAU, AK 99802-2270

September 23, 2022

Regulatory Division
POA-2019-00308

Duff Mitchell
Juneau Hydropower
P.O. Box 22775
Juneau, AK 99801

Dear Mr. Mitchell:

This is in response to your September 9, 2022, request for reverification of work previously authorized on August 28, 2020, to discharge 1,170 cubic yards of gravel fill material into 0.027-acres of wetlands in order to facilitate the construction of a transmission line to run 23.5 miles along Veteran's Memorial High. It has been assigned file number POA-2019-00308, Eagle River, which should be referred to in all future correspondence with this office. The project site is located within Section 34, T. 38 S., R. 64 E., Copper River Meridian, USGS Map Juneau C-3; at Latitude 58.5327° N., Longitude -134.829344° W.; Juneau Borough, near Juneau, Alaska.

DA permit authorization is necessary because your project will involve the discharge of fill material into waters of the U.S. under our regulatory jurisdiction.

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, dated July 2020, is authorized by Nationwide Permit (NWP) No. 57, Electric Utility Line and Telecommunications Activities. NWP No. 57 and its associated Regional and General Conditions can be accessed at our website at: www.poa.usace.army.mil/Missions/Regulatory/Permits. You must comply with all terms and conditions associated with NWP No. 57.

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.

Unless this NWP is modified or revoked, it expires on March 14, 2026. It is incumbent upon you to remain informed of the changes to the NWPs. Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

Please contact Ms. Delana Wilks via email at Delana.P.Wilks@usace.army.mil, by mail at the address above, or by phone at (907) 201-5021, 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 www.poa.usace.army.mil/Missions/Regulatory.

Sincerely,

A handwritten signature in black ink, appearing to read "Randal P. Vigil". The signature is stylized with large, fluid loops and is positioned above the printed name.

Randal P. Vigil
Project Manager

Enclosures

ENCLOSURE



**US Army Corps of Engineers
Alaska District**

Permit Number: POA-2019-00308

Name of Permittee: Juneau Hydropower

Date of Issuance: September 22, 2022

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to Ms. Delana Wilks at cepoa-rd-kenai@usace.army.mil, or the following address:

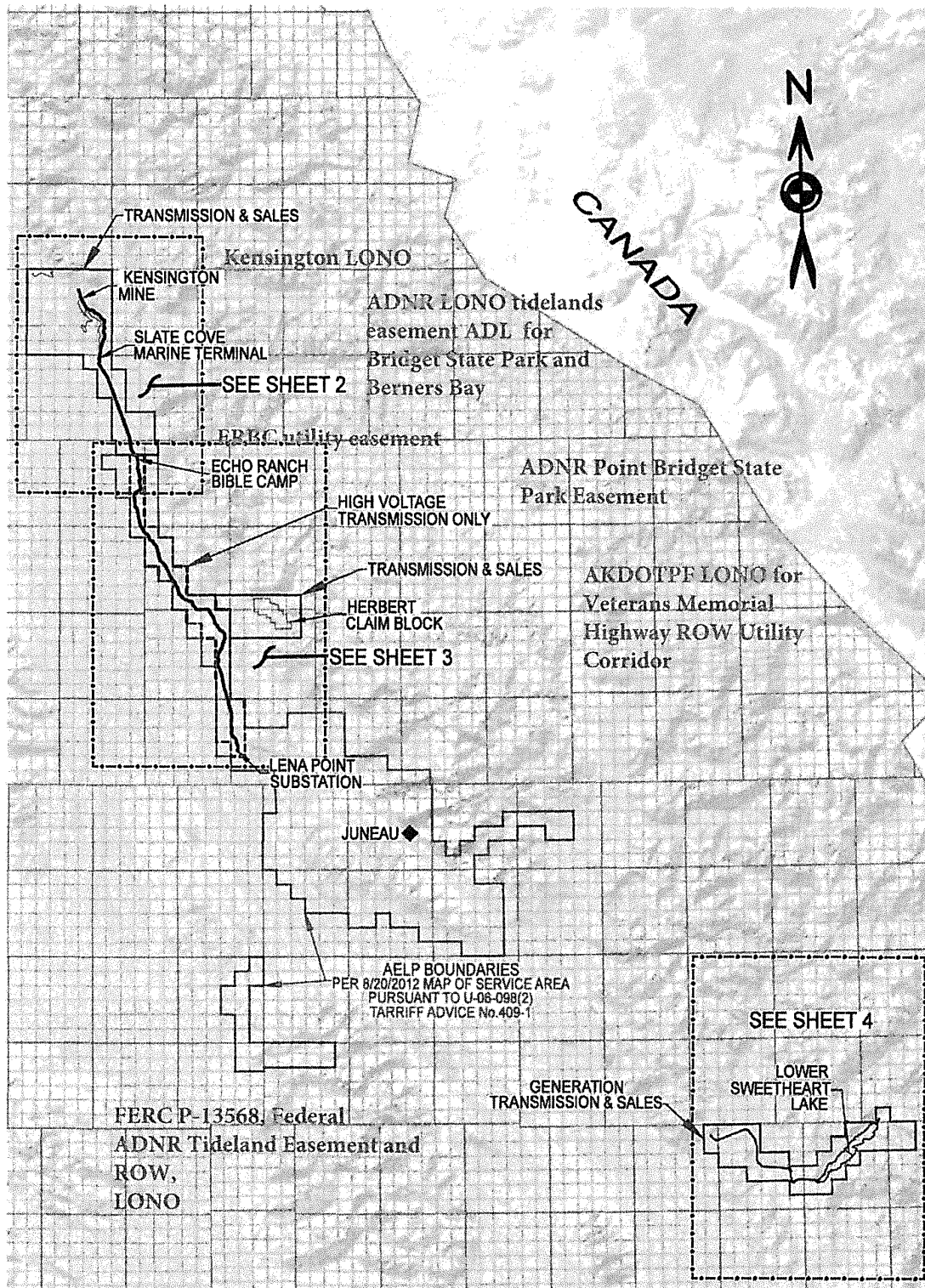
U.S. Army Corps of Engineers
Alaska District
Regulatory Division
Post Office Box 22270
Juneau, Alaska 99802-2270

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.

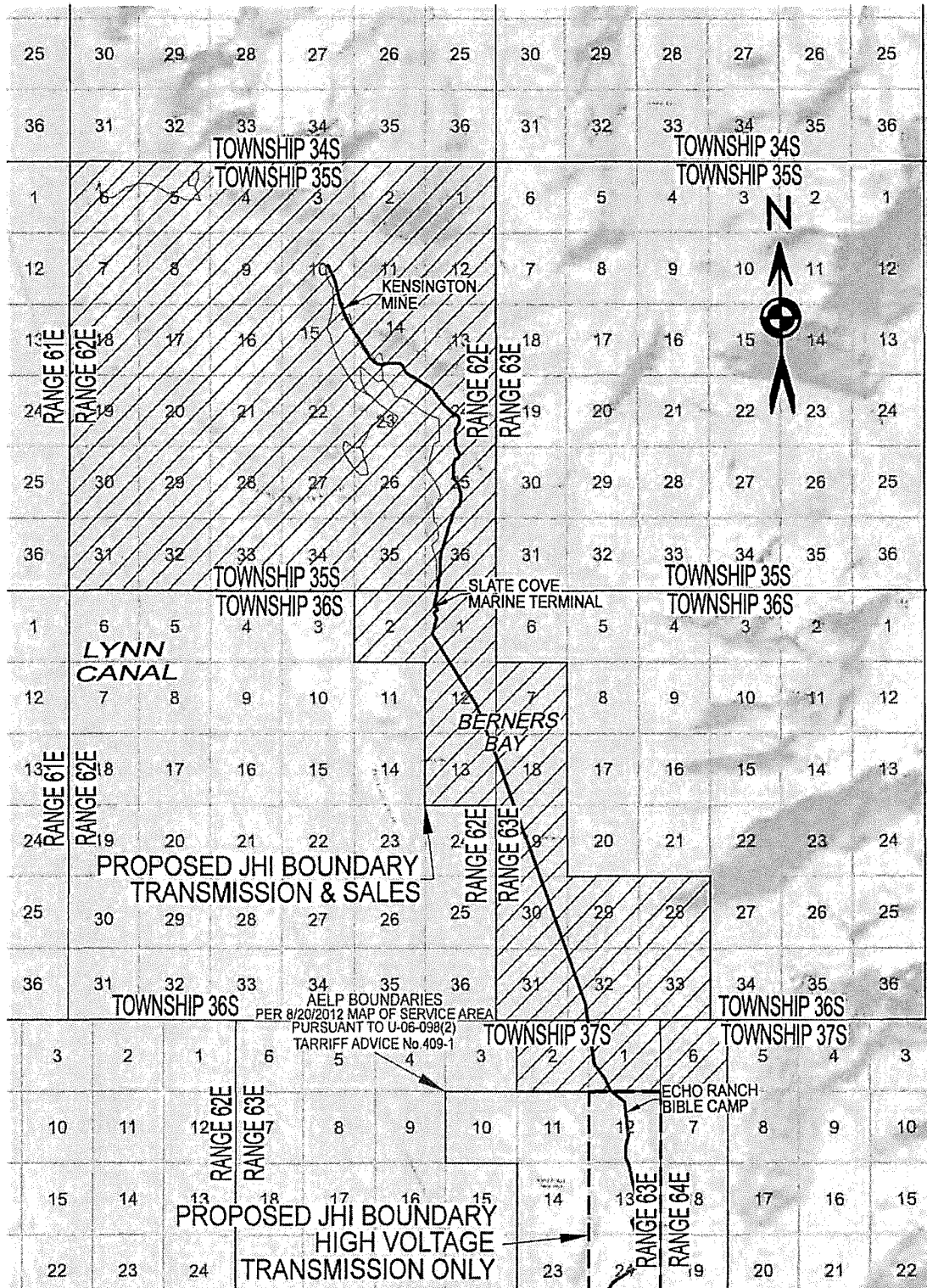
Signature of Permittee

Date



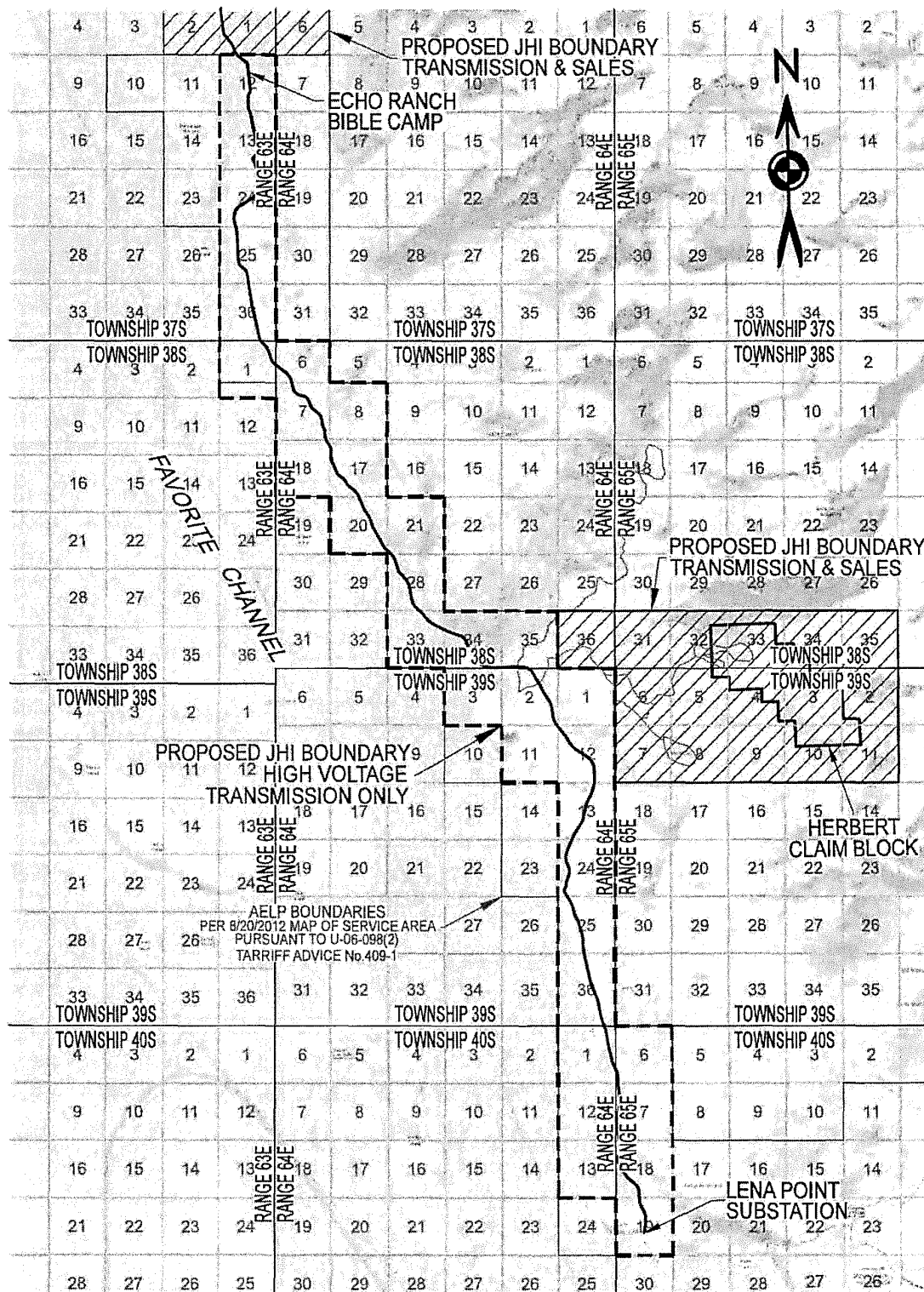
JUNEAU HYDROPOWER INC. SERVICE AREA OVERVIEW MAP

DATE: 9/2/2022
SCALE: 1" = 10 MILES
SHEET: 1 OF 4



JUNEAU HYDROPOWER INC. SERVICE AREA KENSINGTON/BERNERS BAY

DATE: 9/2/2022
SCALE: 1" = 2 MILES
SHEET: 2 OF 4



JUNEAU HYDROPOWER INC. SERVICE AREA HIGH POWER TRANSMISSION & HERBERT CLAIM BLOCK

DATE: 9/2/2022
SCALE: 1" = 2.5 MILES
SHEET: 3 OF 4

Page 6 of 7

**JUNEAU HYDROPOWER, INC. UTILITY EASEMENT**

Gospel Missionary Union, DBA Echo Ranch Bible Camp (ERBC), PO Box 210608, Auke Bay, AK 99821 (“Grantor”), for good and valuable consideration, the receipt of which is acknowledged, grants to Juneau Hydropower Inc., an Alaska corporation whose address is PO Box 22775 Juneau, AK 99802 (“JHI”), its successors and assigns, a 60-foot-wide exclusive electrical utility easement in perpetuity, as more fully depicted in the following parcels:

A 60-foot utility easement located on the following lots:

Tract B1-1, U.S.S NO. 1154, according to the official plat thereof, filed as Plat No. 2023-8, Juneau Recording District, First Judicial District, State of Alaska.

Government Lot 6, Section 13, Township 37 South, Range 63 East, Copper River Meridian, Juneau Recording District, First Judicial District, State of Alaska.

Government Lot 16, Section 13, Township 37 South, Range 63 East, Copper River Meridian, Juneau Recording District, First Judicial District, State of Alaska.

Government Lot 17, Section 13, Township 37 South, Range 63 East, Copper River Meridian, Juneau Recording District, First Judicial District, State of Alaska.

U.S. Survey No. 1157 (H.E.S. No. 83), Juneau Recording District, First Judicial District, State of Alaska.

U.S. Survey No. 2925 (H.E.S. No. 253), Juneau Recording District, First Judicial District, State of Alaska.

And a 90 ft X 165 ft. substation located on the following lot:

U.S. Survey No. 2925 (H.E.S. No. 253), Juneau Recording District, First Judicial District, State of Alaska.

Final route will be mutually agreed upon by the parties and surveyed. An Exhibit A with a map of easement and substation will become a component of this easement.

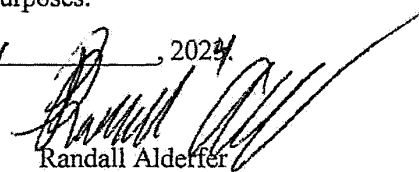
This grant gives JHI the right of ingress and egress together with the right to construct, reconstruct, repair, maintain operate, upgrade, and patrol, for the transmission and distribution of communication services and electric current, substations, wires, cables, poles, and all necessary

appurtenances, and to remove, renew, replace, add to any or all of such facilities, through, over, in, under and across the premises as may from time to time be necessary or desirable for the exclusive use, occupation, and enjoyment of such right-of-way, and the right to excavate, remove soils or fill on said premises, and the right to cur and keep clear of all trees, shrubbery, undergrowth and other obstructions on the premises as reasonably required for the construction, reconstruction, relocation, installation, operation, and maintenance of such facilities, including the trimming or removal of trees within or without the easement described above, if threatening JHI facilities.

Grantors(s) warrant and covenant that Grantor(s) are the owners of the above-described land, have the right to convey this easement, and that JHI shall have quiet and peaceful use of the easement. Any entity to whom JHI is legally or contractually obligated to allow the use of JHI's easements is also hereby warranted and covenanted the right of ingress and egress and the quiet and peaceful use of this easement of the entity's utility purposes.

Signed by Grantors this 24TH day of JANUARY, 2024.


Duff Mitchell
Juneau Hydropower, Inc.
PO Box 22775
Juneau, Alaska 99802


Randall Alderfer
Gospel Missionary Union
Echo Ranch Bible Camp
PO Box 210608,
Auke Bay, AK 99821

RETURN TO:
JUNEAU HYDROPOWER INC
PO BOX 22775
JUNEAU, AK 99802



Page 2 of 4

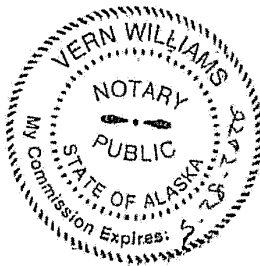
101-2024-003366-0

{12017-001-00639494;1}

State of Alaska)
) ss:
Third Judicial District)

This is to certify that on this 24 day of January, 2024 before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared Vern Williams, Duff Mitchell and Randall Odeker, to me known to be the person(s) described in and that they executed the foregoing instrument, and acknowledged the said instrument to be a free and voluntary act and deed for the uses and purposes therein mentioned.

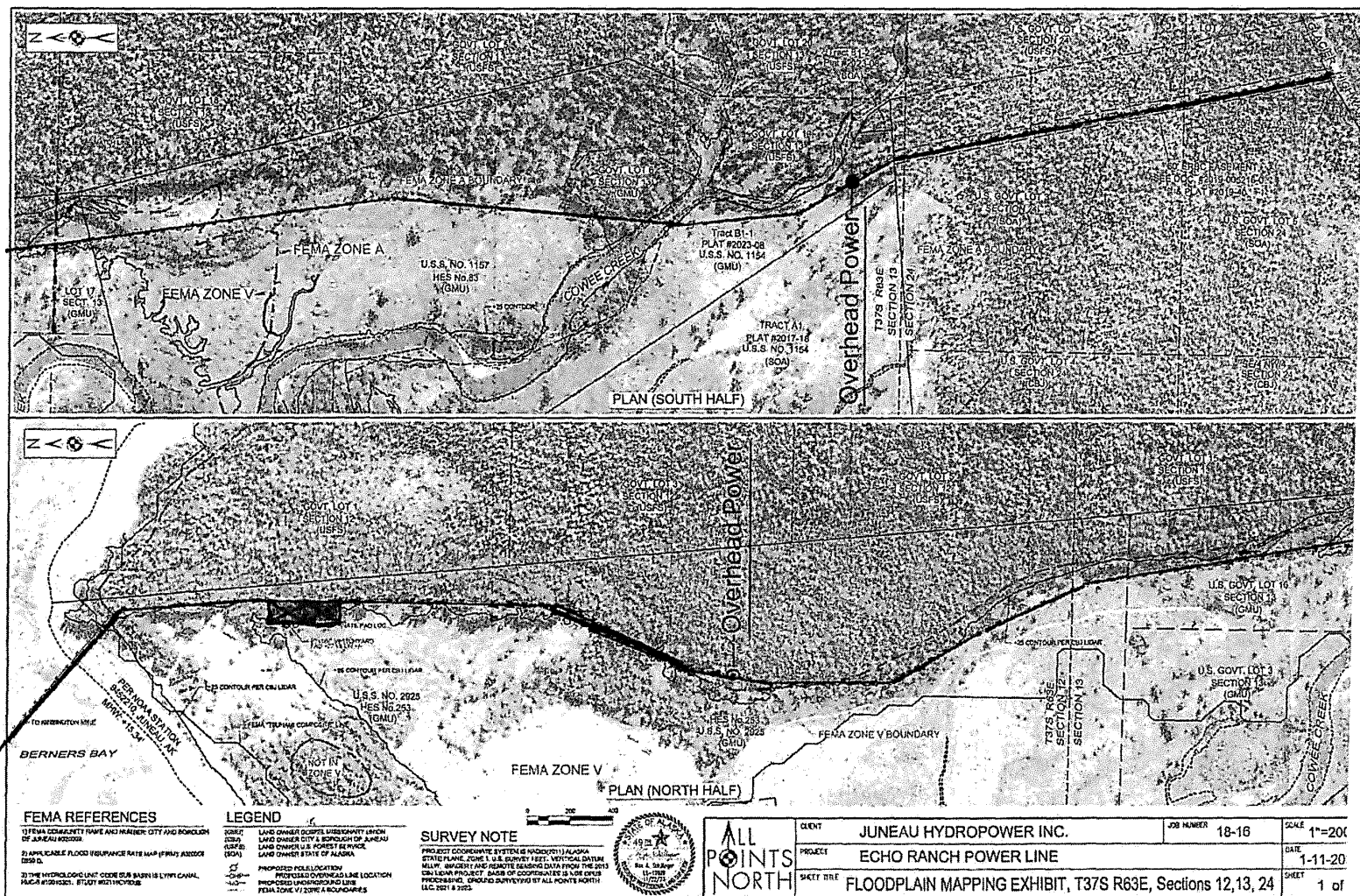
In Witness Whereof, I have hereunto set my hand and affixed my official seal this day and year herein above written.

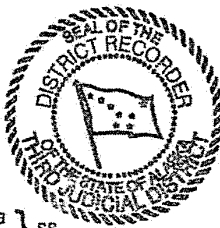


Vern Williams
Notary Public in and for the State of Alaska
My commission expires: 5-28-2026



EXHIBIT A





United States of America } ss
State of Alaska

—THIS IS TO CERTIFY that the foregoing is a full, true and correct copy of the document as it appears in the records and files of my office.

IN THE WITNESS WHEREOF, I have hereunto set my hand and have affixed my official seal at Anchorage, Alaska,

this 23rd day of October 2024.

By H. Lyall
Recorder |



August 10, 2022

To whom it may concern:

Coeur Alaska, Inc. ("Coeur") strongly supports the granting of an easement to Juneau Hydropower, Inc. for the installation and operation of a submarine high-voltage electric transmission cable. Line power to Coeur's Kensington mine would allow the operation to eventually eliminate its reliance on diesel power and would thereby decrease power generation costs and greenhouse gas emissions.

Further, Coeur will allow Juneau Hydropower, Inc. to utilize Coeur's tideland easement A.T.S. 1655 for the proposed routing of the submarine electric transmission cable.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Ball", positioned above a horizontal line.

Steve Ball

General Manager

Coeur Alaska, Inc.



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources

DIVISION OF MINING, LAND & WATER
Southeast Regional Land Office

P. O. Box 111020
Juneau, Alaska 99811-1020
Main: 907.465.3400
TTY: 711 or 800-770-8973
Fax: 907.500.9011

February 6, 2024

Teri Camery, Senior Planner
City and Borough of Juneau
Community Development Department
155 S. Seward
Juneau, AK 99801

Letter sent via email

Ms. Camery:

Juneau Hydropower Inc. (JHI) has requested that the Division of Mining, Land & Water (DMLW) provide a letter of consent as the landowner for the City and Borough of Juneau (CBJ) to accept their application for a CBJ Conditional Use permit.

DMLW has received an application from JHI requesting land use authorization for the Lena Point to Kensington high voltage transmission line. However, the adjudication process has not been completed and no decision has been issued as to whether an easement would be approved for this project.

DMLW has no objection to JHI submitting an application to CBJ.

For state owned land, certain activities can be conducted as a "generally allowed use" under 11 AAC 96.020 without written authorization. DMLW grants permission to City and Borough officials, employees, and agents to enter the site during reasonable hours, to examine and inspect the site as part of the permitting procedure, as allowed by a "generally allowed use" under 11 AAC 96.020.

Hopefully, this letter of non-objection will serve your purposes, should CBJ determine to begin its review of the applicant's project. If you have any questions or concerns, please contact Kaitlyn Raffier at (907)465-3406 or at kaitlyn.raffier@alaska.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kaitlyn Raffier".

Kaitlyn Raffier
Southeast Regional Manager
State of Alaska Department of Natural Resources, Division of Mining, Land and Water



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Transportation and
Public Facilities

SOUTHCOST REGION, D&ES
Right of Way Section

P.O. Box 112506
Juneau, AK 99811-2506
Main: 907-465-4540
Fax: 907-465-6212
dot.alaska.gov

Letter of Non Objection

November 2, 2023

To Duff Mitchell, Juneau Hydropower Inc.

The Department of Transportation and Public Facilities (DOT&PF) has no objection to Juneau Hydropower's planned installation of upgraded and new power poles on Glacier Highway from about Lena Point to about Echo Cove as shown on attached drawings dated 6/12/17.

Regards

A handwritten signature in black ink, appearing to read "Liam Carnahan".

Liam Carnahan
Utility Engineer
SouthCoast Region

"Keep Alaska Moving through service and infrastructure."



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Natural Resources

DIVISION OF MINING, LAND & WATER
SOUTHEAST REGIONAL OFFICE

400 Willoughby Ave. 4th Floor
P.O. Box 111020
Juneau, Alaska 99811-1020
Main: 907.465-3400
Fax: 907.465-3886

June 6, 2016

Teri Camery, Senior Planner
City and Borough of Juneau
Community Development Department
155 S. Seward
Juneau, AK 99801

Ms. Camery:

Juneau Hydropower Inc. (JHI) has requested that our agency sign the attached consent form¹ as landowner for the City and Borough of Juneau (CBJ) to accept their application for a CBJ Conditional Use permit.

Our agency has received an application from JHI requesting land use authorization for this project. However, the adjudication process has not been completed and no decision has been issued as to whether a lease and/or easement would be approved for this project.

The state has no objection to JHI submitting an application to CBJ.

For state owned land, certain activities can be conducted as a "generally allowed use" under 11 AAC 96.020 without written authorization. At this project location, all of the state owned land is situated below the natural line of mean high water (MHW). The limited access needs to the site that were described could be accomplished under that regulation. Any activity that would exceed the parameters established under 11 AAC 96.020 would require written land use authorization.

DNR grants permission to City and Borough officials, employees, and agents to enter the site during reasonable hours, to examine and inspect the site as part of the permitting procedure, as allowed by a "generally allowed use" under 11 AAC 96.020.

Hopefully, this letter of non-objection will serve your purposes, should CBJ determine to begin its review of the applicant's project.

Sincerely,


Robert H. Edwardson
Southeast Regional Manager

¹ "Development Permit Application"

Attachment 2



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources

DIVISION OF MINING, LAND & WATER
Southeast Regional Land Office

P. O. Box 111020
Juneau, Alaska 99811-1020
Main: 907.465.3400
TTY: 711 or 800-770-8973
Fax: 907.500.9011

January 3, 2020

Juneau Hydropower Inc.
PO Box 22775
Juneau, AK 99801

Re: ADL 109033 - Final Easement Documents

The Southeast Regional Land Office has prepared the final Easement documents for ADL 109033. Issuance of the final Easement will be contingent upon receipt of the following deliverables:

- 1) Signed Easement agreement: Please review the lease document, have the signatory authority provide a notarized signature on the signature block and initial all pages, then return the original signature(s) by mail to our office at the address above.
- 2) Annual Fee: Please submit the first annual fee in the amount of \$1,080.00.
- 4) Performance Guaranty: Bonding is described in lease term #25. Enclosed are guidelines and forms for securing a performance guaranty. The performance guaranty amount required is \$3,000.00.
- 5) Insurance: You are required to maintain commercial general liability insurance with a minimum coverage of \$1,000,000 for your activities on state land. Please submit a Certificate of Insurance demonstrating coverage. All insurance policies shall comply with, and be issued by, insurers licensed to transact the business of insurance under Alaska Statute, Title 21. The policy shall be written on an "occurrence" form and shall not be written as a "claims made" form unless specifically reviewed and agreed to by the Division of Risk Management, Department of Administration. The State of Alaska must be named as an additional insured on the policy with respect to the operations of the applicant on or in conjunction with the leased premises, referred to as ADL 108537.

We cannot execute your authorization without the requested items. If we have not received these items or have not been contacted by you regarding this request by February 3, 2020, your case may be closed. If you have any immediate questions, you may call me at 907-465-3524 or send an e-mail to kaitlyn.raffier@alaska.gov. If you have any future questions related to this authorization please contact the Southeast Regional Land Office at 907-465-3400.

Sincerely,

A handwritten signature in black ink, appearing to read "Kaitlyn Raffier", with a long horizontal flourish extending to the right.

Kaitlyn Raffier
Natural Resource Specialist II

Enclosure(s):

- Regional Manager's Decision and attachments
- Entry Authorization
- Easement Agreement
- Guidelines for Obtaining a Land use Performance Guarantee
- Instructions for a Land Use Performance Guarantee (Personal or Business)
- Instructions for a Land Use Bond (Corporate Surety)

**STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER**

Southeast Regional Land Office

Regional Manager's Decision

ADL 109033

Juneau Hydropower Inc.

Application for Easement

AS 38.05.850

Executive Summary: This is the State's best interest finding regarding a proposed disposal of interest in state land. The requested authorization is for Juneau Hydropower Inc. (JHI) to construct an electric transmission line with a fiberoptic underbuild, that is attached to 30-50 or more poles that are secured into the ground by either being augered or drilled (depending on the soil condition) to ultimately send hydroelectric power north to Kensington Mine. The applicant is requesting an infinite private non-exclusive easement to build and maintain these transmission lines. At this time the state has intent to authorize this easement.

Requested Action

On October 30th, 2019, the Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW) received an application for a private non-exclusive easement from JHI for an electric transmission line with fiber optic underbuild attached to poles on State-owned, DMLW-managed land in Juneau, Alaska. The easement covers approximately 2.82 acres of state land and will be approximately 2000 feet long and 60 feet wide. The utility line's purpose is to eventually provide power to Juneau and Echo Ranch Bible Camp (ERBC). A diagram of the proposed easement is included as Attachment 1.

Proposed Action

JHI wants to construct an electric transmission line with a fiberoptic underbuild, that is attached to 30-50 or more poles that are secured into the ground by either being augered or drilled (depending on the soil condition) to ultimately send hydroelectric power north to Kensington Mine. This proposed easement is the first section that JHI needs to eventually extend this line to Kensington Mine. DMLW will issue an entry authorization (EA) for a term of 5 years to allow for construction and completion of a DMLW-approved as-built survey, which is a prerequisite for issuance of the final easement. An EA is included as Attachment 2. A private non-exclusive easement agreement is included as Attachment 3.

Statutory Authority

AS 38.05.850 Permits

Administrative Record

The administrative record for the proposed action consists of the Constitution of the State of Alaska, the Alaska Land Act as amended, applicable statutes and regulations referenced here-in, the 1993 Juneau State Land Plan (JSLP) and other classification references described herein, and the casefile for the application serialized by DNR as ADL 109033.

Scope of Decision

The scope of administrative review for this authorization is limited to (1) reasonably foreseeable, significant effects of the uses to be authorized, (2) applicable statutes and regulations, and (3) the facts pertaining to the land or resources.

Location Information

Geographic Location: City and Borough of Juneau near Echo Ranch Bible Camp, approximately 31 miles northwest of the Juneau Historical District.

Legal Description: NE ¼ of Section 24, Township 37 South, Range 63 East, Copper River Meridian, containing 2.82 acres, more or less.

Property Description: The corridor will begin at approximately mile point 38 of the Glacier Highway, and extend northward 240 feet from the northeast boundary of Government Lots 5 and 3 of U.S. Rectangular Survey 302, crossing Government Lot 14 of Section 13, Township 37 South, Range 63 East, Copper River Meridian before reaching Tract B of USS 1154. Located in the Juneau Recording District.

Width: 60 feet

Length: 2000 feet

Approximate Acreage: 2.82

Other Land Information

Municipality: City and Borough of Juneau

Regional Corporation: Sealaska Corporation

Village Corporation: Goldbelt Native Corporation

Federally Recognized Tribe: Central Council of the Tlingit & Haida Indian Tribes of Alaska

Title

The State of Alaska holds title to lands in the section(s) referenced above, on the basis of the Point Bridget Land Exchange that was made effective July 19, 2017. In that land exchange, the state acquired all of Tract A and a portion of Tract B of USS 1154 for a total of 5.89 acres.

Planning and Classification

The proposed site is subject to the Final Report and Best interest Finding for the Point Bridget Land Exchange between Gospel Missionary Union dba Echo Ranch Bible Camp and the State of Alaska (2017). In this land exchange, Echo Ranch Bible Camp acquired land that was designated for a utility easement. Juneau Hydropower Inc. is proposing to install the improvements on this land to meet the land use designation.

Third Party Information

The applicant has requested an easement that partially intersects an easement for a power utility line that was previously issued to Echo Ranch Bible Camp under ADL 106979. Gospel Missionary Union, dba Echo Ranch Bible Camp provided a letter of non-objection for this request on December 4, 2019.

Background

On July 19, 2017, DNR completed an equal value land exchange with ERBC in accordance with AS 38.50 and AS 41.21.182. In the land exchange, DNR exchanged approximately 38 acres within Point Bridget State Park for approximately 60 acres of land adjacent to the park that were owned by ERBC. This was done in order to consolidate ownership and improve public access. ERBC requested that a utility easement over Point Bridget State Park land be added to the exchange to provide power across park lands to the parcels that will be ERBC land upon completion of the exchange. Instead of adjusting exchanged parcels to be equal in value, ERBC paid \$11,300.00 under AS 38.50.020(a) to allow for a utility easement over approximately 2.82 acres of parks lands.

JHI is the third party working with ERBC to put in the transmission line to bring power to the ERBC parcels. If issued this proposed easement, JHI plans to apply for utility easements northward of this one until they reach Kensington Mine.

Public Notice & Agency Review**Agency Review Summary**

An Agency Review was conducted November 4th, 2019 to November 18th, 2019. The following organizations were included in this review: Alaska Department of Fish and Game, Alaska Department of Environmental Conservation, Department of Transportation & Public Facilities, Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation, Division of Resource Assessment and Development.

Agency Review Comment and Response**Department of Transportation & Public Facilities**

Summary: Notes that a driveway permit application will be necessary if access to Glacier Highway via maintenance trail will be used, along with a lane closure permit supplied with traffic control if any unloading or loading operations took place near the traffic lanes of Glacier Highway. They then gave instructions as to how the applicant could obtain these.

DMLW Response: Stated this information would be passed along to the applicant.

Division of Park & Outdoor Recreation

Summary: Mentioned that if a road is to be built along this easement it should be built to DPOR standards and provide an as-built survey in a reasonable time period after decision issuance. They would also strongly prefer the utility lines be located either below ground, or at least in a way to minimize visual impact.

DMLW Response: Road is not being considered for this authorization. Will take into account preference for utility line placement.

Public Notice Summary

Notice of this application was posted on the Alaska Online Public Notice System website and sent to the following known interested parties:

- Gary Jenkins, ERBC
- Duff Mitchell, JHI
- Rob Morgenthau, US Forest
- Brad Orr, Juneau District Ranger
- Bureau of Land Management
- Army Corps of Engineers
- City Clerk, City of Juneau
- Douglas Indian Association
- Central Council Tlingit and Haida Indian Tribes of Alaska
- Sealaska
- Southeast AK Conservation Council
- Southeast AK Soil and Water CD

Public Notice Comment and Response

AEL&P

Summary: AEL&P informed DMLW that in our LAS database, JHI was listed as applying for a public easement. In order to obtain a public easement, the applicant must be a certificated public utility which AEL&P said JHI was not.

DMLW Response: Upon further research done by the adjudicator looking at documents from the Regulatory Commission of Alaska, it was confirmed that Juneau hydropower is not a certificated public utility and there was a mistake in classifying the type of easement authorization they are seeking. Appropriate changes were made in DNR's LAS system by the adjudicator that now reflect Juneau Hydropower as seeking a private non-exclusive easement.

Access

The applicant may access the site via Glacier Highway, which is a state highway. Public access across this easement shall not be restricted in any manner. They may also access this easement over Echo Ranch Bible Camp land per the Memorandum of Understanding between the State of Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation and Echo Ranch Bible Camp recorded in the Juneau recording district on September 20, 2006.

Environmental Considerations

DMLW considers the environmental factors directly related to authorizing the use of State lands as part of its determination of whether approving the authorization is in the State's interest. The purpose of this consideration is to identify any associated mitigation measures or other requirements necessary to protect the public interest, while informing the overall decision of whether or not to approve the authorization. The applicant is responsible for determining site suitability.

Environmental contamination risk associated with this proposed easement is minimal. Fuel, lubricants, and other hazardous materials will be restricted to those necessary and contained within vehicles and vegetation clearing equipment when such equipment is necessary for right-of-way maintenance. Fuel will not be stored on State property and refueling will only be done in a responsible manner. Transportation of fuel will only occur as necessary to heavy vehicles.

Waste creation is expected to be minimal, but any waste will be taken to the Lemon Creek land disposal facility.

Tree cutting will occur as needed for access purposes. As JHI examines the site, the poles will either be drilled into the soil substrate or augered at an appropriate depth dependent on soil conditions. JHI will have a SWPPP and all activities will be under inspection of a certified Erosion and Sediment Control lead. To drill the poles, something akin to an EX200 excavator and a truck with an auger system will be used.

Economic Benefit and Development of State Resources

In accordance with AS 38.05.850, DMLW considers three criteria to determine if this project provides the greatest economic benefit to the State and the development of its natural resources: direct economic benefit to the State, indirect economic benefit to the State, and encouraging development of the State's resources.

This project is expected to directly benefit the state economically because annual fees will be accrued from JHI from use of this land to maintain this transmission line. Indirectly, this project aims at providing power to residents of Alaska therefore contributing to a more competitive market for power ultimately leading to better prices for consumers. Competitive markets lead to healthier economies, making this project indirectly economically beneficial to the state.

Alaska has many bodies of moving water, making it a great place to benefit from hydropower. By supporting JHI and allowing them to use state land for a minimally invasive transmission line to supply power to the citizens of Juneau, the state is encouraging use of the resources available and providing avenues for those resources to be developed further, so their benefits can be realized throughout all of the state.

Discussion

This easement would be beneficial to the state because environmental risks are minimal and the project would bring economic value to the state both directly, and indirectly. It would also meet the land use designation based on the Best Interest Finding Land Exchange that occurred in 2017.

The environmental factors directly related to authorizing this utility easement are mainly associated with fuel, lubricants, and other hazardous materials that will be used mostly during the construction of the project. Fuel will not be stored on State property and refueling will only be done in a responsible manner. Transportation of fuel will only occur as necessary to heavy vehicles. There will only be a few heavy vehicles on state land during the construction process and then even less when doing maintenance. Specific vehicles to be used are not known at this time but to drill the poles, something akin to an EX200 excavator and a truck with an auger system will be used. Tree cutting will occur as needed for access purposes. As JHI examines the site, the poles will either be drilled into the soil substrate or augered at an appropriate depth dependent on soil conditions. JHI will have a SWPPP and all activities will be under inspection of a certified Erosion and Sediment Control lead. Waste creation is expected to be minimal, but any waste will be taken to the Lemon Creek land disposal facility.

Annual fees will be accrued from JHI from use of this land to maintain this transmission line, providing the state with direct economic benefits. This project aims at providing power to residents of Alaska therefore contributing to a more competitive market for power ultimately leading to better prices for consumers and an indirect economic benefit to the state.

Making use of Alaska's many bodies of moving water and harnessing hydropower is a great way to make steps toward using cleaner energy alternatives. Authorization of this project will show Alaskans that the state encourages use of available natural resources and strives to provide avenues for citizens to develop those resources. This project will help shape Alaska's energy use portfolio in a way that benefits the state both in terms of natural resource use and economic development.

In terms of effected parties, the applicant has a Letter of non-objection from Echo Ranch Bible Camp showing that they are aware of the proposed activities and willing to have them implemented. This proposed transmission line will ultimately benefit ERBC and provide them with the services they requested in the land exchange.

Performance Guaranty

Performance guarantees are means to assure performance and to provide ways to pay for corrective action if the permittee fails to comply with the requirements set forth in the permit document. They are also used to protect state land from damage and to make certain that improvements are removed and that the land is returned in a usable condition upon termination of the permit.

History of Compliance: DNR Land Administration System records indicate that the applicant is in a state of compliance with the terms of other DMLW-issued authorizations.

To fulfill the requirement of a performance guaranty as described in 11 AAC 96.060, the applicant is required to submit a performance guaranty in the amount of \$3,000.00 to ensure completion of EA requirements. These funds will also serve as a survey deposit (per AS 38.05.860) and may be reduced one time during the term of the EA by an amount equal to payments made by the applicant to a licensed surveyor under contract for completion of an as-built survey of ADL 109033 in accordance with survey instructions issued by the DMLW Survey Section as described herein. This performance guaranty shall remain in place during the term of the EA and will be subject to release upon the acceptance of a DMLW-approved as-built survey and the fulfillment of all conditions and stipulations of this decision and the EA. The guaranty may also be adjusted to reflect updates and changes in the associated project, and the applicant may be required to furnish an additional performance guaranty if DMLW determines there to be additional risk to the State. The guaranty may be utilized by DMLW to cover actual costs incurred by the State to pay for necessary corrective actions in the event the applicant does not comply with site utilization and restoration requirements and other stipulations contained in the EA. An additional performance guaranty may be required for an extension of the EA beyond the initial term proposed under this decision.

Insurance

Insurance is a means to protect the state from liabilities incurred through the use of state property, or from damage to state property as a result of accidental or catastrophic events. This type of protection is necessary in the event of an accident or negligence that was consequentially connected to activities conducted on state land, and/or if the state is named in a lawsuit as a result of an accident or negligence.

Insurance Narrative: A Commercial General Liability Insurance Policy is required during the term of the EA. The policy must have minimum coverage limit of \$1,000,000 combined single limit per occurrence.

Survey

A DMLW-approved as-built Record of Survey is required to determine the proper location and acreage of installed improvements and the associated easement on State-owned, DMLW-managed lands. The area shown on Attachment 1 is the basis for the survey. The applicant must acquire survey instructions and coordinate with the DMLW Survey Section during the survey process. A survey instruction fee per 11 AAC 05.010(a)(13)(A) may be applicable. A draft must be submitted to the Survey Section prior to the expiration of the EA and a final as-built survey must be approved by DMLW before issuance of the final easement.

The Department of Natural Resources Survey Section contact information is as follows:

Address:

Dept. of Natural Resources
Div. of Mining, Land & Water
550 W 7th Ave Suite 650
Anchorage, AK 99501-3576

Phone: (907) 269-8523

Fees/Appraisal**Fee Narrative:**

In accordance with 11 AAC 05.070(d)(2)(I), the fee for an Entry Authorization for an approved easement or right-of-way for site development is \$240 annually for up to two acres, and \$120 annually for each acre above two. The annual fee for this Entry Authorization will be \$360.00.

In accordance with 11 AAC 05.070 (d)(2)(F)(iv), the fee for a non-exclusive, commercial use easement used for installing and operating transmission lines containing approximately 2.82 acres is \$720.00. The total annual fee is estimated to be \$1080.00.

The applicant shall pay the appropriate recording fees as determined based on current regulation to have the easement document recorded by DMLW. Recording fees shall be paid prior to the execution of the easement document.

Appraisal:

An appraisal would not be required as the fee is established in regulation.

Term**Entry Authorization Term**

The Entry Authorization (EA) will be issued for a term ending 5 years from the effective date of this decision for the purpose of constructing an electric transmission line with fiberoptic underbuild, surveying, operating, and maintaining the secured poles that the line is attached to prior to DMLW's issuance of a private non-exclusive easement. An extension of the EA may be granted at the written request of the applicant if granting the extension is deemed appropriate by DMLW and may be subject to applicable fees. If an extension is required, the applicant must contact DMLW no later than 30 days prior to the expiration of the EA and certify there have been no changes to the approved development plan. The EA will be terminated upon receiving all requested deliverables.

Easement Term:

The authorization requested under ADL 109033 will be issued for an indefinite term.

Term Discussion

Easements issued under AS 38.05.850 may be revoked for cause if the area described is no longer used for the purpose intended or if a higher and better use of the land is established as determined by the DMLW. Following termination an easement, whether by abandonment, revocation, or other means, a grantee shall restore the site to a condition that is acceptable to the DMLW. A grantee's planned site restoration activities, including either removal or abandonment of installed improvements, must be described in writing and present to the DMLW prior to termination of the easement. The DMLW may require compliance with additional conditions specific to the site restoration effort that were not required for the construction, maintenance, or operation of described improvements. Should a grantee or refuse to perform approved site-restoration activities within the time allotted by the DMLW, the improvements may become property of the DNR. However, a grantee shall not be relieved of the cost of restoring the area to a condition that is acceptable to the DMLW.

Signature page follows

Recommendation

In consideration of all events and criteria described above, it is my determination that this project is consistent with the overall classification and management intent for this land and would be a benefit to the State of Alaska. Therefore, I recommend issuance of a private non-exclusive easement to Juneau Hydropower Inc. pursuant to AS 38.05.850, upon satisfactory completion of the project in conformance with all the terms and conditions of this decision and the EA. The easement will be issued for an indefinite term that may be terminated if a higher and better economic use for the project area is established as determined by the DMLW Director, if the land is no longer used for the above stated purpose, or is revoked for cause.


Kaitlyn Raffier, Natural Resource Specialist II

1/3/2020
Date

Regional Manager's Decision

When adjudicating an easement authorization pursuant to AS 38.05.850, DNR seeks to responsibly develop Alaska's resources by making them available for maximum use and benefit consistent with the public interest. In consideration of all events and criteria listed above, DMLW has determined that the authorizations to be granted under ADL 109033 are consistent with DNR's mission. It is my decision that this project is consistent with the overall classification and management intent for this land. DMLW will issue a private non-exclusive easement, pursuant to AS 38.05.850, once the applicant has conformed to all terms and conditions of this decision and the EA.


Lee V. Cole Jr., Southeast Regional Manager

1/3/2020
Date

Attachments:

- Attachment 1. Development Diagram
- Attachment 2. Entry Authorization
- Attachment 3. Easement Agreement

A person affected by this decision may appeal it in accordance with 11 AAC 02. Any appeal must be received within 20 calendar days after the date of “issuance” of this decision, as defined in 11 AAC 02.040(c) and (d) and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to (907) 269-8918, or sent by e-mail to dnr.appeals@alaska.gov. Under 11 AAC 02.030, appeals and requests for reconsideration filed under 11 AAC 02 must be accompanied by the fee established in 11 AAC 05.160(d)(6), which has been set at \$200 under the provisions of 11 AAC 05.160 (a) and (b).

This decision takes effect immediately. If no appeal is filed by the appeal deadline, this decision becomes a final administrative order and decision of the department on the 31st calendar day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to the Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.

Juneau Hydropower Inc.

CUP Application and Supporting Documents

Attachment 4- Hydropower Generation
Component Easements and Rights of Way



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Natural Resources

DIVISION OF MINING, LAND & WATER
Southeast Regional Office

P. O. Box 111020
Juneau, Alaska 99811-1020
Main: 907.465.3400
TDD: 907.269.8411
Fax: 907.465.3886

April 11, 2017

Juneau Hydropower Inc.
PO Box 22775
Juneau, AK 99802

Letter sent by mail and email

Re: Land Lease Application ADL 108211 – Sweetheart Lake Hydropower Project

Dear Juneau Hydropower:

The Department of Natural Resources, Division of Mining, Land & Water has made a Final Decision in favor of your application to lease state tidelands located in Gilbert Bay, Borough of Juneau. If no appeal is filed by the appeal deadline, May 2, 2017, this decision goes into effect as a final order and decision of the Department on the 31st calendar day after issuance.

Enclosed is a copy of the Final Decision and the appeal language.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Moser".

Adam Moser
Natural Resource Specialist III

Enclosures:

- Final Decision
- Preliminary Decision
- Entry Authorization
- Draft Lease with Stipulations

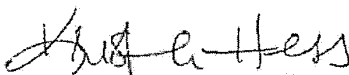
**ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND & WATER
SOUTHEAST REGIONAL OFFICE**

**Final Finding and Decision
ADL 108211 – Juneau Hydropower, Inc.
Lease
In Accordance with AS 38.05.075(c)**

This Final Finding and Decision, and all attachments hereto, supplement the Preliminary Decision dated March 09, 2017, and comprise the record of decision for this disposal of interest under AS 38.05.075(c).

Summary of Agency and Public Comments Received During the Public Notice Period:
No comments were received.

DMLW has re-affirmed that the case file is complete and the requirements of all applicable statutes and regulations have been satisfied. Since no comments were received during the public comment period, there were no modifications to the Preliminary Decision. It is the finding of the Commissioner of the Department of Natural Resources that it is in the best interest of the State to proceed with this disposal of interest under the authority of AS 38.05.075(c).



Kristin A. Hess
Division Operations Manager

4/11/17
Date

A person affected by this decision who provided timely written comment or public hearing testimony on this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received by the 20th calendar day after the date of "issuance" of this decision as defined in 11 AAC 02.040(c) and (d) and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 West 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to (907) 269-8918, or sent by electronic mail to dnr.appeals@alaska.gov. If no appeal is filed by the appeal deadline, this decision goes into effect as a final order and decision of the Department on the 31st calendar day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.



**Preliminary Decision
Juneau Hydropower Inc.
ADL 108211– Lease
AS 38.05.075(c)**

I. Requested Authorization

An application dated May 31, 2016 was received from Juneau Hydropower Inc. (Applicant) requesting use of state owned tide and submerged land situated immediately adjacent to federally owned uplands near Sweetheart Creek on the east side of Gilbert Bay for placement of a marine access facility associated with the Sweetheart Lake Hydroelectric Facility (FERC project no. P-13563)¹. The Applicant requests a lease with a term of 55-years.

Applicant proposes to construct a marine dock facility that includes a rock ramp, mooring dolphins, small boat float, and a seaplane float. The rock ramp would require approximately 35,000 cubic yards of clean rock fill, and the construction of three pile dolphins. The proposed dock would be constructed of steel and treated wood and consist of a 100' gangway, a 24' x 100' loading float and a 4,500 sq ft timber seaplane float supported by four 24" galvanized steel piles.²

An easement application requesting use of state owned tide and submerged land for road access and electric transmission line corridor for this project is being considered separately (ADL 108212).

II. Proposed Authorization

The Southeast Regional Office of DNR Division of Mining, Land and Water (DMLW) intends to issue the Applicant a lease for approximately 3.8 acres of state-owned tide and submerged land to contain a proposed marine access facility with a term of 50 years.³ A fifty-year term is concurrent with the term of the Applicant's Hydropower project license issued by the Federal Energy Regulatory Commission (FERC). The Applicant originally requested a lease area of approximately 3.3 acres, which did not include an approximate 1/2 acre of tideland up to the mean high water line. DNR DMLW plans to issue the lease contiguous to the mean high water

¹ DNR first received the Applicant's lease application in January 2013. The Applicant resubmitted a revised application on May 27, 2016. Federal Energy Regulatory Commission, Order Issuing Original License, issued September 8, 2016

² Army Corps of Engineers Permit No. POA 2009-1064 issued November 9, 2016

³ AS 38.05.070(c) A lease may be issued for a period up to 55 years, if the commissioner determines it to be in the best interests of the state.

line to maintain consistency with other tideland leases, and to ensure any future lessee access to the adjacent uplands (see lease area maps in Attachment 1).

We note that the nature of this authorization does not grant “the right to use in perpetuity” as required by the FERC license.⁴ An extension of the term or grant of a new lease must be in accordance with AS 38.05.070(e) or as subsequently amended. Additionally, a lease, if issued, also would not grant the Applicant the authority to grant permission for certain types of uses and convey certain interests in project lands and waters independent of AS 38 as required by the FERC license.⁵

III. Authority

AS 38.05.035, AS 38.05.070, AS 38.05.075 and Alaska Administrative Code 11 AAC 55 and 11 AAC 58.

IV. Administrative Record

Case file ADL 108211 is the administrative record for this case. Also, incorporated by reference is the Juneau State Land Plan (JSLP, December 1993).

V. Scope of the Decision

The scope of administrative review for this authorization [AS 38.05.035(e)(1)–(2)] is limited to (1) reasonably foreseeable, significant effects of the uses to be authorized; (2) applicable statutes and regulations; (3) the facts pertaining to the land or resources; and (4) issues that are material to the determination that issuing the authorization will best serve the interest of the State of Alaska.

VI. Description

Geographic Location

Subject parcel is an unsurveyed parcel of state owned tide and submerged land located in Gilbert Bay, approximately 35 miles southeast of Juneau, Alaska.

Legal Description

Copper River Meridian, Township 45 South, Range 72 East, NW ¼ Section 24, on approximately 3.8 acres of tide and submerged land.

Latitude and Longitude (DD)

57.95675N 133.69099W

⁴ FERC Project No. 136563-003 Article 5 p.63

⁵ FERC Project No. 136563-003 Article 424 p.58
Preliminary Decision

Other Land Information

- i. Municipality:** City and Borough of Juneau (Unified Home Rule Borough)
- ii. (ANCSA) Regional Corporation:** Sealaska Corporation
- iii. Village Corporation:** Goldbelt, Incorporated
- iv. Federally Recognized Tribe:** Central Council of the Tlingit and Haida Indian Tribes

VII. Title

The State of Alaska owns the tide and submerged lands of the project area under the Equal Footing Doctrine and the Submerged Lands Act of 1953.⁶

The United States retains all navigational servitude control of said lands and navigable waters for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources which are specifically recognized, confirmed, established, and vested in and assigned to the respective states and others by section 1311 of the Submerged Lands Act, 43 U.S.C.

VIII. Planning and Classification

According to 11 AAC 55.040(c), “A classification identifies the primary use for which the land will be managed, subject to valid existing rights and to multiple use.”

The proposed site is located within the City and Borough of Juneau Region 15 and is zoned as rural reserve. The area is thus subject to the Juneau State Land Plan (JSLP, December 1993) and is located within Management Unit 15b6 (Port Snettisham / Gilbert Bay). The designated land use within Unit 15b6 is Ha, Hv, and Rd.

- “Ha” Habitat – Designation for areas with the most valuable habitat is defined as: limited, concentrated-use area for fish and wildlife species during a sensitive life-history stage where alteration of the habitat or human disturbance could result in a permanent loss of a population or species’ sustained yield.⁷ This designation converts to Wildlife Habitat land as the land classification.
- “Hv” Harvest – Designation for areas with localized, traditional harvest areas of limited size where alteration of habitat could permanently limit sustained yield to traditional use-

⁶ RPT 8643 DNR Realty Services

⁷ JSLP chap.3 p.3

ers; or areas of intense harvest where the level of harvest has or is projected to reach the harvestable surplus of the resource.⁸

- “Rd” Recreation and Tourism Dispersed Use – This designation is for areas that attract recreationists or tourists who range throughout the area. Also, areas that offer high potential for dispersed recreation or tourism because of desirable recreation conditions that are scattered or widespread rather than localized. Developed facilities are generally not necessary.⁹ This designation converts to Public recreation land as the land classification.

A proposed use is considered compatible with the Habitat designation if the design, siting, operations, and use are designed to avoid significant adverse habitat impacts. Alternatively, if the designated use is of sufficient importance or lacks a feasible and prudent alternative, the proposed use can be made consistent through mitigation measures. The proposed project includes impact minimization and mitigation measures as required in the Applicant’s FERC license. Additionally, numerous project alternatives, including a no-build alternative, were considered by FERC during the project’s licensing process. While habitat will be impacted by the marine access facility, the location is not catalogued by the Alaska Department of Fish and Game (ADF&G) as critical anadromous habitat. Gilbert Bay is designated as Essential Fish Habitat for Pink and Chum salmon by the National Marine Fisheries Service (NMFS). In accordance with the Magnuson-Stevens Fishery Management Act, FERC has consulted with NMFS regarding the project’s potential impacts on salmon fisheries and other wildlife in Gilbert Bay. FERC’s final EIS determined that with the implementation of proposed project mitigation and management plans the salmon habitat in Gilbert Bay would not be adversely affected.¹⁰ The Applicant has developed mitigation and habitat management plans and continues to update required management plans with input from the U.S. Forest Service, NMFS, and ADF&G.

Unit 15b6 is expansive. It is comprised of sections of Stephens Passage, all of Port Snettisham and Gilbert Bay. The harvests listed in the JSLP are commercial Shrimp, Dungeness crab, Tanner crab, and gillnet harvest. The largest potential impact on these harvest activities would likely come during the construction phase of the project, including potential disturbances from marine transportation to and from the proposed site. Overall, however, the Applicant’s marine access facility on approximately 3.8 acres of tide and submerged land on the southeast shore of Gilbert Bay would have a de minimis impact on the harvest potential in Unit 15b6.

The primary recreation and tourism activity in the area relates to personal-use fishing (primarily focused around Sweetheart Creek) and wildlife viewing. The Applicant’s activities during the construction phase of the project could impact wildlife viewing in the vicinity of the prospective

⁸ JSLP chap 3 p.4

⁹ JSLP chap.3 p.5

¹⁰ FERC/EIS-0263F, chap.3 p.67
Preliminary Decision

lease area. During construction there is likely to be weekly barge service to the project site and daily floatplane activity in the summer months. In consultation with US Forest Service, ADF&G, and NMFS, the Applicant has developed, or is updating, Aquatic and Wildlife management plans that address both marine and land-based wildlife.¹¹

In consideration of the mitigation measures and conditions set forth in the Applicant's management plans, final EIS, and the terms of its FERC license, the project will be consistent with the proposed uses of the JSLP for 15b6.

Mineral Orders

The proposed leasehold falls within the areas delineated in Administrative Mineral Closing Order (MCO) No. 653, 1993.¹² A mineral closing order closes state land to all forms of mineral entry, making it unavailable for staking mining claims, leasehold locations or prospecting site locations (AS 38.05.195, 205, 245).

Traditional Use Finding

This finding is not required since the proposed leasehold is located within an organized borough (AS 38.05.830). The Borough will be notified of this Preliminary Decision.

IX. Access

Physical and Legal Access

Presently, physical access to the proposed lease site is via anchorage near the mouth of Sweetheart Creek or beaching vessels on tidelands. The public access and use of the prospective lease area shall be maintained at all times with reasonable exceptions to protect the project's operations, and temporarily restricted in specific areas as required for public safety during construction and maintenance. Furthermore, the Applicant is required to finalize a Recreational Management Plan to facilitate and ensure safe public access to the lease area under Article 421 of its FERC license.¹³

After completion of the Applicant's proposed construction on the prospective lease area, the public will have limited non-commercial access to the Applicant's dock to use at their own risk. Applicant will be responsible for the design, construction, operation, maintenance, and cost of the dock facility for the life of the lease.

Access To and Along Public Waters:

Pursuant to AS 38.05.126(a), the public has a constitutional right to free access to, and use of, navigable or public waters of the State of Alaska. Under 11 AAC 51.045 and

¹¹ FERC Project No. 136563-003, Appendices Z

¹² JSLP Appendices B

¹³ FERC Project No. 136563-003, Article 421, p.56
Preliminary Decision

AS 38.05.127, DMLW is required to reserve specific public-access easements to and along these waters. Unless comments and other information submitted to DMLW provide justifiable and convincing evidence to do otherwise, this disposal of state interest will be subject to a 50-foot public-access easement seaward and landward of the line of mean high water. It is however advised that the commissioner authorize the Applicant to temporarily limit access to areas within the 50-foot public-access easement as necessary for public safety during construction and maintenance activities, or for the projects operational safety under AS 38.05.127(a)(2).

X. Environmental Risk

It is our management responsibility to protect the overall public interest if there is a reasonable expectation that a hazardous condition, or hazardous, toxic or radiological material or contamination from such material exists or is known to exist on the land proposed for lease. No hazardous material or contamination from hazardous material is known to exist on the land proposed for lease.

The Applicant is expected to inspect the prospective lease site and familiarize itself with the condition and quality of the land. The state makes no representations and no warranties, express or implied, concerning the existence or absence of any hazardous substances, hazardous wastes, contaminants, or pollutants on the land. The State of Alaska does not assume any liability for the removal of hazardous substances, hazardous wastes, contaminants, or pollutants, nor for the remediation of the site should such substances ever be identified.

Hazardous materials, specifically fuel for heavy machinery, aircraft and vehicles, and explosives, will be handled, transported, and temporarily stored on site or in the immediate vicinity of the site. In accordance with its FERC license, the Applicant shall continue to consult with ADF&G and DEC to finalize hazardous substance and environmental management plans, including hiring environmental compliance monitors. Stipulations included in the lease will require proper handling and storage of hazardous substances including compliance with all relevant federal and state regulations.

Additionally, the project will require significant excavation of rock, some of which will be used as fill to be placed on the prospective lease area to construct the marine access facility. It is imperative to ensure that such rock and fill is not acidic.¹⁴ The Applicant will be required to conduct rock bore testing and ensure that any rock fill used or stored on the prospective lease area not pose a risk to the environment or natural resources.

¹⁴ FERC/EIS-0263F Chap.3
Preliminary Decision

XI. Background

Lower Sweetheart Lake and Sweetheart Creek have been identified as potential hydropower sites since the early 1900's. The area is classified by the U.S. Geological Survey (USGS) as a Power Site Classification, number 221, established May 29, 1929 (Public Land Order 382b). This classification entails that the area be managed in compliance with Section 24 of the Federal Power Act, which grants FERC a role in reviewing proposed land uses. As the upland project site area is under U.S. Forest Service management, FERC and U.S. Forest Service have been in communication and have coordinated their respective project approval processes.¹⁵ The Alaska Energy Authority has also noted the hydropower potential for the project area in its Draft Southeast Integrated Resource Plan.¹⁶

The Applicant obtained a preliminary permit from FERC for the project in December 2009. The Applicant submitted an application to DNR for the lease of the tide and submerged land in Gilbert Bay on January 28, 2013, which was updated and resubmitted on May 31, 2016.

Additional notable events in the project timeline include:

- U.S. Forest Service issued a special use permit for access to conduct investigative studies to the Applicant on February 20, 2014. US Forest Service issued another special use permit to the Applicant in February of 2016.
- FERC issued final EIS in May 2016.¹⁷
- FERC license was issued on September 8, 2016.¹⁸
- ADF&G issued a Fish Habitat Permit to Applicant on October 6, 2016.¹⁹
- U.S. Army Corp of Engineers issued a permit for dredge and fill in waters of the U.S. on November 9, 2016.²⁰

Related Actions

On August 7, 2012, DNR received the Applicant's application for a water rights permit, which remains under adjudication.²¹ On May 31, 2016, the Applicant also submitted an application for an easement on state-owned tide and submerged lands for a coastal access road and transmission line.²² And on September 16, 2016, the Applicant submitted an application to DNR for a one-time use permit to move an excavator across state tidelands to

¹⁵ FERC Order Issuing Original License, Project No. 13563-003

¹⁶ Draft Southeast Alaska Resource Plan Technical Report, Chapter 10, Dec. 2011

¹⁷ FERC/EIS-0263F

¹⁸ FERC License Project No. 13563-003

¹⁹ ADF&G Fish Habitat Permit FH-I-0097

²⁰ Army Corps of Engineers Permit No. POA-2009-1064

²¹ LAS 28660. This permit is not required until after construction of the hydropower generation facilities.

²² ADL 108212

access a temporary worksite. After public notice, DNR issued the one-time use permit on October 28, 2016.²³

XII. Application Reviews

Agency Review

Relevant state agencies have been involved in reviewing the Applicant's proposed project and plans, including those plans specific to the proposed prospective lease areas since the Applicant's application for a preliminary FERC license in 2009. The agencies' comments to the project's draft EIS can be found in Appendix A of the final EIS. Additionally, under the Applicant's FERC license, Applicant is required to finalize select management plans in consultation with relevant state agencies.²⁴

XIII. Discussion

To qualify for a preference right to lease under AS 38.05.075(c) an Applicant must be the owner or lessee of land that fronts on shoreland, tideland or submerged land and is required to meet three conditions: (1) a lease is necessary to facilitate water transportation of goods, services, or resources to or from the owned or leased upland or for another water-dependent purpose; (2) the proposed use is compatible with the classification of the land and with any applicable land use plan adopted under AS 38.05.065; and (3) issuance of the lease will not interfere with prior existing rights to the prospective lease area.

Here, access to the project site is by water and air only. The U.S. Forest Service manages the upland property, and the Applicant has obtained the equivalent interest of a leasehold in the uplands through its FERC issued license. The proposed use of the prospective lease area is water-dependent and there are no prior existing rights. As noted in Sections VIII and IX above, the proposed use is compatible with the land classifications in the JSLP, and noncommercial public access to the prospective lease area will be maintained with only minimal and reasonable exceptions. The project's potential impacts on wildlife habit and the environment have been documented and mitigation measures have been identified and management plans prepared.

The prospective lease area is within the FERC licensed project boundary site, and thus, alternatives to siting the Applicant's marine access facility on the prospective lease area were considered in the alternatives analysis conducted during the FERC licensing process, including alternative sites and a no-build option for the Applicant's hydropower project. In addition, the Applicant has also received a permit from the U.S. Army Corps of Engineers under section 404(b)(1) of the Clean Water Act to fill and build on the prospective lease area. The USACE must follow

²³ LAS 31472; work is completed and this file is closed

²⁴ FERC License Project No. 13563-003, ¶89 and Art.402
Preliminary Decision

guidelines under 40 CFR 230.10(a) on alternatives considerations for all section 404 permit applications. The guidelines require that “no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences” (40 CFR 230.10(a)). Therefore, the specific question of whether there are practicable alternatives to the Applicant’s proposed development plan for the lease area has also been evaluated by the USACE.

With these considerations, the Southeast Regional Office of DNR Division of Mining, Land and Water concludes that there is no better alternative to the Applicant to access the upland project site. It is thus recommended that the Applicant be issued a negotiated lease for approximately 3.8 acres of tide and submerged land adjacent to the Tongass National Forest on the shores of Gilbert Bay in the NW ¼ of Section 24, Township 45 South, Range 72 East, Copper River Meridian subject to the terms and conditions stated below.

XIV. Recommendation and Preliminary Decision

Authorization Type and Term

Pursuant to AS 38.05.075(c), we recommend issuance of a 50-year non-competitive lease to the Applicant for the purpose of operating a marine access facility. The lease shall be subject to the standard DMLW Lease Agreement (form 102-111, re-revised May 2001), Special Stipulations and the terms and conditions set forth therein (Attachment 2).

This is a preliminary decision and subsequent public review may result in changes or disapproval of the proposed action altogether.

Terms and Conditions

1. Public access shall be maintained in accordance with Article 421 of Applicant’s FERC license and AS 38.05.126, 127.
2. In accord with Article 401 & 402 of its FERC license, the Applicant shall provide DNR, ADF&G and DEC with all FERC approved construction plans, waste management plans, and hazardous substance management plans before any land-disturbing or construction activities begin.
3. Applicant shall conduct rock bore testing of excavated rock and ensure that fill material does not harm the environment or the State’s natural resources.
4. Provide access to DNR, ADF&G and DEC during the construction phase to monitor compliance with construction management plans.
5. The lease and entry authorization shall contain modifications and/or provisions that are justified by public comment.
6. AS 38.05.090 requires the removal of all buildings and fixtures, gravel pads, foundations, and slabs within 60 days after the termination of the lease. The lessee shall restore the leasehold to a good and marketable condition, acceptable to the commissioner, within 120 days after the termination of the lease (AS 38.05.090). Restoration

of the site may require full dismantling and removal of the fill upon expiration or termination of the lease. A future decision will determine the extent of required restoration and will consider whether, due to naturalization and habitat growth, it would be more detrimental to the environment to remove all or a portion of the fill or dredged materials.

- a. In order to ensure site restoration, three years before the expiration of the lease, the lessee shall apply to DNR for a new lease for the same site, or post a commensurate performance guaranty and submit to DNR a site restoration plan in accord with AS 38.05.090. Alternatively, if at any time during the lease, DNR reasonably determines that the project's continued operation is in jeopardy, DNR may require the lessee to provide a restoration plan and a commensurate performance guaranty.
- b. The performance guaranty amount may be adjusted during the term of the permit to reflect newly discovered risks or costs for full restoration of the site.

Entry Authorization

Pursuant to AS 38.05.075(f), DNR-DMLW will authorize the Applicant entry onto state land through the issuance of an Entry Authorization (EA) pending completion of the required Alaska Tideland Survey and appraisal. The proposed EA is for a term of three years and would be issued after the Final Decision becomes effective. The effective date of the EA will be the start of the lease term. Once the conditions of the EA are met, the lease will be issued.

Performance Guaranty

In accordance with AS 38.05.035(a)(4), Applicant will be required to submit a performance guaranty for the lease site.

The amount of the performance guaranty is based on the scope and the nature of the activity and the potential cost of restoring the site. In order to ensure the responsible construction and development of the proposed project and execution of the lease agreement, a performance guaranty of \$325,000 shall be required during the early entry permit period of the project through the completion of project construction. An Alaska Tideland Survey and a construction completion report shall be submitted to DNR proving that the project was completed according to plan and without any unplanned impacts to state land. Upon DNR's approval of the completion report DNR will release the performance guaranty. In order to ensure site restoration, three years before the expiration of the lease, the lessee shall apply to DNR for a new lease for the same site, or post a commensurate performance guaranty and submit to DNR a site restoration plan in accord with AS 38.05.90. If at any time during the lease, DNR reasonably determines that the project's continued operation is in jeopardy, DNR may require the lessee to provide a commensurate performance guaranty.

Performance guaranties are subject to periodic adjustments being made during the term of the authorization to address increases or decreases in the costs of rectifying problems and rehabilitating state land due to inflation, changes in the level or nature of development, or other appropriate factors.

Insurance

Per Condition #24 of the lease document, Applicant shall secure or purchase at its own expense, and maintain in force at all times during the term of the lease at coverage levels recommended by an insurance broker or professional included on the State's Admitted List, the following policies of insurance to protect both themselves and the State of Alaska (its officers, agents and employees):

Commercial General Liability Insurance Policy: Such policy shall have minimum coverage limits of no less than \$1,000,000 combined single limit per occurrence.

Workers' Compensation Insurance: The Applicant shall provide and maintain, for all its employees, Workers' Compensation Insurance as required by AS 23.30.045. Where applicable, coverage must comply with any other statutory obligations, whether Federal (i.e., U.S.L.&H., or, Jones Act) or other state laws in which employees are engaged in work on the leased premises. The insurance policy must contain a waiver of subrogation clause in favor of the State of Alaska.

If the Applicant's general liability policy contains higher limits, we shall be entitled to coverage to the extent of such higher limits. Certificates of Insurance must be furnished to us prior to the issuance of this lease and must provide for a notice of cancellation, non-renewal, or material change of conditions in accordance with policy provisions. The Applicant must provide for a 60-day prior notice to the State of Alaska before they cancel, not renew or make material changes to conditions to the policy. Failure to furnish satisfactory evidence of insurance, or lapse of the policy, is a material breach of this lease and shall be grounds, at the option of the State of Alaska, for termination of the lease.

Compensation and Appraisal

Annual Use Fees

Pursuant to AS 38.05.075(f), AS 38.05.840(b), and 11 AAC 58.410(b), the annual fee shall be the minimum lease fee of **\$1,000.00** as established in 11 AAC 58.410(b) or if an appraisal is required under AS 38.05.075(f), the minimum lease fee shall only apply until an appraisal to determine fair market value has been completed. Once the appraisal has been completed and fair market value rent for the subject parcel has been deter-

mined, if the amount is less than \$1,000 per annum the annual fee shall remain at \$1,000.00 in accordance with 11 AAC 58.410(b).

However, if it is determined from the appraisal that the fair market value rent for the subject parcel is greater than the minimum amount, then the rent will be adjusted to reflect this amount from the effective date of the lease and the Applicant will be responsible for the payment of any difference.

Periodic Rate Adjustment

In accordance with AS 38.05.105, this lease may be subject to periodic rent adjustments every five years according to an adjusted fair market value.

Survey

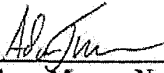
The Applicant will be required to provide an Alaska Tideland Survey (ATS) that meets the requirements and standards of the DMLW Survey Section. The Applicant's remittance of the survey is a prerequisite to lease issuance. The area shown on Attachment 1 is the basis for the survey, and the survey must be as-built.

Pursuant to 11 AAC 51.045 and AS 38.05.127, a 50-foot public-access easement seaward of the line of mean high water must be included in the survey.

XV. Adjudicator Recommendation

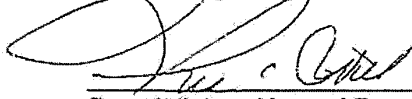
Based on the information provided by the Applicant and other agencies, as well as review of planning documents, statutes, and regulations, I recommend approving a lease authorizing the Applicant to build and maintain a marine access facility on the proposed site. I recommend proceeding to public notice for the purpose of providing the members of the public and those entities identified in AS 38.05.945 an opportunity to review and submit comments.

Signature page follows


Adam Moser, Natural Resources Specialist

03/07/17
Date

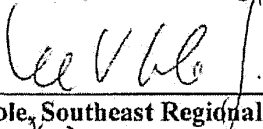
Unit Manager Concurrence


Steve Winker, Natural Resources Manager

March 9, 2017
Date

Regional Manager Decision

The file has been reviewed and found to be complete. It is the finding of the Division of Mining, Land & Water, Southeast Region Land Manager, that issuance of this lease is appropriate.


Lee Cole, Southeast Regional Manager
acting

3-9-2017
Date

ATTACHMENTS:

- Attachment 1. Development Plan
- Attachment 2. Standard Lease Agreement and Special Stipulations
- Attachment 3. Entry Authorization

PUBLIC NOTICE, FINAL DECISION AND APPEAL PROCESS:

In accordance with the provisions of AS 38.05.945, public notice seeking comments on this preliminary decision will be given to: City and Borough of Juneau; Sealaska Corporation; Goldbelt, Inc.; Central Council of the Tlingit and Haida Indian Tribes, Douglas Indian Association, and those parties that have previously requested written notice. We will also request that the Juneau Post Offices post the notice. It will be available on the internet as the Alaska Online Public Notice website, which can be accessed at www.state.ak.us.

The public is invited to comment on this preliminary decision. Comments must be received in writing by the DNR Division of Mining, Land & Water by mail at 400 Willoughby Avenue, P.O. Box 111020, Juneau, AK 99811-1020; by fax at (907) 465-3886; or by electronic mail to adam.moser@alaska.gov by the close of business on **April 10** in order to ensure consideration. Please include your mailing address and telephone contact. In order to establish appeal rights regarding this decision, you are required by law to meaningfully participate in the decision process by commenting on the decision, in writing, prior to the comment deadline. Following the deadline, all timely written comments will be considered, and DNR may modify this decision based on public comments received.

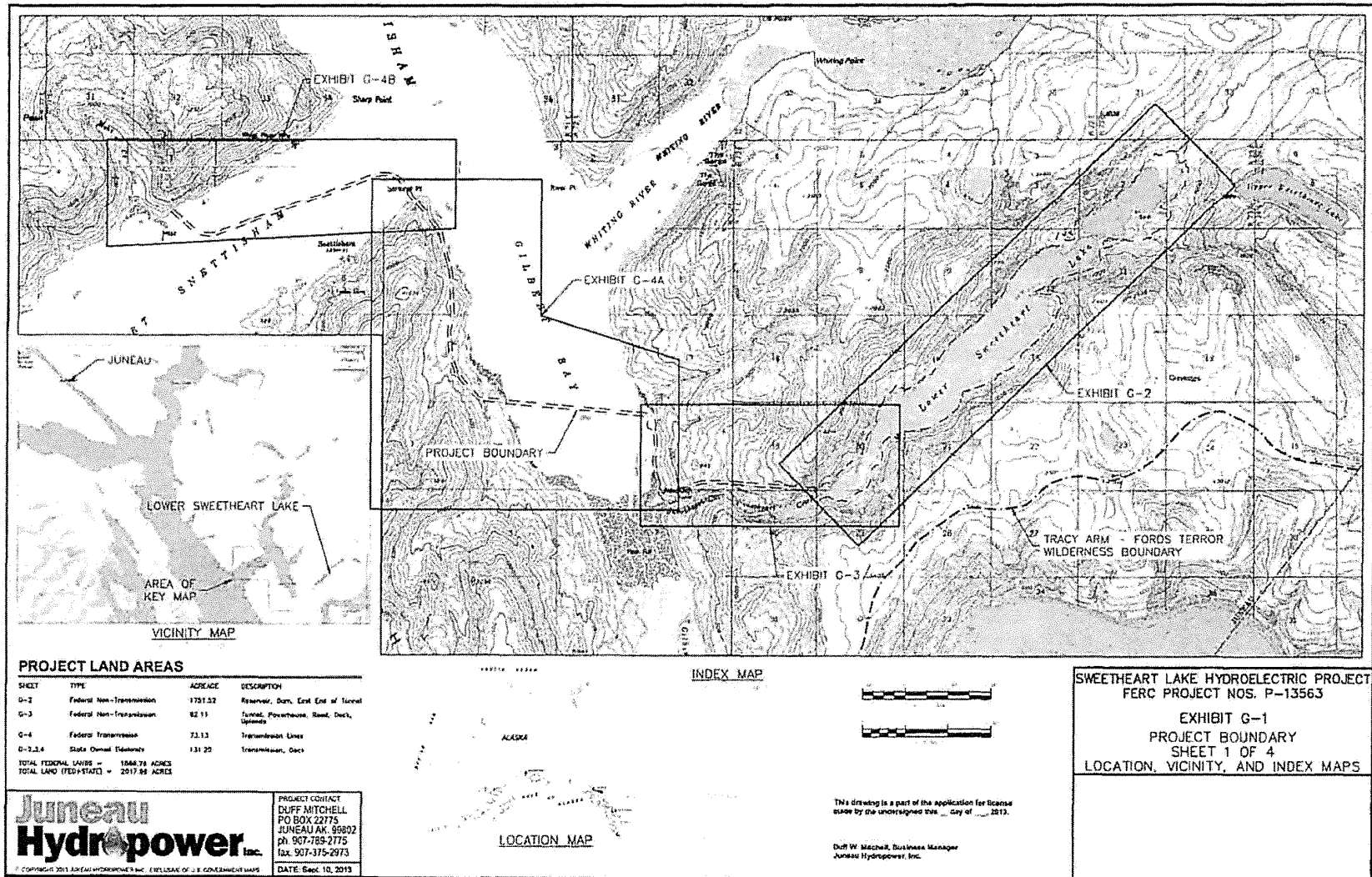
If DNR determines that public comments in response to this notice indicate the need for significant changes to the decision, additional public notice will be given. If no significant changes are required, the preliminary decision, after any necessary minor changes, will be issued as a final decision. A copy of the final decision, along with instructions on filing an appeal, will be sent to all persons who comment on the preliminary decision. Persons who do not submit written comments during the comment period will have no legal right to appeal the final decision.

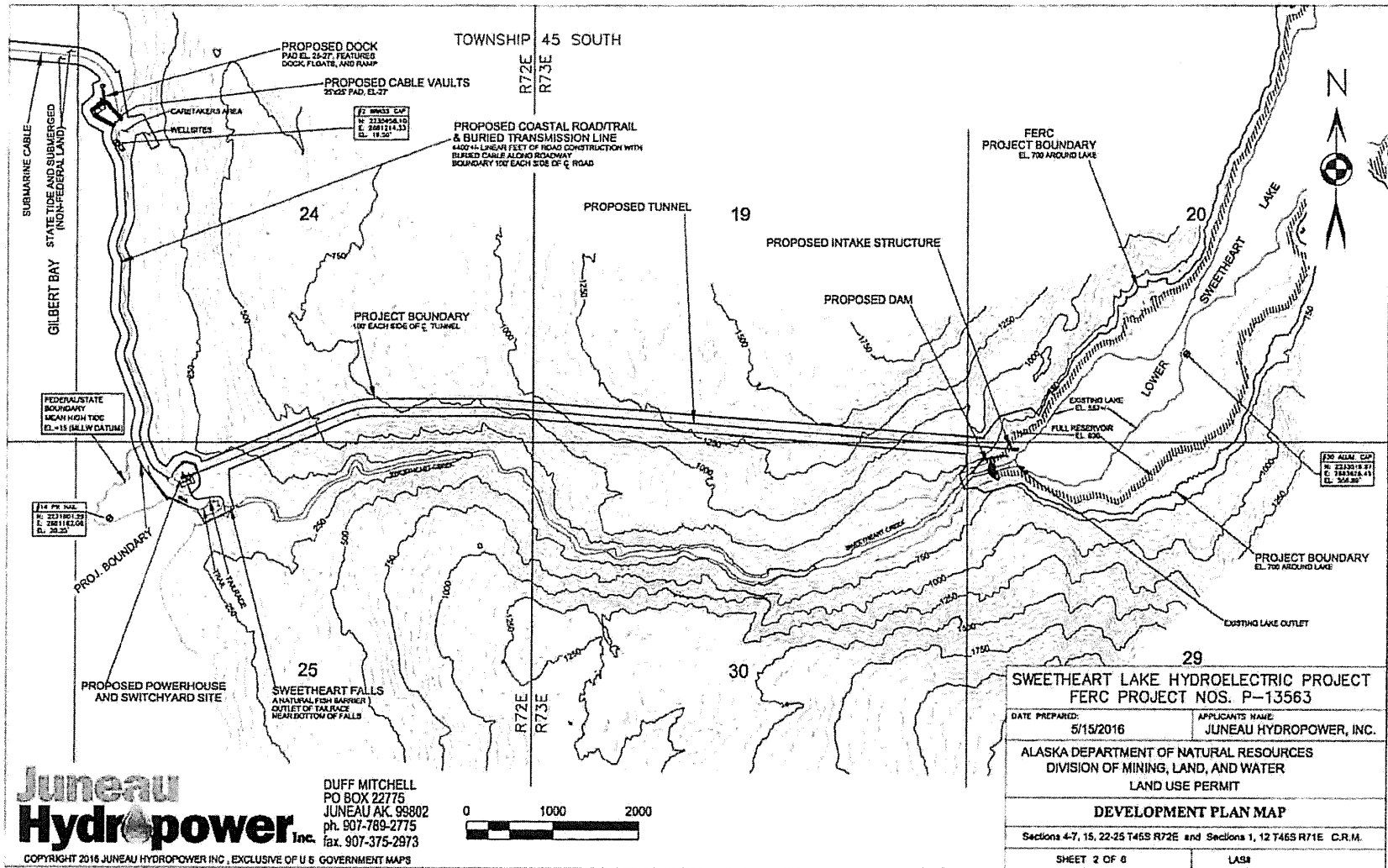


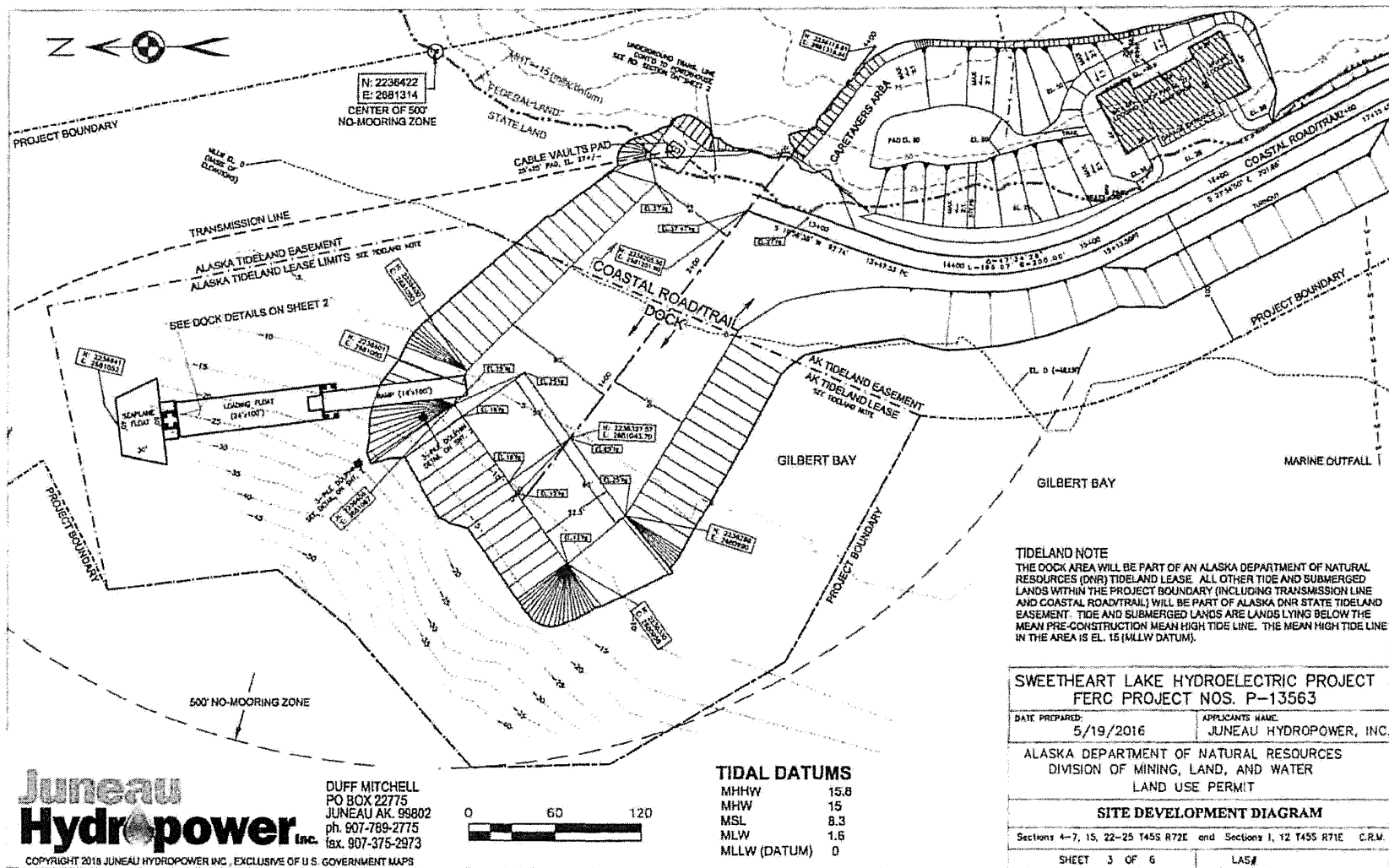
(2) Development Plan Maps

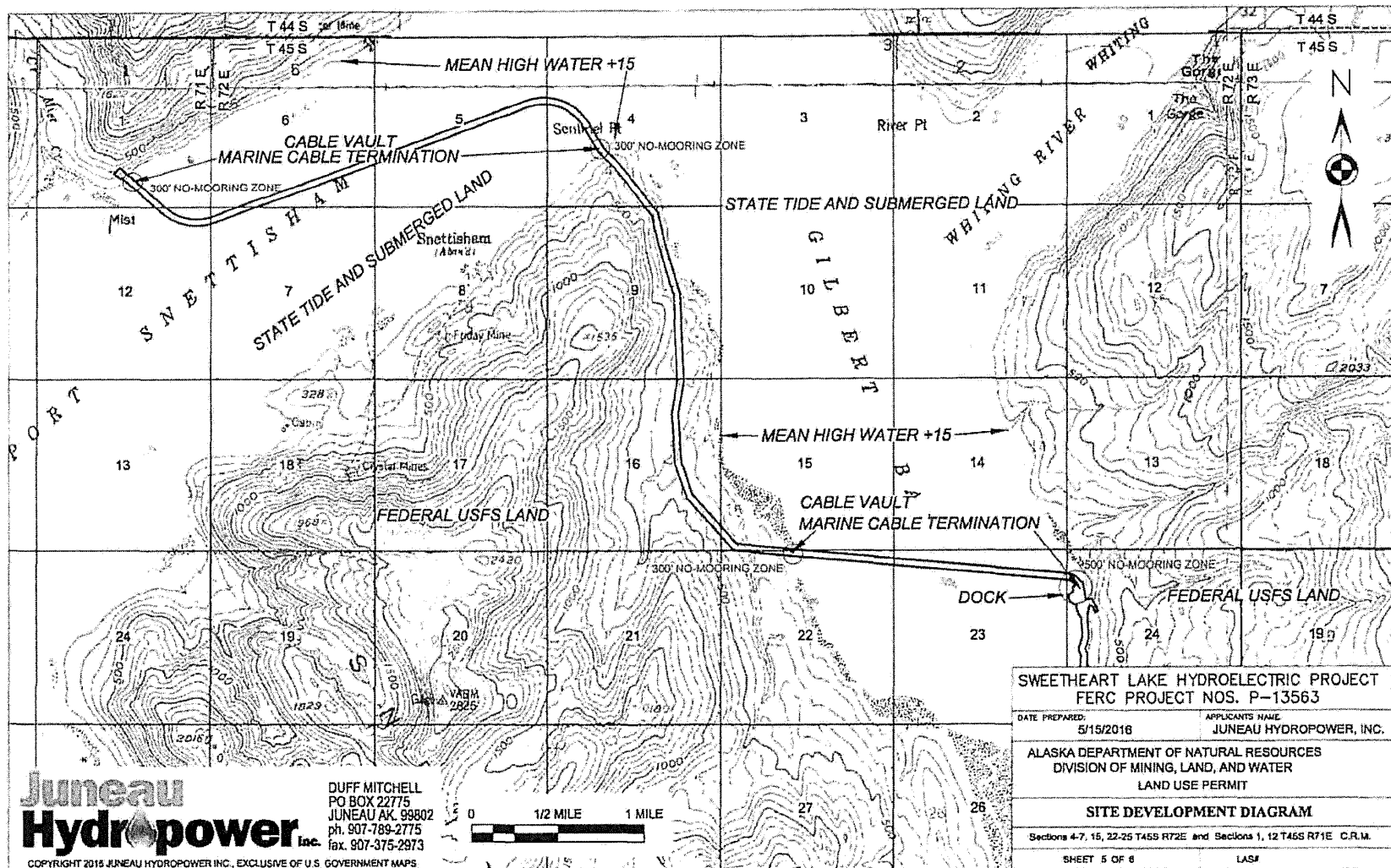
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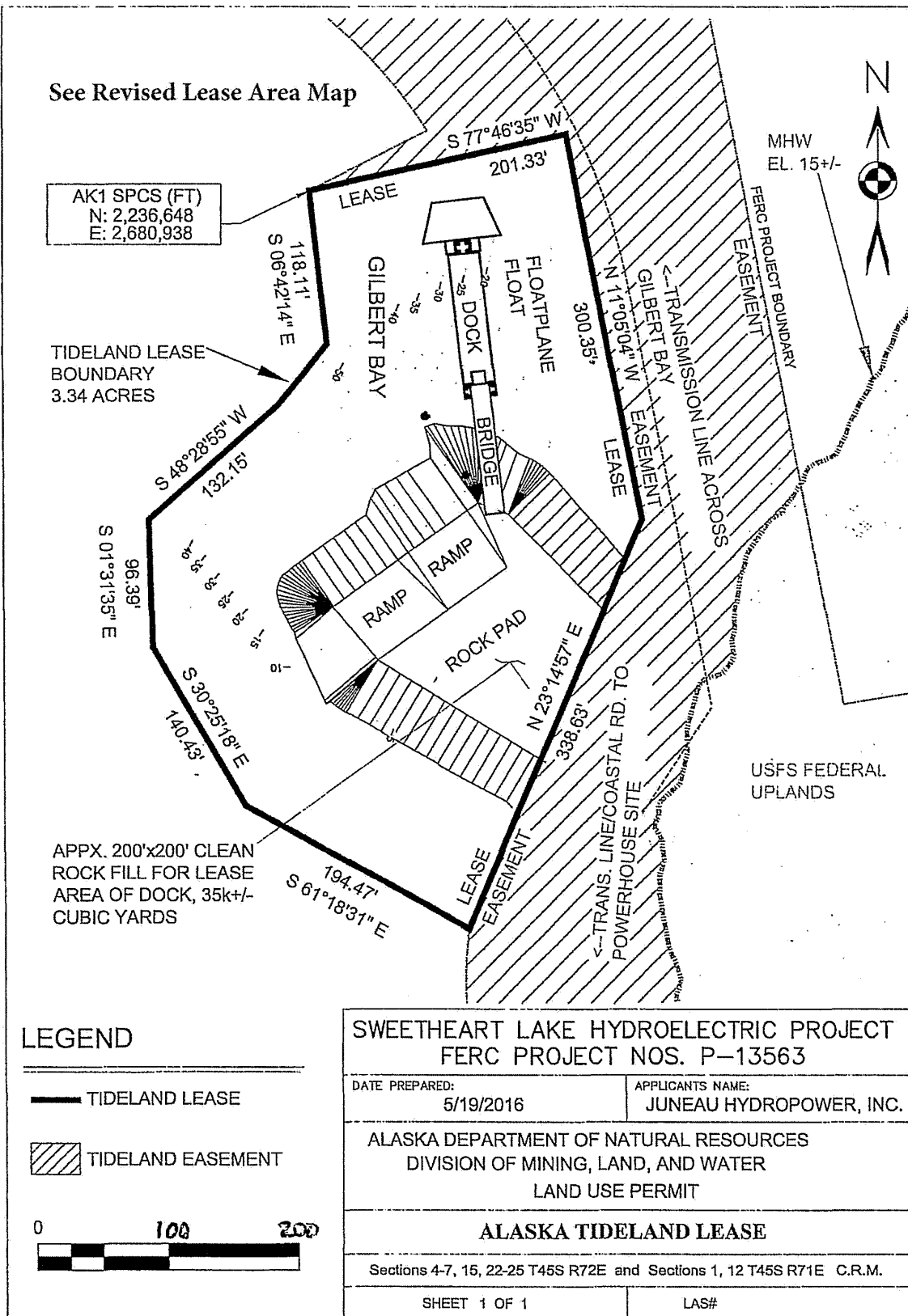
- G-1 – Location Vicinity and Index Map
- 1 – Site Development Diagram
- 2 – Tunnel, Powerhouse, Road and Dock Map
- 3 – Dock Plan View Map
- 4 – Dock & Road Details
- 5 – Transmission Line Map
- 6 – Typical Marine Transmission Terminal













THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources

DIVISION OF MINING, LAND & WATER
Southeast Regional Land Office

P. O. Box 111020
Juneau, Alaska 99811-1020
Main: 907.465.3400
TDD: 907.269.8411
Fax: 907.500.9011

February 9, 2021

Duff Mitchell
Juneau Hydropower, Inc.
PO Box 22775
Juneau, AK 99802

RE: ADL 108211
Extension of entry authorization for lease within:
Copper River Meridian, Township 45 South, Range 72 East, NW ¼ Section 24, on
approximately 3.8 acres of tide and submerged land.

Dear Mr. Mitchell,

This letter hereby extends the entry authorization (EA) issued under ADL 108211 to Juneau Hydropower, Inc. authorizing construction of a marine dock facility near Sweetheart Creek on the east side of Gilbert Bay.

The current EA, issued in January of 2018, expires on September 31, 2021. Due to project delays, you recently requested a six-year extension of the EA. The Department of Natural Resources, Division of Mining Land, and Water has approved your request; the EA will now expire on September 31, 2027. All other terms and conditions of the original EA remain in effect.

If you have any questions regarding the entry authorization, please contact Kaitlyn Raffier at 907-465-3524, or by email at Kaitlyn.raffier@alaska.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee V. Cole Jr.".

Lee V. Cole Jr.
Southeast Regional Manager

Attachment: Entry Authorization for ADL 108211



THE STATE
of ALASKA
GOVERNOR BILL WALKER

Department of Natural Resources

DIVISION OF MINING, LAND & WATER
Southeast Regional Office

P. O. Box 111020
Juneau, Alaska 99811-1020
Phone: 907.465.3400
TDD: 907.269.8411
Fax: 907.465.3886

April 11, 2017

Juneau Hydropower, Inc.
PO Box 22775
Juneau, AK 99802

Re: Easement ADL 108212 – Sweetheart Lake Hydropower Project

Dear Juneau Hydropower:

The Division of Mining, Land and Water has approved your request to use state land. Please find enclosed the Regional Manager's Decision, Entry Authorization and draft Easement Document. Please note that the decision contains an appeal provision including an appeal deadline. If you disagree with this decision, then you must appeal this decision by the appeal deadline.

If you agree with this decision, please review the enclosed documents and sign the Entry Authorization section located in the back of the authorization forms and return the entire authorization to the address above.

Your authorization will be executed upon receipt of the signed Entry Authorization and the following items:

- The Certificate of Insurance in the amount required with the State of Alaska named as an additional certificate holder.
 - General Commercial Liability Insurance
 - Worker's Compensation Insurance
- A copy of the instrument serving as the Performance Guaranty in the amount of \$850,000 (Please note: Either a Corporate Surety or Personal Land Use Bond form must accompany all performance guaranties).
- Payment of fees, as specified in the Entry Authorization.
- The decision is effective with the closure of the appeal period and resolution of any appeals.

Please respond within 30 days, or your case file may be closed. Once the authorization has been executed, a copy will be mailed to you. If you have any questions or require assistance, please contact me at the above address, at 907.465.3427 or by e-mail at adam.moser@alaska.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Moser".

Adam Moser
Natural Resource Specialist III

Easement ADL 108212

Enclosures:

- Preliminary Decision
- Draft Easement
- Easement Stipulations (Attachment A)

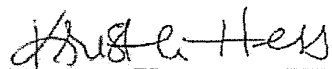
**ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND & WATER
SOUTHEAST REGIONAL OFFICE**

**Final Finding and Decision
ADL 108212
Easement to Juneau Hydropower, Inc.
In Accordance with AS 38.05.850**

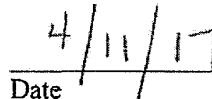
This Final Finding and Decision, and all attachments hereto, supplement the Preliminary Decision dated March 9, 2017, and comprise the record of decision for this disposal of interest under AS 38.05.850.

Brief Summary of Agency and Public Comments Received During the Public Notice Period:
No comments were received.

DMLW has re-affirmed that the case file is complete and the requirements of all applicable statutes and regulations have been satisfied. Since no comments were received during the public comment period, there were no modifications to the Preliminary Decision. It is the finding of the Commissioner of the Department of Natural Resources that it is in the best interest of the State to proceed with this disposal of interest under the authority of AS 38.05.850.



Kristin A. Hess
Division Operations Manager


Date

A person affected by this decision who provided timely written comment or public hearing testimony on this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received by the 20th calendar day after the date of "issuance" of this decision as defined in 11 AAC 02.040(c) and (d) and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 West 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to (907) 269-8918, or sent by electronic mail to dnr.appeals@alaska.gov. If no appeal is filed by the appeal deadline, this decision goes into effect as a final order and decision of the Department on the 31st calendar day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.



**Preliminary Regional Manager's Decision
Juneau Hydropower Inc.
ADL 108212– Easement
AS 38.05.850**

I. Requested Action

An application dated May 31, 2016 was received from Juneau Hydropower Inc. (Applicant) requesting use of state owned tide and submerged land situated immediately adjacent to federally owned uplands near Sweetheart Creek on the east side of Gilbert Bay for road access between a proposed marine access facility and other infrastructure associated with the Sweetheart Lake Hydroelectric Facility (FERC project no. P-13563).¹

Applicant proposes to place fill material below the mean high water mark (approximate elevation +15.4' above the 0.0' contour) (MHW), on the east side of Gilbert Bay to construct a 4,400-foot-long coastal road, a 4,225 square foot caretaker's facility, a dock pad, staging areas, a 4,800-foot-long, 12.47-kV service transmission line and communication cable extending from the powerhouse to the dock and caretaker's facility. These activities are connected and will permanently fill approximately 9 acres of state owned tide and submerged land.²

Applicant also proposes placement of a submarine electric transmission cable with two segments crossing state owned tide and submerged land for approximately 25,700 feet (4.9 miles) with placement of fill material and fixtures in the intertidal water at four separate locations.³

The Applicant proposes to connect the Sweetheart Lake project to an existing Snettisham transmission line and submarine cable that crosses state owned tide and submerged land at Taku Inlet. Alaska Electric Light & Power Company (AELP) uses this cable to transfer electricity from its Lake Dorothy hydropower facility.⁴ An easement for this crossing is held by the Alaska Industrial Development and Export Authority (ADL 30442). The Applicant plans to use an existing cable and has not requested a separate easement for this segment.

¹ DNR first received the Applicant's application in January 2013. The Applicant resubmitted a revised application on May 27, 2016. Federal Energy Regulatory Commission, Order Issuing Original License, issued September 8, 2016

² Army Corps of Engineers Permit No. POA 2009-1064 issued November 9, 2016. Applicant has submitted a separate application for a lease to the tideland area to site the dock pad (ADL 108211)

³ Army Corps of Engineers Permit No. POA 2009-1064

⁴ FERC Project No. P-12379

A lease application requesting use of state owned tide and submerged land for a marine access facility for this project is being considered separately (ADL 108211).

Proposed Action

The Southeast Region Department of Natural Resources (DNR), Division of Mining, Land & Water (DMLW) intends to issue the Applicant a private non-exclusive easement for use of state-owned tide and submerged land with a 50-year term concurrent with the term of the Applicant's FERC license, or until such time the easement is no longer used for the requested purpose.

We note that the nature of this authorization does not grant "the right to use in perpetuity" as required by the FERC license.⁵ Additionally, the easement would not give the Applicant authority to grant permission for certain types of uses and convey certain interests in project lands and waters independent of AS 38 as required by the FERC license.⁶

II. Statutory Authority

AS 38.05.035, AS 38.05.850 and Alaska Administrative Code 11 AAC 55.

III. Administrative Record

Case file ADL 108212 is the administrative record for this case. Also incorporated by reference is the Juneau State Land Plan (JSLP, December 1993).

IV. Scope of the Decision

The scope of administrative review for this authorization is guided by AS 38.05.850(a) and to (1) reasonably foreseeable, significant effects of the uses to be authorized; (2) applicable statutes and regulations; (3) the facts pertaining to the land or resources; and (4) issues that are material to the determination that issuing the authorization will best serve the interest of the State of Alaska.

V. Location Information

Geographic Location

The subject parcel is on unsurveyed state owned tide and submerged lands located in and across Port Snettisham and Gilbert Bay, approximately 35 miles southeast of Juneau, Alaska.

⁵ FERC Project No. 136563-003 Article 5, p.63

⁶ FERC Project No. 136563-003 Article 424, p.58
Preliminary Regional Manager's Decision

Legal Description

Copper River Meridian, Township 45 South, Range 72 East, Sections 4-7 and 22-25; and Township 45 South, Range 71 East, Sections 1 and 12, for a combined total of approximately 126 acres of tide and submerged land.

Width: 200 feet **Length:** 27,400 feet **Approximate Acreage:** 126

Other Land Information

- i. Municipality:** City and Borough of Juneau (Unified Home Rule Borough)
- ii. (ANCSA) Regional Corporation:** Sealaska Corporation
- iii. Village Corporation:** Goldbelt, Incorporated
- iv. Federally Recognized Tribe:** Central Council of the Tlingit and Haida Indian Tribes

VI. Land Status Information

Title

The State of Alaska owns the tide and submerged lands of the project area under the Equal Footing Doctrine and the Submerged Lands Act of 1953.⁷

The United States retains all navigational servitude control of said lands and navigable waters for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources which are specifically recognized, confirmed, established, and vested in and assigned to the respective states and others by section 1311 of the Submerged Lands Act, 43 U.S.C.

Planning and Classification

According to 11 AAC 55.040(c), “A classification identifies the primary use for which the land will be managed, subject to valid existing rights and to multiple use.”

The proposed site is located within the City and Borough of Juneau Region 15 and is zoned as rural reserve. The area is thus subject to the Juneau State Land Plan (JSLP, December 1993) and is located within Management Unit 15b6 (Port Snettisham / Gilbert Bay) and 15b9 (tidewater at the mouth of Sweetheart Creek). To the south and west of the prospective easement area is Unit 15b8 (Sweetheart tidal flats).

The designated land use within Unit 15b6 is Ha, Hv, and Rd. When evaluating land use in this unit, the area plan requires checking habitat and harvest maps for Commercial Shrimp, Dungeness Crab, Tanner Crab, and gillnet harvest.

⁷ RPT 8643 DNR Realty Services
Preliminary Regional Manager's Decision

The designated land use within Unit 15B9 is Ha, Pt, and Rd. At the time the plan was made the listed resources were migratory waterfowl habitat, and an Alaska Department of Fish and game (DF&G) field camp, with net pens and weir in this unit.⁸

- “Ha” Habitat – Designation for areas with the most valuable habitat is defined as: limited, concentrated-use area for fish and wildlife species during a sensitive life-history stage where alteration of the habitat or human disturbance could result in a permanent loss of a population or species’ sustained yield.⁹ This designation converts to Wildlife Habitat land as the land classification.

- “Hv” Harvest – Designation for areas with localized, traditional harvest areas of limited size where alteration of habitat could permanently limit sustained yield to traditional users; or areas of intense harvest where the level of harvest has or is projected to reach the harvestable surplus of the resource.¹⁰

- “Pt” Public Facilities Transfer – Sites reserved for specific infrastructure to serve the public at large or, sometimes, primarily local needs. If DNR intends non-state ownership of the public facility it is designated “Pt” and classified as “Settlement Land” so that a non-state public entity can acquire the site and develop or operate it consistent with the purposes outlined in the JSLP.¹¹ This designation converts to Settlement land as the land classification.

- “Rd” Recreation and Tourism Dispersed Use – This designation is for areas that attract recreationists or tourists who range throughout the area. Also, areas that offer high potential for dispersed recreation or tourism because of desirable recreation conditions that are scattered or widespread rather than localized. Developed facilities are generally not necessary.¹² This designation converts to Public recreation land as the land classification.

The designated uses of 15b8 are Ha and Rd, with resources listed as waterfowl habitat, anadromous stream mouth, and anchorage area.¹³ Management Units 15b8 & 15b9 are primarily utilized by the public as areas for recreational personal-use fishing and wildlife viewing.

⁸ JSLP chap.3 p.278

⁹ JSLP chap.3 p.3

¹⁰ JSLP chap.3 p.4

¹¹ JSLP chap.3 p.5

¹² JSLP chap.3 p.5

¹³ JSLP chap. 3, p.278

The construction of the coastal access road will lead to an irreversible loss of tidal habitat. However, the proposed use is considered compatible with the Habitat designation if the design, siting, operations and use are designed to avoid significant adverse habitat impacts. Alternatively, if the designated use is of sufficient importance or lacks a feasible and prudent alternative, the proposed use can be made consistent through mitigation measures. While habitat will be impacted by the marine access facility, the area is not catalogued by the Alaska Department of Fish and Game (ADF&G) as critical anadromous habitat. Gilbert Bay is designated as Essential Fish Habitat for Pink and Chum salmon by the National Marine Fisheries Service (NMFS). In accordance with the Magnuson-Stevens Fishery Management Act, FERC has consulted with the NMFS regarding the project's potential impacts on salmon fisheries and other wildlife in Gilbert Bay. FERC's final EIS determined that with the implementation of proposed project mitigation and management plans the salmon habitat in Gilbert Bay would not be adversely affected.¹⁴ The Applicant has developed mitigation and habitat management plans and continues to update required management plans with input from the U.S. Forest Service, NMFS, and AD&FG.

Unit 15b6 is expansive. It is comprised of sections of Stephens Passage, all of Port Snettisham and Gilbert Bay. The harvests listed in the JSLP are commercial Shrimp, Dungeness crab, Tanner crab, and gillnet harvest. The largest potential impact on these harvest activities would likely come during the construction phase of the project, including potential disturbances from marine transportation to and from the proposed site. Overall, however, the Applicant's planned development of the coastal access road and submarine transmission line would have a de minimis impact on the overall harvest potential in Unit 15b6.

To promote the designated use of Recreation and Tourism, the public's access and use of the prospective permitted land shall be maintained at all times with reasonable exceptions to protect the project's operations and temporarily in specific areas as required for public safety during construction or maintenance. Furthermore, the Applicant is required to develop a Recreational Management Plan to facilitate and ensure safe public access to the permitted area under article 421 of its FERC license.¹⁵

According to the Applicant's proposed plan, a gated one-lane road on state tidelands will act as a public recreational trail from the marine access facility (ADL 108211) to the powerhouse location at the mouth of Sweetheart Creek. This route will allow the public a deep-water route to access the planned trail to Sweetheart Creek. The coastal road/trail will not allow public use of motorized vehicles. The Applicant will be responsible for the

¹⁴ FERC/EIS-0263F, chap.3 p.67

¹⁵ FERC Project No. 136563-003, Article 421, p.56
Preliminary Regional Manager's Decision

design, construction, maintenance, and cost of the improved trails for the term of the permit. Additionally, the Applicant plans to place up to three mooring buoys on state submerged lands near the mouth of Sweetheart Creek, to facilitate public access.¹⁶

With consideration of the mitigation measures and conditions set forth in the Applicant's final EIS, FERC license, and required management plans, the project will be consistent with the proposed uses of the JSLP for 15b6 and 15b9.

VII. Third Party Interests

There are no third party property interests in the prospective tide and submerged lands requested by the Applicant.

VIII. Background

Lower Sweetheart Lake and Sweetheart Creek have been identified as potential hydropower sites since the early 1900's. The area is classified by the U.S. Geological Survey (USGS) as a Power Site Classification, number 221, established May 29, 1929 (Public Land Order 382b). This classification entails that the area be managed in compliance with Section 24 of the Federal Power Act (FPA), which grants FERC a role in reviewing proposed land uses. As the upland project site area is under US Forest Service management, FERC and US Forest Service have been in communication and have coordinated their respective project approval processes.¹⁷ The Alaska Energy Authority has also noted the hydropower potential for the project area in its Draft Southeast Integrated Resource Plan.¹⁸

The Applicant obtained a preliminary permit from FERC for the project in December 2009. The Applicant submitted an application to DNR for an easement on tide and submerged land in Gilbert Bay and Port Snettisham on January 28, 2013. This application was updated and resubmitted on May 31, 2016.

Additional notable events in the project timeline include:

- US Forest Service issued a special use permit for access to conduct investigative studies to the Applicant on February 20, 2014. US Forest Service issued another special use permit to the Applicant in February of 2016.
- FERC issued final EIS in May 2016.¹⁹

¹⁶ JHI Preliminary Management Plans, submitted to FERC with Final License Application, Appendices Z, May 2014. Applicant will need to submit a separate permit application to DNR, specific to the mooring buoys, to place the buoys as planned.

¹⁷ FERC Order Issuing Original License, Project No. 13563-003.

¹⁸ Draft Southeast Alaska Resource Plan Technical Report, chap.10, Dec 2011

¹⁹ FERC/EIS-0263F

- FERC license was issued on September 8, 2016.²⁰
- ADF&G issued a Fish Habitat Permit to Applicant on October 6, 2016.²¹
- USACE permit for dredge and fill in waters of the U.S. issued on November 9, 2016.²²

Related Actions

On August 7, 2012, DNR received the Applicant's application for a water rights permit, which remains under adjudication.²³ On May 31, 2016, the Applicant also submitted an application for a lease on state tide and submerged lands for a marine access facility.²⁴ And on September 16, 2016, the Applicant submitted an application to DNR for a one-time use permit to move an excavator across state tidelands to access a temporary worksite. After public notice, DNR issued the one-time use permit on October 28, 2016.²⁵

IX. Agency Review

Relevant state agencies have been involved in reviewing the Applicant's proposed project and plans, including plans specific to the proposed easement and coastal access road since the Applicant's application for a preliminary FERC license in 2009. All of the agencies' comments to the project's draft EIS can be found in Appendix A of the final EIS.²⁶

X. Access

Physical and Legal Access

The physical access to the proposed tideland easement area is via anchorage near the mouth of Sweetheart Creek or beaching vessels on the tidelands. The public access and use of the tideland shall be maintained at all times with reasonable exceptions to protect the project's operations, and temporarily restricted in specific areas as required for public safety during construction and maintenance. After completion of the Applicant's proposed construction on state tidelands, the public will have limited non-commercial access to the Applicant's dock (ADL 108211) to use at their own risk, and non-motorized use of the coastal access road to access Sweetheart Creek. Applicant will be responsible for the design, construction, operation, maintenance, and cost of the access road and trail for the duration of the easement.

²⁰ FERC License Project No. 13563-003

²¹ ADF&G Fish Habitat Permit FH-I-0097

²² Army Corps of Engineers Permit No. POA-2009-1064

²³ LAS 28660. This permit is not required until after construction of the hydropower generation facilities

²⁴ ADL 108211

²⁵ LAS 31472

²⁶ FERC/EIS-0263F, Appendix A
Preliminary Regional Manager's Decision

To provide safer moorage for noncommercial recreational visitors, the Applicant also plans to place up to three mooring buoys of sufficient size to anchor typical sport fishing vessels in Gilbert Bay near the mouth of Sweetheart Creek. The Applicant will be responsible for the design, construction, maintenance, and cost of the moorings. The Applicant will have to apply to DNR DMLW for a separate permit to place the proposed buoys on state submerged land for any period.

Access to and Along Public Waters:

Pursuant to AS 38.05.126(a), the public has a constitutional right to free access to, and use of, navigable or public waters of the State of Alaska. Under 11 AAC 51.045 and AS 38.05.127, DMLW is required to reserve specific public-access easements to and along these waters.

XI. Environmental Considerations

It is our management responsibility to protect the overall public interest if there is a reasonable expectation that a hazardous condition, or hazardous, toxic or radiological material or contamination from such material exists or is known to exist on the land being considered. No hazardous material or contamination from hazardous material is known to exist on the land.

The Applicant is expected to inspect the prospective permit site and familiarize itself with the condition and quality of the land. The state makes no representations and no warranties, express or implied, concerning the existence or absence of any hazardous substances, hazardous wastes, contaminants, or pollutants on the land. The State of Alaska does not assume any liability for the removal of hazardous substances, hazardous wastes, contaminants, or pollutants, nor for the remediation of the site should such substances ever be identified.

Hazardous materials, specifically fuel for heavy machinery, aircraft and vehicles, and explosives, will be handled and temporarily stored on site or in the immediate vicinity of the site. In accordance with its FERC license, the Applicant shall continue to consult with ADF&G and DEC to finalize hazardous substance and environmental management plans, including hiring environmental compliance monitors. Stipulations included in the permit will require proper handling and storage of hazardous substances including compliance with all relevant federal and state regulations.

Additionally, the project will require significant excavation of rock, most of which will be used as fill to build the coastal access road on state tideland. It is imperative to ensure that such rock and fill is not acidic.²⁷ The Applicant will be required to conduct rock bore testing and ensure

²⁷ FERC/EIS-0263F, chap.3
Preliminary Regional Manager's Decision

that any rock fill used or stored on the prospective permit area not pose a risk to the environment or the State's natural resources.

XII. Performance Guaranty

In accordance with 11 AAC 96.060, performance guaranties are means to assure performance and to provide ways to pay for corrective action if the permittee fails to comply with the requirements set forth in the project plans and easement. The amount of the performance guaranty is based on the scope and the nature of the activity and the potential cost of restoring the site. In order to ensure the responsible construction and development of the proposed project and execution of the easement, a performance guaranty of \$850,000 shall be required during the early entry permit period of the project through the completion of project construction. An as-built survey and a construction completion report shall be submitted to DNR proving that the project was completed according to plan and without any unplanned impacts to state land. Upon DNR's approval of the construction completion report, DNR will release the performance guaranty. In order to ensure site restoration, three years before the expiration of the easement, the grantee shall apply to DNR for a new easement for the same site, or post a commensurate performance guaranty and submit to DNR a site restoration plan. If at any time during the easement term, DNR reasonably determines that the project's continued operation is in jeopardy, DNR may require the lessee to provide a commensurate performance guaranty and restoration plan.

Performance guaranties are subject to periodic adjustments being made during the term of the authorization to address increases or decreases in risk associated with the project, the costs of rectifying problems, and restoring state land due to inflation, changes in the level or nature of development, or other appropriate factors.

XIII. Insurance

Insurance is a means to protect the state from liabilities incurred through the use of state property, or from damage to state property as a result of accidental or catastrophic events. This type of protection is necessary in the event of an accident or negligence that was consequentially connected to activities conducted on state land, and/or if the state is named in a lawsuit as a result of an accident or negligence.

- **Commercial General Liability Insurance:** Such policy shall have minimum coverage limits of \$1,000,000 combined single limit per occurrence.
- **Workers' Compensation Insurance:** The Applicant shall provide and maintain, for all its employees, Workers' Compensation Insurance as required by AS 23.30.045. Where applicable, coverage must comply with any other statutory obligations, whether Federal (i.e., U.S.L.&H., or, Jones Act) or other state laws in which employees are engaged in work on the leased premises. The insurance policy must contain a waiver of subrogation clause in favor of the State of Alaska.

If the Applicant's general liability policy contains higher limits, we shall be entitled to coverage to the extent of such higher limits. Certificates of Insurance must be furnished to us prior to the issuance of this lease and must provide for a notice of cancellation, non-renewal, or material change of conditions in accordance with policy provisions. The Applicant must provide for a 60-day prior notice to the State of Alaska before they cancel, not renew or make material changes to conditions to the policy. Failure to furnish satisfactory evidence of insurance, or lapse of the policy, is a material breach of this lease and shall be grounds, at the option of the State of Alaska, for termination of the lease.

XIV. Survey

Upon receiving an Early Authorization from DNR, the Applicant shall conduct an as-built survey acceptable to the standards of the DMLW Survey Section prior to the expiration of the Grantee's Entry Authorization. The Applicant will be responsible for all costs associated with conducting the survey.

XV. Fees/Appraisal

Fee Narrative: 11 AAC 05.010

As required by 11 AAC 05.010(e)(11) the fee for this non-exclusive private easement under AS 38.05.850 will be an annual fee of \$100 per acre.

XVI. Term

EA Term: Three years, or shorter if the easement is issued prior to the EA expiration.

Easement Term: Fifty years, a term concurrent with the Applicant's FERC license, or until such time the easement is no longer used for the requested purpose.

XVII. Economic Benefit and Development of State Resources

AS 38.05.850(a) requires that in the granting of easements DNR give preference to the use of the land that will be of greatest economic benefit to the state and the development of its resources.

XVIII. Discussion

In addition to requiring that preference be given to easements that will be of greatest economic benefit to the state, AS 38.05.850(a) also provides that first preference must be granted to the upland owner for the use of a tract of tideland and contiguous submerged land that is seaward of the upland property of the upland owner.

Here, the U.S. Forest Service manages the upland property, however the Applicant has obtained the equivalent of an ownership interest in the upland property through its FERC issued license. Therefore, the Applicant meets the qualification for first preference under 38.05.850(a).

Additionally, there are no prior existing rights or third party interests in the prospective permit area. As noted in sections VI and X above, the proposed use is compatible with the land classifications in the JSLP, and noncommercial public access to the prospective easement area will be maintained with only minimal and reasonable exceptions. The project's potential impacts on wildlife habit and the environment have been documented and mitigation measures have been identified and management plans prepared.

The prospective permit area is within the FERC licensed project boundary site, and thus, alternatives to siting the Applicant's access road on the prospective easement area were considered in the alternatives analysis conducted during the FERC licensing process, including alternative sites and a no-build option for the Applicant's hydropower project. In addition, the Applicant has also received a permit from the U.S. Army Corps of Engineers (USACE) under Section 404(b)(1) of the Clean Water Act to fill and build on the prospective easement area. The USACE must follow guidelines under 40 CFR 230.10(a) on alternatives considerations for all section 404 permit applications. The guidelines require that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences" (40 CFR 230.10(a)). Therefore, the specific question of whether there are practicable alternatives to the Applicant's proposed access road for the easement area has been evaluated by the USACE.

Similarly, the submarine transmission line was weighed against above ground options and determined to be the most desirable option based on environmental, recreational and aesthetic considerations.

With these considerations, the Southeast Regional Office of the DNR Division of Mining, Land and Water concurs with the findings of the USACE that there is no better alternative to the Applicant to access the upland project site. It is thus recommended that the Applicant be issued a private non-exclusive easement for approximately 126 acres of tide and submerged land adjacent to the Tongass National Forest on tideland in Gilbert Bay and on submerged lands in the Copper River Meridian, Township 45 South, Range 72 East, Sections 4-7 and 22-25; and Township 45 South, Range 71 East, Sections 1 and 12.

XIV. Recommendation

Authorization Type and Term

Pursuant to AS 38.05.850, the Southeast Region Department of Natural Resources, Division of Mining, Land and Water recommends the issuance of a 50-year private nonexclusive easement to the Applicant for the purpose of building and maintaining an access road and a submarine transmission cable.

Special Stipulations and the terms and conditions set forth therein (Attachment 2).

This is a preliminary decision and subsequent public review may result in changes or disapproval of the proposed action altogether.

Terms and Conditions

1. Public access shall be maintained in accordance with Article 421 of the FERC license and AS 38.05.127.
2. In furtherance of Article 401 of its FERC license, the Applicant shall provide DNR, ADF&G and DEC with all FERC approved construction plans, waste management plans, and hazardous substance management plans before any land-disturbing or construction activities begin.
3. Applicant shall conduct rock bore testing of excavated rock and ensure that excavated fill and rock material does not harm the environment or the state's natural resources.
4. Provide access to DNR, ADF&G, and DEC during the construction phase to monitor compliance with construction management plans.
5. In accordance with ADF&G issued Fish Habitat Permit FH16-I-0097, obtain any required fish habitat permits for anadromous stream crossings, prior to construction of the transmission line and coastal access road.²⁸
6. The permit and entry authorization shall contain modifications and/or provisions that are justified by public comment.
7. The grantee shall restore the easement area to a good and marketable condition, acceptable to the commissioner. Reclamation of the site may require full dismantling and removal of the fill upon expiration or termination of the easement. A future decision will determine the extent of required reclamation and will consider whether, due to naturalization and habitat growth, it would be more detrimental to the environment to remove all or a portion of the fill or dredged materials.
 - a. In order to ensure site restoration, three years before the expiration of the easement, the Applicant shall apply to DNR for a new easement for the same site, or post a commensurate performance guaranty and submit to DNR a site restoration plan. Alternatively, if at any time during the term of the permit, DNR reasonably determines that the project's continued operation is in jeopardy, DNR may require the lessee to provide a restoration plan and a commensurate performance guaranty.
 - b. The performance guaranty amount may be adjusted during the term of the permit to reflect newly discovered risks or costs for full reclamation of the site.

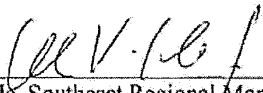
Signature page follows

²⁸ ADF&G Fish Habitat Permit FH16-I-0097, Oct 6, 2016
Preliminary Regional Manager's Decision


Adam Moser, Natural Resource Specialist

03/09/17
Date

ccfy **Regional Manager's Decision**


Lee Cole, Southeast Regional Manager

3/9/2017
Date

Attachments: A – Development Plan
B – Easement and Stipulations
C – Early Authorization

Preliminary Regional Manager's Decision

Page 13 of 14

Juneau Hydropower Inc.
ADL 108212

**ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND & WATER
SOUTHEAST REGIONAL OFFICE**

**Final Finding and Decision
ADL 108212
Easement to Juneau Hydropower, Inc.
In Accordance with AS 38.05.850**

This Final Finding and Decision, and all attachments hereto, supplement the Preliminary Decision dated March 9, 2017, and comprise the record of decision for this disposal of interest under AS 38.05.850.

Brief Summary of Agency and Public Comments Received During the Public Notice Period:
No comments were received.

DMLW has re-affirmed that the case file is complete and the requirements of all applicable statutes and regulations have been satisfied. Since no comments were received during the public comment period, there were no modifications to the Preliminary Decision. It is the finding of the Commissioner of the Department of Natural Resources that it is in the best interest of the State to proceed with this disposal of interest under the authority of AS 38.05.850.

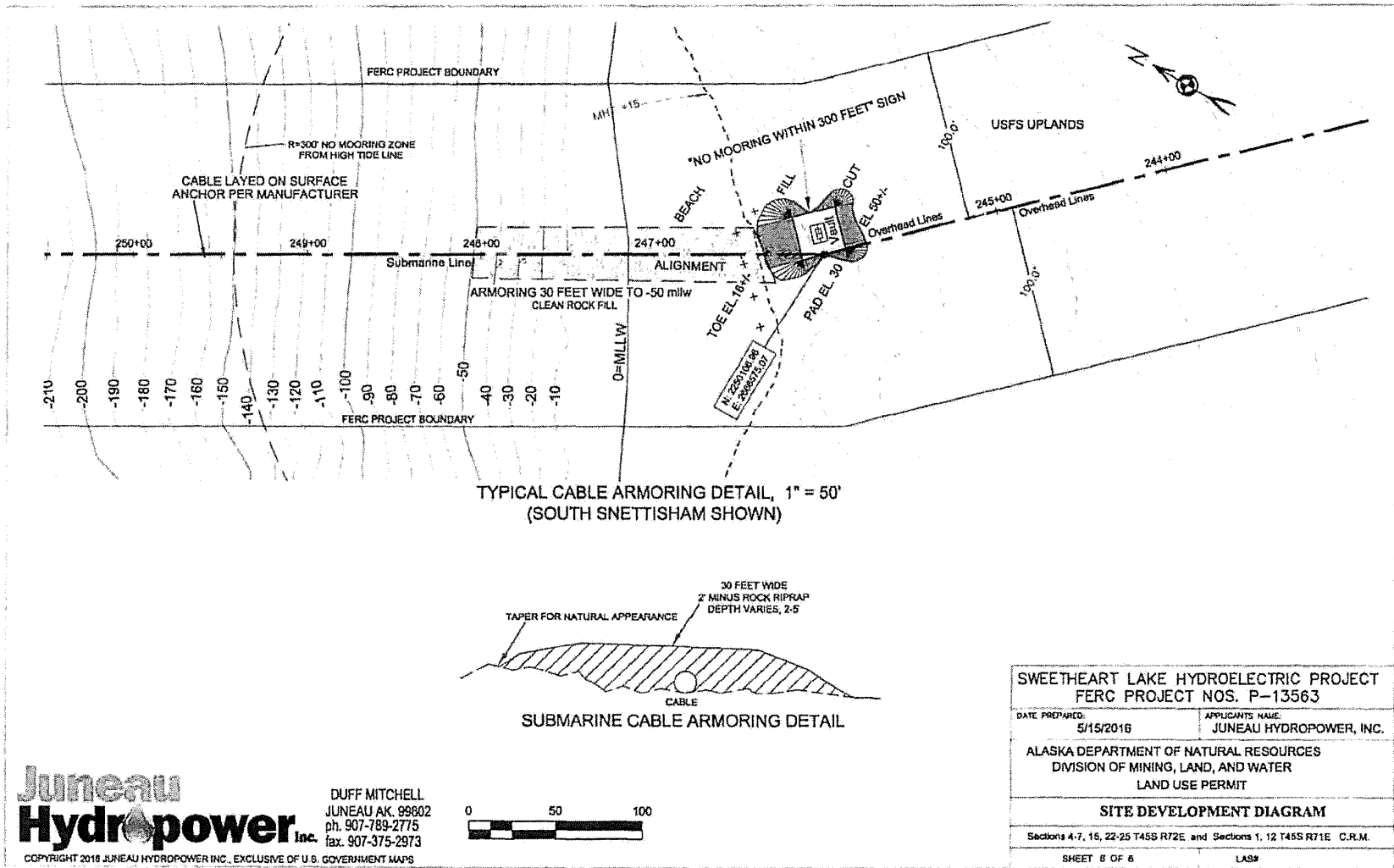


Kristin A. Hess
Division Operations Manager

4/11/17

Date

A person affected by this decision who provided timely written comment or public hearing testimony on this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received by the 20th calendar day after the date of "issuance" of this decision as defined in 11 AAC 02.040(c) and (d) and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 West 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to (907) 269-8918, or sent by electronic mail to dnr.appeals@alaska.gov. If no appeal is filed by the appeal deadline, this decision goes into effect as a final order and decision of the Department on the 31st calendar day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.





THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources

DIVISION OF MINING, LAND & WATER
Southeast Regional Land Office

P. O. Box 111020
Juneau, Alaska 99811-1020
Main: 907.465.3400
TDD: 907.269.8411
Fax: 907.500.9011

February 9, 2021

Duff Mitchell
Juneau Hydropower, Inc.
PO Box 22775
Juneau, AK 99802

RE: ADL 108212

Extension of entry authorization for an easement within:
Copper River Meridian, Township 45 South, Range 72 East, Sections 4-7 and 22-25; and Township 45 South, Range 71 East, Sections 1 and 12, for a combined total of approximately 126 acres of tide and submerged land.

Dear Mr. Mitchell,

This letter hereby extends the entry authorization (EA) issued under ADL 108212 to Juneau Hydropower, Inc. authorizing construction of a coastal road, caretaker's facility, dock pad, staging areas, service transmission line and communication cable near Sweetheart Creek.

The current EA, issued in January of 2018, expires on September 31, 2021. Due to project delays, you recently requested a six-year extension of the EA. The Department of Natural Resources, Division of Mining Land, and Water has approved your request; the EA will now expire on September 31, 2027. All other terms and conditions of the original EA remain in effect.

If you have any questions regarding the entry authorization, please contact Kaitlyn Raffier at 907-465-3524, or by email at Kaitlyn.raffier@alaska.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee V. Cole Jr.".

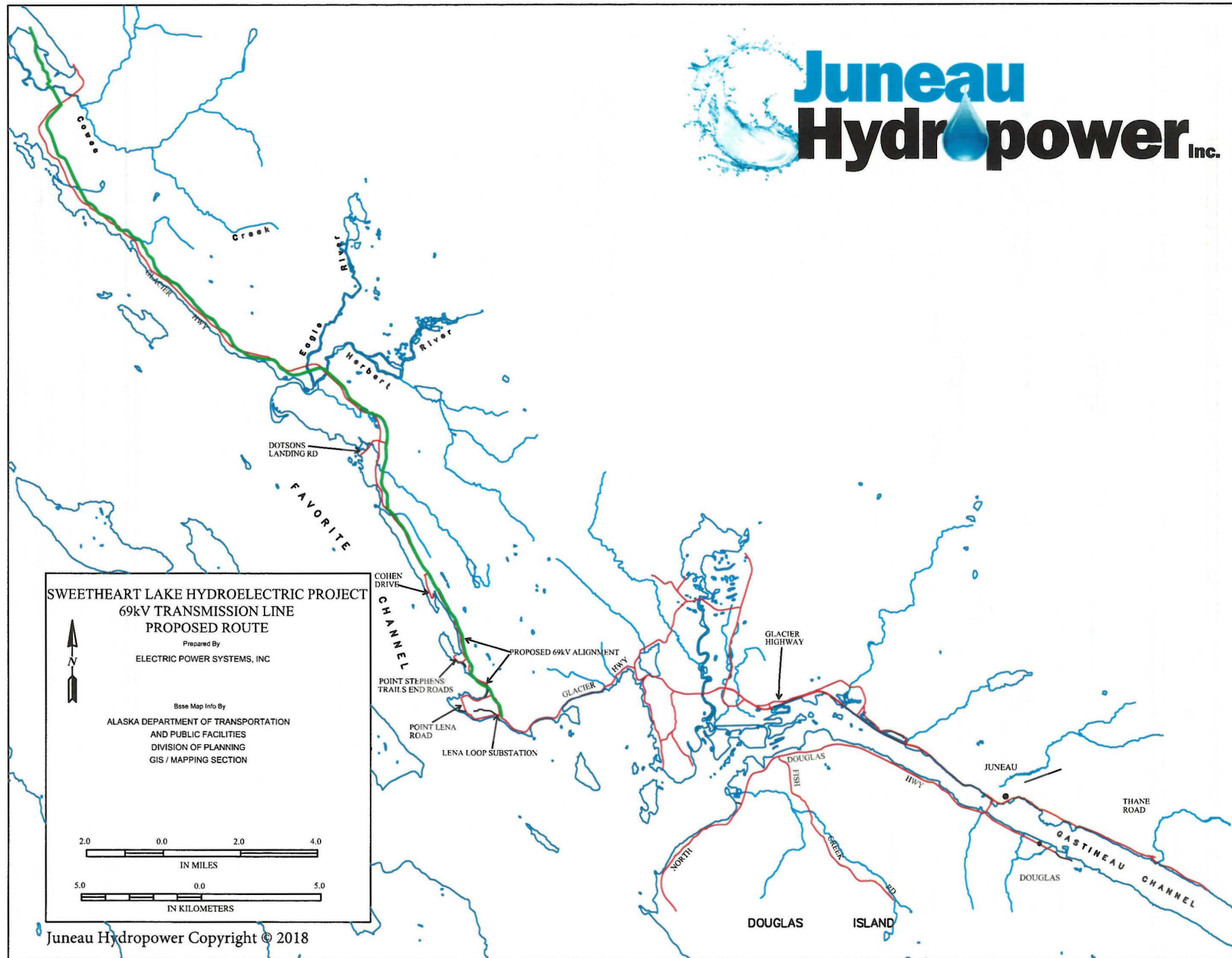
Lee V. Cole Jr.
Southeast Regional Manager

Attachment: Entry Authorization for ADL 108212

Juneau Hydropower Inc.

CUP Application and Supporting Documents

Attachment 2- Utility Project 69kV Transmission Maps
to connect Coeur Alaska Kensington Mine



SWEETHEART LAKE HYDROELECTRIC PROJECT
69kV TRANSMISSION LINE
PROPOSED ROUTE

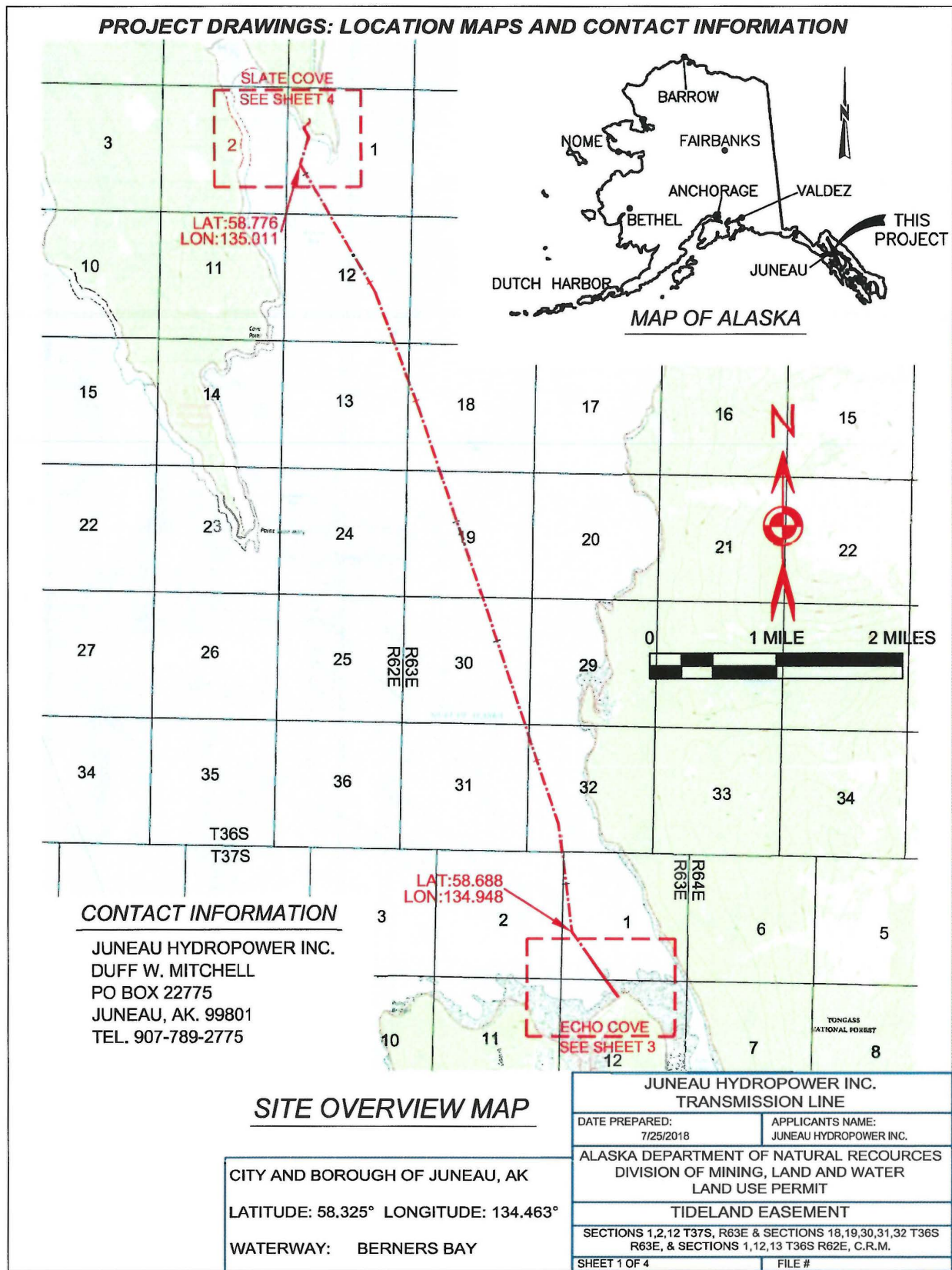
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ELECTRIC POWER SYSTEMS, INC

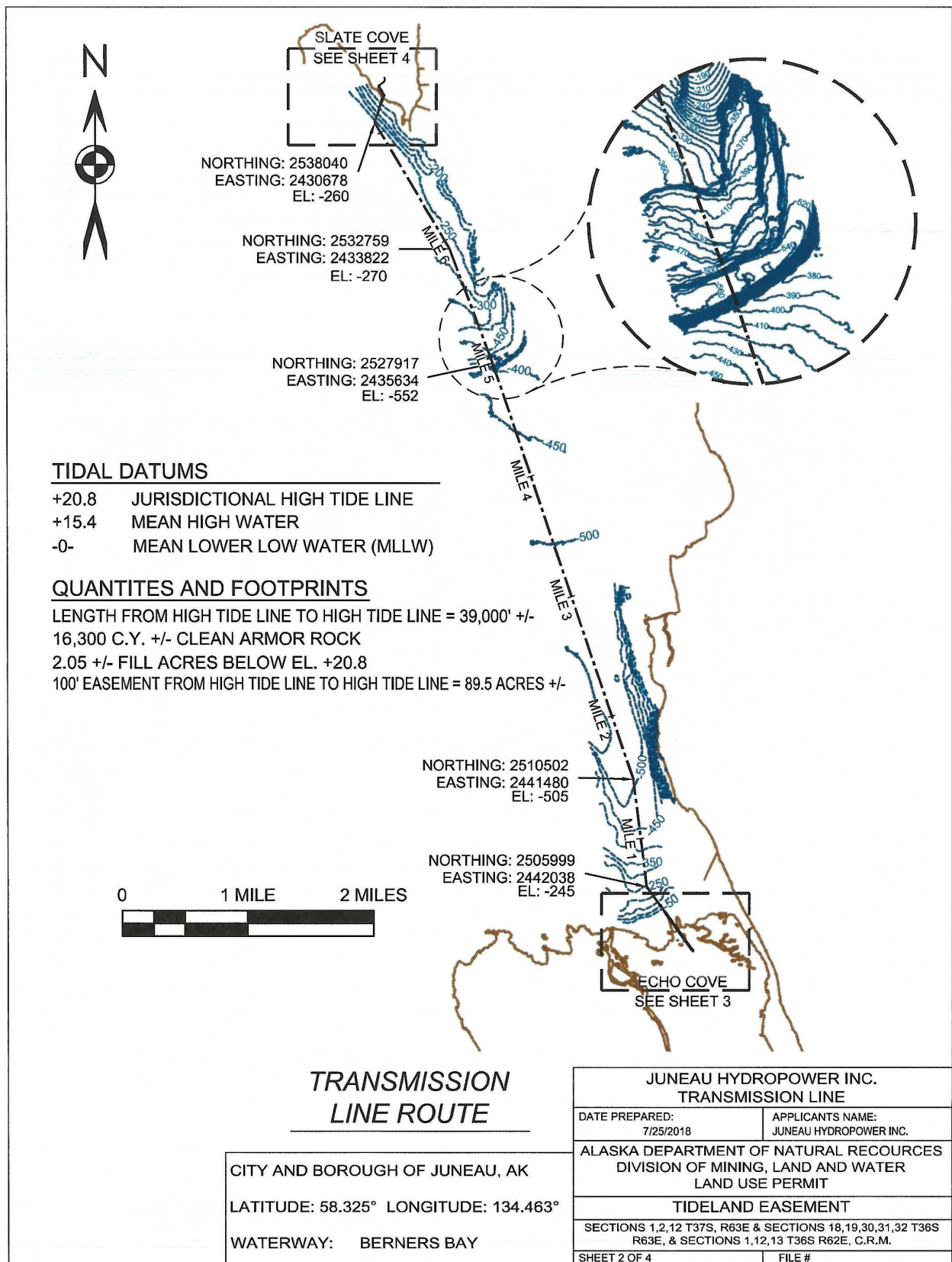
Base Map Info By
ALASKA DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
DIVISION OF PLANNING
GIS / MAPPING SECTION

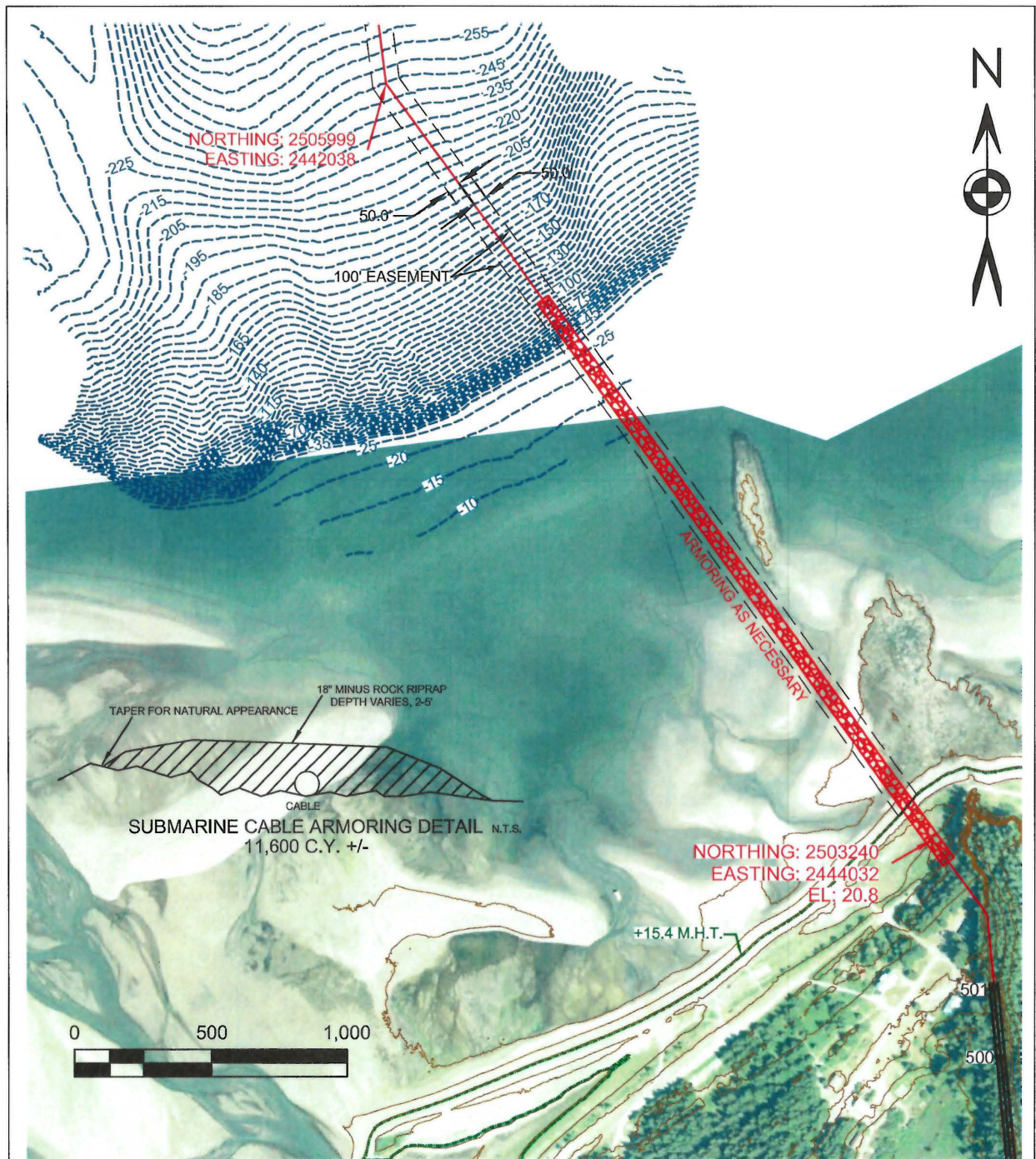
2.0 0.0 2.0 4.0
IN MILES

5.0 0.0 5.0
IN KILOMETERS

Juneau Hydropower Copyright © 2018







SOUTH TERMINUS

CITY AND BOROUGH OF JUNEAU, AK

LATITUDE: 58.325° LONGITUDE: 134.463°

WATERWAY: BERNERS BAY

JUNEAU HYDROPOWER INC. TRANSMISSION LINE

DATE PREPARED:
7/25/2018

APPLICANTS NAME:
JUNEAU HYDROPOWER INC.

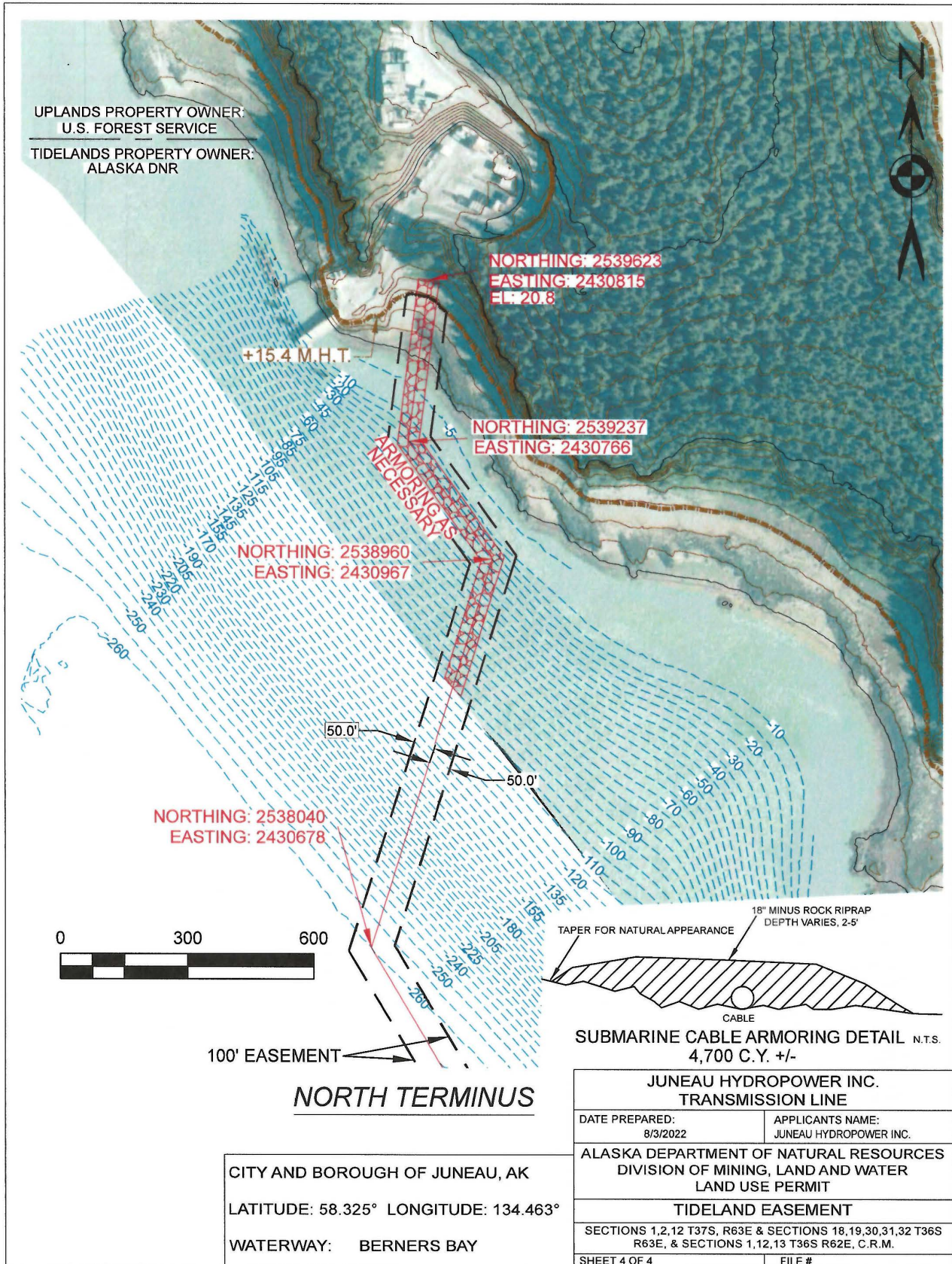
ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
LAND USE PERMIT

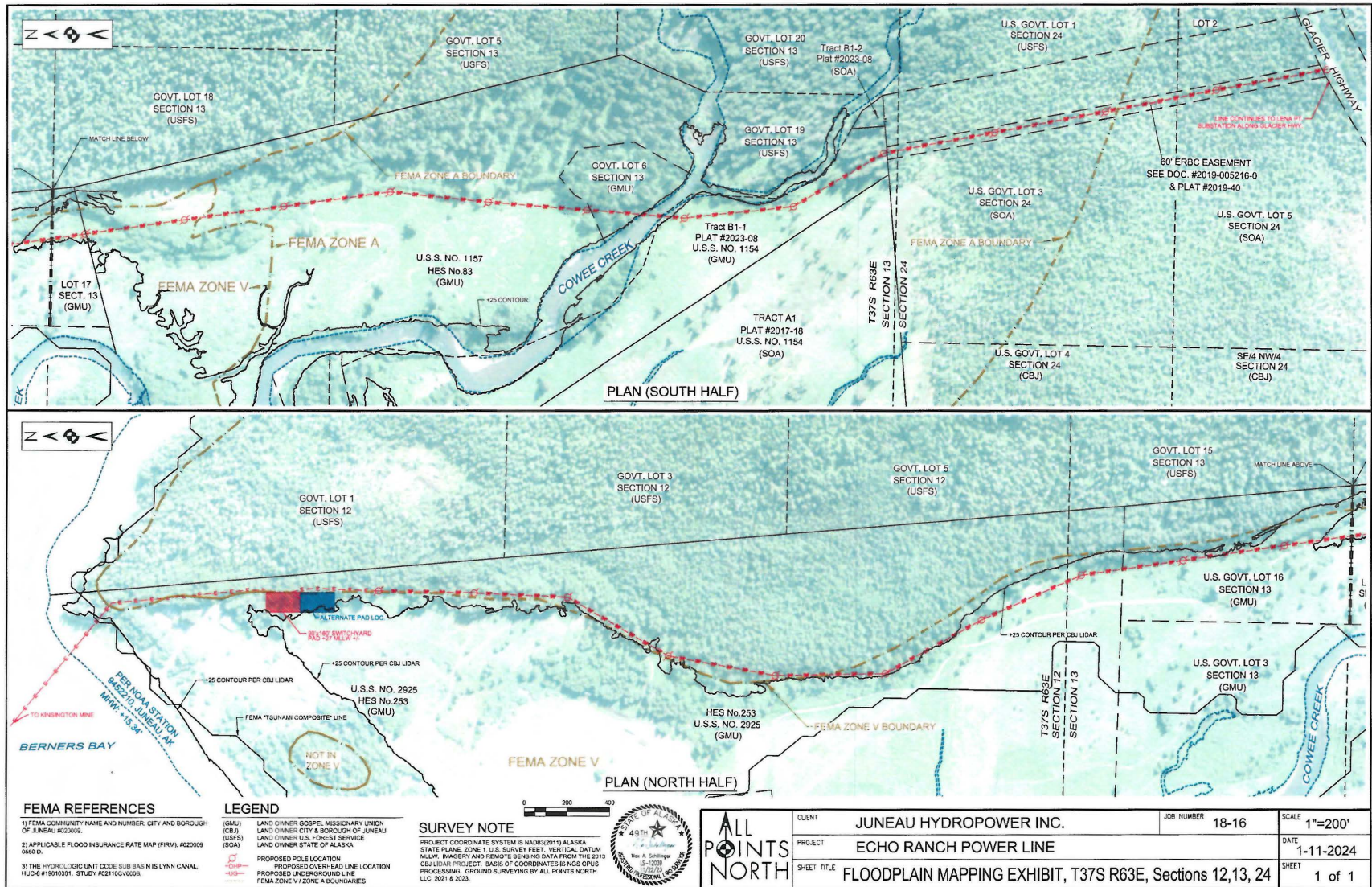
TIDELAND EASEMENT

SECTIONS 1,2,12 T37S, R63E & SECTIONS 18,19,30,31,32 T36S
R63E, & SECTIONS 1,12,13 T36S R62E, C.R.M.

SHEET 3 OF 4

FILE #





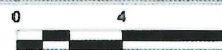
SWEETHEART LAKE HYDROELECTRIC PROJECT

TRANSMISSION LINE - LENA POINT TO ECHO COVE

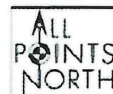
SEPTEMBER 2022



LOCATION MAP Scale: 1"=4 Miles



CONSULTANT:



ALL POINTS NORTH LLC
17600 E. RAMBLING ROAD
PALMER, AK 99645-4207
(907) 746-4185
www.allpointsnorth.us



Preliminary

DESIGNED FOR:

Juneau
Hydropower Inc.

PROJECT CONTACT
DUFF MITCHELL
PO BOX 22775
JUNEAU AK 99802
ph. 907-789-2775
fax. 907-375-2973

© COPYRIGHT 2022 JUNEAU HYDROPOWER INC. EXCLUSIVE OF U.S. GOVERNMENT MAPS

SHEET INDEX

- | | |
|--------|-----------------------------------|
| 1. | COVER SHEET |
| 2. | SHEET INDEX |
| 3.-44. | TRANSMISSION LINE PLAN |
| XX. | TRANSMISSION LINE DETAILS (LATER) |

REVIEW 9-0-2022
SHEET 1 OF 44



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: August 25, 2016
File No.: USE2016 0021

Juneau Hydropower Inc.
Attn: Duff Mitchell
PO Box 22775
Juneau, AK 99802
Email duff.mitchell@juneauhydro.com

Application For: A Conditional Use Permit for the Sweetheart Lake Hydroelectric Project

Legal Description: Not applicable

Property Address: Not applicable

Parcel Code No.: Zero Parcel

Hearing Date: August 23, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated August 10, 2016, and approved the Conditional Use Permit for the Sweetheart Lake Hydroelectric Project, to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare.

Attachments: August 10, 2016 memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding USE2016 0011.

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

Attachment B – USE2016 0021

Juneau Hydropower, Inc.
File No.: USE2016 0021
August 25, 2016
Page 2 of 2

(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).

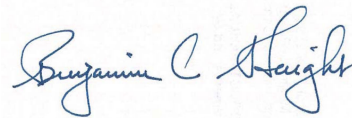
Effective Date: The permit is effective upon approval by the Commission, August 23, 2016.

Expiration Date: The permit will expire 18 months after the effective date, or February 23, 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:



Teri Camery, Senior Planner
Community Development Department



Ben Haight, Chair
Planning Commission



Filed With City Clerk

8/30/2016

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: August 10, 2016

TO: Planning Commission

FROM: Teri Camery, Senior Planner
Community Development Department

FILE NO.: USE2016 0021

PROPOSAL: A Conditional Use Permit for the Sweetheart Lake
Hydroelectric Project

GENERAL INFORMATION

Applicant: Juneau Hydropower Inc.

Property Owner: U.S. Forest Service & the State of Alaska Department of
Natural Resources

Property Address: Not applicable

Legal Description: Not applicable

Parcel Code Number: Zero parcel

Parcel Size: 2058 acres of U.S. Forest Service land; 131 acres of State of
Alaska Department of Natural Resources land

Project Size: 15,000 square feet

**Comprehensive Plan Future
Land Use Designation:** Resource Development

Zoning: Rural Reserve

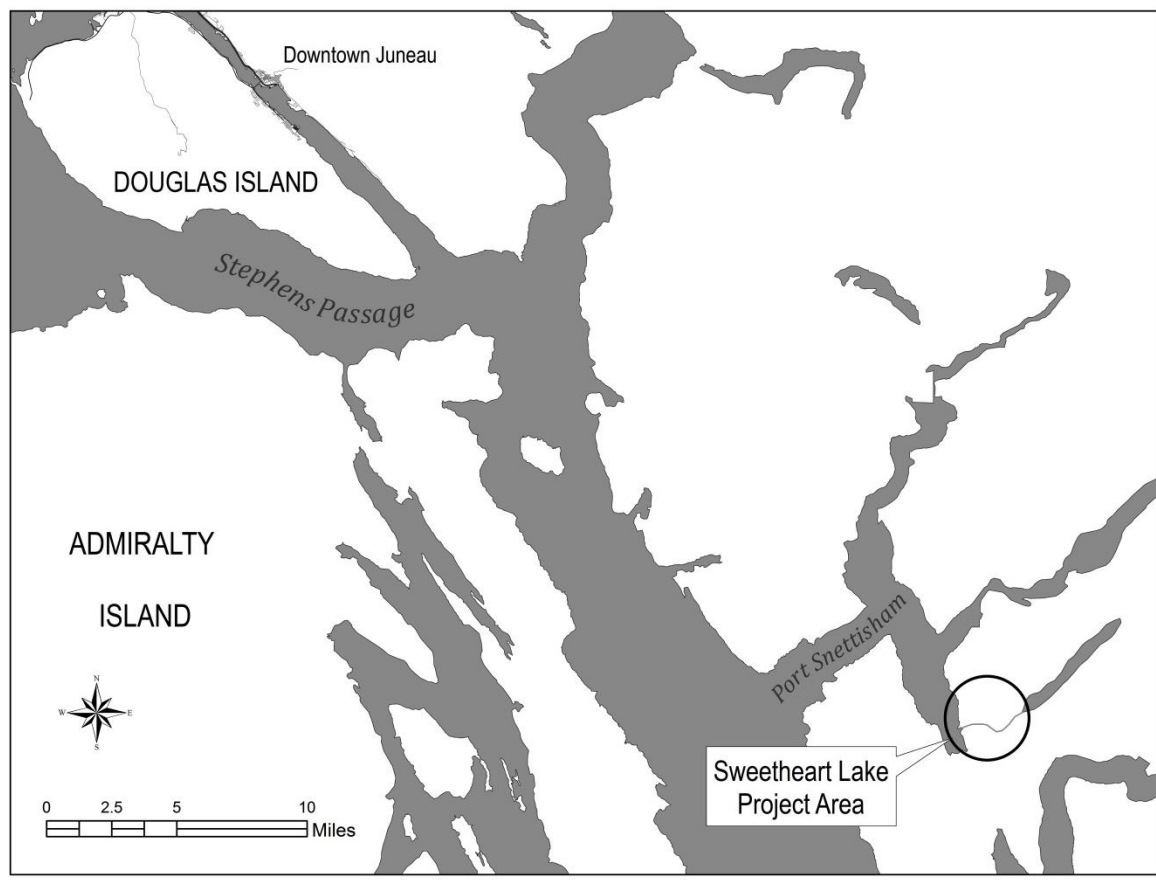
Utilities: Not available

Access: Marine waters

Existing Land Use: Vacant State and Federal lands

Surrounding Land Use:	North	-	Gilbert Bay; Tongass National Forest; Rural Reserve
	South	-	Tongass National Forest; Rural Reserve
	East	-	Tongass National Forest; Rural Reserve
	West	-	Tongass National Forest; Rural Reserve

Vicinity Map



ATTACHMENTS

Attachment 1	Development Permit Application with U.S. Forest Service signature
Attachment 2	Alaska Department of Natural Resources 6/16/16 letter of permission, in place of Development Permit Application
Attachment 3	Conditional Use Permit Application
Attachment 4	Applicant Project Narrative 5/31/16 including: project elements, employees, public and agency review process, habitat impacts, light and noise impacts, neighborhood impacts, Comprehensive Plan review, and construction timeline

Attachment 5	Alaska Tideland Lease, Gilbert Bay - ramp site plan
Attachment 6	Project Boundary Map
Attachment 7	Federal Energy Regulatory Commission (FERC) Development Plan, Maps 1-6
Attachment 8	Final Environmental Impact Statement May 2016, project overview excerpt
Attachment 9	Final Environmental Impact Statement May 2016, Alaska Department of Fish and Game (ADFG) excerpt
Attachment 10	FERC detailed project description May 2014
Attachment 11	Recreation Management Plan with site plan maps
Attachment 12	Scenery Management Monitoring Plan
Attachment 13	FERC Stormwater Pollution Prevention Plan, Drawings 1-7
Attachment 14	Erosion and Sedimentation Control Plan, Stormwater Pollution Prevention Plan, and Solid Waste and Wastewater Plan May 2014
Attachment 15	Spoil Disposal Plan
Attachment 16	ADFG Draft Fish Habitat Permit
Attachment 17	Proposed lighting fixtures
Attachment 18	May 2016 Eagle Nest Survey
Attachment 19	National Marine Fisheries Service final concurrence letter
Attachment 20	Bear Safety Plan
Attachment 21	City and Borough of Juneau boundary map

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for the development of the Sweetheart Lake Hydroelectric Project, located approximately 33 miles southeast of Juneau near Port Snettisham. The purpose of the project is to provide a new source of renewable hydroelectric power to address current and future energy demands in Juneau. As described in the Background Section of this report, the review process for this project first began in 2009, and the development is now in its final permitting stages. Excerpts from the Final Impact Statement have been included in this document (Attachments 7-9).

The development includes the following elements:

- 1) A 280-foot wide, 111-foot high roller-compacted concrete dam to be constructed at the existing natural outlet of Lower Sweetheart Lake, with a 125-foot wide ungated overflow spillway at a crest elevation of 636 feet;
- 2) A 525-foot long, 10-foot high, 10-foot wide arched reservoir outlet tunnel at the right dam abutment;

- 3) A 45-foot long, 25-foot wide, 16-foot high rectangular concrete intake structure, with six 7-foot diameter, 10-foot high cylindrical fish screens adjacent to the right dam abutment;
- 4) A 9,612-foot long, 15-foot wide, 15-foot high horseshoe-shaped,¹ unlined underground power tunnel;
- 5) An 896-foot long, 9-foot diameter saddle-supported steel penstock installed within the lower portion of the power tunnel;
- 6) Three 160-foot long (mean length), 7- to 9-foot diameter buried steel penstocks connecting the lower portion of the power tunnel to the powerhouse;
- 7) A 160-foot long, 60-foot wide, 30-foot high concrete and steel powerhouse;
- 8) Three 7.1-megawatt (MW) Francis turbines with 6.6-MW generators with a total installed capacity of 19.8 MW;
- 9) A 541-foot long, 30- to 90-foot wide rock tailrace with a fish exclusion structure discharging to Sweetheart Creek;
- 10) A 4,400-foot long coastal road from the powerhouse to a dock/landing site for aerial and marine vehicle access, located on the east shore of Gilbert Bay;
- 11) An 8.69-mile long, 138-kilovolt (kV) transmission line transversing Gilbert Bay, the Snettisham Peninsula, and Port Snettisham, consisting of:
 - a) Two buried segments, totaling 4,800 feet in length;
 - b) Two submarine segments, totaling 25,700 feet in length; and
 - c) One 15,400-foot long overhead segment;
- 12) A 22,000-square foot fenced switchyard adjacent to the powerhouse;
- 13) A 25-foot long, 5-foot wide, 4-foot deep salmon smolt re-entry pool² located adjacent to the powerhouse and tailrace;
- 14) A 4,225-square foot caretaker's facility near the dock;

¹ Tunnel will have a flat and drivable floor with straight walls and an arched ceiling.

² The re-entry pool will provide temporary holding of sockeye salmon smolts, collected and transported from Sweetheart Lake, for imprinting and release to the tailrace.

- 15) A 4,800-foot long, 12.47kV service transmission line and communication cable extending from the powerhouse to the dock and caretaker's facility, providing operational electricity and communications;
- 16) A 10,000-foot long, 12.47kV service transmission line and communication cable extending from the powerhouse to the dam site, providing operational electricity and communications;
- 17) A 400 square-foot shelter at the dam for employee use during smelt transport operations; and
- 18) Appurtenant facilities. (Attachment 4)

Construction of the project will raise Lower Sweetheart Lake from a water surface elevation of 551 feet mean lower low water³ and a surface area of 1,414 acres to a new maximum water surface elevation of 636 feet and surface area of 1,702 acres, and a new minimum water surface elevation of 576 feet and surface area of 1,449 acres. (Attachment 4)

Employees and Operations -

The project will be in operation continuously, 24 hours per day, 365 days per year. One or two caretakers will live on site. Additional employees and/or contractors will visit the site for routine maintenance and repairs as needed. (Attachment 4)

Construction Timeline -

Page 9 of the Project Narrative includes a construction timeline. Construction of the powerline access road is expected to begin in October 2016. The project will be completed in December 2018. (Attachment 4) The applicant notes that the FERC license for the project is valid for 50 years, and the project may be relicensed at the end of the term. The development could likely produce renewable energy forever, if maintained properly.

BACKGROUND

Property Owner Permission and Lease Agreements -

The project area includes 2058 acres of federal land under the management of the U.S. Forest Service and 131 acres of State of Alaska land, managed by the State of Alaska Department of Natural Resources and utilized by the applicant through a tideland lease for development of the Gilbert Bay access ramp and associated facilities. The CBJ Community Development Department requires a Development Permit Application (DPA) with the landowner's signature for all planning and building permits. This signature does not grant approval of the project by

³ The mean lower low water level is the 19-year average of the lower of the two daily tides and serves as the reference elevation chosen by Juneau Hydro for the project facilities.

the landowner; it says that the application is made with the landowner's understanding and permission. The application includes a DPA signed by the U.S. Forest Service and a letter from the State of Alaska Department of Natural Resources. The Community Development Director has determined that the State of Alaska's letter substantially conforms with the DPA requirements and is an acceptable alternative to the DPA form. (Attachments 1-2)

Staff notes that is also acceptable for the lessee to sign the DPA, as specifically noted on the form. The applicant is in the process of obtaining a lease agreement from the State, however that lease is not yet final at this writing.

CBJ Agency Review Period -

The agency review period, required by CBJ Code 49.15.320(d)(3) for all Conditional Use Permits, was conducted from June 22 through July 11, 2016. The review period was extended from the required 15 days to 20 days due to the size of the project. The CBJ Engineering Department, CBJ Streets Division, CBJ Building Division, and CBJ Fire Department responded with statements that they had no concerns or had no comment. The Alaska Department of Fish and Game stated that they participated in the FERC review process and sent a draft Fish Habitat Permit for the project, which is included in Attachment 16. No comments were received from the CBJ Lands Division, Alaska Department of Environmental Conservation, the Alaska Department of Natural Resources, Alaska Department of Transportation and Public Facilities, U.S. Army Corps of Engineers, or the U.S. Forest Service. Habitat issues will be addressed later in this report.

Federal Review, Public Review and Public Meetings -

In-depth development of the project first began in 2009. The applicant notes that project documents submitted to FERC and other agencies total more than 6,000 pages. All documents are available on-line at juneauhydro.com. This application provides summaries and excerpts specific to issues addressed in the CBJ Conditional Use Permit review process. The FERC final license, U.S. Army Corps of Engineers 404 Permit, and Alaska Department of Natural Resources tideland lease are expected by September 2016.

Pages 3-5 of the applicant's project narrative (Attachment 4) provide a partial early history of the site and the agency and public review process. The Sweetheart Lake area was first identified for hydropower potential by the federal government in 1906. In 1929 Sweetheart Lake and Sweetheart Creek were issued a federal power site classification that specifically reserved these waterbodies for hydropower purposes. In-depth preparation of the Sweetheart Lake Hydropower Project began in 2009 through the Federal Energy Regulatory Commission and other entities. As noted in the narrative, the applicant has worked in collaboration and communication with:

- Federal Energy Regulatory Commission (FERC, Project No. P-13563);
- Land managers – U.S. Forest Service (all project uplands) and Alaska Department of Natural Resources (tidelands and submerged waters);

- Regulatory agencies including – U.S. Fish and Wildlife Service, National Marine Fisheries Service, Army Corps of Engineers, National Park Service, U.S. Environmental Protection Agency, Bureau of Land Management (BLM), Alaska Department of Fish and Game (ADF&G), Alaska Department of Environmental Conservation and Alaska Department of Natural Resources (ADNR);
- Tribal entities - Central Council Tlingit & Haida Indian Tribes (CCTHITA), Douglas Indian Association; and
- The public - including the Juneau Commission on Sustainability.

All project documents, in chronological order, are available online at <http://www.juneauhydro.com/index.php/ferc-documents.html>. Progress reports on the site provide summarized details of meetings and contacts with various agencies and stakeholders. (Attachment 4)

Following is a partial timeline for the project:

- 2009 - Federal Energy Regulatory Commission (FERC) Preliminary Permit - Application was submitted, accepted and a permit granted. This process included review and input from the US Forest Service, National Marine Fisheries Service, and Alaska Electric Light and Power Company.
- 2010 – [Project development] included agency scoping meetings, communications protocol approved between major parties, public notice published, FERC letters to Sealaska, Goldbelt, Douglas Indian Association and CCTHITA.
- 2011 – [Project development] included additional agency and public scoping meetings in the daytime at the Forest Service offices for agency input, an evening at Centennial Hall for the public, and a site visit.
- 2012 – [Project development] included agency comments on study plans and studies.
- 2013 – [Project development] included a Successive Preliminary Permit application with review and input, with public noticing and opportunities for public comment, and application to Department of Natural Resources for the lease of state land and for transmission line easements.
- 2014 – [Project development included] ongoing agency comments and consultations, meetings with a Cultural Studies Working Group, and filing a Final License Application to FERC with a Preliminary Draft Environmental Assessment which included public notice in May 2014. In November 2014, FERC issued a notice to issue an Environmental Impact Statement (EIS) and Final Decision which included further public notice and opportunities to provide input.
- 2015 – The Draft EIS was issued by FERC and BLM in November 2015 with a comment deadline of December 29, 2015, and a public meeting was held December 29, 2015 at Centennial Hall.

- 2016 – The final EIS and license approval is anticipated in September 2016. Application for CBJ Development Permit and State of Alaska Department of Natural Resources permits are underway.

ANALYSIS

Project Site -

The project is located approximately 33 miles southeast of Juneau in Gilbert Bay, which is the southeast arm of Port Snettisham. Access is via marine waters only. The site is surrounded entirely by U.S. Forest Service land, except for tidelands owned by the State of Alaska Department of Natural Resources (ADNR). The applicant is in the process of obtaining a tidelands lease from ADNR for construction of the barge ramp in Gilbert Bay.

This remote area is used primarily for commercial, recreational, and subsistence fishing, as described in the neighborhood harmony section of this report. The project boundary map, included as Attachment 6, provides a broad overview of the area on a standard USGS map.

Project Design -

The project would generate approximately 116,000 Megawatt Hours (MWh) per year. The FERC project description provides full details on each project element (Attachment 10). Due to its size, it is challenging to concisely and accurately summarize the project. The ADFG draft Fish Habitat Permit provides perhaps the best abbreviated summary of the project (Attachment 16).

Drawing from ADFG's description, the project includes a 280-foot wide by 111-foot high roller-compacted concrete dam, with a 125-foot wide ungated overflow spillway at the outlet of Sweetheart Lake about two miles upstream of the anadromous reach. The dam and project operation will raise the existing lake elevation from 551 feet to between 576 feet and 636 feet.

To dewater the dam construction site, the applicant will build a temporary diversion tunnel, 10 feet high by 10 feet wide and 525 feet long, through the right abutment. Following dam construction, the applicant will convert the diversion tunnel into the reservoir outlet which will release flow to the bypass reach. The applicant will install a conduit from the intake structure to the diversion tunnel including a flow meter and release valve to monitor and document discharges.

The intake will consist of a 45-foot long by 25-foot wide by 16-foot high rectangular structure with six seven-foot diameter by 10-foot high cylindrical screens mounted on top. The intake structure will lead to a 9,612-foot long, 15-foot wide by 15-foot high horseshoe shaped power tunnel. About 896 feet from the lower portal of the tunnel, the unlined tunnel will transition to a 7- to 9-foot diameter buried steel penstock before transitioning to a manifold dividing flow

between three turbines. Each turbine contains a bypass valve to provide fail-safe return of water in the anadromous reach. Once the power tunnel is excavated prior to the installation of the penstock pipe, it will be used to transport equipment and personnel to and from the site for dam construction.

The powerhouse will be located in a deep excavation about 600 feet northwest of the anadromous barrier on Sweetheart Creek. From the powerhouse, the applicant will construct a 30- to 9- foot wide and about 541-foot long rock tailrace channel to return flow near the base of the anadromous barrier falls. The tailrace is described in the Habitat Section of this report. A fish exclusion structure about 30 feet downstream of the powerhouse will prevent fish from reaching the powerhouse. The applicant will cover the upstream 94 feet of the tailrace channel with an arch culvert and backfill to provide a wildlife crossing.

Adjacent to the powerhouse at the head of the tailrace structure, the applicant will construct a 25-foot long by 5-foot wide by 4-foot deep smolt acclimation and evaluation pool. The applicant will collect sockeye salmon smolt from Sweetheart Lake using a fish collection barge comprised of an intake structure, screening module, and outlet pipe. A helicopter will transport the sockeye salmon from the lake to the acclimation and evaluation pool that will temporarily hold the fish before release into the tailrace.

Power generated by the project will be transmitted by a new 8.69 mile long transmission line that will connect into the existing 138-kV Snettisham Transmission Line. The transmission line will consist of buried cable, submarine underwater cable, and overhead transmission lines (Attachment 16).

The project also includes recreational amenities including a new coastal trail and mooring buoys for recreational boaters. These are described in the Neighborhood Harmony section of this report.

Traffic, Parking, and Circulation -

Access to the site will be via marine waters and aircraft. The project includes a caretaker home to house two full-time employees when the plant is in operation. CBJ Code does not have a relevant parking requirement in code for the development. For obvious reasons, staff determines that parking is not necessary on site; review of traffic and circulation patterns is also unnecessary.

Noise and Light -

The applicant has addressed noise and light impacts on page six of the Project Narrative (Attachment 4). The powerhouse will be located in a deep excavation approximately 600 feet northwest of the anadromous barrier on Sweetheart Creek and approximately 2,000 feet east of the confluence of Sweetheart Creek and Gilbert Bay. The applicant explains that this siting will reduce disturbances, allow infrastructure to blend in with surroundings, and mitigate light

and noise emitting from operations. During routine operation, equipment noise will be minimal with just one or two caretaking employees working on site. Snow removal noise will occur when recreational and commercial fishermen are unlikely to be in the area. Motorized traffic on the road will be restricted to that which is necessary for operations.

In addition, the project design includes construction of a vegetated landform barrier to further shield recreational users from sound and visual impacts of the powerhouse and switchyard. The applicant states that the intended goal is to lessen or virtually eliminate scenic and audio disturbance in the area of powerhouse operations.

Outside lighting at the site will incorporate downward facing, non-glare fixtures to minimize light pollution. Outside lighting requirements are anticipated to be minimal. Proposed lighting fixtures are included in Attachment 17. Staff recommends a condition to require a lighting plan, consistent with CDD's conditions on other commercial developments, as follows:

Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare.

Public Health or Safety -

No evidence indicates that the project will have any public health or safety impacts. Project facilities will be gated and secured. The Stormwater Pollution Prevention Plan and Spoil Disposal Plan include measures to address waste and toxins (Attachments 13, 14, 15). The development also includes a bear safety plan to protect both people and bears. This plan, which overlaps with the Solid Waste plan, is included in Attachment 20.

Stream and Lake Habitat -

Sweetheart Lake and Sweetheart Creek both contain anadromous fish. According to the Alaska Department of Fish and Game (ADFG), Sweetheart Lake's drainage basin is 35 square miles. ADFG stocked Sweetheart Lake with rainbow trout eggs and fry in 1955, and Dolly Varden char and rainbow trout also exist in the lake today. In 1990, Douglas Island Pink and Chum started stocking Sweetheart Lake with about 500,000 sockeye salmon fry annually; this effort has continued annually since that time. Returning sockeye salmon adults that are not captured in the commercial fishery support a personal use fishery. Those not captured in the personal use fishery die without spawning due to the barrier waterfall described in the next paragraph.

The anadromous reach of Sweetheart Creek extends about one quarter mile upstream from tidal influence where a barrier waterfall blocks anadromous fish passage. Pink and chum salmon spawning takes place in the intertidal reach. The creek, between Sweetheart Lake and the barrier at the anadromous reach, contains high gradient, primarily bedrock habitat that contains Dolly Varden char and rainbow trout (Attachment 16).

The CBJ Land Use Code Habitat Section has two policies that apply to the development: the 50-foot no-development setback from anadromous streams and lakes and the habitat standard for streams and lakes. Both are listed below:

- *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 re-vegetated, where feasible and prudent, and such vegetation or re-vegetation shall be kept or arranged to maximize shade on the stream. 49.70.950(f)*
- *Rivers, streams, and lakes shall be managed so as to protect natural vegetation, water quality, important fish or wildlife habitat, and natural waterflow. (49.70.950(c)(7))*

The CBJ Community Development Director has determined that the Sweetheart Lake Dam meets the exception criteria of Section 49.70.950(f) as a “[use] which must be in or adjacent to the stream or lake in order to function.” Therefore, the 50-foot no-development setback does not apply to the Sweetheart Lake Dam. In a July 24, 2016 email message, the applicant explained that the tailrace structure is located within the 50-foot no development setback of the anadromous section of Sweetheart Creek:

“We will not have any facilities within 50 feet. However, our tailrace will enter the anadromous reach near the existing barrier falls and will therefore be within the 50 feet during the construction and integration of the natural looking tailrace into the existing anadromous reach.”

The tailrace delivers water from Sweetheart Lake to Sweetheart Creek to ensure adequate water flow to the anadromous section of the creek. The tailrace is not a structure or a pipe; it is essentially a manmade extension of the creek carved into the mountain to connect the creek with the lake. The tailrace will be 541 feet long and 30-90 feet wide. The tailrace technically meets the code definition of grading, though it is highly unusual, because it is vertical grading within the natural rock. Some sections may be fortified with concrete, if necessary, for stability.

Section 8.6 of the Recreation Management Plan (Attachment 11) explains the purpose of the tailrace in the following section:

JHI [Juneau Hydropower] will construct a rock tailrace that is aesthetic and compatible with the surroundings. The project tailrace serves two purposes. The primary purpose is to safely return water from the power tunnel and powerhouse to Sweetheart Creek. The tailrace must meet engineering standards. The other purpose is to increase the areas

available for fishing. Currently the fishing positions are located on steep bluffs above Sweetheart Creek. These locations will be retained, but the increase in fishing areas may decrease congestion. JHI will place rock to provide slope and trail stabilization.

The tailrace meets the exception criteria as a “[use] which must be in or adjacent to the stream or lake in order to function.” Therefore the project complies with this code section.

Project compliance with code section 49.70.950(c)(7) is addressed in the following analysis.

Pages 5 and 6 of the Project Narrative (Attachment 4) provide a summary of habitat issues and mitigation. Additional details are available in Attachments 8, 9, 10, and 16. The applicant has formally adopted ADFG recommendations in the Environmental Impact Statement (EIS) which include, in part, the following:

- Recommendations related to water quantity, quality and timing.
- Setbacks from Sweetheart Creek.
- Smolt passage.
- Fish screening and guards.
- Bioaquatics monitoring.
- Bear safety planning and operations.
- Wildlife passage and disturbance.
- Designing power lines and poles to protect birds.

Attachment 9 specifically addresses these issues in detail. Among other measures, the adopted recommendations ensure adequate, seasonally appropriate water flow from Sweetheart Lake to Sweetheart Creek throughout the year for fish access. The recommendations also ensure that the powerhouse and power tunnel intake structure are designed to avoid or minimize fish injury or mortality. These actions ensure conformance with CBJ Code 49.70.950(c)(7) by protecting vegetation, water quality, and water quantity.

U.S. Forest Service Review: The applicant has also complied with the U.S. Forest Service conditions recommended in the EIS, which include the following (Attachment 4):

- Avoiding the use of pesticides on National Forest System (NFS) lands or in areas affecting NFS lands without the prior written approval of the Forest Service.
- Providing a qualified environmental compliance monitor to oversee major construction activities (e.g. vegetative or land disturbing, spoil producing, blasting activities).
- Developing the following plans:
 - (1) Construction plan.
 - (2) Spoil disposal plan.
 - (3) Access and road management and maintenance plan.

- (4) Reservoir management and inundation plan.
- (5) Erosion control plan.
- (6) Solid waste and wastewater plan.
- (7) Hazardous substances plan.
- (8) Fire prevention plan.
- (9) Heritage resource protection plan.
- (10) Scenery management plan.
- (11) Vegetation management plan.
- (12) Invasive species management plan.
- (13) Wildlife mitigation and monitoring plan.
- (14) Fish mitigation and monitoring plan.
- (15) Stream flow management plan.
- (16) Stream flow measurement plan.
- (17) Aquatic habitat restoration and monitoring plan.

Stormwater and Waste Management: The application includes a Stormwater Pollution Prevention Plan (SWPPP), which includes an Erosion and Sedimentation Control Plan, a Spoil Disposal Plan, and Solid Waste and Wastewater Plan (Attachments 13, 14, 15). These documents ensure compliance with the 2010 CBJ Manual of Stormwater Best Management Practices. The Spoil Disposal Plan specifically establishes an acid rock contingency plan, if acid rock drainage should occur during construction. CBJ Engineering and the Alaska Department of Environmental Conservation did not have any comments on the application during the CBJ agency review process, as described in the Background section of this report.

Marine Mammal Protection: Page 10 of the EIS Excerpt (Attachment 8) includes a description of the marine mammal protection review, which considers the impacts of the construction of the Gilbert Bay ramp and placement of the marine cable. This section includes recommendations adopted by the applicant which include limiting vessel speeds, employing a marine mammal monitor, defining marine transportation routes that avoid sea lion haulouts, and other measures. The EIS notes that final consultation and concurrence is required from the National Marine Fisheries Service (NMFS). NMFS' concurrence letter, recently received on August 5, 2016, is included in Attachment 19.

Eagle Nests: CBJ Code 49.70.310(a)(2) states that development is prohibited within 330 feet of an eagle's nest on public land. U.S. Fish and Wildlife Service and ADFG biologists flew an eagle nest survey on May 12, 2016. They found two occupied nests within the project vicinity. Both nests are more than 330 feet from any construction area. The survey report and map are included as Attachment 18.

Property Value or Neighborhood Harmony -

The project site is surrounded by vacant U.S. Forest Service Land (2058 acres) and an area of vacant state-owned tidelands (131 acres) which will be leased by the applicant for construction

of the Gilbert Bay access ramp. Because the project is completely surrounded by government-owned property, property value will not be impacted. This review addresses neighborhood harmony through an assessment of impacts to recreational and commercial fisheries in the area. The applicant has discussed these impacts and mitigating measures on pages 6 and 7 on the Project Narrative and also in two detailed plans: a Recreation Management Plan with site plan maps and a Scenery Management and Monitoring Plan (Attachments 4, 11, 12).

The U.S. Forest Service has previously designated the vicinity of the project site as Semi-Remote Recreation, Timber Production, and Old-Growth Land Use. The applicant has developed a Scenic Management Plan that minimizes visual effects by ensuring that project features are designed and screened as much as practicable to blend in with the surrounding environment. The applicant also has a Recreation Management Plan that includes a detailed assessment of recreational, subsistence, and commercial use in the area and proposed measures to maintain or improve those uses.

The applicant notes that no public recreation facilities are located along the shoreline of Sweetheart Lake or Sweetheart Creek. Fishing is the primary recreational activity at Gilbert Bay, Sweetheart Creek, and surrounding lands, although commercially guided hunters, resident sport hunters, and trappers also use these lands. The applicant's Recreation Management Plan ensures that visitor use is accommodated in a manner that avoids resource impacts, that the potential for conflicts between bears and humans is minimized, and increased visitor use in the project area is adequately managed. Recreation enhancements of the project include footpath surface improvements and maintenance, interpretive signs that include bear safety information, trail information, ADFG and Forest Service information, and limited non-commercial use of the facility dock and landing ramp. A vegetated landform barrier between the powerhouse and footpaths will reduce visual and sound impacts.

The applicant states that the project will have no long-term, adverse effects on the commercial fishery because fishing may continue with only minor adjustments to avoid the submarine cable. The proposed smolt collection system recommended by ADFG and adopted by the applicant will help to maintain the personal-use fishery and the subsistence economy for families who fish near the project area.

Historic and Cultural Resources have been addressed through consultation with the State Historic Preservation Office (SHPO) and other entities. The applicant states that the only site eligible for listing on the Natural Register of Historic Places will be avoided during construction and operation (Attachment 8, p. 8).

Staff finds neither adverse impacts to Neighborhood Harmony from the proposed development nor any adverse impacts to property value, since the site is surrounded by state and federal land.

Conformity with Adopted Plans -

2011 Juneau Climate Action and Implementation Plan

(Adopted by City and Borough of Juneau Assembly, Resolution 2593)

The Juneau Climate Action and Implementation Plan's Goal RE-3 states, "Increase Juneau's supply of renewable energy." One of the long-term actions attached to this goal states, "Consider the feasibility of other potential hydroelectric sources to meet future needs such as Phase 2 Lake Dorothy (capacity of 94 GWh) and Sweetheart Lake (136 GWh)." The proposed development meets this goal and directly addresses the long-term action.

Draft Juneau Energy Plan

The Climate Action Plan calls for development of a draft energy plan. The draft energy plan has been recently released for public review and comment. The Executive Summary of the draft plan calls for increased use of renewable energy and an increased supply of renewable energy. Both are addressed by the proposed development.

2013 Juneau Comprehensive Plan

The 2013 Juneau Comprehensive Plan designates the project area as Resource Development. Resource Development is defined in the plan as:

Land 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 re-zoned appropriately.

The proposed development conserves natural resources through the minimization and mitigation measures described in the Habitat Section of this review, while developing a needed hydropower resource. The applicant notes that the project area was specifically reserved by the federal government for hydropower in 1929.

This remote area is not included in the Comprehensive Plan's sub-area maps; therefore there are not any sub-area policies to address. Comprehensive Plan Chapter Six, Energy, includes an extensive discussion of hydropower and renewable energy needs. The narrative specifically refers to the Sweetheart Lake hydropower project and an accompanying chart that depicts Juneau's hydropower supply and demand includes the project as well. The project complies with the following comprehensive plan policies and implementing actions, all of which specifically promote renewable energy:

Policy 6.2. To support the development of renewable energy resources in Juneau and in the Southeast Alaska region.

Implementing Action 6.2 – 1A1. Work with the State of Alaska, Southeast Conference,

Tlingit Haida Central Council, Douglas Indian Association, AEL&P, independent energy producers, and other interested entities toward the planning, funding, and development of renewable resources in Juneau and within the region.

Implementing Action 6.2 – 1A3. Promote the development and use of renewable energy sources to help meet the goals, strategies, and objectives of the Juneau Climate Action and Implementation Plan of 2011.

Policy 6.6. To maximize the ratio of local, renewable-source energy to imported fossil-source energy in Juneau's internal energy economy.

(Staff notes that the Comprehensive Plan policies cited in the applicant's project narrative are not current, and therefore have not been listed here.)

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.

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 17.200 for the Rural Reserve 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 August 12, 2016 and August 22, 2016 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to the Alaska Department of Natural Resources, the U.S. Forest Service and all Neighborhood Associations registered with the CBJ City Clerk in accordance with CBJ Code 11.35. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the shoreline. Additional signs were posted at Aurora Harbor, Harris Harbor (at both the C and H ramps), Douglas Harbor, and Statter Harbor.

The development also complies with CBJ Title 49 regulations and policies regarding noise, light, traffic and parking, neighborhood harmony and property value, and habitat.

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

No. Based on the preceding analysis, no evidence indicates that the proposed development will materially endanger the public health or safety. Project facilities will be gated and secured. The Stormwater Pollution Prevention Plan, Erosion and Sedimentation Plan, and Spoil Disposal Plan include measures to address waste and toxins. A Bear Safety plan also addresses public safety issues.

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

No. As described in the preceding analysis, no evidence indicates that the proposed development will substantially decrease the value of or be out of harmony with property in the neighboring area. The project site is surrounded by vacant state and federal lands; therefore there are no property value impacts. The application includes significant measures to reduce visual impacts from the development and to preserve or enhance local recreational and

commercial fishing use.

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

Yes. As described in the analysis, the project conforms with the 2013 Juneau Comprehensive Plan, specifically policies 6.2 and 6.6 regarding renewal energy. The development also complies with the 2011 Juneau Climate Action and Implementation Plan and the 2016 Draft Juneau Energy Plan.

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 preceding analysis, the proposed development conforms with the streamside setback ordinance (49.70.950(f) and the CBJ Habitat Standard on rivers, lakes and streams, 49.70.950(c)(7).

RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit for the Sweetheart Lake Hydroelectric Project, with the following condition:

- 1) Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare.

DEVELOPMENT PERMIT APPLICATION

Project Number USE 2016 0021	CITY and BOROUGH of JUNEAU	Date Received: 6/8/16
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description Sweetheart Lake Hydroelectric Project (see attached letter dated 31 May 2016 for detailed description)		
	PROPERTY LOCATION		
	Street Address		City/Zip Juneau
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Meridian Copper River Township 45 S Range 72 E Sections 4-7 and 22-25		
	Assessor's Parcel Number(s)		
	LANDOWNER/ LESSEE		
	Property Owner's Name Uplands - Federal - US Department of Agriculture - USFS		Contact Person: Brad Orr
	Mailing Address P.O. Box 21628, Juneau, Alaska 99802-1628		Work Phone: 907 586-7847
	E-mail Address borr@fs.fed.us		Home Phone: Fax Number:
	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	 Landowner/Lessee Signature	Date 6/1/16
	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 Juneau Hydropower Inc.		Contact Person: Duff Mitchell
	Mailing Address P.O. Box 22775, Juneau, Alaska 99802		Work Phone: 907 789-2775
E-mail Address duff.mitchell@juneauhydro.com		Home Phone: Fax Number:	
Other Contact Phone Number(s): Kriss Hart 206 849-4812			
X	 Applicant's Signature	Date of Application 5-31-16	

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)			
	✓	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			USE 2016 0021
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			
		Zone Change Application			
		Other (Describe)			
	***Public Notice Sign Form filled out and in the file.				
	Comments:				Permit Intake Initials

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS
 I:\FORMS\2010 Applications Revised November 2009



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Natural Resources

DIVISION OF MINING, LAND & WATER
SOUTHEAST REGIONAL OFFICE

400 Willoughby Ave. 4th Floor

P.O. Box 111020

Juneau, Alaska 99811-1020

Main: 907.465-3400

Fax: 907.465-3886

June 6, 2016

Teri Camery, Senior Planner
City and Borough of Juneau
Community Development Department
155 S. Seward
Juneau, AK 99801

Ms. Camery:

Juneau Hydropower Inc. (JHI) has requested that our agency sign the attached consent form¹ as landowner for the City and Borough of Juneau (CBJ) to accept their application for a CBJ Conditional Use permit.

Our agency has received an application from JHI requesting land use authorization for this project. However, the adjudication process has not been completed and no decision has been issued as to whether a lease and/or easement would be approved for this project.

The state has no objection to JHI submitting an application to CBJ.

For state owned land, certain activities can be conducted as a "generally allowed use" under 11 AAC 96.020 without written authorization. At this project location, all of the state owned land is situated below the natural line of mean high water (MHW). The limited access needs to the site that were described could be accomplished under that regulation. Any activity that would exceed the parameters established under 11 AAC 96.020 would require written land use authorization.

DNR grants permission to City and Borough officials, employees, and agents to enter the site during reasonable hours, to examine and inspect the site as part of the permitting procedure, as allowed by a "generally allowed use" under 11 AAC 96.020.

Hopefully, this letter of non-objection will serve your purposes, should CBJ determine to begin its review of the applicant's project.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert H. Edwardson".

Robert H. Edwardson
Southeast Regional Manager

¹ 'Development Permit Application'

Project Number	Project Name (15 characters)	Case Number	Date Received
----------------	------------------------------	-------------	---------------

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☐ Accessory Apartment*** (AAP)
 ☐ Driveway in Right-of-Way (ADW)

☒ Use Listed in §49.25.300 (USE)
 (Table of Permissible Uses)

Please list the Table of Permissible Uses Category: 17.200 Utilities Facilities

***An Accessory Apartment Application will also be required.

DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED.

JHI Sweetheart Lake Hydroelectric Project (FERC No. P-13563) See Attachment "A"

IS THIS A MODIFICATION OF AN EXISTING APPROVAL?
☒ NO
 ☐ YES – Case # _____

CURRENT USE OF LAND OR BUILDING(S): Undeveloped

PROPOSED USE OF LAND OR BUILDING(S): Development and Operation of Hydroelectric Generating and Transmission Facility.

UTILITIES PROPOSED:

WATER: ☐ Public ☒ On Site
 SEWER: ☐ Public ☒ On Site

SITE AND BUILDING SPECIFICS:

Total Area of Lot see attachment A square feet
 Total Area of Existing Structure(s) 0 square feet
 Total Area of Proposed Structure(s) 15,000 square feet

EXTERNAL LIGHTING:

Existing to remain ☐ No ☐ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures
 Proposed ☐ No ☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

☒ Site Plan ☒ Floor Plan of proposed buildings ☒ Elevation view of existing and proposed buildings ☒ Proposed Vegetative Cover	☒ Existing and proposed parking areas (including dimensions) and proposed traffic circulation ☒ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)
---	---

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	ALLOWABLE/CONDITIONAL USE FEES				
		Fees	Check No.	Receipt	Date
	Application Fees	\$ _____	_____	_____	_____
	Admin. of Guarantee	\$ _____	_____	_____	_____
	Adjustment	\$ _____	_____	_____	_____
	Pub. Not. Sign Fee	\$ _____	_____	_____	_____
	Pub. Not. Sign Deposit	\$ _____	_____	_____	_____
Total Fee	\$ _____	_____	_____	_____	

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Juneau Hydropower, Inc.
PO Box 22775
Juneau, AK 99802
www.juneauhydro.com
Telephone: (907) 789-2775
Fax: (907) 375-2973



May 31, 2016

Teri Camery, Senior Planner
City and Borough of Juneau
Community Development Department
155 South Seward Street
Juneau, Alaska 99801

RE: Sweetheart Lake Hydroelectric Project
Case Number PAC2016 0013

Dear Ms. Camery:

Juneau Hydropower Inc is applying for a development permit and a conditional use permit to begin construction on the Sweetheart Lake Hydroelectric Project.

Hydro power development is in alignment with policies and implementing actions in the 2013 CBJ Comprehensive Plan including:

POLICY 4.8. IT IS THE POLICY OF THE CBJ TO ENCOURAGE THE PROVISION OF AN ADEQUATE SUPPLY OF HYDROELECTRIC POWER TO PROVIDE FOR THE CONTINUED GROWTH AND DEVELOPMENT OF THE COMMUNITY.

4.8.1. Encourage the continued development of hydroelectric power generating facilities to provide for future community needs.

Juneau Hydropower has worked closely with the community, regulators and federal permitters since 2009 to develop this project. Project documents submitted to federal regulators total approximately 6,000 pages and provide extensive details. These documents are all available for review online at www.juneauhydro.com. For this application we have specifically addressed topics you requested in summary form and provide selected backups with details on these topics. The entire plan has been reviewed by Federal Energy Regulatory Commission (FERC), US Army Corps of Engineers, and USDA Forest Service staff. The FERC final EIS and license, and Army Corps 404 permit are anticipated to be issued in July 2016.

The Sweetheart Lake Hydroelectric Project project consists of the following new facilities:

- 1) a 280-foot-wide, 111-foot-high roller-compacted concrete dam to be constructed at the existing natural outlet of Lower Sweetheart Lake, with a 125-foot-wide ungated overflow spillway at a crest elevation of 636 feet;
- 2) a 525-foot-long, 10-foot-high, 10-foot-wide arched reservoir outlet tunnel at the right dam abutment;
- 3) a 45-foot-long, 25-foot-wide, 16-foot-high rectangular concrete intake structure, with six 7-foot-diameter, 10-foot-high cylindrical fish screens adjacent to the right dam abutment;
- 4) a 9,612-foot-long, 15-foot-wide, 15-foot-high horseshoe-shaped,¹ unlined underground power tunnel;
- 5) an 896-foot-long, 9-foot-diameter saddle-supported steel penstock installed within the lower portion of the power tunnel;
- 6) three 160-foot-long (mean length), 7- to 9-foot-diameter buried steel penstocks connecting the lower portion of the power tunnel to the powerhouse;
- 7) a 160-foot-long, 60-foot-wide, 30-foot-high concrete and steel powerhouse;
- 8) three 7.1-megawatt (MW) Francis turbines with 6.6-MW generators with a total installed capacity of 19.8 MW;
- 9) a 541-foot-long, 30- to 90-foot-wide rock tailrace with a fish exclusion structure discharging to Sweetheart Creek;
- 10) a 4,400-foot-long coastal road from the powerhouse to a dock/landing site for aerial and marine vehicle access, located on the east shore of Gilbert Bay;
- 11) an 8.69-mile-long, 138-kilovolt (kV) transmission line transversing Gilbert Bay, the Snettisham Peninsula, and Port Snettisham, consisting of:
 - a) two buried segments, totaling 4,800 feet in length;
 - b) two submarine segments, totaling 25,700 feet in length; and
 - c) one 15,400-foot-long overhead segment;
- 12) a 22,000-square-foot fenced switchyard adjacent to the powerhouse;

¹ Tunnel will have a flat and drivable floor with straight walls and an arched ceiling.

13) a 25-foot-long, 5-foot-wide, 4-foot-deep salmon smolt re-entry pool² located adjacent to the powerhouse and tailrace;

14) a 4,225-square-foot caretaker's facility near the dock;

15) a 4,800-foot-long, 12.47kV service transmission line and communication cable extending from the powerhouse to the dock and caretaker's facility, providing operational electricity and communications;

16) a 10,000-foot-long, 12.47kV service transmission line and communication cable extending from the powerhouse to the dam site, providing operational electricity and communications;

17) a 400-square-foot shelter at the dam for employee use during smelt transport operations; and

18) appurtenant facilities.

Construction of the project will raise Lower Sweetheart Lake from a water surface elevation of 551 feet mean lower low water³ and a surface area of 1,414 acres to a new maximum water surface elevation of 636 feet and surface area of 1,702 acres, and a new minimum water surface elevation of 576 feet and surface area of 1,449 acres.

Employees and Operations

- The project will be in operation continuously - 24 hours per day, 365 days per year in perpetuity.
- One or two caretakers will live on site.
- Additional employees and/or contractors will visit the site for routine maintenance and repairs as needed.

Federal Review, Public Review and Public Meetings

1929 - The Sweetheart Lake area was identified as having potential water power value and was withdrawn as Power Site Classification 221 on May 29, 1929. In accordance with the provisions of Section 24 of the Federal Power Act of June 10, 1920, these lands are reserved from entry, location, or other disposal under the public land laws until otherwise directed by the Federal Energy Regulatory Commission (FERC) or by Congress. The intent was to set aside and protect

² The re-entry pool will provide temporary holding of sockeye salmon smolts collected and transported from Sweetheart Lake, for imprinting and release to the tailrace.

³ The mean lower low water level is the 19-year average of the lower of the two daily tides and serves as the reference elevation chosen by Juneau Hydro for the project facilities.



those lands with potential water power value until that potential could be realized or developed.⁴

1962 - The Sweetheart Creek Powersite location was again identified by the U.S. Department of the Interior in Geological Survey Water-Supply Paper 1529.⁵

2009 - Juneau Hydropower Inc (JHI) began preparing a plan to develop Sweetheart Lake hydropower resource. JHI has worked in collaboration and communication with:

- Federal Energy Regulatory Commission (FERC, Project No. P-13563);
- Land managers - US Forest Service (all project uplands) and Alaska Department of Natural Resources (tidelands and submerged waters);
- Regulatory agencies including - US Fish and Wildlife Service, National Marine Fisheries Service, Army Corps of Engineers, National Park Service, US Environmental Protection Agency, Bureau of Land Management (BLM), Alaska Department of Fish and Game (ADF&G), Alaska Department of Environmental Conservation and Alaska Department of Natural Resources (ADNR);
- Tribal entities - Central Council Tlingit & Haida Indian Tribes (CCTHI), Douglas Indian Association; and
- The public - including the Juneau Commission on Sustainability.

This is a complicated process that has involved extensive review and involvement. Some landmarks are presented here to indicate the timeline. All documents, in chronological order, are available online at <http://www.juneauhydro.com/index.php/ferc-documents.html>. Look at the progress reports for summarized details of meetings and contacts with various agencies and stakeholders.

- 2009 - Federal Energy Regulatory Commission (FERC) Preliminary Permit - Application was submitted, accepted and a permit granted. This process included review and input from the US Forest Service, National Marine Fisheries Service, and Alaska Electric Light and Power Company.
- 2010 - included agency scoping meetings, communications protocol approved between major parties, public notice published, FERC letters to Sealaska, Goldbelt, Douglas Indian Association and CCTHI.
- 2011 - included additional agency and public scoping meetings in the daytime at the Forest Service offices for agency input, evening at Centennial Hall for public, and a site visit.
- 2012 - included agency comments on study plans and studies.

⁴ November 11, 2011 Federal Register Vol. 76, No. 215 Page 68783 The Bureau of Land Management opened the reserved lands to state land selection while specifically retaining power rights to the United States.

⁵ <http://pubs.usgs.gov/wsp/1529/report.pdf>



- 2013 - included a Successive Preliminary Permit application with review and input, with public noticing and opportunities for public comment and application to Department of Natural Resources for the lease of state land and for transmission line easements.
- 2014 - ongoing agency comments and consultations. Meetings with a Cultural Studies Working Group. Filed a Final License Application to FERC with a Preliminary Draft Environmental Assessment which included public notice in May 2014. In November 2014 FERC issued a notice to issue an Environmental Impact Statement (EIS) and Final Decision which included further public notice and opportunities to provide input.
- 2015 - the Draft EIS was issued by FERC and BLM in November 2015 with a comment deadline of December 29, 2015 and a public meeting held December 29, 2015 at Centennial Hall.
- 2016 - final EIS and license approval anticipated for July 2016. Application for CBJ Development Permit and Natural Resources permits underway.

Habitat, Fish and Wildlife Issues and Mitigation Summary

Juneau Hydro has complied with all of the Forest Service preliminary 4(e) and ADF&G 10(j) recommended conditions as prescribed in the EIS. ADNOR deferred to ADF&G for mitigation recommendations. ADF&G was the only agency to respond with 10(j) recommendations.

Forest Service 4(e) conditions include: avoiding the use of pesticides on National Forest System (NFS) lands or in areas affecting NFS lands without the prior written approval of the Forest Service; providing a qualified environmental compliance monitor to oversee major construction activities (e.g., vegetative or land disturbing, spoil producing, blasting activities); and developing the following plans: (1) construction plan; (2) spoil disposal plan; (3) access and road management and maintenance plan; (4) reservoir management and inundation plan; (5) erosion control plan; (6) solid waste and wastewater plan; (7) hazardous substances plan; (8) fire prevention plan; (9) heritage resource protection plan; (10) scenery management plan; (11) vegetation management plan; (12) invasive species management plan; (13) wildlife mitigation and monitoring plan; (14) fish mitigation and monitoring plan; (15) stream flow management plan; (16) stream flow measurement plan; and (17) aquatic habitat restoration and monitoring plan.

The Alaska Department of Fish and Game 10 (j) recommendations relate to water quantity, quality and timing; setbacks from Sweetheart Creek; smolt passage; fish screening and guards; bioaquatics monitoring; bear safety planning and operations; wildlife passage and disturbance; and designing power lines and poles to protect birds.

The Army Corps of Engineers Clean Water Act Section 404 Permit application has been submitted. The Army Corps is a cooperating agency with FERC on the review and approval of the EIS. Recommended mitigations will be reviewed and resolved through the EIS and application process. The issuance of the Section 404 Permit with final recommendations is anticipated in July, concurrent with the EIS and FERC license approval.



US Fish and Wildlife Service and ADF&G biologists flew an eagle nest survey on May 12, 2016. They found two occupied nests within the project vicinity. Both are more than 331 feet from any construction area.

Light and Noise Impacts During Operation

The powerhouse will be located in a deep excavation approximately 600 feet northwest of the anadromous barrier on Sweetheart Creek and approximately 2,000 feet east of the confluence of Sweetheart Creek and Gilbert Bay. This siting will reduce disturbances, allow infrastructure to blend in with surroundings, and mitigate light and noise emitting from operations. A vegetated landform barrier will be constructed to further shield recreational users from sound and visual impacts of the powerhouse and switchyard. The intended goal is to lessen or virtually eliminate scenic and audio disturbance in the area of powerhouse operations.

Outside lighting at the site will incorporate downward facing non-glare fixtures to minimize light pollution. Operational outside lighting requirements are anticipated to be minimal.

During routine operation equipment noise will be minimal with just one or two caretaker employees working on site. Snow removal noise will occur when others are unlikely to be in the area. Motorized traffic on the road will be restricted to that necessary for operations.

Impacts to Surrounding Properties and Uses, including Mitigation⁶

Proposed project facilities will be constructed within Semi-Remote Recreation, Timber Production, and Old-Growth Land Use Forest Service Designations. Implementing Juneau Hydro's Scenic Management and Monitoring Plan and Spoil Disposal Plan will minimize visual effects by ensuring that project features are designed and screened as much as practicable to blend with the surrounding environment.

No public recreation facilities are located along the shoreline of Sweetheart Lake or Sweetheart Creek. Fishing is the primary recreational activity at Gilbert Bay, Sweetheart Creek, and surrounding lands, although commercially guided hunters, resident sport hunters, and trappers also use these lands. Implementing Juneau Hydro's Recreation Management Plan will ensure that visitor use is accommodated in a manner that avoids resource impacts, the potential for conflicts between bears and humans is minimized, and increased visitor use in the project area is adequately managed. Recreation enhancements of the project include footpath surface improvements and maintenance, interpretive signs that include bear safety, trail information, ADF&G and Forest Service information, and limited non-commercial use of the facility dock and landing ramp. A vegetated landform barrier between the powerhouse and footpaths will reduce visual and sound impacts.

⁶ Excerpted from "ENVIRONMENTAL IMPACT STATEMENT FOR HYDROPOWER LICENSE Sweetheart Lake Hydroelectric Project—FERC Project No. 13563-003 Alaska" with minor edits. [http://184.154.226.3/~juneauhy/20151029-3010\(30991904\).pdf](http://184.154.226.3/~juneauhy/20151029-3010(30991904).pdf)



Project construction and operation will not affect any cultural resources because the only site eligible for listing on the Natural Register of Historic Places will be avoided during construction and operation.

The project will have no long-term, adverse effects on the commercial fishery because fishing can continue as it does currently with only minor adjustments to avoid the submarine cable. The proposed smolt collection system, if successful, will help to maintain the personal-use fishery and the subsistence economy of families who live and fish in the project area.

CBJ Comprehensive Plan Relationship

The entire project area is designated Resource Development in the 2013 CBJ Comprehensive Plan:

Land 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 re-zoned appropriately.

As noted under the federal review heading above, this area was specifically reserved by the federal government in 1929 for hydro power development. Although this designation is not noted in the Comprehensive Plan, development of Sweetheart Hydro development is specifically mentioned on pages 67 and 68.

Hydro power development is in alignment with policies and implementing actions in the 2013 CBJ Comprehensive Plan including:

POLICY 4.8. IT IS THE POLICY OF THE CBJ TO ENCOURAGE THE PROVISION OF AN ADEQUATE SUPPLY OF HYDROELECTRIC POWER TO PROVIDE FOR THE CONTINUED GROWTH AND DEVELOPMENT OF THE COMMUNITY.

4.8.1. Encourage the continued development of hydroelectric power generating facilities to provide for future community needs.

POLICY 2.27. IT IS THE POLICY OF THE CBJ TO TAKE ADVANTAGE OF JUNEAU'S FAVORABLE ELECTRICAL ENERGY ASSETS TO ADD QUALITY JOB OPPORTUNITIES.

2.27.2. Encourage planning for the next increment of hydroelectric power to be brought on-line in Juneau.

POLICY 2.28. IT IS THE POLICY OF THE CBJ TO ENCOURAGE THE TRANSPORTATION OF CBJ RESIDENTS, VISITORS, FREIGHT, MAIL, AND



PARCELS WITH RENEWABLE ENERGY OR ON PUBLIC TRANSPORTATION.

POLICY 2.29. IT IS THE POLICY OF THE CBJ TO REQUIRE COST EFFECTIVE ENERGY EFFICIENT BUILDING AND REMODELING PRACTICES.

2.29.1. Encourage the installation of renewable sources of electrical energy-heating systems in new construction.

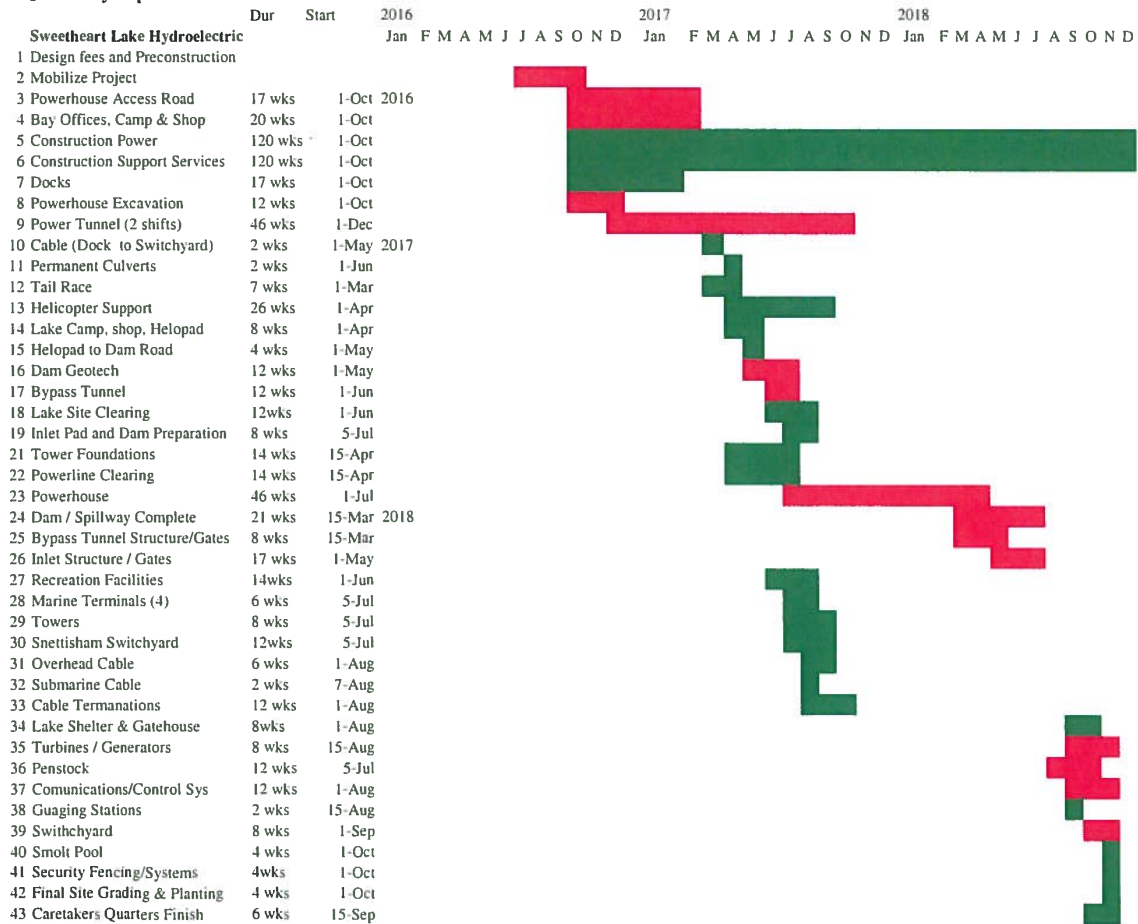
2.29.2. Encourage the conversion of existing heating systems from fossil fuel to renewable sources of electrical energy.

POLICY 2.30. IT IS THE POLICY OF THE CBJ TO ENCOURAGE LARGE INDUSTRIAL USERS TO BE AS EFFICIENT AS POSSIBLE IN THEIR USE OF ENERGY; USE RENEWABLE (E.G. HYDROPOWER) SOURCES AND TO MAKE ENERGY BY-PRODUCTS AVAILABLE FOR USE ELSEWHERE IN THE COMMUNITY.

Construction Timeline (with FERC license issued in July 2016) :



Juneau Hydropower Construction Schedule

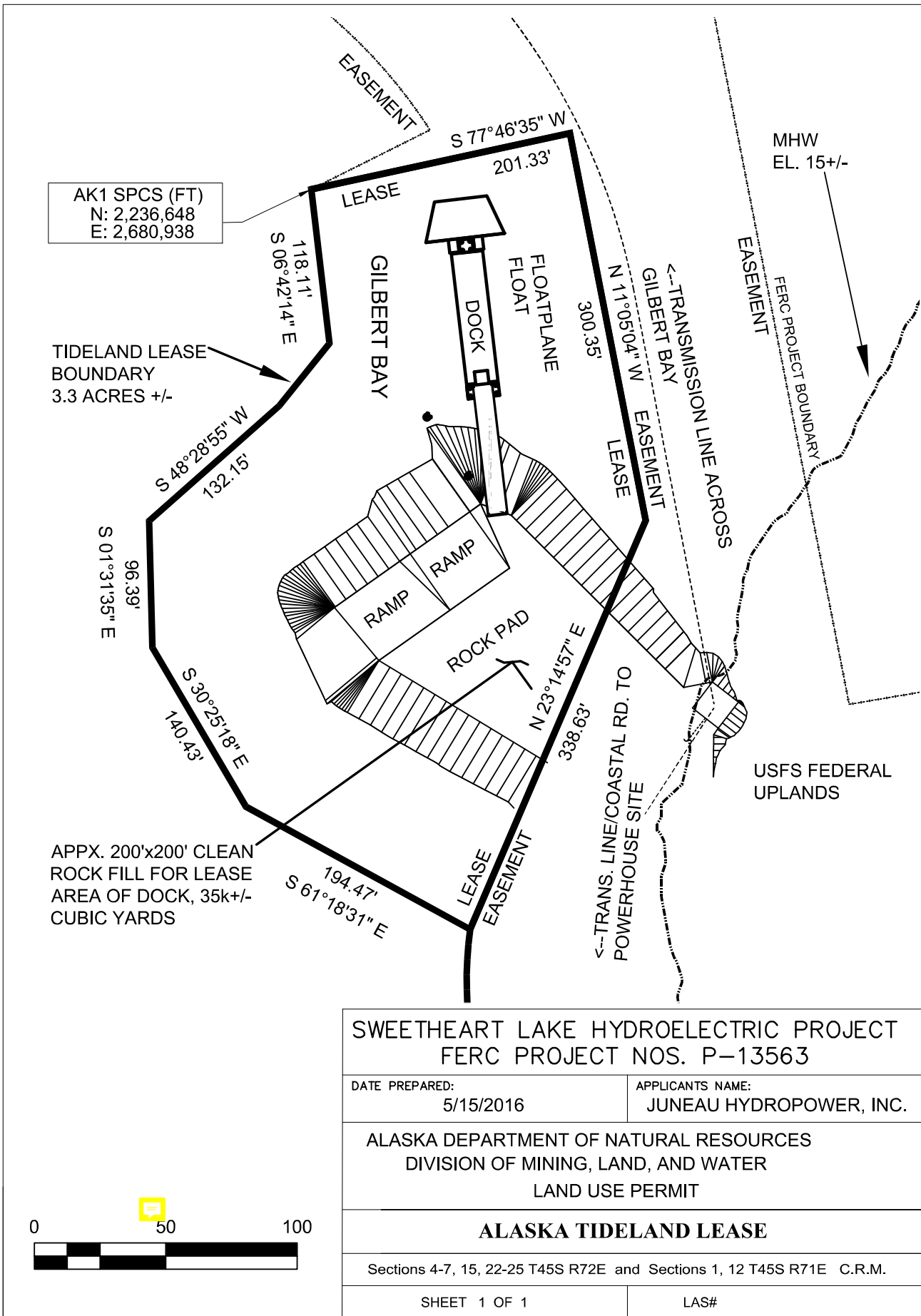


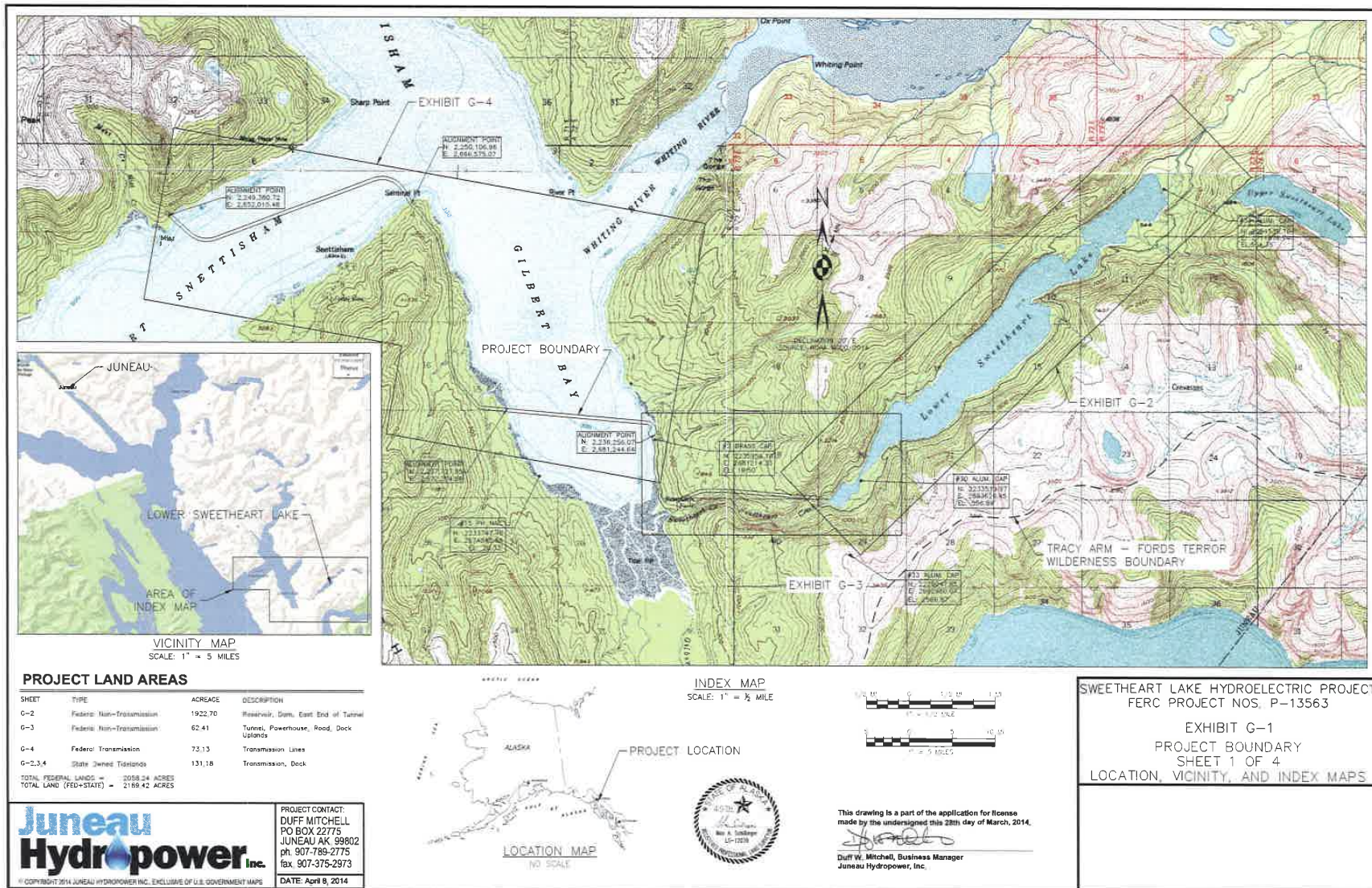
Detailed site plans with property lines and the location of all structures, residential units, docks, and access are attached.

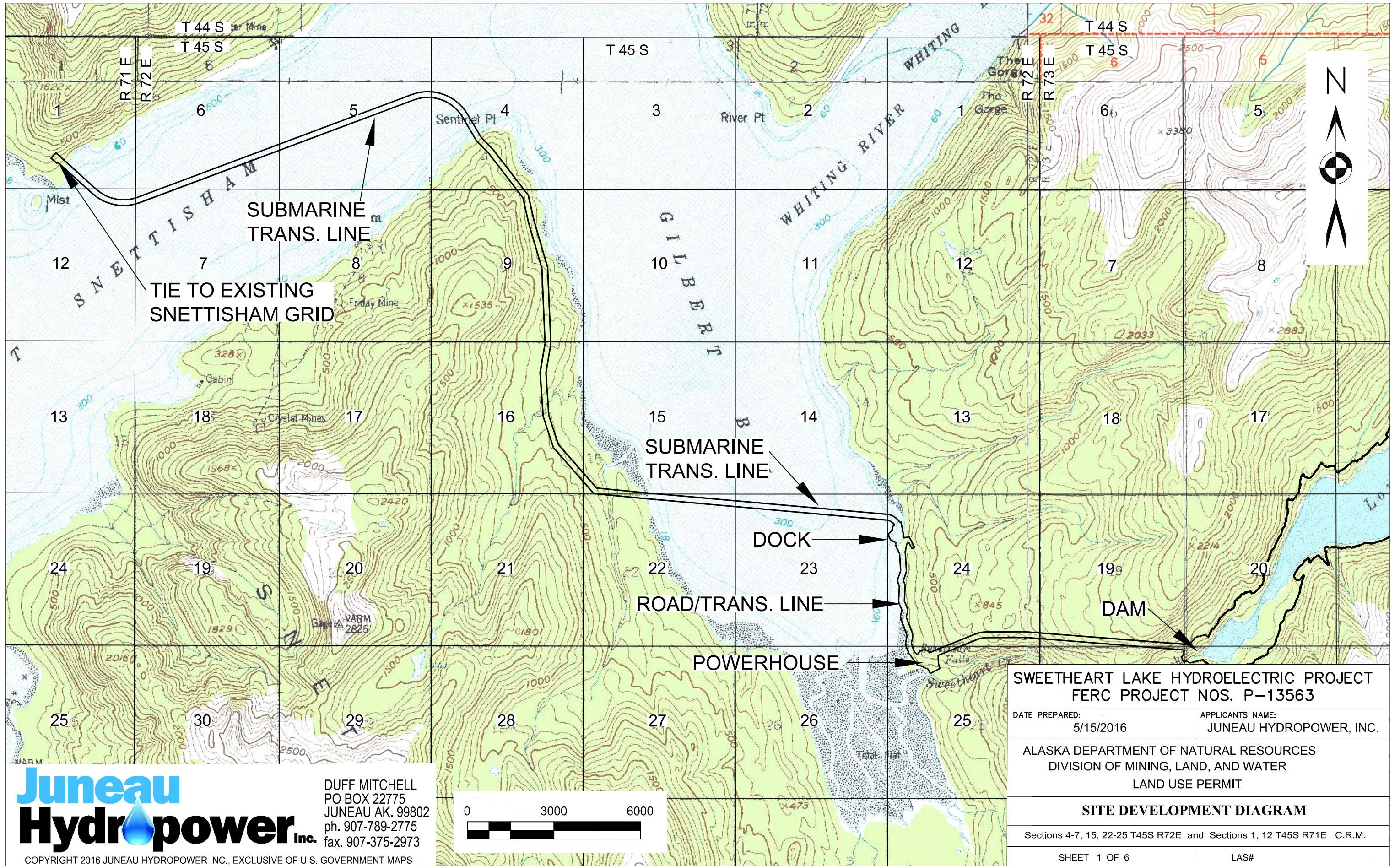
We look forward to working with you to provide any further details or information required. You may contact me at duff.mitchell@juneauhydro.com and 907-789-2775.

Sincerely,

Duff Mitchell
Managing Director





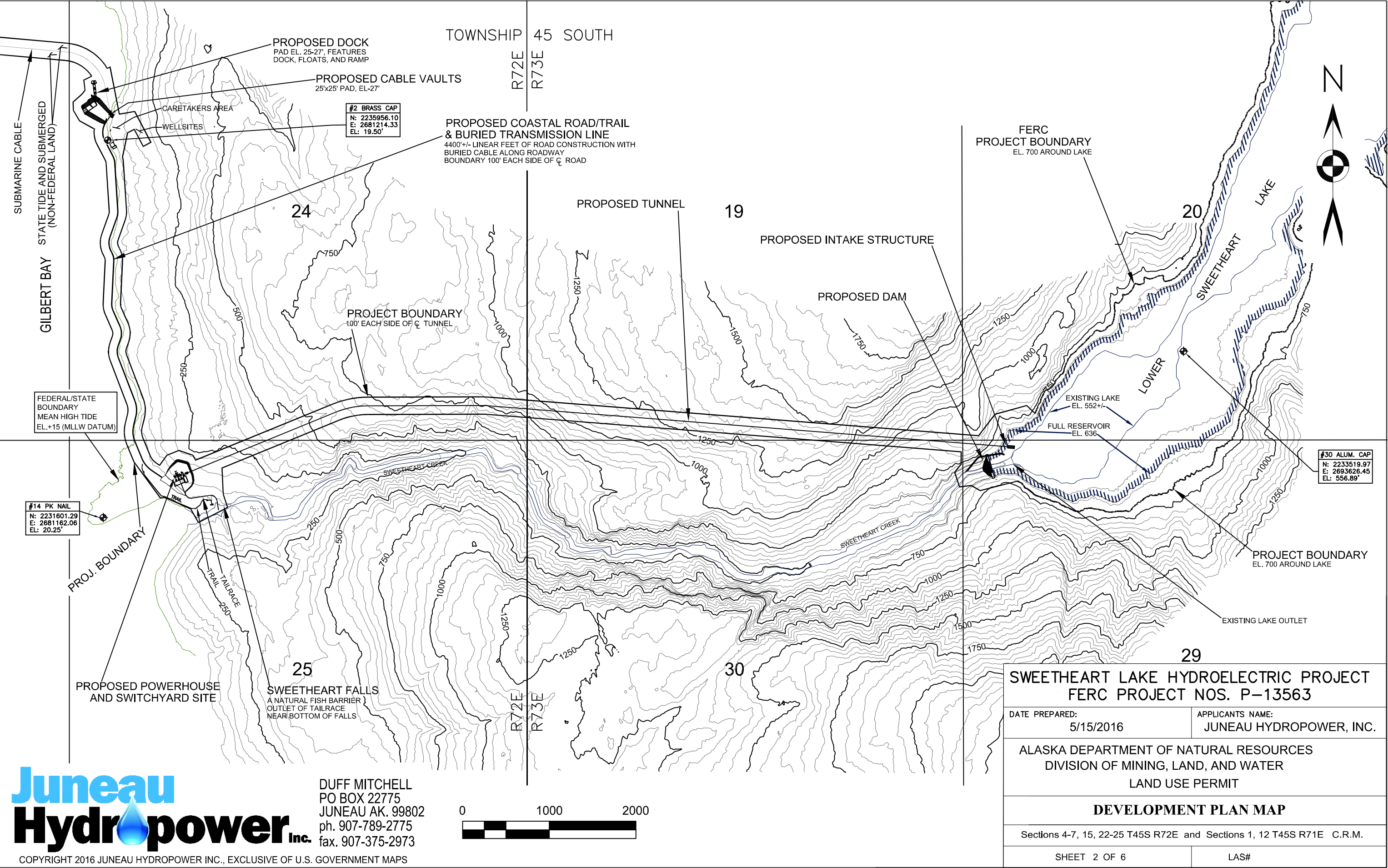


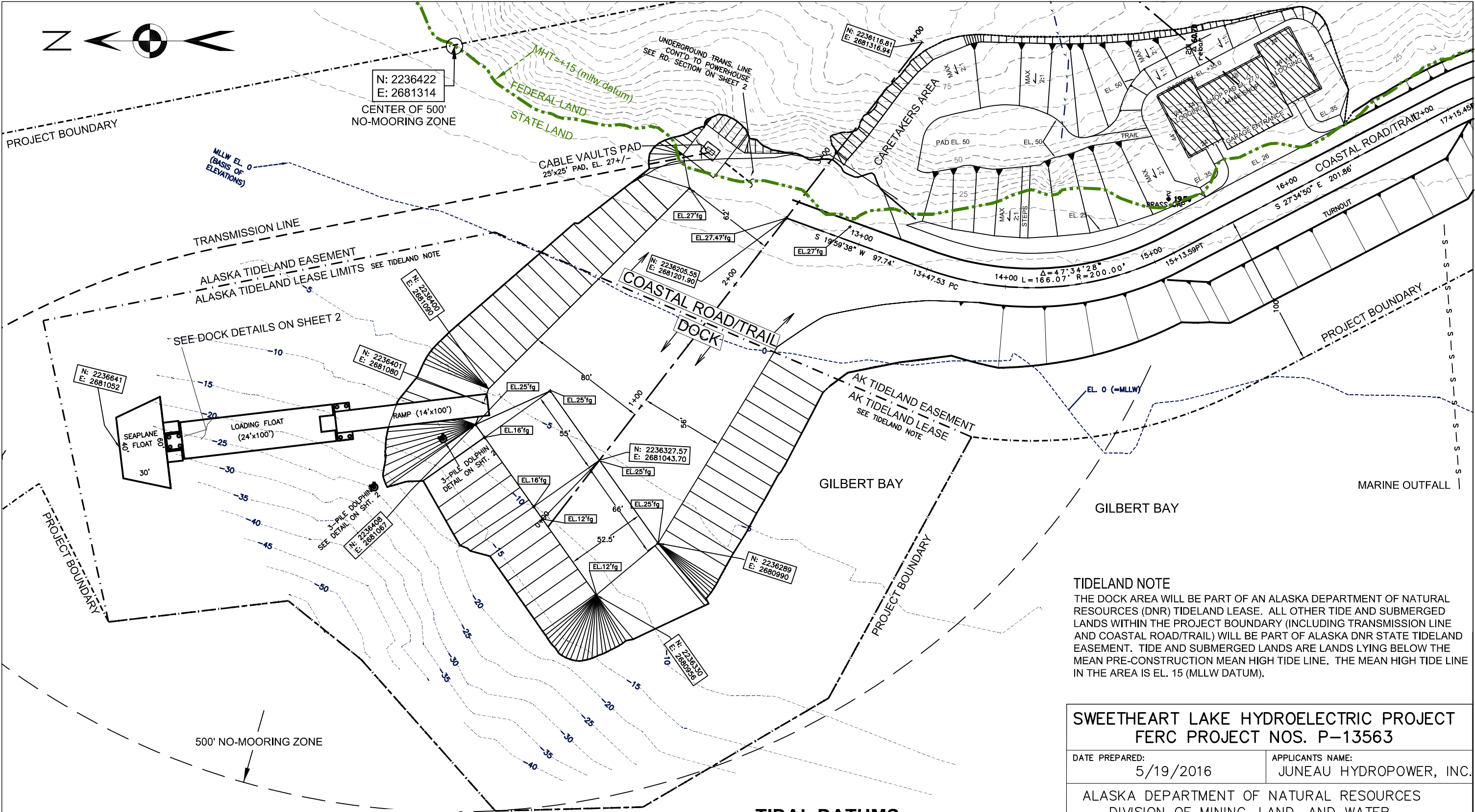
Juneau
Hydropower Inc.

DUFF MITCHELL
PO BOX 22775
JUNEAU AK. 99802
ph. 907-789-2775
fax. 907-375-2973

COPYRIGHT 2016 JUNEAU HYDROPOWER INC., EXCLUSIVE OF U.S. GOVERNMENT MAPS

SWEETHEART LAKE HYDROELECTRIC PROJECT FERC PROJECT NOS. P-13563	
DATE PREPARED: 5/15/2016	APPLICANTS NAME: JUNEAU HYDROPOWER, INC.
ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND, AND WATER LAND USE PERMIT	
SITE DEVELOPMENT DIAGRAM	
Sections 4-7, 15, 22-25 T45S R72E and Sections 1, 12 T45S R71E C.R.M.	
SHEET 1 OF 6	LAS#





TIDELAND NOTE
THE DOCK AREA WILL BE PART OF AN ALASKA DEPARTMENT OF NATURAL RESOURCES (DNR) TIDELAND LEASE. ALL OTHER TIDE AND SUBMERGED LANDS WITHIN THE PROJECT BOUNDARY (INCLUDING TRANSMISSION LINE AND COASTAL ROAD/TRAIL) WILL BE PART OF ALASKA DNR STATE TIDELAND EASEMENT. TIDE AND SUBMERGED LANDS ARE LANDS LYING BELOW THE MEAN PRE-CONSTRUCTION MEAN HIGH TIDE LINE. THE MEAN HIGH TIDE LINE IN THE AREA IS EL. 15 (MLLW DATUM).

**SWEETHEART LAKE HYDROELECTRIC PROJECT
FERC PROJECT NOS. P-13563**

DATE PREPARED: 5/19/2016	APPLICANTS NAME: JUNEAU HYDROPOWER, INC.
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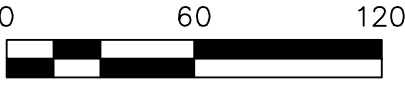
ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND, AND WATER
LAND USE PERMIT

SITE DEVELOPMENT DIAGRAM

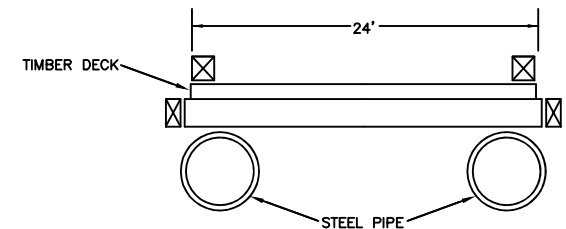
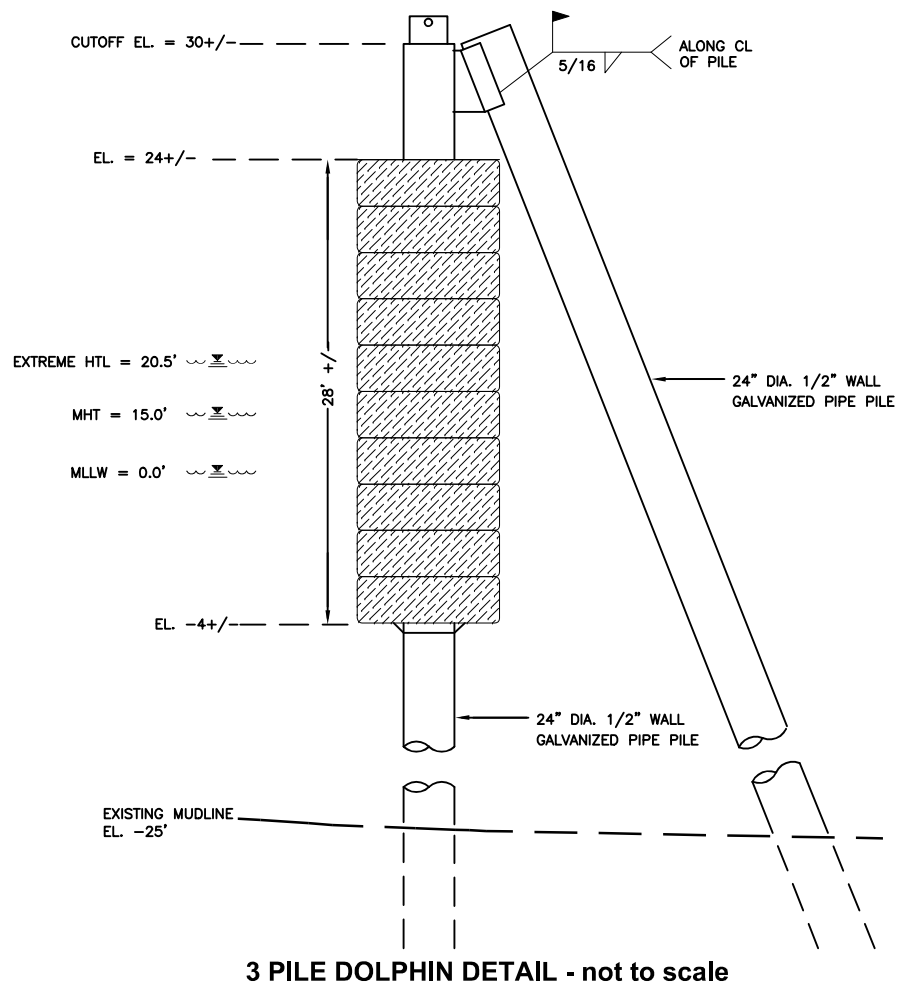
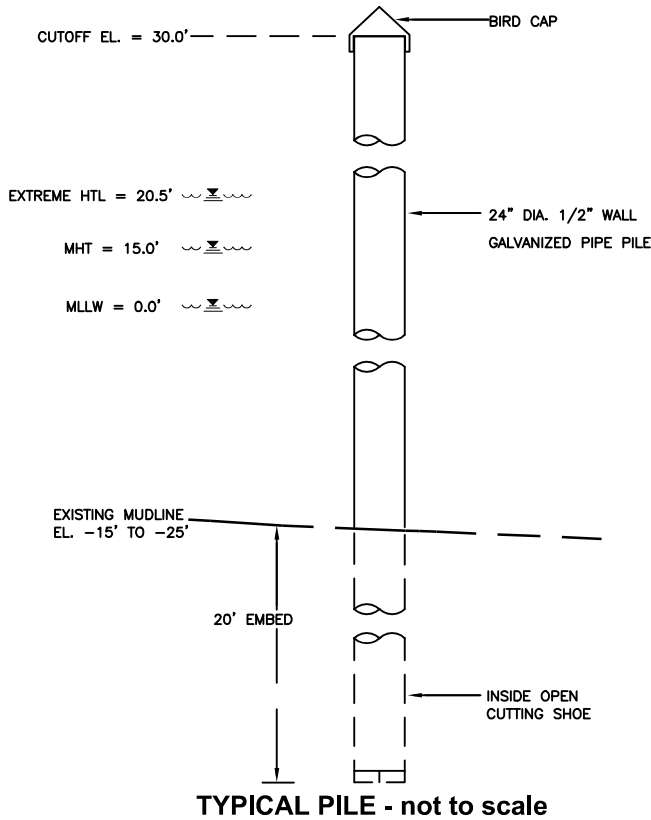
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SHEET 3 OF 6	LAS#
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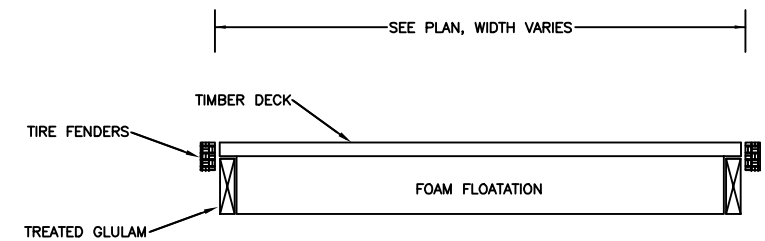
Juneau Hydropower Inc.
DUFF MITCHELL
PO BOX 22775
JUNEAU AK. 99802
ph. 907-789-2775
fax. 907-375-2973



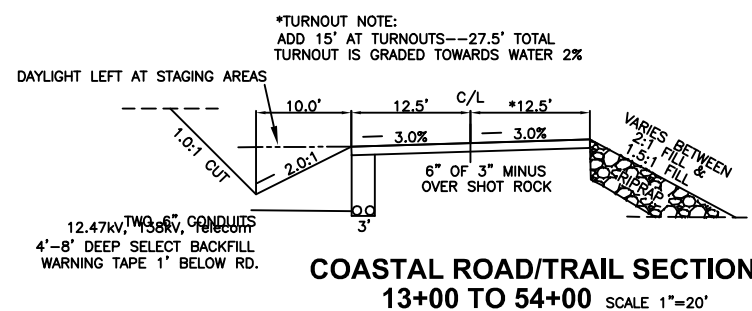
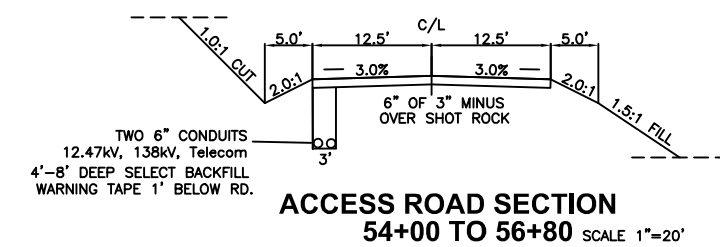
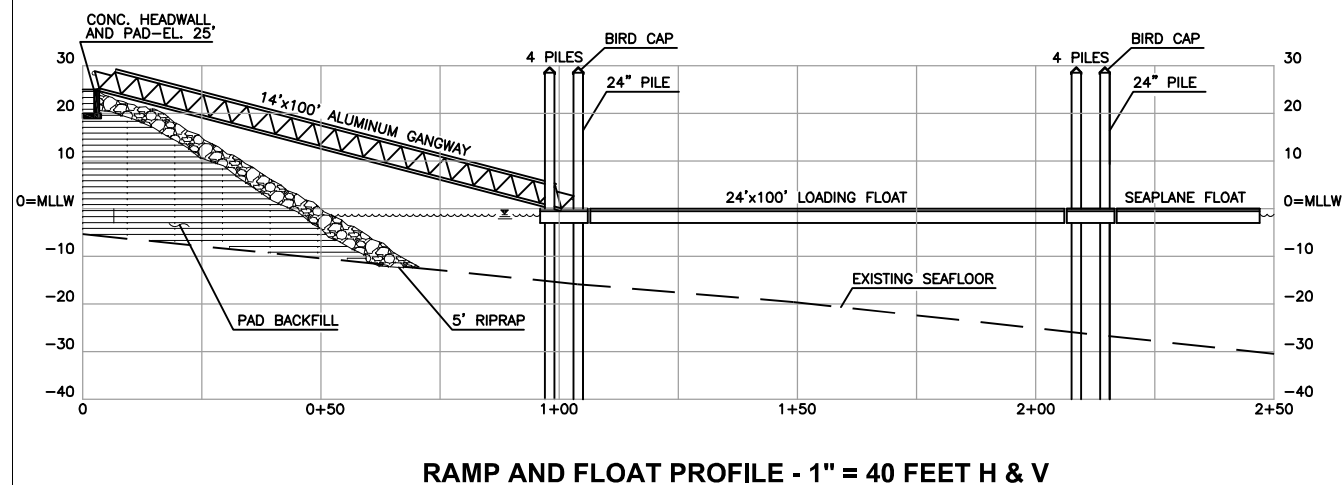
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MHW	15
MSL	8.3
MLW	1.6
MLLW (DATUM)	0



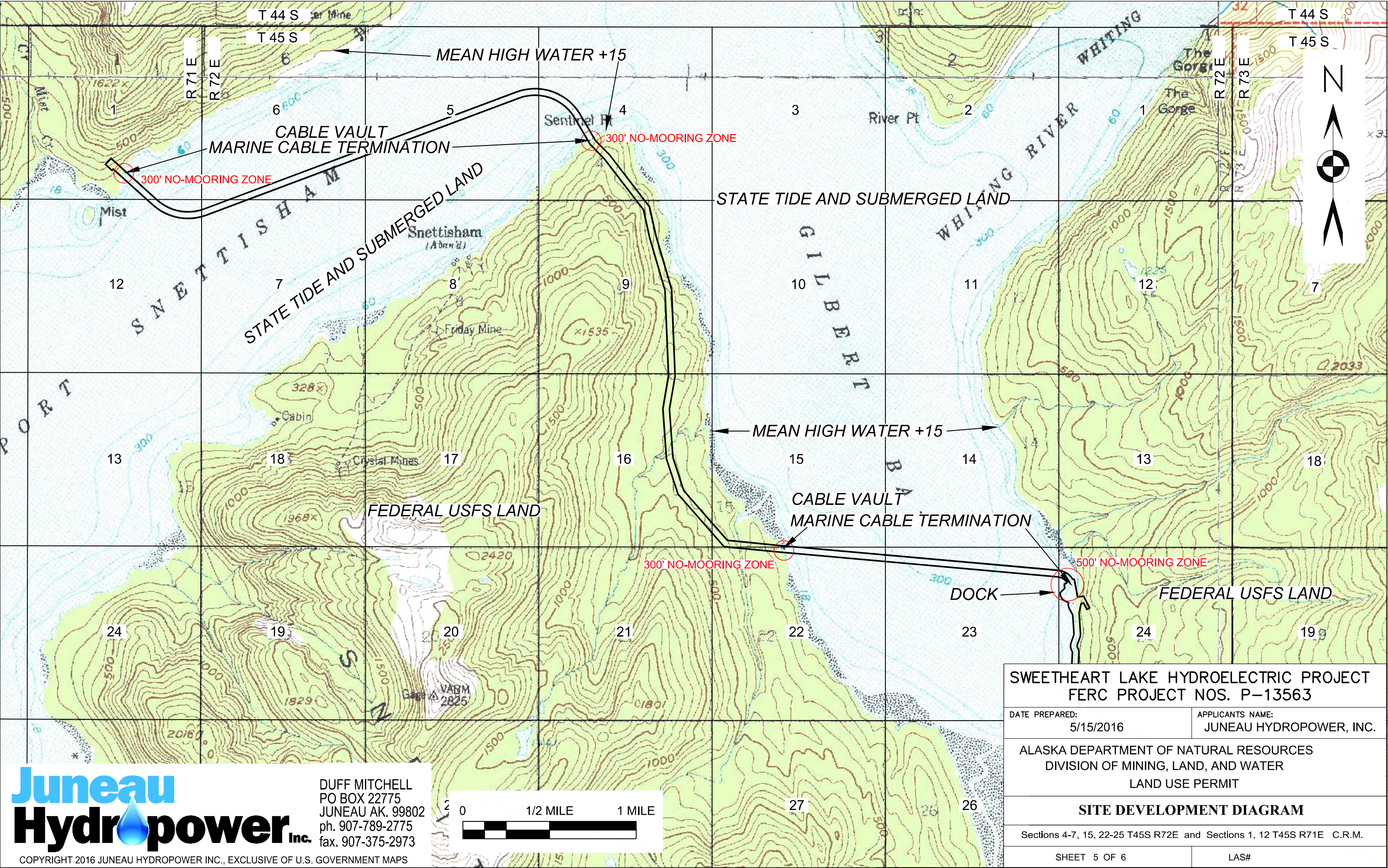
TYPICAL LOADING FLOAT SECTION - not to scale



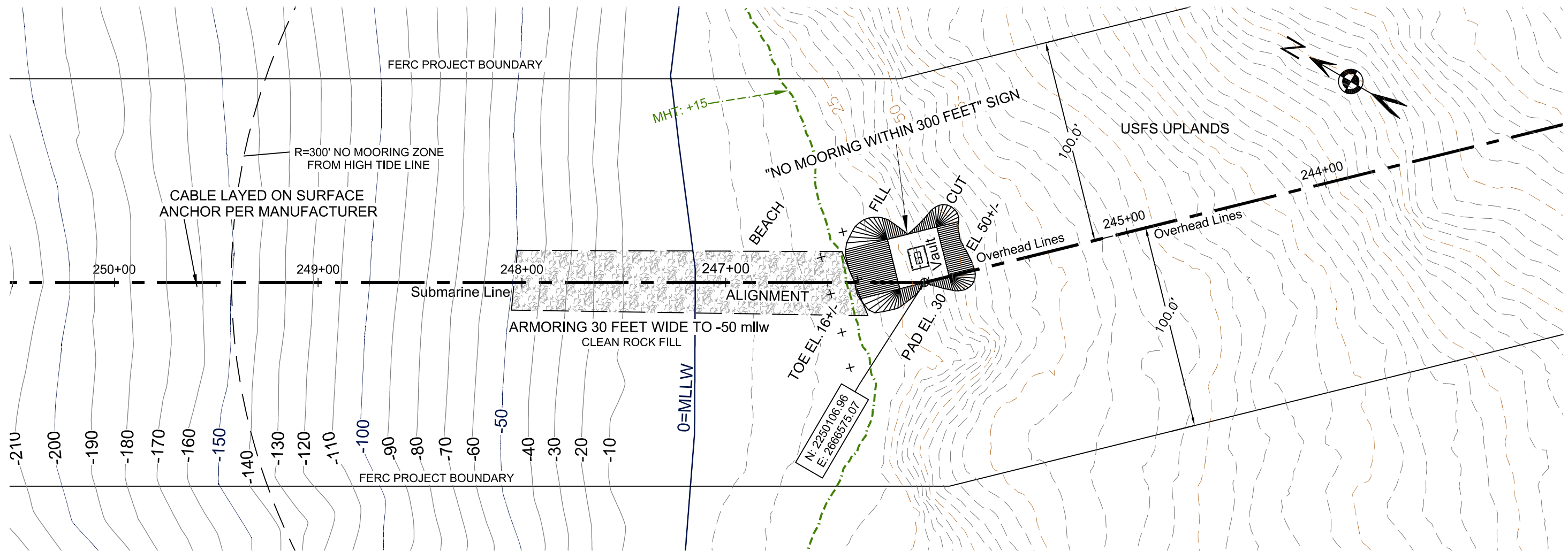
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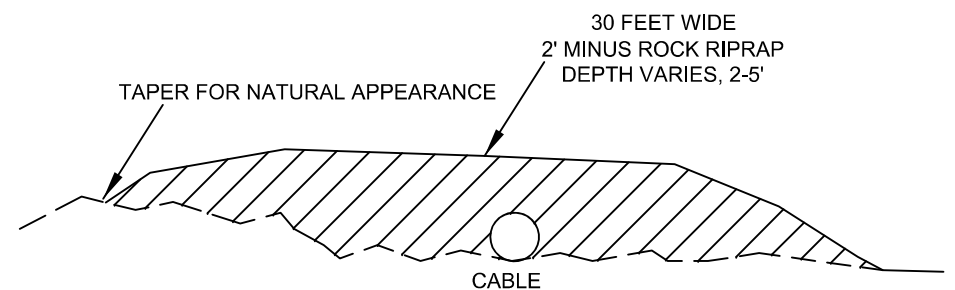
SWEETHEART LAKE HYDROELECTRIC PROJECT FERC PROJECT NOS. P-13563	
DATE PREPARED: 5/15/2016	APPLICANTS NAME: JUNEAU HYDROPOWER, INC.
ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND, AND WATER LAND USE PERMIT	
SITE DEVELOPMENT DIAGRAM	
Sections 4-7, 15, 22-25 T45S R72E and Sections 1, 12 T45S R71E C.R.M.	
SHEET 4 OF 6	LAS#



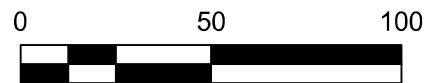
Attachment B – USE2016 0021



TYPICAL CABLE ARMORING DETAIL, 1" = 50'
(SOUTH SNETTISHAM SHOWN)



SUBMARINE CABLE ARMORING DETAIL



Juneau
Hydropower Inc.

DUFF MITCHELL
JUNEAU AK. 99802
ph. 907-789-2775
fax. 907-375-2973

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**SWEETHEART LAKE HYDROELECTRIC PROJECT
FERC PROJECT NOS. P-13563**

DATE PREPARED:
5/15/2016

APPLICANTS NAME:
JUNEAU HYDROPOWER, INC.

ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND, AND WATER
LAND USE PERMIT

SITE DEVELOPMENT DIAGRAM

Sections 4-7, 15, 22-25 T45S R72E and Sections 1, 12 T45S R71E C.R.M.

SHEET 6 OF 6

LAS#

**FINAL ENVIRONMENTAL IMPACT STATEMENT
FOR HYDROPOWER LICENSE**

Sweetheart Lake Hydroelectric Project—FERC Project No. 13563-003

Alaska

Federal Energy Regulatory Commission
Office of Energy Projects
Division of Hydropower Licensing
888 First Street, NE
Washington, DC 20426

U.S. Army Corps of Engineers District, Alaska
Juneau Regulatory Field Office
44669B Sterling Highway
Soldotna, AK 99669

May 2016

FEDERAL ENERGY REGULATORY COMMISSION

WASHINGTON, D.C. 20426

OFFICE OF ENERGY PROJECTS

To the Agency or Individual Addressed:

Reference: Final Environmental Impact Statement

Attached is the final environmental impact statement (EIS) for the proposed Sweetheart Lake Hydroelectric Project (No. 13563-003), which would be located in the City and Borough of Juneau, Alaska.

This final EIS documents the view of governmental agencies, non-governmental organizations, affected Indian tribes, the public, the license applicant, and Federal Energy Regulatory Commission (Commission) staff. It contains staff evaluations of the applicant's proposal and the alternatives for licensing the Sweetheart Lake Project.

Before the Commission makes a licensing decision, it will take into account all concerns relevant to the public interest. The final EIS will be part of the record from which the Commission will make its decision. The final EIS was sent to the U.S. Environmental Protection Agency and made available to the public on or about June 10, 2016.

Copies of the final EIS are available for review in the Commission's Public Reference Branch, Room 2A, located at 888 First Street, N.E., Washington, DC 20426. The final EIS also may be viewed on the Internet at www.ferc.gov/docs-filing/elibrary.asp. Please call (202) 502-8222 for assistance.

Attachment: Final Environmental Impact Statement

COVER SHEET

- a. Title: Licensing the Sweetheart Lake Hydroelectric Project, FERC Project No. 13563-003
- b. Subject: Final Environmental Impact Statement (EIS)
- c. Lead Agency: Federal Energy Regulatory Commission
- d. Cooperating Agency: U.S. Army Corps of Engineers
- e. Abstract: Juneau Hydropower, Inc. filed an application for original license for the proposed 19.8-megawatt Sweetheart Lake Hydroelectric Project located on Lower Sweetheart Lake and Sweetheart Creek in the City and Borough of Juneau, Alaska. The proposed project would occupy 2,058.24 acres of federal lands within the Tongass National Forest, administered by the U.S. Department of Agriculture, Forest Service. The proposed project would generate an average of about 116,000 megawatt-hours of energy annually.
- The staff's recommendation is to license the project as proposed, with certain modifications and additional measures recommended by the agencies and staff.
- f. Contact: John Matkowski
Federal Energy Regulatory Commission
Office of Energy Projects
888 First Street, N.E.
Washington, DC 20426
(202) 502-8576
- g. Transmittal: This final EIS on the application to license the proposed Sweetheart Lake Hydroelectric Project is being made available to the public on or about June 10, 2016, as required by the National Environmental Policy Act of 1969¹ and the Federal Energy Regulatory Commission's Regulations Implementing the National Environmental Policy Act (18 CFR, Part 380 (2015)).

¹ National Environmental Policy Act of 1969, amended (Pub. L. 91-190, 42 U.S.C. 4321-4347, January 1, 1970, as amended by Pub. L. 94-52, July 3, 1975, Pub. L. 94-83, August 9, 1975, and Pub. L. 97-258, § 4(b), September 13, 1982).

FINAL ENVIRONMENTAL IMPACT STATEMENT

Federal Energy Regulatory Commission
Office of Energy Projects
Division of Hydropower Licensing
Washington, DC

U.S. Army Corps of Engineers District, Alaska
Juneau Regulatory Field Office
Soldotna, Alaska

Sweetheart Lake Hydroelectric Project FERC Project No. 13563—Alaska

1.0 INTRODUCTION

1.1 APPLICATION

On May 29, 2014, Juneau Hydropower, Inc. (Juneau Hydro or applicant), filed an application for an original license with the Federal Energy Regulatory Commission (Commission or FERC) for the proposed Sweetheart Lake Hydroelectric Project (Sweetheart Lake Project or project). The 19.8-megawatt (MW) hydropower project would be located on 5.4-mile-long, 0.6-mile-wide Lower Sweetheart Lake that flows into Sweetheart Creek, which is located in the City and Borough of Juneau, Alaska (City and Borough; figure 1-1). The proposed project would occupy 2,058.24 acres of federal lands within the Tongass National Forest, administered by the U.S. Department of Agriculture, Forest Service (Forest Service). The proposed project would generate an average of about 116,000 megawatt-hours (MWh) of energy annually.

1.2 PURPOSE OF ACTION AND NEED FOR POWER

1.2.1 Purpose of Action

The purpose of the proposed project is to provide a new source of hydroelectric power that would provide a renewable source of electric energy to meet the current and future energy demands of the Juneau area, and reduce the area's reliance on non-renewable power generation during peak demand periods. Therefore, under the provisions of the Federal Power Act (FPA), the Commission must decide whether to issue a license to Juneau Hydro for the Sweetheart Lake Project and what conditions should be placed on any license issued. In deciding whether to issue a license for a hydroelectric project, the Commission must determine that the project will be best

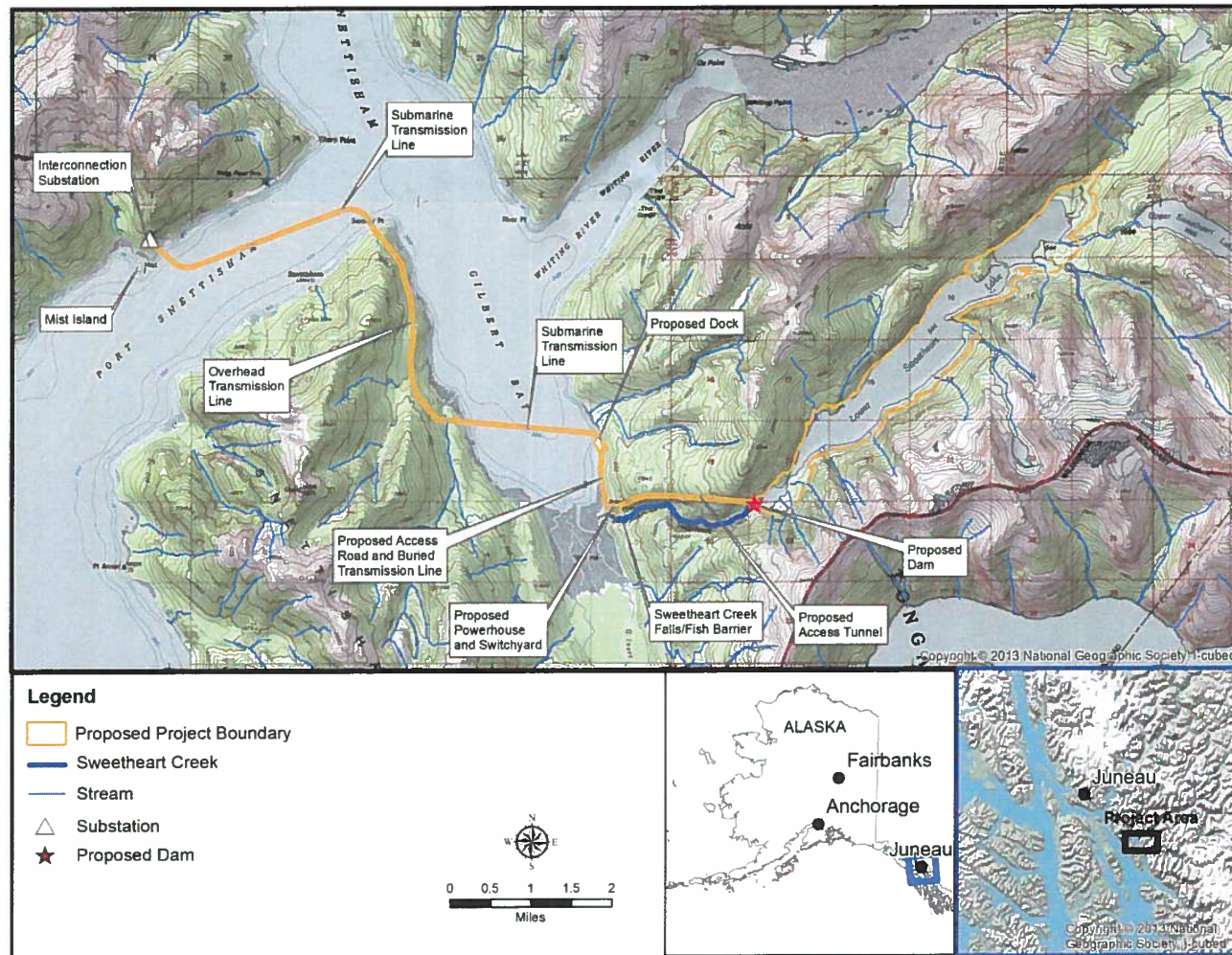


Figure 1-1. Location of the Sweetheart Lake Hydroelectric Project (Source: staff).

adapted to a comprehensive plan for improving or developing a waterway. In addition to the power and developmental purposes for which licenses are issued (such as flood control, irrigation, or water supply), the Commission must give equal consideration to the purposes of: (1) energy conservation; (2) the protection of, mitigation of damage to, and enhancement of fish and wildlife resources; (3) the protection of recreational opportunities; and (4) the preservation of other aspects of environmental quality.

Issuing an original license for the Sweetheart Lake Project would allow Juneau Hydro to generate electricity at the project for the term of the license, making electrical power from a renewable resource available to its customers.

This final environmental impact statement (final EIS) assesses the effects associated with construction and operation of the project and alternatives to the proposed project. It also includes recommendations to the Commission on whether to issue an original license, and if so, includes the recommended terms and conditions to become a part of any license issued.

In this final EIS, we assess the environmental and economic effects of constructing and operating the project: (1) as proposed by the applicant, and (2) with our recommended measures. We also consider the effects of the no-action alternative. Important issues that are addressed include effects of construction and operation on geology and soils; water quality; aquatic resources, including effects from submarine cable transmission lines and on downstream fish passage; vegetation and wildlife; federally listed species; and aesthetics. We also assess the effects of the proposed transmission line on recreation; resident and migratory birds, including the bald eagle; and marine mammals.

1.2.2 Need for Power

The Sweetheart Lake Project would provide hydroelectric generation to meet part of Alaska's power requirements, resource diversity, and capacity needs and lower the Juneau area's dependence on non-renewable sources of power generation. The project would have an installed capacity of 19.8 MW and generate about 116,000 MWh per year.

The Juneau area has an isolated electric system, and the only power supplies in the Juneau area are 102.8 MW from hydroelectric facilities and 84.8 MW from diesel-fueled power plants.

According to the Alaska Energy Authority's (2011) *Southeast Alaska Integrated Resource Plan*, between 2015 and 2024 annual energy consumption could increase from 441,237 to 461,494 MWh (4.59 percent), and peak demand could increase from 85.4 to

89.3 MW.¹⁴ This energy consumption estimate assumes continued operation of this isolated system without outside intervention (i.e., business as usual), moderate population growth, and a high cost for diesel and other petroleum fuels. It does not include additional current or future electricity users beyond the assumed population growth.

However, significant additional load growth potential exists in the Juneau area. Currently, several mining operations are fully or partially¹⁵ self-generating, relying on petroleum fuel sources for electricity. For example, Hecla Greens Creek Mine, which is connected to the Juneau electric grid but subject to interruptible service, represents a peak load of approximately 7.5 MW. Coeur Alaska Kensington Mine is located in Berners Bay north of Juneau, and it is fully reliant on self-generated diesel-based power. If the mines were connected to the grid, it would represent a load of approximately 10 MW (Alaska Energy Authority, 2011).

Cruise ships in the port of Juneau are also often required to generate their own electricity due to a lack of generation capacity. Currently there are two public cruise ship docks in Juneau Harbor, with plans to expand the existing public docks to accommodate two additional cruise ships (Juneau, 2015a). However, only one of the existing docks¹⁶ is equipped with a shore power facility, which provides interruptible power service to a docked cruise ship. Ships using the shore power facility represent peak loads of between 8 and 10 MW depending on their size, and such ships have consumed approximately 4,100 MWh annually since the shore power facility's construction. The second dock has not been equipped with a shore power facility because of a lack of grid capacity (Juneau, 2015b). If the additional existing dock and proposed expansion had use of shore power facilities, this could represent a peak load increase of 24 to 30 MW.

Additionally, some homeowners have begun to convert to electricity for home heating as a result of the increasingly volatile cost of heating oil and other fuels. According to the Alaska Energy Authority (2011), estimates of current and forecast load from building electric heating vary widely, and are imprecise because of a lack of adequate data on electric loads, end-users, and the prevalence of electric home heating in Southeast Alaska. Additionally, multiple factors impact future conversion from non-electric to electric heat, including the cost of electricity, heating system conversion to

¹⁴ Megawatt is a measure of power capacity; megawatt-hour is a measure of energy produced or consumed. Existing capacity does not always translate to available power during peak periods due to system limitations, such as water availability. Hence, a projected peak demand of 89.3 MW may not be fully met by existing hydropower resources, resulting in reliance on diesel and natural gas to meet peak generation needs.

¹⁵ Partially self-generating means they are subject to interruptible service contracts, where they are supplied electricity only when excess is available.

¹⁶ The South Franklin Dock.

electric, and heating system fuel (e.g., heating oil, propane, wood). The variability of these factors and the lack of available data make any estimate of future power use increases from building heating conversion unreliable. However, when oil prices increased in 2008 and 2010, many customers with access to relatively low-cost hydroelectric electricity converted their homes to electric heat (Alaska Energy Authority, 2011). While the United States is currently in a period of low oil prices compared to those of the past, based on the trends of the past few decades it is likely that such low oil prices are temporary. It is therefore likely that additional conversions to electric heat will occur in the future.

In its response to comments on the draft EIS, Juneau Hydro stated that it has two power sales agreements that would cover all of the annual generation from the project. The first agreement is with the Coeur Alaska Kensington Mine and would displace the mine's current diesel power generation. The second agreement is with a large customer for the balance of generation in 2018 that is not already sold to the Coeur Alaska Kensington Mine and would displace that customer's diesel-fueled heating. Additionally, this second power sales agreement allows for additional excess electricity to potentially be sold seasonally to other consumers.

We conclude that power from the project would help meet a need for power, from a clean and renewable source, in the Juneau area in both the short and long term. The proposed project would provide relatively low-cost power that displaces generation from non-renewable diesel sources. Displacing the operation of non-renewable facilities may avoid some power plant emissions, thus creating an environmental benefit.

1.3 STATUTORY AND REGULATORY REQUIREMENTS

A license for the Sweetheart Lake Project is subject to requirements under the FPA and other applicable statutes. The major regulatory and statutory requirements are described in the following sections.

1.3.1 Federal Power Act

1.3.1.1 Section 18 Fishway Prescriptions

No fishway prescriptions were filed by the U.S. Department of the Interior (Interior) or National Marine Fisheries Service (NMFS).

1.3.1.2 Section 4(e) Conditions

Section 4(e) of the FPA provides that any license issued by the Commission for a project within a federal reservation will be subject to and contain such conditions as the Secretary of the responsible federal land management agency deems necessary for the adequate protection and use of the reservation. The Forest Service filed preliminary conditions by letter dated January 7, 2014, and final terms and conditions by letter filed December 24, 2015, pursuant to section 4(e) of the FPA. These conditions are described under section 2.2.5, *Modifications to Applicant's Proposal—Mandatory Conditions*.

1.3.1.3 Section 10(j) Recommendations

Under section 10(j) of the FPA, each hydroelectric license issued by the Commission must include conditions based on recommendations provided by federal and state fish and wildlife agencies for the protection, mitigation, or enhancement of fish and wildlife resources affected by the project. The Commission is required to include these conditions unless it determines that they are inconsistent with the purposes and requirements of the FPA or other applicable law. Before rejecting or modifying an agency recommendation, the Commission is required to attempt to resolve any such inconsistency with the agency, giving due weight to the recommendations, expertise, and statutory responsibilities of such agency.

Alaska Department of Fish and Game (Alaska DFG) timely filed, on January 16, 2015, recommendations under section 10(j), as summarized in table 5-1, in section 5.4.1, *Fish and Wildlife Recommendations*. In section 5.4.1, we also discuss how we address the agency recommendations and comply with section 10(j).

1.3.2 Clean Water Act

Under section 401 of the Clean Water Act (CWA), a license applicant must obtain certification from the appropriate state pollution control agency verifying compliance with the CWA. By letter dated May 7, 2014, the Alaska Department of Environmental Conservation (Alaska DEC) waived its right to issue a Certificate of Reasonable Assurance for licensing the Sweetheart Lake Project, in accordance with section 401 of the CWA.¹⁷

1.3.3 Endangered Species Act

Section 7 of the Endangered Species Act (ESA) requires federal agencies to ensure that their actions are not likely to jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of the critical habitat of such species.¹⁸ Federally listed species known to occur, or that may occur, in the vicinity of the project include the humpback whale and the western distinct population segment (DPS) Steller sea lion.

¹⁷ In addition, on January 25, 2016, Juneau Hydro filed a second letter from Alaska DEC dated December 31, 2015, which again waived its right to issue a Certificate of Reasonable Assurance for licensing the Sweetheart Lake Project.

¹⁸ When project planning began in 2009, the eastern DPS Steller sea lion was a federally listed species; however, the eastern DPS Steller sea lion was delisted on December 4, 2013.

Our analyses of project impacts on threatened and endangered species are presented in section 3.3.4, *Threatened and Endangered Species*, and our recommendations are in section 5.2, *Comprehensive Development and Recommended Alternative*. This analysis serves as the biological assessment for compliance with section 7 consultation.

Noise from proposed construction activities, including noise from pile driving and vessel operations, could exceed noise thresholds known to disturb the humpback whale and western DPS Steller sea lion. Implementing Juneau Hydro's proposed measures to reduce noise disturbance, including ceasing pile driving when a marine mammal is observed within 1,000 meters (1,094 yards) of in-water pile driving activity, and the short-term and localized nature of the construction activities, would minimize potential adverse effects on humpback whales and Steller sea lions. Further, Juneau Hydro's additional protection measures, including employing a dedicated marine mammal monitor; implementing pile driving ramp-up procedures to minimize sudden exposure of marine mammals to loud noises; using hammer cushions to minimize noise effects on marine mammals during impact pile driving; monitoring for marine mammals during construction; reducing vessel speeds or stopping when marine mammals are present; and defining flight paths and marine transportation routes to avoid disturbance of Steller sea lions would reduce the potential for vessel collisions and disturbance to humpback whales and Steller sea lions to discountable and insignificant levels.

Therefore, we conclude that licensing of the Sweetheart Lake Project, with conditions to implement the aforementioned measures, may affect but is not likely to adversely affect the humpback whale and the western DPS Steller sea lion. A letter requesting concurrence with this determination was sent to NMFS on October 29, 2015. On November 4, 2015, NMFS filed a request for additional information on the estimated distances to the 120-decibel (dB) and 160-dB isopleths for any in-water activities that may approach or exceed these sound levels, and the 100-dB isopleths for any in-air activities that may approach or exceed that sound level. On November 16, 2015, Commission staff issued a letter providing the additional information requested by NMFS. On December 30, 2015, NMFS filed a letter stating that the estimated distances did not use measurements from comparable pile driving activities and provided information on the marine mammal mitigation measures proposed for pile-driving activities for the Ketchikan Ferry Dock Project. Based on this additional information, we have updated the proposed mitigation measures and analysis of effects in this EIS and will be seeking NMFS concurrence.

1.3.4 Coastal Zone Management Act

Under section 307(c)(3)(A) of the Coastal Zone Management Act (CZMA), 16 United States Code [U.S.C.] § 1456(3)(A), the Commission cannot issue a license for a project within or affecting a state's coastal zone unless the state CZMA agency concurs with the license applicant's certification of consistency with the state's CZMA program,

or the agency's concurrence is conclusively presumed by its failure to act within 180 days of its receipt of the applicant's certification.

On July 7, 2011, by operation of state law, the federally approved Alaska Coastal Zone Management Plan expired, resulting in a withdrawal from participation in the CZMA's National Coastal Management Program. The CZMA federal consistency provision, section 307, no longer applies in Alaska.

1.3.5 National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA) requires that every federal agency "take into account" how each of its undertakings could affect historic properties. Historic properties are districts, sites, buildings, structures, traditional cultural properties, and objects significant in American history, architecture, engineering, and culture that are eligible for inclusion in the National Register of Historic Places (National Register).

In response to Juneau Hydro's August 12, 2010, request, the Commission designated Juneau Hydro as a non-federal representative for the purposes of conducting section 106 consultations under the NHPA on August 24, 2010. Pursuant to section 106, and as the Commission's designated non-federal representative, Juneau Hydro consulted with the Alaska State Historic Preservation Office (Alaska SHPO) and affected Indian tribes to locate, determine National Register eligibility, and assess potential adverse effects on historic properties associated with the project. Juneau Hydro and the Commission consulted with the Douglas Indian Association (DIA), and no specific concerns about the project's effect on such sites were identified. The Alaska SHPO responded in a letter dated March 28, 2014, filed with Juneau Hydro's final cultural resources report on June 20, 2014, concurring with Juneau Hydro's findings, and ultimately concluded that no historic properties would be affected by the federal licensing action. Commission staff also concurs with this finding, and as a result, the section 106 process has been completed for the undertaking.

At the request of the Forest Service and the Alaska SHPO, Juneau Hydro prepared a Heritage Resource Protection Plan to address any cultural resources that may be discovered during project construction and operation. In such a case, the plan includes the necessary procedures to comply with section 106, including stopping all activities at the discovery site; consulting with the SHPO, Forest Service, and DIA on what particular measures are needed to resolve any adverse effects on the historic properties; and preparing a historic properties management plan, if needed. Revising the plan to include cultural resources training and monitoring protocols as specified in the Forest Service's December 24, 2015, comments, would ensure that the environmental compliance monitor (ECM) is capable of identifying and protecting cultural resources.

1.3.6 Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act requires federal agencies to consult with NMFS on all actions that may adversely affect essential fish habitat (EFH). The proposed project area includes habitats that have been designated as EFH for various life-history stages of pink salmon, chum salmon, and sockeye salmon.

Based on our analysis in section 3.3.2, *Aquatic Resources*, and recommended measures in section 5.2, *Comprehensive Development and Recommended Alternative*, we concluded in the draft EIS that issuing a license for the proposed project would not adversely affect pink and chum salmon EFH in lower Sweetheart Creek, or sockeye, pink and chum salmon EFH in Gilbert Bay. On October 29, 2015, Commission staff informed NMFS of staff's conclusion.

By letter filed December 30, 2015, NMFS notified staff that it did not agree that the project would not affect EFH for spawning and incubating pink and chum salmon, but it provided conservation recommendations to address its concerns. NMFS recommended that Juneau Hydro consult with NMFS on the development of the Aquatic Habitat Restoration and Monitoring Plan (Aquatic Habitat Plan) to ensure the timely identification of any reduction in spawning gravels and timely and effective replacement of spawning habitat to avoid adverse effects on EFH. As explained in sections 3.3.2.2 and 5.2.2, we recommend that any license issued to Juneau Hydro include this measure.

1.3.7 Marine Mammal Protection Act

The 1972 Marine Mammal Protection Act (MMPA) prohibits, with certain exceptions, the “take” (defined under statute to include harassment)¹⁹ of marine mammals in U.S. waters and the high seas. In 1986, Congress amended the MMPA, under the incidental take program, and the ESA, to authorize incidental takings of depleted, endangered, or threatened marine mammals, provided the “taking” (defined under the statute as actions which are or may be lethal, injurious, or harassing) was small in number and had a negligible impact on marine mammals. With this relationship between the MMPA and the ESA, NMFS cannot complete section 7 consultation and

¹⁹ Under the 1994 amendments to the MMPA, “harassment” is statutorily defined as “any act of pursuit, torment, or annoyance that has the potential to: (a) injure a marine mammal or marine mammal stock in the wild (Level A Harassment); or (b) disturb a marine mammal or marine mammal stock in the wild by causing a disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering but which does not have the potential to injure a marine mammal or mammal stock in the wild (Level B Harassment)” (MMPA Amendments of 1994, Pub. L. No. 103-238, 108 Stat. 432 [1994]; see also 50 CFR, section 216.3 [2010]).

issue an Incidental Take Permit for listed marine mammals until an Incidental Harassment Authorization²⁰ has been issued.

The humpback whale and western DPS Steller sea lion are federally listed endangered species and may occur in the vicinity of the proposed project. Additional non-listed marine mammals that are known to occur in the vicinity of the proposed project include the eastern DPS Steller sea lions and harbor seals. Implementing the following measures would avoid or minimize potential adverse effects of construction-related activities on marine mammals, including the humpback whale and Steller sea lion, to insignificant or discountable levels: employing a dedicated marine mammal monitor, ceasing pile driving when a marine mammal is observed within 1,000 meters of in-water pile driving activity, implementing pile driving ramp-up procedures to minimize sudden exposure of marine mammals to loud noises, using hammer cushions to minimize noise effects on marine mammals during impact pile driving, slowing vessel speed or stopping movement when a marine mammal is within 100 yards of vessels to prevent collisions between service boats and marine mammals, and defining flight paths and marine transportation routes to avoid disturbance of Steller sea lions at their haulout sites. Juneau Hydro's proposal to bury portions of the submarine cable and cover the cable with rock where it comes ashore would help reduce the extent of the magnetic field during project operation to negligible levels.

1.4 PUBLIC REVIEW AND COMMENT

The Commission's regulations (18 Code of Federal Regulations [CFR], Part 4.38) require that applicants consult with appropriate resource agencies, tribes, and other entities before filing an application for a license. This consultation is the first step in complying with the Fish and Wildlife Coordination Act, the ESA, the NHPA, and other federal statutes. Pre-filing consultation must be complete and documented according to the Commission's regulations.

1.4.1 Scoping

Before preparing this EIS, we conducted scoping to determine what issues and alternatives should be addressed. Scoping Document 1 was distributed to interested agencies and others on August 8, 2011. It was noticed in the Federal Register on August 17, 2011. Two scoping meetings, both advertised in the *Juneau Empire*, were held on September 7, 2011, in Juneau, Alaska, to request oral comments on the project. A court

²⁰ In 1994, MMPA section 101(a)(5) was amended to establish an expedited process by which citizens of the United States can apply for an authorization, referred to as an Incidental Harassment Authorization, to incidentally take small numbers of marine mammals by harassment.

reporter recorded all comments and statements made at the scoping meetings, and these are part of the Commission's public record for the project. In addition to comments provided at the scoping meetings, the following entities provided written comments:

<u>Commenting Entity</u>	<u>Date Filed</u>
State Representative Cathy Munoz	October 3, 2011
Forest Service	October 7, 2011
Alaska DFG	October 7, 2001
U.S. Department of the Interior, National Park Service (Park Service)	October 7, 2011
U.S. Department of the Interior, Fish and Wildlife Service (FWS)	October 11, 2011
NMFS	October 11, 2011

A revised scoping document (Scoping Document 2), addressing these comments, was issued on February 1, 2012.

1.4.2 Interventions

On July 31, 2014, the Commission issued a notice that Juneau Hydro had filed an application for an original license for the Sweetheart Lake Project. This notice set September 29, 2014, as the deadline for filing protests and motions to intervene. In response to the notice, the following entities filed motions to intervene:

<u>Intervenor</u>	<u>Date Filed</u>
Forest Service	July 31, 2014
Alaska Electric Light and Power (AEL&P)	August 15, 2014

1.4.3 Comments on the Application

A notice requesting comments, final terms, conditions, and recommendations was issued on November 17, 2014. The following entities commented:

<u>Commenting Agency and Other Entity</u>	<u>Date Filed</u>
Alaska Energy Authority	December 23, 2014
State Representative Cathy Munoz	January 15, 2015
Alaska DFG	January 16, 2015
Forest Service	January 16, 2015
Interior	January 20, 2015

<u>Commenting Agency and Other Entity</u>	<u>Date Filed</u>
Alaska Department of Natural Resources (Alaska DNR)	January 20, 2015
U.S. Environmental Protection Agency	January 26, 2015
U.S. Senator Lisa Murkowski	January 26, 2015
U.S. Representative Don Young	January 26, 2015
State Senator Dennis Egan	February 11, 2015

The applicant filed reply comments on February 28, 2015.

1.4.4 Comments on the Draft Environmental Impact Statement

The draft EIS for the Sweetheart Lake Project was issued on October 29, 2015. Comments on the draft EIS were due by December 29, 2015. Written comments on the draft EIS were filed by the following entities:

<u>Commenting Entity</u>	<u>Date Filed</u>
U.S. Environmental Protection Agency	December 22, 2015
Interior	December 23, 2015
Representative Cathy Muñoz	December 23, 2015
Forest Service	December 24, 2015
Carol Bookless	December 28, 2015
Alaska DFG	December 29, 2015
Alaska DNR	December 29, 2015
Alaska Electric Light and Power Company	December 29, 2015
NMFS	December 29, 2015
Scott Spickler	December 29, 2015
International Union of Operating Engineers	January 6, 2016

In addition, the Commission accepted oral testimony on the draft EIS at two public meetings, both held on December 2, 2015, in Juneau, Alaska. The transcripts from these meetings were filed in the administrative record for the project.

The applicant filed reply comments on January 20, 2016.

Appendix A summarizes the oral and written comments, includes our responses to those comments, and indicates where we made modifications to the draft EIS.

**FINAL ENVIRONMENTAL IMPACT STATEMENT
FOR HYDROPOWER LICENSE**

Sweetheart Lake Hydroelectric Project—FERC Project No. 13563-003

Alaska

Federal Energy Regulatory Commission
Office of Energy Projects
Division of Hydropower Licensing
888 First Street, NE
Washington, DC 20426

U.S. Army Corps of Engineers District, Alaska
Juneau Regulatory Field Office
44669B Sterling Highway
Soldotna, AK 99669

May 2016

overhead transmission line could result in bird collisions which could cause direct injury or mortality of individual animals. Designing the overhead line consistent with practices outlined by APLIC, including marking anadromous stream crossings to increase visibility would minimize this potential to the greatest extent practicable. A greater presence of humans during construction and to a lesser degree during operation, would increase the chances of bear-human interactions and the potential need to kill or relocate bears. Juneau Hydro's bear protection plan would minimize such interactions to the extent practicable.

Existing recreational access to the project area would be periodically interrupted during the 2-year construction period. Noise generated by project construction activities would temporarily reduce the wilderness-type experience presently offered to recreationists in the project vicinity. Decreased flow over the upper falls in the project bypassed reach during project operation would reduce the aesthetic appeal of the falls to fishermen in the area. Construction of project facilities would introduce man-made modifications to an existing unmodified natural landscape that could not be mitigated to meet all Tongass National Forest Land and Resource Management Plan scenery management objectives.

5.3.2 Irreversible and Irretrievable Resource Commitments

An irreversible commitment of resources refers to the loss of production or use of a resource from a land use decision, that once executed, cannot be changed. An irretrievable commitment of resources applies to losses of production or use of renewable resources for a period of time.

The construction and operation of the proposed project under the action alternatives would commit lands and waters from their current use to use for energy production. Therefore, any land or water occupied by the proposed project, including vegetated areas, wetlands, and wildlife habitat occupied by project facilities, would be irretrievably lost for at least the duration of any licenses issued.

During project construction, the loss of productive soils resulting from erosion would be irreversible. Road construction, excavating the power tunnel, and construction of the visual landform barrier in front of the powerhouse under the staff alternative would cause the greatest concentration of soil displacement and sediment movement.

5.4 SUMMARY OF SECTION 10(j) RECOMMENDATIONS AND 4(e) CONDITIONS

5.4.1 Fish and Wildlife Recommendations

Under the provisions of section 10(j) of the FPA, each hydroelectric license issued by the Commission shall include conditions based on recommendations provided by federal and state fish and wildlife agencies for the protection, mitigation, and enhancement of fish and wildlife resources affected by the project.

Section 10(j) of the FPA states that whenever the Commission believes that any fish and wildlife agency recommendation is inconsistent with the purposes and the requirements of the FPA or other applicable law, the Commission and the agency shall attempt to resolve any such inconsistency, giving due weight to the recommendations, expertise, and statutory responsibilities of such agency.

Alaska DFG was the only agency to file 10(j) recommendation in response to our notice of intent to prepare an EIS and request for comments, final recommendations, terms and conditions, and prescriptions. On January 16, 2015, Alaska DFG filed 22 section 10(j) recommendations. In the draft EIS, we determined that 18 of the 22 recommendations fell within the scope of section 10(j). Of those recommendations, we determined that the recommendation to evaluate pulse flows may be inconsistent with the substantial evidence standard of section 313(b) of the FPA. We also determined that the pink and chum salmon monitoring component of the agency's recommended Biotic (Aquatic) Habitat Monitoring Plan may be inconsistent with the FPA.

On October 29, 2015, we informed Alaska DFG of the inconsistencies. On December 29, 2015, Alaska DFG filed additional information to support the need for evaluating pulse flows and modified its recommendation to include details of its recommended pulse flow release and monitoring plan. After analyzing this information in section 3.3.2.2 and weighing the benefits in section 5.2.2, we now recommend developing a plan to evaluate the effectiveness of releasing pulse flows in any license issued; therefore, this issue is resolved.

In a December 29, 2015 letter, Alaska DFG also stated that because Alaska DFG conducts annual escapement counts on Sweetheart Creek as part of its pink salmon Index Stream monitoring, FERC's recommendation to not require pink and chum monitoring is acceptable to Alaska DFG; therefore, we consider this issue resolved.

After considering the comments and information filed on the draft EIS, we revised our findings as discussed above. Table 5-1 lists the recommendations subject to section 10(j), and whether the recommendations are adopted under the staff alternative. Environmental recommendations that we consider outside the scope of section 10(j) have been considered under section 10(a) of the FPA and are addressed in the specific resource sections of this document and our recommendations provided in section 5.2.2. Of the 18 recommendations that we consider to be within the scope of section 10(j), we wholly include 17, and include 1 in part.

Table 5-1. Alaska Department of Fish and Game recommendations for the Sweetheart Lake Project (Source: staff).

Recommendation	Agency	Within the Scope of Section 10(j)	Annual Cost	Adopted?
1. Continuously release 3 cfs from the dam site into the Sweetheart Creek bypassed reach. This flow may be temporarily modified, if required, by operating emergencies beyond the control of Juneau Hydro, or for short periods upon agreement between Juneau Hydro, Alaska DFG, and other requesting agencies.	Alaska DFG	Yes	No cost; any potential lost energy is already included in the annual generation estimate	Yes
2. Operate the project to maintain instantaneous instream flows in the anadromous reach, pursuant to the schedule below: - January–February (40 cfs) - March (45 cfs) - April (119 cfs) - May–October (300 cfs) - October–December (117 cfs)	Alaska DFG	Yes	No cost; flows would be released through the powerhouse turbines	Yes

5-26

Recommendation	Agency	Within the Scope of Section 10(j)	Annual Cost	Adopted?
3. Release a minimum of four pulse flows of up to 486 cfs between July 1 and August 31 of each year and develop a pulse flow release and monitoring plan, in consultation with the resource agencies.	Alaska DFG	Yes	\$5,440	Yes
4. Operate and maintain a stream gage in the project tailrace (according to USGS standards). Data would be recorded at a frequency of not greater than 15-minute intervals. Consult with resource agencies regarding how to monitor and ensure compliance with the instream flow provisions.	Alaska DFG	Yes	\$9,720	Yes
5. Provide fail-safe provisions to ensure that flow releases are provided continuously to the bypassed and anadromous reaches of Sweetheart Creek during routine maintenance periods, emergency project shutdowns, and interruptions to the power grid.	Alaska DFG	Yes	Included in the cost of construction	Yes

Recommendation	Agency	Within the Scope of Section 10(j)	Annual Cost	Adopted?
6. Design and construct the powerhouse tailrace to exclude fish from entering the turbine draft tubes to avoid or minimize the potential for fish injury or mortality.	Alaska DFG	Yes	\$16,120	Yes
7. Install a fish screen at the power tunnel intake structure in Sweetheart Lake to prevent the entrainment and impingement of salmonid fry. The screen shall be designed based on NMFS fish screening criteria.	Alaska DFG	Yes	\$87,630	Yes
8. Prepare a sockeye smolt transport plan.	Alaska DFG	Yes	\$53,280	Yes
9. Consult with resource agencies and prepare a Biotic (Aquatic Habitat) Monitoring Plan. The plan would include the following components: (1) monitoring of pink and chum salmon spawning in the anadromous reach and intertidal areas of Sweetheart Creek; and (2) monitoring of resident Dolly Varden char and rainbow trout spawning and young of year recruitment in Sweetheart Lake and the inlet streams.	Alaska DFG	Yes, with regard to preparation and implementation of the plan. No, with regard to consultation, because consultation is not a specific fish and wildlife measure.	\$4,310	Yes, except for requirement to monitor pink and chum salmon spawning.

Recommendation	Agency	Within the Scope of Section 10(j)	Annual Cost	Adopted?
10. Establish timing windows for instream construction activities and stream crossings (in consultation with the Alaska DFG habitat biologist assigned to the project).	Alaska DFG	Yes, except for agency consultation, which is not a specific fish and wildlife measure.	Negligible	Yes
11. Locate all clearings and road/trail corridors a minimum of 100 feet, measured horizontally, away from ordinary high water of Sweetheart Creek and its tributaries. Clearings and road/trail corridors for the powerhouse and appurtenant facilities, penstock, and tailrace are excluded from this requirement. Except for stream crossings, locate the transmission line corridor a minimum of 100 feet, measured horizontally, away from ordinary high water of all streams identified in the latest (2011) edition of Alaska DFG's Catalog of Waters Important for Spawning, Rearing or Migration of Anadromous Fishes.	Alaska DFG	Yes	Included in the cost of the Erosion Control Plan.	Yes

Recommendation	Agency	Within the Scope of Section 10(j)	Annual Cost	Adopted?
12. Construct transmission line power poles to conform to guidelines accepted by FWS and described in <i>Suggested Practices for Avian Protection on Power Lines—State of the Art in 2006</i> .	Alaska DFG	Yes	\$26,100	Yes
13. Implement a Bear Safety Plan that includes: (1) operating practices when in bear country that minimize possible conflict; (2) minimizing encounters and avoid areas often used by bears, if possible; (3) keeping construction sites and refuse areas clean of substances that attract bears; (4) installing bear-proof garbage receptacles and other measures during construction to prevent bears from obtaining food or garbage; (5) dealing with problem bears; and (6) notifying Alaska DFG of any bear-human conflicts.	Alaska DFG	Yes, except that the provision for notifying a resource agency of any bear-human conflicts is not a specific fish and wildlife measure.	\$1,780	Yes

	Recommendation	Agency	Within the	Annual Cost	Adopted?
			Scope of Section 10(j)		
	14. Aircraft shall maximize their distance away from mountain goat habitat and observed mountain goats. To the extent possible, a 1,500-foot vertical or horizontal clearance should be maintained from mountain goat habitat and observed mountain goats. Of particular concern is use of kidding habitat between May 15 and June 15.	Alaska DFG	Yes	\$1,310	Yes
5-31	15. Construct the project penstock underground, to protect wildlife movement.	Alaska DFG	Yes	Included in the cost of construction	Yes
	16. Restrict employees, contractors and subcontractors from hunting, sport fishing, or trapping within 0.5 mile of project features.	Alaska DFG	No, because hunting, fishing, and trapping are state-regulated activities over which the Commission has no jurisdiction.	Negligible	No, enforcement of hunting, fishing, and trapping regulations are the responsibility of the state.

Recommendation	Agency	Within the Scope of Section 10(j)	Annual Cost	Adopted?
17. Develop and implement an Erosion Control Plan that includes (1) a description of site characteristics to include: soils, landscape, vegetation, topography, nearby waters including springs and seeps; (2) preventative measures based on site-specific conditions; (3) location of areas for storage or deposition of removed overburden including erosion control to be utilized in those areas; (4) detailed descriptions, functional design drawings, and specific topographic locations of all control measures, including riprap placement and stream setback and proposed stabilization measures for spoil material; and (5) prescriptions for revegetation of all disturbed areas including treatment of overburden deposition sites, plant species, and methods to be used. Also, file the final plan with the Commission at least six months before the start of any land disturbance or land clearing activities.	Alaska DFG	Yes, except that the timing of the filing of the plan is an administrative matter, and therefore, is not a specific fish and wildlife measure.	\$9,090	Yes, except for the timing of filing the plan with the Commission

	Recommendation	Agency	Within the	Annual Cost	Adopted?
			Scope of Section 10(j)		
	18. Provide for an ECM who: (1) is employed through the duration of project construction; (2) has the authority to issue cease work orders in the field as deemed necessary; (3) documents compliance with license conditions; and (4) is responsible for preparation of weekly construction reports to be filed with the Commission and Alaska DFG.	Alaska DFG	No; not a specific measure to protect, mitigate, or enhance fish and wildlife resources	\$18,500	Yes
5-33	19. Monitor turbidity in Sweetheart Creek upstream and downstream of construction activities on a daily basis.	Alaska DFG	Yes	Included in the cost of the Erosion Control Plan.	Yes
	20. Implement the Hazardous Substances Plan filed with the license application that includes procedures for reporting and responding to releases of hazardous substances.	Alaska DFG	Yes	\$320	Yes

Recommendation	Agency	Within the Scope of Section 10(j)	Annual Cost	Adopted?
21. Within 10 days of detecting events that are out-of-compliance with license requirements, notify the Commission, Alaska DFG, and other requesting agencies that the event occurred. Take immediate steps to correct the out-of-compliance event including causes of such events so that they do not recur, and document those steps in a detailed description of the event to be filed with FERC and requesting agencies, no later than 30 days following detection of the event.	Alaska DFG	No; these are administrative measures related to compliance, and therefore, they are not specific measures to protect, mitigate, or enhance fish and wildlife resources	Negligible	Yes
22. Provide representatives of Alaska DFG free and unrestricted access to, through, and across project lands and waters and project works, in the performance of their official duties upon appropriate advance notification.	Alaska DFG	No; not a specific measure to protect, mitigate, or enhance fish and wildlife resources	\$0	Yes

SWEETHEART LAKE HYDROELECTRIC PROJECT

FERC PROJECT NO. P-13563



EXHIBIT A: PROJECT DESCRIPTION

PREPARED BY:

**Juneau Hydropower, Inc.
PO Box 22775
Juneau, AK 99802**

MAY 2014

**JUNEAU HYDROPOWER INC.
SWEETHEART LAKE HYDROELECTRIC PROJECT
EXHIBIT A**

PROJECT DESCRIPTION

Exhibit A is presented herein and addresses the FERC regulation 18 CFR 4.41 (b).

The proposed 19.8 MW Sweetheart Lake Hydroelectric Project (Project) would be a storage hydroelectric generation project located on the east shore of Gilbert Bay and Sweetheart Lake within the limits of the City and Borough of Juneau. Maps showing the location of the Project and the proposed Project Boundary are provided in this Draft License Application at 4.41 (h) **Exhibit G- Project Maps.**

Updated Description from FERC EIS 10/29/2015:

The proposed project would consist of the following new facilities: (1) A 280-foot-wide, 111-foot-high roller-compacted concrete dam to be constructed at the existing natural outlet of Lower Sweetheart Lake, with a 125-foot-wide ungated overflow spillway at a crest elevation of 636 feet; (2) a 525-foot-long, 10-foot-high, 10-foot-wide arched reservoir outlet tunnel at the right dam abutment; (3) a 45-foot-long, 25-foot-wide, 16-foot-high rectangular concrete intake structure, with six 7-foot-diameter, 10-foot-high cylindrical fish screens adjacent to the right dam abutment; (4) a 9,612-foot-long, 15-foot-wide, 15-foot-high horseshoe-shaped, unlined underground power tunnel; (5) an 896-foot-long, 9-foot-diameter saddle-supported steel penstock installed within the lower portion of the power tunnel; (6) three 160-foot-long (mean length), 7- to 9-foot-diameter buried steel penstocks connecting the lower portion of the power tunnel to the powerhouse; (7) a 160-foot-long, 60-foot-wide, 30-foot-high concrete and steel powerhouse; (8) three 7.1-MW Francis turbines with 6.6-MW generators with a total installed capacity of 19.8 MW; (9) a 541-foot-long, 30- to 90-foot-wide rock tailrace with a fish exclusion structure, discharging to Sweetheart Creek; (10) a 4,400-foot-long coastal road from the powerhouse to a dock/landing site for aerial and marine vehicle access, located on the east shore of Gilbert Bay; (11) an 8.69-mile-long, 138-kilovolt (kV) transmission line traversing Gilbert Bay, the Snettisham Peninsula, and Port Snettisham, consisting of: (a) two buried segments, totaling 4,800 feet in length; (b) two submarine segments, totaling 25,700 feet in length; and (c) one 15,400-foot-long overhead segment; (12) a 22,000-square-foot fenced switchyard adjacent to the powerhouse; (13) a 25-foot-long, 5-foot-wide, 4-foot-deep salmon smolt re-entry pool located adjacent to the powerhouse and tailrace; (14) a 4,225-square-foot caretaker's facility near the dock; (15) a 4,800-foot-long, 12.47-kV service transmission line and communication cable extending from the powerhouse to the dock and caretaker's facility, providing operational electricity and communications; (16) a 10,000-foot-long, 12.47-kV service transmission line and communication cable extending from the powerhouse to the dam site, providing operational electricity and communications; (17) a 400-square-foot shelter at the dam site for employee use during smolt transport facility operations; and (18) appurtenant facilities.

Construction of the project would raise Lower Sweetheart Lake from a water surface elevation of 551 feet mean lower low water and a surface area of 1,414 acres to a new maximum water surface elevation of 636 feet and surface area of 1,702 acres, and a new minimum water surface elevation of 576 feet and surface area of 1,449 acres.

Preliminary drawings of the proposed project facilities and supporting information used as the basis of the conceptual design are presented in **4.41 (g) Exhibit F-General Design Drawings and Preliminary Supporting Design Report**. This exhibit contains information defined as Critical Energy Infrastructure Information (CEII) and therefore filed under separate cover as required by the Commission's regulation at 18 CFR 4.32(k) and 18 CFR 388.112 and 388.113. Requests for access to information defined as CEII should be made to the Commission's CEII Coordinator.

(b) Exhibit A is a description of the project. If the project includes more than one dam with associated facilities, each dam and the associated component parts must be described together as a discrete development. The description for each development must contain:

4.41(b)(1) The physical composition, dimensions, and general configuration of any dams, spillways, penstocks, powerhouses, tailraces or other structures to be included as part of the project;

PROJECT STRUCTURES

Dam

The Sweetheart Lake Dam would be a roller-compacted concrete (RCC) gravity-type dam with an estimated height of 111 feet (from the downstream toe to the top of dam) and a crest length of 280 feet. The Dam would have a thickness of 100 feet at the base of the dam. The top of dam would be at EL 651.1 feet mean lower low water (MLLW), and the overflow spillway crest would be at EL 636 feet MLLW (the high normal pool elevation). The top of dam elevation was selected to match the routed probable maximum flood (PMF), which is discussed below under "Spillway." The dam section would consist of a vertical upstream face and a stepped downstream face with an overall slope of 0.85 horizontal to 1.0 vertical (0.85H:1.0V). It is anticipated that the steps on the downstream face would be 4 feet high with a horizontal "tread" of 3.4 feet. The overall section geometry was selected based on preliminary gravity stability analyses in accordance with FERC criteria.

The RCC dam would extend across the full valley and tie into approved rock foundation on both abutments. An overflow spillway would be constructed in the center of the RCC dam, and flow would be discharged directly down the stepped downstream face of the RCC to the base of the dam. Outside of the spillway limits, the dam would

include a 25-foot-wide vertical chimney section. Concrete parapets would be constructed at the crest of the dam to EL 651.1 feet MLLW.

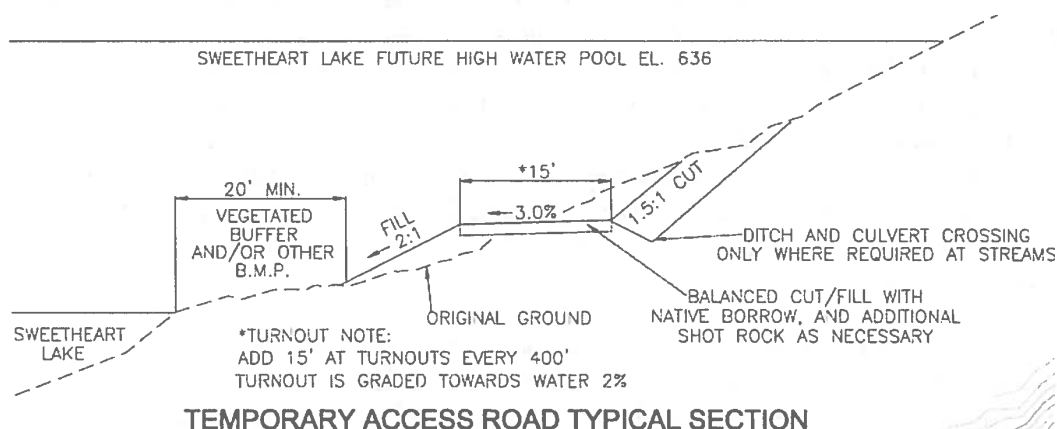
RCC would be placed sequentially in 1-foot-thick lifts. There is a tendency for leakage to develop along the lift lines, particularly when using dry (high Vebe time) RCC mixes. To control leakage along these lift lines, most RCC dams include a low-permeability upstream-facing system in combination with carefully designed RCC mix, with attention to lift joint preparation and treatment. The proposed dam would include a grout-enriched RCC (GERCC) upstream face or a conventional concrete facing system to lower the permeability between adjacent lifts of RCC. Air-entrained RCC may be used to improve the freeze-thaw durability. In addition, a low Vebe time (wetter mix) would be used in conjunction with a retarding admixture to improve the bond between lifts.

Dental and leveling concrete would be used in the foundation to fill discontinuities and to provide a level surface to start efficient RCC production. On the abutments, dental concrete would be applied and GERCC would be used against the steep irregular rock surface. Following construction of the RCC dam, a foundation grouting program would be initiated from the crest of the dam. Drill holes would be advanced through the dam in an orientation to intercept potential discontinuities based on geologic mapping performed on the foundation prior to construction. Grouting after construction of the RCC dam would take this activity off of the critical path and would provide better access to steep abutment slopes from the top of the dam.

Reservoir Area Temporary Access Road

The reservoir area temporary access road primarily located on the southern shoreline of Sweetheart Lake provides vehicle, material and personnel access to and from the damsite and temporary construction camp and staging area.

Exhibit F-3 (1) shows a typical section and the location of the road, and is partially included below. The materials will be native rock, balanced cut and fill. The road simply provides temporary access between the dam site and staging/camp areas located in a relatively flat and safe location east of the dam site. Road is temporary and will be inundated by the minimum reservoir level. Full details appear in Exhibit F-3(1).

Figure A-1 Reservoir Area Road Profile

Spillway

The spillway would be located in the center of the dam. The spillway would consist of the following:

The 125-foot-wide ungated overflow spillway would pass the full PMF rainfall event with the maximum water surface at EL 651.1 feet MLLW, considering only flow over the spillway (no outlet works or power plant discharge). All routings assume that the starting reservoir elevation is at the spillway crest EL 636 feet.

The peak outflow for the 100-year rainfall event is estimated to be 7,007 cubic feet per second (cfs). The peak outflow during the PMF is 20,350 cfs.

The downstream face of the dam has a slope of 0.85H:1.0V and 4-foot-high steps for energy dissipation. Based on preliminary geologic investigations and evaluation of topographic conditions downstream of the dam, we have assumed that a formal stilling basin would not be required. An engineering assumption has been made that some armoring and anchoring of weak seams in the rock may be warranted. Additional geotechnical investigations and rock scour analyses would be performed during final design.

Reservoir Outlet Works

At the end of dam construction, the diversion tunnel would be converted to reservoir outlet works. During excavation of the diversion tunnel, a vertical shaft would be constructed from the right nonoverflow section of the dam. Following dam construction, a concrete bulkhead would be constructed downstream of the shaft, and a roller gate would be installed to control future discharges. A portion of the tunnel under the dam would be lined, and the rock would be grouted from the interior of the tunnel, as needed. A concrete vault would be constructed in the top of dam to protect the gate hoist system. The outlet works would consist of the following:

- A concrete headwall structure at the upstream portal of the diversion tunnel, with provisions for installing trashracks and stoplogs or a steel bulkhead.

- A concrete-lined section of the tunnel under the dam crest, with a concrete bulkhead for mounting the roller gate.

- A single 6-foot X 8-foot roller gate for draining the lake if required.

- A conduit would extend from the screened intake structure and extend through the diversion tunnel to maintain a discharge of 3 cubic feet per second into Sweetheart Creek just downstream of the dam. This conduit would include a flow meter and release valve at the diversion tunnel vertical shaft to monitor and document discharges. The system would be designed for local or remote operation.

The outlet works have been sized to allow drawdown of the reservoir from EL 636 feet MLLW (maximum normal pool) to EL 576 feet MLLW (minimum normal pool) in 53 days assuming a 6-foot by 8-foot gate installed in the diversion tunnel, a base flow of 500 cfs into the reservoir, and no flow through the power tunnel. The maximum discharge through the gate is 1,850 cfs at the normal pool elevation of 636 feet MLLW.

Stream Diversion Tunnel and Cofferdam

During construction, the creek would be diverted through a tunnel in the right abutment. The tunnel would be excavated by the drill-and-blast method (DBM) to a 10-foot-wide by 10-foot-high straight-leg horseshoe shape, and would be approximately 525 feet long. Temporary lined rockfill cofferdams would be constructed upstream and downstream of the proposed dam to provide protection from routine storms and to provide vehicular access across the stream channel.

An upstream cofferdam would be constructed approximately 150 feet upstream of the main dam to approximately EL 565 feet MLLW, which would be roughly 14 feet above the current pool elevation. This height of cofferdam would provide 5 feet of freeboard during a 100-year rainfall event. The downstream cofferdam would be constructed to approximately EL 555 feet MLLW to control water from entering the dam excavation footprint from the downstream direction.

In order to construct the dam a diversion tunnel will have to be installed to divert the water around the dam construction footprint. This tunnel will be nominally 10 feet wide by 10 feet tall strait leg horseshoe and is 525 feet long (Exhibit F-6). The diversion tunnel will be excavated using conventional drill and blast methods. The tunnel will be driven from one heading and will be excavated with a top and bottom bench. Blast hole drilling will be executed with jack-leg drills. Anticipated drill depths are 6 feet with the leading top bench height being approximately 5 feet and the trailing bottom bench height being approximately 5 feet. Muck handling and removal for the diversion tunnel will be with small LHD loaders and/or large skid steer loaders. The machinery needs to be small enough so that it can be transported to the Sweetheart Lake site by heavy lift helicopter. The tunnel rock produced from the diversion tunnel may be processed for future RCC aggregate at the Sweetheart Lake site. Muck bays will not be utilized for construction of the Diversion Tunnel

Fish Collection and Transportation

A fish collection barge would be seasonally placed in Sweetheart Lake to collect out-migrating sockeye smolts. Smolts would be collected and prepared for helicopter transport from Sweetheart Lake and delivered to the smolt reentry pool located in the powerhouse/switchyard area. The fish collection barge would be hauled out and stored on the northern lakeshore near the intake area. A ramp with a winch would be used to remove the fish collection barge system when not in use.

Intake, Power Tunnel, and Penstock

The intake for the power tunnel would consist of a rectangular structure with six cylindrical screens mounted on top. The screens would be manufactured of wedge wire with an opening of 3/32 inch and designed for an approach velocity of 0.4 feet per second or less. A log boom would be installed to help protect the screens from floating debris. The screens would be equipped with a water jetting system operated by submersible pumps. This system would flush smaller debris off of the screens to improve hydraulic efficiency. The approximate dimensions of the intake would be 45 feet long, 25 feet wide and 16 feet tall. The structure would have an invert of EL 529 feet MLLW.

The power tunnel would have a 15-foot by 15-foot straight-leg horseshoe shape and would be a 9,621-foot-long tunnel from portal to portal. The tunnel would be excavated by DBM, and the spoil volume would be approximately 71,225 bank cubic yards. The main tunnel heading would be excavated from the lower portal near the powerhouse, and the spoils would be used for surfacing the access roads, building an aesthetic mound to mask the powerhouse from Sweetheart Creek, and as aggregate for the dam. Rock quality based on initial tests is very good; therefore, it is expected that the tunnel would be mostly unlined. The alignment has been selected to minimize the length of the lined tunnel and to provide a convenient location for future construction of a surge tank if that becomes warranted. Rock bolts and other support elements would be installed as necessary, and the tunnel would be lined with shotcrete in areas of poor-quality rock such as shear zones, faults, or highly fractured zones.

The majority of the power tunnel is planned to be unlined. Approximately 896 feet from the lower portal of the tunnel, the flow would transition to a 9-foot-diameter saddle-supported steel penstock with a wall thickness of about 1 inch. At the lower portal, the steel penstock would transition to a manifold supplying flow to the three turbines and synchronous bypass valves; the average length of the manifold would be about 160 feet. The manifold would initially transition to 7-foot diameter and ultimately branch into 4-foot-diameter pipes that would neck down to 3-foot diameter pipe right before the spherical valves before entering into the turbines. Bifurcations of the manifold would be encased in concrete as required for thrust resistance. The upper portion of the manifold would be above ground, but the balance of the manifold would be buried in fill under the switchyard. A 12-foot-long section of the upper portion of the manifold would be removable to provide access into the tunnel; the removable section would be supported on rails for convenient movement.

The power tunnel will be excavated using conventional drill and blast methods. The tunnel will be driven with two headings, upstream and downstream. The downstream heading will be the primary heading and will commence after the downstream portal is developed. Blast hole drilling at the downstream heading will be executed with a two boom drilling jumbo. Anticipated drill depths are 12-foot which will result in an approximately 11-foot round pull. It is anticipated that the downstream heading will be taken full face. The upstream heading will commence from the design inlet portal at Lower Sweetheart Lake. This heading will be secondary and will only be active when the Lower Sweetheart Lake site is accessible. Blast hole drilling will be executed with jack-leg drills. Anticipated drill depths are 6-foot' and the heading will excavated with a leading top bench and a trailing bottom bench at with bench heights of approximately 6 feet and 9 feet respectively. Muck handling and removal methods for the downstream tunnel heading are:

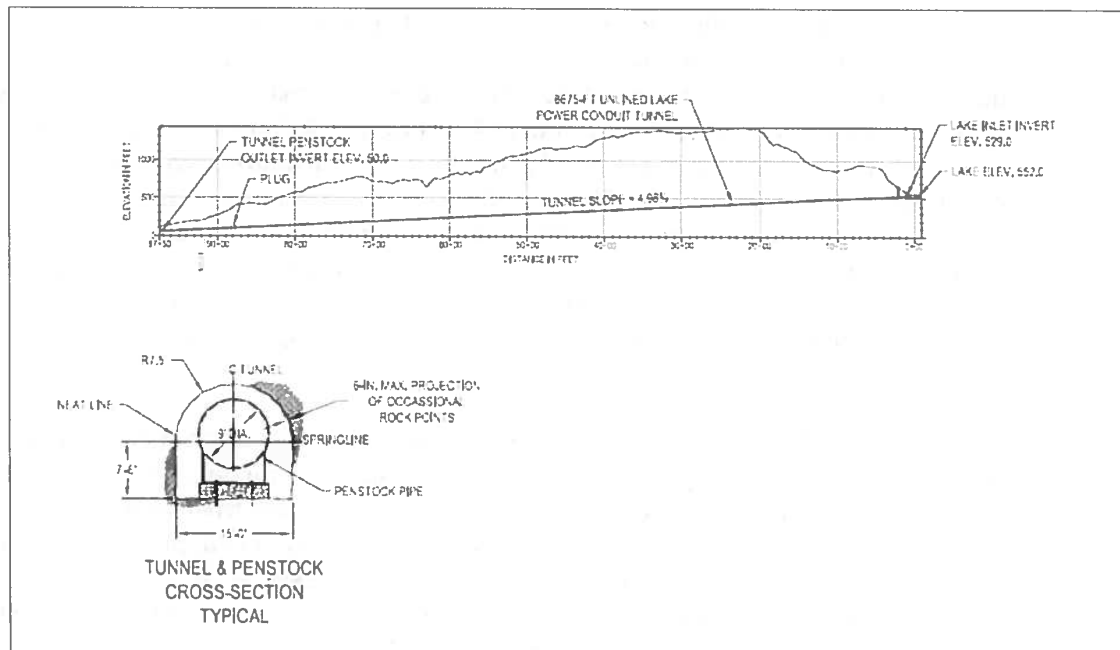
Rolling stock muck removal: This would be executed with a combination of low profile haul trucks and load haul dump (LHD) loaders. To increase efficiency of the mucking operation, muck/passing bays will be excavated in the tunnel at prescribed stations. The bays consist of a widened tunnel cross section that allows for temporary storage of tunnel muck. These bays also provide a location for machinery to pass in the tunnel.

Conveyor muck removal: This would be executed with a combination of electric conveyors and LHD loaders. As the tunnel excavation proceeds conveyor sections will be installed. It is anticipated that the conveyors will be maintained to within 200 to 500 feet of the active tunnel face. Muck bays will still likely be incorporated to increase the efficiency of the tunnel mucking operations.

Muck handling and removal for the upstream tunnel heading will be with small LHD loaders and/or large skid steer loaders. Muck bays will also be employed in the upstream tunneling operations. The machinery needs to be small enough so that it can be transported to the Sweetheart Lake site by heavy lift helicopter. Tunnel rock produced from the downstream heading will be used to build the coastal road and dock areas. The tunnel rock produced from the upstream heading will be processed for future RCC aggregate at the Sweetheart Lake site. All tunnel rock will be used at the project site. No export of tunnel muck material is anticipated.

Once the power tunnel is completely excavated and prior to the installation of the penstock pipe it will be used to transport equipment and personnel to and from the site for RCC dam construction activities.

Figure A-2 shows the planned tunnel and penstock.

Figure A-2 Power Tunnel and Penstock Profile**Powerhouse**

The powerhouse would be located in a deep excavation approximately 600 feet northwest of the anadromous barrier on Sweetheart Creek and approximately 2,000 feet east of the confluence of Sweetheart Creek and Gilbert Bay. JHI would build the powerhouse in the deep excavation to reduce disturbances, to allow infrastructure to blend in with surroundings, and to mitigate light and noise emitting from operations. The intended goal is to lessen or virtually eliminate scenic and audio disturbance in the area of powerhouse operations.

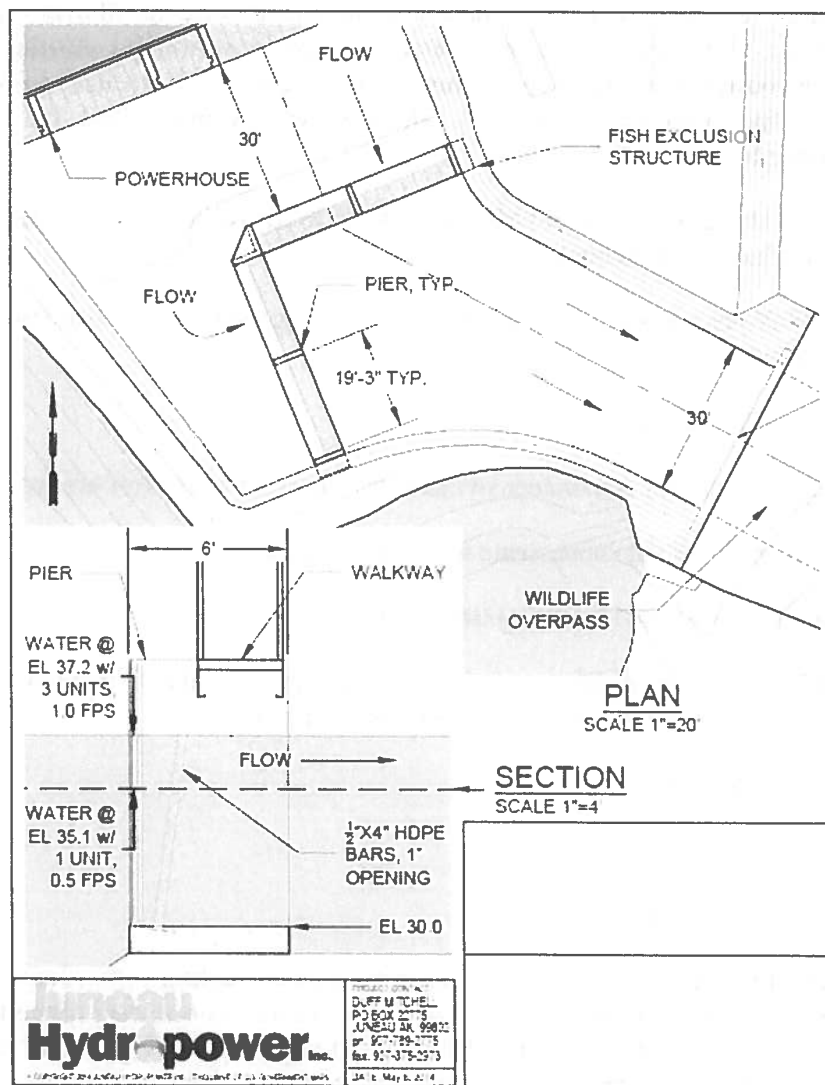
The powerhouse would be approximately 60 feet wide and 160 feet long. The floor level of the powerhouse would be at EL 44.5 feet, and the floor level of the machine hall would be EL 34.5 feet MLLW. Most electrical equipment would be located on a mezzanine that would extend along one side of the powerhouse at EL 44.5 feet MLLW. The bottom of the powerhouse foundation would be at EL 18 feet MLLW, and the top of the superstructure would be at EL 75 feet MLLW. The powerhouse superstructure would

be a steel frame with precast concrete wall panels and a metal or concrete roof. The powerhouse will include three generator bays and a service area.

Tailrace

The tailrace would be an excavated channel approximately 541 feet long. At the powerhouse, the excavation would be 32 feet deep and 90 feet wide. The channel would transition over a length of about 120 feet to a trapezoidal channel with a 30-foot base width and varying side slopes. The initial 94 feet of the 30-foot-wide channel would be covered with an arch culvert and backfilled to provide a natural-looking wildlife crossing over the channel of the tailrace. The backfill over the wildlife crossing would allow revegetation and assist in screening the powerhouse and associated facilities. Downstream of the wildlife crossing, the channel would resemble a natural creek and would provide approximately 250 linear feet of additional channel for personal-use fishermen before discharging into Sweetheart Creek near the base of the anadromous barrier falls.

A fish exclusion structure would be located in the tailrace channel approximately 30 feet downstream of the powerhouse to prevent fish from reaching the powerhouse. The fish exclusion structure would include four panels of high-density polyethylene (HDPE) bar screen with 1-inch bar clear spacing and a maximum approach velocity of 1 foot per second. The fish exclusion device would be installed at the upper end of the 30-foot-wide channel to prevent fish from reaching the powerhouse". The fish exclusion device is shown on Exhibit F-9 and in section F-12(2).

Figure A-3 Tailrace showing Fish Exclusion Structure**Smolt Reentry Pool**

The smolt reentry pool would be located adjacent to the powerhouse and at the head of the tailrace structure. The smolt reentry pool would provide temporary holding of sockeye salmon smolt for imprinting and release into the tailrace. The reentry pool would measure 500 cubic feet (25 feet length X 5 feet width X 4 feet depth).

Switchyard

The switchyard would be located adjacent to the powerhouse on fill over the penstock manifold. This location has been selected to allow screening by existing vegetation and the powerhouse to the maximum extent possible. The switchyard would cover approximately 22,000 square feet (ft²). The switchyard would include the following equipment:

Three 7.5/8.4 megavolt-ampere (MVA) 12.47-138-kilovolt (kV) transformers with concrete basin foundations.

Three 145-kV circuit switchers for disconnect and isolation of the main power transformers.

One 145-kV SF₆¹ circuit breaker.

Three pairs of manual disconnect switches for isolating the circuit breaker.

Interconnection with the submarine transmission cable.

Associated buswork and metering transformers.

A 100-kW diesel generator for providing station service when the plant is not operating, including a double-walled fuel storage tank.

An oil-water separator.

Marine Access Facilities

The Project is not accessible by road, as none exists emanating from Juneau, Alaska, the closest community to the Project, which is 33 miles northwest of the Project. Any road from Juneau would traverse the TNF; would require the navigation of multiple water crossings, steep terrain, and possibly snow and ice fields; and would cause visual impacts not compatible with the TLMP. In addition, this area is predominantly under the Inventoried Roadless Area Conservation Rule, making a road of this length unlikely and

¹ Circuit breaker to 6,000 mechanical operations, and 3,000 operations at 6 kA

highly controversial. For these reasons, an access road between the Project and Juneau is not feasible.

However, the Project is accessible by air and water. Therefore, the Applicant plans to access the Project sites for both construction and operation primarily by water, with additional access by air. The Applicant proposes to construct a dock and supporting infrastructure to accommodate both watercraft and floatplane. The proposed dock location on Gilbert Bay just north of Sweetheart Creek provides a convenient and safe deep-water location for construction of marine access facilities, as follows:

A dual-height marine ramp would be used for loading and unloading freight barges and landing craft. The ramps would have a minimum width of 50 feet, a slope of 15 to 20%, and a compacted rock surface. The toe of the ramp would be near EL (-15) feet MLLW, allowing low-tide access without grounding of the vessels. The ramp would slope up to EL 25 feet MLLW for high-tide access. The sides and front slopes would be protected with rock riprap.

Floating docks would provide floatplane and boat access for passengers and freight during construction and maintenance. The floatplane float would be nearly 1,800 ft² with three fendered faces for multidirectional access to accommodate weather conditions. It would be attached to a 3,000-ft² heavy-duty steel and timber small boat float. The floats would be secured by 8- to 24-inch-diameter steel piles. A 100-foot by 14-foot drive-down ramp would connect the float to the staging area concrete abutment. The ramp would have an open grating deck.

The staging area would be constructed adjacent to the docks and float ramp and connect them to a powerhouse access corridor. Similar to the access ramps, the staging area would be constructed of clean shot rock with side slopes protected with rock riprap. The staging area would be approximately 150 feet wide by 200 feet long to allow for materials, equipment, and personnel needs during construction.

Rock for the ramps, staging area, and access corridor would come from the powerhouse and tunnel excavation.

The dock and marine facilities are located on State of Alaska lands and provided to JHI through a tidelands lease that would consist of : 1.06 acres State of Alaska.

Coastal Road/Trail

There would be one main access road for the Project. JHI has designed a 4,400-foot-long coastal road/trail. The road/trail would be constructed with clean shot rock and built in accordance with the USACE Coastal Engineering Manual (CEM) principles.

The road is not for public vehicle access and is constructed only for project construction and maintenance vehicles. Upon completion of the Project construction, the road/trail surface would be condensed to a one-lane road, by vegetating 40% of the construction width for scenic mitigation. The road/trail would contain a buried 138-kV high-voltage transmission line and a 12.47-kV distribution service line. The service line would provide power to the marine facility and caretaker facility. The buried 138-kV high-voltage transmission line would enter Gilbert Bay at the marine transition terminal adjacent to the staging area.

The coastal road/trail would traverse southward along the eastern shore of Gilbert Bay for just over 4,400 feet. The road would be constructed of processed rock derived from the powerhouse and tunnel excavations. The subgrade width would be up to 25 feet to provide for large construction machinery and materials. The road shoulders would be constructed with rock riprap layers to protect from coastal erosion. The seaward shoulders slope would be varied and patterned to further mitigate scenic impacts.

The coastal road/trail would sit on both federal and State of Alaska lands: 1.15 acres of federal land and 7.61 acres of State of Alaska tidelands. This coastal road/trail would tie in and go over the existing man/bear main trail that currently exists in the Sweetheart Creek area.

JHI has agreed to work with the Forest Service on this main trail, as well as work with the Forest Service to improve the trail system that emanates from the coastal road/trail. Per consultations and draft Recreation Management Plan (Appendix Z) with the Forest Service, existing side trails and locations for new trails have been mutually identified to strategically improve, reroute to channel recreation visitors in a manner to decrease bear and human interactions.

Cut and fill quantities are listed below. Total road tidal fill is 152,000 cubic yards and Dock Fill is 35,000 cubic yards.

The project is designed to be balanced in cut and fill. There are no off-site quarry sites and borrow areas. The project quantities are estimated and presented in Table A-1:

Table A-1 Project Cut and Fill Quantities

Fill Areas	Cubic Yards
DOCK	35,000
ROAD Tidelands	152,000
ROAD Uplands	6,000
ROAD Construction Staging Areas	8,000
VISUAL LANDFORM BARRIER	28,000
Tailrace and powerhouse backfill	8,000
Dam	22,000
Submarine Cable Armoring	7,000
Total Fill	266,000

Cut Areas	Cubic Yards
ROAD CUT	1,000
CARETAKERS FACILITY	2,000
POWERHOUSE to el 50	121,000
POWERHOUSE foundation and tailrace	34,000
POWER TUNNEL	71,225
DIVERSION TUNNEL	2,000
DAM OVERBURDEN	13,000
Total Cut	244,225
Total Cut assuming 15% swell	280,850

Quantity Balance Summary	Cubic Yards
Excess Material (=Total Swelled Cut - Total fill)	14,850
Solution Stockpile Height in Feet Assuming 200x300 and 150X300 feet Dam Temp. Const. Areas	4.1

Typical net swell factor will be 10-20% depending on excavated soil the final use of it (riprap, road, dam). The project assumes 15%. Excess fill material can be distributed evenly on temporary construction areas at the dam level of the Project.

Operations Facilities

A planned caretaker/shop facility would be located along the access road on Gilbert Bay. This facility would house a full-time caretaker at the location to secure and safeguard infrastructure and to perform maintenance. The facility would measure 4,225 ft². Electricity would be furnished to the facility by the hydropower project.

Potable water would be supplied from a well system that is designed to meet Alaska DEC and CBJ requirements.

There would be a planned shelter facility located at Sweetheart Lake near the dam site to provide overnight accommodations to operations and maintenance (O&M) and fish collection and transport personnel. This facility would measure approximately 400 ft².

These operations facilities would be located on federal land managed by the Forest Service.

4.41(b)(2) The normal maximum water surface and normal maximum water surface elevation (mean sea level), gross storage capacity of any impoundments to be included as part of the Project; {Note Project Datum is Mean Lower Low Water*}

*In order to apply datums for surveying or coastal management they must be reduced to Mean Lower Low Water (MLLW), which is the reference datum for predictions, bench mark publication and nautical charting.

IMPOUNDMENT

The reservoir created by the main dam will have the following characteristics:

Normal maximum water level	636 feet mllw
Surface area at normal maximum water level	1,701.5 acres
Storage capacity at normal maximum water level	128,019 acre-feet
Normal minimum water level	576 feet mllw
Surface area at normal minimum water level	1449 acres
Storage capacity at normal minimum water level	33,969 acre-feet
Active storage capacity	94,069 acre-feet

Maximum water level (PMF) 651.1 feet mllw

Storage capacity at PMF water level 153,176 acre-feet

4.41(b)(3) The number, type, and rated capacity of any proposed turbines or generators to be included as part of the project;

GENERATING UNITS

(i) Turbines and generators

The powerhouse will contain three generating units with the following characteristics (preliminary):

Turbine type 6.6 MW Francis, horizontal axis

Turbine rated head 558 feet

Turbine rated flow 158 cfs

Turbine speed 900 rpm

Generator type Synchronous

Generator voltage 12.47 kV

Generator rated capacity..... 3 X 6,600 kW@0.8P.F.

4.41(b)(4) The number, length, voltage and interconnections of any primary transmission line proposed to be included as part of the project [See 16 USC 796(11)];

PRIMARY TRANSMISSION LINE

A 138-kV transmission line would connect the powerhouse to the Snettisham Hydroelectric Project on the north side of Port Snettisham.

The transmission line from the Project to the Snettisham Transmission Line would consist of five component segments:

1. A buried 138-kV transmission cable from the proposed powerhouse to a marine cable vault situated on the eastern shore of Gilbert Bay with a length of 4,400 feet. A 12.47-kV service line of approximately 4,400 feet would run next to the 138-kV

buried cable from the powerhouse to the caretaker facility and dock to provide electrical service to these pieces of infrastructure.

2. A 9,700-foot-long 138-kV submarine transmission cable from the marine cable vault on the eastern shore of Gilbert Bay to a marine cable vault on the western shore of Gilbert Bay.
3. A 15,400-foot-long 138-kV overhead transmission cable from the marine cable vault on the western shore of Gilbert Bay to a marine cable vault located past Sentinel Point on the southern shore of Port Snettisham.
4. A 16,000-foot-long 138-kV submarine transmission cable from the marine cable vault on the southern shore of Port Snettisham to a marine cable vault on the northern shore of Port Snettisham.
5. A 400-foot-long 138-kV buried transmission cable and switchyard from the marine cable vault on the northern shore of Port Snettisham to the Snettisham Transmission Line.
6. Additionally, a 10,000-foot-long 12.47-kV service line from the powerhouse through the power tunnel and to the dam site would service and provide power at the dam site during operations.

4.41(b)(5) The description of any additional mechanical, electrical, and transmission equipment pertinent to the Project;

APPURTENANT EQUIPMENT

Accessory Mechanical and Electrical Equipment

The Powerhouse will contain the following accessory mechanical and electrical equipment:

- 25 Ton bridge crane with 10 ton auxiliary hook
- 36 inch *spherical type turbine shutoff valves* (per generating unit)
- 20-inch energy-dissipating synchronous bypass valves
- Hydraulic power units (per generating unit)
- Electronic governors (per generating unit)

- Static exciters (per generating unit)
- 125 VDC station battery
- 12.47 kV switchgear (per generating unit)
- Electronic control system for remote automatic operation

(iii) Plant Switchyard

The switchyard at the Sweetheart power plant will include:

- Three 7.5/8.4 MVA 6.6-138 kV transformers
- Three 145 kV circuit switchers
- One 145 kV SF6 circuit breaker
- Associated buswork, metering transformers, fencing, and containment systems
- 100 kW emergency diesel generator.

(iv) Dam site equipment

- One 30 ton Crane
- Automatic control
- Log booms
- Log moving vessel
- Smolt Collection barge, ramp and accessory equipment
- Minimum Instream Flow Release Facility
 - Six stainless Steel screens 3/32 inch opening, 10 feet high, 7 feet diameter (shared with power intake)
 - Water jetting system including submersible pumps and controls
 - Digital readout box in power tunnel shaft building

- 18-inch gate valve
- 18-inch diameter pipe to diversion tunnel
- Flow meter, digital readout at dam site, and communication lines
- 18-inch butterfly valve with local and remote control

Because the project is only be accessible by boat, seaplane or helicopter, for operation and maintenance the Applicant will assign to the project a landing craft for moving large equipment and materials and two boats for moving personnel and small cargo. Other O&M equipment on site will include a backhoe, ATV with trailer, snowcat, and snow removal equipment.

4.41(b)(6) Lands of the United States enclosed within the project boundary

LANDS OF THE UNITED STATES

All project features except for portions of the coastal road/trail, marine facilities, and adjacent buried transmission line will be located on lands of the United States (Tongass National Forest).

The project boundary shown on Exhibit G-1 encompasses 2054.24 acres of Tongass National Forest land, as indicated in the table A-1 below. Additionally, the Project encompasses 131.18 Acres of non-federal tideland and submerged lands of the State of Alaska, as indicated in the table A-2 below. The project boundary has been determined as follows:

- For the reservoir, the 700 foot contour,
- For the power tunnel, 100 feet each side of the centerline,
- For the access trail/road, 100 feet each side of the centerline,
- For other features, a boundary was created with sufficient room to ensure that all project temporary construction areas and permanent improvements stay within the boundary and these features typically does not exceed 200 feet beyond the expected area of disturbance.

Table A-2 – Lands of the United States

Lands of the United States			
Township and Range	Section(s)	Project Features	Acres
T44S, R73E	32	Lake and Reservoir	6.49
T45S, R73E	1	Lake and Reservoir	94.08
	2	Lake and Reservoir	326.83
	3	Lake and Reservoir	6.83
	9	Lake and Reservoir	3.63
	10	Lake and Reservoir	358.8
	11	Lake and Reservoir	151.3
	15	Lake and Reservoir	221
	16	Lake and Reservoir	353.63
	17	Lake and Reservoir	23.38
	19	Tunnel	20.54
	20	Lake and Reservoir	225.84
	21	Lake and Reservoir	109.15
	29	Lake, Res, and Dam	41.74
	30	Tunnel	3.05
T45S, R72E	24	Dock and Road, Tunnel	23.18
	25	Powerhouse and Road	15.64
T45S, R72E	4,9,15,16,22	Snettisham OH Line	70.07
T45S, R71E	1	Snettisham UG Line	3.06
TOTAL FEDERAL LAND			2058.24

LANDS OF THE STATE OF ALASKA**Table A-3 – Lands of the State of Alaska**

Lands of the STATE OF ALASKA			
Township and Range	Section(s)	Project Features	Acres
T45S R72E	24	Dock and Road tideland	18.43
	25	Road tideland	0.13
T45S R72E	22,23	Gilbert Bay Submarine Line	38.8
S R72E , R	R72E Sec 4-7, R71E Sec 1,12	Port Snettisham Submarine Line	73.82
STATE OF ALASKA land			131.18

PROJECT BOUNDARY

The Project Boundary is presented by township and section in Figure A- 3 and Figure A-4 below:

Figure A-3- Project Boundary US and State of Alaska Lands Map by township and section Sheet 1

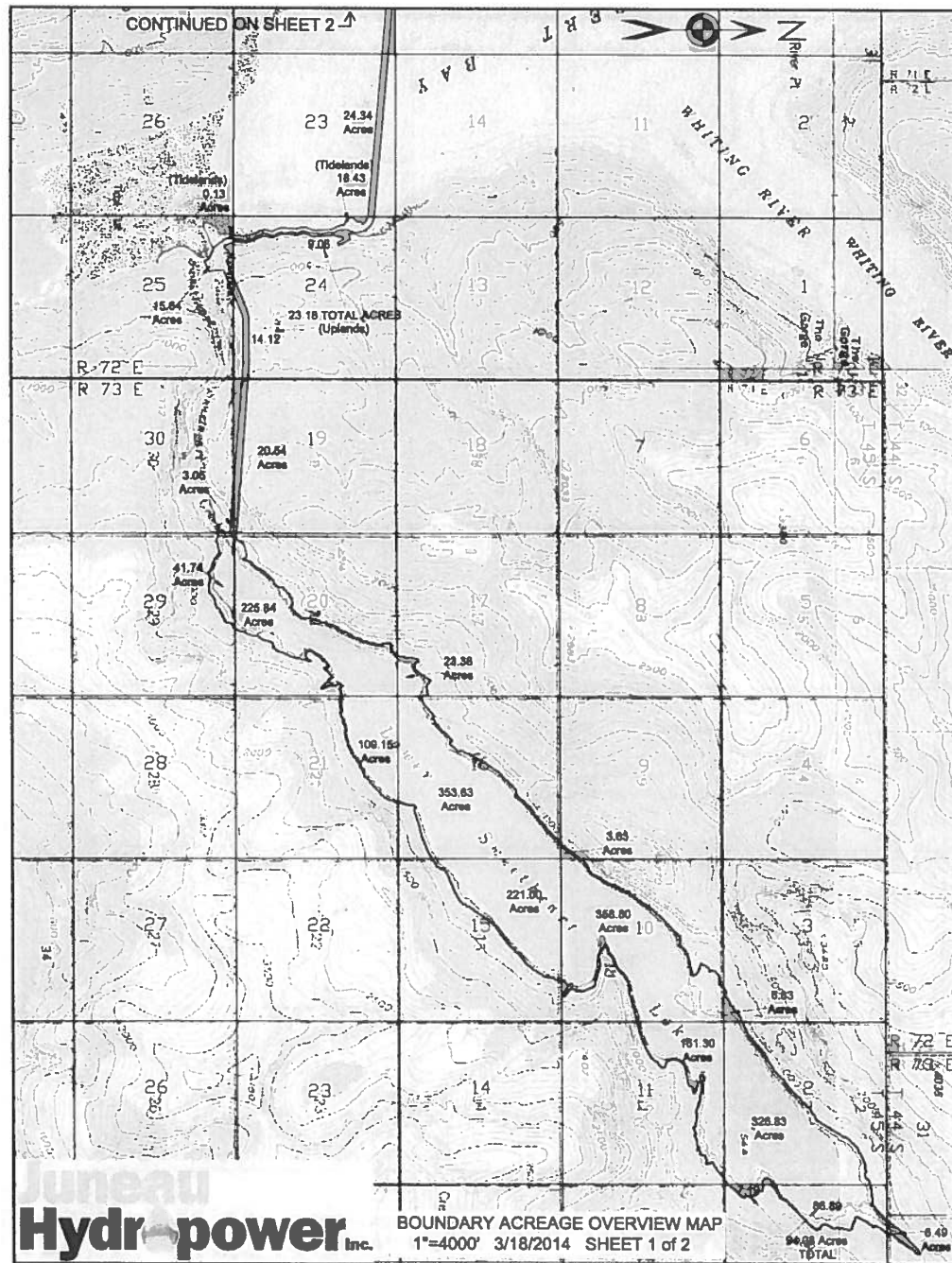
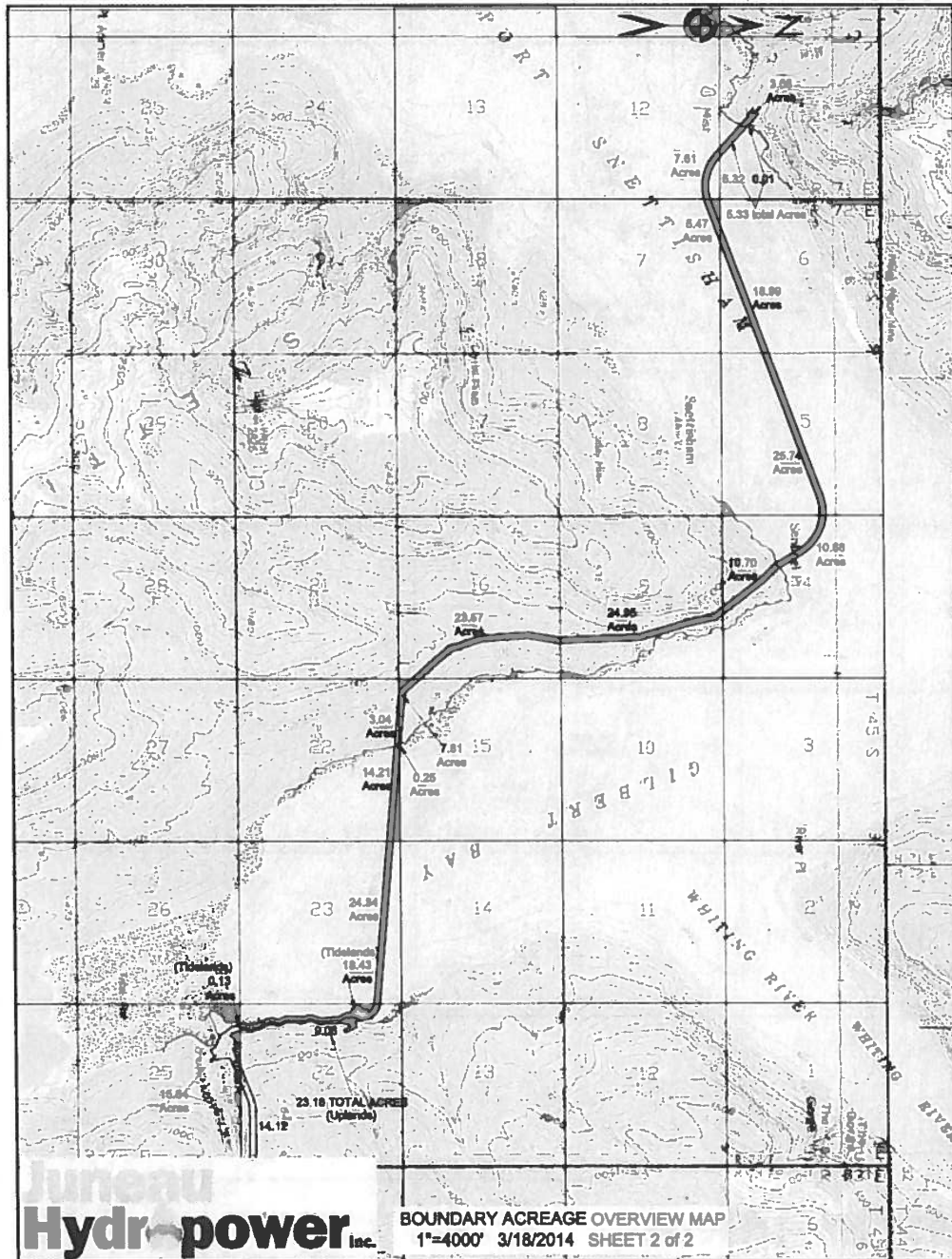


Figure A-4 Project Boundary US and State of Alaska Lands Map by township and section Sheet 2



PROJECT SUMMARY DATA**Table A-4 – Tabular Presentation - Sweetheart Lake Hydroelectric Project
Summary Data**

Project Feature	Description
Project Boundary	
Federal land	2058.24 acres
State of Alaska land	131.18 acres
Power Output	
Nameplate capacity	19.8 MW
Average annual generation	116 GWh
Drainage Area	
Natural drainage area	35 square miles
Average annual natural outflow from Lower Sweetheart Lake	336 cfs
Sweetheart Lake Reservoir	
Normal maximum water elevation	EL 636 ft. MLLW
Surface area at normal maximum water elevation	1,701.5 acres
Active storage capacity	94,069 acre-feet
Maximum annual fluctuation of reservoir	60 ft.
Maximum water level (PMF)	EL 651.1 ft. MLLW
Dam	
Roller-compacted concrete gravity structure	111 ft. high, 280 ft. long, 100 ft. wide
Spillway hydraulic capacity	20,350 cfs
Diversion Tunnel	
Length	525 ft.
Tunnel straight leg horseshoe	10 ft. high X 10 ft. wide
Gate operation vertical shaft	10 ft.
Hydraulic capacity	1,850 cfs
Intake Structure and Fish Screens	
Elevation of intake top of screens	557.5 ft.
Intake structure concrete length	45 ft.
Intake structure concrete width	25 ft.
Intake structure height	16 ft.
Fish screens	6 cylinders
Cylinder size	7 ft. diameter X 10 ft. high

Project Feature	Description
Power Tunnel	
Total length	9,621 ft.
Steel lined length	as required
Concrete lined length	as required
Horseshoe shape dimensions	15 ft. high X 15 ft. wide
Excavation method	drill-and-blast method (DBM)
Penstock	
Penstock length (to lower portal)	896 ft.
Penstock diameter and material	9 ft., steel
Penstock manifold length (lower portal to powerhouse)	160 ft.
Penstock manifold diameter	7 ft. to 5 ft. 8 in. to 4 ft to 3 ft. steel
Powerhouse	
Powerhouse floor area	9,600 ft ²
Length	160 ft.
Width	60 ft.
Height (above floor)	30 ft.
Switchyard dimensions ¹	Approx. 22,000 ft ²
Generating Units, Number, and Size Type	
Number of units	3
Turbine type and orientation	Francis, horizontal axis
Net head (rated)	558 ft.
Flow (rated)	158 cfs
Specific speed metric units	160
Rotational speed	900, rpm
Turbine power (rated)	7,081 kW
Required submergence	-2.4 ft.
Generator rated capacity	6,600 kW
Generator voltage	12.47 kV
Total installed capacity	19.8 MW
Cooling system	water
Smolt Reentry Pool	
Interior dimensions	25 ft. X 5 ft. X 4 ft. deep
Tailrace	
Length	541 ft.
Bottom width	Varies, 30-90 ft.
Transmission Line	
Total submarine 138 kV	25,700 ft.
Total overhead 138 kV	15,400 ft.

Project Feature	Description
Total buried 138 kV	4,800 ft.
Total service line 12.47 kV	14,400 ft.
Access Road/Trail	
Length	4,400 ft.
Construction width-shoulder to shoulder	25 ft.
Final width (reverted to one lane-vegetated)	15 ft.
State acres for road/trail	7.26 acres
Federal acres road/trail	1.51 acres
Fill volume required	approx. 158,000 cy
Dock and Marine Facility	
State acres	1.06
Fill required	approx. 35,000 cy
Pad elevations	El 25 ft. to 27 ft. MLLW
Gilbert Bay Caretaker Facility, Shop	
Size	4,225 ft ²
Wells	3
Well depth	approx. 50-150 ft.
Line length	approx. 700 ft.
Sweetheart Lake Shelter Facility	
Size	400 ft ²

Note:

1. Fenced and gated, located adjacent to powerhouse – contains power transformer, circuit breakers, and disconnect switches.

SWEETHEART LAKE HYDROELECTRIC PROJECT

FERC PROJECT NO. P-13563



RECREATIONAL MANAGEMENT PLAN (RMP)

PREPARED BY:

**Juneau Hydropower, Inc.
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MAY 2014

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SWEETHEART LAKE HYDROELECTRIC PROJECT

RECREATIONAL MANAGEMENT PLAN (RMP)

1.0 AGENCY PLAN REQUESTS

In October 2013, Juneau Hydropower Inc. (JHI) submitted a subsequent draft license application and draft Preliminary Draft Environmental Assessment (PDEA) for the Sweetheart Lake Hydroelectric Project to the Federal Energy Regulatory Commission (FERC). On October 22, 2013, FERC published notice and issued a request for comments and preliminary terms and conditions. FERC in its January 16, 2014, Comments (B-15), Recreation and Land Use, requested that a Recreational Management Plan (RMP) be submitted. JHI concurs that this is a necessary plan and is submitting this plan for comment.

1.1. Project Description

The Project consists of: (1) the existing Lower Sweetheart Lake, raised from a surface water elevation of 551 feet mean lower low water (MLLW) and a surface area of 1,414 acres to a new minimum surface water elevation of 576 feet and a new surface area of 1,449 acres and a maximum surface water elevation of 636 feet with a surface area of 1,702 acres; (2) a new, roller-compacted concrete dam 111 feet high (from the downstream toe to the top of the dam), 280 feet long, 100 feet thick at the base, constructed at the outlet of Lower Sweetheart Lake; (3) an independent intake structure with fish screen adjacent to the dam right abutment, which conveys water to a 15 X 15-foot horseshoe-shaped, 9,621-foot-long unlined tunnel; (4) a 9-foot-diameter, approximately 896-foot-long penstock installed within the lower portion of the tunnel, with approximately another 160 feet of buried 7-foot-diameter penstock and manifold connecting to the powerhouse; (5) a powerhouse containing three new Francis generating units (6.6 MW each) with a total installed capacity of 19.8 MW; (6) a 541-foot tailrace discharging flows to Sweetheart Creek, including a salmon smolt reentry pool located adjacent to the powerhouse and tailrace; (7) a fenced switchyard adjacent to the powerhouse; (8) a new, approximately 4,400-foot-long road from the powerhouse to the dock/landing site; (9) a new dock/landing site for boat, seaplane, barge/landing craft ramp and/or helicopter access, located on the east shore of Gilbert Bay; (10) a new, 138-kilovolt transmission line that would be a total of 45,900 feet long (25,700 feet of submarine cable in two segments; 15,400 feet of overhead transmission line on Snettisham Peninsula; and 4,800 feet of buried transmission line in two segments); (11) a new, 14,800-foot, 12.47-kV service transmission line extending from the dam site to the marine facility providing operational electricity and communications for operations; (12) a caretaker facility with shop and maintenance facilities; (13) a shelter facility at the dam site; (14) appurtenant facilities.

To construct and operate the Sweetheart Lake Hydroelectric Project systems, JHI has developed designs and specifications to meet federal, state, and local regulations. In addition, JHI has developed the following plans to implement procedures to construct, monitor, and mitigate the safety, health, and environmental impacts to the Project. These plans are prepared to meet regulatory requirements of various involved agencies and some plans address similar issues. Together, these plans form a comprehensive resource to guide Project management through all phases of construction and into operation:

1.2. Appendix Z - JHI Preliminary Plans

The plans included in Appendix Z of the PDEA are as follows:

Access Management Plan (AMP)

Aquatic Habitat Restoration and Monitoring Plan (AHRMP)

- Fish Mitigation and Monitoring Plan (FMMP)

Bear Safety Plan (BSAFE)

Construction Plan (CP)

Environmental Compliance Monitoring Plan (ECMP)

Erosion and Sediment Control Plan (ESCP)

- Storm Water and Pollution Prevention Plan (SWPPP)

Fire Prevention Plan (FPP)

Hazardous Substances Plan (HSP)

Heritage Resource Plan (HRP)

Recreational Management Plan (RMP)

Scenery Management and Monitoring Plan (SMMP)

Solid Waste and Wastewater Plan (SWWP)

Spoils Disposal Plan (SDP)

- Acid Rock Disposal Contingency Plan (ARDCP)

Vegetation Management Plan (VMP)

A. Invasive Species Management Plan (ISMP)

B. Threatened, Endangered, Proposed for Listing, and Sensitive Plant Species Plan (TEPLSPSP)

Water Management Plan (WMP)

- A. Reservoir Management and Inundation Plan (RMIP)
- B. Stream Flow Management Plan (SFMP)
- C. Stream Flow Measurement Plan (SMP)

Wildlife Mitigation and Monitoring Plan (WMMP)

- Threatened, Endangered, Proposed for Listing, and Sensitive Species Plan (TEPLSSP)

2.0 EXECUTIVE SUMMARY

The Recreational Management Plan (RMP) describes Juneau Hydropower, Inc.'s (JHI's) plan for operations and maintenance, design, and development of Sweetheart Creek Hydroelectric Project (Project) recreation facilities within the Project boundary. The goal of the RMP is to sustain recreational opportunity at the Project throughout the term of the FERC license in accordance with the relevant FERC requirements and the needs of the Project. This RMP provides guidance for addressing current recreational uses and opportunities in the Project area and provides a process for identifying the need over time for any new measures to enhance the use and enjoyment of the recreational resources associated with the Project.

Measures proposed within this plan are based on the recreational resources available at the Project. Proposed measures are defined within two programs: 1) the Recreation Facility Improvement Program; and 2) the Recreation Facility Operation, Maintenance and Monitoring Program.

3.0 INTRODUCTION

The development of the RMP is an important component of the licensing of the Project. The RMP will be used during the term of the license and incorporates a large investment by JHI to preserve and enhance the recreational aspects of the Project Area near Sweetheart Creek. This investment is intended to offset all non-wetland environmental effects associated with the Project. The RMP has two major components: These two major components are as follows:

- Recreation Facility Improvement Program (Section 8.0); and
- Recreation Facility Operation, Maintenance, and Monitoring Program (Section 9.0).

Additionally, the RMP establishes a schedule for providing improvements for recreational facilities during the term of the license.

JHI developed this plan based on agency comments and in consultation with the U.S. Forest Service (Forest Service), Alaska Department of Fish and Game (Alaska DFG), National Park Service (NPS), and other stakeholder members involved in the Alternative Licensing Process for FERC licensing.

4.0 BACKGROUND

JHI gathered information from printed and published resources on the types of recreational facilities and opportunities in the Project area and region to establish a regional context for the recreation study. Major sources included area recreation guidebooks, historical reports, regional maps, Forest Service reports, Alaska Department of Fish and Game (Alaska DFG) sources, and Internet research. These resources are listed in the References section of the PDEA.

Electronic surveys of **Personal-use Fishermen** permit holders were collected and analyzed. JHI received a list of all 2010 and 2011 Sweetheart Creek Personal-use Fishermen Permit holders from the Alaska DFG. JHI sent multiple letters of invitation to participate in this survey to each permit holder. Cassie Thomas of the National Park Service (NPS) suggested that JHI offer incentives to help increase survey participation. As a result, JHI developed a survey incentive program. Each survey participant was entered into a lottery for gift certificates to Western Auto in Juneau for cast nets that are sold there and used specifically in the personal-use fishery. Gift certificates for cast nets were awarded to randomly selected participants as an incentive to participate. This survey had 140 participants and represents a 39% survey response rate, which is considered a highly successful response rate for any survey.

JHI also used a list of all registered **Guides and Outfitters** that was obtained from the Forest Service Juneau Ranger District for guides and outfitters registered and authorized to operate in the JHI Project area. JHI sent multiple mailed invitations to participate to all valid guide and outfitter registrants. A second invitation was sent to any potential survey participant who failed to respond via the first invitation. Guides and outfitters were encouraged to participate with a survey incentive drawing for a submersible VHF hand-held radio. This survey had five participants, representing a 16% response rate. It should be noted that registered guides and outfitters have wider areas to operate in beyond the Project area, so it is likely that while some guides and outfitters could operate in and around the Project area, most do not or have not historically used the Project area.

JHI conducted personal interviews with the six Juneau-based commercial **air charter** companies to determine the number, frequency, and purpose of flights arriving to or leaving from the proposed Project area by recreational users. All of the air charter operators queried participated.

JHI also contacted and interviewed **commercial fishers** who use Gilbert Bay for a livelihood. Commercial fishermen's data and identity are protected as confidential information and cannot be disclosed per Alaska regulations. JHI observed fishing activity during the summer of 2012 and contacted 100% of the Dungeness fishermen known (by JHI) to use the Gilbert Bay area. Additionally, JHI interviewed two long-term fishermen who have gillnetted in the Port Snettisham drift gillnet fishery for several decades.

JHI contractors conducted multiple (25+) extended **site visits** to the proposed Project area, including Sweetheart Lake, Sweetheart Creek, and Gilbert Bay. During these visits, scientific observations were performed by qualified personnel from multiple scientific disciplines. Various data were collected that encompassed site habitat, geology, wildlife, and hydrology. Additional data collected included site photographs and in-field observations, as well as information relating to site conditions, operations, and recreational activities.

These sources along with agency comments provide the basis for the RMP.

5.0 RMP PURPOSE, PRINCIPLES, AND GOALS

5.1. Purpose

The purpose of the RMP is to describe JHI's role and responsibilities related to the management of the recreation resources of the Project during the term of the license. This RMP contains a comprehensive list of measures (in Section 7.0) for the maintenance and development of Project-related recreation facilities during the term of the license. The RMP also describes the process and procedures for managing recreation resources identified in PDEA Section 3.3.6 and monitoring recreation use and trends over the term of the new license.

5.2. Principles

The following principles were used to guide the development of the RMP:

- Recreation at the Project is an important resource that must be actively managed;
- JHI shall provide adequate access to Project lands and waters for recreational purposes in a manner that is consistent with responsibilities for protecting other resources at the Project;
- Management of the Project requires a balancing of energy, environmental, and social values;

- There is a desire to maintain and/or improve the experience now enjoyed by recreation users at the Sweetheart Creek area;
- It is acknowledged that capital improvements to recreation facilities can be costly and require adequate time to design, permit, and implement;
- JHI is responsible for the implementation of the RMP. The RMP does not include commitments by other agencies or organizations; and
- Other entities may propose and fund recreation site improvements and maintenance on Project lands with JHI approval and the approval of the Forest Service.

5.3. Goals

The goal of the RMP is to provide recreational opportunity at the Project throughout the term of the new Federal Energy Regulatory Commission (FERC) license in accordance with the relevant FERC and Forest Service requirements and the needs of the Project. This includes providing for current recreational uses and opportunities within the Project Boundary and identifying the need for any new measures or improvements to enhance recreational opportunity at the Project over the term of the license. This management plan provides a list of measures to support recreation uses and opportunities at the Project. This plan also serves as the roadmap for operating and maintaining recreational improvements.

The goal of the RMP will be met through the implementation of two major components that encompass JHI's overall approach to managing recreation resources for the term of the license. These two major components are as follows:

- Recreation Facility Improvement Program (Section 8.0); and
- Recreation Facility Operation, Maintenance, and Monitoring Program (Section 9.0).

6.0 EXISTING RECREATIONAL CONDITIONS

The Project area primarily concentrated around Sweetheart Creek provides recreational opportunities for local residents and personal-use fishermen participating in the Alaska DFG's Sweetheart Creek Personal-use Fishery. Alaska residents must secure a personal-use permit to participate in this fishery. Recreational infrastructure and facilities are nonexistent.

6.1. Gilbert Bay and Sweetheart Creek

Local residents have access to Gilbert Bay and Sweetheart Creek by vessel from Juneau, the closest community to the Project. This requires a 34-mile vessel ride to the location that requires open water crossing of Taku River and Stephens Passage.

Recreation surveys revealed that air travel to the Project area for recreational and personal-use fishers was nonexistent. The sockeye salmon run is the primary recreation target for visitors to the Project area.

There are no trail improvements or any form of recreational infrastructure at the Project area. Typically, vessels moor at the Gilbert Bay tidal flats and then come ashore via an inflatable or skiff. Bears have been known to investigate and puncture inflatable vessels left on the beach.

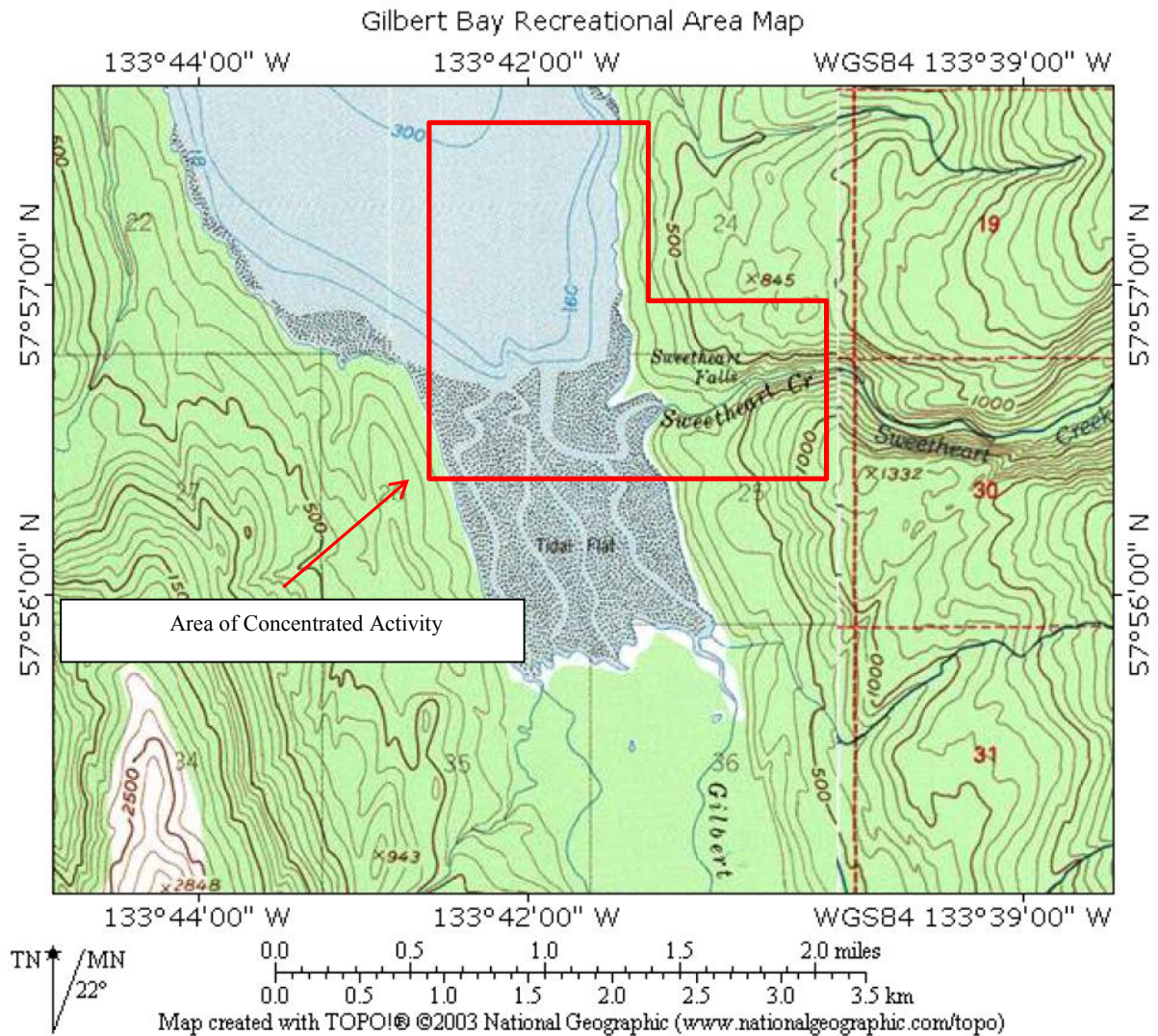
There are numerous animal and human trails leading from the beach area to the prime fishing areas approximately ¼ mile upstream. These trails are unimproved and become worn very quickly with traffic.

6.2. Sweetheart Lake

There is no trail leading to Sweetheart Lake, and cross-country routes are extremely difficult. Sweetheart Lake can only be accessed by plane or helicopter. Air charter surveys revealed that there are no recreational visitors to the lake, and there are no existing recreation sites at Sweetheart Lake. The lake does contain a 1950s-stocked rainbow trout population and naturally occurring Dolly Varden, but sport fishers are not drawn to Sweetheart Lake since there are more productive lakes with larger rainbow as practical and more cost-effective alternatives. There are no public facilities or watercraft available at the lake. Due to steep slopes, high banks, and cliffs around the lake, it is a difficult to impossible to traverse the lake shoreline. There are no planned trails by the Forest Service or JHI from tidewater to the lake expected during the term of the license.

7.0 RMP MEASURES

The RMP measures are provided in two components. One Program focuses on recreational facilities and infrastructure to be provided by the Project. The other program focuses on these facilities Operation, Maintenance and Monitoring. Below Figure 1 provides a map of the areas of concentrated recreation that exists in the Project Area.

Figure 1 Area of Concentrated Recreation within or near the Project Boundaries

8.0 RECREATION FACILITY IMPROVEMENT PROGRAM

The location of all proposed recreational facilities and measures are identified on a map included in Appendix A of this plan. Below are the narrative descriptions of the facilities and measures of the Recreational Facility Improvement Program.

These combined recreational features and measures as part of the Project are intended to meet, conform to, and support the recreational and other management prescriptions for a Semi-Remote Recreation Land Use Designation (LUD).

8.1. Sweetheart Creek Bear Safety and Interpretive Displays

In order to provide safety, as well as educational and interpretive information about the Project and Sweetheart Creek fishing areas, JHI will design and build permanent interpretive display panels at the head of the Sweetheart Creek Trail. Exhibits will include Project information; bear safety measures, current Alaska DFG personal-use regulations, and trail identification maps.

Appendix A of this plan includes conceptual designs of the proposed interpretive exhibits. Designs are subject to change over the life of the Project based on site conditions, permitting, and cost.

JHI will be responsible for the design, construction, and maintenance of the bear safety and interpretative displays for the term of the license. The Forest Service and the Alaska DFG will be responsible to design and approve their agency information that will be displayed for the term of the license.

8.2. Coastal Road/Trail and Hardened Trail System at Sweetheart Creek

To provide ease of travel, safety, and environmental protection from soil erosion that can come from human impact on wet trails, JHI will create a sloped hardened trail system to channelize traffic away from the creek and toward the traditional fishing areas located at Sweetheart Creek. JHI will design, construct, and maintain trails to Forest Service standards and in compliance with Alaska DFG Habitat permit for trails that are within stream buffers.

JHI will provide a gated one-lane road that will act as a trail from the boat float location to the powerhouse location. This route will allow boaters a deep-water route to access the trail to Sweetheart Creek. The coastal road/trail will not allow public use of motorized vehicles.

Trail users entering the forested area near Sweetheart Creek will be provided with direct access to primary fishing locations to alleviate and minimize the multiple trails that

occur during the personal-use fishery season. JHI plans to use crushed compacted rock to provide trails that can withstand the traffic with minimal maintenance.

JHI, upon guidance from the Forest Service, will not improve any trails on the southern shore of Sweetheart Creek to discourage human traffic in that areas to habituate bears to use the southern shore side of the creek and decrease human/bear interactions.

Appendix B of this plan includes designs and a map outline of the proposed trails. Designs are subject to change based on annual consultation with the Forest Service.

JHI will be responsible for the design, construction, maintenance, and cost of the improved trails for the term of the license.

8.3. Mooring Buoys

To provide safer moorage for noncommercial recreational visitors, JHI will place up to three moorings of sufficient size to anchor typical sport fishing vessels in Gilbert Bay near the mouth of Sweetheart Creek.

JHI will be responsible for the design, construction, maintenance, and cost of the moorings for the term of the license.

8.4. Visually Obscured Powerhouse and Switchyard Area

The powerhouse and switchyard as proposed are designed to decrease the infrastructure impact on the recreational environment.

JHI will be responsible for the design, construction, maintenance, and cost of the visual berms to be placed at the powerhouse and switchyard area.

8.5. Sockeye Collection and Transportation System

The personal-use sockeye fishery that was developed and is regulated by the Alaska DFG and maintained by the Douglas Island Pink and Chum, Inc. (DIPAC) hatchery is the most important recreational draw to the Sweetheart area. The hatchery raised sockeye smolt are released into Sweetheart Lake annually by DIPAC. JHI, collaborating with DIPAC, has designed a system to collect and transfer sockeye smolts from Sweetheart Lake to a reentry pool below the powerhouse for return to Lower Sweetheart Creek.

The construction and development of the fish collection barge and smolt reentry pool will take place during the construction phase of the Project. The smolt collection and transportation system will be fully functional 1 year after the commercial operations date. JHI also has made arrangements with DIPAC that DIPAC would assist JHI in

providing smolts should problems exist with the smolt collection barge. This measure is to ensure adequate release for the personal-use fishery.

JHI will be responsible for the design, construction, operations, maintenance, and cost of the smolt collection and transportation system for the life of the Project.

8.6. Rock Tailrace

JHI will construct a rock tailrace that is aesthetic and compatible with the surroundings. The Project tailrace serves two purposes. The primary purpose is to safely return water from the power tunnel and powerhouse to Sweetheart Creek. The tailrace must meet engineering standards. The other purpose is to increase the areas available for fishing. Currently, the fishing positions are located on steep bluffs above Sweetheart Creek. These locations will be retained, but the increase in fishing areas may decrease congestion. JHI will place rock to provide slope and trail stabilization.

8.7. Subsurface Transmission Lines

The 138-kilovolt (kV) high-voltage transmission cable and the 12.47-kV distribution cable in the Sweetheart Creek area will be buried. The transmission line crossing Gilbert Bay from the float dock will be a submarine cable. Buried and submarine transmission lines minimize visual landscape disturbances for recreational users and visitors to the area with the additional benefit of removing overhead transmission line hazards in the waterfowl sensitive area of southern Gilbert Bay.

JHI is responsible for the design, development, construction, operations, maintenance, and safety for all transmission line segments.

8.8. Dock and Ramp Access

JHI will construct a private dock and intertidal ramp on the eastern shore of Gilbert Bay north of the confluence of Sweetheart Creek. In our design, JHI has placed the dock and marine facility in a location that provides close deep water and will not intrude on the traditional mooring area of Gilbert Bay used by recreational boaters.

Limited (no overnight) noncommercial public access for the personal-use fishery on a use-at-your-own-risk basis will be allowed at the float and ramp.

JHI will be responsible for the design, construction, operation, maintenance, and cost of the dock facility for the life of the Project.

8.9. Litter Control

At no time, will there be public trash receptacles or other public access trash containers allowed on the Project area, particularly for bear safety. Visitors will be encouraged to adhere to the “pack it in, pack it out” philosophy. However, JHI will be responsible and provide limited litter collection to remove obvious trail litter and debris.

9.0 RECREATION FACILITY OPERATION, MAINTENANCE, AND MONITORING PROGRAM

For the term of the license, JHI will operation and maintain the recreation facilities described in this RMP. Table 1 provides a general description of the type of operations, maintenance, and monitoring activities anticipated to occur at each of the recreation facilities.

Table 1 General Recreational Maintenance Activities Performed by JHI

Maintenance Activity	Frequency
Visual Berm: Rock berm structures will be safe and maintained in good repair. If a structure is deemed in need of repair, it will be scheduled for repair.	Visual berms will be inspected and maintained annually for 5 years following commercial operations date (COD).
Barge Ramp: Surfaces are to be kept in serviceable condition and free of debris.	Boat ramps will be inspected and maintained annually by June.
Boat Docks: Dock surfaces, hardware, bumper strips, and other components will be maintained to provide safe and effective use.	Docks will be inspected and maintained annually by June. Maintenance and repairs will be performed on an as-needed basis.
Sweetheart Creek Bear Safety and Interpretive Displays: Signage and support structure will be kept in good and serviceable condition.	Bear safety and interpretative displays will be inspected and maintained annually by June and inspected weekly during the remainder of the summer.
Trash/Litter Collection: No trash containers will be provided to eliminate bear interaction. JHI will provide limited litter collection.	Limited litter collection will be conducted during the months of July and August.
Coastal Access Road/Trail: The Access Road/Trail will be maintained in good and passable condition.	The Access Road/Trail will be inspected annually by June and repaired as needed.
Trails: Trail surfaces will be maintained in good condition, and barriers will be removed to allow use of the trail. Trees and shrubs along the trails will be trimmed or removed seasonally, and weeds will be controlled as needed.	Trails will be inspected and maintained annually by June. Brush will be trimmed annually by mid-July.
Mooring Buoys: Moorings will be maintained in good condition.	Mooring buoys will be inspected annually by June.

10.0 RECREATION RESOURCES MONITORING AND EVALUATION PROGRAM

Recreation use monitoring will be an important component in determining when changes are required at Project recreation facilities to ensure adequate recreation access during the license term. JHI will collect recreation data in the Project area as needed to complete the FERC Form 80 requirement¹. JHI will use appropriate monitoring and analysis techniques to complete FERC Form 80 reporting. Recreation facility condition will be determined by periodic on-site inspections of each facility managed under this RMP. Every 20 years during the term of the license, JHI will conduct a comprehensive recreation review with the Forest Service Juneau Ranger District and the Alaska DFG to assess recreation use and needs related to the Project. The scope of the recreational review will be similar to assess and determine any collectively agreed-upon changes by all three parties.

Any changes to the RMP must be based on documented changes in use patterns, visitor needs (including facility upgrades), new Forest Service Tongass Land Management Plan standards, or new state mandates or regulations that are relevant to recreation in the Project area during the license term. Any disagreements regarding revisions to the RMP will be submitted to FERC for resolution.

11.0 RMP IMPLEMENTATION SCHEDULE AND BUDGET

The RMP will become effective following FERC approval and issuance of a FERC license.

A summary of the specific implementation measures and schedule is provided in Table 2. A summary of capital and annual budget for specific implementation measures is provided in Table 3.

¹ The FERC Form 80, *Licensed Hydropower Development Recreation Report*, is a brief summary of the existing recreation conditions and facilities associated with a FERC licensed hydroelectric project. Based on current FERC regulations, the forms must be completed every six years to document current public recreation use within the Project area.

Table 2 RMP Implementation Schedule

Action	Timeline
Visual Berms: Construct visual berms to provide scenic, sound, and light barrier between the powerhouse and switchyard area from Sweetheart Creek recreational areas.	By commercial operations date.
Barge Ramp: Construct a vessel ramp and make available for limited noncommercial use to the public.	1 year after commercial operations date.
Boat Dock: Construct a boat dock and make available for limited seasonal, noncommercial use to the public.	1 year after commercial operations date.
Sweetheart Creek Bear Safety and Interpretive Displays: Construct signage and a signage support structure for public display.	Installed during first year of construction.
Trash/Litter Collection: Provide limited litter collection on access road and side trails.	Commence during the first year of construction.
Access Road/Trail: Allow limited public access to road/trail.	1 year after commercial operations date,
Trails: Construct trails and maintain surfaces in good condition. Trees and shrubs along the trails will be trimmed or removed seasonally, and weeds will be controlled as needed.	Commence during the first year of construction.
Mooring Buoys. Mooring buoys will be constructed, emplaced, and maintained in good working condition.	One year after commercial operations date.
Recreation Resources Monitoring and Evaluation Program: FERC Form 80 reports and any relevant monitoring data, will be provided to the Forest Service and the Alaska DFG.	Every 6 years or as determined by FERC.
Recreation Resources Monitoring and Evaluation Program: Conduct a Recreation Use/Needs Review to document changes in recreation use and needs.	Every 20 years.

Table 3 RMP Budget

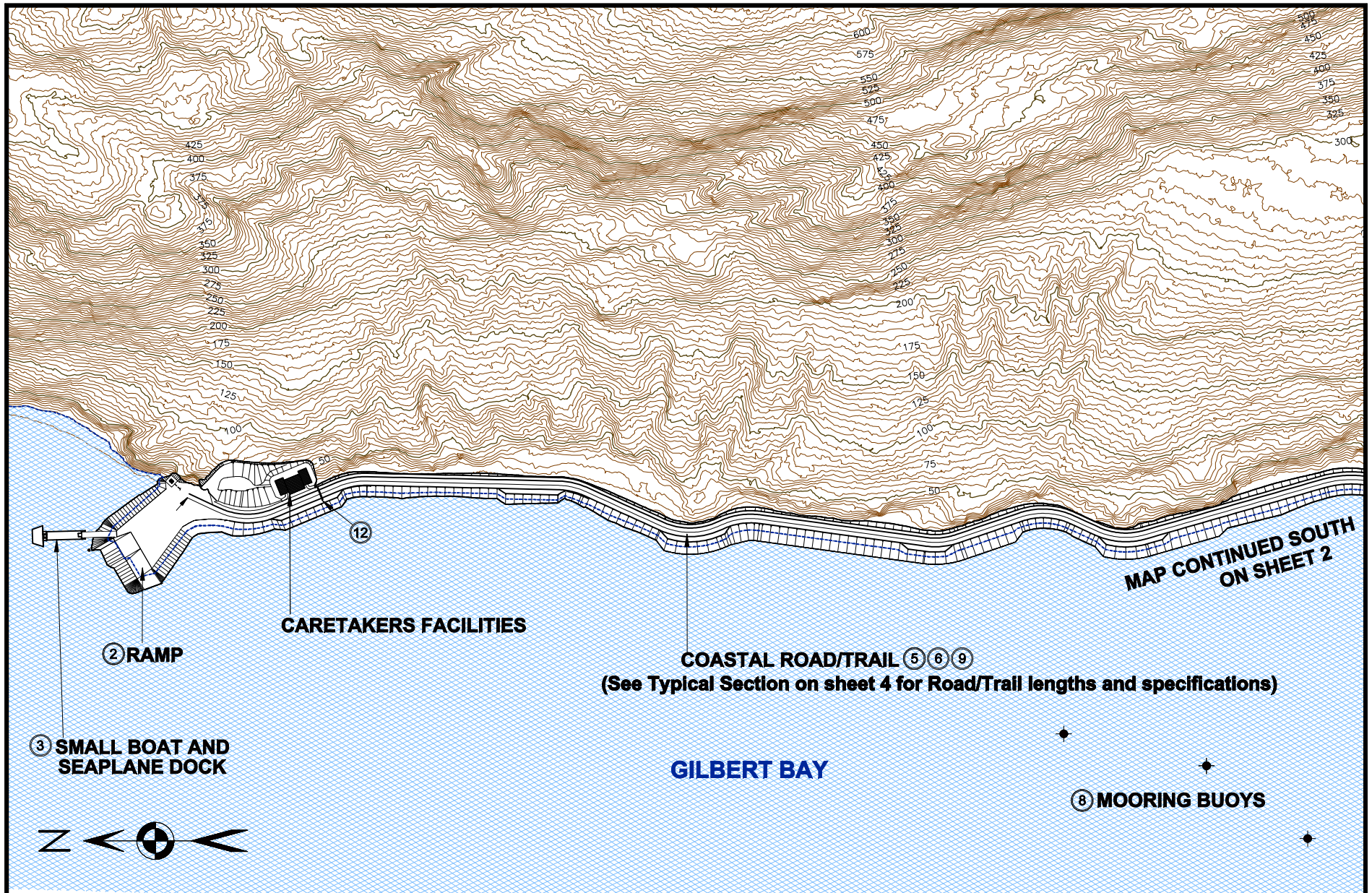
Measure or Infrastructure	Capital	Annual
Fish Collection Barge system and smolt pool	\$1,270,000	\$65,000
Mooring Buoys	\$25,000	\$5,000
Trails and Landform barrier maintenance	\$50,000	\$10,000
Sign Display	\$5,000	\$1,000
Dock signage and safety	\$5,000	\$1,000
Litter Control	\$0	\$10,000
Insurance-Limited Liability		\$25,000
	<u>\$1,355,000</u>	<u>\$117,000</u>

12.0 AGENCY COMMENTS

Agency comments will be listed by date received and by which agency.

13.0 APPENDIX A: RECREATIONAL FACILITIES, MEASURES MAP & TRAIL DESIGN

Maps of proposed recreational facilities and measures follow.



Juneau
Hydropower Inc.

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DATE: 4/10/2014

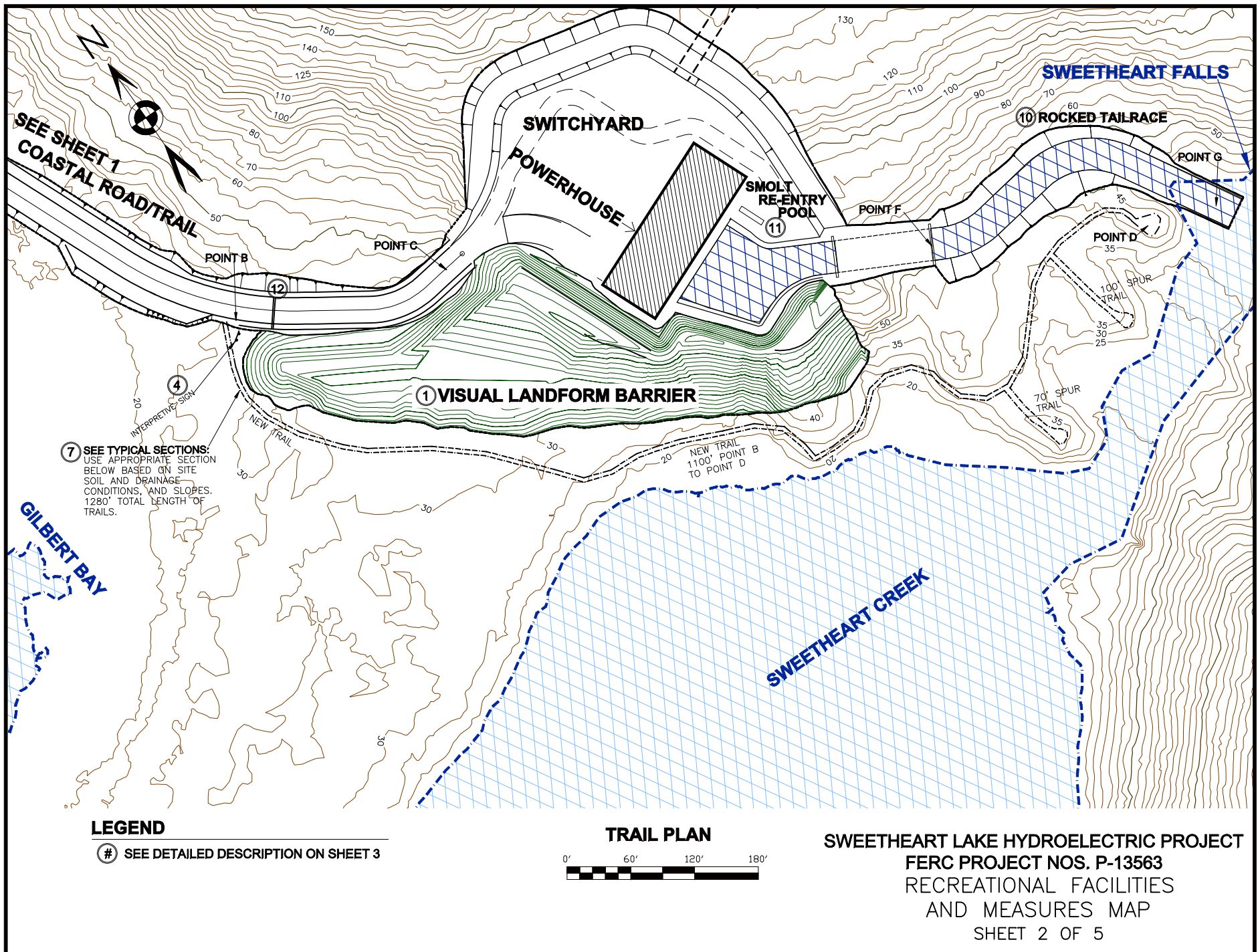
SITE PLAN

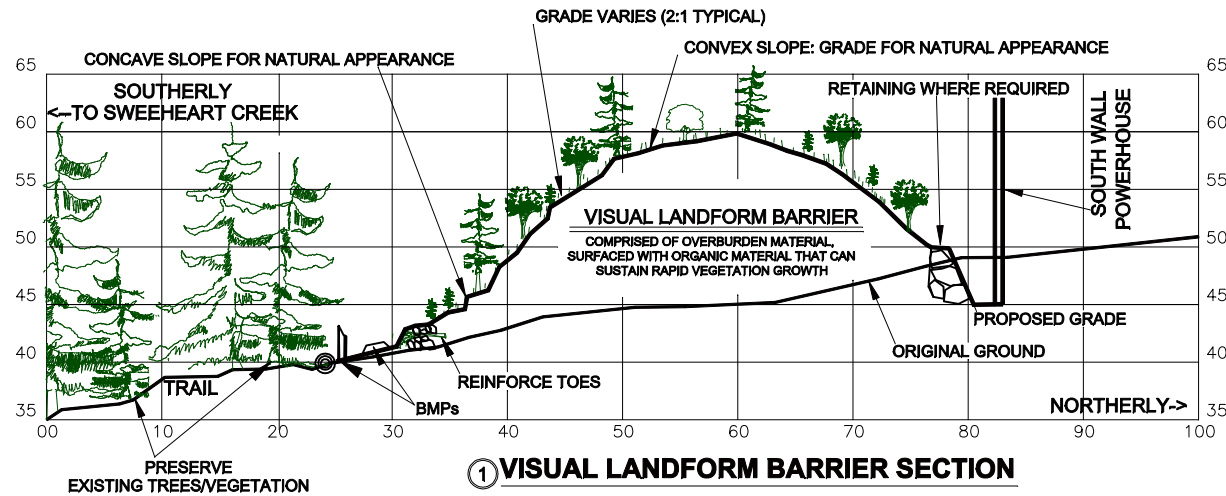


LEGEND

SEE DETAILED DESCRIPTION ON SHEET 3

SWEETHEART LAKE HYDROELECTRIC PROJECT
FERC PROJECT NOS. P-13563
RECREATIONAL FACILITIES
AND MEASURES MAP
SHEET 1 OF 5

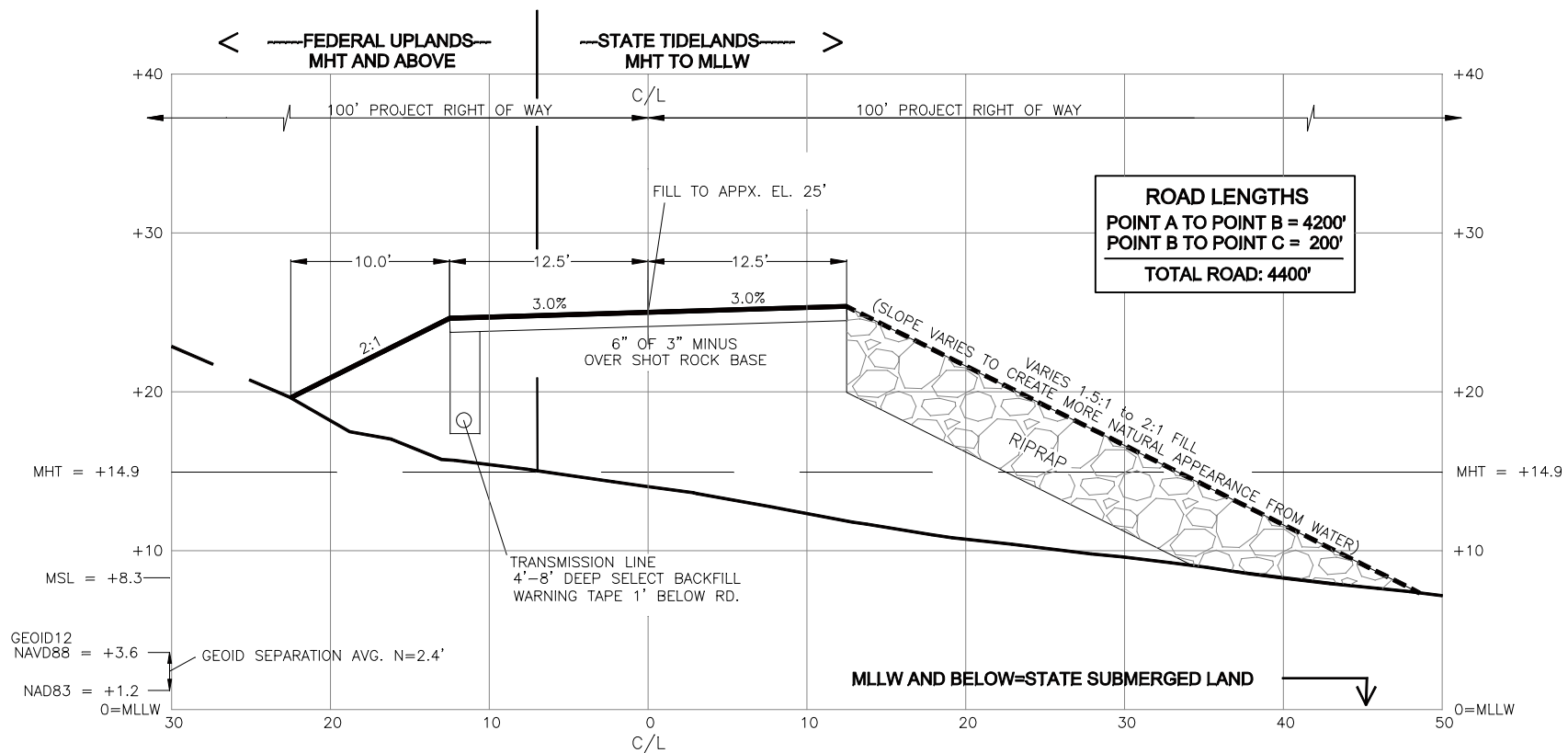




RECREATIONAL FACILITIES NOTES

- ① VISUAL LANDFORM BARRIER: will be constructed and vegetated, which will recreational users from sound and visual impacts of the powerhouse and switchyard. See typical section on sheet 2.
- ② RAMP: will be installed at the dock area for limited non-commercial boat landings. See sheet 1.
- ③ DOCK: will be installed for limited non-commercial boat and floatplane landings. See sheet 1.
- ④ INTERPRETIVE SIGNS: will be installed at the beginning of the footpath trail, to include bear safety, trail information, ADF&G information, and USFS information. See sheet 2.
- ⑤ TRASH AND LITTER COLLECTION: will be collected along access road and trail at a limited seasonal basis. Public trash receptacles will not be provided. This is a "pack it in, pack it out" recreational area.
- ⑥ ACCESS ROAD/TRAIL: will be maintained in sufficient condition to allow both caretaker truck access and non-motorized recreational user access. See typical section on sheet 4.
- ⑦ TRAILS: will be maintained in good condition and trees and weeds will be controlled as necessary. See sheet 2.
- ⑧ NON-COMMERCIAL MOORING BUOYS: will be maintained in good condition to allow temporary non-commercial small boat mooring. See sheet 1.
- ⑨ SNOW REMOVAL: will occur on the Access Road/Trail to ensure safe operational access to the powerhouse and switchyard. Snow removal will not be provided on the side trails.
- ⑩ ROCKED TAILRACE: the tailrace surfaces will be rock instead of concrete, which will enhance natural appearance and allow additional fishing area. Length from Point F to Point G is 300 feet. See sheet 2.
- ⑪ SOCKEYE COLLECTION AND TRANSPORTATION SYSTEM: a smolt re-entry pool will be located at the powerhouse site, which will allow fish acclimation before release into the tailrace. This fish collection and transportation systems have been designed in collaboration with Douglas Island Pink and Chum (DIPAC). See sheet 2.
- ⑫ GATED ACCESS: gates will be installed at the locations shown such that motorized use of the coastal road/trail will be limited to the caretaker. Recreational motorized use of the coastal road/trail will not be permitted. See sheet 2.

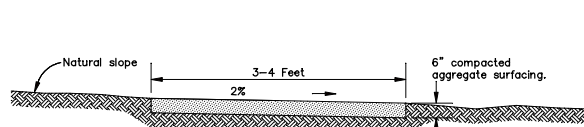
SWEETHEART LAKE HYDROELECTRIC PROJECT
FERC PROJECT NOS. P-13563
RECREATIONAL FACILITIES
AND MEASURES MAP
 SHEET 3 OF 5



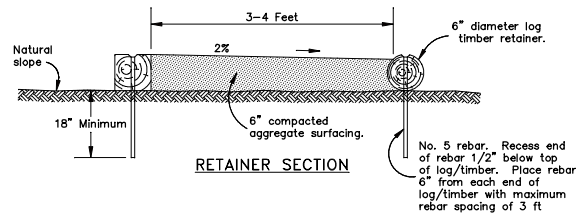
ROAD LENGTHS
 POINT A TO POINT B = 4200'
 POINT B TO POINT C = 200'
 TOTAL ROAD: 4400'

COASTAL ROAD/TRAIL TYPICAL SECTION

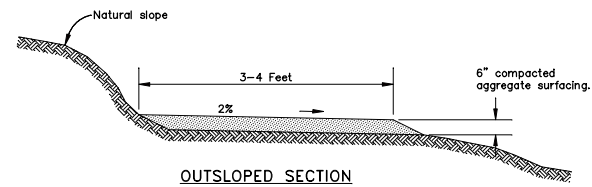
SWEETHEART LAKE HYDROELECTRIC PROJECT
FERC PROJECT NOS. P-13563
RECREATIONAL FACILITIES
AND MEASURES MAP
 SHEET 4 OF 5



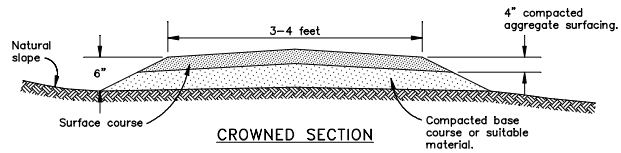
EXCAVATED SECTION



RETAINER SECTION

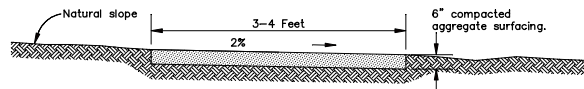


OUTSLOPED SECTION

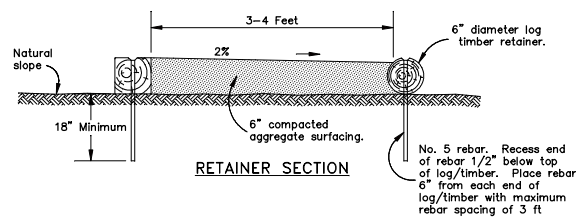


CROWNED SECTION

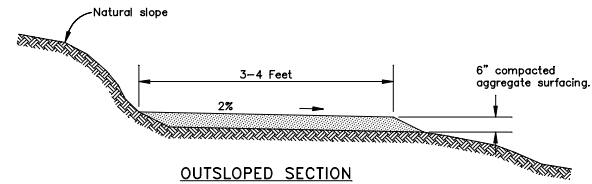
TYPICAL TRAIL SECTIONS NOT TO SCALE
Source: USFS Trail Detail 941-1 (per EM-7720-103 rev 3/97)



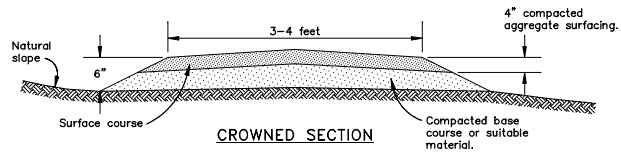
EXCAVATED SECTION



RETAINER SECTION



OUTSLOPED SECTION



CROWNED SECTION

TYPICAL TRAIL SECTIONS NOT TO SCALE
Source: USFS Trail Detail 941-1 (per EM-7720-103 rev 3/97)

SWEETHEART LAKE HYDROELECTRIC PROJECT
FERC PROJECT NOS. P-13563
RECREATIONAL FACILITIES
AND MEASURES MAP
SHEET 5 OF 5

SWEETHEART LAKE HYDROELECTRIC PROJECT

FERC PROJECT NO. P-13563



SCENERY MANAGEMENT & MONITORING PLAN (SMMP)

PREPARED BY:

**Juneau Hydropower, Inc.
PO Box 22775
Juneau, AK 99802**

MAY 2014

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SWEETHEART LAKE HYDROELECTRIC PROJECT

SCENERY MANAGEMENT & MONITORING PLAN (SMMP)

1.0 AGENCY PLAN REQUESTS

In October 2013, Juneau Hydropower, Inc. (JHI) submitted a subsequent draft license application and draft Preliminary Draft Environmental Assessment (PDEA) for the Sweetheart Lake Hydroelectric Project to the Federal Energy Regulatory Commission (FERC). On October 22, 2013, FERC published notice and issued a request for comments and preliminary terms and conditions. The U.S. Department of Agriculture (USDA) Forest Service (Forest Service) reviewed these documents, and in its January 10, 2014, Preliminary 4(e) Terms and Conditions, number 22, requested the following plan: j) Scenery Management Plan. The U.S. Department of the Interior National Park Service (NPS) in its January 12, 2014, comments on the aesthetics section of the PDEA expressed the need for protecting the visual resource for visitors and those fishing. JHI is submitting this preliminary Scenery Management Plan (SMP) with the Final License Application and PDEA for comment.

2.0 PROJECT DESCRIPTION

The Project consists of: (1) the existing Lower Sweetheart Lake, raised from a surface water elevation of 551 feet (MLLW) and a surface area of 1,414 acres to a new minimum surface water elevation of 576 feet and a new surface area of 1,449 acres and a maximum surface water elevation of 636 feet with a surface area of 1,702 acres; (2) a new, roller-compacted concrete dam 111 feet high (from the downstream toe to the top of the dam), 280 feet long, 100 feet thick at the base, constructed at the outlet of Lower Sweetheart Lake; (3) an independent intake structure with fish screen adjacent to the dam right abutment, which conveys water to a 15 X 15-foot horseshoe-shaped, 9,621-foot-long unlined tunnel; (4) a 9-foot-diameter, approximately 896-foot-long penstock installed within the lower portion of the tunnel, with approximately another 160 feet of buried 7-foot-diameter penstock and manifold connecting to the powerhouse; (5) a powerhouse containing three new Francis generating units (6.6 MW each) with a total installed capacity of 19.8 MW; (6) a 541-foot tailrace discharging flows to Sweetheart Creek, including a salmon smolt reentry pool located adjacent to the powerhouse and tailrace; (7) a fenced switchyard adjacent to the powerhouse; (8) a new, approximately 4,400-foot-long, road from the powerhouse to the dock/landing site; (9) a new dock/landing site for boat, seaplane, barge/landing craft ramp, and/or helicopter access, located on the east shore of Gilbert Bay; (10) a new, 138-kilovolt transmission line that would be a total of 45,900 feet long (25,700 feet of submarine cable in two segments; 15,400 feet of overhead transmission line on Snettisham Peninsula; and 4,800 feet of buried transmission line in two segments); (11) a new, 14,800-foot, 12.47-kV service

transmission line extending from the dam site to the marine facility, providing operational electricity and communications for operations; (12) a caretaker facility with shop and maintenance facilities; (13) a shelter facility at the dam site; (14) appurtenant facilities.

To construct and operate the Sweetheart Lake Hydroelectric Project systems, JHI has developed designs and specifications to meet federal, state, and local regulations. In addition, JHI has developed the following plans to implement procedures to construct, monitor, and mitigate the safety, health, and environmental impacts of the Project. These plans are prepared to meet regulatory requirements of various involved agencies and some plans address similar issues. Together these plans form a comprehensive resource to guide Project management through all phases of construction and into operation:

2.1. Appendix Z - JHI Preliminary Plans

The plans included in Appendix Z of the PDEA are as follows:

Access Management Plan (AMP)

Aquatic Habitat Restoration and Monitoring Plan (AHRMP)

- Fish Mitigation and Monitoring Plan (FMMP)

Bear Safety Plan (BSAFE)

Construction Plan (CP)

Environmental Compliance Monitoring Plan (ECMP)

Erosion and Sedimentation Control Plan (ESCP)

- Storm Water and Pollution Prevention Plan (SWPPP)

Fire Prevention Plan (FPP)

Hazardous Substances Plan (HSP)

Heritage Resource Plan (HRP)

Recreational Management Plan (RMP)

Scenery Management and Monitoring Plan (SMMP)

Solid Waste and Wastewater Plan (SWWP)

Spoil Disposal Plan (SDP)

- Acid Rock Disposal Contingency Plan (ARDCP)

Vegetation Management Plan (VMP)

- A. Invasive Species Management Plan (ISMP)
- B. Threatened, Endangered, Proposed for Listing, and Sensitive Plant Species Plan (TEPLSPSP)

Water Management Plan (WMP)

- A. Reservoir Management and Inundation Plan (RMIP)
- B. Stream Flow Management Plan (SFMP)
- C. Stream Flow Measurement Plan (SMP)

Wildlife Mitigation and Monitoring Plan (WMMP)

- Threatened, Endangered, Proposed for Listing, and Sensitive Species Plan (TEPLSSP)

3.0 SCENERY MANAGEMENT & MONITORING PLAN (SMMP)

This Scenery Management and Monitoring Plan (SMMP) includes measures to keep the visual character of the Project area consistent with the standards and guidelines of the Tongass National Forest Land and Resource Management Plan (2008).

Expected scenery impacts by the Project and proposed mitigation measures for the various Project features are described in the following sections:

4.0 VISIBLE PROJECT FEATURES

4.1. Marine Access Facilities

The marine access facilities are as described below and shown on Exhibit F drawings and SWPPP drawings.

- A dual-height marine ramp for loading and unloading freight barges and landing craft constructed of clean shot rock. The ramps will have a minimum width of 50 feet, a slope of 15-20 %, and a compacted rock surface. The toe of the fill will be near -15 (MLLW) allowing low tide access without grounding of the vessels. The ramps will slope up from +12 to +25 (MLLW) for access at all tidal conditions. The sides and front slopes will be protected with rock riprap.
- Floating docks will provide seaplane and boat access for both passengers and freight during construction and maintenance. The floats will be secured by 8 galvanized steel piles. A drive down ramp will connect the float to the staging area concrete abutment.

4.2. Coastal Road/Trail

There will be one short road along the coast 4400 feet from the dock to the powerhouse. The road and dock will be constructed with clean shot rock and protected with riprap produced from the excavation of the powerhouse site and power tunnel. The subgrade width would be up to 25 feet to provide for large construction machinery such as cranes and powerhouse turbines. The surface width will be reduced following construction for aesthetics to 16 feet by shaping and planting.

4.3. Powerhouse

The powerhouse will be located in a deep excavation approximately 600 feet northwest of the anadromous barrier on Sweetheart Creek, and approximately 2,000 feet east of the confluence of Sweetheart Creek and Gilbert Bay. The powerhouse will be approximately 50 feet wide and 120 feet long. Floor level of the powerhouse will be at Elevation 50 (MLLW), with an eave height of about 35 feet and concrete substructure up to 32 feet deep. The powerhouse will be constructed with concrete walls and a metal or concrete roof.

4.4. Switchyard

The switchyards will be located adjacent to the powerhouse on fill over the penstocks and next to the Existing Snettisham Transmission lines. These locations have been selected to allow screening by existing vegetation to the maximum extent possible.

4.5. Transmission Lines

Power generated by the Project would be transmitted by new transmission lines that would connect into an existing 138 kV Snettisham Transmission Line owned by the State of Alaska, Alaska Industrial Development and Export Authority (AIDEA).

5.0 SCENERY IMPACTS

Scenery impacts are primarily expected to be from the overhead transmission line corridor, marine access facilities, and the coastal road/trail, which will be along the shoreline. These features would be visible from the Visual Priority Route (VPR) in the middle of Gilbert Bay. A visual simulation was prepared to determine what impacts the Project will have on the VPR (Final Scenery Resources Report – Appendix T).

The following Project features will not have a visual impact to the VPR in the middle of Gilbert Bay because they will be hidden from view by the existing terrain and vegetation:

- Dam

- Tunnel Portals / Penstock
- Intake Structure
- Reservoir
- Switchyard / Diesel generator

Project features that could have an impact on the VPR are discussed below.

5.1. Marine Facilities

The expected scenery impacts from the Marine Access Facilities are expected to be as follows:

- The permanent features of the Marine Access Facilities (staging area, barge ramp, boat, and floatplane float) will present features that will initially stand out because of their new surfaces.
- Eventually, wood products will weather and rock or concrete that are exposed to marine water will gain a “marine patina” of browns and greens; consisting of staining, seaweed, and/or barnacles and mussels.
- Metal surfaces may rust, get a “marine patina,” or if painted, have a reduced visual impact.
- Riprap armoring will initially be fairly visible until they weather or they acquire the “marine patina.”
- The submarine cable landings will have buried structures above the tidal zone to convert from terrestrial to submarine and vice-versa; excavation through the beach and intertidal zone for the cables will be recovered with native material from the beach and within a few months should be invisible due to tidal action.

5.2. Coastal Road / Trail

The expected scenery impacts from the Coastal Road / Trail are expected to be as follows:

- Riprap armoring of road will initially be fairly visible until it weathers or they acquire the “marine patina.”
- The grass/sedges naturally found along the shoreline in Gilbert Bay will also find footholds on and around the riprap of the coastal road.

5.3. Powerhouse

The expected scenery impacts from the Powerhouse are expected to be as follows:

- Removal of vegetation to clear the powerhouse area.
- Powerhouse structure may be visible from the VPR in Gilbert Bay; roof reflectivity would be the largest concern because of the height, increasing its potential to be seen from the VPR.
- Rock spoil from powerhouse and tunnel excavation used to create a visual screen berm may create a visual that can be seen from the VPR because of it being newly exposed rock that does not have a weathered patina (see the simulations in the Final Scenery Resources Report – appendix T of the PDEA).

5.4. Transmission Line Poles and Corridor Clearing

The expected scenery impacts from the transmission line poles and corridor clearing are expected to be as follows:

- Poles may be visible if left with a highly reflective surface.
- Clearing of vegetation along the transmission route will be necessary to not just install the transmission line but also to keep in place a single-lane access road for maintenance.
- Conductors may be visible if bird deflectors (reflective devices) and airplane visual aids (orange balls) are used to mark them.

6.0 PROJECT WIDE PROPOSED MITIGATION MEASURES

The following protection measures are prescribed for the entire Project and should be applied where appropriate and feasible.

- Prior to beginning construction, once survey and layout of the corridor, clearing limits and location of facilities has been field located, verify Project conditions and note any deviations from the original Licensing Document. Modifications, including minor ones, to the routing of corridor, clearing limits, and the location and size of facilities may have a positive or negative expected scenery impact.
- Where possible, feather edges of clearing limits rather than hardline clearing on the uphill slope of the corridor to reduce visual impacts. Match existing lines

found in the immediate surrounding landscape to mimic meadow openings, rock outcrops, and avalanche and rock slide formations where present.

- Transmission structures that support the overhead lines will be constructed of metal. To minimize their visual impact the towers should be grey in color.
- The removal of vegetation within the clearing limits of the corridor should be limited to only trees that can obtain a mature height of thirty feet or greater or will require removal later as part of the transmission corridor maintenance. Maintain shrubby vegetation, perennials, and smaller trees within the clearing limits to minimize visual contrast after construction and after maintenance of clearing limits. Avoid exposure of soil.
- Facilities that require security fencing (powerhouse, switchyard) should be colored grey to reduce visual impacts and allow these features to blend into the surrounding landscape.
- Allow vegetation to reestablish itself over disturbed areas where possible

7.0 SPECIFIC PROTECTION MEASURES

The main Area of Concern is identified as the east side of Gilbert Bay where the Project is viewed as foreground in a Semi-Remote Recreation LUD. This is the area immediately surrounding the marine access facility, storage yard, access road, and caretaker's site.

Plant vegetative screening between the water's edge and the caretaker's facilities. Color the marine access facilities to blend into the surrounding landscape and avoid the use of materials that would reflect sunlight. Minimize the storage of materials and vehicles in the immediate vicinity of the marine access facility. Store materials and other items where they would be screened from the Gilbert Bay VPR. Utilize building colors and materials that blend into the character landscape.

Utilize rock along the coastal road where fill would be exposed to Gilbert Bay. Although most portions of the road are on submerged lands, incorporate native vegetation along the water's edge on all fill slopes for the road to the greatest extent possible. For all areas to be vegetated, utilize organic native soils that support and will allow native plant material to grow and create quick and effective visual screening. Use the correct native plants for the soil available.

Avoid the use of exterior lighting; if needed, use "cut-off" style lighting that minimizes light pollution and prevents light from spilling beyond the intended areas.

Where clearing limits and transmission structures may be seen in the middle-ground distance zone and will dominate the visual landscape beyond five years, select appropriate colors to paint the structures (towers and transition facilities) to match the surrounding landscape would likely reduce impacts. Soften edges of the clearing limits where possible by feathering edges rather than straight hardline clearing of the corridor to reduce visual impacts.

8.0 DOCUMENTATION

Photos will be submitted with a report by December 31st of each year to the Forest Service to document current conditions for use in the annual review.

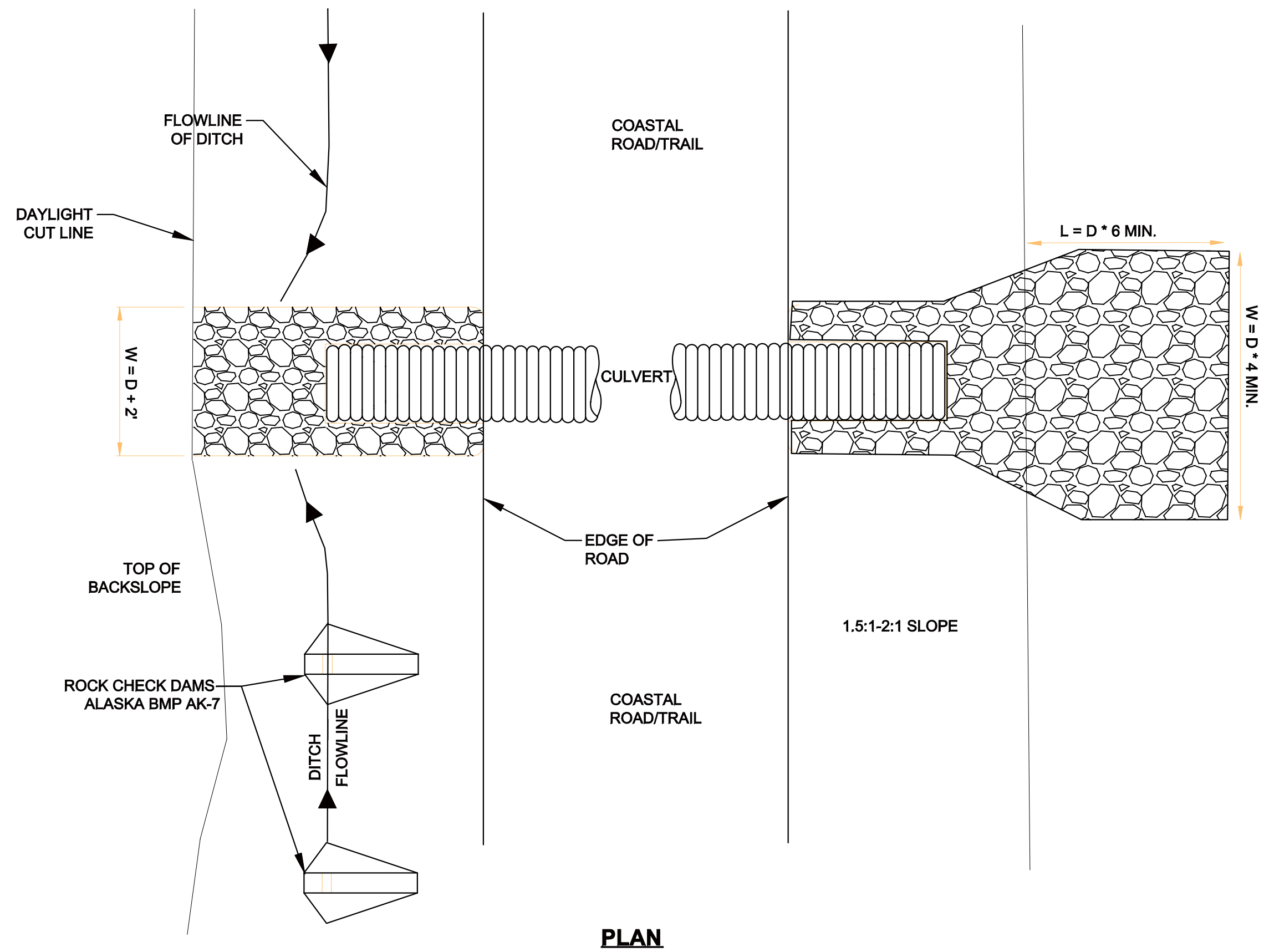
From the Tongass National Forest Land and Resource Management Plan (2008) guidance - Upon completion of construction, Licensee will photograph the approved facilities from the middle of Gilbert Bay to document scenery management mitigation measures approved in the Plan. Each summer for the first ten years of the license, from approximately the same location along the Visual Priority Route (VPR), the Licensee will photograph the approved facilities to document vegetation, and continued success of scenery management mitigation. Photos taken will be submitted to the Forest Service at the end of each year as part of the annual consultation.

9.0 COMPLIANCE

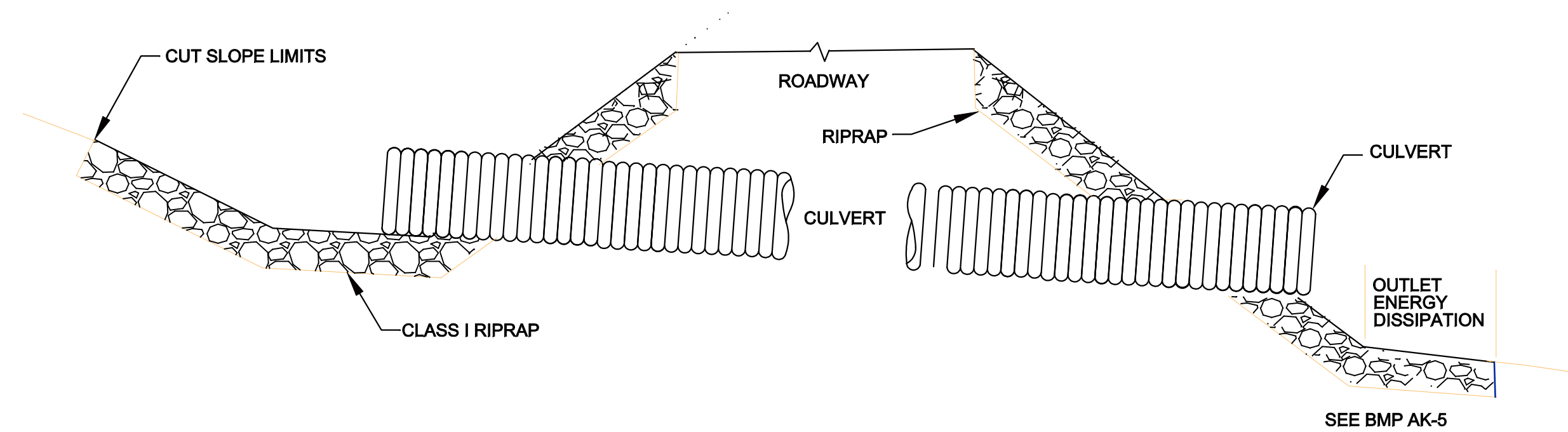
Compliance with the plans objectives will be documented and enforced by the Environmental Compliance Monitor through commercial operations and then JHI management will be responsible for reporting to the Forest Service as directed.

10.0 AGENCY COMMENTS

Agency comments will be listed by date received and by which agency.

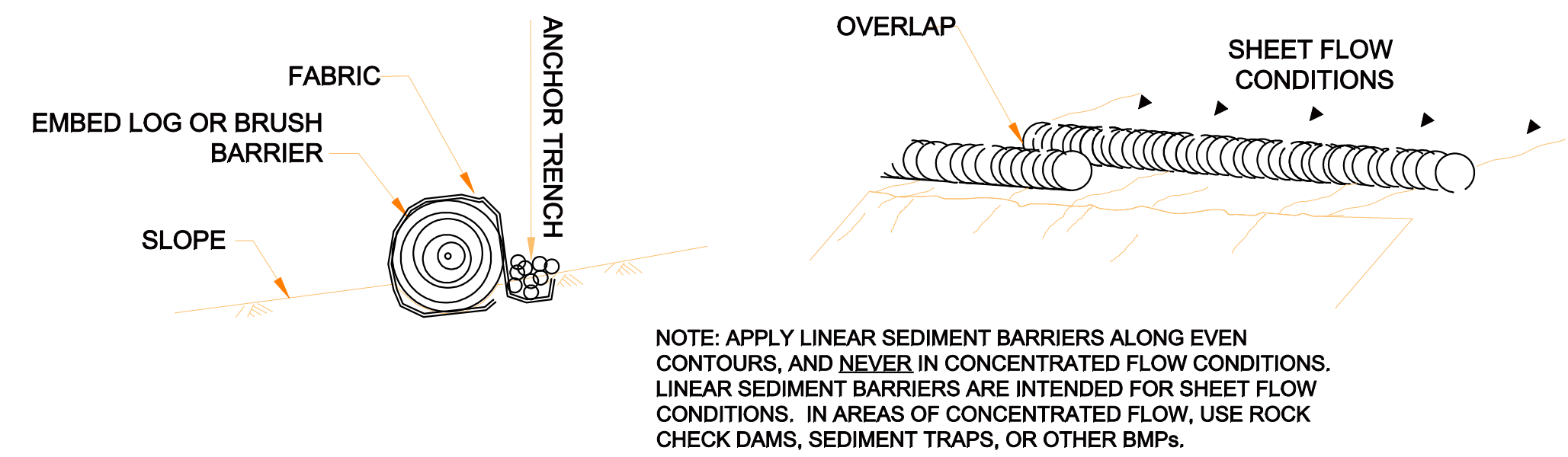


PLAN



PROFILE

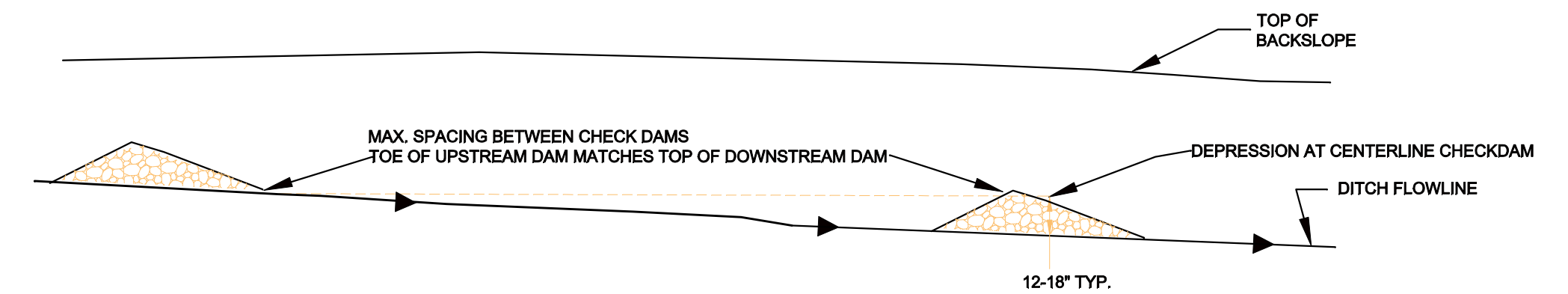
TYPICAL DITCH AND CULVERT PROTECTION
SEE ALASKA STANDARD BMP AK-2, AK-5, AK-6, AND AK-11



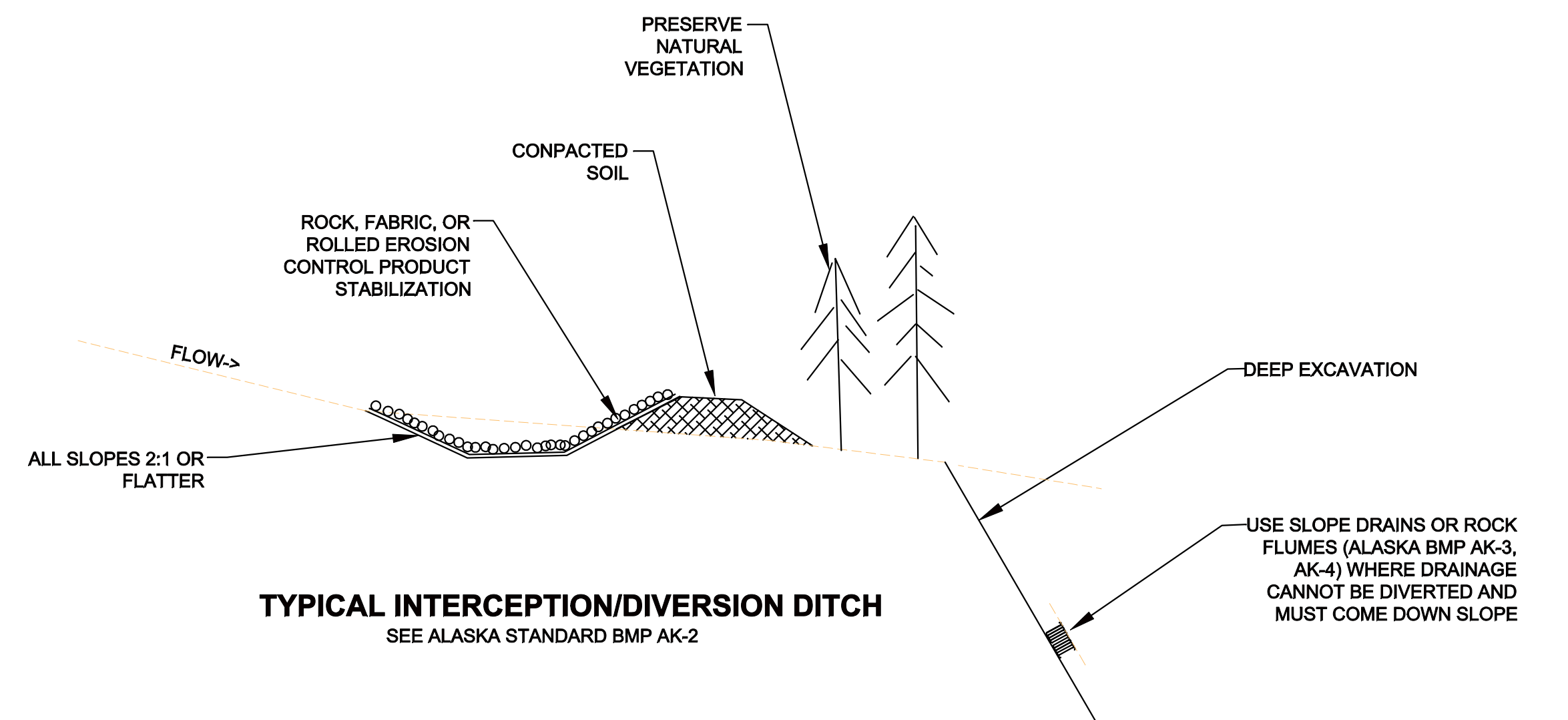
SECTION

PERSPECTIVE

TYPICAL LINEAR SEDIMENT BARRIERS
SEE ALASKA STANDARD BMP AK-8, AK-18, OR AK-20



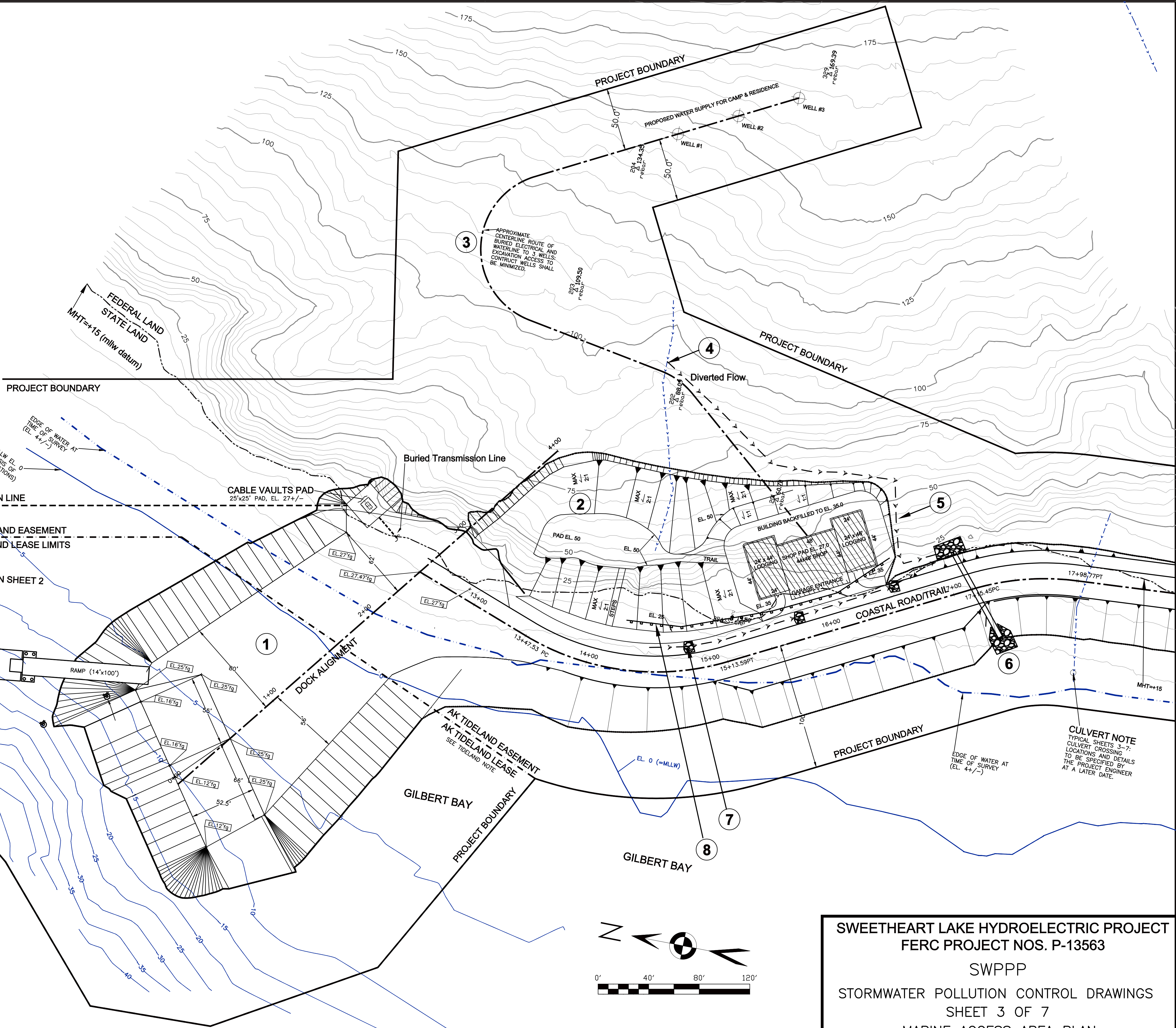
TYPICAL ROCK CHECK DAM PROFILE
SEE ALASKA STANDARD BMP AK-7



TYPICAL INTERCEPTION/DIVERSION DITCH
SEE ALASKA STANDARD BMP AK-2

SHEET 3 NOTES (including Alaska Standard BMP Number)

- 1 Dock is constructed with clean rock fill and will not be re-seeded. Construction materials, fuels, lubricants, etc. will be unloaded from barges, and non-stormwater BMP's such as inspection of offloaded materials will be necessary. (See all Alaska "good housekeeping" BMPs)
- 2 Caretakers area. Caretakers shop and lodging will be constructed. Site grading will be required. Topsoil will be spread on reconstructed slopes to allow re-vegetation. Reconstructed slopes will be graded at 2:1 (or flatter) to allow re-seeding and planting with trees. Rolled erosion control products may be required to prevent erosion until vegetation grows. (See BMP AK-10, AK-12, AK-14)
- 3 Caretaker's shop and lodging will require a water source for sanitation. A well site above the Caretakers area is shown. Construction to access the well site will be minimized and existing vegetation/topography will be preserved where possible. (See BMP AK-1)
- 4 Typical stream diversions above the excavation area will prevent surface water from running over exposed soil. (See BMP AK-6)
- 5 Where stream diversion drop slopes steep slopes, rock flumes or slope drains will be required to prevent erosion. (See BMP AK-3, AK-4)
- 6 Construction along Gilbert Bay is built with Rip-Rap and clean rock, see coastal road/trail typical section on sheet 4. Coastal Road/Trail is graded towards land such that runoff must pass through sediment traps and check dams before exiting to Gilbert Bay. All culvert crossings will require inlet and outlet protection (See BMP AK-5).
- 7 Rock Check Dams and Sediment Traps as required (See Alaska AK-7, BMP AK-15)
- 8 Use linear sediment barriers throughout the construction process where required. They are effective in sheet flow conditions along level contours of gentle slopes (See BMP AK-18, AK-20)



Juneau Hydropower Inc.

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DATE: 5/4/2014

SWEETHEART LAKE HYDROELECTRIC PROJECT
FERC PROJECT NOS. P-13563

SWPPP

STORMWATER POLLUTION CONTROL DRAWINGS

SHEET 3 OF 7

MARINE ACCESS AREA PLAN



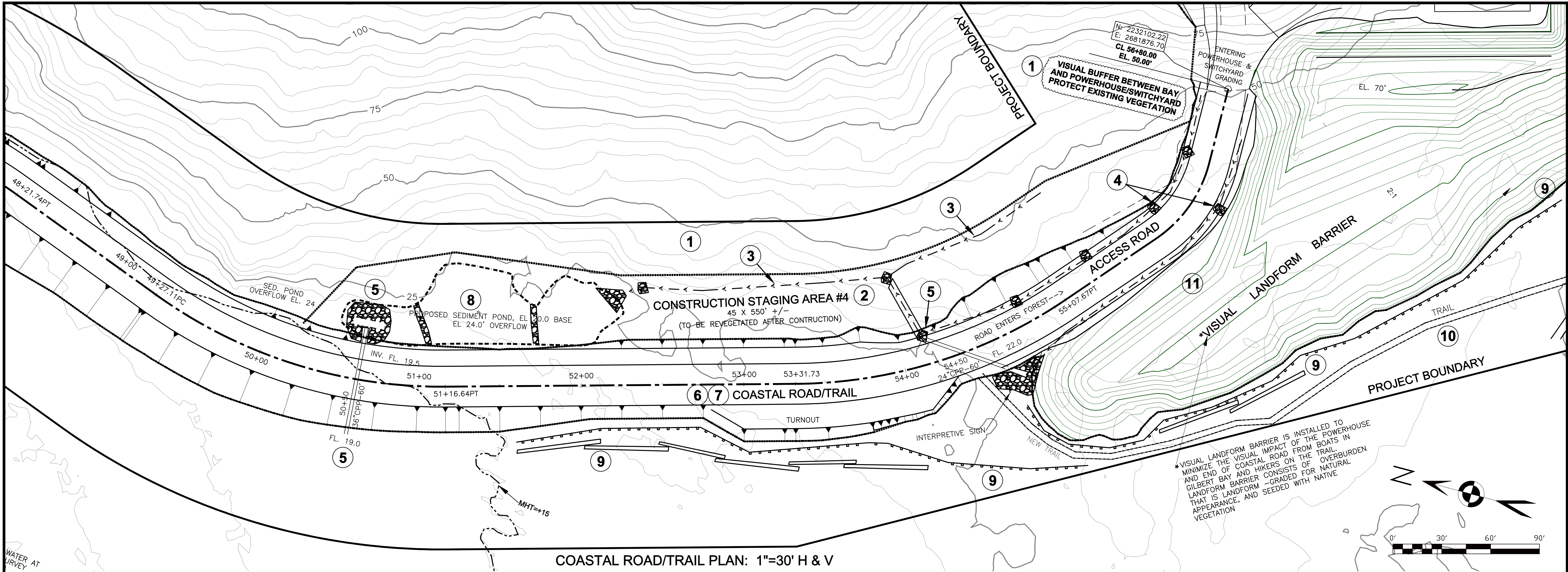
1 Preserve existing vegetation wherever possible. (See BMP AK-1)

- 2 This staging area is temporary, to be re-seeded and re-planted after construction. All materials storage and good housekeeping BMP's apply.
- 3 Divert drainage around pad (See BMP AK-2)
- 4 Rock Check Dams and Sediment traps in areas of concentrated flow (See BMP AK-15)
- 5 Inlet/outlet protection required for all culverts (See BMP AK-5)
- 6 Road is graded towards land such that runoff can be intercepted in ditchlines and rock check dams. This also lessens the visual impact of the road as viewed from Gilbert Bay.
- 7 Road is constructed with clean rock fill predominantly on State tidelands. This measure helps reduces road areas on U.S. forest service land, and lessens the vegetative impact of the road (thereby reducing land erosion).



SWEETHEART LAKE HYDROELECTRIC PROJECT
FERC PROJECT NOS. P-13563
SWPPP
STORMWATER POLLUTION CONTROL DRAWINGS
SHEET 4 OF 7
TYPICAL COASTAL ROAD/TRAIL PLAN

 © COPYRIGHT 2013 JUNEAU HYDROPOWER INC., EXCLUSIVE OF U.S. GOVERNMENT MAPS	PROJECT CONTACT: DUFF MITCHELL PO BOX 22775 JUNEAU AK. 99802 ph. 907-789-2775 fax. 907-375-2973
	DATE: 4/2/2014

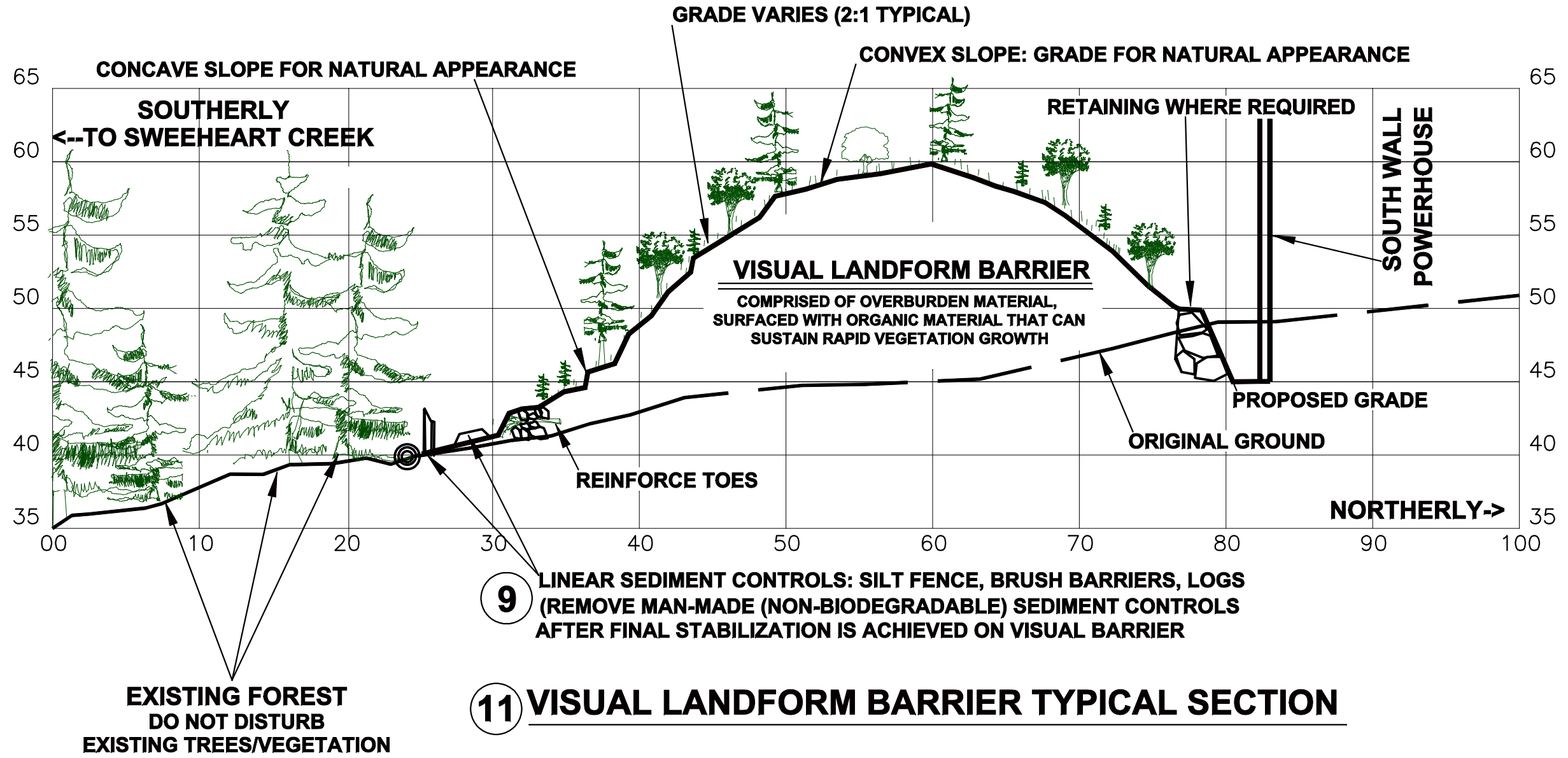


SHEET 5 NOTES (including Alaska Standard BMP Number)

- ① Preserve existing vegetation wherever possible. This is especially important in the end of the road area as it is the primary visual buffer of the powerhouse and switchyard. (See BMP AK-1)
- ② This staging area is temporary, to be re-seeded and re-planted after construction. All materials storage and good housekeeping BMP's apply.
- ③ Divert drainage on towards sediment pond (See BMP AK-2)
- ④ Rock Check Dams and Sediment traps in areas of concentrated flow (See BMP AK-7, AK-15)
- ⑤ Inlet/outlet protection required for all culverts (See BMP AK-5)
- ⑥ Road is graded towards land such that runoff can be intercepted in ditchlines and rock check dams. This also lessens the visual impact of the road as viewed from Gilbert Bay.
- ⑦ Road is constructed with clean rock fill predominantly on State tidelands. This measure helps reduces road areas on U.S. forest service land, and lessens the vegetative impact of the road (thereby reducing land erosion).
- ⑧ Sediment Pond Area, water velocity in pond must be slowed enough to allow suspended sediment to settle on bottom of the pond. Upon completion of project and final stabilization. Sediment pond can be a permanent BMP of the project.

(Continued)

- ⑨ Use linear sediment barriers throughout the construction process where required. Linear sediment barriers include silt fence, wattles, brush barriers, and other structures that follow the contours. Remove non-biodegradable linear barriers once their use is not required. They are effective in sheet flow conditions along level contours of gentle slopes. Excess logs can be embedded in landscape for natural appearance. (See BMP AK-18, AK-20)
- ⑩ Trail improvements are defined on the Recreation Plan and Drawings which were created in correspondence with the U.S. Forest Service. Do not disturb existing vegetation along trails.
- ⑪ Visual Landform Barrier, See Typical Section



SWEETHEART LAKE HYDROELECTRIC PROJECT
FERC PROJECT NOS. P-13563
SWPPP
STORMWATER POLLUTION CONTROL DRAWINGS
SHEET 5 OF 7
END OF COASTAL ROAD/TRAIL PLAN



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SWEETHEART LAKE HYDROELECTRIC PROJECT

FERC PROJECT NO. P-13563



EROSION AND SEDIMENT CONTROL PLAN (ESCP) & STORM WATER AND POLLUTION PREVENTION PLAN (SWPPP)

PREPARED BY:

**Juneau Hydropower, Inc.
PO Box 22775
Juneau, AK 99802**

MAY 2014

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SWEETHEART LAKE HYDROELECTRIC PROJECT

EROSION AND SEDIMENT CONTROL PLAN (ESCP) & STORM WATER AND POLLUTION PREVENTION PLAN (SWPPP)

1.0 AGENCY PLAN REQUESTS

In October 2013, Juneau Hydropower, Inc. (JHI) submitted a subsequent draft license application and draft Preliminary Draft Environmental Assessment (PDEA) for the Sweetheart Lake Hydroelectric Project to the Federal Energy Regulatory Commission (FERC). On October 22, 2013, FERC published notice and issued a request for comments and preliminary terms and conditions. The Alaska Department of Fish and Game (Alaska DFG) recommends as a preliminary condition, Article 17, that the licensee develop and file an Erosion and Sediment Control Plan (ESCP) to reduce soil disturbances and events that could adversely impact aquatic resources. The Alaska Region U.S. Department of Agriculture (USDA) Forest Service (Forest Service) as Preliminary 4(e) Condition No. 22 e) has requested an Erosion Control Plan be developed and submitted. JHI submitted a draft ESCP in October 2013 and received comments from FERC requesting additional information. JHI concurs this plan is necessary and submits this revised draft plan after consultation for additional comments and review. The Storm Water and Pollution Prevention Plan (SWPPP) is a component of the ESCP.

1.1.1. Project Description

The Project consists of: (1) the existing Lower Sweetheart Lake, raised from a surface water elevation of 551 feet mean lower low water (MLLW) and a surface area of 1,414 acres to a new minimum surface water elevation of 576 feet and a new surface area of 1,449 acres and a maximum surface water elevation of 636 feet with a surface area of 1,702 acres; (2) a new, roller-compacted concrete dam 111 feet high (from the downstream toe to the top of the dam), 280 feet long, 100 feet thick at the base, constructed at the outlet of Lower Sweetheart Lake; (3) an independent intake structure with fish screen adjacent to the dam right abutment, which conveys water to a 15 X 15-foot horseshoe-shaped, 9,621-foot-long unlined tunnel; (4) a 9-foot-diameter, approximately 896-foot-long penstock installed within the lower portion of the tunnel, with approximately another 160 feet of buried 7-foot-diameter penstock and manifold connecting to the powerhouse; (5) a powerhouse containing three new Francis generating units (6.6 MW each) with a total installed capacity of 19.8 MW; (6) a 541-foot tailrace discharging flows to Sweetheart Creek, including a salmon smolt reentry pool located adjacent to the powerhouse and tailrace; (7) a fenced switchyard adjacent to the powerhouse; (8) a new, approximately 4,400-foot-long, road from the powerhouse to the dock/landing site; (9) a new dock/landing site for boat, seaplane, barge/landing craft ramp, and/or helicopter access, located on the east shore of Gilbert

Bay; (10) a new, 138-kilovolt transmission line that would be a total of 45,900 feet long (25,700 feet of submarine cable in two segments; 15,400 feet of overhead transmission line on Snettisham Peninsula; and 4,800 feet of buried transmission line in two segments); (11) a new, 14,800-foot, 12.47-kV service transmission line extending from the dam site to the marine facility, providing operational electricity and communications for operations; (12) a caretaker facility with shop and maintenance facilities; (13) a shelter facility at the dam site; (14) appurtenant facilities.

To construct and operate the Sweetheart Lake Hydroelectric Project systems, JHI has developed designs and specifications to meet federal, state, and local regulations. In addition, JHI has developed the following plans to implement procedures to construct, monitor, and mitigate the safety, health, and environmental impacts of the Project. These plans are prepared to meet regulatory requirements of various involved agencies and some plans address similar issues. Together these plans form a comprehensive resource to guide Project management through all phases of construction and into operation.

1.1.2. Appendix Z – JHI Preliminary Plans

The plans included in Appendix Z of the PDEA are as follows:

Access Management Plan (AMP)

Aquatic Habitat Restoration and Monitoring Plan (AHRMP)

- Fish Mitigation and Monitoring Plan (FMMP)

Bear Safety Plan (BSAFE)

Construction Plan (CP)

Environmental Compliance Monitoring Plan (ECMP)

Erosion and Sedimentation Control Plan (ESCP)

- Storm Water and Pollution Prevention Plan (SWPPP)

Fire Prevention Plan (FPP)

Hazardous Substances Plan (HSP)

Heritage Resource Plan (HRP)

Recreational Management Plan (RMP)

Scenery Management and Monitoring Plan (SMMP)

Solid Waste and Wastewater Plan (SWWP)

Spoil Disposal Plan (SDP)

- Acid Rock Disposal Contingency Plan (ARDCP)

Vegetation Management Plan (VMP)

- A. Invasive Species Management Plan (ISMP)
- B. Threatened, Endangered, Proposed for Listing, and Sensitive Plant Species Plan (TEPLSPSP)

Water Management Plan (WMP)

- A. Reservoir Management and Inundation Plan (RMIP)
- B. Stream Flow Management Plan (SFMP)
- C. Stream Flow Measurement Plan (SMP)

Wildlife Mitigation and Monitoring Plan (WMMP)

- Threatened, Endangered, Proposed for Listing, and Sensitive Species Plan (TEPLSSP)

2.0 SITE EVALUATION, ASSESSMENT, AND PLANNING

2.1. Project/Site Information

Project/Site Name: Sweetheart Lake – Juneau Hydropower		
Project Street/Location: Sweetheart Lake		
City: Juneau	State: AK	ZIP Code: 99803
County or Similar Subdivision:		
Latitude/Longitude (Use one of three possible formats, and specify method)		
Latitude: (degrees, minutes, decimal) 57° 56.706' N	Longitude: (degrees, minutes, decimal) 133° 38.221' W	
Method for determining latitude/longitude: ☒ USGS topographic map (specify scale: 1 inch = 2 miles) ☐ EPA Web site ☐ GPS ☐ Other (please specify):		
Is the project located in Indian country? ☐ Yes ☒ No If yes, name of Reservation, or if not part of a Reservation, indicate "not applicable."		
Is this project considered a federal facility? ☐ Yes ☒ No		
NPDES project or permit tracking number*:		
What is the function of the construction activity? ☐ Residential ☐ Commercial ☒ Industrial ☐ Road Construction ☐ Linear Utility		

☐ Other (please specify):

Estimated Project Start Date: 3/1/2015

Estimated Project Completion Date: 7/1/2018

** This is the unique identifying number assigned to your project by your permitting authority after you have applied for coverage under the appropriate National Pollutant Discharge Elimination System (NPDES) construction general permit.*

2.2. Contact Information of Responsible Parties

2.2.1. Operator

Juneau Hydropower, Inc.
P.O. Box 22775
Juneau, AK 99802
P: 907-789-2775; F: 907-375-2973

2.2.2. Project Manager

Duff Mitchell
P.O. Box 22775
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P: 907-789-2775; F: 907-375-2973

2.2.3. SWPPP Contacts

Western Marine Construction, Inc. (WMC)
Joseph Zech, P.E., and Patrick McHugh
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Seattle, WA 98126
P: 206-622-9161; F: 206-622-9170

2.2.4. This SWPPP Was Prepared by

Western Marine Construction, Inc. (WMC)
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Seattle, WA 98126
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2.2.5. Emergency 24-Hour Contact

Western Marine Construction, Inc. (WMC)

Patrick McHugh

P: 866-622-9161, Cell: 206-599-9666

Joseph Zech

P: 206-622-9161, Cell: 206-849-4816

2.3. Soils, Slopes, Vegetation, and Current Drainage Patterns

Soil type(s): A detailed survey of Juneau soils was completed by the Soil Conservation Service (SCS, 1974) (now called the Natural Resource Conservation Service) in 1974, but did not extend to the Project area. However, low-elevation soils in the Project area may be expected to be similar to those mapped along the northeast shore of Gastineau Channel due to their similar parent rock, slope orientation, and climatic exposure.

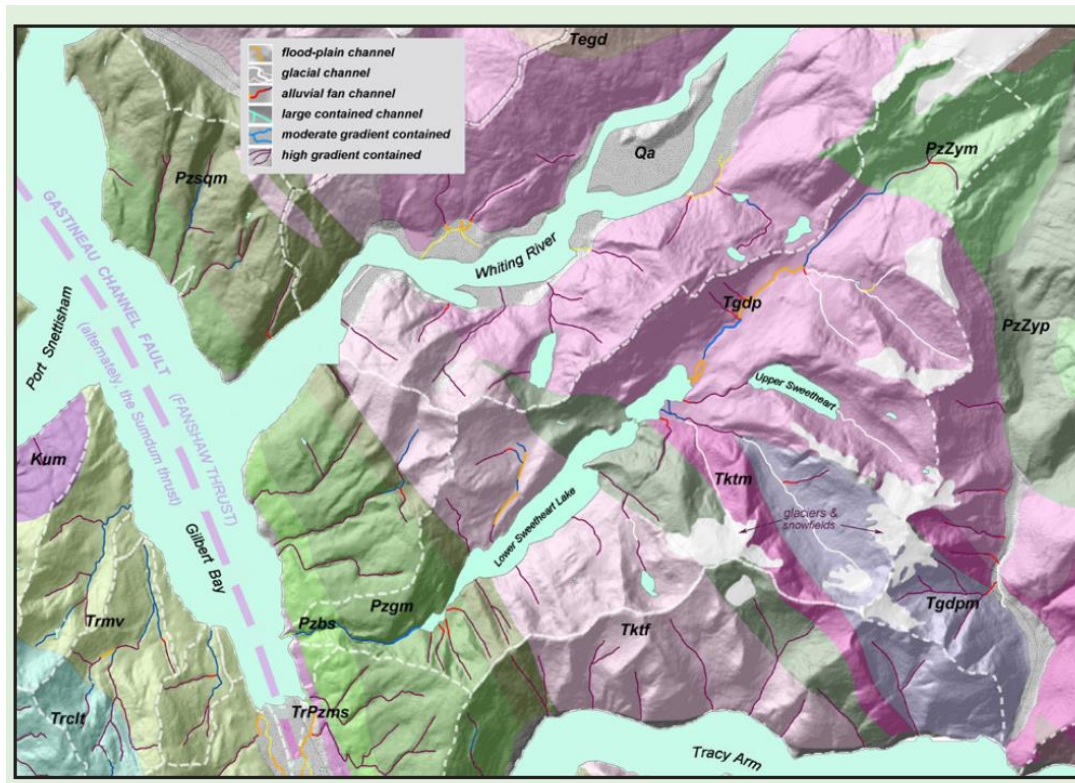
The northeast shore and mountain slope of Gastineau Channel have been mapped as a Tolstoi-McGilvery complex (very stony silt loam to very gravelly sandy loam) on steep slopes (35 to 75 percent), Kupreanof gravelly silt loam in isolated locations on less steep slopes (less than 35 percent), and a Wadleigh gravelly silt loam on the lowest slopes (12 to 20 percent). Only the Wadleigh soil type is considered to be hydric by the Natural Resource Conservation Service. The Wadleigh Series consists of somewhat poorly drained soils that occur on lower mountainous slopes. These soils are composed of very gravelly loamy material underlain by glacial till, and covered by a forest mat. Coarse fragments and cobbles dominate the soil below 10-inch soil depths. Firm substratum is usually reached within 25 inches of the surface forest mat. These soils support western hemlock and scattered Sitka spruce.

The U.S. Forest Service (Forest Service) soil inventory, conducted in the area of the Project and summarized in the 1980 "Forest Service Final Environmental Impact Statement FEIS): Proposed Recreational Development and Independent Timber Sale Gilbert Bay/Holkam Bay," presented the following information. Shallow mineral soils (less than 4 feet) on steep, V-notch dissected sideslopes are common in glacially formed U-shaped valleys of southeast Alaska, such as Gilbert Valley. Local sideslope soils are formed from colluvium, residuum, and glacial till. Inclusions of fine textured (clay) soils of glacial origin occur infrequently along lower sideslopes. Small areas of organic solids are found on sideslope benches where subsurface drainage is impaired. Sideslope soils, other than clay soils, pose few hazards to developmental activities. These soils have low susceptibility to mass erosion on slopes less than 65 percent and are resistant to surface erosion and surface disturbance due to a thick (greater than 6 inches) organic layer. Valley bottom soils, such as near the shoreline at Gilbert Bay, are comprised of coarse

glacial outwash and morainal gravels with inclusions of alluvial deposits and organic soils. The glacial gravel soils are youthful, have relatively shallow (less than 6 inches) surface organic layers, and occur on nearly level (less than 10 percent) terrain.

Observations in July and August 2012 in the proposed access road and powerhouse area indicate the presence from ground surface of these soil layers:

- Moss, spruce needles, and leaves – Approximately 0 to 12 inches thick.
- Mineral soil, very stony to gravelly sandy loam – Approximately 0 to potentially several feet thick. Includes colluvium.
- Talus – Gravel to very large boulders, often covered with Layer 1 and likely mixed with Layer 2 near the base. Common near outcrops and on steep valley slopes.
- Stream deposits – Gravel to boulder-sized rock in drainages and streams, typically at the base of slope and extending below the water surface of Sweetheart Lake.
- Glacial till – Identified by the presence of rounded tonalite gravel to boulders. Observed along access road alignment.

Figure 5 Geology Map of Sweetheart Lake and Gilbert Bay

Slopes: Topography in the Project watershed area is primarily steep and mountainous with dense spruce-hemlock forests extending from rock and glacial areas to tidewater. Maximum mountain elevations above Lower and Sweetheart Lakes are over 4,000 feet, while the average elevation is about 2,000 feet.

Topography between the Sweetheart Creek powerhouse and extending to the Gilbert Bay marine terminal/dock area is rocky and forested on the upland and has lower elevation forest and rock beach fringe at the lower elevations along the shoreline.

Drainage Patterns: Current drainage flow is based on natural topography. With the exception of a couple road crossings (culverts), the intent will be to leave existing drainage patterns as they exist.

The area of work has been previously stripped of vegetation for mining. Current conditions include exposed rock with very little soils or vegetation, riprap slopes and drainage swales.

2.4. Construction Site Estimates

The following are estimates of the construction site.

Total Project boundary: 2,189.4 acres

Construction site area to be disturbed: 18.79 acres

Percentage impervious area before construction: <1 %

Description of unique features that are to be preserved:

The anadromous reach of lower Sweetheart Creek downstream of the tailrace. Estuarine wetlands, designated es2, in the wetland delineation (Appendix L, Bosworth). This area will be marked and protected from Project traffic (construction and permanent)

Runoff coefficient before construction: 10

Percentage impervious area after construction: <1 %

Runoff coefficient after construction 10

2.5. Receiving Waters

Description of receiving waters: Gilbert Bay

Description of storm sewer systems: N/A

Description of impaired waters or waters subject to total maximum daily loads (TMDLs):

There are no impaired waters or TMDLs.

2.6. Site Features and Sensitive Areas to Be Protected

Sensitive sites and specific protections are:

- The anadromous reach of lower Sweetheart Creek adjacent to the new tailrace. This area will have the trails improved to avoid erosion.
- The anadromous reach of Sweetheart Creek just below the new tailrace. Powerhouse area drainage will be kept out of the reach (both during and after construction).

2.7. Potential Sources of Pollution

Potential sources of sediment to stormwater runoff: Include suspended fines produced by exposed soils, rock excavation, and processing. Tunnel excavation, powerhouse excavation, dam site excavation, and associated work will produce sediments. Concrete construction activities will produce sediments.

Potential pollutants and sources, other than sediment, to stormwater runoff are listed in Table 1.

Table 1 Potential Pollutants and Sources Other Than Sediment

Trade Name Material	Stormwater Pollutants	Location
Diesel	Petroleum	Earthwork/Tunneling Equipment
Gas	Petroleum	Trucks and Boats
Oils and Lubrications	Petroleum	Equipment/Machinery
Aviation Fuels	Petroleum	Planes and Helicopters

2.8. Endangered Species Certification

Are endangered or threatened species and critical habitats on or near the project area?

☐ Yes ☒ No

2.9. Historic Preservation

Are there any historic sites on or near the construction site?

☐ Yes ☒ No

Describe how this determination was made:

Register of Historic Places and State Historic Preservations Office

2.10. Applicable Federal, Tribal, State, or Local Programs

None.

2.11. Maps

See the Storm Water and Pollution Prevention Plan (SWPPP) drawings, Attachment A (Section 8 of this Plan) sheets 1-7.

3.0 EROSION AND SEDIMENT CONTROL BMPS

3.1. Minimize Disturbed Area and Protect Natural Features and Soil

Only the areas necessary for construction activities and Project facilities will be disturbed during Project construction. All existing vegetation will be maintained

wherever possible to minimize soil movement. Clearing activities will be limited to only those areas that can be graded and stabilized during that season. Disturbed areas will be revegetated after construction is complete, see Vegetation & Invasive Species Management Plan, Appendix Z, for details of planting, maintaining, and monitoring.

3.2. Phase Construction Activity

The construction on site will continue year around until completed. The Sweetheart Lake areas of dam and tunnel construction will be secured for the heavy snow and avalanche activity.

3.3. Control Stormwater Flowing onto and through the Project

The areas surrounding the Project have established native vegetation. Surface water that flows from higher elevations will be diverted around exposed soil and settling ponds.

3.4. Stabilize Soils

Exposed soils will be stabilized to prevent erosion. For further information, please reference the Project Spoil Disposal Plan (SDP) and the Vegetation Management Plan (VMP) (both in Appendix Z). Attached SWPPP drawings show the design for stabilizing the majority of Project soils on sheet 5, note 11 in Attachment A (in Section 8 of this Plan).

3.5. Protect Slopes

Exposed slopes that may erode will be protected using a combination of rock riprap and vegetation. Most Project excavation is in rock with drilling and blasting required. Most slopes will not produce sediment other than initial fines.

3.6. Protect Storm Drain Inlets

The only storm drain inlet will be inside the powerhouse switchyard, and it will be installed after all other construction is complete. It will drain to a sediment trap.

3.7. Establish Perimeter Controls and Sediment Barriers

Brush barriers, check dams, fence, and other methods will be utilized as sediment barriers and perimeter control. For further information, reference the attached SWPPP drawings, sheet 2.

3.8. Retain Sediment On Site

All sediment collected on site will be stabilized, placed as fill, and covered with topsoil and vegetation.

3.9. Establish Stabilized Construction Exits

The construction site is remotely located where no vehicles or equipment can exit and track pollution outside the Project limits. Prior to barge shipment, equipment will be cleaned of sediment in an established area with containment.

3.10. Additional BMPs

Maintain check dams in effective condition. Perform maintenance on check dams as soon as possible if needed. If BMPs need modification, they will need to be modified before the next storm event. Remove sediment from ponds/traps when design capacity hits 50 percent.

Details are included in the SWPPP drawings with BMPs on sheets 1-7 in Attachment A (in Section 8 of this Plan).

Cofferdams will be installed to allow construction of the Sweetheart Lake dam and for the Sweetheart Creek tailrace. Both cofferdams will be constructed using rock-filled fabric bags to hold an impervious liner.

The cofferdam at the outlet of Sweetheart Lake will divert Sweetheart Creek into the diversion tunnel and around the construction site for the roller-compacted concrete (RCC) dam. Construction of the diversion cofferdam will be done with clean rock contained in 1-cubic-yard fabric bags placed onto the existing rock in the lake outlet. This process will generate minimal sediment. The impervious liner will be placed downstream of the bag diversion and will be protected with clean shot rock. The cofferdam at the downstream side of the dam will be constructed similarly with fabric bags on the downstream side and a liner and rock on the upstream side. This cofferdam will be left in place and inundated when the reservoir is filled.

The tailrace cofferdam will be installed at the junction of the tailrace and lower Sweetheart Creek. This cofferdam will keep Sweetheart Creek water out of the tailrace area during construction. The cofferdam will be constructed entirely of clean rock-filled fabric bags holding an impervious liner. The Sweetheart Creek area where this dam will be constructed is bedrock and clean rounded rock streambed, and no significant sediment is expected. Any water entering the tailrace construction area will be pumped by electric pumps into the powerhouse site to run into the settling ponds and discharge to Gilbert Bay. This cofferdam is expected to be used for 30 days of construction. Upon

completion of the tailrace, this cofferdam will be removed and disposed of and materials reincorporated into other project elements.

To monitor the effectiveness of the above measures, daily monitoring of turbidity will be conducted upstream and downstream of active construction on Sweetheart Creek. The test results will be used to assess if water quality standards are being met, and if not, to adjust to appropriate controls quickly. These test will be conducted by the Environmental Control Monitor.

Transmission Towers: Measures will be developed in conjunction with JHI contractors and will be monitored by the ECM or designee.

Water Quality: Short-term construction phase shifts in pH, specific conductivity, and turbidity would be controlled by the following two-pronged approach.

1. Build the diversion tunnel and structure as designed to minimize the need to work within flowing water. Plan and schedule soil-disturbing work within the Project area to reduce and control sediment from the immediate work area to the extent practical. Measures will be reviewed and developed as necessary in coordination with ECM and relevant regulatory agencies.
2. Execute construction work in all areas of soil-disturbing activities according to plan and in accordance with the Alaska Pollutant Discharge Elimination System Construction General Permit. Use procedural (e.g., construction phasing, etc.), as well as structural best management practices during construction. Measures will be reviewed and developed as necessary in coordination with ECM and relevant regulatory agencies.

4.0 GOOD HOUSEKEEPING BMPS

4.1. Material Handling and Waste Management

Do not allow trash receptacles to be overfilled. Solid waste containment must be properly maintained to prevent spillage. For waste handling, storage, and disposal, refer to the Project Solid Waste and Wastewater Plan (SWWWP), Appendix Z.

4.2. Establish Proper Building Material Staging Areas

Areas are established and designated for building material storage and equipment on the attached SWPPP drawings for both Gibert Bay sites and Sweetheart Lake sites.

4.3. Designate Washout Areas

Due to the remote location of the site, there will not be equipment or vehicles entering or leaving the Project limits. Equipment will be cleaned in the powerhouse site, and water will be treated in the sediment pond (SWPPP drawing 5 note 8).

4.4. Establish Proper Equipment/Vehicle Fueling and Maintenance Practices

Site equipment will be fueled by on-site lube and fuel trucks. The trucks will be outfitted with spill containment kits in case of emergencies.

4.5. Control Equipment/Vehicle Washing

Vehicles and equipment will not be washed on site on a regular basis. If equipment needs to be cleaned before demobilization, this activity shall take place in the powerhouse area near Staging Area #4 (sheet 5, area note 2) where all runoff will be collected and treated as required in the sediment traps.

4.6. Any Additional BMPs

Please reference notes on sheets 1-7 SWPPP drawings in Attachment A (Section 8 of this Plan).

4.7. Allowable Non-Stormwater Discharge Management

Concrete wash and waste will be contained and discharged to the settlement pond adjacent to the powerhouse construction site.

5.0 SELECTING POST-CONSTRUCTION BMPS

Following the completion of the Project, the owner/developer will have a site presence to maintain the facility. Review of the grounds for erosion and stabilization will be one of the responsibilities of the facility manager.

6.0 INSPECTIONS

6.1. Inspection Personnel

Patrick McHugh – Certified Erosion Control Lead

Kurt Larson – Certified Erosion Control Lead

Joe Zech – Certified Erosion Control Lead

Max Schillinger – Certified Erosion Control Lead

6.2. Inspection Schedule and Procedures

An inspection report shall be completed and posted in the site office. Inspections shall take place every 7 days. During rain events, inspections shall be made daily.

See Appendix E of this plan for a sample inspection report.

6.3. Delegation of Authority

Duly Authorized Representative(s) or Position(s):

Western Marine Construction, Inc. (WMC)

Patrick McHugh

2775 Harbor Ave. SW Suite A

Seattle, WA 98126

P: 206-622-9161; F: 206-622-9170

Attach a copy of the signed delegation of authority form in Appendix K of this plan.

6.4. Corrective Action Log

See Attachment F (in Section 8 of this Plan).for the Corrective Action Log.

7.0 RECORDKEEPING AND TRAINING

7.1. Recordkeeping

Records will be retained for a minimum period of 3 years after the permit is terminated.

7.2. SWPPP Amendment Log

See Attachment G (in Section 8 of this Plan) for the SWPPP Amendment Log.

7.3. Training

Individual(s) responsible for training are:

- Joe Zech – WMC, Certified Erosion and Sediment Control Lead
- Patrick McHugh - WMC, Certified Erosion and Sediment Control Lead

See Attachment J (in Section 8 of this Plan) for training logs.

8.0 SWPPP APPENDICES

The following documentation is attached to this SWPPP:

- Attachment A – General Location Map and Site Map with BMPs
- Attachment B – General BMPs
- Attachment C – Construction General Permit
- Attachment D – Notice of Intent (NOI) and Acknowledgement Letter from EPA/State
- Attachment E – Inspection Reports
- Attachment F – Corrective Action Log
- Attachment G – SWPPP Amendment Log
- Attachment H – Subcontractor Certifications/Agreements
- Attachment I – Grading and Stabilization Activities Log
- Attachment J – Training Log
- Attachment K – Delegation of Authority

8.1. Attachment E – Stormwater Construction Site Inspection Report

General Information			
Project Name	Juneau Hydropower		
NPDES Tracking No.		Location	Sweetheart Lake, AK
Date of Inspection		Start/End Time	
Inspector's Name(s)			
Inspector's Title(s)			
Inspector's Contact Information			
Inspector's Qualifications			
Describe present phase of construction			
Type of Inspection: ☐ Regular ☐ Pre-storm event ☐ During storm event ☐ Post-storm event			
Weather Information			
Has there been a storm event since the last inspection? ☐ Yes ☐ No If yes, provide: Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in):			
Weather at time of this inspection? ☐ Clear ☐ Cloudy ☐ Rain ☐ Sleet ☐ Fog ☐ Snowing ☐ High Winds ☐ Other: Temperature:			
Have any discharges occurred since the last inspection? ☐ Yes ☐ No If yes, describe: 			
Are there any discharges at the time of inspection? ☐ Yes ☐ No If yes, describe: 			

Site-Specific BMPs

- Number the structural and non-structural BMPs identified in your SWPPP on your site map and list them below (add as many BMPs as necessary). Carry a copy of the numbered site map with you during your inspections. This list will ensure that you are inspecting all required BMPs at your site.
- Describe corrective actions initiated, date completed, and note the person that completed the work in the Corrective Action Log.

Corrective Action Log

No.	BMP	BMP Installed?	BMP Maintenance Required?	Corrective Action Needed and Notes
1		☐ Yes ☐ No	☐ Yes ☐ No	
2		☐ Yes ☐ No	☐ Yes ☐ No	
3		☐ Yes ☐ No	☐ Yes ☐ No	
4		☐ Yes ☐ No	☐ Yes ☐ No	
5		☐ Yes ☐ No	☐ Yes ☐ No	
6		☐ Yes ☐ No	☐ Yes ☐ No	
7		☐ Yes ☐ No	☐ Yes ☐ No	
8		☐ Yes ☐ No	☐ Yes ☐ No	
9		☐ Yes ☐ No	☐ Yes ☐ No	
10		☐ Yes ☐ No	☐ Yes ☐ No	
11		☐ Yes ☐ No	☐ Yes ☐ No	
12		☐ Yes ☐ No	☐ Yes ☐ No	
13		☐ Yes ☐ No	☐ Yes ☐ No	
14		☐ Yes ☐ No	☐ Yes ☐ No	
15		☐ Yes ☐ No	☐ Yes ☐ No	
16		☐ Yes ☐ No	☐ Yes ☐ No	
17		☐ Yes ☐ No	☐ Yes ☐ No	
18		☐ Yes ☐ No	☐ Yes ☐ No	
19		☐ Yes ☐ No	☐ Yes ☐ No	
20		☐ Yes ☐ No	☐ Yes ☐ No	

Overall Site Issues

Below are some general site issues that should be assessed during inspections. Customize this list as needed for conditions at your site.

Site Issues List

No.	BMP/activity	Implemented?	Maintenance Required?	Corrective Action Needed and Notes
1	Are all slopes and disturbed areas not actively being worked properly stabilized?	☐ Yes ☐ No	☐ Yes ☐ No	
2	Are natural resource areas (e.g., streams, wetlands, mature trees, etc.) protected with barriers or similar BMPs?	☐ Yes ☐ No	☐ Yes ☐ No	
3	Are perimeter controls and sediment barriers adequately installed (keyed into substrate) and maintained?	☐ Yes ☐ No	☐ Yes ☐ No	
4	Are discharge points and receiving waters free of any sediment deposits?	☐ Yes ☐ No	☐ Yes ☐ No	
5	Are storm drain inlets properly protected?	☐ Yes ☐ No	☐ Yes ☐ No	
6	Is the construction exit preventing sediment from being tracked into the street?	☐ Yes ☐ No	☐ Yes ☐ No	
7	Is trash/litter from work areas collected and placed in covered dumpsters?	☐ Yes ☐ No	☐ Yes ☐ No	
8	Are washout facilities (e.g., paint, stucco, concrete) available, clearly marked, and maintained?	☐ Yes ☐ No	☐ Yes ☐ No	
9	Are vehicle and equipment fueling, cleaning, and maintenance areas free of spills, leaks, or any other deleterious material?	☐ Yes ☐ No	☐ Yes ☐ No	
10	Are materials that are potential stormwater contaminants stored inside or under cover?	☐ Yes ☐ No	☐ Yes ☐ No	
11	Are non-stormwater discharges (e.g., wash water, dewatering) properly controlled?	☐ Yes ☐ No	☐ Yes ☐ No	
12	(Other)	☐ Yes ☐ No	☐ Yes ☐ No	

Noncompliance

Describe any incidents of non-compliance not described above:

CERTIFICATION STATEMENT

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Print name and title: _____

Signature: _____

Date: _____

8.2. Attachment F – Corrective Action Log

Project Name: Juneau Hydropower, Inc. – Sweetheart Lake

SWPPP Contact: Patrick McHugh

Inspection Date	Inspector Name(s)	Description of BMP Deficiency	Corrective Action Needed (including planned date/responsible person)	Date Action Taken/Responsible person

8.3. Attachment G – SWPPP Amendment Log

Project Name: Juneau Hydropower – Sweetheart Lake

SWPPP Contact: Patrick McHugh

Amendment No.	Description of the Amendment	Date of Amendment	Amendment Prepared by [Name(s) and Title]

8.4. Attachment H – Subcontractor Certifications/ Agreements**SUBCONTRACTOR CERTIFICATION
STORMWATER POLLUTION PREVENTION PLAN**

Project Number: _____

Project Title: _____

Operator(s): _____

As a subcontractor, you are required to comply with the Stormwater Pollution Prevention Plan (SWPPP) for any work that you perform on-site. Any person or group who violates any condition of the SWPPP may be subject to substantial penalties or loss of contract. You are encouraged to advise each of your employees working on this project of the requirements of the SWPPP. A copy of the SWPPP is available for your review at the office trailer.

Each subcontractor engaged in activities at the construction site that could impact stormwater must be identified and sign the following certification statement:

I certify under the penalty of law that I have read and understand the terms and conditions of the SWPPP for the above-designated project and agree to follow the BMPs and practices described in the SWPPP.

This certification is hereby signed in reference to the above named project:

Company _____

Address: _____

Telephone Number: _____

Type of construction service to be provided: _____

Signature: _____

Title: _____ Date: _____

8.5. Attachment I – Grading and Stabilization Activities Log

Project Name: Juneau Hydropower – Sweetheart Lake

SWPPP Contact: Patrick McHugh

Date Grading Activity Initiated	Description of Grading Activity	Date Grading Activity Ceased (Indicate Temporary or Permanent)	Date When Stabilization Measures are Initiated	Description of Stabilization Measure and Location

8.6. Attachment J – Stormwater Pollution Prevention Training Log

Project Name:	Juneau Hydropower – Sweetheart Lake
Project Location:	Juneau, AK
Instructor's Name(s):	
Instructor's Title(s):	

Course Location: _____ Date: _____

Course Length (hours): _____

Stormwater Training Topic: *(check as appropriate)*

- ☐ Erosion Control BMPs
 ☐ Emergency Procedures
☐ Sediment Control BMPs
 ☐ Good Housekeeping BMPs
☐ Non-Stormwater BMPs

Specific Training Objective: _____

Attendee Roster: (attach additional pages as necessary)

No.	Name of Attendee	Company
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

8.7. Attachment K – Delegation of Authority Form

I, _____ (name), hereby designate the person or specifically described position below to be a duly authorized representative for the purpose of overseeing compliance with environmental requirements, including the Construction General Permit, at the Sweetheart Lake construction site. The designee is authorized to sign any reports, stormwater pollution prevention plans and all other documents required by the permit.

_____ (name of person or position)

_____ (company)

_____ (address)

_____ (city, state, zip)

_____ (phone)

By signing this authorization, I confirm that I meet the requirements to make such a designation as set forth in _____ (Reference State Permit), and that the designee above meets the definition of a “duly authorized representative” as set forth in _____ (Reference State Permit).

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: _____

Company: _____

Title: _____

Signature: _____

Date: _____

9.0 AGENCY COMMENTS:

FERC January 16, 2014, Comments on Subsequent Draft License, Attachment B-17 requested addition information regarding installation and disposition of construction cofferdams for dam and tailrace construction.

JHI has addressed these comments in the SWPPP drawings and the Construction Plan (Appendix Z of the PDEA).

SWEETHEART LAKE HYDROELECTRIC PROJECT

FERC PROJECT NO. P-13563



SOLID WASTE & WASTEWATER PLAN (SWWP)

PREPARED BY:

**Juneau Hydropower, Inc.
PO Box 22775
Juneau, AK 99802**

MAY 2014

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SWEETHEART LAKE HYDROELECTRIC PROJECT

SOLID WASTE & WASTEWATER PLAN (SWWP)

1.0 AGENCY PLAN REQUESTS

In October 2013, Juneau Hydropower, Inc. (JHI) submitted a subsequent draft license application and draft Preliminary Draft Environmental Assessment (PDEA) for the Sweetheart Lake Hydroelectric Project to the Federal Energy Regulatory Commission (FERC). On October 22, 2013, FERC published notice and issued a request for comments and preliminary terms and conditions. The U.S. Department of Agriculture (USDA) Forest Service (Forest Service) reviewed these documents, and in its January 10, 2014, Preliminary 4(e) Terms and Conditions, number 22, requested the following plan: f) Solid Waste and Wastewater Plan (SWWP). JHI concurs that this is a necessary plan and is submitting this preliminary Waste Plan with the Final License Application and PDEA for comment.

2.0 PROJECT DESCRIPTION

The Project consists of: (1) the existing Lower Sweetheart Lake, raised from a surface water elevation of 551 feet (MLLW) and a surface area of 1,414 acres to a new minimum surface water elevation of 576 feet and a new surface area of 1,449 acres and a maximum surface water elevation of 636 feet with a surface area of 1,702 acres; (2) a new, roller-compacted concrete dam 111 feet high (from the downstream toe to the top of the dam), 280 feet long, 100 feet thick at the base, constructed at the outlet of Lower Sweetheart Lake; (3) an independent intake structure with fish screen adjacent to the dam right abutment, which conveys water to a 15 X 15-foot horseshoe-shaped, 9,621-foot-long unlined tunnel; (4) a 9-foot-diameter, approximately 896-foot-long penstock installed within the lower portion of the tunnel, with approximately another 160 feet of buried 7-foot-diameter penstock and manifold connecting to the powerhouse; (5) a powerhouse containing three new Francis generating units (6.6 MW each) with a total installed capacity of 19.8 MW; (6) a 541-foot tailrace discharging flows to Sweetheart Creek, including a salmon smolt reentry pool located adjacent to the powerhouse and tailrace; (7) a fenced switchyard adjacent to the powerhouse; (8) a new, approximately 4,400-foot-long, road from the powerhouse to the dock/landing site; (9) a new dock/landing site for boat, seaplane, barge/landing craft ramp, and/or helicopter access, located on the east shore of Gilbert Bay; (10) a new, 138-kilovolt transmission line that would be a total of 45,900 feet long (25,700 feet of submarine cable in two segments; 15,400 feet of overhead transmission line on Snettisham Peninsula; and 4,800 feet of buried transmission line in two segments); (11) a new, 14,800-foot, 12.47-kV service transmission line extending from the dam site to the marine facility, providing operational electricity and communications for operations; (12) a caretaker facility

with shop and maintenance facilities; (13) a shelter facility at the dam site; (14) appurtenant facilities.

To construct and operate the Sweetheart Lake Hydroelectric Project systems, JHI has developed designs and specifications to meet federal, state, and local regulations. In addition, JHI has developed the following plans to implement procedures to construct, monitor, and mitigate the safety, health, and environmental impacts of the Project. These plans are prepared to meet regulatory requirements of various involved agencies and some plans address similar issues. Together these plans form a comprehensive resource to guide Project management through all phases of construction and into operation:

2.1. Appendix Z - JHI Preliminary Plans

The plans included in Appendix Z of the PDEA are as follows:

Access Management Plan (AMP)

Aquatic Habitat Restoration and Monitoring Plan (AHRMP)

- Fish Mitigation and Monitoring Plan (FMMP)

Bear Safety Plan (BSAFE)

Construction Plan (CP)

Environmental Compliance Monitoring Plan (ECMP)

Erosion and Sedimentation Control Plan (ESCP)

- Storm Water and Pollution Prevention Plan (SWPPP)

Fire Prevention Plan (FPP)

Hazardous Substances Plan (HSP)

Heritage Resource Plan (HRP)

Recreational Management Plan (RMP)

Scenery Management and Monitoring Plan (SMMP)

Solid Waste and Wastewater Plan (SWWP)

Spoil Disposal Plan (SDP)

- Acid Rock Disposal Contingency Plan (ARDCP)

Vegetation Management Plan (VMP)

- A. Invasive Species Management Plan (ISMP)

- B. Threatened, Endangered, Proposed for Listing, and Sensitive Plant Species Plan (TEPLSPSP)

Water Management Plan (WMP)

- A. Reservoir Management and Inundation Plan (RMIP)
- B. Stream Flow Management Plan (SFMP)
- C. Stream Flow Measurement Plan (SMP)

Wildlife Mitigation and Monitoring Plan (WMMP)

- Threatened, Endangered, Proposed for Listing, and Sensitive Species Plan (TEPLSSP)

3.0 SOLID WASTE & WASTEWATER PLAN (SWWP)

This Solid Waste and Wastewater Plan (SWWP) addresses the following waste and its disposal at the Project construction site:

- Disposal of solid waste (e.g., construction debris and garbage/trash)
- Disposal of wastewater (including human waste [sewage])
- Disposal of organic waste

The following two items are addressed in other plans as listed below:

- Disposal of excavated materials (soil and rock) is described in the Spoil Disposal Plan (SDP) (in Appendix Z of the PDEA)
- Disposal of hazardous substances is discussed in the Hazardous Substance Plan (HSP) (in Appendix Z of the PDEA)

4.0 SOLID WASTE DISPOSAL

Garbage will be collected daily and stored in bear-proof containers until it can be removed to the Juneau disposal facility or another approved uplands disposal facility. It will be transported by barge or boat.

Construction debris will be collected, contained, and removed from site via barge from the dock staging area.

All solid waste will be sorted and delivered to an approved uplands disposal site (either Juneau, Alaska, or Seattle, Washington).

5.0 WASTEWATER DISPOSAL

An approved wastewater treatment plant will be permitted for the Gilbert Bay construction camp and caretaker's facility and for the Sweetheart Lake camp prior to construction. The Gilbert Bay camp is expected to serve 20 people the first year and up to 60 the second year. The Sweetheart Lake camp is expected to serve 20 people from April to October for 2 years of construction.

With lower water use designs, it is expected the Gilbert Bay camp would use 50 gallons per person and the Sweetheart Lake camp would use 40 gallons per person.

Preliminary design for the Gibert Bay wastewater treatment plant uses 2 Whitewater D150FF with a capacity of 3,000 gallons per day. The Sweetheart Lake camp treatment system will use a single Whitewater D150FF (or approved similar plant) for a capacity of 1,500 gallons per day.

At other construction sites portable toilets will be used on site for human waste and will be maintained on an as-needed basis. They will be transported, serviced, and maintained in a safe and hygienic manor with waste transported for disposal at the City and Borough of Juneau treatment plant or at another approved site. An appropriate effort will be made to prevent raw sewage from reaching streams or other water bodies.

6.0 ORGANIC WASTE

Organic waste consisting of stumps, limbs, moss, and other vegetation will be used to construct the powerhouse visual landform barrier and reclaim the site where the caretaker's facility will be built. The organics will be shaped and stabilized with rock and planted as soon as possible with native plantings. The powerhouse site and other sites with disturbed ground will have the surface covered with chipped limbs and brush to reduce erosion and promote natural vegetation. Limbs, trees, and the roots of trees removed at the dam and lake will be burned.

Rock and soil will be stored and disposed as stated in the SDP and handled in accordance with the Erosion and Sedimentation Control Plan (ESCP) and SWPPP.

7.0 COMPLIANCE

Prior to on-site construction activities, this SWWP will be reviewed by the Environmental Compliance Monitor (ECM) and JHI to ensure all plan features match the current operations plans and that all systems and permits are ready and approved. This will be documented by the ECM. At least monthly, The ECM will document inspection of all components of this plan and direct changes if required through start of commercial operations.

8.0 AGENCY COMMENTS

Agency comments will be listed below by date received and by agency name.

SWEETHEART LAKE HYDROELECTRIC PROJECT

FERC PROJECT NO. P-13563



SPOIL DISPOSAL PLAN (SDP) & ACID ROCK DISPOSAL CONTINGENCY PLAN (ARDCP)

PREPARED BY:

**Juneau Hydropower, Inc.
PO Box 22775
Juneau, AK 99802**

MAY 2014

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SWEETHEART LAKE HYDROELECTRIC PROJECT

SPOIL DISPOSAL PLAN (SDP) & ACID ROCK DISPOSAL CONTINGENCY PLAN (ARDCP)

1.0 AGENCY PLAN REQUESTS

In October 2013, Juneau Hydropower, Inc. (JHI) submitted a subsequent draft license application and draft Preliminary Draft Environmental Assessment (PDEA) for the Sweetheart Lake Hydroelectric Project to the Federal Energy Regulatory Commission (FERC). On October 22, 2013, FERC published notice and issued a request for comments and preliminary terms and conditions. The U.S. Department of Agriculture (USDA) Forest Service (Forest Service) reviewed these documents, and in its January 10, 2014, Preliminary 4(e) Terms and Conditions, number 22, requested the following plan: b) Spoil Disposal Plan (SDP). JHI concurs that this is a necessary plan and is submitting this preliminary Spoil Disposal Plan with the Final License Application and PDEA for comment.

2.0 PROJECT DESCRIPTION

The Project consists of: (1) the existing Lower Sweetheart Lake, raised from a surface water elevation of 551 feet (MLLW) and a surface area of 1,414 acres to a new minimum surface water elevation of 576 feet and a new surface area of 1,449 acres and a maximum surface water elevation of 636 feet with a surface area of 1,702 acres; (2) a new, roller-compacted concrete dam 111 feet high (from the downstream toe to the top of the dam), 280 feet long, 100 feet thick at the base, constructed at the outlet of Lower Sweetheart Lake; (3) an independent intake structure with fish screen adjacent to the dam right abutment, which conveys water to a 15 X 15-foot horseshoe-shaped, 9,621-foot-long unlined tunnel; (4) a 9-foot-diameter, approximately 896-foot-long penstock installed within the lower portion of the tunnel, with approximately another 160 feet of buried 7-foot-diameter penstock and manifold connecting to the powerhouse; (5) a powerhouse containing three new Francis generating units (6.6 MW each) with a total installed capacity of 19.8 MW; (6) a 541-foot tailrace discharging flows to Sweetheart Creek, including a salmon smolt reentry pool located adjacent to the powerhouse and tailrace; (7) a fenced switchyard adjacent to the powerhouse; (8) a new, approximately 4,400-foot-long, road from the powerhouse to the dock/landing site; (9) a new dock/landing site for boat, seaplane, barge/landing craft ramp, and/or helicopter access, located on the east shore of Gilbert Bay; (10) a new, 138-kilovolt transmission line that would be a total of 45,900 feet long (25,700 feet of submarine cable in two segments; 15,400 feet of overhead transmission line on Snettisham Peninsula; and 4,800 feet of buried transmission line in two segments); (11) a new, 14,800-foot, 12.47-kV service transmission line extending from the dam site to the marine facility, providing

operational electricity and communications for operations; (12) a caretaker facility with shop and maintenance facilities; (13) a shelter facility at the dam site; (14) appurtenant facilities.

To construct and operate the Sweetheart Lake Hydroelectric Project systems, JHI has developed designs and specifications to meet federal, state, and local regulations. In addition, JHI has developed the following plans to implement procedures to construct, monitor, and mitigate the safety, health, and environmental impacts of the Project. These plans are prepared to meet regulatory requirements of various involved agencies and some plans address similar issues. Together these plans form a comprehensive resource to guide Project management through all phases of construction and into operation:

2.1. Appendix Z - JHI Preliminary Plans

The plans included in Appendix Z of the PDEA are as follows:

Access Management Plan (AMP)

Aquatic Habitat Restoration and Monitoring Plan (AHRMP)

- Fish Mitigation and Monitoring Plan (FMMP)

Bear Safety Plan (BSAFE)

Construction Plan (CP)

Environmental Compliance Monitoring Plan (ECMP)

Erosion and Sedimentation Control Plan (ESCP)

- Storm Water and Pollution Prevention Plan (SWPPP)

Fire Prevention Plan (FPP)

Hazardous Substances Plan (HSP)

Heritage Resource Plan (HRP)

Recreational Management Plan (RMP)

Scenery Management and Monitoring Plan (SMMP)

Solid Waste and Wastewater Plan (SWWP)

Spoil Disposal Plan (SDP)

- Acid Rock Disposal Contingency Plan (ARDCP)

Vegetation Management Plan (VMP)

- A. Invasive Species Management Plan (ISMP)

- B. Threatened, Endangered, Proposed for Listing, and Sensitive Plant Species Plan (TEPLSPSP)

Water Management Plan (WMP)

- A. Reservoir Management and Inundation Plan (RMIP)
- B. Stream Flow Management Plan (SFMP)
- C. Stream Flow Measurement Plan (SMP)

Wildlife Mitigation and Monitoring Plan (WMMP)

- Threatened, Endangered, Proposed for Listing, and Sensitive Species Plan (TEPLSSP)

3.0 SPOIL DISPOSAL PLAN (SDP)

This document provides a description of the means and methods that will be used at the Sweetheart Lake Hydroelectric Project (Project) to dispose of excavated materials. This plan is compiled from information provided by Juneau Hydropower, Inc.'s (JHI's) selected contractors and consultants. This plan will be worked in compliance with the above-listed environmental and safety plans developed for the Project (Appendix Z). JHI and its contractors will comply with all permits and federal, state, and local laws.

This SPOIL Disposal Plan (SDP) focuses on the handling and disposal of excavated materials. This SDP will work in conjunction with the Project Erosion and Sedimentation Control Plan (ESCP), which includes the Storm Water and Pollution Prevention Plan (SWPPP).

3.1. SPOIL DISPOSAL SITES

Temporary and permanent spoil disposal sites are at the lower tunnel portal/powerhouse site (major site), coastal road, barge dock, caretaker's facility, and dam construction staging areas.

3.2. MATERIAL COMPOSITION

The vast majority of the material excavated will be rock, by the drill and blast method. No geotechnical drilling has been done to date do to Forest Service special use requirements, so all material type and quantities will necessarily be evaluated when permitted. Total excavation is estimated at 245,000 cubic yards (cy) of that 15,000 is estimated to be organic material and soil with the remaining 230,000 being rock. The road and barge dock site require 201,000 cy of rock, the dam and cofferdams use 22,000 cy of rock, the tailrace and powerhouse use 8,000 cy of rock, and the submarine cable uses 7,000 cy of rock. The visual landform barrier as designed is 28,000 cy of

unclassified material. The Project is very closely balanced for cut and fill; further adjustments are possible if geotechnical information dictates.

3.2.1. SDP Measures

The following details the SDP measures required for the Project:

- Silt containment will be placed down slope of all spoil sites, whether temporary or final.
- Rock sources will be tested before excavation for possible acid rock drainage (ARD) potential.
- Soil spoil that remains unused after construction will be contoured to the existing terrain slope and planted in either the caretaker's facility or the powerhouse visual landform barrier and in small amounts adjacent to the coastal road.
- Rock spoil that remains after construction will be contoured to the existing terrain in the dam construction staging areas or the visual landform barrier adjacent to the powerhouse.

4.0 ACID ROCK DISPOSAL CONTINGENCY PLAN (ARDCP)

4.1. Background

Acid rock drainage (ARD) can occur when sulfide minerals, particularly pyrite (FeS₂), pyrrhotite (FeS), and marcasite (FeS₂), but also chalcopyrite (CuFeS₂) and arsenopyrite (FeAsS), oxidize in the presence of oxygen and water. Most often, the principle cause of ARD is the oxidation of pyrite found in gold, base metal, and coal.

Any exposed rock material that has high-enough concentrations of pyrite and/or other sulfides has the potential to generate and release acid and dissolved metals. The amount of acid released from stored rock material is dependent on the concentration and rate of oxidation of the sulfides, the nature and quantity of acid-consuming minerals in the rock, and the amount of water passing through or over the rock material. Acid generation can occur almost immediately when the rocks are exposed to air and water, or can take decades to fully develop.

Initially, the principal factor controlling the rate of oxidation of pyrite is oxygen in the presence of water. However, as the pH of the water decreases with increasing acidity, ferric ions (Fe³⁺), produced from the oxidation of iron sulfides, become more dominant in the oxidation process. Commonly, the amount of atmospheric oxygen needed to

generate acid is low, less than a few percent of the oxygen content in air. Generated acid may not migrate if there is a sufficient volume of acid-neutralizing minerals such as calcite and dolomite in the rock material.

4.2. Acid Rock Drainage (ARD) Potential

Additional work is planned to evaluate the ARD potential of the disturbed materials using visual observations, petrographic analysis, and testing using static methods. Additional testing of suspected ARD areas would occur with detailed invasive drilling techniques not available under the conditions of the current amendments of the Forest Service Special Use Permit. This testing would occur prior to construction. The Environmental Compliance monitor (ECM) will ensure that areas to be disturbed are adequately tested, and if an ARD situation is found to be evident, will take measures to institute ARDCP measures.

Total projected excavation is estimated at 245,000 cy for the Project. Specific areas and ARD potential are described below:

- The powerhouse excavation accounts for 155,000 cy or 63% of the total Project excavation. Of the eight sample sites in this area mapped by Schnabel Engineering, only one site adjacent to Lower Sweetheart Creek (Stop B-4) showed small crystals of possible pyrite. There does not appear to be much potential for ARD from rock removed from this site.
- The dam site accounts for 15,000 cy or 6% of the total Project excavation. Of the 10 nearby Schnabel sample sites, none notes pyrite or other acid prone minerals. There does not appear there is much potential for ARD from rock produced at this site.
- The power tunnel excavation accounts for approximately 72,000 cy or 29% of total Project excavation. Neither the upper or lower portal samples noted show ARD probability from rock produced. There is a possibility that in the 9,621 feet of tunneling area, that ARD will be of concern. If on-site geotechnical drilling and sampling indicate a potential for creating ARD from the excavated materials, then an Acid Rock Drainage Plan will be developed in consultation with JHI geotechnical engineers, the Forest Service, and the Alaska DFG, and submitted to FERC within 90 days.

If site work encounters rock that may have a potential to develop ARD in stockpiles the following measures will be taken:

- Separate spoils containing acid-forming materials for immediate disposal.

- Dispose of the acid-forming material in a designated area with a liner and cap sufficient to keep the weathering reaction from occurring.
- Determine if the acid-forming material would need to be treated with a buffering agent such as lime to neutralize it on site

4.3. Rock Predictive Methods and Characterization

The most important aspect for any investigation into the potential of ARD is to document the various rock types, as well as the content and distribution of sulfide minerals in the rock units, in the Project area. After determining the number of rock unit categories (separate geological units with different concentrations of pyrite), an appropriate number of samples that will be representative of each category should be determined. A sufficient number of samples should be collected to effectively characterize the various elements of the Project such as exposed rock in road cuts, overburden material pushed to the downward side of the road being built, and any other surface disturbance associated with road building which would expose potential sulfide mineral-bearing material.

If ARD potential is found to exist, static sample characterization methods will be used to assess potential acidity.

- **Static tests** that determine both the total acid-generating and total acid-consuming potential of a sample and are used to predict the potential of the rock to produce acid. These may include but are not limited to:
 - Paste or slurry pH tests to measure the surface acidity of rocks;
 - Acid-Base accounting tests which determine the Maximum Potential Acidity (MPA) and Acid Neutralizing Capacity (ANC) of samples;
 - Net Acid Producing Potential (NAPP), which is the theoretical balance between a sample's capacity to generate acid and its capacity to neutralize the acid that is generated ($NAPP = MPA - ANC$); and
 - Net Acid Generation (NAG) test using hydrogen peroxide to stimulate oxidation to assess how much acid production may occur.

Results of these tests will place a waste material type into one of five categories, which are:

- Acid Consuming Material, non-sulfidic (ACM);
- Non-Acid Forming - Low Sulfur (NAF-LS);
- Non-Acid Forming - High Sulfur (NAF-HS);

- Potentially Acid Forming - Low Capacity (PAF-LC); and
- Potentially Acid Forming - High Capacity (PAF-HC).

If a site contains PAF-HC, PAF-LC or NAF-HS material, then management of the oxidation and water drainage from this material must be given serious attention.

4.4. Disposal of ARD

Per measures listed above and in consultation with the Forest Service.

4.5. Reporting

To be developed, if needed, in consultation with the Forest Service.

5.0 AGENCY COMMENTS

Comments will be shown by date.

January 10, 2014, Forest Service comments, 3.3.1 Geology and Soils. Requested further testing for Acid Rock Drainage Potential, and if potential is found to exist, a plan to address Acid Rock Drainage must be approved by the Forest Service.



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
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FISH HABITAT PERMIT FH16-I-XXXX

ISSUED: DRAFT

Duff Mitchell
Juneau Hydropower, Inc
PO Box 22775
Juneau, AK 99802

RE: Sweetheart Lake Hydro
Sweetheart Creek (Stream No. 111-35-10200)
Sec 29, T 45 S, R 73E, CRM (SUM D-5)
Location: 57.9454 N, 133.6381 W

Dear Mr. Mitchell:

Pursuant to AS 16.05.871 (b) and AS 16.05.841, the Alaska Department of Fish and Game (ADF&G) Division of Habitat has reviewed your proposal to construct the Sweetheart Lake Hydroelectric project. The 19.8-megawatt storage hydropower facility is located in the City and Borough of Juneau, about 33 miles south of Juneau at Sweetheart Lake and Sweetheart Creek, which drain into Gilbert Bay.

Background

Sweetheart Lake's drainage basin is 35 square miles, with annual average outflow of 336 cubic feet per second. ADF&G's Division of Sport Fish stocked Sweetheart Lake with 40,000 rainbow trout eggs in 1954 and 20,000 fry in 1955, and both Dolly Varden char and rainbow trout persist in the lake today. In 1990, Douglas Island Pink and Chum started stocking Sweetheart Lake annually¹ with about 500,000 sockeye salmon fry. Returning sockeye salmon adults not captured in the commercial fishery support a personal use fishery. Those not captured in the personal use fishery die without spawning at a barrier falls.

¹ DIPAC did not stock the lake in 1992, 1995, and 1997.

The anadromous reach of Sweetheart Creek extends about ¼ mile upstream from tidal influence where a barrier waterfall blocks anadromous fish passage. Pink and chum salmon spawning takes place in the intertidal reach. Sweetheart Creek, between Sweetheart Lake and the barrier at the anadromous reach, contains high gradient, primarily bedrock habitat that contains Dolly Varden char and rainbow trout.

Project Description

You will construct a 280 ft wide by 111 ft high roller-compacted concrete dam, with a 125 ft wide ungated overflow spillway at the outlet of Sweetheart Lake about 2 miles upstream of the anadromous reach. The dam and project operation will raise the existing lake elevation from 551 ft to between 576 ft and 636 ft. Lake levels are expected to fluctuate about 60 ft annually. Construction of the dam will block downstream fish passage from the lake to the anadromous reach and Gilbert Bay.

To dewater the dam construction site, you will build a temporary diversion tunnel, 10 ft high by 10 ft wide and 525 ft long, through the right abutment. You will use temporary lined rockfill cofferdams upstream and downstream of the dam to account for storms and provide vehicular access across the stream channel. You will maintain continuous flow through the anadromous reach when diverting water. Following dam construction, you will convert the diversion tunnel into the reservoir outlet which will release flow to the bypass reach. You will install a conduit from the intake structure to the diversion tunnel including a flow meter and release valve to monitor and document discharges.

The intake will consist of a 45 ft long by 25 ft wide by 16 ft high rectangular structure with six 7 ft diameter by 10 ft high cylindrical screens mounted on top. The screens will be manufactured with wedge wire and will have 3/32 in openings designed for an approach velocity of 0.4 ft per second or less to prevent fish entrainment. The screens will be equipped with a water jetting system operated by submersible pumps to flush smaller debris off the screens and improve hydraulic efficiency. You will install a boom to prevent large debris from entering the screens.

The intake structure will lead to a 9,612 ft long, 15 ft wide by 15 ft high horseshoe shaped power tunnel. About 896 ft from the lower portal of the tunnel, the unlined tunnel will transition to a 7-9 ft diameter buried steel penstock before transitioning to a manifold dividing flow between three turbines. Each turbine contains a bypass valve to provide fail-safe return of water in the anadromous reach. Once the power tunnel is excavated prior to the installation of the penstock pipe it will be used to transport equipment and personnel to and from the site for dam construction.

The powerhouse will be located about 600 ft northwest of the anadromous barrier on Sweetheart Creek in a deep excavation. From the powerhouse you will construct a 30-90 ft wide and about 541 ft long rock tailrace channel to return flow near the base of the anadromous barrier falls. A fish exclusion structure about 30 ft downstream of the powerhouse will prevent fish from reaching the powerhouse. You will cover the upstream 94 ft of the tailrace channel with an arch culvert and backfill to provide a wildlife crossing.

Adjacent to the powerhouse, at the head of the tailrace structure, you will construct a 25 ft long by 5 ft wide by 4 ft deep smolt acclimation and evaluation pool. You will collect sockeye salmon smolt from Sweetheart Lake using a fish collection barge comprised of an intake structure, screening module, and outlet pipe. A helicopter will transport the sockeye salmon from the lake to the acclimation and evaluation pool that will temporarily hold the fish before release into the tailrace.

Power generated by the project will be transmitted by a new 8.69 mile long transmission line that will connect into the existing 138-kV Snettisham Transmission Line. The transmission line will consist of buried cable, submarine underwater cable, and overhead transmission lines.

You will schedule maintenance or repair work that may dewater the anadromous reach between June 1 and July 15 when spawning fish and incubating eggs are not present.

Anadromous Fish and Fishways Acts

Sweetheart Creek has been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a). Stream No. 111-35-10200 provides habitat for chum and pink salmon. Sweetheart Lake supports resident rainbow trout and Dolly Varden char. In the bypass reach, between the lake and the anadromous fish barrier, Sweetheart Creek contains resident rainbow trout and Dolly Varden char.

In accordance with AS 16.05.871(d) and AS 16.05.841, project approval is hereby given subject to the project description above and the terms of this permit.

Terms

Prior to construction of the transmission line you will obtain fish habitat permits for anadromous stream crossings.

You will provide ADF&G Habitat a copy of fish monitoring reports and spawning habitat assessments.

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 any 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 AS 16.05.841 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 Division of Habitat 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.

The permit decision relating to AS 16.05.871 may be appealed in accordance with the provisions of AS 44.62.330-630.

Any questions about this permit may be directed to Habitat Biologist Nicole Legere at (907) 465-6979 or emailed to nicole.legere@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
Shawn Johnson, ADF&G/SF, Juneau

Barb Adams, USFS, Juneau
Shelia Cameron, ADF&G/SF, Juneau
Cindy Hartmann Moore, NMFS, Juneau
Carl Reese, ADNR/MLW, Juneau
Kimberly Bose, FERC, Washington D.C.
Sgt. Matt Dobson, DPS/AWT, Juneau

FH16-I-xxxx / Juneau Hydropower Inc.

- 5 -

Issued: **DRAFT**

Steve Brockmann, USFWS, Juneau

Linda Speerstra, USACE, Sitka

DRAFT

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Evolve™ LED Area Light - Scalable Wall Pack – EWS2

Product ID: EWS2

The GE Evolve™ LED Scalable Wall Pack is optimized for customers looking for an efficient and reliable LED solution for wall mounted, site, area and general lighting applications.

Depending on the application, Evolve LED Scalable Wall Pack can yield up to a 75% reduction in system energy consumption compared with standard HID systems. This reliable system operates well in cold temperatures and offers more than 11 years of service life to reduce maintenance frequency and expense, based on a 50,000 hour rated life and 12 hours of operation per day. Containing no mercury or lead, this environmentally responsible product is RoHS compliant.

Applications

- Wall mounted, site, area and general lighting utilizing an advanced LED optical system providing uniformity, vertical light distribution, reduced offsite visibility, reduced on-site glare and effective security light levels.

Housing

- Die-cast aluminum housing
- Sleek architectural design incorporating a modular heat sink light engine directly into the unit ensuring maximum heat transfer and long LED life
- Meets 1.5 G vibration standards per ANSI C136.31-2001

LED & Optical Assembly

- Structured LED array for optimized area light photometric distribution
- Evolve™ LED light engine utilizes reflective technology to optimize application efficiency and minimize glare
- Utilizes high brightness LEDs, 70 CRI at 4000K & 5000K typical
- LM-79 tests and reports are performed in accordance with IESNA standards

Lumen Maintenance

- System rating is L85 at 50,000 hours. Contact manufacturer for Lxx rating (Lumen Depreciation) beyond 50,000 hours.

Ratings

- UL/cUL listed, suitable for wet locations
- cUL listed with option code "J" SKUs
- IP 65 rated optical enclosure per ANSI C136.25-2009
- Temperature rated at -40° to 50°C. (35°C at high wattage 91W SKU)
- Upward Light Output Ratio (ULOR) = 0

Mounting

- Flush wall mount to "J" Box with inspection hole for IP 65

Finish

- Corrosion resistant polyester powder paint, minimum 2.0 mil. thickness
- Standard colors: Black and Dark Bronze
- RAL & custom colors available

Electrical

- 120-277 volt and 347-480 volt available
- System power factor is >90% and THD <20%
- Integral surge protection: Exceeds ANSI C136.2-2015 "Basic" (6kV/3Ka) (120 strike)
- EMI: FCC Title 47 CFR Part 15 Class A
- Motion sensor with dimming capability available with "H" option Code



[/LightingWeb/na/images/ge-outdoor-area-lighting-fixture-ews1-evolve-led-area-light-scalable-wall-pack-luminaire-angled-855x600_tcm201-54727.jpg](#)

Product Downloads

Data Sheets



IES Files



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Warranties



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[http://go.gelighting.com/LightingWeb/na/Contact-Us-NA-Product.html?source=Evolve LED Scalable Wall Pack Area Light - EWS2](http://go.gelighting.com/LightingWeb/na/Contact-Us-NA-Product.html?source=Evolve%20LED%20Scalable%20Wall%20Pack%20Area%20Light%20-%20EWS2)

*System THD <26% fir 347-480V supply with A7 power level.

Outdoor Lighting Design Tool
(/LightingWeb/na/FlashTools/FlashOutdo
InputOutputMode=XML&InputURL=/Light
97381_Input.xml)

Project: Juneau Hydro - Sweetheart Creek

Observers: Stephen B. Lewis (USFWS) and Stephanie Sell (ADF&G)

Air Service: Coastal Helicopters

Survey Platform: Bell Jet Ranger

Date: 12 May 2016

Objective: Survey Sweetheart Creek area, including proposed road and dock area, for bald eagle nests.

Survey Narrative: On 12 May 2016, we left Juneau International Airport at ~0845 for the Sweetheart Creek area. We had excellent survey conditions with light and variable winds and little overcast. We began survey approximately 2 mi northwest of Sweetheart Creek on the eastern shore of Gilbert Bay and surveyed southeast beyond the mouth of Sweetheart Creek (Figure 1). After the eagle survey, we surveyed for mountain goats in the terrain around Sweetheart Lake (results not included here). We returned to the airport, arriving about ~1115.

Results: We found 2 occupied nests (FWS# 02.12446.103 and 02.12446.064; Figure 1, Table 1). At 02.12446.103, the adult female flushed upon the approach of the helicopter and we observed 2 eggs. She returned to the nest immediately after the helicopter passed and resumed incubating. At 02.12446.064, we observed one adult incubating on the nest and another adult flying in the vicinity of the nest. We documented 3 unoccupied nests with not sign of use. We were unable to locate 5 other nests known to be in the area historically. These nests may be gone or just not found on this survey.

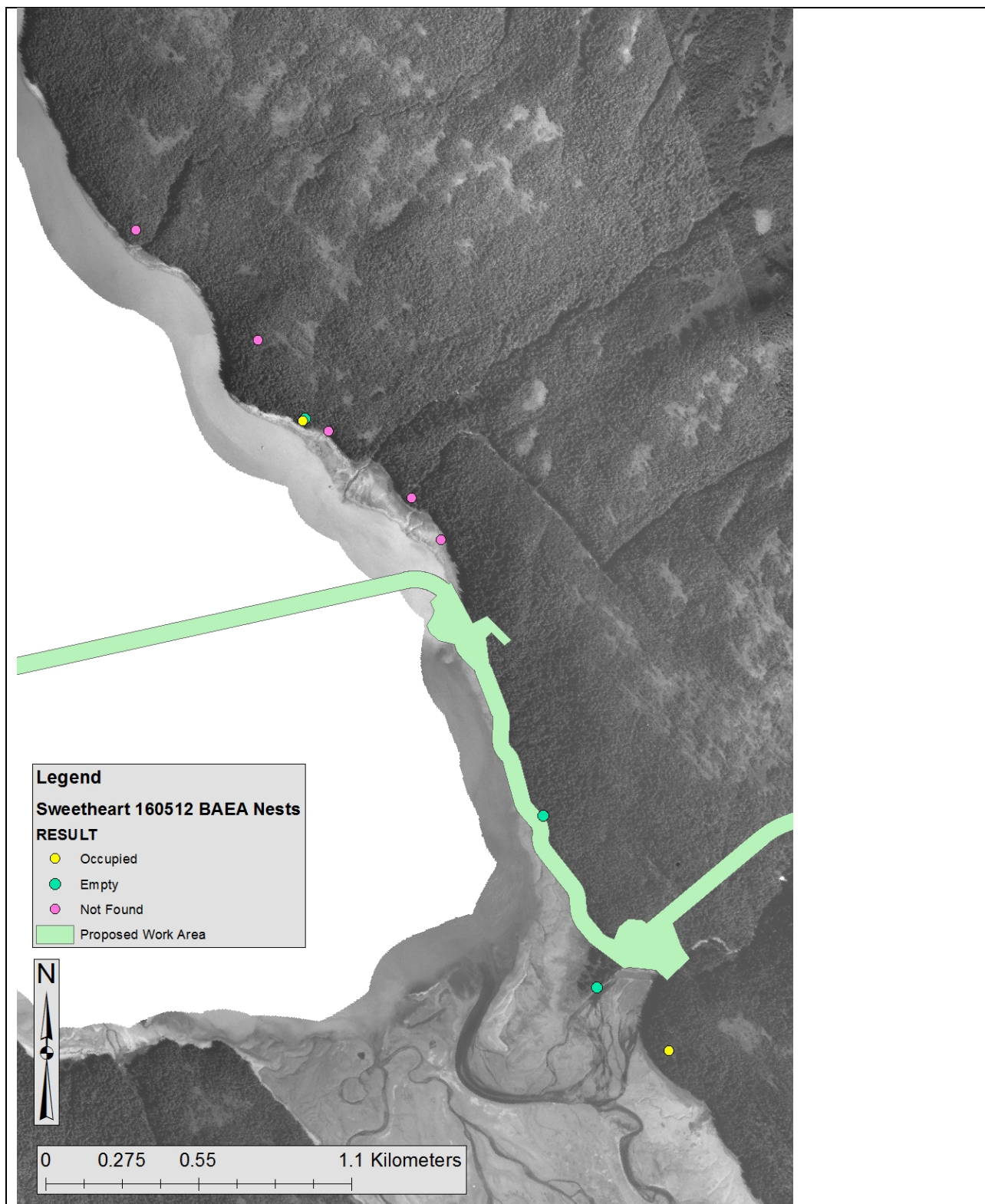


Figure 1. Results of bald eagle nest survey on May 12, 2016.

Table 1. Results of Bald Eagle nest survey in Sweetheart Creek area, Gilbert Bay, 12 May 2016.

Nest ID	Latitude ^a	Longitude	Status ^b	Nest Condition ^c
02.12446.068	57.971850	-133.702650	U	NF
02.12446.067	57.967270	-133.697580	U	NF
02.12446.103	57.964342	-133.696444	O	G
02.12446.105	57.964400	-133.696290	E	F
02.12446.092	57.963785	-133.695171	U	NF
02.12446.066	57.960920	-133.691550	U	NF
02.12446.093	57.959351	-133.690610	U	NF
02.12446.104	57.949861	-133.689763	E	G
02.12446.065	57.944070	-133.689780	E	G
02.12446.064	57.941420	-133.686740	O	G

^a Coordinates are decimal degrees in WGS84.

^b Nest status: O = occupied; E = empty; U = Unknown.

^c Nest Condition: G = good; F = fair; NF = not found.

August 5, 2016

David Turner, Chief
FERC Office of Energy Projects
Division of Hydropower Licensing
Northwest Branch
888 First Street NE
Washington, D.C. 20426

Re: Letter of Concurrence, Proposed FERC Sweetheart Lake Hydroelectric Project,
13563-003-Alaska, NMFS# AKR-2016-9572

Dear Mr. Turner:

The National Marine Fisheries Service (NMFS) has completed informal consultation under section 7(a)(2) of the Endangered Species Act of 1973 (ESA), regarding the Federal Energy Regulatory Commission's (FERC) proposed issuance of a license to Juneau Hydropower, Inc. (JHI) for its proposed 19.8 megawatt (MW) Sweetheart Lake Hydroelectric project. JHI is proposing to construct a hydroelectric facility at Sweetheart Lake, with associated dock, submarine transmission lines, and other structures. The purpose of the proposed project is to provide a new source of hydroelectric power that would provide a renewable source of electric energy to meet the current and future energy demands of the Juneau area, and reduce the area's reliance on non-renewable power generation during peak demand periods.

NMFS received your request for written concurrence that the proposed action may affect, but is not likely to adversely affect, endangered humpback whales (*Megaptera novaeangliae*) or Steller sea lions (*Eumetopias jubatus*) in the western Distinct Population Segment (DPS) and their critical habitat. Based on our analysis of the information provided to us by JHI and FERC, and additional literature cited below, NMFS concurs with your determination.

CONSULTATION HISTORY

On October 29, 2015, FERC issued a Draft Environmental Impact Statement (EIS) for the proposed action, including an analysis of potential impacts to marine mammals. NMFS requested additional information regarding sound source levels and other stressors on November 4 and December 30, 2015. FERC and JHI provided information in response to NMFS's requests in November and December 2015.

NMFS received your request for written concurrence on May 31, 2016, along with a copy of the Final EIS for the proposed action. NMFS requested additional information via email and phone in June and July, 2016. JHI and FERC provided responses to these requests in June and July 2016.



DESCRIPTION OF THE PROPOSED ACTION AND ACTION AREA

The project would construct a power generation facility with associated dock, roads, structures, and submarine transmission lines within Port Snettisham and Gilbert Bay, Alaska (Lat. 57° 59.644' N, Long. 133° 44.654' W), approximately 32 miles south of Juneau (Figure 1). Proposed project activities include construction of:

- (1) a 280-foot-wide, 111-foot-high roller-compacted concrete dam at the existing natural outlet of Lower Sweetheart Lake, with a 125-foot-wide ungated overflow spillway at a crest elevation of 636 feet;
- (2) a 525-foot-long, 10-foot-high, 10-foot-wide arched reservoir outlet tunnel at the right dam abutment;
- (3) a 45-foot-long, 25-foot-wide, 16-foot-high rectangular concrete intake structure with six 7-foot-diameter, 10-foot-high cylindrical fish screens adjacent to the right dam abutment;
- (4) a 9,612-foot-long, 15-foot-wide, 15-foot-high horseshoe-shaped, unlined underground power tunnel;
- (5) an 896-foot-long, 9-foot-diameter saddle-supported steel penstock installed within the lower portion of the power tunnel;
- (6) three 160-foot-long (mean length), 7- to 9-foot-diameter buried steel penstocks connecting the lower portion of the power tunnel to the powerhouse;
- (7) a 160-foot-long, 60-foot-wide, 30-foot-high concrete and steel powerhouse;
- (8) three 7.1-MW Francis turbines with 6.6-MW generators with a total installed capacity of 19.8 MW;
- (9) a 541-foot-long, 30- to 90-foot-wide rock tailrace with a fish exclusion structure, discharging to Sweetheart Creek;
- (10) a 4,400-foot-long coastal road from the powerhouse to a dock/landing site for aerial and marine vehicle access, located on the east shore of Gilbert Bay;
- (11) an 8.69-mile-long, 138-kilovolt (kV) transmission line traversing Gilbert Bay, the Snettisham Peninsula, and Port Snettisham, consisting of:
 - (a) two buried segments, totaling 4,800 feet in length;
 - (b) two submarine cable segments, totaling 25,700 feet in length; and
 - (c) one 15,400-foot-long, overhead segment;
- (12) a 22,000-square-foot fenced switchyard adjacent to the powerhouse;
- (13) a 60-foot by 60-foot switchyard at the end of the transmission line on the north shore of Port Snettisham;
- (14) a 25-foot-long, 5-foot-wide, 4-foot-deep salmon smolt re-entry pool located adjacent to the powerhouse and tailrace;
- (15) a 4,225-square-foot caretaker's facility near the dock;
- (16) a 4,800-foot-long, 12.47-kV service transmission line and communication cable extending from the powerhouse to the dock and the caretaker's facility, providing operational electricity and communications;
- (17) a 10,000-foot-long, 12.47-kV service transmission line and communication cable extending from the powerhouse to the dam site, providing operational electricity and communications;
- (18) a 400-square-foot shelter facility at the dam site for employee use during smolt transport facility operations; and
- (19) associated secondary facilities.

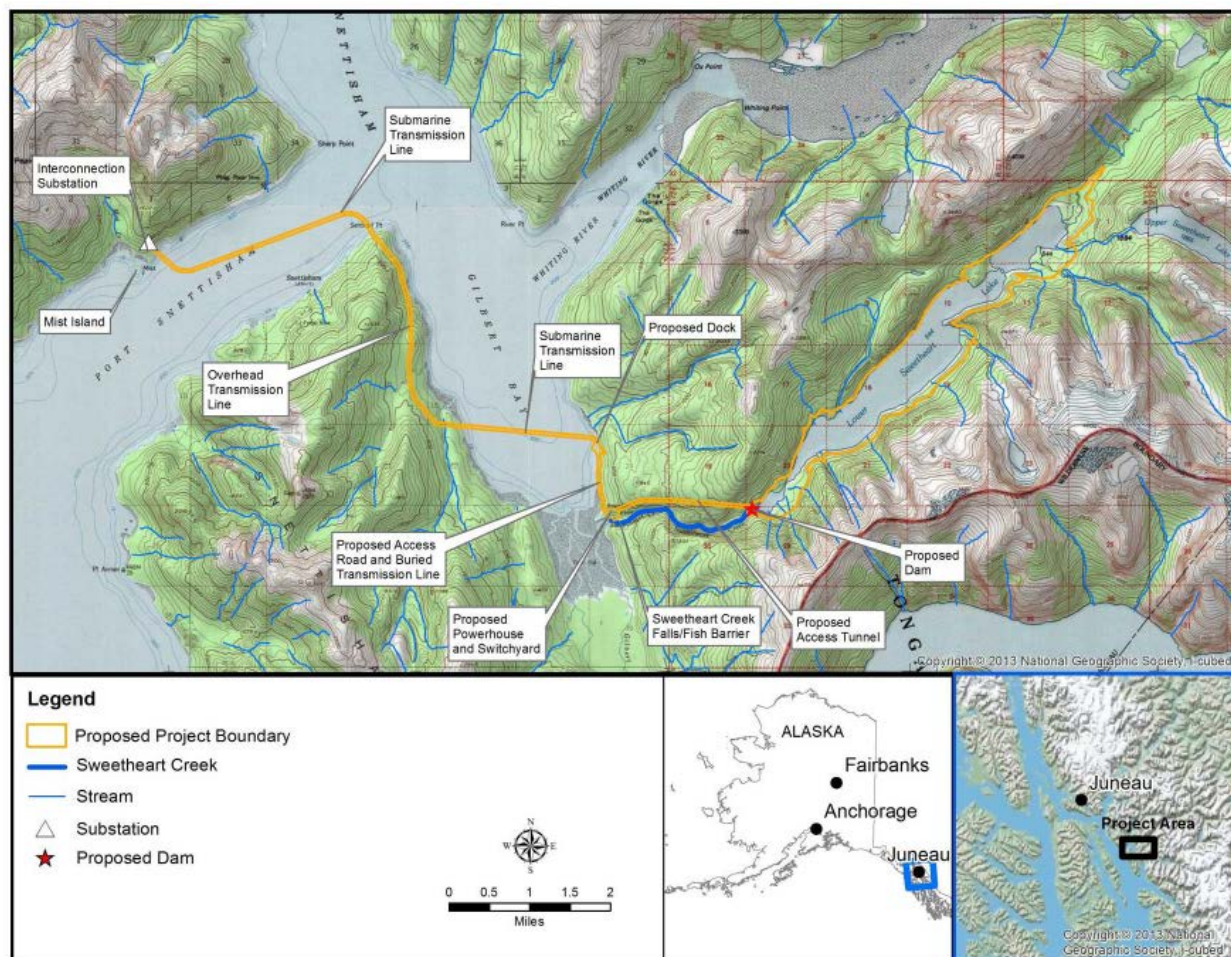


Figure 1. Vicinity map of the project location in Port Snettisham and Gilbert Bay in Southeast Alaska.

The tailrace would enter Sweetheart Creek approximately 1,300 feet upstream from the creek mouth on Gilbert Bay, bypassing an approximately 2-mile-long reach of Sweetheart Creek from the lake outlet to the impassable fish barrier at the falls near the tailrace outlet.

The project would occupy 2,058.24 acres of federal lands located within the Tongass National Forest. The proposed project boundary would also include 131.18 acres of tideland and submerged lands of the State of Alaska.

Construction activities are expected to occur over a 2-year period with a peak of activity during May through October of each year (Figure 2). JHI indicates that the majority of construction activities would occur in the first year between April and June. During this time, noise would be generated for the first three weeks from blasting and excavation at the quarry near the proposed docking facilities at the eastern side of Gilbert Bay, to start construction of the dock and road (Figure 2).

Pile driving for the construction of the dock would occur as soon as the initial blasting and material extraction are complete and is expected to occur for 8 hours a day for 4 to 5 days. The coastal road/trail would be constructed using heavy machinery delivered to the site by barge.

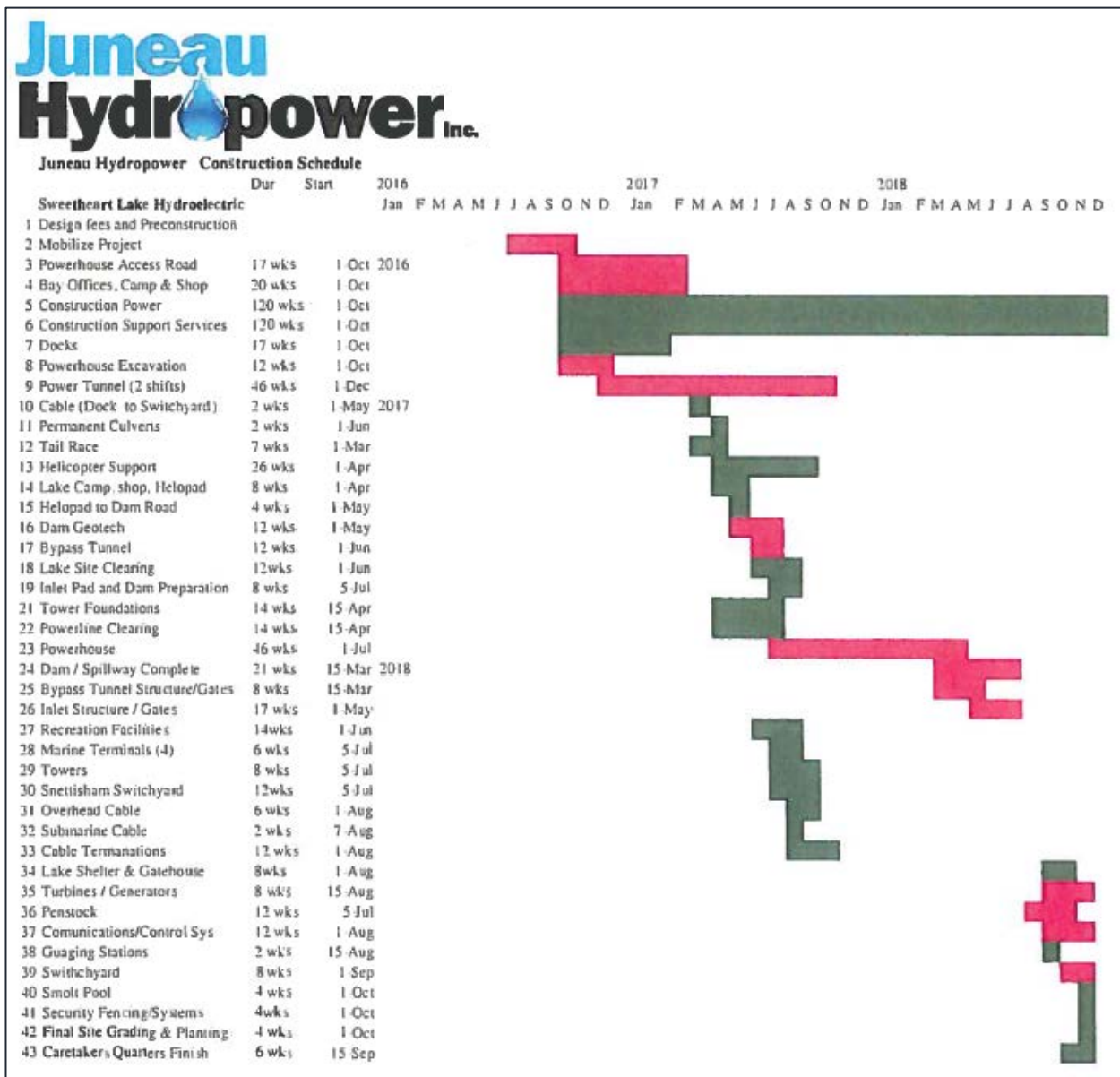


Figure 2. The proposed construction schedule for the proposed Sweetheart Lake Hydroelectric project.

Proposed in-water construction primarily involves driving fourteen 24-inch steel pilings for the project's dock on Gilbert Bay, just north of Sweetheart Creek (Figure 1). A 14-foot by 100-foot gangway will lead from land down to a 24-foot by 100-foot loading float which will extend out to a 60-foot by 30-foot seaplane float (Figure 3). Eight pilings will support the loading float, and two 3-piling dolphins will be constructed adjacent to the gangway (Figure 3). The pilings will be driven with a vibratory hammer to the extent practicable, while final proofing would require the use of an impact hammer with a hammer cushion.

Tunnel excavation near Sweetheart Creek, using the drill blast method, would begin during the first construction season. Blasting operations would be short in duration and largely located away from the shoreline, with blasting at the downstream portal of the power tunnel located approximately 500 feet from the shoreline and the upstream portal located over 9,000 feet from

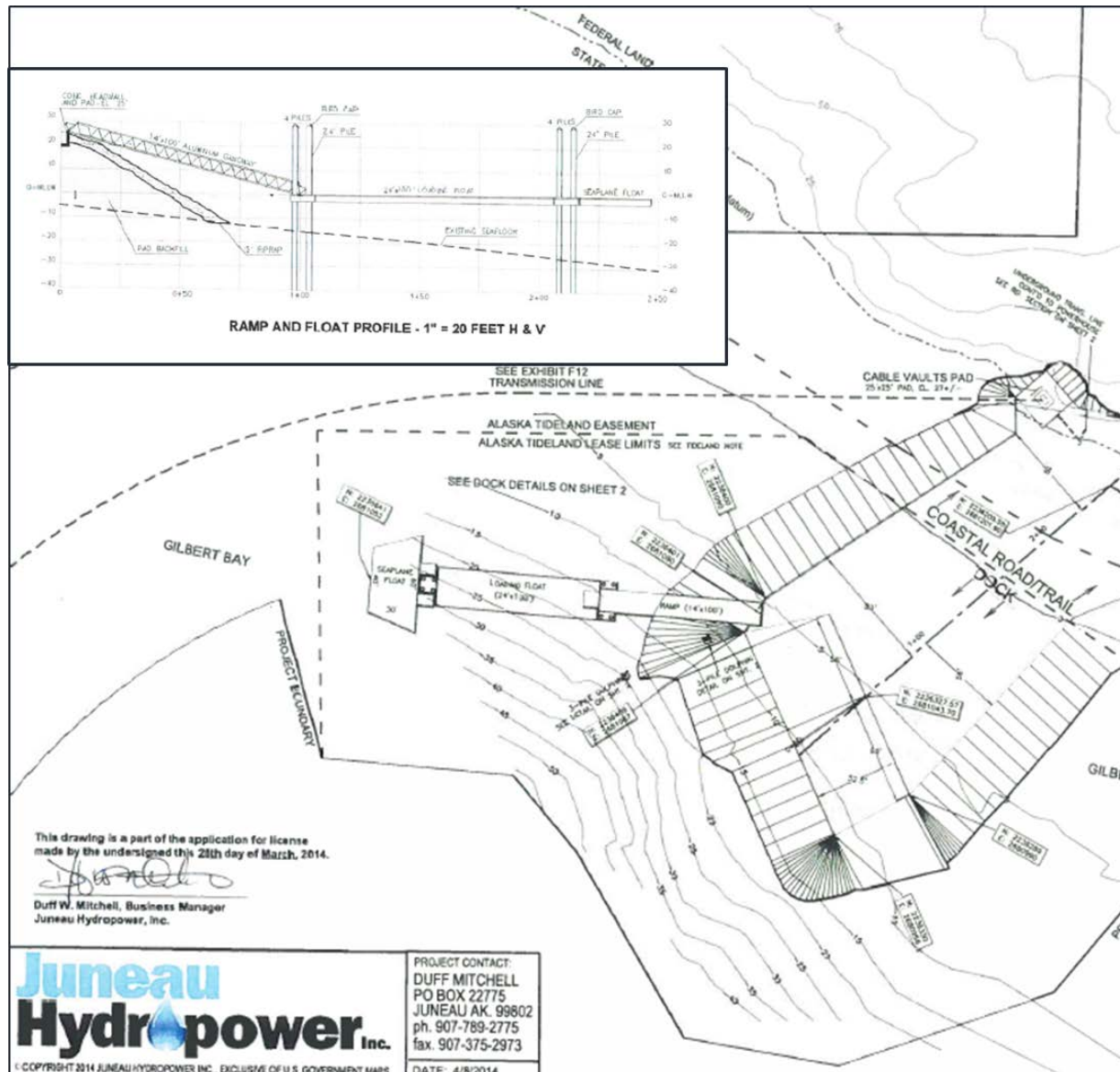


Figure 3. Diagrams of the location of the dock in Gilbert Bay and the profile of the dock and gangway, including relative location of the pilings, loading float, and seaplane float.

the shoreline. Blasting activities are located approximately 5.1 miles from the Mist Steller sea lion haulout. JHI estimates that blasting in-air sound levels will be 94 decibels, 50 feet away (USDOT 2006).

Tug and barge operations would include laying of the submarine transmission line and staging a tug and barge in Gilbert Bay for helicopter sling-loading of the transmission line bases and towers. Tugs, barges, and vessels associated with the transmission line laying operations will be moving very slowly (less than 5 knots most of the time).

Approximately 9,700 feet of submarine transmission line would be placed across Gilbert Bay at a depth of approximately 288 feet and buried to a depth of 2 to 3 feet. An additional 16,000 feet of submarine transmission line would be placed across Port Snettisham at an average depth of

618 feet. Unlike Gilbert Bay, the Port Snettisham line would not be buried; it would be placed on the bottom, and is expected to be buried in bottom sediments over time. Deployment of the cable bundle would occur on flood tides over the course of 4 to 5 days in the two separate locations. While JHI has not fully identified the specifics of the cable, the cable would be 138-kV alternating current with three lines sheathed together and deployed as a single armored cable bundle. Submarine power cables generate both electric and magnetic fields. Because marine mammals are able to detect electric and magnetic fields and they use magnetic fields for behavior, such as migration, those fields produced by the submarine power cable could affect marine mammals.

During project construction, JHI estimates it would make approximately 104 marine vessel trips per year which would account for nearly 10 percent of the total estimated vessel traffic in Port Snettisham during the 2-year construction period.

Construction of the proposed project would require the use and onsite storage of fuel (diesel and gasoline), motor oil, hydraulic fluid, and other lubricants. To prevent or minimize accidental introduction of petroleum or other hazardous substances to project waters during project construction, JHI proposes to implement its Hazardous Substances Plan. The plan addresses storage, spill prevention, and cleanup of hazardous substances and establishes procedures for reporting and responding to accidental releases. JHI's proposed Environmental Compliance Plan includes designating an onsite manager that would oversee and enforce environmental compliance monitoring for the project.

Action Area

The action area is defined in the ESA regulations (50 CFR 402.02) as the area within which all direct and indirect effects of the project will occur. The action area is distinct from, and larger than, the project footprint because some elements of the project may affect listed species some distance from the project footprint. The action area, therefore, extends out to a point where no measurable effects from the project are expected to occur.

The proposed action is located primarily within Port Snettisham and Gilbert Bay, AK, as detailed in Figure 1. Additionally, the action area includes the routes taken by project-associated aircraft or marine vessels that may impact ESA-listed species. The EIS for this project includes an analysis of the marine vessels along shipping routes between Seattle, WA, Juneau, and Port Snettisham (Figure 4).

Since 1997 NMFS has used generic sound exposure thresholds to determine whether an activity produces underwater sounds that might result in impacts to marine mammals (70 FR 1871). NMFS is currently developing comprehensive guidance on sound levels likely to cause injury and behavioral disruption to marine mammals. However, until such guidance is available, NMFS uses the following conservative thresholds of underwater sound pressure levels¹, expressed in

¹ Sound pressure is the sound force per unit micropascals (μPa), where 1 pascal (Pa) is the pressure resulting from a force of one newton exerted over an area of one square meter. Sound pressure level is expressed as the ratio of a measured sound pressure and a reference level. The commonly used reference pressure level in acoustics is 1 μPa , and the units for underwater sound pressure levels are decibels (dB) re 1 μPa .

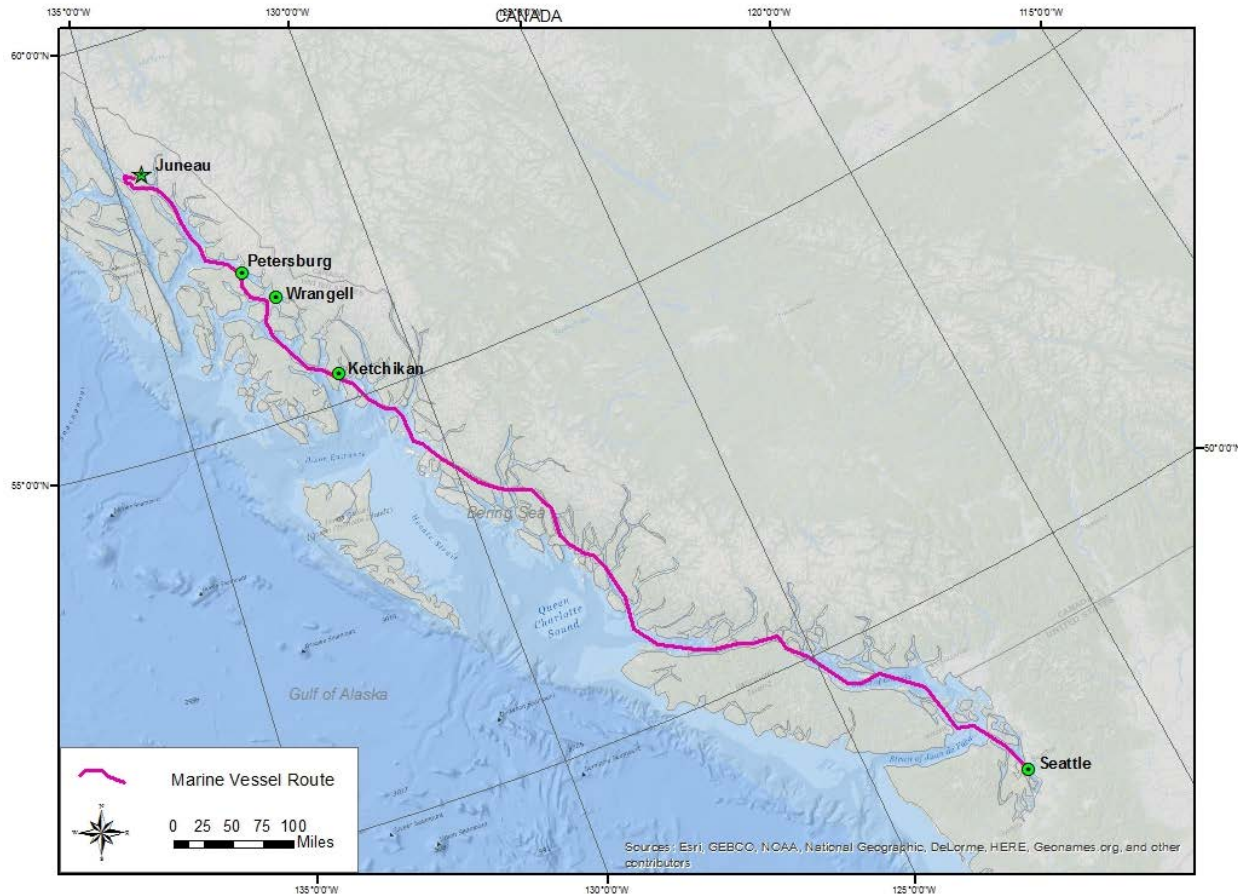


Figure 4. Chart showing the transit route that will be taken by marine vessels transporting supplies for the proposed action between Seattle, Juneau, and Port Snettisham.

root mean square² (rms), from broadband sounds that cause behavioral disturbance, and referred to as Level B harassment under section 3(18)(A)(ii) of the Marine Mammal Protection Act (MMPA):

- impulsive sound (e.g., impact pile driving): 160 dB re 1 $\mu\text{Pa}_{\text{rms}}$
- continuous sound (e.g., vibratory pile driving or watercraft): 120 dB re 1 $\mu\text{Pa}_{\text{rms}}$

NMFS uses the following conservative thresholds for underwater sound pressure levels from broadband sounds that cause injury, referred to as Level A harassment under section 3(18)(A)(i) of the MMPA:

- 180 dB re 1 $\mu\text{Pa}_{\text{rms}}$ for whales
- 190 dB re 1 $\mu\text{Pa}_{\text{rms}}$ for pinnipeds (seals and sea lions)

In addition, NMFS uses the following thresholds for in-air sound pressure levels from broadband sounds that cause Level B behavioral disturbance under section 3(18)(A)(ii) of the MMPA:

- 100 dB re 20 $\mu\text{Pa}_{\text{rms}}$ for Steller sea lions

² Root mean square (rms) is the square root of the arithmetic average of the squared instantaneous pressure values.

The action area for the proposed project includes the area where underwater project-related sound levels exceed background levels (i.e., above 120 dB re 1 μ Pa_{rms} received sound level for in-water noise, and above 100 dB 20 μ Pa_{rms} for in-air noise). JHI has provided information detailed above supporting its determination that the proposed action is not likely to produce in-air sound levels exceeding the 100 dB threshold.

Based on the 120 dB threshold, the action area for the proposed project includes most of Gilbert Bay, the west arm of Port Snettisham, and the transit routes for marine vessels shipping supplies for this project between the port of Seattle, Juneau, and Port Snettisham (Figure 1) (Figure 4).

Proposed Marine Mammal Mitigation Measures

To avoid causing harm to or harassment of marine mammals during aircraft and marine vessel operations, JHI and FERC will ensure the following mitigation measures are followed:

- No aircraft or marine vessel traffic within 1000 meters of the Mist Steller sea lion haulout in Port Snettisham (Figure 5).
- Vessels will slow their speed or stop in order to avoid approaching within 100 yards of marine mammals [this is consistent with the Regulations Governing the Approach to Humpback Whales in Alaska: 66 FR 29502, as well as the Alaska Code of Conduct regarding approach of all marine mammals (e.g., no closer than 100 yards: <http://www.alaskafisheries.noaa.gov/protectedresources/mmv/guide.htm#fl>)].
- Vessel operators will steer to the rear of any observed marine mammals.

To avoid causing harm or harassment of marine mammals during pile driving operations, JHI and FERC will ensure the following mitigation measures are followed:

- To minimize noise propagation, hard composite reinforced, thermosetting plastic cushions that are compatible with the pile driving equipment will be used during pile driving operations.
- To minimize disturbance and harm to listed and protected species from pile driving noise, JHI and FERC would implement the following ramp-up procedures:
 - for vibratory pile driving, initiate sound for 15 seconds at reduced energy, followed by a one minute waiting period; the procedure will be repeated two additional times before using the hammer continuously
 - for impact pile driving, provide an initial set of three strikes from the hammer at 40 percent energy followed by a 30-second waiting period; this procedure would be repeated two additional times before sustained impact driving is initiated
- To avoid harm to listed and protected marine mammals, a marine mammal monitoring area of 1,000 meters radius centered on the pile driving would be implemented during pile driving and removal (Figure 5). A marine mammal monitor will record observations of marine mammals near or within the area.

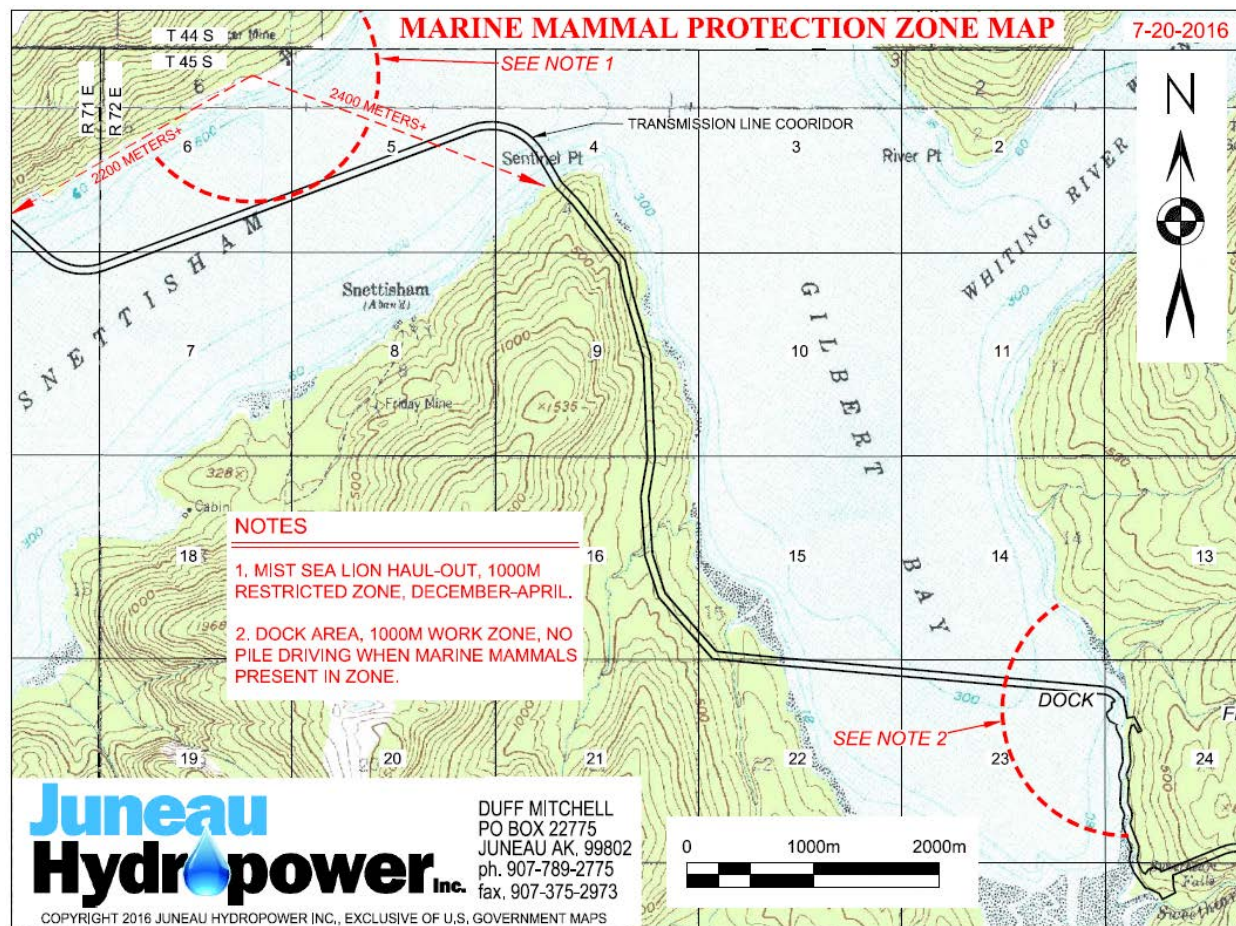


Figure 5. Chart showing the proposed marine mammal monitoring/shut down zones. Note 1 refers to the seasonal Mist Steller sea lion haulout. No project activities are expected within 1000 meters of hauled out Steller sea lions. Note 2 refers to the 120 decibel isopleth for pile driving activities associated with the proposed action. Pile driving will be stopped if marine mammals are observed approaching the 1000-meter zone.

- o the marine mammal monitor must be able to identify the designated wildlife and be equipped with binoculars, range finder, two-way radio communication with the equipment operator, and log book
- o if a marine mammal approaches the observation area, all in-water work would be halted immediately; work may resume when the animal moves outside the monitoring area on its own accord
- o the monitor would have the authority to stop pile driving or removal if a marine mammal is observed approaching the monitoring area
- o the monitor would have no other primary duty than to watch for and report on events related to marine mammals

Within 60 days of completion of the project, JHI and FERC will ensure that a report documenting all marine mammal monitor observations is submitted to NMFS for this project. The report will include all marine mammal sightings (or confirmation on absence of sightings),

estimated distance from project operations, and any shutdown during pile driving activities due to marine mammal approach or presence within the shutdown zone. Any observations of harm or harassment to marine mammals shall be reported to NMFS immediately.

LISTED SPECIES AND CRITICAL HABITAT POTENTIALLY AFFECTED BY THE ACTION

The endangered humpback whale and endangered western DPS Steller sea lion may occur in the action area. Critical habitat has not been designated for the humpback whale, and there is no Steller sea lion critical habitat within the action area or nearby which will be affected by this proposed project.

Humpback Whale

Humpback whales are found in all ocean basins worldwide, and typically occur in tropical and subtropical waters during the winter and migrate seasonally to high latitudes during the summer (Allen and Angliss 2015). In the North Pacific, humpback whales are currently found throughout their historic summer feeding range, including coastal and inland waters around the Pacific Rim from Point Conception, California, north to the Gulf of Alaska and the Bering Sea, west through the Aleutian Islands to the Kamchatka Peninsula and the Sea of Okhotsk (Allen and Angliss 2015). NMFS listed the humpback whale as endangered in 1970 (35 FR 18319) following substantial declines due to commercial whaling.

NMFS recently conducted a global status review and proposed changing the status of humpback whales under the ESA. Under this proposal, the Hawaii distinct population segment (DPS: which includes whales found in Southeast Alaska) would no longer be listed (80 FR 22304; April 21, 2015). Critical habitat has not been designated for humpback whales.

Relatively high densities of humpback whales occur throughout much of Southeast Alaska and northern British Columbia, particularly during the summer months. The most recent abundance estimates for this region range from 3,000-5,000 humpback whales (Calambokidis et al. 2008, Allen and Angliss 2015). Although migration timing varies among individuals, most whales depart for Hawaii in fall or winter and begin returning to Southeast Alaska in spring, with continued returns through the summer and a peak occurrence in Southeast Alaska during late summer to early fall. However, there are significant overlaps in departures and returns (Baker et al. 1985, Straley 1990). Humpback whale abundance in the North Pacific has increased by at least an estimated 6.8% annually in the 39 years following the cessation of commercial whaling (Calambokidis et al. 2008). Humpback whales occur in Southeast Alaska year around, and are observed periodically in Port Snettisham.

As is the case for all large baleen whales, direct information about the hearing abilities of humpback whales is not available. Researchers studying *Mysticete* auditory apparatus morphology hypothesized that large *Mysticetes* have acute infrasonic hearing (Ketten 1997). Humpback whales are categorized in the low frequency cetacean functional hearing group (Southall et al. 2007). This group has an estimated auditory bandwidth of 7 Hz to 22 kHz. Direct data on humpback whale hearing sensitivity is not available but has been estimated based on behavioral responses to sounds at various frequencies, favored vocalization frequencies, body size, ambient noise levels at favored frequencies, and cochlear morphometry.

Additional information on humpback whale biology and natural history is available at:
<http://www.nmfs.noaa.gov/pr/species/mammals/whales/humpback-whale.html>
http://www.nmfs.noaa.gov/pr/sars/2013/ak2013_humpback-wnp.pdf

Steller Sea Lion

Steller sea lions range throughout the North Pacific Ocean from Japan, east to Alaska, and south to central California (Loughlin et al. 1984). Steller sea lions, the largest of the eared seals (*Otariidae*), currently have a worldwide population estimated at 142,360-157,498 animals (Allen and Angliss 2015). Historically, Steller sea lion abundance was significantly greater with an estimated worldwide population of 245,000 to 290,000 animals in the late 1970s (Loughlin et al. 1984).

There are two Steller sea lion populations in Alaska: the western DPS is listed as endangered, and generally occurs west of Cape Suckling, and the eastern DPS generally occurs east of Cape Suckling (144°W). Steller sea lions are not known to migrate annually, but individuals may widely disperse outside of the breeding season (late-May to early-July) (Allen and Angliss 2015). We expect some of the Steller sea lions in the action area to be from the western DPS (Jemison et al. 2013, NMFS 2013).

The Steller sea lion was listed as a threatened species under the ESA in 1990 following declines of 63% on certain rookeries since 1985, and declines of 82% since 1960 (NMFS 2012). A number of protective measures were implemented to aid recovery (NMFS 2012), and between the 1970s and 2002 the eastern DPS Steller sea lion population increased on average by 3.1% per year (Pitcher et al. 2007), which is one factor that led to NMFS's decision to delist the eastern DPS (November 4, 2013; 78 FR 66140).

In 1997, NMFS reclassified the Steller sea lion into the two current DPSs and designated the western DPS as endangered (May 5, 1997; 62 FR 24345). The most recent comprehensive estimate (pups and non-pups) for the western DPS abundance in Alaska is 52,209 sea lions based on aerial surveys of non-pups conducted in June and July 2008-2011, and aerial and ground-based pup counts conducted in June and July 2009-2011 (Allen and Angliss 2015). The western DPS declined in abundance by about 70% between the late 1970s and 1990, with evidence that the decline had begun even earlier. Factors that may have contributed to this decline include 1) incidental take in fisheries, 2) legal and illegal shooting, 3) predation, 4) contaminants, 5) disease, and 6) climate change (NMFS 2008). Although Steller sea lion abundance continues to decline in the western Aleutians, numbers are thought to be increasing in the eastern part of the western DPS range (DeMaster 2011), including in the action area.

A non-major haulout for Steller sea lions is located on the northern shore of Port Snettisham, east of Mist Island. It is commonly known as the Mist haulout. Data provided by Alaska Department of Fish and Game (ADF&G) include counts and brand sightings. Sea lions were documented by ADF&G occupying the haulout from January through May, with June through December occupancy being unknown because surveys did not occur during those months. Based on count data and branded sea lion sightings, the number of sea lions observed at the haulout was at least 134 in April 2006, 57 in May 2006, 50 in May 2007, and more than 100 in April 2009. During monthly surveys conducted from March 2001 to May 2004 by a different group of researchers,

Steller sea lions were found at the Mist haulout during all months except July, August, and September (Womble et al. 2009). During the months when they were present, mean monthly counts ranged from 12.0 in June to 206.3 in May.

Steller sea lions are opportunistic predators, feeding primarily on a wide variety of fishes and cephalopods, including Atka mackerel (*Pleurogrammus monopterygius*), walleye pollock (*Theragra chalcogramma*), Pacific herring (*Clupea pallasii*), capelin (*Mallotus villosus*), Pacific cod (*Gadus macrocephalus*), Pacific sand lance (*Ammodytes hexapterus*), and salmon (*Oncorhynchus* spp.) (Pitcher 1981, Merrick et al. 1997). The foraging strategy of Steller sea lions is strongly influenced by seasonality of sea lion reproductive activities on rookeries, and the ephemeral nature of many prey species. Steller sea lions are generalist predators that eat a variety of fishes and cephalopods (Pitcher 1981, Calkins and Goodwin 1988, NMFS 2008), and occasionally other marine mammals and birds (Pitcher and Fay 1982, NMFS 2008).

The ability to detect sound and communicate underwater is important for a variety of Steller sea lion life functions, including reproduction and predator avoidance. Steller sea lions are categorized in the pinniped functional hearing group which has an estimated auditory bandwidth of 75 Hz to 75 kHz in-water, and 75 Hz to 30 kHz on land (Southall et al. 2007). Studies of Steller sea lion auditory sensitivities have found that this species detects sounds underwater between 1 to 25 kHz (Kastelein et al. 2005), and in the air between 0.25 to 30 kHz (Mulsow and Reichmuth 2010).

Critical Habitat

On August 27, 1993 (58 FR 45269) critical habitat was designated for Steller sea lions, which in Alaska includes 1) a 20-nautical mile (23 mile) buffer around all major haulouts and rookeries, 2) associated terrestrial, air, and aquatic zones, and 3) three large offshore foraging areas. The essential features that were used to determine Steller sea lion critical habitat were the physical and biological features that support reproduction, foraging, rest, and refuge (58 FR 45269).

In Southeast Alaska, critical habitat for Steller sea lions includes a terrestrial zone, an aquatic zone, and an air zone that extends 3,000 feet landward, seaward, and upward, respectively, from each major rookery and major haulout in Southeast Alaska (58 FR 45269) (Figure 6). The closest critical habitat to Gilbert Bay is Sunset Island to the south of the project (31.5 miles) and Benjamin Island to the north of the project area (57 miles) (Figure 6).

EFFECTS OF THE ACTION

For purposes of the ESA, “effects of the action” means the direct and indirect effects of an action on the listed species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action (50 CFR 402.02). The applicable standard to find that a proposed action is “not likely to adversely affect” listed species or critical habitat is that all of the effects of the action are expected to be insignificant, discountable, or completely beneficial. Insignificant effects relate to the size of the impact and are those that one would not be able to meaningfully measure, detect, or evaluate, and should never reach the scale where take occurs. Discountable effects are those that are extremely unlikely to occur. Beneficial effects are contemporaneous positive effects without any adverse effects to the species.

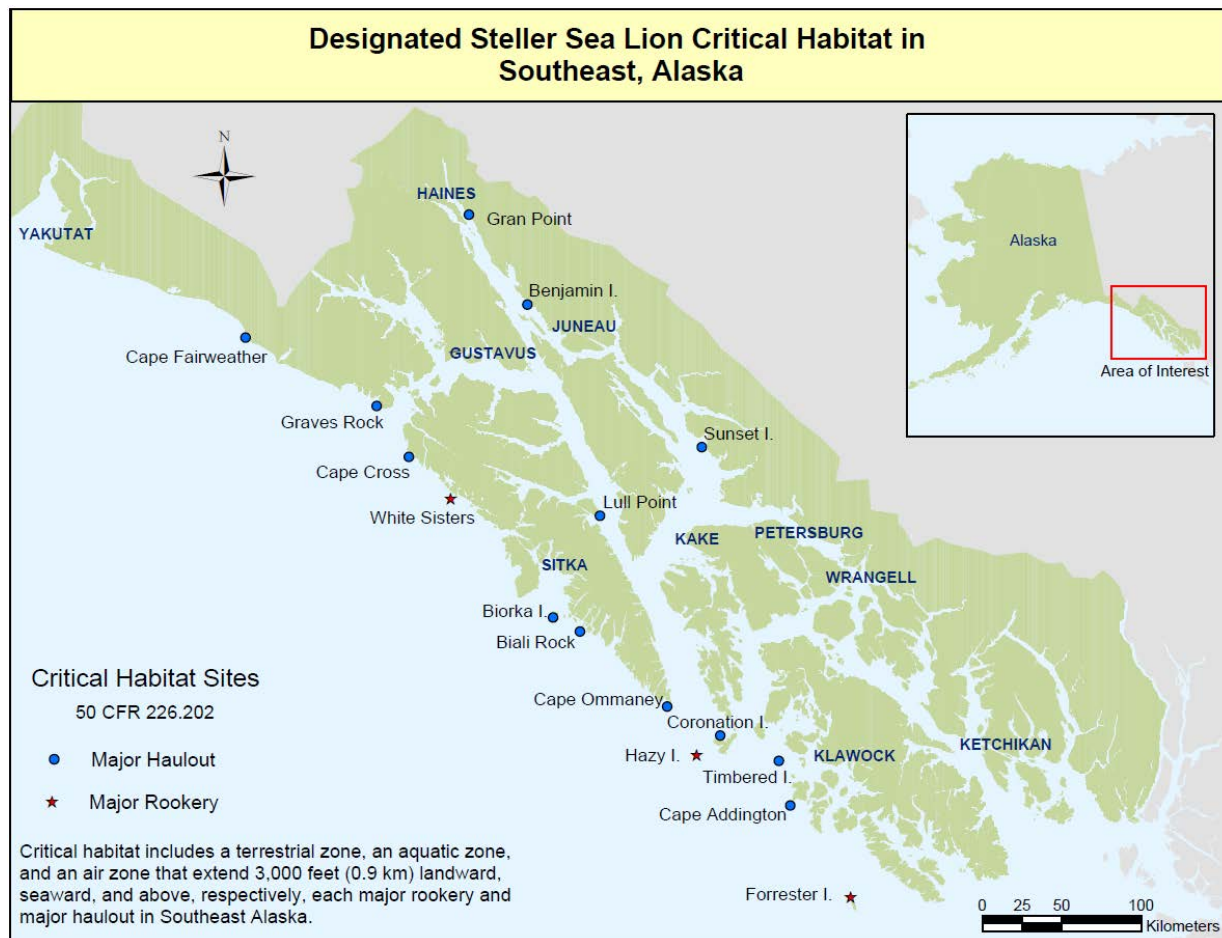


Figure 6. Designated Steller sea lion critical habitat in Southeast Alaska. Benjamin Island and Sunset Island are the two critical habitat areas closest to the proposed action.

The potential effects of the proposed action on listed species and critical habitat include:

- acoustic disturbance (noise)
- transmission line electromagnetic field
- ship strike
- risk of spills/pollution
- habitat alteration

Acoustic Disturbance

Possible impacts to marine mammals exposed to loud underwater or in-air noise include mortality (directly from the noise, or indirectly from a reaction to the noise), injury, and disturbance ranging from severe (e.g., abandonment of vital habitat) to mild (e.g., startle response). Noise is the primary concern for the species covered in this consultation. Pile driving introduces noise into the underwater environment that has the potential to negatively impact marine mammals (Thompson et al. 2013). See the “Action Area” section above for a description of NMFS sound exposure thresholds.

Impact pile driving is expected to be the loudest sound source in the proposed action. Impact pile driving methods can generate peak pulsed sound pressure levels of 237 decibels (re 1 μ Pa) (Hildebrand 2009). The 160 decibel isopleth for the pile driving associated with the Port MacKenzie project was measured to be approximately 1500 meters from the source (Blackwell 2005). However, that project used 36-inch pilings, whereas this proposed project uses smaller, 24-inch pilings, therefore the sound source levels and resulting 160 decibel isopleth should be smaller. In addition, JHI will use hard composite reinforced, thermosetting plastic cushions with pile driving equipment. This type of pile cap/cushion is expected to be equivalent to Micarta caps, which have demonstrated a 7-8 decibel (4-5%) reduction in sound level for impact pile driving 12-inch steel pilings (Laughlin 2006).

Vibratory pile driving generates lower peak pressure levels than impact pile driving, but the total energy imparted to the pile is comparable because the vibratory hammer operates continuously, and requires more time to install the pile (ICF 2009). Vibratory hammer methods used at the Port MacKenzie project under similar conditions as the proposed action generated peak pulses of 179 decibels (re 1 μ Pa) (Blackwell 2005). The 120 decibel isopleth at the Port MacKenzie project was measured to be approximately 1400 meters (Blackwell 2005). However, as stated above, the Port MacKenzie project used larger, 36-inch pilings, so the sound source level and resulting 120 decibel isopleth are larger than expected for this project, which proposes to use 24-inch pilings.

Noise from aircraft and marine vessels can disturb marine mammals. Pinnipeds at haulouts or rookeries are particularly sensitive to disturbance from these noise sources. The 1000-meter protection zone that JHI has designated around the Mist Steller sea lion haulout (Figure 5) will greatly reduce the risk of disturbance to hauled out animals from aircraft and marine vessels associated with this project.

There will be a number of different sized charges used in the construction of the Sweetheart hydroelectric project. The most by number will be in the tunnel, the largest will be in the power house site and the smallest will be shots for power line trenching. The closest shots to the water will be the last, relatively small trenching shots. As detailed in the "Description of the Proposed Action" section above, blasting noise is not expected to exceed the 100 decibel threshold of concern for in-air noise.

The significance of potential impacts of noise to marine mammals is dependent on a number of factors including the magnitude of sound pressure levels, species receiving the sound, exposure type (e.g., continuous vs. pulse), duration, site characteristics, species' auditory characteristics, and individual marine mammal characteristics (e.g., habituation, season, motivation) (Dazey et al. 2012, Ellison et al. 2012).

The noise created by this proposed project is expected to be within the auditory range of humpback whales and Steller sea lions. If a humpback whale or Steller sea lion approaches the action area while pile driving is underway, the 1000-meter marine mammal observation shut-down area is large enough to prevent behavioral disturbance and injury (decibel levels outside of the 1000-meter shutdown area are expected to be below the NMFS harm exposure threshold for impulsive noise sources). Our extrapolations based on the best available information indicate that the 1000-meter shut-down area is likely large enough to prevent exposure of humpback whales

and Steller sea lions to non-injurious (Level B) impact or continuous levels of noise (above 160 or 120 decibels, respectively). In addition, the substrate in the proposed pile-driving area primarily consists of silts deposited by the Whiting River, and it is expected that this soft substrate will aid in the absorption of noise energy and increase the attenuation of underwater sound. Thus, we do not expect noise to cause any measureable negative responses from humpback whales or Steller sea lions that might occur in the action area. Effects from noise associated with the proposed action are therefore insignificant and discountable.

Electromagnetic Field

The proposed project includes two segments of submarine 138-kV transmission cables. These cables would create magnetic and electric fields that have the potential to affect fish and marine mammals. JHI has stated that it will deploy a three-conductor alternating current (AC) cable. There are basically two types of AC sea cable, the three-conductor cable and the single-conductor cable. The great advantage of the three-conductor cable is that the electromagnetic field of the three conductors is almost neutralized at the surface of the cable, and plastic is used instead of oil as stabilizing material to fill the hollow space, preventing broken cables from emitting oil into the sea water. The single-conductor cable is a cable with just one conductor for a single phase; three single-conductor cables are required for a three-phase system. The advantage of the latter type of cable is its high transmission capacity, even though the absolute losses rise with increasing transmission capacities.

JHI has stated that current studies and best practices and US Department of Interior studies indicated that the electromagnetic field of this type of submarine cable is neutralized at the surface of the cable. In three-phase AC systems, the magnetic field around the cable is also zero, as the sum of the currents in the three phases is zero at all times.

JHI's proposed transmission cable manufacturer provided this description of the product:

"The armoring losses in 3C (3 conductor) cables are significantly lower than in 1C (one conductor) cables because the magnetic fields from the three conductor currents cancel each other to a large extent. Therefore, 3C cables are equipped with armoring of mild steel wires where 1C cables require more sophisticated armoring solutions."

The electromagnetic field from the proposed three-conductor AC transmission cable proposed by JHI is not expected to result in measureable impact to marine mammals or their prey. Therefore, the potential effects will be both insignificant and discountable.

Ship Strike

Vessels transiting the marine environment have the potential to collide with, or strike, marine mammals (Laist et al. 2001, Jensen and Silber 2003). The probability of strike events depends on the frequency, speed, and route of the marine vessels, as well as distribution of marine mammals in the area. Humpback whales are especially susceptible to ship strike injury and mortality in narrow bottleneck passages (Williams and O'Hara 2010).

Although risk of ship strike has not been identified as a significant concern for Steller sea lions (Loughlin and York 2000), the Recovery Plan for this species states that Steller sea lions may be more susceptible to ship strike mortality or injury in harbors or in areas where animals are concentrated (e.g., near rookeries or haulouts) (NMFS 2008).

Vessel operators for the proposed action will be required to follow regulations for approaching humpback whales in Alaska (50 CFR 224.103(b)), as well as the Alaska Code of Conduct regarding approach of all marine mammals (e.g., no closer than 100 yards: <http://www.alaskafisheries.noaa.gov/protectedresources/mmv/guide.htm#fl>). Although vessels will transit some known high-concentration areas for humpback whales (e.g., Frederick Sound), most of the transit will occur in southern Southeast Alaska and British Columbia, areas which have lower concentrations of humpback whales than foraging hotspots located in northern Southeast Alaska. In addition, most of the transit in British Columbia and Southeast Alaska will be relatively slow tug and barge vessels. The proposed vessel routes are at least 1000 meters from any known, consistent Steller sea lions haulouts or rookeries. Therefore, a ship strike as a result of implementing the proposed action is extremely unlikely and thus considered discountable. Any reports of a ship striking a marine mammal should be directed to NMFS's 24-hour stranding hotline as soon as possible: (877) 925-7773.

Habitat Alteration

Submarine cable construction would disturb the seabed and could result in displacement or disturbance of flora and fauna, increased turbidity, and alteration of sediments. These effects would mainly be restricted to the installation phase and would be temporary, with their spatial extent limited to the cable corridor (about 30-feet in width where the cable is ploughed into the seabed, such as across Gilbert Bay). Some mobile benthic organisms (e.g., crabs) would likely be able to avoid disturbance, although sessile species (bivalves, tubeworms, etc.) could be buried or killed. However, it is expected that following installation of the submarine cable, benthic organisms would recolonize the disturbed area. The effects of habitat alteration would be undetectable to Steller sea lions and humpback whales and are therefore insignificant.

Hazardous Substance Spills

As stated in the "Description of the Proposed Action" section above, construction of the proposed project would require the use and onsite storage of fuel (diesel and gasoline), motor oil, hydraulic fluid, and other lubricants. The use and storage of these substances could result in an accidental release resulting in adverse effects on water quality and aquatic resources. JHI's proposed Hazardous Substances Plan, which follows the Alaska Department of Environmental Conservation's best management practices for storage and clean-up, would ensure that fuel and other hydrocarbons would be stored in areas away from waterways, that appropriate primary and secondary containment would be provided for all fuel and hydrocarbons stored onsite, that emergency response and notification procedures are available onsite, and that equipment and clean up materials are readily available onsite. Implementing the measures described in the plan would reduce the likelihood of an accidental release directly or indirectly contaminating drainage ways or streams, and increase the likelihood that any spills are quickly contained, avoiding or minimizing adverse effects on water quality and aquatic resources. Therefore, the potential effects from hazardous material spills are discountable.

Critical Habitat Determination

The proposed pile driving and transmission cable laying would occur over 30 miles from the nearest Steller sea lion critical habitat. Marine vessels associated with this project will use defined commercial transit routes from Seattle to Juneau and will not approach critical habitat. This project is not expected to impact any of the essential features that define critical habitat for Steller sea lions.

Cumulative Effects

JHI and FERC did not identify any known projects that will not require an ESA consultation in the action area in the foreseeable future. The marine vessel transit route associated with the proposed action passes through an extensive area with frequent vessel traffic. Any projects requiring fill or construction in the marine environment require federal permitting and will be subject to future ESA Section 7 consultations if they may affect listed species. No known State or private developments are scheduled in Port Snettisham or Gilbert Bay in the foreseeable future.

CONCLUSION

Based on this analysis, NMFS concurs with your determination that the proposed action may affect, but is not likely to adversely affect, humpback whales, the western DPS of Steller sea lions, or designated critical habitat.

Reinitiation of consultation is required where discretionary federal involvement or control over the action has been retained or is authorized by law and if (1) take of listed species occurs, (2) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered, (3) the action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this concurrence letter, or (4) a new species is listed or critical habitat designated that may be affected by the identified action (50 CFR 402.16).

Please direct questions regarding this letter to Sadie Wright at Sadie.Wright@noaa.gov or (907) 586-7630.

Sincerely,

James W. Balsiger, Ph.D.
Administrator, Alaska Region

cc: Duff Mitchell (JHI)
John Matkowski (FERC)

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SWEETHEART LAKE HYDROELECTRIC PROJECT

FERC PROJECT NO. P-13563



BEAR SAFETY PLAN (BSAFE)

PREPARED BY:

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MAY 2014

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SWEETHEART LAKE HYDROELECTRIC PROJECT

BEAR SAFETY PLAN (BSAFE)

1.0 AGENCY PLAN REQUESTS

In October 2013, Juneau Hydropower, Inc. (JHI) submitted a subsequent draft license application and draft Preliminary Draft Environmental Assessment (PDEA) for the Sweetheart Lake Hydroelectric Project to the Federal Energy Regulatory Commission (FERC). On October 22, 2013, FERC published notice and issued a request for comments and preliminary terms and conditions. The Alaska Department of Fish and Game (Alaska DFG) reviewed these documents and issued comments and recommended preliminary terms and conditions. Article 13 of their recommended terms and conditions is for a Bear Safety Plan. The Alaska DFG is responsible for the management, protection, maintenance of Alaska's fish and game resources, including bears. The Project areas are all in Alaska game management Unit 1C. JHI concurs that this is a necessary plan and is submitting this plan for comment.

JHI has had numerous conversations with the Alaska DFG and the U.S. Forest Service (Forest Service) regarding bears and this Project. The area has an active bear population, especially during salmon spawning season (July-September). JHI has cooperated and assisted Alaska DFG in a bear sampling and genetic testing plan in 2013. JHI has consulted with the Forest Service on bear issues regarding the recreational trails accessing the Sweetheart Creek sockeye fishery. JHI has also reviewed other approved local area Bear Safety Plans (Hecla Greens Creek Mine, Allison Creek, and Blue Lake) to develop this specific plan.

1.1. Project Description

The Project consists of: (1) the existing Lower Sweetheart Lake, raised from a surface water elevation of 551 feet mean lower low water (MLLW) and a surface area of 1,414 acres to a new minimum surface water elevation of 576 feet and a new surface area of 1,449 acres and a maximum surface water elevation of 636 feet with a surface area of 1,702 acres; (2) a new, roller-compacted concrete dam 111 feet high (from the downstream toe to the top of the dam), 280 feet long, 100 feet thick at the base, constructed at the outlet of Lower Sweetheart Lake; (3) an independent intake structure with fish screen adjacent to the dam right abutment, which conveys water to a 15 X 15-foot horseshoe-shaped, 9,621-foot-long unlined tunnel; (4) a 9-foot-diameter, approximately 896-foot-long penstock installed within the lower portion of the tunnel, with approximately another 160 feet of buried 7-foot-diameter penstock and manifold connecting to the powerhouse; (5) a powerhouse containing three new Francis generating units (6.6 MW each) with a total installed capacity of 19.8 MW; (6) a 541-

foot tailrace discharging flows to Sweetheart Creek, including a salmon smolt reentry pool located adjacent to the powerhouse and tailrace; (7) a fenced switchyard adjacent to the powerhouse; (8) a new, approximately 4,400-foot-long, road from the powerhouse to the dock/landing site; (9) a new dock/landing site for boat, seaplane, barge/landing craft ramp, and/or helicopter access, located on the east shore of Gilbert Bay; (10) a new, 138-kilovolt transmission line that would be a total of 45,900 feet long (25,700 feet of submarine cable in two segments; 15,400 feet of overhead transmission line on Snettisham Peninsula; and 4,800 feet of buried transmission line in two segments); (11) a new, 14,800-foot, 12.47-kV service transmission line extending from the dam site to the marine facility, providing operational electricity and communications for operations; (12) a caretaker facility with shop and maintenance facilities; (13) a shelter facility at the dam site; (14) appurtenant facilities.

To construct and operate the Sweetheart Lake Hydroelectric Project systems, JHI has developed designs and specifications to meet federal, state, and local regulations. In addition, JHI has developed the following plans to implement procedures to construct, monitor, and mitigate the safety, health, and environmental impacts of the Project. These plans are prepared to meet regulatory requirements of various involved agencies and some plans address similar issues. Together these plans form a comprehensive resource to guide Project management through all phases of construction and into operation:

1.2. Appendix Z – JHI Preliminary Plans

The plans included in Appendix Z of the PDEA are as follows:

Access Management Plan (AMP)

Aquatic Habitat Restoration and Monitoring Plan (AHRMP)

- Fish Mitigation and Monitoring Plan (FMMP)

Bear Safety Plan (BSAFE)

Construction Plan (CP)

Environmental Compliance Monitoring Plan (ECMP)

Erosion and Sedimentation Control Plan (ESCP)

- Storm Water and Pollution Prevention Plan (SWPPP)

Fire Prevention Plan (FPP)

Hazardous Substances Plan (HSP)

Heritage Resource Plan (HRP)

Recreational Management Plan (RMP)

Scenery Management and Monitoring Plan (SMMP)

Solid Waste and Wastewater Plan (SWWP)

Spoil Disposal Plan (SDP)

- Acid Rock Disposal Contingency Plan (ARDCP)

Vegetation Management Plan (VMP)

- A. Invasive Species Management Plan (ISMP)
- B. Threatened, Endangered, Proposed for Listing, and Sensitive Plant Species Plan (TEPLSPSP)

Water Management Plan (WMP)

- A. Reservoir Management and Inundation Plan (RMIP)
- B. Stream Flow Management Plan (SFMP)
- C. Stream Flow Measurement Plan (SMP)

Wildlife Mitigation and Monitoring Plan (WMMP)

- Threatened, Endangered, Proposed for Listing, and Sensitive Species Plan (TEPLSSP)

2.0 BEAR SAFETY PLAN (BSAFE) INTRODUCTION

This Bear Safety Plan (BSAFE) provides Juneau Hydropower, Inc. (JHI) with procedures to construct and operate the Sweetheart Lake hydroelectric facility in a location frequented by both brown and black bears, safely. This plan:

- Outlines JHI's goals for operating the facility with minimum disruption to bear habitat and health.
- Provides a design for construction and operations that minimizes damage and risk from bear encounters.
- Provides information and education for employees, contractors, and visitors in methods to protect themselves, the facilities, and the bears from dangerous and harmful interactions.
- Outlines procedures for JHI management to plan, implement, and enforce a safe environment for construction and operations.

- Requires implementation of this plan in coordination with the Forest Service and the Alaska DFG.
- Provides procedures for documenting and reporting all incidents of damage to property, injury, or death of persons or bears.

This plan implementation and enforcement will be documented by the Environment Compliance Monitor (ECM) during construction and by JHI management upon the start of operations.

JHI is committed to building the Sweetheart Lake hydroelectric facility safely and with minimum disruption to the existing ecosystem. Bears are a large presence in the Lower Sweetheart Creek ecosystem, especially during the salmon spawning season (July-September). The area in the vicinity of the powerhouse and tailrace is heavily populated at the peak spawning season. Bears may be around at any season.

The design team has committed to supporting the strong runs of both native and introduced fish at the site. These represent a popular subsistence fishery for Alaskan residents and a large source of food for the bears. The powerhouse and tailrace have been located to return the water to Lower Sweetheart Creek at the base of the barrier falls in order to protect the spawning and rearing habitat. This facility will be located in an excavated area behind a large berm to shield it from view and reduce impact on the fishing areas. The building will be constructed of durable materials to reduce the chance of bear harm or damage to the structure. The power tunnel is underground and will not affect the bears' normal travel routes. The caretaker's facilities and dock area are located 4,400 feet north of the power plant and away from Sweetheart Creek. The coastal road/trail will minimize disruption to the bears' normal and customary travel routes and provide alternate access to boaters accessing the site to fish. The Sweetheart Lake dam site does not have the same intensity of bear activity and is not in a heavy travel route, but bears will be present.

The Gilbert Bay construction temporary facilities are designed to locate the offices, quarters, dining facilities, repair facilities, and storage away from the bears' most heavily frequented areas, more than 4,400 feet north of the creek on the coastal road/trail in Temporary Staging Area #1 (Exhibit F-2 [4]). The Sweetheart Lake camp is also located at the same site used for Project studies, 2,400 feet northeast of the existing lake outlet/dam site, and shown not to have heavy bear use, Temporary Staging Area "C" (Exhibit F-3 [1]).

This plan borrows many features of the nearby Hecla Greens Creek Mining Co. (Greens Creek) plan that has been implemented and run for many years inside the Admiralty Island National Monument, a place with a very dense brown bear population and a large workforce.

3.0 INITIAL TRAINING SESSION

All JHI employees and contractors will be required to attend a training session prior to coming on site. The training will include education related to:

- bear behavior - methods to reduce risk in an encounter, methods to reduce risk of an encounter.
- operating practices when in bear country that minimize possible conflict
- minimizing encounters and avoiding areas often used by bears, if possible
- keeping construction sites and refuse areas clean
- Use of bear-proof garbage receptacles and other measures to prevent bears from obtaining food or garbage
- Removal of garbage to an approved disposal site as soon as practicable
- Rules, policies, and procedures required on site and documentation of the agreement to abide by the rules, policies, and procedures.

Agreement with the rules/procedures is a requirement of hire. The policies will include:

- No hunting, or trapping will be allowed by employees or contractors while living on site during construction.
- No personal firearms will be allowed on site.
- No bears (or other animals) shall be fed.
- Personnel are to avoid certain areas, particularly the south side of Sweetheart Creek, to allow bears an undisturbed area.
- Waste disposal and storage requirements must be followed to restrict bear access.
- Notification systems and warning systems to alert workers to bear activity inside a safe zone are to be integrated into construction communication systems.
- Policies to deal with bears in defined work safe zones will be discussed. They include work stoppage and, if necessary, hazing (by ECM officer or designee).
- Methods to deal with problem bears will be discussed.

- Documentation methods to record incidents will be discussed.

The training and procedures will be approved by the Forest Service in consultation with Alaska DFG. Copies of plans and training will be in file in JHI's Juneau, Alaska, office. The ECM will document, report, and resolve issues in accordance with the adopted policies and, at least annually through construction, review them with the Forest Service and update the policies and procedures if required.

Additional information updates and information related to bears will be disseminated by:

- Informing workers about bear safety procedures at safety "tailboard" meetings
- Posting signs notifying the public that bears are frequent in the area, suggesting the use of designated pathways, and to be alert.

4.0 OPERATING PRACTICES IN BEAR COUNTRY TO MINIMIZE POSSIBLE CONFLICT

4.1. Bear Conflicts

The primary purpose of this plan is to prevent bear conflicts. Bear conflicts are defined as direct or indirect negative contact with bears caused by the presence of Project workers in the bears' places of usual habitation and use.

In most serious cases of bear conflict, it is the bear that eventually suffers. The policy of the Alaska DFG is to kill problem bears, not to relocate them. If a bear conflict results in the bear having to be killed, however, Alaska DFG will investigate the incident. In the majority of investigations, it has been found that the incident was caused by human factors. In such cases, relative to a Sweetheart Lake Project worker, the Alaska DFG would hold the worker responsible for the incident, potentially resulting in fines and charges.

By far the most prevalent cause of bear-human conflict is improper management of human food and waste. Bears learn from experience, and once they have been successful in obtaining human food, they become conditioned to it. In addition, bears that forage on human food may become habituated to the presence of humans. Once human-food conditioned and habituated to the presence of humans, these bears often end up being killed in defense of human life or property. When the bears do not seek to avoid or are not afraid of humans, there is a corresponding increase in the risk of injury to humans.

THEREFORE, THE CENTRAL THEME OF THIS PLAN IS AVOIDANCE OF BEAR CONFLICT.

Potential conflicts are discussed below.

4.1.1. Property Damage

Bears can be very destructive of property. They are capable of damaging metal and wood structures, frequently chew on plastic and rubber items, and have been known to bite through electrical cable sheathing, tear off substantial wood or metal doors, and destroy large food caches. Measures to prevent property damage are presented in this plan.

4.1.2. Interference with Project-related Work

Presence of bears near the Project construction area may disrupt work progress by requiring that work be temporarily suspended, or simply through worker curiosity and attention to the bear instead of the business at hand. It is extremely important to follow habits that do not needlessly attract bears to the worksite.

4.1.3. Attacks

Bears will and do attack humans; encounters sometimes result in serious injury and occasionally death. Bear attacks are generally avoidable, and measures to avoid them are discussed in this plan.

4.1.4. “Bear Country”

Based on casual observations during field surveys, one may reasonably expect to encounter bears virtually anywhere in the Sweetheart Project area.

Therefore, provisions of this bear safety plan apply to all workers in all areas at all times after arrival on all construction sites. There are, however, certain locations within the Project area where one might be more likely to encounter bears or be at greater risk because of topography and/or vegetative cover characteristics. These areas will be designated in on-site orientation.

5.0 BEAR CONFLICT MINIMIZATION

5.1. Interpretive Display Panels

In order to provide safety, educational, and interpretive information about the Project and Sweetheart Creek fishing areas, JHI would design and build permanent interpretive display panels at the head of the Sweetheart Creek Trail. Exhibits would include Project information, bear safety measures, current ADFG personal use regulations, and trail identification/maps.

Users would be requested to remain on the northern shore side of Sweetheart Creek to allow bears to habituate themselves to the southern shore side of Sweetheart Creek for bear-human interaction management.

The interpretative display exhibits would be completed by year 1 of the Commercial Operations Date (COD) of the Project. Interpretative display design and exhibits are subject to change over the life of the Project based on site conditions, permitting, and cost.

JHI would be responsible for the design, construction, and maintenance of the bear safety and interpretative displays for the term of the license. Forest Service and ADFG would be responsible to provide and approve their agency information that would be displayed at the interpretative display for the term of the license.

5.2. General Guidelines for Project Workers

Project workers will abide by the following guidelines at all times:

- **Keep A Clean Work Area, Particularly Regarding Food and/or Garbage.** Food disposal recommendations are discussed in Section 5.3.1 of this plan), and workers will be required to adhere to food disposal protocols on a daily basis.
- **DO NOT FEED THE BEARS.** This should be self-evident and explanatory, but it is amazing how many visitors to bear country create serious problems by intentionally baiting or feeding bears.
- **When Traveling on Foot in Bear Country, Make as Much Noise as Possible.** Try to avoid surprising bears, particularly in areas where it is very quiet, or when steady background noise (e.g., from nearby construction or the sound of a stream) makes it hard for a bear to hear your approach. Generally, near construction sites, disturbance from human activity, machinery, and vehicles should keep bears away, but bears often tolerate considerable human disturbance, and it should not be assumed that, just because there is a lot of human activity in an area, there will be no bears.
- **Be Alert and on the Lookout for Bears.** Early detection of a bear offers the best avoidance. Surprising a bear is dangerous and can often be avoided by keen observation of the countryside into which you are moving. Look for movement, the horizontal line of a bear's back and belly, and different colors. Other signs of bear use include tracks, fresh scat, beaten down or broken berry bushes, grazed sedges, foul odors, or a gathering of scavenging birds such as ravens, jays, or magpies. Bears that may in the

Project area range in color from pure black to light blond but are generally different than the colors of the surrounding vegetation.

If you are walking along the access road or any trail, watch ahead and approach blind spots slowly and carefully. As you approach a blind corner in an area of limited visibility, make a lot of noise, by yelling or yipping, or clanging metal objects together. Observe the brush near the trail closely; bears often move and feed on berries in brush just off the trail and are easily surprised. Be aware of the wind direction; you can easily startle a bear upwind of you that has not caught your scent.

5.3. If You Encounter a Bear, Follow These Suggestions

- If the bear is more than about 50 yards away, or if it is close but does not appear to have seen you, back slowly away from it, increasing the distance between you and the bear. Do not run, even if the bear is some distance away.
- If a bear is at some distance (over 50 yards) and sees you, wave your arms, stand as tall as possible, and yell at the bear. Try to help the bear identify you as a human. If you are with others, stay together as group. A bear is less likely to attack a group of people.
- If the bear is quite close (less than 20 or 30 yards), and is coming at you rapidly, speak in low soothing tones as you back slowly away. The bear may bluff charge, stopping within 10 yards of you. If you have a firearm, prepare to shoot the bear if it does not stop its charge. If you must shoot the bear, aim for the center of mass, just below the head. If you shoot the bear, continue firing until the bear is dead; a wounded bear is extremely dangerous to all personnel.
- If a bear attacks, fall into the fetal position with your knees pulled over your stomach area and hands clasped behind your neck. Pull your head to your chest, and keep your elbows over your eyes. Try to remain silent and motionless in this position until the attack has stopped and the bear has left the area.

5.4. Instructions for Keeping Construction Sites and Refuse Areas Clean

5.4.1. Food Disposal.

It is expected that the powerhouse site construction workers will have all meals in the construction camp on Gilbert Bay. Tunnel, dam, and transmission line workers will have lunch on the site of the work. Garbage, food-contaminated utensils, paper, etc. will

be collected on a daily basis, placed in bear-proof containers, and removed from the Project site for proper disposal. Food-related items left at the worksite even for short periods may draw bears from great distances. Food items left overnight during high bear population periods will almost ensure a bear encounter the following morning. Bears that are able to get even a small amount of food will return to the area repeatedly to search for food, may show little or no fear of humans, may become aggressive, and will likely have to be destroyed.

The Construction Foreman at each Project construction location will be responsible on a daily basis for policing his/her construction site for food after each meal, and at the end of each construction day. The objective will be to leave no food-related or contaminated items whatever around the Project site. If construction crews leave daily, they will take their food scraps with them daily.

Performance of each Construction Foreman relative to daily food cleanup will be monitored by the Environmental Construction Monitor.

5.4.2. Feeding Bears

Simply and emphatically, **DO NOT FEED THE BEARS.** Bears fed by humans generally have to be destroyed. If a bear incident resulting in human or bear injury or death shows evidence of bear feeding, the Alaska DFG will likely consider the incident human caused.

6.0 RECREATIONAL ACTIVITIES OF PROJECT WORKERS

The Gilbert Bay and Sweetheart Lake areas have recreational opportunities, which might create potential for bear encounters. These are discussed below.

6.1.1. Fishing, Hiking, and Boating

Fishing and hiking in the construction and nearby areas are available recreation activities for Project workers. Food disposal and bear-avoidance measures listed above apply to workers during recreational pursuits, including cleaning of fish (never discard fish viscera in the construction area) and hiking (pack out all leftover food, containers, and utensils).

Note: Anyone intending to fish in the Project area or elsewhere in the state must obtain a valid State of Alaska fishing license and permission from the on site licensee operations personnel.

6.1.2. Firearms

No firearms will be routinely allowed in the construction area, unless permitted in writing by the Construction Manager. It will be the responsibility of the Construction Manager to arrange for, securely store and distribute firearms in the construction area. Such firearms will be permitted only for the purpose of bear protection, and not for control of problem bears or hunting. The Construction Superintendent will have access to nonlethal means of bear protection, such as bear pepper spray, cracker shells, flares, rubber or plastic bullets or baton loads, which will generally be encouraged as the primary means of bear defense. Firearms will be used as a lethal deterrent to stop a bear attack when nonlethal techniques are unsuccessful or impractical.

6.1.3. Hunting/Trapping

Project workers will be prohibited from hunting and trapping within Project lands at any time during Project construction, unless permission by licensee and a permit from Alaska DFG is granted. Hunting or trapping on Forest Service lands must be done no closer than a mile to the construction site.

7.0 PROCEDURES TO DEAL WITH PROBLEM BEARS

If a bear is, or it seems likely to become a problem, the following procedures should be followed.

7.1.1. Report Potentially Problematic Incidents Promptly

If a bear is seen consistently in a work area and shows threatening behavior (false charges, failure to flee) the appropriate Construction Foreman will report the incident immediately to the ECM or designee.

Before calling, try to establish any identifying features of the bear(s), the location of the incident, and time of day. Deciding whether an incident is “potentially problematic” or not is up to the discretion of the workers and Construction Foreman, but it is better to report an incident than not.

7.2. Report Bear Attacks

If there is a bear attack, the nearest person to the victim should contact the ECM or designee.

Decisions on what to do with problem bears will be made by the Alaska DFG, Division of Wildlife Conservation; and the Alaska State Troopers, Fish and Wildlife Protection Division. No independent actions should be taken by Project workers to kill a problem bear unless there is a clear and immediate threat and the action is justifiable

under State of Alaska legal provisions for defense of life and property (5 Alaska Administrative Code [AAC] 92.410).

7.3. State Law Regarding Attractants

Alaska state law (5 AAC 92.230) makes it illegal for any person to feed or intentionally leave food or garbage in a manner that attracts a bear, wolf, fox, or wolverine. Under the state's policy for managing bear-human conflicts, individuals who take a bear under "defense of life or property" provisions **will be warned or cited** if the take is brought about by the improper disposal of garbage or a similar attractive nuisance.

7.4. What to Do if a Bear Is Shot in "Defense of Life or Property"

Any person who takes a bear in "defense of life or property" shall notify his supervisor and the Alaska DFG immediately, and shall submit a written report of the circumstances of the take to his supervisor and the Alaska DFG with 15 days of the take. The bear hide and skull must be salvaged and then "sealed" and an affidavit completed.

Brown Bear – The hide (including the claws) and the skull must be salvaged and surrendered to the Alaska DFG.

I have read, understood, and hereby agree with and will follow the conditions and restrictions of this Bear Safety Plan.

Signature

Date

City & Borough of Juneau, Alaska

Eldred
Rock

Mt. Nesserode

Mt. Ogilvie

Approx. square miles

LAND -----1616

ICE FIELD -----928

WATER -----704

TOTAL -----3248

Devils Paw

CANADA

Juneau
Icefield

Mt. Ogden

Mt. Fremont
Morse

MENDENHALL
VALLEY

LEMON
CREEK

JUNEAU

DOUGLAS

Taku
Inlet

Pt. Arden

Hawk
Inlet

MANSFIELD
PENINSULA

ADMIRALTY
ISLAND

Young
Bay

Stephens Passage

Port Snettisham

Pt. Coke



07/02/2002

Approx. Scale: 1"= 10 miles

g:\projects\misc\vicinity\borough_20020702.apr



Juneau Hydropower, Inc.
PO Box 22775
Juneau, AK 99802
www.juneauhydro.com
Telephone: (907) 789-2775
Fax: (907) 375-2973

August 26, 2025

Ilsa Lund
Senior Planner
Community Development Department
City and Borough of Juneau
155 S. Seward Street
Juneau, Alaska 99801

Re: Addendum to Pending Conditional Use Permit Application – Juneau Hydropower Utility Project

Dear Ms. Lund:

Juneau Hydropower Inc. (JHI) respectfully submits the attached addendum to its pending Conditional Use Permit (CUP) application for the Juneau Hydropower Utility Project and associated 69kV transmission system.

This addendum incorporates two refinements:

1. **Cascade Point Submarine Transmission Line Extension** – undertaken pursuant to a **utility agreement with the State of Alaska Department of Transportation and Public Facilities (DOT&PF)** requiring JHI to provide electric service at Cascade Point.
2. **Jualin Access Road Extension** – a terrestrial transmission line necessary to provide service to the **Coeur Alaska Kensington Mine** within JHI's certificated service territory.

Both refinements are expressly located within JHI's authorized service territory, as granted by the Regulatory Commission of Alaska in Docket U-24-036, Order 16. These additions do not alter the overall purpose or scope of the project but ensure JHI's compliance with state agreements and certificated and regulated obligations.

All environmental safeguards, permitting commitments, and design standards presented in the CUP application will apply equally to these refinements.

JHI respectfully requests that the Community Development Department accept this addendum into the record of the pending CUP application for consideration at the upcoming hearing.

Thank you for your time and continued attention to this important baseload renewable utility project that will provide Juneau with electrical generation for years to come. Please contact me with any questions or requests for further information.

Respectfully submitted,



Duff Mitchell
Managing Director
Juneau Hydropower Inc.

Exhibit List – Addendum to CUP Application

Sweetheart Lake Hydroelectric Project and Transmission System Juneau Hydropower Inc.

Exhibit A – DOT&PF Utility Agreement

- Copy or excerpt of the executed **utility agreement between Juneau Hydropower Inc. and the Alaska Department of Transportation & Public Facilities** authorizing JHI to proceed to provide electric service at Cascade Point.

Exhibit B – RCA Service Territory Authorization

- Excerpt from **Regulatory Commission of Alaska Docket U-24-036, Order 16**, confirming JHI's certificated service territory includes both the Cascade Point and Jualin Road service areas.

Exhibit C – Project Map (Updated)

- Map showing the **Cascade Point Line Extension** and the **Jualin Access Road Extension** in relation to the previously proposed transmission corridor and substation sites.

Exhibit D – Technical Summary

- One-page technical fact sheet with basic metrics (line length, road mileage, ROW width, construction footprint, etc.), demonstrating consistency with original CUP design standards.

**STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES**

UTILITY AGREEMENT

**(NON-PREPAID LINE EXTENSION AGREEMENT)
(WORK BY COMPANY FOR STATE)**

Region: **SOUTHCOAST**

Agreement No.: **3-HSHWY00031-25-07**

Project No.: **HSHWY00031**

Utility Work Order No.: **CPFT 1.01**

This Agreement made and entered into this 1st day of August 2025, by and between the State of Alaska, acting by and through the Department of Transportation and Public Facilities, hereinafter called the DEPARTMENT, and **Juneau Hydropower, Inc. (JHI)** hereinafter called the COMPANY.

WITNESSETH:

WHEREAS, the DEPARTMENT, in the interest of public safety and convenience proposes to construct, reconstruct or otherwise improve a portion of the DEPARTMENT facility known as **Cascade Point Ferry Terminal Development** which shall require the extension of the COMPANY's utility distribution lines in order to furnish service to said DEPARTMENT facility such work to hereinafter be described as "line extension work," and

WHEREAS, the DEPARTMENT, under the provisions of 3 AAC 52.455, 17 AAC 15.441 and the terms of the COMPANY's tariff, is required to reimburse the COMPANY for the costs of said line extension work, and

WHEREAS, the DEPARTMENT and the COMPANY are in mutual agreement as to the scope of the line extension work to be performed, as described in the attached "Certificate of Finding," marked "Exhibit B;"

NOW THEREFORE, in consideration of the mutual undertaking, promises, covenants, and considerations by and between the parties contained herein, do hereby agree as follows:

- A. The COMPANY shall furnish all necessary materials and services and construct the line extension facilities in accordance with the plans and specifications attached hereto as "Exhibit C", and by reference made a part of this Agreement.
- B. The DEPARTMENT will reimburse the COMPANY for actual labor, equipment, material and overhead costs required to construct the line extension as outlined in "Exhibit A". The total estimated amount of the DEPARTMENT's costs for the line extension as outlined here is **\$1,303,767**.

- C. The administration of the construction of the line extension facilities shall be the prerogative and responsibility of the COMPANY. The DEPARTMENT, or its authorized representative, may inspect and obtain appropriate field data during construction of the line extension facilities.
- D. All line extension work by the COMPANY shall be completed on or before _____ ****** _____ or within _____ days in accordance with the plans and specifications included in "Exhibit C" and "Exhibit D", subject to the following conditions beyond the control of the COMPANY which may adversely affect this date or time: _____.
- ** Line extension work shall be coordinated with the DEPARTMENT's Contractor in accordance with the applicable sections of the Special Provisions and the Standard Specifications for Highway Construction (2020 Edition). Note: Special Provisions were not available at the time this agreement was executed and will be provided as part of Exhibit D when finalized.**
- E. The COMPANY warrants that the line extension work and materials shall be of workmanlike quality and shall be in conformity with the National Electrical Safety Code.
- F. The COMPANY is allowed to locate its line extension facilities upon the DEPARTMENT's rights-of-way and lands, subject to the terms of the required permit and applicable Federal, State and Local statutes, codes and regulations. The COMPANY shall assume all liability related in any way to the presence, operation and/or maintenance of said facilities.
- G. The DEPARTMENT will reimburse the COMPANY within 60 days after receipt of a final billing from the COMPANY for the line extension construction and incidentals covered under this Agreement. Such billing shall include the Project, Agreement, and Utility Work Order numbers, the Termini and the cost breakdown as outlined in "Exhibit A".
- H. Records of all reimbursable costs for labor services, materials and equipment incurred by the COMPANY shall be available to the DEPARTMENT by the COMPANY, with separate records as to the costs of contract bid items and force account items. On Federal-aid projects, these records shall be in conformance with the requirements of 23 C.F.R. Part 645A, Utility Relocations, Adjustments, and Reimbursement, and shall be available for inspection by the DEPARTMENT's auditors.
- I. Records of all reimbursable costs for labor, materials, and equipment shall be retained by the COMPANY for three years after the receipt of final payment in accordance with 23 CFR 645.117, Cost Development and Reimbursement.
- J. The COMPANY shall refund the costs paid by the DEPARTMENT for the construction of the line extension facility in accordance with the refund provisions of the COMPANY's tariff as approved by the Regulatory Commission of Alaska (RCA) if additional qualifying permanent structures are served from the extension.
- K. The DEPARTMENT and the COMPANY agree to enter into a separate power usage agreement that will provide electrical rates and billing schedules.

第 10 章 数据库系统概论

*** UTILITY COMPANY ACCEPTANCE:**

* JUNEAU HYDROPOWER, INC.

* By: 

* Title: MANABINO DIRECTOR

* Date: 8-1-25

*** NOTICE TO PROCEED:**

* STATE OF ALASKA
* DEPARTMENT OF TRANSPORTATION
* AND PUBLIC FACILITIES

*
*
* By: 
*
* Title: **Regional Director**
*
* Date: 08/04/2025
*

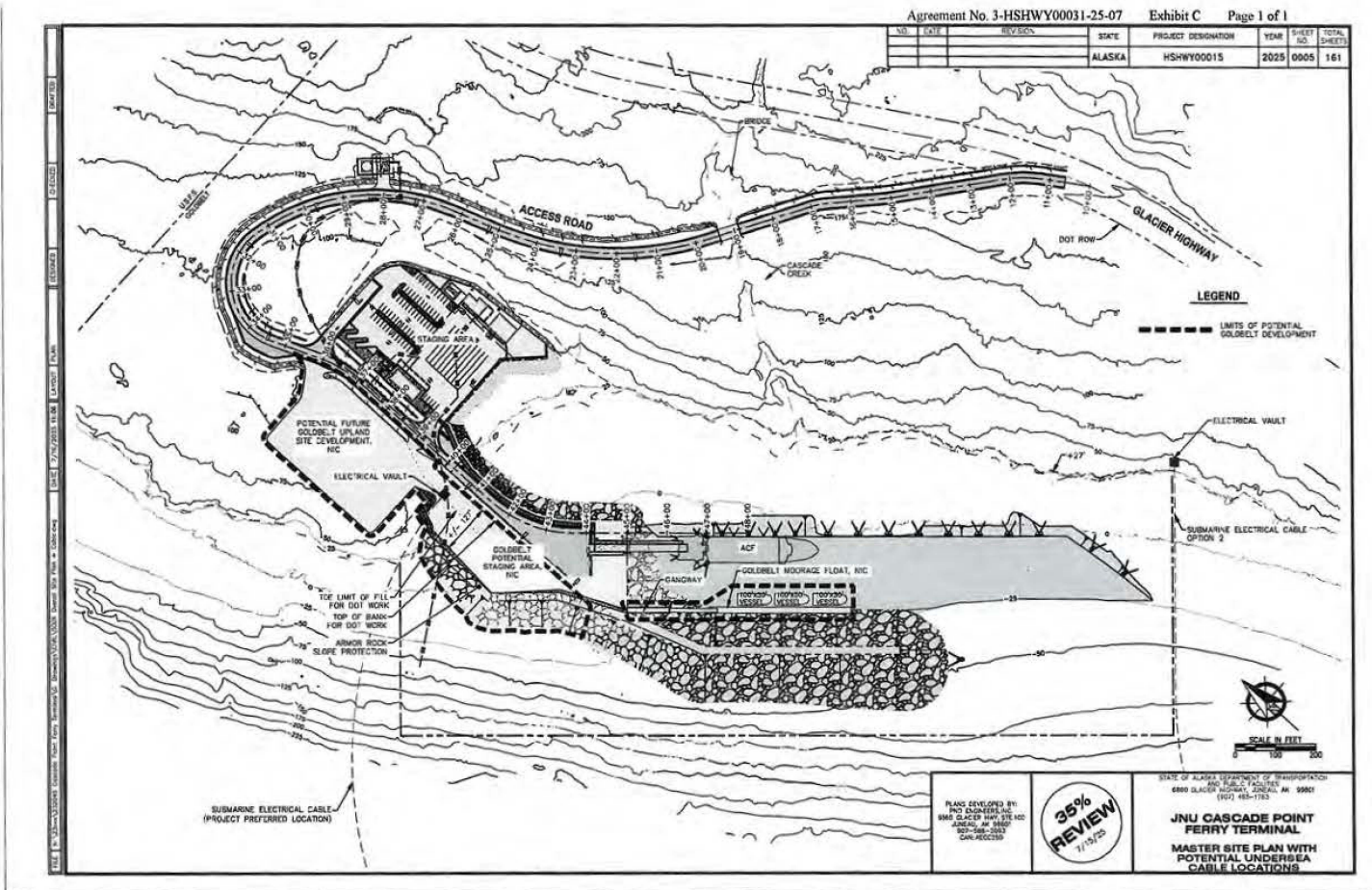


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Bathymetric Survey of Proposed Route: 6

Typical Cross Section of Submarine Cable: 7

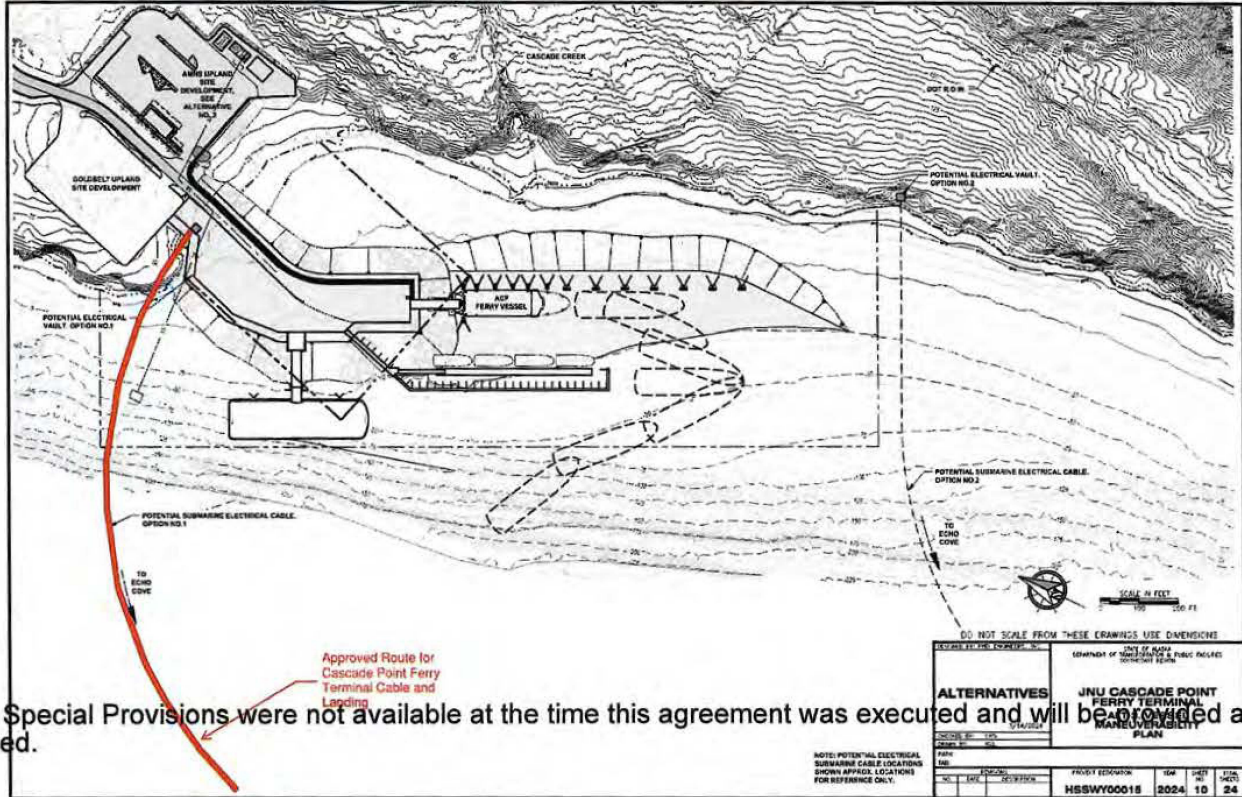
Plan of Work:

1. Perform marine survey for access to Cascade Point both North and South Approaches.
 - a. Planned Execution August to September 2025.
 - b. Leveraging a local certified captain, crew and vessel. Vessel modifications are under way for other the primary crossing of Berner's Bay to support Kensington Extension. Vessel design changes to accommodate Cascade Point line extension.
 - c. Preliminary Reporting on Routing Presented by 9/15/2025.
 - d. Final Reporting issued to all parties date to be determined.
 - e. Permits and all necessary protection plans reviewed and approved by JHI and Ameresco prior to execution.
2. Assemble and finalize reporting for previously performed terrestrial surveys.
 - a. Identify any potential features with impact to construction.
 - b. Verify there are no gaps between survey data terrestrial & marine.
 - c. Verify compatibility of points between survey systems and field marking/locating of monuments is understood.
3. Perform preliminary engineering of sufficient detail to facilitate procurement of BABA compliant step-down transformer for Echo Ranch Substation.
 - a. Providing Load Assumptions for Design.
 - b. A complete one-line electrical diagram will be provided.
 - c. A complete design for the cable to support Cascade Point will be IFR and aligned with BABA requirements.
 - d. A complete specification for the Echo Ranch Transformer will be issued for purchase.
4. Timing of delivery and storage of transformer.

Scope Excluded:

- A. Specifications for purchase of Echo Ranch Switchgear and Protection Scheme necessary for Cascade Point Line Extension.
- B. COMPANY has all permits necessary for the current scope of work and will not pursue any permit requirements outside of this scope.
- C. Site Prep (Including SWPPP design or Installation) and Installation of any materials.
- D. Installation of Submarine Cable and landing accommodations/infrastructure.
- E. Design of Cascade Point Electrical Distribution Medium Voltage/Low Voltage and Protection Scheme.
- F. Future procurement of any equipment or materials beyond the COMPANY substation transformer.

Proposed Cascade Point Ferry Terminal CPFT



Note: Special Provisions were not available at the time this agreement was executed and will be provided as part c finalized.

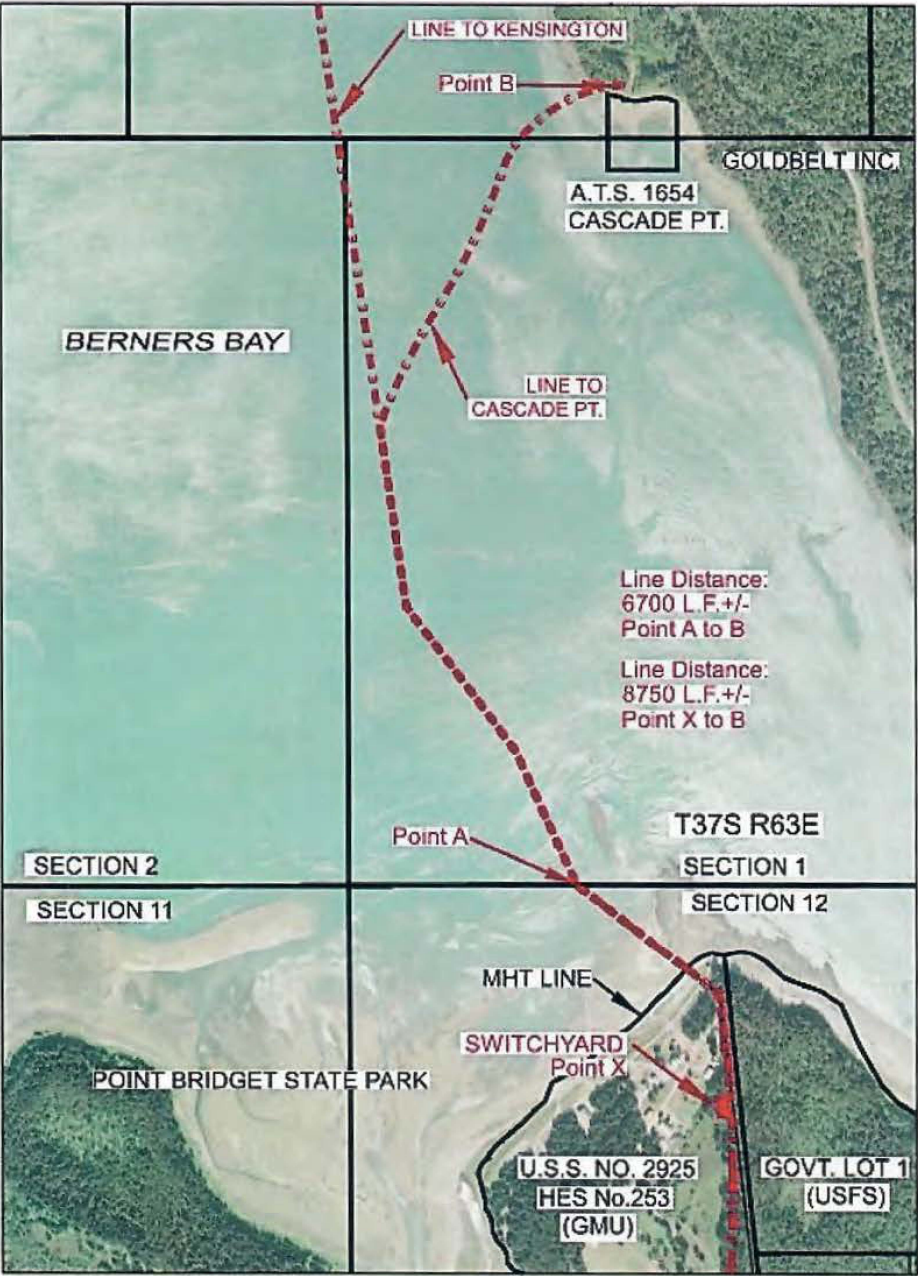
Marine Survey Area to Cascade Point

Agreement No. 3-HSHWY00031-25-07

Exhibit E

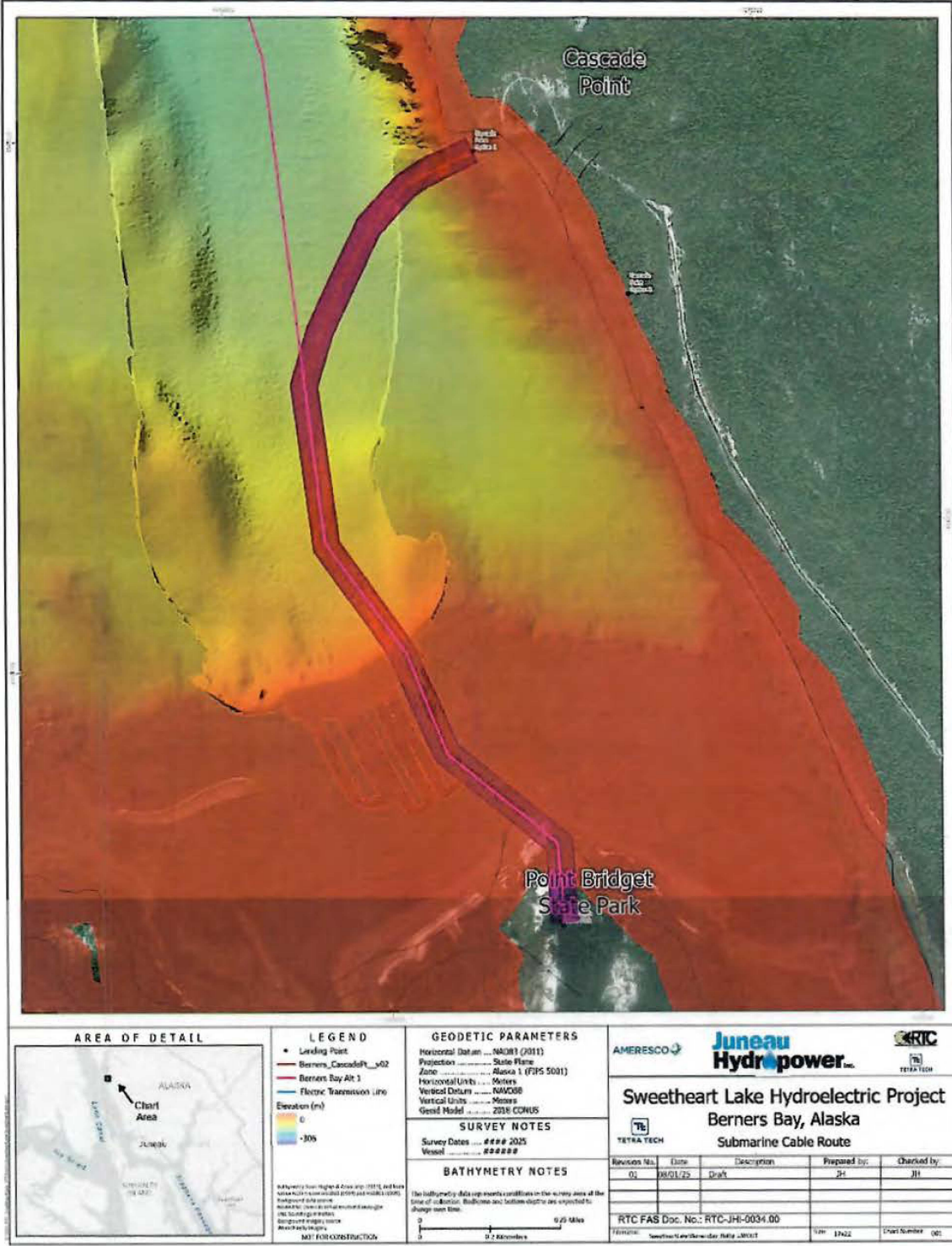
Page 5 of 7

(This indicates a South Route. The North Route will also be Evaluated):



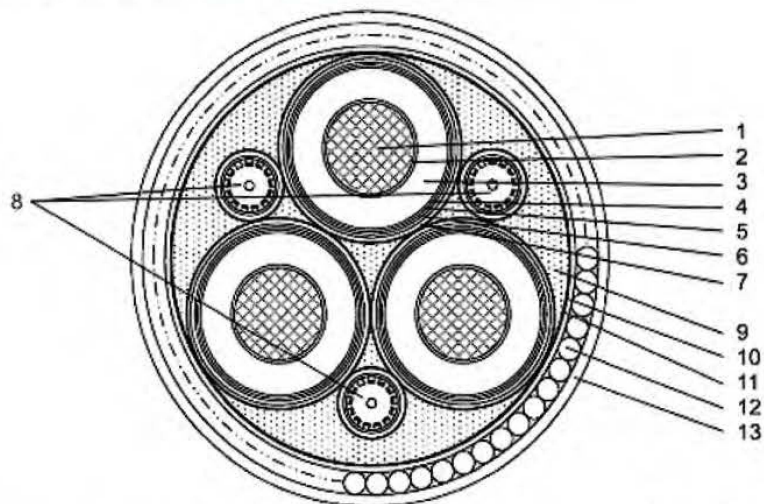
JUNEAU HYDROPOWER INC.
LINE TO CASCADE POINT

DATE: 7/26/2025
SCALE: 1" = 1000 FT
SHEET: 1 OF 1



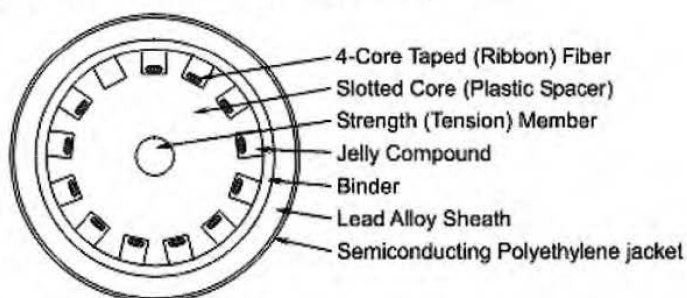
Typical Cross Section of Submarine Cable:

69kV XLPE INSULATED SUBMARINE POWER CABLE



Not to scale

1. COPPER CONDUCTOR
(STRANDED FILLED WITH EXTRUDED WATER-TIGHT COMPOUND)
2. CONDUCTOR SHIELD
3. XLPE INSULATION
4. INSULATION SHIELD
5. WATER-BLOCKING LAYER
6. LEAD ALLOY SHEATH
7. POLYETHYLENE JACKET
8. FIBER OPTIC CABLE UNIT (48 FIBERS/SLOT TYPE)
9. POLYPROPYLENE YARN FILLER
10. BINDER TAPE
11. POLYPROPYLENE YARN BEDDING
12. GALVANIZED STEEL WIRE ARMOR & BITUMEN PAINT COATING
13. POLYPROPYLENE YARN COVERING
(PLASTIC PAINT SHALL BE APPLIED ON COVERING)



14 In this instance, AEL&P is not providing transmission service north of Lena Substation
15 and therefore even though JHI is proposing an overlapping service area, there would be
16 no competition to furnish identical utility service. In fact, we see the most likely
17 transmission service customer that JHI might serve as being AEL&P so that electric utility
18 service can be economically provided to the north end of AEL&P's existing service area.

19 We approve the three electric public utility distribution service areas
20 requested by JHI, and the transmission electric public utility service area requested by
21 JHI.

22

23

24

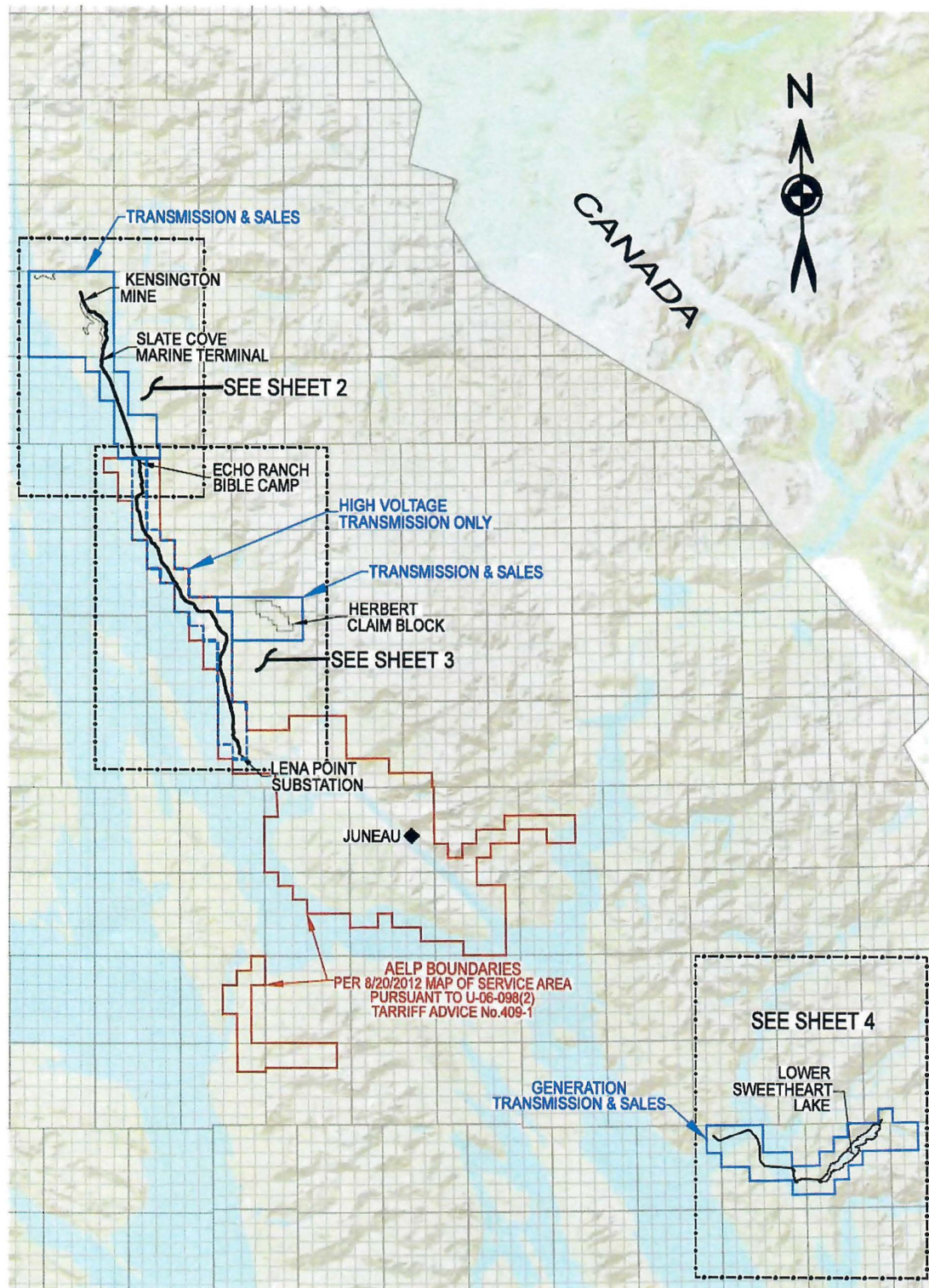
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²⁴⁵AS 42.05.271(1).

26

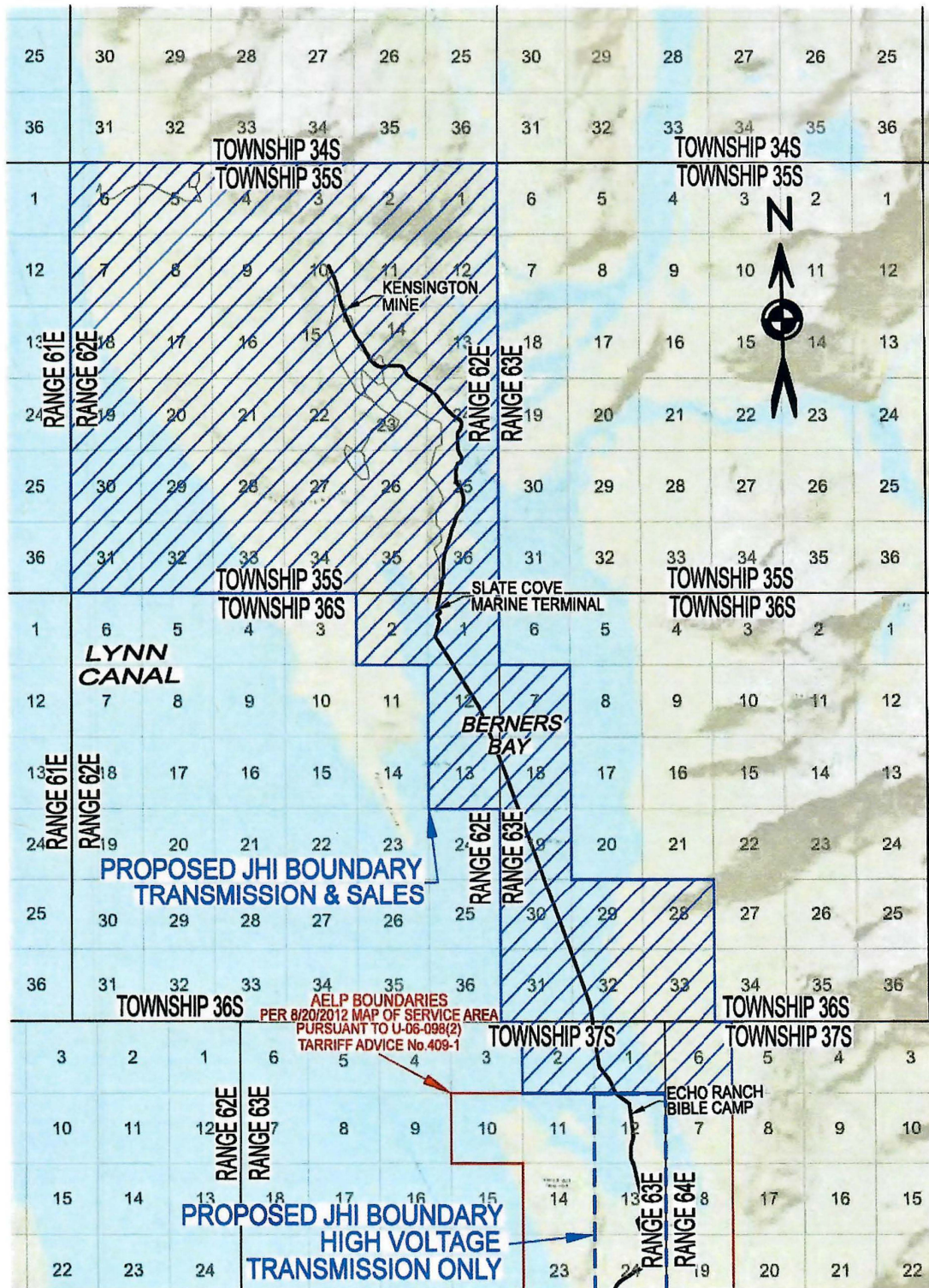
²⁴⁶Tr. 1754-1755.

U-24-036(16) - (06/11/2025)
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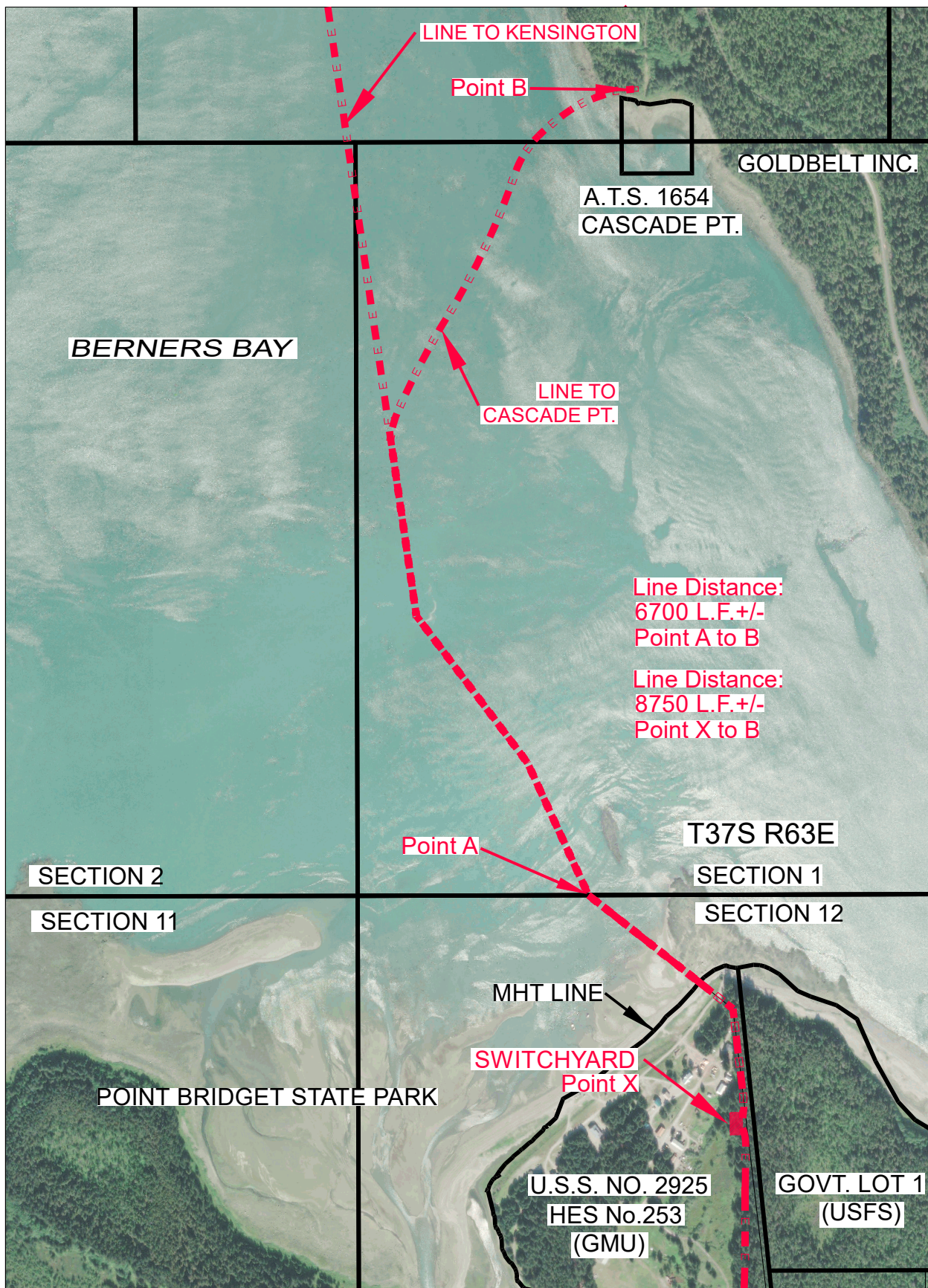
JUNEAU HYDROPOWER INC. SERVICE AREA OVERVIEW MAP

DATE: 9/2/2022
SCALE: 1" = 10 MILES
SHEET: 1 OF 4
Page 4 of 7



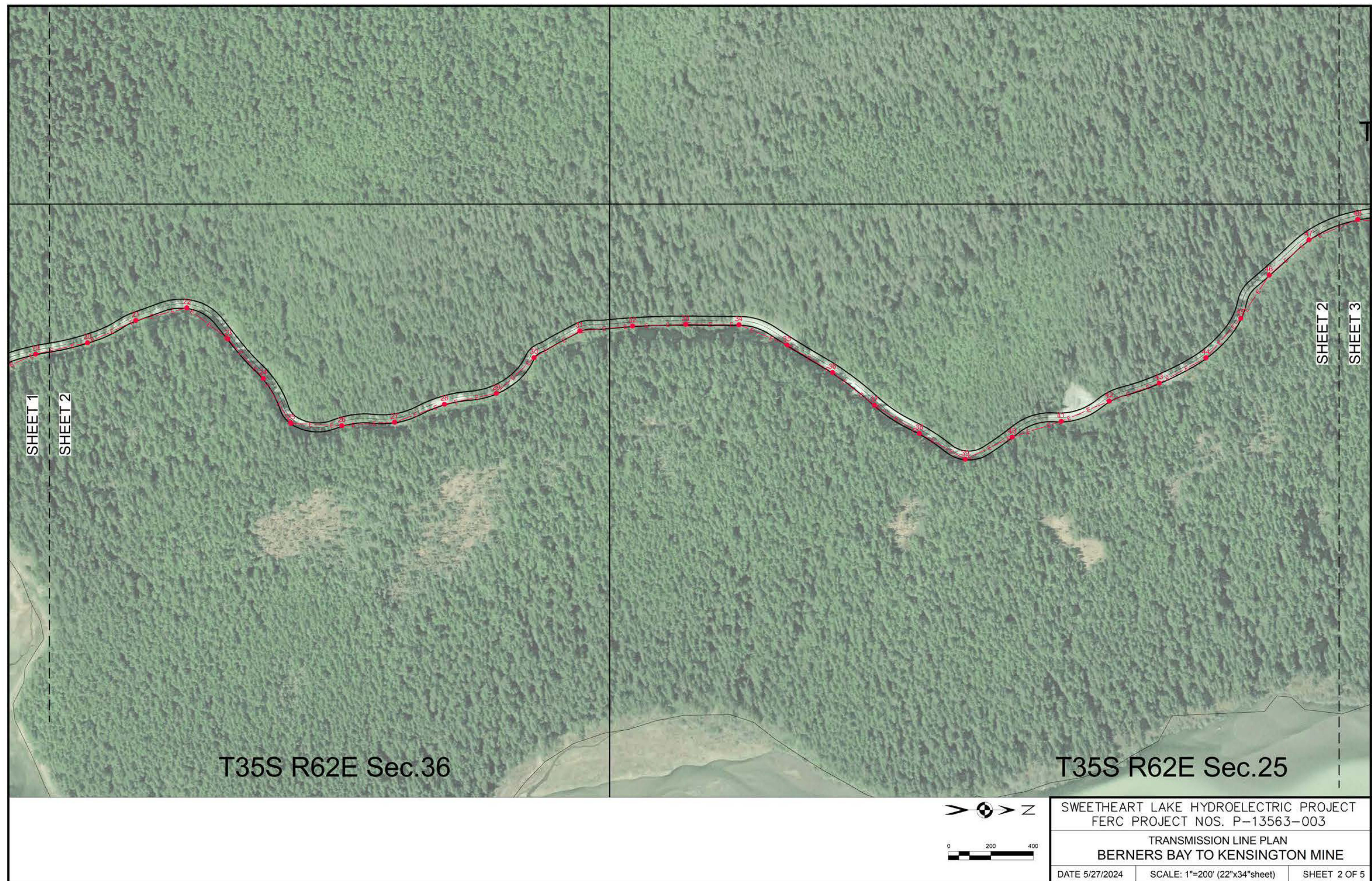
JUNEAU HYDROPOWER INC. SERVICE AREA KENSINGTON/BERNERS BAY

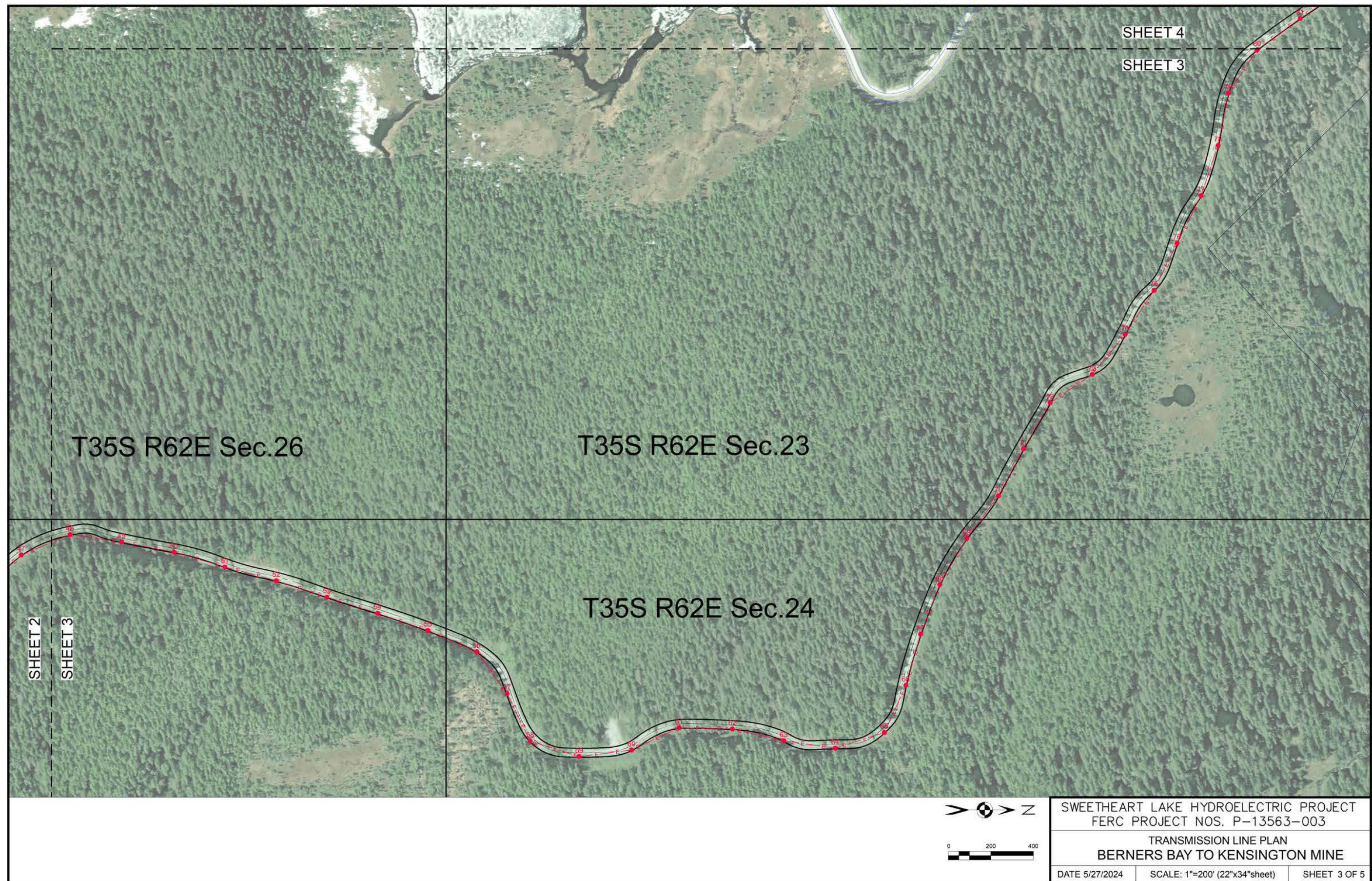
DATE: 9/2/2022
SCALE: 1" = 2 MILES
SHEET: 2 OF 4
Page 5 of 7



JUNEAU HYDROPOWER INC.
LINE TO CASCADE POINT

DATE: 7/26/2025
SCALE: 1" = 1000 FT.
SHEET: 1 OF 1







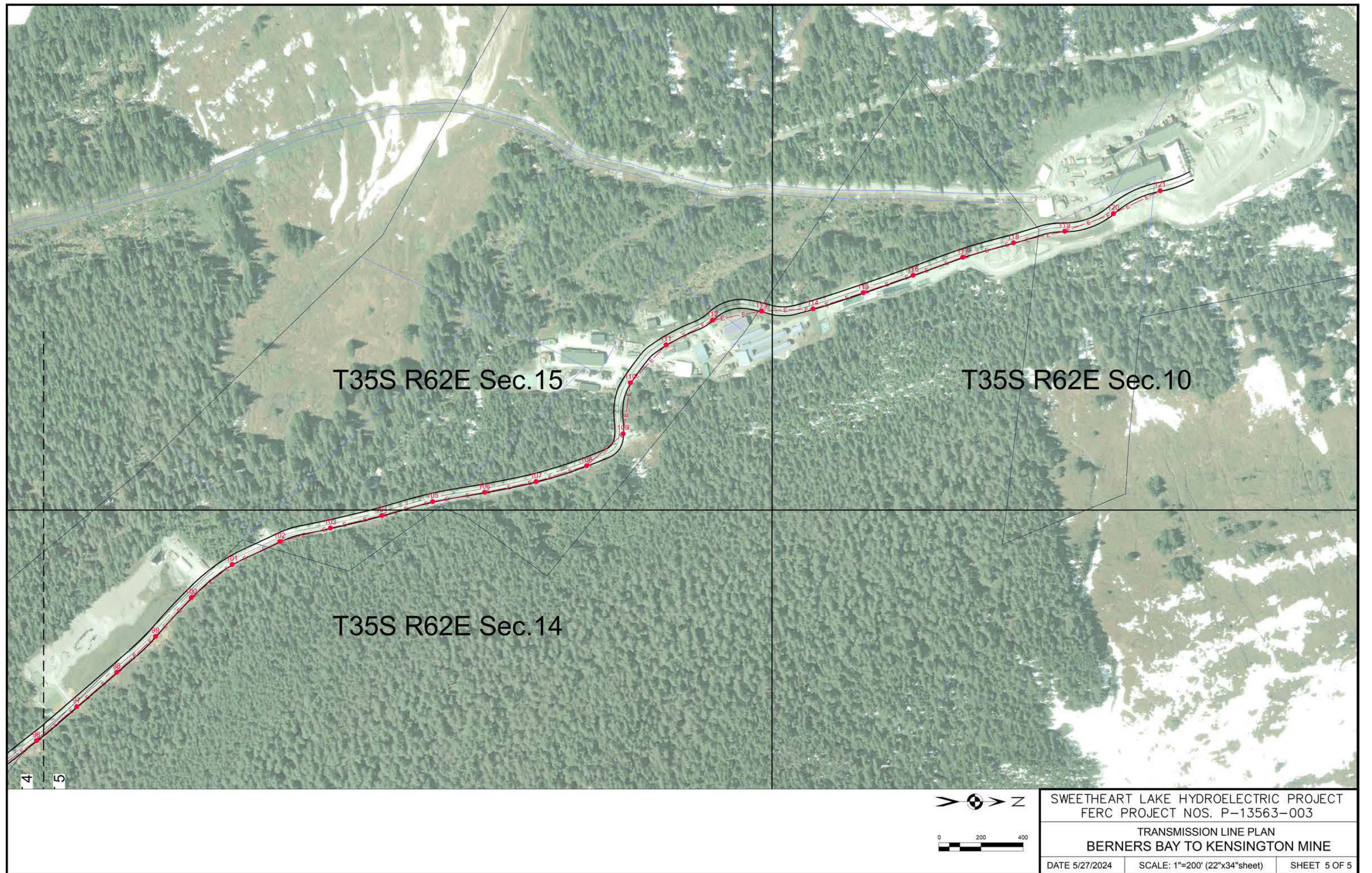


Exhibit D – Technical Summary

Technical Summary on Jualin Road Access and Cascade Point Submarine Line Extensions for CUP Amendment

Dear Ms. Lund:

Juneau Hydropower Inc. (JHI) respectfully submits this technical letter in support of its amendment to the pending Conditional Use Permit to include two additional utility facilities within JHI's authorized service territory:

1. The **Jualin Road Access transmission line extension** within DOT&PF-managed right-of-way lands; and
2. The **Cascade Point submarine transmission line extension** authorized under a utility agreement with DOT&PF, with tidelands administered by the Alaska Department of Natural Resources (ADNR).

1. Jualin Road Access (DOT&PF Right-of-Way)

The Jualin Access Road is located entirely within **DOT&PF-managed right-of-way (ROW) lands**. This corridor is an established and recorded transportation easement historically used for mining and industrial access to the Berners Bay area, including Coeur Alaska's Kensington Mine operations.

- The ROW is **42 feet wide** and extends approximately **6.0 miles** along the Jualin Access Road.
- JHI proposes to install a 69-kV transmission line within this existing DOT&PF ROW to provide utility service to the **Kensington Mine**.
- The extension lies entirely within JHI's **authorized service territory** as granted by the **Regulatory Commission of Alaska (RCA) in Docket U-24-036, Order No. 16**.
- Co-locating the line within an existing DOT&PF ROW avoids the need for new easements and minimizes environmental impacts.

2. Cascade Point Submarine Line Extension (DOT&PF Utility Agreement / ADNR Tidelands)

JHI has executed a **formal utility agreement with DOT&PF** authorizing installation of a submarine transmission line from Cascade Point to JHI's Berners Bay transmission corridor.

- The submarine line will extend utility service to the **Cascade Point Ferry Terminal and staging area**, being developed by DOT&PF as a regional transportation hub.
- The alignment crosses **tidelands administered by ADNR**, ensuring the project remains entirely on **State-administered lands and ROWs**.
- The agreement formalizes the partnership with DOT&PF and supports long-term planning for ferry electrification and regional transportation resilience.

- The submarine configuration reduces overland disturbance, protects shoreline resources, and ensures reliable interconnection between Cascade Point and JHI’s mainland facilities.

Stakeholder Support

Both **Coeur Alaska, Inc. (Kensington Mine)**, **Goldbelt Corporation**, and **DOT&PF** have expressed support for these extensions to include power agreements with Coeur Alaska and DOT. Each recognizes that the projects:

- Expand electrical utility service into **currently unserved areas of the CBJ**,
- Provide critical infrastructure to support ongoing operations at the **Kensington Mine**, and
- Enable the future operation and electrification of the **Cascade Point Ferry Terminal**.

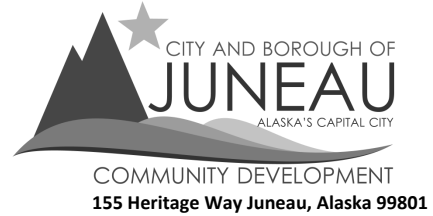
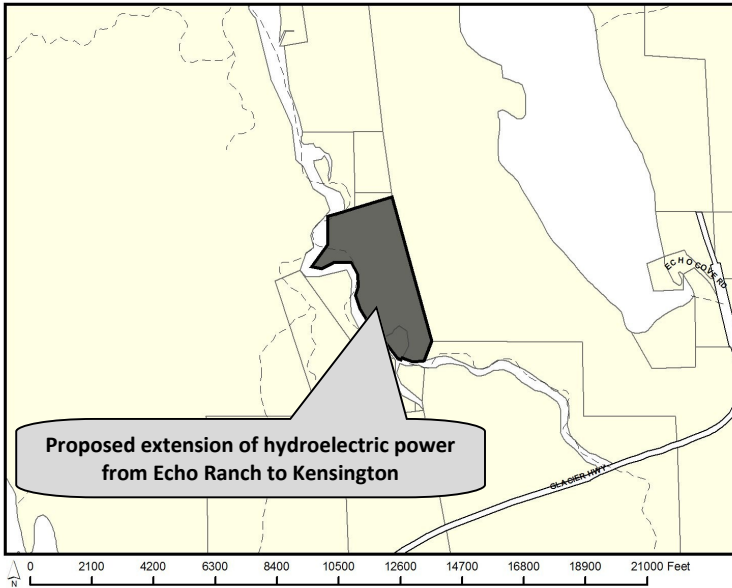
Summary

- **Jualin Road Access Extension:** 42-foot-wide, 6-mile alignment; entirely within **DOT&PF-managed ROW lands**.
- **Cascade Point Submarine Extension:** Authorized under DOT&PF line extension agreement; crosses **ADNR-administered tidelands**; serves the Cascade Point Ferry Terminal.
- Both projects are within JHI’s RCA-authorized service territory (Docket U-24-036, Order No. 16).
- Both projects are backed by **Coeur Alaska, Goldbelt Corporation, and DOT&PF** as critical utility expansions serving industrial, transportation, and community needs.

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



TO

A Conditional Use Permit application has been submitted for consideration and public hearing by the Planning Commission for **extension of hydroelectric transmission infrastructure from Echo Ranch Bible Camp to Kensington Mine** in a **Rural Reserve** zoning district.

PROJECT INFORMATION:

Project Information can be found at:

<https://juneau.org/community-development/short-term-projects>

PLANNING COMMISSION DOCUMENTS:

Staff Report expected to be posted **October 20, 2025**, at

<https://juneau.org/community-development/planning-commission>

Find hearing results, meeting minutes, and more here, as well.

Now through Oct. 6

Comments received during this period will be sent to the Planner, **Ilsa Lund**, to be included as an attachment in the staff report.

Oct. 7 — noon, Oct. 24

Comments received during this period will be sent to Commissioners to read in preparation for the hearing.

HEARING DATE & TIME: 6:00 pm, Oct. 28, 2025

This meeting will be held in person and by remote participation. For remote participation: join the Webinar by visiting <https://juneau.zoom.us/j/85421744892> and use the Webinar ID: 854 2174 4892 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above).

You may also participate in person in City Hall Assembly Chambers, 155 Heritage Way Juneau, Alaska.

Oct. 29

The results of the hearing will be posted online.

FOR DETAILS OR QUESTIONS,

Phone: (907)586-0753 ext. 4128

Email: pc_comments@juneau.gov or Ilsa.lund@juneau.gov

Mail: Community Development, 155 Heritage Way, Juneau AK 99801

Case No.: **USE2025 0010**

Parcel No.: **3B4501000020**

CBJ Parcel Viewer: <http://epv.juneau.org>

Printed September 18, 2025

JHI signs posted.

From Duff Mitchell <duff.mitchell@juneauhydro.com>

Date Mon 10/13/2025 5:32 PM

To Ilsa Lund <ilsa.lund@juneau.gov>

 2 attachments (7 MB)

IMG_3313.jpg; IMG_3315.jpg;

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hi Ilsa, the two signs are posted in the locations requested. One outbound and one inbound on Glacier Highway/Veterans Memorial Highway.

See attached. Please confirm that these are good to go.

Thanks,
Duff

Duff W. Mitchell
Managing Director

Office Phone 907-789-2775
Cell Phone 907-723-2481

duff.mitchell@juneauhydro.com

The information in this email (and any attachments hereto) is confidential. If you are not the intended recipient, you must not use or disseminate the information. If you have received this email in error, please immediately notify me by "Reply" command and permanently delete the original and any copies or printouts thereof.



Attachment E – Public Notice Sign Photo



NOTICE For more information 586-0715
pc_comments@juneau.org

CONDITIONAL USE PERMIT
CASE: 15 0010
JUNEAU HYDROPOWER,
INC. - SWEETHEART LAKE
TO KENSINGTON MINE.
HEARING DATE: 10/28/2025

1/2 MILE
2
3



Outlook

RE: Agency Comment- Juneau Hydropower, Inc. Gilbert Bay to Berners Bay (USE2025 0010)

From Raffier, Kaitlyn M (DNR) <kaitlyn.raffier@alaska.gov>

Date Tue 10/14/2025 10:01 AM

To Ilsa Lund <Ilsa.Lund@juneau.gov>

Cc Smith, Laurel A (DNR) <laurel.smith@alaska.gov>; Auger, Mason J (DNR) <mason.auger@alaska.gov>

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hello,

Thank you for the opportunity to review. The State of Alaska Department of Natural Resources, Division of Mining, Land & Water is aware of this project and is currently working with Juneau Hydropower for their required state authorizations. We have no comment to submit to CBJ at this time.

Regards,

Kaitlyn Raffier

Southeast Regional Manager

Division of Mining, Land and Water | Department of Natural Resources

Phone: 907.465.34061 **Email:** kaitly.n.raffier@alaska.gov

DNR DMLW Southeast Office Phone: 907.465.3400



"Putting Alaska's resources to work- now and in the future!"

From: Ilsa Lund <Ilsa.Lund@juneau.gov>

Sent: Monday, September 22, 2025 2:19 PM

Subject: Agency Comment- Juneau Hydropower, Inc. Gilbert Bay to Berners Bay (USE2025 0010)

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon esteemed subject matter experts,

We have received an application for a Conditional Use Permit from Juneau Hydropower, Inc. for the dam at Lower Sweetheart Lake and related infrastructure. The proposed project will also extend electrical service from the current northern terminus to Kensington Mine in Berners Bay.

As part of the review process, we are circulating the application amongst CBJ and other departments for input that will be provided to the Planning Commission for review.

You can find more information at the short-term planning web site: <https://juneau.org/community-development/short-term-projects>

We have the case scheduled for the Planning Commission meeting on October 28th. If you could provide feedback by **October 16, 2025**, that would be very helpful. I've attached an Agency Comment Form for your use. Also, please feel free to respond directly to this email.

Best,

Ilsa Lund | Planner II

Community Development Department | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0753 ext. 4128



Fostering excellence in development for this generation and the next.



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/community-development
155 S. Seward Street • Juneau, AK 99801

COMMUNITY DEVELOPMENT DEPARTMENT - REQUEST FOR AGENCY COMMENT

DEPARTMENT: CDD Building Division
STAFF PERSON/TITLE: Jeff Hedges, Building Code Official
DATE: 10/15/2025
APPLICANT: Juneau Hydropower, Inc.
TYPE OF APPLICATION: Conditional Use Permit

PROJECT DESCRIPTION:

Juneau Hydropower, Inc. has applied for a Conditional Use Permit to construct a dam and related infrastructure at the natural outlet of Lower Sweetheart Lake in Gilbert Bay. Underwater cable will be installed to tie into to existing electrical grid and service will be extended northward from the current terminus to Kensington Mine in Berners Bay.

LEGAL DESCRIPTION: CBJ-Wide
PARCEL NUMBER(S): 3B4501000041 (Echo Ranch Bible Camp)
PHYSICAL ADDRESS: 40001 Glacier Hwy

SPECIFIC QUESTIONS FROM PLANNER:

AGENCY COMMENTS:

No concerns with the project at this time.



STATE OF ALASKA
DEPARTMENT OF
COMMERCE
COMMUNITY AND
ECONOMIC DEVELOPMENT

Mike Dunleavy, Governor
Julie Sande, Commissioner
John M. Espindola, Chair

Regulatory Commission of Alaska

September 4, 2025

In reply refer to: Advisory Section
File: U-24-036(16)

Duff Mitchell
Managing Director
Juneau Hydropower, Inc.
P.O. Box 22775
Juneau, AK 99802

Dear Mr. Mitchell:

Enclosed you will find Certificate of Public Convenience and Necessity (Certificate) No. 786 for Juneau Hydropower, Inc.. Enclosed are the service area descriptions and the chronology as Appendix A.

Please review the Certificate and Appendix A to ensure they are accurate. Feel free to contact Judith Angel at (907) 263-2155, if you have any questions pertaining to your Certificate and Appendix.

Sincerely,

John Paul Manaois
John Paul Manaois (Sep 4, 2025 16:23:01 AKDT)

John Paul Manaois
Engineering Section Manager

Enclosures:

Certificate No. 786 Certificate and Appendix A

701 West 8th Avenue, Suite 300, Anchorage, Alaska 99501-3469
Telephone: (907) 276-6222 Fax: (907) 276-0160 TTY/Alaska Relay: 7-1-1 or (800) 770-8973
Website: <http://rca.alaska.gov>

Regulatory Commission of Alaska
Certificate
of
Public Convenience and Necessity
No. 786

Having found that the grantee of this certificate is fit, willing, and able to provide the utility services applied for and that such services are required for the convenience and necessity of the public, the Regulatory Commission of Alaska, pursuant to the authority vested in it by AS 42.05, hereby issues this Certificate of Public Convenience and Necessity to

JUNEAU HYDROPOWER, INC.

authorizing it to operate a public utility, as defined by AS 42.05.990(6)(A) for the purpose of furnishing

ELECTRIC SERVICE

This Certificate is issued under, and subject to, the provisions of AS 42.05 and all rules, regulations, and orders from time to time promulgated by the Commission governing the rates, charges, services, facilities, and practices of utility operations of the kind authorized herein.

The specific nature, scope, terms, conditions, and limitations of the authority granted by this Certificate, as amended to date, are set forth in the following order(s) of the Commission which, by this reference, are incorporated in and made a part hereof as though fully set forth herein.

Order No.

Date of Order

U-24-036(16)

June 11, 2025

(Chronology and service area description shown on the attached Appendix A)

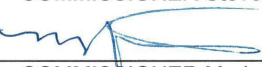
IN WITNESS THEREOF, the undersigned members of the Commission have executed this Certificate of Public Convenience and Necessity at Anchorage, Alaska on this 13th day of August 2025.

Regulatory Commission of Alaska

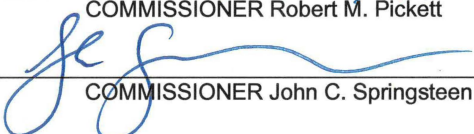



CHAIR John M. Espindola


COMMISSIONER Steve D. DeVries


COMMISSIONER Mark A. Johnston


COMMISSIONER Robert M. Pickett


COMMISSIONER John C. Springsteen

APPENDIX A

Certificate of Public Convenience
and Necessity No. 786 Granted to

JUNEAU HYDROPOWER, INC.

DESCRIPTION OF SERVICE AREA:

Generation, Transmission, and Sales (Sweetheart Lake Area):

T44S	R73E	Section: 32
T45S	R71E	Sections: 1 and 12
T45S	R72E	Sections: 4, 5, 6, 7, 8, 9, 14, 15, 16, 17, 18, 21, 22, 23, 24, and 25
T45S	R73E	Sections: 1, 2, 3, 9, 10, 11, 12, 15, 16, 17, 19, 20, 21, 29, and 30
T45S	R74E	Sections: 5, 6, 7, and 8

Transmission and Sales (Berners Bay and Herbert Glacier Areas)

T35S	R62E	Sections: All
T36S	T62E	Sections: 1, 2, 12, and 13
T36S	R63E	Sections: 7, 18, 19, 28, 29, 30, 31, 32, and 33
T37S	R63E	Sections: 1 and 2
T37S	R64E	Section: 6
T38S	R64E	Section: 36
T38S	R65E	Sections: 31, 32, 33, 34, and 35
T39S	R65E	Sections: 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11

High-Voltage Transmission Only (69 kV and above)

T37S	R63E	Sections: 12, 13, 24, 25, and 36
T38S	R63E	Section: 1
T38S	R64E	Sections: 6, 7, 8, 17, 18, 20, 21, 28, 33, 34, and 35
T39S	R64E	Sections: 1, 2, 3, 11, 12, 13, 24, 25, and 26
T40S	R64E	Sections: 1, 12, and 13
T40S	R65E	Sections: 6, 7, 18, and 19

(All the above with reference to the Copper River Meridian)

CHRONOLOGY:

Certificate Granted: 06/11/2025 (U-24-036(16))

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STATE OF ALASKA

THE REGULATORY COMMISSION OF ALASKA

Before Commissioners:

John M. Espindola, Chair
Steve DeVries
Mark Johnston
Robert M. Pickett
John C. Springsteen

In the Matter of the Complaint Filed by Juneau)
Hydropower, Inc. Under AS 42.05.321 for)
Adjudication of Agreement Terms with Alaska)
Electric Light and Power Company)

U-25-020

ORDER NO. 7

**ORDER GRANTING MOTION FOR EXPEDITED CONSIDERATION IN PART;
FINDING GOOD CAUSE TO INSTITUTE INVESTIGATION; PRESCRIBING
REASONABLE CONDITIONS AND COMPENSATION FOR JOINT USE,
PRESCRIBING APPORTIONMENT OF COSTS AND RESPONSIBILITY FOR
OPERATION AND MAINTENANCE OF INTERCONNECTIONS, AND
APPROVING SPECIAL CONTRACTS; REQUIRING FILINGS; DESIGNATING
COMMISSION PANEL; AND APPOINTING ADMINISTRATIVE LAW JUDGE**

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7	Limited Interconnection Agreement: Mist Island Substation	12
8	Interconnection Agreement	13
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1 BY THE COMMISSION:

2 Summary

3 We grant the motion for expedited consideration filed by Juneau
4 Hydropower, Inc. (JHI) in part. We find good cause to open an investigation under
5 3 AAC 48.130(f) into the assertions in the formal complaint filed by JHI that it and Alaska
6 Electric Light and Power Company (AEL&P) have been unable to reach agreement on
7 the joint use and interconnection of facilities required by Order U-24-036(16).¹ We find
8 that JHI and the Alaska Industrial Development and Export Authority (AIDEA) have
9 reached an agreement on the terms of interconnection between their facilities, but have
10 not timely filed an executed interconnection agreement as required by Order U-24-
11 036(16). We prescribe reasonable conditions and compensation under
12 AS42.05.321(a)(2) for joint use by JHI of the AIDEA owned and AEL&P operated
13 Snettisham Hydroelectric Project (Snettisham) transmission system and for the AEL&P
14 owned and operated transmission system required by JHI to provide the services for
15 which it has been certificated. We have determined the apportionment of costs and
16 responsibilities for construction, operation, and maintenance of the interconnection
17 facilities required by JHI to provide the service for which it has been certificated. We
18 approve four agreements implementing these conditions, compensation, cost
19 apportionments, and responsibilities. We require JHI, AEL&P, and AIDEA, where
20 appropriate to execute these approved agreements and file them with us by Friday,
21 August 22, 2025. We require AIDEA to file a status report on its consultation with Bond

22
23
24 ¹Order U-24-036(16), *Order Granting Exemption; Granting Application for*
25 *Certificate of Public Convenience and Necessity, Subject to Conditions; Approving*
26 *Service Area; Requiring Interconnections; Denying Motion to Strike; Requiring Joint Use;*
Rescinding Certificate Subject to Conditions; and Requiring Filings, dated June 11, 2025
(Order U-24-036(16)).

1 Counsel. The chair designates a Commission Panel and Commission Docket Manager.
2 The chair appoints an administrative law judge (ALJ).

3 Background

4 AEL&P provides electric public utility service in the central portion of the
5 City and Borough of Juneau (CBJ) pursuant to Certificate of Public Convenience and
6 Necessity (Certificate) No. 1. The AEL&P transmission system is energized at 69 Kilovolt
7 (kV) and goes from Thane Substation northwest through downtown Juneau to Lena
8 Substation on the Glacier Highway and southwest from downtown Juneau to North
9 Douglas Substation near the end of the North Douglas Highway. A portion of the AEL&P
10 distribution system runs north from Lena Substation, adjacent to or near the Glacier
11 Highway, approximately 11 miles to Eagle Beach State Recreation Area (Eagle Beach).

12 The AEL&P transmission system interconnects with the Snettisham
13 transmission system at Thane Substation. The Snettisham transmission system is
14 energized at 138 kV and runs approximately 44 miles southeast from Thane Substation,
15 with a submarine segment crossing under Taku Inlet, and an overhead segment running
16 adjacent to Stephens Passage, adjacent to Port Snettisham, and adjacent to Speel Arm
17 to the Snettisham powerhouse switchyard. Snettisham includes 78.2 megawatts (MW)
18 of hydroelectric generation capacity and is owned by AIDEA. AIDEA has sold all
19 Snettisham generation and transmission capacity to AEL&P under a power sales
20 agreement (PSA) approved by the Alaska Public Utilities Commission in Order U-97-
21 245(1).² AEL&P is responsible for operating and maintaining the Snettisham
22
23

24
25 ²Order U-97-245(1), *Order Approving Power Sales Agreement, Subject to*
26 *Conditions; Approving Application and Related Hatchery Electric Service Agreement,*
Subject to Conditions; and Requiring Filings, dated June 24, 1998. A copy of the PSA is
attached to Hearing Exhibit T-13 as Exhibit AJM-30.

1 transmission system under the Snettisham Hydroelectric Project Operations and
2 Maintenance Agreement (SOMA), dated July 15, 1997.³

3 JHI proposes to develop the 19.8 MW Sweetheart Lake Hydroelectric
4 Project generation facility located adjacent to Gilbert Bay south of Port Snettisham. JHI
5 proposes construction of a 138 kV substation at the Sweetheart Lake generation facility,
6 plus an 8.69-mile long 138 kV submarine and overhead transmission system to the
7 proposed Mist Island switchyard located adjacent to Port Snettisham where the
8 Sweetheart transmission system would interconnect with the Snettisham transmission
9 system.

10 JHI also proposes constructing a 31.6-mile 69 kV submarine and overhead
11 transmission system north from the AEL&P Lena Point Substation to the Kensington Mine
12 owned by Coeur Alaska, Inc. (Coeur Alaska) and a switchyard/substation at the Echo
13 Ranch Bible Camp on the south side of Berners Bay to serve potential retail customers
14 located north and east of the AEL&P service area. Included as part of this system will be
15 a 10 MW/20 Megawatt-hour (MWh) Battery Energy Storage System (BESS). JHI
16 proposes to construct that portion of the 69 kV transmission system between Lena
17 Substation and Echo Ranch Bible Camp primarily within the Glacier Highway right-of-
18 way. AEL&P's existing distribution system north of Lena Substation to Eagle Beach
19 substantially occupies this right-of-way. JHI proposes relocating this portion of the
20 AEL&P distribution system from a stand-alone pole line to being an underbuild on the JHI
21 transmission system poles.

22 JHI filed an application seeking a certificate authorizing it to sell electric
23 public utility service to customers south and north-northeast of the existing AEL&P service
24

25 ³A copy of the SOMA is attached to Docket U-24-036 Hearing Exhibit T-13 as
26 Exhibit AJM-31.

1 area.⁴ We granted that Application, subject to conditions.⁵ In doing so, we required
2 interconnection of the proposed JHI 138 kV transmission system with the Snettisham
3 transmission system at the proposed Mist Island Switchyard; we required interconnection
4 of the proposed JHI 69 kV transmission system with the AEL&P transmission system at
5 the Lena Substation; we required 8.5 MW of capacity joint use of the Snettisham and
6 AEL&P transmission systems between the Mist Island Switchyard and Lena Substation;
7 and we required JHI to allow joint use of its 69 kV transmission system between Lena
8 Substation and Berners Bay.⁶ We required JHI to file executed joint use and
9 interconnection agreements, or file a complaint to have us determine the specific terms
10 of those agreement under AS 42.05.321 by June 25, 2025.⁷

11 On June 25, 2025, JHI filed a complaint for adjudication of joint use and
12 interconnection terms.⁸ In that Complaint, JHI asserted that it had not been able to reach
13 agreement with AEL&P on the terms of joint use of the Snettisham and AEL&P
14 transmission systems, on interconnection with the AEL&P transmission system at Lena
15 Substation, or on joint use of the JHI pole line running north from Lena Substation. JHI
16 further asserted that it had reached agreement with AIDEA on interconnection with the
17 Snettisham transmission system at Mist Island Switchyard, but that agreement had not
18 yet been executed.⁹ JHI filed proposed interconnection and joint use agreements with its
19

20
21 ⁴*Application for New Certificate of Public Convenience and Necessity*, filed
November 8, 2024 (Application), in Docket U-24-036. The Application was admitted into
22 the record as Hearing Exhibit H-1. Docket U-24-036 Tr. 683-684.

23 ⁵Order U-24-036(16) at 57-60.

24 ⁶Order U-24-035(16) at 33-57.

25 ⁷Order U-24-035(16) at 58.

26 ⁸*Complaint for Adjudication of Joint Use and Interconnection Agreement Terms*,
filed June 25, 2025 (Complaint)

⁹Complaint at 1-4.

1 Complaint.¹⁰ JHI also filed a motion for expedited consideration of its Complaint,
2 requesting a final decision in this matter by July 18, 2025.¹¹

3 The Office of the Attorney General, Regulatory Affairs and Public Advocacy
4 Section (RAPA) filed a non-opposition to the Motion for Expedited Consideration.¹²
5 AEL&P filed a partial non-opposition to the Motion for Expedited Consideration.¹³ AEL&P
6 filed its answer to the Complaint.¹⁴ AIDEA responded in part to the Complaint with a filing
7 in Docket U-24-036.¹⁵ Our ALJ called an informal conference of the parties under 3 AAC
8 48.140(a) for July 10-11, 2025,¹⁶ to go through the draft joint use and interconnection
9 agreements to determine the nature of the disputes between the parties.¹⁷

10 Based on the information provided at the informal conference, our ALJ
11 issued draft joint use and interconnection agreements for our consideration and invited
12

13 ¹⁰Complaint at Exhibit 1 (Limited Interconnection Agreement: Mist Island
14 Substation); Exhibit 2 (JHI Proposed Interconnection Agreement; Transmission and
15 Ancillary Services Agreement (confidential); JHI Proposed Transmission Accommodation
16 Agreement with redline formatting); Exhibit 3 (JHI Proposed Interconnection Agreement;
17 Transmission and Ancillary Services Agreement (confidential); JHI Proposed
18 Transmission Accommodation Agreement without redline formatting).

19 ¹¹*Juneau Hydropower, Inc.'s Motion for Expedited Consideration of its Complaint
20 for Adjudication of Agreement Terms Filed on June 25, 2025*, filed June 25, 2025 (Motion
21 for Expedited Consideration).

22 ¹²*Office of the Attorney General's Response to Juneau Hydropower, Inc.'s Motion
23 for Expedited Consideration*, filed June 26, 2025.

24 ¹³*Alaska Electric Light and Power Company's Partial Non-opposition to Motion for
25 Expedited Consideration*, filed June 26, 2025 (AEL&P Partial Non-opposition).

26 ¹⁴*Alaska Electric Light and Power Company's Answer to Juneau Hydropower,
Inc.'s Complaint for Adjudication of Joint Use and Interconnection Agreement Terms*, filed
July 9, 2025, as supplemented by *Alaska Electric Light and Power Company's Notice of
Filing Exhibits to Answer*, filed July 11, 2025 (Answer).

¹⁵*AIDEA's Filing Acknowledging JHI's Submission of the JHI/AIDEA Limited
Interconnection Agreement Pursuant to Order No. 16*, filed

¹⁶*Order U-25-020(2), Order Granting Motion for Expedited Consideration, In Part;
Requiring Filings; and Scheduling Conference*, dated June 27, 2025, as amended by
*Order U-25-020(4), Order Granting Unopposed Petition for Partial Reconsideration of
Order U-25-020(2)*, dated July 3, 2025.

¹⁷July 10, 2025, Tr. 1-239; July 11, 2025, Tr. 1-272.

1 the parties to submit comments on these drafts.¹⁸ JHI, RAPA, AIDEA, and AEL&P all
2 filed comments in response to our ALJ's draft joint use and interconnection agreements.¹⁹
3 JHI filed a revised interconnection agreement with AIDEA.²⁰ Upon review of the initial
4 comments in response to the draft joint use and interconnection agreements, we invited
5 limited reply comments.²¹ AIDEA and RAPA chose to not file reply comments.²² JHI and
6 AEL&P did file reply comments.²³

7 Discussion

8 Granting Motion for Expedited Consideration in Part

9 JHI requested a final decision on its Complaint by July 18, 2025.²⁴ This
10 proposed timeline was not opposed by any party.²⁵ We have expedited our processing
11 of the Complaint to the maximum extent possible while giving the parties a reasonable
12 opportunity to be heard, and we were not able to resolve the Complaint by July 18, 2025.
13 The statutory timeline for resolving this docket is June 25, 2026.²⁶ We are issuing this
14

15 ¹⁸Order U-25-020(5), *Order Issuing Draft Agreements and Inviting Comments*,
dated July 14, 2025 (Order U-24-020(5)).

16 ¹⁹*Juneau Hydropower, Inc.'s Comments to ALJ-Proposed Draft Agreements*, filed
17 July 17, 2025 (JHI Comments); *Office of the Attorney General's Comments*, filed July 17,
18 2025 (RAPA Comments); *AIDEA's Comments on the ALJ's Proposed Agreements*, filed
19 July 17, 2025 (AIDEA Comments); *Alaska Electric Light and Power Company's*
20 *Comments on Draft Agreements*, filed July 17, 2025 (AEL&P Comments).

21 ²⁰*Juneau Hydropower, Inc.'s Notice of Filing Updated JHI-AIDEA Agreement*, filed
22 July 17, 2025 (Notice of Updated JHI-AIDEA Agreement).

23 ²¹Order U-25-020(6), *Order Inviting Reply Comments*, dated July 22, 2025.

24 ²²*AIDEA's Notice That it is not Filing Reply Comments*, filed July 28, 2025; *Notice*
25 *of No Reply Comments*, filed July 28, 2025.

26 ²³*JHI's Comments on AEL&P's and RAPA's Suggested Revisions to ALJ Walker's*
Draft Joint Use Agreements, filed July 28, 2025 (JHI Reply Comments); *Alaska Electric*
Light and Power Company's Reply Comments on Draft Agreements, filed July 28, 2025
(AEL&P Reply Comments).

²⁴Motion for Expedited Consideration at 2.

²⁵See AEL&P Partial Non-opposition at 2.

²⁶AS 42.05.175(d).

1 order substantially in advance of that date. Therefore, we grant the motion for expedited
2 consideration in part.

3 Finding Good Cause to Open Investigation

4 We will not institute an investigation based on a complaint, except for good
5 cause shown to our satisfaction shown by the complainant.²⁷ In Order U-24-036(16) we
6 ordered interconnection with and 8.5 MW of joint use of the Snettisham and AEL&P
7 transmission systems by JHI, and joint use of that portion of the JHI 69 kV transmission
8 system between Lena Substation and Berners Bay by AEL&P.²⁸ We required JHI to file
9 agreements implementing these interconnections and joint uses by June 25, 2025, or file
10 a complaint for our adjudication of the terms of these agreements by that date.²⁹

11 JHI filed the Complaint, alleging that it had not been able to reach
12 agreement with AEL&P on the terms of the joint use or interconnection agreements
13 required by Order U-24-036(16).³⁰ In its Answer, AEL&P did not dispute that there had
14 not been agreement between it and JHI over the joint use and interconnection
15 agreements required by Order U-24-036(16).³¹ At the informal conference called by our
16 ALJ, the record shows many points of agreement between JHI and AEL&P, but also
17 shows that many points of disagreement remain.³² The comments and reply comments
18 filed in response to our ALJ's draft agreements show resolution of some, but not all, of
19 the outstanding disputes between JHI and AEL&P.

22 ²⁷3 AAC 48.130(f).

23 ²⁸Order U-24-036(16) at 33-57.

24 ²⁹Order U-24-036(16) at 58.

25 ³⁰Complaint at 2-3, 6-9.

26 ³¹Answer at 3, 5.

³²July 10, 2025, Tr. 1-239; July 11, 2025, Tr. 1-272.

1 Based on this record we find that JHI and AEL&P have failed to agree on
2 the terms of interconnection and joint use as required by Order U-24-036(16). Therefore,
3 we find good cause exists for us to open an investigation into the Complaint.

4 Prescribed Terms and Conditions for Interconnections and Joint Uses

5 AS 42.05.321 states:

- 6 (a) In case of failure to agree upon the joint use or interconnection of facilities
7 or the conditions or compensation for joint use or interconnections, the
8 public utility, including any municipality, or an interested person may apply
9 to the commission for an order requiring the interconnection. If, after
10 investigation and opportunity for hearing, the commission finds that public
11 convenience and necessity require the joint use or connection, and that the
12 use or connection will not result in substantial injury to the owner utility or
13 its customers, or in substantial detriment to the services furnished by the
14 owner utility, or in the creation of safety hazards, it shall
15 (1) order that the use be permitted;
16 (2) prescribe reasonable conditions and compensation for the joint use;
17 (3) order the interconnection to be made;
18 (4) determine the time and manner of the interconnection;
19 (5) determine the apportionment of costs and responsibility for operation
20 and maintenance of the interconnection.
21 (b) This section and AS 42.05.311 apply to all utilities whether or not they are
22 exempt from other regulation under AS 42.05.711.

17 AIDEA holds Certificate 549 authorizing it to provide wholesale electric public utility
18 service from Snettisham. AIDEA is a political subdivision of the state and is generally
19 exempt from our regulation under AS 42.05.711(b), but has been made subject to our
20 regulation under AS 42.05.321(a) by AS 42.05.321(b). AEL&P holds Certificate No. 1
21 authorizing it to provide electric public utility service to most of the currently populated
22 portions of the CBJ and the Kennecott Greens Creek Mine and loading facilities on
23 Admiralty Island. JHI was granted a Certificate by Order U-24-036(16), but a parchment
24 number has not yet been issued.³³

25
26 ³³Order U-24-036(16) at 58-60.

1 In Order U-24-036(16), after providing opportunity for two hearings, we
2 found that the proposed Mist Island Switchyard interconnection of the JHI 138 kV
3 transmission system with the Snettisham transmission system was required for the public
4 convenience and necessity and would not cause substantial harm to AIDEA or its
5 customer, AEL&P, if a bypass switch to be owned by AIDEA and maintained by AEL&P
6 was constructed by JHI between the Mist Island Switchyard and the Snettisham
7 transmission system.³⁴ We also found that the Lena Substation interconnection between
8 JHI and AEL&P was required for the public convenience and necessity and that
9 interconnection would not cause substantial harm to AEL&P or its customers.³⁵ We also
10 required JHI to provide for joint use of its 69 kV transmission system between Lena
11 Substation and Berners Bay by AEL&P.³⁶ We found that 8.5 MW of joint use capacity
12 over the Snettisham and AEL&P transmission system, subject to the curtailment events
13 identified in the 2018 System Impact Study (SIS) was required for the public convenience
14 and necessity and would not cause substantial harm to AIDEA, AEL&P, or their
15 customers.³⁷

16 JHI, AEL&P, and AIDEA are all public utilities subject to the requirements
17 of AS 42.05.321(a). With our findings in Order U-24-036(16) discussed above, and our
18 finding above that JHI, AEL&P, and AIDEA have continued to fail to reach agreement on
19 the terms and conditions of the interconnections and joint uses required by Order U-24-
20 036(16), we are required by AS 42.05.321 to prescribe those terms and conditions.

21 The parties have been negotiating around four separate agreements to
22 implement the interconnections and joint uses required by Order U-24-036(16). Our ALJ

23
24 ³⁴Order U-24-036(16) at 42-44.

25 ³⁵Order U-24-036(16) at 50.

26 ³⁶Order U-24-036(16) at 51.

³⁷Order U-24-036(16) at 55-56.

1 retained that structure in his proposed draft agreements and we have determined that it
2 is appropriate to retain that structure in prescribing terms and conditions under
3 AS 42.05.321(a). Therefore, we will address each of the proposed agreements
4 separately in this order. We will use as our templates the draft agreements proposed by
5 our ALJ, addressing the modifications to those agreements proposed by the parties and
6 those additional modifications that we have determined are appropriate.

7 *Limited Interconnection Agreement: Mist Island Substation*

8 This agreement was issued as Appendix A to Order U-25-020(5)³⁸ and is
9 intended to govern the terms and conditions of the interconnection between JHI's 138 kV
10 Sweetheart Lake Project transmission system and the Snettisham Project transmission
11 system. JHI filed a revised version of this agreement after Order U-25-020(5) was issued.
12 In the revised version, the reference is to the "Mist Island Switchyard" rather than the "Mist
13 Island Substation".³⁹ We accept that change. The revised version of this agreement also
14 includes Attachment 1, a glossary of capitalized terms. AIDEA has requested that we
15 adopt Attachment 1 into this agreement.⁴⁰ We accept that change and have made
16 additional, non-substantive revisions to the text of the agreement to make it consistent
17 with the glossary of capitalized terms. We revised the definition of "Order 16" to reflect
18 the title of that order.

19 The first paragraph of this agreement indicates that it was entered into in
20 June 2025, with the passage of time we have modified that to be August 2025. RAPA
21 recommended that we include the language required by 3 AAC 48.390(b).⁴¹ JHI does
22

23
24 ³⁸Order U-25-020(5).

25 ³⁹Notice of Updated JHI-AIDEA Agreement, Attachment at 1.

26 ⁴⁰AIDEA Comments at 1.

⁴¹RAPA Comments at 2.

1 not object to this recommendation.⁴² AEL&P did not address this revision but did not
2 object to the inclusion of this language in the other agreements.⁴³ AIDEA did not address
3 this recommendation. We agree with RAPA and have included the language in this
4 agreement as a new section 1.4.2.

5 RAPA noted that Section 1.5.2 of this agreement references a three-breaker
6 ring bus, which is consistent with Order U-24-036(16) but is inconsistent with Attachment
7 2, at page 29 of Appendix B to Order U-25-020(5) which references two circuit breakers.⁴⁴
8 AIDEA and AEL&P did not address this issue. JHI stated that the three-breaker ring bus
9 language is correct.⁴⁵ Therefore we will leave the three-breaker ring bus language in this
10 agreement and make the change to Attachment 2 of Appendix B to Order U-25-020(5).

11 With these revisions we have attached the *Limited Interconnection*
12 *Agreement: Mist Island Switchyard* as Appendix A to this order. We prescribe the terms
13 of this attached agreement as governing the interconnection between the Sweetheart
14 Lake Project and the Snettisham Project required by Order U-24-036(16).

15 *Interconnection Agreement*

16 This agreement was issued as Appendix B to Order U-25-020(5) and is
17 intended to govern the interconnection between JHI's proposed 69 kV transmission
18 system and AEL&P's existing Lena Substation. On page 4, the initial paragraph, we
19 replaced blank space for the month this agreement was entered into with "August". In its
20 comments AEL&P proposed a large number of non-substantive housekeeping edits, and
21 we have accepted those.

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23
24 ⁴²JHI Reply Comments at 5.

25 ⁴³AEL&P Reply Comments at 8.

26 ⁴⁴RAPA Comments at 2.

⁴⁵JHI Reply Comments at 5.

1 AEL&P has proposed a revision to the Section 2.1.1 paragraph beginning
2 with “Provided, however” that would make JHI responsible for 50% of the diesel
3 generation expense incurred by AEL&P during AEL&P planned outages of certain
4 hydroelectric resources if JHI performs work on its system that would otherwise require
5 an outage of those hydroelectric resources had JHI performed its work at times other than
6 an AEL&P planned outage.⁴⁶ JHI opposes this proposed revision.⁴⁷ We see no reason
7 why JHI should be responsible for costs caused by AEL&P planned outages. Therefore,
8 we do not accept this proposed revision by AEL&P.

9 Section 4.1.1 of this agreement limits JHI’s obligation to pay for cost
10 overruns to 110% of the AEL&P estimate in the event that AEL&P chooses to construct
11 the interconnection facilities. RAPA opposes this clause to the extent that it would require
12 AEL&P retail customers to bear the risk of cost overruns in the construction of JHI-AEL&P
13 interconnection facilities.⁴⁸ AEL&P agrees with RAPA’s position.⁴⁹ However, AEL&P’s
14 Tariff Rule 7.6(a)(6) specifically limits line extension customer responsibility for cost
15 overruns to 10% of the AEL&P cost estimate. AS 42.05.391 prohibits unreasonable
16 discrimination in rates. Neither RAPA nor AEL&P has shown why it would be reasonable
17 to treat JHI differently from other system extension customers. Therefore, we do not
18 change the 110% limitation in Section 4.1.1.

19 Section 7.4 of this agreement includes “breakage to machinery or
20 equipment, or curtailment” as events of *Force Majeure*. JHI opposes including these
21 events as *Force Majeure*.⁵⁰ AEL&P requests that we keep these terms in the definition
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23 ⁴⁶AEL&P Comments, Exhibit 1 at page 8.

24 ⁴⁷JHI Reply Comments at 2.

25 ⁴⁸RAPA Comments at 2.

26 ⁴⁹AEL&P Reply Comments at 7.

⁵⁰JHI Comments at 10.

1 of *Force Majeure* events.⁵¹ While a curtailment may be due to a *Force Majeure* event,
2 the act of curtailment is generally within AEL&P's control and therefore we do not believe
3 that curtailment qualifies as a *Force Majeure* event on its own under Subsection 7.4(1).
4 Further, we believe that prudent utility practice requires a public utility to maintain a supply
5 of spare parts such that breakage to machinery or equipment should not generally result
6 in a significant outage. Therefore, we do not believe that breakage generally qualifies as
7 a *Force Majeure* event under Subsection 7.4(2). We accept JHI's proposal to delete
8 "breakage to machinery or equipment, or curtailment" from Section 7.4 of this agreement
9 and from the *Force Majeure* clauses of the other agreements.

10 RAPA asserts that Section 11.3 of this agreement should be amended to
11 address allocation of tax cost responsibility in the event that a payment or property
12 transfer from JHI to AEL&P or AIDEA is determined to be a taxable event.⁵² AEL&P
13 agrees with RAPA on this issue and asserts that any tax liability resulting from such
14 transfers should be allocated to JHI.⁵³ We find that cost responsibility for tax liabilities is
15 a complex issue substantially tied to the tax strategies pursued by the entity being taxed.
16 On the record before us, we cannot determine who should reasonably bear the cost
17 responsibility of tax events that may never occur. Therefore, we have modified Section
18 11.3 to provide an opportunity for any party to come to us for resolution of tax cost
19 responsibility in the event that a payment or property transfer from JHI results in tax
20 liabilities. This will allow us to decide cost allocation issues based on the facts of
21 individual taxable transactions.

22 The first paragraph of Attachment 2 to this agreement includes the following
23 sentence: "If necessary due to any RCA reconsideration, stay, reversal, modification, or
24

25 ⁵¹AEL&P Reply Comments at 7.

26 ⁵²RAPA Comments at 2.

⁵³AEL&P Reply Comments at

1 clarification of applicable portions of RCA Order No. U-24-036(16), the Parties shall
2 amend this attachment.” JHI proposed to delete this sentence because it implies a lack
3 of finality in the agreement.⁵⁴ AEL&P opposes deletion of this sentence because Order
4 U-24-036(16) is not yet a final, non-appealable, order.⁵⁵ With our issuance of the Notice
5 of Automatic Denial of AEL&P’s petition for reconsideration of Order U-24-036(16) on July
6 28, 2025,⁵⁶ there is no further procedure through our regulations for revision of Order U-
7 24-036(16). However, there remains the possibility of court action on appeal that could
8 modify the requirements of Order U-24-036(16). Therefore, we have modified this
9 sentence to reflect that revisions due to court action remain possible. We have also
10 amended the equipment description in Attachment 2 for the Mist Island Switchyard to
11 include a three-breaker ring bus instead of two breakers.⁵⁷

12 With these revisions we have attached the *Interconnection Agreement* as
13 Appendix B to this order. We prescribe the terms of this attached agreement as governing
14 the interconnection between JHI’s 69 kV transmission system and AEL&P’s Lena
15 Substation required by Order U-24-036(16).

16 *Transmission and Ancillary Services Agreement*

17 This agreement was issued as Appendix C to Order U-25-020(5) and is
18 intended to govern JHI’s 8.5 MW of joint use of the Snettisham Project and AEL&P
19 transmission systems. JHI proposed corrections of typographical errors in Sections
20 1.1(b), 1.11(b), and 3.7.⁵⁸ AEL&P agrees with these corrections⁵⁹ and we have accepted

21
22 ⁵⁴JHI Comments at 2.

23 ⁵⁵AEL&P Reply Comments at 2-3.

24 ⁵⁶*Notice of Automatic Denial of Petition for Reconsideration by Operation of Law*,
dated July 28, 2025.

25 ⁵⁷RAPA Comments at 3.

26 ⁵⁸JHI Comments at 5.

⁵⁹AEL&P Reply Comments at 4.

1 them. AEL&P has proposed numerous housekeeping revisions throughout this
2 agreement that have not been addressed by the other parties, and we have accepted
3 those revisions.

4 AEL&P proposed a number of changes to Section 1.1(a) of this
5 agreement.⁶⁰ We reject all proposed changes to the first sentence of this Section, except
6 for addition of “and” before the parenthetical (3). We do this to prevent possible delay in
7 the effective date of this agreement due to a failure of one party to sign it. JHI did not
8 object to AEL&P’s proposed revisions to the last sentence of this Section, and we accept
9 those revisions.

10 AEL&P has proposed substantive revisions to Section 1.2(d) of this
11 agreement, effectively limiting AEL&P’s Capacity Reserve Obligation to JHI until such
12 time as JHI is paying a capacity reservation fee.⁶¹ JHI opposes these revisions.⁶² With
13 Order U-24-036(16) we required AEL&P to provide 8.5 MW of transmission capacity to
14 JHI. AEL&P currently has no mechanism for collecting a transmission capacity
15 reservation fee under its currently approved tariff. We find that it is not reasonable to
16 allow AEL&P to effectively reduce the transmission capacity reservation we required by
17 Order U-24-036(16) by failing to have an approved mechanism for collecting a capacity
18 reservation fee. Therefore, we do not accept the revisions to Section 1.2(d) proposed by
19 AEL&P and note that AEL&P’s obligation to include the 8.5 MW capacity reservation we
20 granted to JHI in its transmission planning began on the date Order U-24-036(16) was
21 issued. We also note that once a capacity reservation fee mechanism is approved, JHI
22 will be responsible for paying that fee in a timely manner.

23
24 _____
⁶⁰AEL&P Comments, Exhibit 2 at 2.

25 ⁶¹AEL&P Comments, Exhibit 2 at 4.

26 ⁶²JHI Reply Comments at 2-3.

1 AEL&P has proposed substantive revisions to Section 1.5(d) of this
2 agreement, effectively eliminating the capacity reservation obligation.⁶³ JHI strongly
3 objects to these revisions.⁶⁴ We disagree with AEL&P's apparent desire to eliminate the
4 capacity reservation effect of Order U-24-036(16), but we accept AEL&P's proposed
5 deletion of the undefined term "curtailments" and replacement with the defined term
6 "Designated System Conditions". We have revised the last two sentences of this Section
7 to better read as part of the agreement.

8 AEL&P proposed minor revisions to Sections 1.5(o) and 1.7(d)(2).⁶⁵ JHI
9 did not object to these revisions and we accept them. We modified Section 1.9(a)
10 consistent with our modification of the *Force Majeure* clause in the *Interconnection*
11 *Agreement*. We accepted the clarifying edits to Section 1.9(a) proposed by AEL&P.⁶⁶
12 AEL&P proposed minor revisions to Section 1.9(b)(1) and (2) of this agreement.⁶⁷ No
13 party objected to these revisions and we have accepted them.

14 AEL&P proposed a minor revision to the first sentence of Section 1.10(a)(2)
15 of this agreement, and the addition of a new sentence that would re-instate deposit
16 requirements in the event that JHI has more than two past-due payments in any six-month
17 period.⁶⁸ JHI objects to the deposit reinstatement provision as being punitive and
18 unnecessary given AEL&P's remedies under the default section.⁶⁹ We accept AEL&P's
19 proposed revision to the first sentence of this Section, which JHI did not object to. We
20 agree with JHI that once the deposit obligation has been relieved there is no reason to

21 ⁶³AEL&P Comments, Exhibit 2 at 5.

22 ⁶⁴JHI Reply Comments at 3.

23 ⁶⁵AEL&P Comments, Exhibit 2 at 6, 10.

24 ⁶⁶AEL&P Comments, Exhibit 2 at 11.

25 ⁶⁷AEL&P Comments, Exhibit 2 at 12.

26 ⁶⁸AEL&P Comments, Exhibit 2 at 13.

⁶⁹JHI Reply Comments at 3.

1 revive it given the default provision of this agreement. Therefore, we do not accept the
2 reinstatement provision proposed by AEL&P.

3 RAPA proposed adding a clause to Section 2.2(c)(1)(B) stating that in no
4 instance would AEL&P firm native load customers be curtailed before transmission
5 customers are curtailed.⁷⁰ AEL&P agreed with this revision.⁷¹ JHI and AIDEA did not
6 address it, and we have adopted this revision. AEL&P proposed several housekeeping
7 revisions to Section 2.2(d)(3) and Section 2.3(e)(3). No parties objected and we accept.
8 JHI proposed the addition of a possible kWh exchange instead of cash penalties in
9 Section 2.3(e)(3).⁷² AEL&P did not object to this proposal,⁷³ and we have accepted it.
10 AEL&P proposed revisions to Section 2.2(f)(1)(A), (B), (C), and (D)(2)⁷⁴ that were not
11 addressed by the other parties. We have accepted those revisions.

12 The second paragraph of Exhibit 2 to this agreement includes two
13 sentences as follows:

14 The Conditional Firm Reserved Capacity amount and Designated System
15 Conditions must be Reassessed through an updated System Impact Study.
16 Before commencement of service under the Agreement, and before any
17 extensions of the Designated Service Commencement Date, the rates and
18 charges in this exhibit shall be revised to reflect the results of the Transmission
Provider's most recently approved COSS using pro forma data for the most
recent calendar year prior to the calculation of revised rates and Reassessed
Conditional Firm Reserved Capacity.

19 AEL&P proposed to add "unless Transmission Customer makes payment of non-
20 refundable capacity reservation fees" to the end of the first sentence.⁷⁵ JHI requests that

22 ⁷⁰RAPA Comments at 3.

23 ⁷¹AEL&P Reply Comments at 8.

24 ⁷²JHI Comments at 2-3.

25 ⁷³AEL&P Reply Comments at 3.

26 ⁷⁴AEL&P Comments, Exhibit 2 at 19-20.

⁷⁵AEL&P Comments, Exhibit 2 at 24.

1 the entire first sentence be deleted as being inconsistent with Order U-24-036(16).⁷⁶
2 RAPA also notes that this requirement for reassessment and updated System Impact
3 Study conflicts with Order U-24-036(16).⁷⁷ On reply, JHI also objects to AEL&P's
4 proposed additional language.⁷⁸ AEL&P believes that it had reached agreement with JHI
5 on retaining this language, but does not cite to the transcript for such agreement.⁷⁹

6 We find that the first sentence quoted above from the second paragraph of
7 Exhibit 2 to this agreement is contrary to our holding in Order U-24-036(16), at pages 56-
8 57, that no new reassessment through an updated System Impact Study is required for
9 AEL&P to provide 8.5 MW of capacity to JHI. We also find that AEL&P's proposed
10 addition to that sentence is contrary to our decision on transmission capacity reservation
11 fees discussed above, and that the reassessment language in the second sentence
12 quoted above is also contrary to our decision in Order U-24-036(16). Therefore, we have
13 stricken the first sentence quoted above, not accepted the additional language proposed
14 by AEL&P, and stricken "and Reassessed Conditional Firm Reserved Capacity" from the
15 second sentence quoted above.

16 JHI requested that we add the Limitation of Liability and Default clauses
17 from the *Interconnection Agreement* to this agreement.⁸⁰ AEL&P did not object to these
18 additions.⁸¹ We have added these clauses as new Sections 3.13 and 3.14 to this
19 agreement.

20 With these revisions we have attached the *Transmission and Ancillary*
21 *Services Agreement* as Appendix C to this order. We prescribe the terms of this attached

22 ⁷⁶JHI Comments at 3-4.

23 ⁷⁷RAPA Comments at 3.

24 ⁷⁸JHI Reply Comments at 3.

25 ⁷⁹AEL&P Reply Comments at 3.

26 ⁸⁰JHI Comments at 4-5.

⁸¹AEL&P Reply Comments at 4.

1 agreement as governing JHI's 8.5 MW of joint use of the Snettisham Project transmission
2 system and the AEL&P transmission system between the Mist Island Switchyard point of
3 interconnection and the Lena Substation point of interconnection required by Order U-24-
4 036(16).

5 Transmission Accommodation Agreement

6 This agreement was issued as Appendix D to Order U-25-020(5) and is
7 intended to govern AEL&P's joint use of the JHI 69 kV transmission poles with a
8 distribution underbuild from Lena Substation to Berners Bay. JHI proposed that the initial
9 paragraph and Section 13 of this agreement be made consistent with the effective date
10 and term conditions of the *Interconnection Agreement* and the *Transmission and Ancillary*
11 *Services Agreement*.⁸² AEL&P agrees with this revision.⁸³ We have accepted this
12 proposed revision.

13 AEL&P has proposed a large number of formatting edits throughout this
14 agreement. We have accepted those formatting edits that conform with our formatting
15 protocols and not accepted the others. AEL&P has proposed deletions of the definitions
16 in Sections 1.b, 1.e, and 1.j.⁸⁴ JHI does not address these revisions. Each of these three
17 definitions merely refers to definitions in other sections of this agreement and we have
18 accepted these revisions. AEL&P has proposed modifying the definition in Section 1.l to
19 specify that the specifications referred to are in Section 3.a.⁸⁵ We have accepted that
20 revision.
21
22

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24 ⁸²JHI Comments at 7-8.

25 ⁸³AEL&P Reply Comments at 5.

26 ⁸⁴AEL&P Comments, Exhibit 3 at 1-2.

⁸⁵AEL&P Comments, Exhibit 3 at 2.

1 JHI requests that the term “operate” be added to “construct, own, and
2 maintain” in Section 2 of this agreement.⁸⁶ AEL&P does not object to this revision.⁸⁷
3 However, in Order U-24-036(16), at page 57, we specifically designated AEL&P as the
4 operator of the interconnected AEL&P and JHI transmission system. This requirement
5 was based on the safety concerns raised by JHI’s witness David Burlingame and we have
6 been presented with no evidence justifying a change to this requirement. Therefore, we
7 do not accept JHI’s proposed revision to Section 2 of this agreement.

8 JHI has proposed adding a new Section 4.b addressing future applications
9 for underground rights-of-way.⁸⁸ AEL&P has opposed the addition of this new Section
10 4.b.⁸⁹ We have no record on potential undergrounding of electric facilities between Lena
11 Substation and Berners Bay, and therefore cannot determine if the proposed new Section
12 4.b is reasonable. We do not accept JHI’s proposed addition of new Section 4.b.

13 AEL&P has proposed adding the phrase “cost of removal, and professional
14 costs of transferring assets under the [AEL&P] mortgage, of” to the first sentence of
15 Section 6.⁹⁰ JHI did not address this proposal on reply. We agree with AEL&P that the
16 cost of removing its distribution assets that must be retired early to facilitate construction
17 of JHI’s 69 kV transmission system is a cost to be borne by JHI and we accept that part
18 of AEL&P’s proposed revision. However, the standard under AS 42.05.321(a) is
19 “substantial injury” and AEL&P has made no showing that the cost of transferring assets
20 under its mortgage is substantial. We are also concerned about the complexity of
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22

23 ⁸⁶JHI Comments at 5-6.

24 ⁸⁷AEL&P Reply Comments at 4.

25 ⁸⁸JHI Comments at 6-7.

26 ⁸⁹AEL&P Reply Comments at 4-5.

⁹⁰AEL&P Comments, Exhibit 3 at 4.

1 allocating accounting costs to JHI. Therefore, we do not accept the second part of
2 AEL&P's proposed revision to Section 6.

3 AEL&P proposed to add a sentence to Section 8 stating: "Such transition
4 costs shall not be included in pole attachment fees charged to AEL&P."⁹¹ JHI did not
5 address this proposed revision. We believe that to the extent JHI is required to reimburse
6 AEL&P for costs of removing existing AEL&P distribution plant from the right-of-way to
7 make room for construction of the JHI 69 kV transmission system, those costs are a
8 legitimate cost of constructing the JHI transmission system and a proportional portion of
9 those costs are appropriately allocated through the pole attachment fee calculation.
10 Therefore, we do not accept this proposed revision to Section 8.

11 AEL&P also proposed the addition of a new Section 8.c to this agreement.⁹²
12 JHI did not address this proposed revision. We find that the proposed new Section 8.c is
13 a reasonable statement of intent and have accepted that revision with modifications to
14 properly identify the parties and facilities affected.

15 AEL&P initially proposed to delete the final sentence of Section 9 relating
16 to negotiation of an operations and maintenance agreement.⁹³ JHI objected to this
17 proposed deletion.⁹⁴ JHI proposed substantial additions to the first two sentences of
18 Section 9 and deletion of Section 10.⁹⁵ On reply, AEL&P proposed deletion of the first
19 two sentences of Section 9, leaving the final sentence of Section 9 intact, and agreed with
20 deletion of Section 10. We agree with JHI and AEL&P that Section 10 is redundant and
21 have deleted that Section. We accept AEL&P's representation that it does not have the
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23 ⁹¹AEL&P Comments, Exhibit 3 at 4.

24 ⁹²AEL&P Comments, Exhibit 3 at 5.

25 ⁹³AEL&P Comments, Exhibit 3 at 5.

26 ⁹⁴JHI Reply Comments at 4.

⁹⁵JHI Comments at 7.

1 Safety and Operating Protocols called for in the first two sentences of Section 9 and find
2 that those sentences need to be modified to refer to the standards set out in Section 3 of
3 this agreement. We also find that this agreement and the *Transmission and Ancillary*
4 *Services Agreement* establish appropriate operating and maintenance terms such that
5 the final sentence of Section 9 is not required. We have modified Section 9 to reflect
6 these findings.

7 JHI proposed that we add a dispute resolution clause to this agreement,
8 substantially the same as the dispute resolution clause in the *Interconnection*
9 *Agreement*.⁹⁶ AEL&P agrees with this revision.⁹⁷ We accept this revision and have
10 added the dispute resolution clause as a new Section 10 to this agreement, modified to
11 reflect the section numbers in this agreement. RAPA pointed out that this agreement did
12 not have the language required by 3 AAC 48.390(b). We have added that language in a
13 new Section 15 to this agreement.

14 JHI proposed that we add new Entire Agreement sections to both this
15 agreement and to Appendix B to this agreement, similar to the provisions in the
16 *Interconnection Agreement* and the *Transmission and Ancillary Services Agreement*.⁹⁸
17 AEL&P generally agrees with this proposal, but believes that references to the *Limited*
18 *Interconnection Agreement: Mist Island Switchyard* should be eliminated as not related
19 to the subject matter of either this agreement or Appendix B to this agreement.⁹⁹ We find
20 that AEL&P will be responsible for maintaining the bypass switch to be constructed
21 between the Mist Island Switchyard and the Snettisham transmission system, and that
22 this responsibility may affect AEL&P's capacity to work on the distribution line underbuild

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24 ⁹⁶JHI Comments at 4-5.

25 ⁹⁷AEL&P Reply Comments at 5.

26 ⁹⁸JHI Comments at 8.

⁹⁹AEL&P Reply Comments at 6.

1 that is a subject of this agreement and Exhibit B to this agreement. Therefore, we accept
2 JHI's proposed revisions as drafted. We have included the Entire Agreement section as
3 a new Section 20 in this agreement and as a new Section 28 to Appendix B of this
4 agreement. AEL&P proposed the same revisions in its initial comments and also
5 proposed deletion of Section 29 (Prior Agreements Superseded) to Appendix B of this
6 agreement.¹⁰⁰ We find that with the Entire Agreement language proposed by JHI and
7 AEL&P, Section 29 to Appendix B of this agreement is redundant, and we delete Section
8 29.

9 We have modified the Recitals portion of Appendix B to this agreement to
10 delete the redundant "Now Therefore" clause. We have added the term "owned" to the
11 definition in Section 1.3 of Appendix B to this agreement. AEL&P proposed deleting the
12 Section 1.16 definition of overloading from this agreement.¹⁰¹ While overloading is
13 primarily a practice with communication cables, there has been discussion that
14 communication cables may be attached to JHI's transmission poles. Therefore, we do
15 not accept AEL&P's proposal to delete the definition of overloading from this agreement.

16 AEL&P proposed to delete the definition of Unauthorized Attachment in
17 Section 1.23 and the definition of Unauthorized Attachment Fee in Section 1.24 from
18 Appendix B to this agreement.¹⁰² JHI objects to this deletion asserting that inclusion of
19 these terms is standard industry practice.¹⁰³ We agree with JHI and do not accept the
20 deletions proposed by AEL&P.

21 AEL&P proposed to revise Section 4.4.c to Appendix B to this agreement
22 with the addition of the phrase "as it determines in good faith" and to modify the last
23

24 ¹⁰⁰AEL&P Comments, Exhibit 3 at 45-46.

25 ¹⁰¹AEL&P Comments, Exhibit 3 at 19.

26 ¹⁰²AEL&P Comments, Exhibit 3 at 21.

¹⁰³JHI Reply Comments at 4.

1 phrase of this section by converting it into a new sentence.¹⁰⁴ AEL&P's first revision does
2 not add any clarity to this agreement as "good faith" is already incorporated into the
3 agreement by Section 3.2 and if AEL&P ever believes that JHI has adopted an
4 unreasonable practice, AEL&P can always ask us to exercise our authority under AS
5 42.05.511. Therefore, we do not accept AEL&P's first proposed revision to this section.
6 We find that AEL&P's second proposed revision to this section adds clarity, and we accept
7 that proposed revision.

8 AEL&P proposed to delete Section 4.5 (Assumption of Risk) from Appendix
9 B of this agreement.¹⁰⁵ JHI objects to deletion of this Section, asserting that AEL&P
10 should retain all risks associated with its activities on JHI transmission facilities.¹⁰⁶ We
11 find that the allocation of risks in this section is reasonable and we do not accept AEL&P's
12 proposed revision.

13 AEL&P proposed to delete Section 4.9 (Notification of Attachments) from
14 Appendix B to this agreement.¹⁰⁷ JHI objects to the deletion of this section on the grounds
15 that this is industry standard language.¹⁰⁸ We do not believe that it is unreasonable or
16 unduly burdensome to require an annual report on pole attachments. We also do not
17 believe that the burden of keeping track of pole attachments should rest entirely with the
18 pole owner. Therefore, we do not accept AEL&P's proposed revision.

19 As drafted, Section 6.3(a) of Appendix B to this agreement requires JHI to
20 submit a Make Ready Estimate within 15 working days of receiving an application for
21 attachments on 30 poles or less. AEL&P proposed to extend this time to 30 working days,
22

23 ¹⁰⁴AEL&P Comments, Exhibit 3 at 24.

24 ¹⁰⁵AEL&P Comments, Exhibit 3 at 24.

25 ¹⁰⁶JHI Reply Comments at 4.

26 ¹⁰⁷AEL&P Comments, Exhibit 3 at 26.

¹⁰⁸JHI Reply Comments at 4.

1 but would also eliminate the number of poles limitation.¹⁰⁹ JHI did not respond to this
2 proposal, but we recognize that JHI is a relatively small organization that could be
3 overwhelmed by a large number of attachment requests all at once. Therefore, we do
4 not accept the revision proposed by AEL&P.

5 In Section 7.1 of Appendix B to this agreement we replaced the undefined
6 capitalized term "Transmission" with "JHI's transmission system" for the sake of clarity.
7 JHI proposed adding a reference to Section 7.3 in Section 7.1.a of Appendix B to this
8 agreement.¹¹⁰ AEL&P agrees with this revision,¹¹¹ and we have accepted JHI's proposed
9 revision. AEL&P proposed reducing the inception rate of return used to calculate
10 adjustments to the pole attachment fee in Section 7.3.a.3 to Appendix B to this agreement
11 from the 12.0% rate originally drafted to 11.25%.¹¹² AEL&P provided no justification for
12 this change and even though JHI did not respond to this proposal we are hesitant to make
13 such a change without a basis for doing so. Therefore, we do not accept AEL&P's
14 proposed revision.

15 AEL&P proposed to delete Section 10.1 (Unauthorized Attachments) and
16 Section 10.2 (Licensor Failure to Act) from Appendix B to this agreement.¹¹³ JHI opposes
17 these deletions, arguing that these sections represent industry standard language.¹¹⁴ We
18 have reviewed Sections 10.1 and 10.2 and generally find them to be reasonable terms.
19 However, we do delete the last phrase of Section 10.1 which states: "plus a reasonable
20 penalty to be determined by the RCA in JHI rate case proceedings." Pole attachments
21 will probably exist several years before the conclusion of JHI's first rate case. If JHI

22 ¹⁰⁹AEL&P Comments, Exhibit 3 at 27.

23 ¹¹⁰JHI Comments at 9.

24 ¹¹¹AEL&P Reply Comments at 6.

25 ¹¹²AEL&P Comments, Exhibit 3 at 29.

26 ¹¹³AEL&P Comments, Exhibit 3 at 32.

¹¹⁴JHI Reply Comments at 4.

1 convinces us in that rate case that a penalty for unauthorized attachments is appropriate,
2 a penalty clause can then be added to Appendix B of this agreement. But it is currently
3 premature for us to speculate that a penalty clause will be approved and thus deletion of
4 this phrase is appropriate.

5 AEL&P proposed to modify Section 12.1 (Right to Abandon or Remove
6 Licensee Obligations) by adding a phrase that would limit JHI's right to abandon or
7 remove attached poles to circumstances where facilities are being undergrounded,
8 adding a phrase that would allow AEL&P to amend its ADOT&PF right-of-way permits,
9 and deleting language that allows JHI to sell attached poles that JHI is abandoning to
10 AEL&P at JHI's sole discretion.¹¹⁵ We believe that there may be a number of reasons
11 why JHI may have to abandon a pole other than to accommodate undergrounding, such
12 as widening or relocating portions of the Glacier Highway, and those reasons may affect
13 whether or not JHI is willing to sell the abandoned pole(s) to AEL&P. Further, nothing in
14 this agreement prohibits AEL&P from seeking modifications of its right-of-way permits.
15 For these reasons, we do not accept AEL&P's proposed revisions to Section 12.1.

16 AEL&P proposed deletion of Section 12.3 (Governmental Requirement to
17 Shorten Pole) of Appendix B to this agreement.¹¹⁶ JHI objects to deletion of this section,
18 asserting that it is industry standard language.¹¹⁷ We note that if either JHI or AEL&P
19 believe that a local government entity is imposing an unreasonable requirement, they can
20 ask us to exercise our authority under AS 42.05.641. We do not have similar authority
21 over state and federal government entities and acknowledge that local government
22 entities may have good cause for requiring shorter poles. In the event of a governmental
23 entity requiring shorter poles, it appears reasonable to us that the facilities of the pole

24 ¹¹⁵AEL&P Comments, Exhibit 3 at 33-34.

25 ¹¹⁶AEL&P Comments, Exhibit 3 at 34.

26 ¹¹⁷JHI Reply Comments at 5.

owner should take priority over pole attachments. Therefore, we do not accept AEL&P's proposed revision to Section 12.3.

AEL&P proposed to modify Section 16.1 (Insurance Requirement) and Section 16.2 (Insurance Certificate) of Appendix B to this agreement to make these requirements bilateral.¹¹⁸ JHI did not respond to this proposal, which seems reasonable to us. Therefore, we have accepted AEL&P's proposed revisions to Sections 16.1 and 16.2. AEL&P proposed to modify Section 20 (Modifications) of Appendix B to this agreement by adding "or as ordered by the RCA". JHI did not respond to this proposal, which is consistent with the requirements of 3 AAC 48.390(b). We accept AEL&P's proposed modification to Section 20.

We modified Section 22 (*Force Majeure*) of Appendix B to this agreement for consistency with the other agreements by deleting "breakage to machinery or equipment, or curtailment". We also modified the terms "Transmission Provider" and "Interconnection Customer" in Section 22 as suggested by AEL&P.¹¹⁹ This differs from the manner suggested by JHI,¹²⁰ but not significantly.

AEL&P has proposed the deletion of Section 25 (Warranties) of Appendix B to this agreement.¹²¹ JHI objects to this deletion, asserting that this is industry standard language.¹²² We find nothing unusual in this language, and its existence should provide caution to AEL&P in the event it decides to purchase equipment or facilities from JHI. Therefore, we do not accept this revision proposed by AEL&P.

¹¹⁸AEL&P Comments, Exhibit 3 at 38-40.

¹¹⁹AEL&P Comments, Exhibit 3 at 43.

¹²⁰JHI Comments at 9.

¹²¹AEL&P Comments, Exhibit 3 at 44.

¹²²JHI Reply Comments at 5.

1 AEL&P has proposed the deletion of Section 27 (Severability) of Appendix
2 B to this agreement and replacement with new language.¹²³ JHI has not responded to
3 this proposal. We have compared the language proposed by AEL&P with the language
4 in our ALJ's draft and find greater clarity in AEL&P's language. Therefore, we accept this
5 revision proposed by AEL&P. AEL&P has proposed modifications to the last sentence of
6 Section 31 (Facsimile and Electronic Signatures: Counterparts) to Appendix B of this
7 agreement.¹²⁴ JHI has not responded to this proposal. We find that the modifications
8 proposed by AEL&P clarify the last sentence of Section 31 and we adopt the revisions
9 proposed by AEL&P.

10 AEL&P proposed to delete Section 7 of Exhibit 1.12 to Appendix B to this
11 agreement.¹²⁵ AEL&P does not explain why this Section should be deleted, and we find
12 that the citation to the USDA RUS Pole Attachment Specifications establishes an
13 important criterion for this document. Therefore, we do not accept AEL&P's proposed
14 revision to Section 7.

15 With these revisions we have attached the *Transmission Accommodation*
16 *Agreement* as Appendix D to this order. We prescribe the terms of this attached
17 agreement as governing AEL&P's joint use of the JHI 69 kV transmission system between
18 the Lena Substation point of interconnection and Berners Bay as required by Order U-24-
19 036(16).
20
21
22
23

24 ¹²³AEL&P Comments, Exhibit 3 at 45.

25 ¹²⁴AEL&P Comments, Exhibit 3 at 47.

26 ¹²⁵AEL&P Comments, Exhibit 3 at 52.

Approving Special Contracts

Special Contracts are reviewed as tariff filings.¹²⁶ We review tariff filings to ensure that rates are just and reasonable,¹²⁷ and not unreasonably discriminatory.¹²⁸ We also review special contracts for the purpose of determining inefficient or unreasonable practices that adversely affect the cost or quality of service of the public utility.¹²⁹

We have reviewed the *Limited Interconnection Agreement: Mist Island Switchyard*, attached to this order as Appendix A; the *Interconnection Agreement*, attached to this order as Appendix B; the *Transmission and Ancillary Services Agreement*, attached to this order as Appendix C; and the *Transmission Accommodation Agreement*, attached to this order as Appendix D. We find that the terms and conditions in these four special contracts reasonably implement the interconnections and joint uses we required with Order U-24-036(16) in a manner that is not unreasonably discriminatory and meets the requirements of AS 42.05.321(a)(2) and (5). Therefore, we approve each of these four agreements.

Required Filings

We require AIDEA and JHI to file an executed copy of the *Limited Interconnection Agreement: Mist Island Switchyard*, attached to this order as Appendix A by Friday, August 22, 2025. We require AEL&P and JHI to file executed copies of the *Interconnection Agreement*, attached to this order as Appendix B; the *Transmission and Ancillary Services Agreement*, attached to this order as Appendix C; and the *Transmission Accommodation Agreement*, attached to this order as Appendix D by

¹²⁶3 AAC 48.390(a).

¹²⁷AS 42.05.381(a).

¹²⁸AS 42.05.391(a).

¹²⁹AS 42.05.511(a).

1 Friday, August 22, 2025. We require AIDEA to file a status report on its consultation with
2 Bond Counsel discussed in AIDEA's Comments by Friday, August 22, 2025.

3 Commission Panel

4 The chair designates Commissioners Steve DeVries, Mark Johnston,
5 Robert M. Pickett, John C. Springsteen, and himself as the Commission Panel and further
6 designates Commissioner Pickett as the Commission Docket Manager.

7 Administrative Law Judge

8 Under AS 42.04.070(b), the chair appoints Administrative Law Judge
9 James L. Walker to facilitate conduct of the docket. Orders issued by the administrative
10 law judge will be considered orders of the Commission for purposes of petitions for
11 reconsideration under AS 42.05.171.

12 Final Order

13 This order constitutes the final decision in this proceeding. This decision
14 may be appealed within thirty days of this order in accordance with AS 22.10.020(d) and
15 the Alaska Rules of Court, Rules of Appellate Procedure, Rule 602(a)(2). In addition to
16 the appellate rights afforded by AS 22.10.020(d), a party has the right to file a petition for
17 reconsideration in accordance with 3 AAC 48.105. If such a petition is filed, the time
18 period for filing an appeal is then calculated in accordance with the Alaska Rules of Court,
19 Rules of Appellate Procedure, Rule 602(a)(2).

ORDER

THE COMMISSION FURTHER ORDERS:

1. *Juneau Hydropower, Inc.’s Motion for Expedited Consideration of its Complaint for Adjudication of Agreement Terms Filed on June 25, 2025*, filed June 25, 2025, is granted in part as discussed in the body of this order.

2. We find good cause under 3 AAC 48.130(f) to open an investigation into the issues raised in the *Complaint for Adjudication of Joint Use and Interconnection Agreement Terms*, filed June 25, 2025, by Juneau Hydropower, Inc.

3. We prescribe under AS 42.05.321(a) the terms and conditions set forth in the *Limited Interconnection Agreement: Mist Island Switchyard*, attached to this order as Appendix A as governing the interconnection between Juneau Hydropower, Inc.’s Sweetheart Lake Hydroelectric Project transmission system and the Alaska Industrial Development and Export Authority’s Snettisham Hydroelectric Project transmission system.

4. We prescribe under AS 42.05.321(a) the terms and conditions set forth in the *Interconnection Agreement*, attached to this order as Appendix B as governing the interconnection between the Alaska Electric Light and Power Company transmission system and the Juneau Hydropower, Inc. 69 kV transmission system at the Lena Substation point of interconnection.

5. We prescribe under AS 42.05.321(a) the terms and conditions set forth in the *Transmission and Ancillary Services Agreement*, attached to this order as Appendix C as governing joint use of the Snettisham Hydroelectric Project transmission system and the Alaska Electric Light and Power Company transmission system by Juneau Hydropower, Inc.

6. We prescribe under AS 42.05.321(a) the terms and conditions set forth in the *Transmission Accommodation Agreement*, attached to this order as Appendix D as

1 governing the acquisition of certain Alaska Electric Light and Power Company distribution
2 assets north of Lena Substation by Juneau Hydropower, Inc. and the joint use of the
3 Juneau Hydropower, Inc. 69 kV transmission line by Alaska Electric Light and Power
4 Company.

5 7. We approve the *Limited Interconnection Agreement: Mist Island*
6 *Switchyard*, attached to this order as Appendix A.

7 8. We approve the *Interconnection Agreement*, attached to this order as
8 Appendix B.

9 9. We approve the *Transmission and Ancillary Services Agreement*,
10 attached to this order as Appendix C.

11 10. We approve the *Transmission Accommodation Agreement*, attached to
12 this order as Appendix D.

13 11. By Friday, August 22, 2025, Juneau Hydropower, Inc. and Alaska
14 Industrial Development and Export Authority shall file as a compliance filing in this docket
15 an executed copy of the *Limited Interconnection Agreement: Mist Island Switchyard*,
16 attached to this order as Appendix A.

17 12. By Friday, August 22, 2025, Juneau Hydropower, Inc. and Alaska
18 Electric Light and Power Company shall file as a compliance filing in this docket an
19 executed copy of the *Interconnection Agreement*, attached to this order as Appendix B.

20 13. By Friday, August 22, 2025, Juneau Hydropower, Inc. and Alaska
21 Electric Light and Power Company shall file as a compliance filing in this docket an
22 executed copy of the *Transmission and Ancillary Services Agreement*, attached to this
23 order as Appendix C.

24 14. By Friday, August 22, 2025, Juneau Hydropower, Inc. and Alaska
25 Electric Light and Power Company shall file as a compliance filing in this docket an
26

1 executed copy of the *Transmission Accommodation Agreement*, attached to this order as
2 Appendix D.

3 15. By Friday, August 22, 2025, Alaska Industrial Development and Export
4 Authority shall file as a compliance filing in this docket a status report on its consultation
5 with Bond Counsel as discussed in the body of this order.

6 16. Commissioners Steve DeVries, John M. Espindola, Mark Johnston,
7 Robert M. Pickett, and John C. Springsteen are designated as the Commission Panel.

8 17. Commissioner Robert M. Pickett is designated as the Commission
9 Docket Manager.

10 18. James L. Walker is appointed as the administrative law judge.

11 DATED AND EFFECTIVE at Anchorage, Alaska, this 8th day of August, 2025.

12 BY DIRECTION OF THE COMMISSION





City and Borough of Juneau
City & Borough Manager's Office
155 Heritage Way
Juneau, Alaska 99801
Telephone: 586-5240 | Facsimile: 586-5385

TO: Mayor Weldon and Assembly
FROM: Rob Dumouchel, Special Project Planning Manager
THROUGH: Katie Koester, City Manager
DATE: September 22, 2025
RE: Title 49 Phase 1 Text Amendments, Second Wave

This memo is a brief overview of the amendments contained within Phase 1 Wave 2 (P1W2) of the Title 49 Rewrite Project. The proposed ordinance touches on reasonable accommodations, zoning maps, subdivisions on arterials, and some general housekeeping items. A separate ordinance addressing marijuana regulations will follow in the very near future. The table below describes each element of P1W2 at a high level, more in-depth memos for each major topic follow this memo.

Topic	Code Sections	Overview of Changes
Reasonable Accommodation	Creates: 49.15.170 – Reasonable Accommodations Edits: 49.80.120 – Definitions	Creates a section governing Reasonable Accommodations to land use code requirements to help CBJ comply with Federal Fair Housing Act regulations for individuals with disabilities
Zoning Maps	Edits: 49.25.110 – Zoning Maps	Modernizes the zoning map code and allows a digital map to be the "official zoning map" of CBJ
Subdivisions on Arterials	Edits: 49.35.210 – Street System	Removes the requirement that all parcels subdivided along arterials, regardless of underlying zone district, must meet minimum lot size standards for the D1 zone district (36,000 square feet)
Housekeeping	Edits: 49.05.100 – Purpose and Intent (General Provisions); 49.10.520 – Meetings (Community Development Director); 49.15.401 – Minor Subdivisions; 49.15.404 – Public Way Vacations; 49.15.411 – Preliminary Plat Requirements; 49.70.130 – Concept Review (New Growth Areas); 49.80.120 - Definitions	Removes references to the coastal management program and subdivision review committee which no longer exist; removes a reference to landslide areas that was missed by Ordinance 2023-18(am)

The Ad Hoc Title 49 Advisory Committee was presented a group of concepts for P1W2 inclusion at their February 13, 2025 meeting. The topics in this proposed text amendment were selected from that list, researched, and preliminary drafts written in house. The Title 49 contract attorney reviewed and updated the drafts in collaboration with staff. The Planning Commission and Title 49 Advisory Committee will have an opportunity to review the proposed language before the Assembly considers the text amendment for adoption.

Staff Recommendation: Introduce ordinance with proposed text amendments to Title 49 and refer to the Planning Commission for a review to be completed within 60 days.

Attachments:

- Memo: Reasonable Accommodation in Zoning & Land Use for Individuals with Disabilities
- Memo: Zoning Map Code Modernization
- Memo: Minimum Lot Sizes for Arterial Subdivisions



City and Borough of Juneau
City & Borough Manager's Office
155 Heritage Way
Juneau, Alaska 99801
Telephone: 586-5240 | Facsimile: 586-5385

TO: Mayor Weldon and Assembly
FROM: Rob Dumouchel, Special Project Planning Manager
THROUGH: Katie Koester, City Manager
DATE: September 22, 2025
RE: Reasonable Accommodation in Zoning & Land Use for Individuals with Disabilities

Reasonable accommodation for individuals with disabilities has become a common component of modern zoning codes. This trend is mainly driven by the Federal Fair Housing Act¹. I do not believe that it is common for Title 49 – Land Use code to create barriers to housing development for individuals with disabilities in Juneau, however, it is important to create a mechanism for the Community Development Director and Planning Commission to grant reasonable accommodations when necessary to stay compliant with federal law while also advancing multiple Assembly goals.²

The Fair Housing Act prohibits housing practices that discriminate against individuals on the basis of disability,³ among many other factors. Zoning and land use regulations can create barriers to a person with a disability having equal opportunity to housing. Providing individuals or groups of individuals with disabilities a mechanism for requesting reasonable accommodations from the City and Borough's land use provisions ensures that these individuals have equal access to housing within the City and Borough and protects the City and Borough from costly allegations of violations of federal law.

A reasonable accommodation is a reasonable change, exception, or adjustment to a rule, policy, practice or service that is necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling. A simple example of a reasonable accommodation is granting a reduced front setback and/or increase in lot coverage in a residential zone to allow for the construction of a wheelchair ramp to access the front door of an existing home where doing so is reasonable. This type of accommodation may be reasonable in one area but not another depending upon the purpose served by the setbacks. Thus, having a permitting process that authorizes the Director to consider the requested accommodation, and the reasonableness and necessity of that accommodation, ensures that the City and Borough is protecting the rights of individuals or groups of individuals with a disability to have equal access to housing within the City and Borough's borders.

The Fair Housing Act does not require local governments to create formal processes for reasonable accommodations; however, the Department of Justice (DOJ) and the Department of Housing and Urban Development (HUD) strongly encourage adopting specific procedures and ensuring that they are publicized appropriately. Many modern zoning codes are including explicit reasonable accommodation sections to ensure that there are clear guidelines for both staff and the public to navigate requests. Because reasonable

¹ 42 U.S.C. §§ 3601-19

² **Related Assembly Goals:** Housing – Assure adequate and affordable housing for all CBJ residents; Community Wellness, and Public Safety – Juneau is safe and welcoming for all citizens; and, Sustainable Community – Juneau will maintain a resilient social, economic, and environmental habitat for existing population and future generations.

³ According to a 2016 interpretation of the Fair Housing Act by the Department of Housing and Urban Development and the Department of Justice (<https://www.justice.gov/opa/file/912366/dl>), a person with a disability includes individuals with a physical or mental impairment that substantially limits one or more major life activities. A “physical or mental impairment” includes, but is not limited to, diseases and conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, HIV infection, developmental disabilities, mental illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance), and alcoholism.

accommodations are driven by unique circumstances related to an individual's disability and characteristics of the property and regulations in question, they must be determined on a case-by-case basis.

A local government is not obligated to accept a suggested reasonable accommodation if it would impose an undue financial and administrative burden or fundamentally alter the local government's zoning. When a proposed reasonable accommodation is rejected, the local government should work with the requestor to determine if there is an alternative that would address the disability-related barrier to use of a dwelling.

Proposal Highlights

The proposed text amendment would create section **49.15.170 – Reasonable Accommodations**. The section includes the following:

- Description of the purpose of the section which is to allow modifications to development regulations to support equal access to housing for people with disabilities in compliance with the Fair Housing Act when certain criteria are met.
- A framework for eligibility to request a reasonable accommodation and the criteria that the CDD Director must consider when reviewing an application for reasonable accommodation.
- A right to appeal the CDD Director's determination of a reasonable accommodation to the Planning Commission and authority for such an appeal to be consolidated with any other permit applications on the same property before the Commission.

Additionally, a definition for "reasonable accommodation" will be created within **49.80.120 - Definitions**.



City and Borough of Juneau
City & Borough Manager's Office
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Telephone: 586-5240 | Facsimile: 586-5385

TO: Mayor Weldon and Assembly
FROM: Rob Dumouchel, Special Project Planning Manager
THROUGH: Katie Koester, City Manager
DATE: September 22, 2025
RE: Zoning Map Code Modernization

The zoning map is very important to the development process. Currently, the official zoning map is referenced as a 184-page atlas. In practice, property owners and developers are referring to CBJ's online digital GIS maps to research zoning information for specific parcels, not the paper atlas referred to in code. The divergence between code and practice is a vulnerability where potential differences between the GIS map and the atlas could lead to confusion at best, and expensive legal conflict in the worst-case scenario. Additionally, the reference to all of the City and Borough's maps, whether digital or in hard copy, as the "official zoning map" potentially creates confusion and increases the burden placed on the City to ensure all of the maps are updated contemporaneously. The purpose of an "official zoning map" is to have one map that shows the boundaries of each zoning district. This can be accomplished on a single map, especially when using GIS technology.

The intent of the amendments to **49.25.110 – Zoning maps** is to modernize and clarify the Code, allowing for a digital GIS map to be the "official" CBJ zoning map and ensuring that there is one map that reflects City and Borough zoning district boundaries. The modernization of zoning maps with digital replacements for paper maps is slowly becoming more common throughout the United States and Alaska. In Alaska, the Ketchikan Gateway Borough elected to move to a digital official zoning map in 2022 as part of a zoning code rewrite.

While the medium is proposed to change, it's important to note that processes that impact the map, like rezonings, remain the same.

An additional consideration while we are focusing on regarding zoning maps is ensuring that there are efficient mechanisms for maintenance and corrections by Community Development staff. This is particularly important in Juneau due to the dynamic nature of our physical geography. Many geologic and hydrologic processes are creating and destroying land through isostatic rebound, river meanders, silt accretion along waterways, erosion, landslides, etc. There needs to be mechanisms in code that allow staff to account for changes to the land that extend or contract the existing boundaries of platted parcels. Additionally, with the improvements to **49.70.720 – Zoning upgrade (Transition Zones)**, we need to ensure that the official zoning map can be updated to reflect upgraded transition zoned parcels without having to send the changes to the Planning Commission for review which would defeat the purpose of the recent amendment to the transition zone section. The proposed changes preserve the ability to change the map so long as those changes are performed in accordance with the law.



City & Borough Manager's Office
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Telephone: 586-5240 | Facsimile: 586-5385

TO: Mayor Weldon and Assembly
FROM: Rob Dumouchel, Special Project Planning Manager
THROUGH: Katie Koester, City Manager
DATE: September 22, 2025
RE: Minimum Lot Sizes for Arterial Subdivisions

Minimum lot sizes for subdivisions on arterials are impeding the reasonable development of housing in Juneau. A solution was proposed in 2023, but it was not adopted. This amendment resurrects that proposal and brings it to the Assembly for consideration.

Feedback from the Community Development team is that the current rules for the minimum lot size of a subdivision along an arterial have been a frequent barrier to property owners who wish to subdivide their land to build new housing. Under **49.35.210(3)(A)**, all resultant lots from a subdivision, regardless of its underlying zone district, must be a minimum of 36,000 square feet (the minimum size in D-1). This is incredibly restrictive. It requires, at a minimum, that a parcel be 72,000 square feet to be considered for subdivision into two lots.¹

The Community Development Department and the Planning Commission identified minimum lot sizes on arterials as a barrier to housing and reviewed a proposed amendment in August of 2023. That amendment never made it to the Assembly as an ordinance for a vote, and the barrier remains.

Proposal Highlights

The proposal includes the following:

- Allowing the underlying zone district to govern the minimum lot size for a subdivision on an arterial street.
- Allowing the subdivided lots' access to be determined by the owner of the right-of-way (CBJ or Alaska Department of Transportation).
- Defining arterial and connector streets and "major" and "minor" streets. These definitions make the section more user-friendly and accessible and eliminate any confusion.

Future Considerations:

The original proposal that inspired this text amendment (case AME2023 0003) included changes to private shared access standards. Those changes will be reviewed and included in a future wave for consideration.

Additionally, in a future wave, a proposal will be brought forward to remove **Chapter 49.35 – Public and Private Improvements** from Title 49 and place it in a new title along with **Chapter 49.15 Article IV – Subdivisions** and **Chapter 49.55 – Financial Responsibility**. These existing portions of Title 49 are not zoning concerns and would be more appropriately administered as a separate title.

¹ Minimum lot sizes in residential zone districts are as follows: RR, 36,000 sq. ft.; D-1, 36,000 sq. ft.; D-3, 12,000 sq. ft.; D-5, 7,000 sq. ft.; D-10 SF, 3,600 sq. ft.; D-10, 6,000 sq. ft.; D-15, 5,000 sq. ft.; D-18, 5,000 sq. ft.

Presented by: The Manager
Presented: 09/22/2025
Drafted by: Birch Horton

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2025-40

An Ordinance Amending Title 49 Land Use Code Relating to Reasonable Accommodation, Zoning Maps, Subdivisions on Arterials, And Remove References to Committees and Programs No Longer in Existence.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Section. CBJC 49.05.100, Purpose and intent, is amended to read as follows:

49.05.100 Purpose and intent.

The several purposes of this title are:

- (1) To achieve the goals and objectives, and implement the policies, of the Juneau comprehensive plan, ~~and coastal management program;~~
- (2) To ensure that future growth and development in the City and Borough is in accord with the values of its residents;
- (3) To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts;
- (4) To ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and

1
2 other public requirements, and in general to promote public health, safety and
3 general welfare;

4 (5) To provide adequate open space for light and air; and

5 (6) To recognize the economic value of land and encourage its proper and beneficial
6 use.

7
8 **Section 3. Amendment of Section.** CBJC 49.10.520, Meetings, is amended to read
9 as follows:

10 **49.10.520 Meetings.**

11 The director or the director's designee should attend all regular and special commission
12 meetings, committee of the whole meetings, ~~and subdivision review committee meetings~~, as well
13 as any public hearing or public meeting of the commission.

14 **Section 4. Amendment of Chapter.** Chapter 49.15, Permits, is amended to add the
15 following section:

16 **CHAPTER 49.15 PERMITS**

17 ***

18 **49.15.170 Reasonable accommodation.**

19
20 (a) *Purpose.* The purpose of this section is to authorize the director to permit reasonable
21 accommodations in land use and zoning regulations necessary to provide persons with
22 disabilities equal access to housing consistent with the Federal Fair Housing Act (42
23 U.S.C. § 3601 et seq.).

24 (b) *Application.* A property owner may request a change or exemption from the
25 requirements of Title 49 of this code if the change or exemption is reasonable and
necessary to provide an individual or individuals with disabilities equal access to

housing consistent with the Federal Fair Housing Act. A request for a change or exemption under this section may only be granted if the following are met:

- (1) A completed application requesting a change or exemption under this section is filed with the Department on a form provided by the Department; and
- (2) The application required in this section is filed with any required fees, scale-drawn site plans and floor plans, and any other materials required by the Department at the time the application is submitted.

(c) *Review authority.*

- (1) The Director has authority to grant or deny an application for accommodation under this section when the director determines doing so is reasonable and necessary to provide an individual or individuals with disabilities equal access to housing consistent with the Federal Fair Housing Act.
- (2) Reasonable accommodation determinations made by the director may be appealed to the Planning Commission pursuant to chapter 49.20 of this code. An appeal of a reasonable accommodation determination under this section may be consolidated with the Commission's consideration of other permit applications for the same property.

(d) *Review procedure.*

- (1) *Time period.* The Director shall grant, grant with conditions or deny an application under this section within 45 days of receiving a complete application.
- (2) *Information.* If necessary to reach a determination under this section, the Director may request further information from the applicant consistent with law.

1
2 If a request for additional information is made, the 45-day period to issue a
3 decision is stayed until the applicant submits the requested information.

4 (c) *Criteria.* The Director may grant a reasonable accommodation under this section if the
5 director finds that the applicant has demonstrated that the following criteria are
6 substantially met:

- 7
- 8 (1) The requested accommodation is necessary to provide an individual or group of
9 individuals with a qualifying disability equal access to housing consistent with
10 the Federal Fair Housing Act.
- 11 (2) There is no reasonable alternative accommodation that would provide the
12 individual or group of individuals with a qualifying disability equal access to
13 housing consistent with the Federal Fair Housing Act.
- 14 (3) The accommodation requested does not negatively impact neighboring property
15 in the City and Borough or any negative impact is outweighed by the harm to the
16 individuals or group of individuals for which the accommodation has been sought
- 17 (4) The accommodation is narrowly tailored to the need of the individual or group of
18 individuals with the qualifying disability.
- 19 (5) The accommodation does not place an undue financial or administrative burden
20 on the City and Borough.
- 21 (6) The accommodation does not violate the City and Borough of Juneau
22 Comprehensive Plan unless the failure to grant the accommodation otherwise
23 constitutes a violation of applicable law.
24
25

- 1
- 2 (7) The accommodation will not result in a concentration of uses otherwise not
- 3 allowed in a residential neighborhood to the substantial detriment of the
- 4 residential character of that neighborhood.

5 ***

6 **Section 5. Amendment of Section.** CBJC 49.15.401, Minor subdivisions, is

7 amended to read:

8 **49.15.401 Minor subdivisions.**

9 ***

- 10 (c) *Preliminary plat.* The directory shall be responsible for review and approval of the
- 11 application for a preliminary plat.

- 12 (1) An applicant for a preliminary plat shall submit an application on a form
- 13 provided by the department, accompanied by a draft preliminary plat and the
- 14 appropriate fee. The draft plat shall meet the standards set forth in CBJ
- 15 49.15.411.
- 16 (2) For subdivisions of four or fewer lots, the department shall mail written notice of
- 17 the application to the owners of abutting property following the director's
- 18 determination that the application is complete. For subdivisions of five to 13 lots,
- 19 the department shall mail notice of the application to the owners of record of all
- 20 property, and all neighborhood associations listed with the municipal clerk in
- 21 accordance with CBJ 11.35, located within 500 feet of the property being
- 22 subdivided, following the director's determination that the application is
- 23 complete. The actual cost of mailing shall be paid by the applicant.

- 24 (3) ~~The director may request review by the subdivision review committee.~~ Reserved.

25 ***

Section 6. Amendment of Section. CBJC 49.15.404, Public way vacations, is amended to read:

49.15.404 Public way vacations.

(d) Commission review process.

- (1) After determining the application is complete, the department shall provide public notice consistent with CBJ 49.15.230.
- (2) The director may transmit copies to other public or private entities that may have an interest in the proposal for their comments.
- (3) The director of engineering and public works shall review the application and present written comments, including any recommended conditions of approval, to the director of community development.
- ~~(4) The director or applicant may request review and comment by the subdivision review committee.~~

Section 7. Amendment of Section. CBJC 49.15.411, Preliminary plat requirements, is amended to read:

49.15.411 Preliminary plat requirements.

- (i) Additional mapping or reports. If required by this title or by the director, the following additional mapping or reports shall be submitted with the preliminary plat:
 - (1) Any portion of a special flood hazard area, ~~landslide or~~ avalanche area, habitat area as defined by CBJ 49.70.310, or watersheds, either existing at the proposed

subdivision site or shown on the overlay maps, adopted pursuant to this title, to exist at the proposed subdivision site, must be depicted on the preliminary plat;

Section 8. Amendment of Section. CBJC 49.25.110, Zoning maps, is amended to read:

49.25.110 Official ~~z~~Zoning maps.

- (a) *Adopted.* The maps ~~contained in the atlas~~ publicly available on or through the City and Borough's website entitled "Zoning Map of the City and Borough of Juneau, Alaska," dated June 5, 2006, and consisting of sheets 1-184, as the same may be amended from time to time by the assembly by ordinance, are adopted and made a part of this title. shall constitute the official zoning map of the City and Borough.
- (b) *Changes to the official zoning map.* Changes made in zoning district boundaries or other matters portrayed on the official zoning map shall be made only by the director or the director's designee and only to reflect lawfully adopted changes.
- (c) *Naturally-occurring changes to the land.* The director may revise the official zoning map to reflect changes to zoning district boundaries that result from naturally occurring changes to the land, including but not limited to erosion, avulsion or accretion. Changes to the zoning map arising from naturally occurring changes to the land are exempt from the amendment procedures in this code.
- (~~b~~d) *Maintained on file.* All versions of the~~The~~ official zoning maps shall be retained by the City and Borough in accordance with the City and Borough retention schedule ~~remain on file in the department and shall be identified by signatures of the City and Borough municipal clerk and mayor.~~

- 1
- 2 ~~(e) *Amendment.* If, in accordance with provisions of this chapter, changes are made in the~~
- 3 ~~district classification, such changes shall be entered on the official zoning map promptly~~
- 4 ~~after the amendment has been adopted by the assembly by ordinance~~
- 5 (de) *Final authority.* The official zoning map shall be the final authority as to the current
- 6 zoning status of land in the City and Borough, regardless of the existence of copies of the
- 7 official zoning maps which may be published from time to time.
- 8
- 9 ~~(e) *Replacement of official map.* In the event that the official zoning map becomes damaged,~~
- 10 ~~destroyed, lost or difficult to interpret because of the nature or number of changes and~~
- 11 ~~additions, the assembly may by resolution adopt a new copy of the official zoning map,~~
- 12 ~~which shall supersede the prior copy of the official zoning map, but no such replacement~~
- 13 ~~shall have the effect of amending the contents or meaning of the original zoning map. The~~
- 14 ~~prior map or any significant parts thereof remaining shall be preserved, together with all~~
- 15 ~~available records pertaining to its adoption or amendment.~~
- 16 (f) District boundary lines. Except where reference is made on the zoning map to a street
- 17 line, political boundary or other designated line, the district boundary lines are intended
- 18 to follow property lines, centerlines of streets, alleys, streams, or the extension of such
- 19 lines as they existed on the date of adoption of the ordinance codified in this title.
- 20
- 21 (g) *Public way vacations.* Whenever any street, alley or other public way is vacated as
- 22 provided by CBJ 49.15.404, the zoning districts adjoining the side of such public way shall
- 23 automatically be extended to follow property lines legally created by such vacation.
- 24 (h) *Tidelands.* Areas under water or tidelands which are not shown as included within any
- 25 district shall be subject to the regulation of the adjacent district.

1
2 **Section 9. Amendment of Section.** CBJC 49.35.210, Street system, is amended to
3 read:

4 **49.35.210 Street system.**

5 (a) *[in general.]* Subdivision street systems shall be designed for the most advantageous
6 development of the entire neighborhood area and shall meet the following criteria:

7 (1) The street system shall provide for connecting streets into adjoining
8 unsubdivided lands.

9 (2) Subdivision street systems shall be designed to maximize the number of
10 connecting streets in a given area in order to reduce the volume of traffic and
11 traffic delays on major streets (arterials and major collectors), to minimize
12 bypass and through trips on residential streets, and to increase the number of
13 local street connections facilitating safer bicycle and pedestrian travel.

14 (3) Traffic calming should be taken into account in street layout and design.

15 (4) For purposes of this section, “arterial street” means a street or road that carries
16 traffic between different areas of the City and Borough. “Collector street” means
17 a street or road that is designed to collect traffic from neighborhood streets and
18 channel it towards major and minor arterial streets. A “major” street means a
19 street or road that has high volumes of traffic. A “minor” street has low volumes
20 of traffic.

21 (b) *Major and minor arterials.* Except as provided in subsection (c) of this section, if a new
22 subdivision involves frontage along a major or minor arterial street, the following
23 criteria must be met:
24
25

(1) ~~No lots shall access directly onto the arterial street and the~~ The plat shall note ~~this restriction that no lots shall access directly onto the arterial street; and~~

(2) Access shall be provided onto an interior access street or a separate frontage road.

(3c) Minor arterial access exception. A parcel of land with less than 500 feet of frontage on a street, or with less than 350 feet in depth may be subdivided so as to allow access directly onto a minor arterial street if all of the following conditions are met:

(1)(A) ~~All of the resulting lots must meet the minimum lot area standard for a single-family dwelling in the D-1~~ the underlying zoning district (36,000 square feet).

(2)(B) ~~All of the lots must share a common access point unless the owner of a right-of-way approves an alternative access point onto that right-of-way. and further subdivision of the newly created lots is not allowed.~~

(3)(C) ~~Common access to all lots is required and back out parking is prohibited.~~ The applicant must submit a plan that ~~shows the feasibility of~~ includes off-street parking for all lots that does not require or promote parking that would result in a vehicle backing up onto an arterial street and provides for an adequate area for a turnaround to prevent back out parking.

(D) ~~The applicant must provide assurance in the form of an easement, plat note, and a maintenance agreement that is recorded with the subdivision, all of which must be acceptable to and approved by the director, that ensures the requireds that common access will be constructed and maintained by the property owners.~~

(4)(D) The proposed subdivision must meet all other applicable subdivision standards and requirements.

(de) *Collector streets, general.* Collector streets in adjoining subdivisions shall be continued in the new subdivision as needed.

(1) *Major collectors.* Except as provided ~~in subsection (C) of~~ otherwise in this section, if a new subdivision involves frontage along a major collector street, the following criteria shall be met:

(A) The plat shall note that no lots shall access directly onto the major collector.

(B) Access shall be provided onto an interior access street or a separate frontage road.

~~(2C) Exception~~ a parcel of land with less than 500 feet of frontage or less than 350 feet of depth may be subdivided so as to allow access directly onto a major collector street.

~~(32)~~ *Minor collectors.* Access for lots is allowed directly onto minor collector streets if no other restrictions apply.

Section 10. Amendment of Section. CBJC 49.70.130, Concept review, is amended to read:

49.70.130 Concept review.

~~(d) Subdivision review committee. Prior to formal submittal, the master plan shall be reviewed for conceptual approval by the subdivision review committee of the commission.~~

1
2 **Section 11. Amendment of Section.** CBJC 49.80.120, Definitions, is amended to
3 read:

4 **49.80.120 Definitions.**

5 ***

6 ~~*Coastal zone* means the area subject to the policies of this title as depicted on JCMP Map 1.~~

7 ***

8 ~~*Juneau Coastal Management Program or JCMP* mean the coastal management program for~~
9 ~~the City and Borough.~~

10 ***

11 ***

12 *Reasonable accommodation* means an adjustment or exception to a law, rule, policy,
13 practice, or service that is necessary to afford an individual or a group of individuals with a
14 disability equal opportunity to use and enjoy a dwelling, or to participate in and benefit from a
15 program, service, or activity, as required under the Fair Housing Act, the Americans with
16 Disabilities Act, or other applicable laws.

17 ***

18 **Section 12. Repeal of Section.** CBJC 49.25.120, Districts adjoining water or
19 tidelands, is repealed and incorporated into CBJC 49.25.120, Official zoning maps.

20 **Section 13. Effective Date.** This ordinance shall be effective 30 days after its
21 adoption.
22

23

24 Adopted this _____ day of _____, 2025.

25

Beth A. Weldon, Mayor

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2 Attest:

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4 Breckan L. Hendricks, Municipal Clerk
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Additional Materials

Regular Planning Commission Meeting

Assembly Chambers
6:00pm
Meeting Date: October 28, 2025

1. AME2025 0002:

- a. Public comment: John Shaw, received 9/26/2025.
- b. Public comment: Marcy and Geoff Larson, received 10/10/2025.
- c. Public comment: Patrick Quigley, received 10/9/2025.
- d. Public comment: Maxwell Rule, received 10/10/2025.

2. USE2025 0010:

- a. Public comment: Dave Hanna, received 10/23/2025.
- b. Public comment: Aldon Zellhuber, received 10/20/2025.
- c. Public comment: David Burlingame, received 10/24/2025.
- d. Public comment: Mary Becker, received 10/23/2025.
- e. Public comment: Starr Parmley, received 10/21/2025.
- f. Public comment: Stephen Ball, received 10/23/2025.
- g. Public comment: Wayne Coogan, received 10/23/2025.
- h. Public comment: Bruce Abel, received 10/24/2025.
- i. Public comment: Corey Baxter, received 10/24/2025.
- j. Public comment: Ed Neal, received 10/24/2025.
- k. Public comment: L. Roger Calloway Jr., received 10/23/2025.
- l. Public comment: Peter Blake, received 10/23/2025.
- m. Public comment: Thomas Williams, received 10/23/2025.

Comments Regarding Case No.: AME2025 0002

From John Shaw <johnshaw@costco.com>

Date Fri 9/26/2025 2:40 PM

To PC_Comments <pc_comments@juneau.gov>; Brandon Robinson <brandon.robinson@juneau.gov>

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Brandon,

I am writing on behalf of Costco Wholesale to submit written comments related to Case No.: AME2025 0002. If the applicant's application to rezone the subject 3.79 acres from Industrial to Light Commercial is approved, and the applicant moves forward with developing multi-family apartments, the applicant/developer should first acknowledge on the record that both Costco Wholesale and Home Depot are located across the street from the proposed project. If the applicant/developer does move forward with the apartment project, those apartments and the residents living in the apartments will be subject to pre-existing conditions (i.e., traffic, truck delivery, truck delivery noise and hours, loading dock noise, etc.).

Thank you,
John

--

John Shaw

Director, Real Estate Development

COSTCO WHOLESALE

730 Lake Drive

Issaquah, WA 98027

(425) 313-6280 | johnshaw@costco.com

October 10, 2025

City and Borough of Juneau - Community Development
Attention: Planning Commission
155 Heritage Way
Juneau, AK 99801

RE: Letter of Support for Rezoning Case #AME2025 0002
Property Address: 5200 and 5220 Commercial Boulevard, Juneau, AK.

Honorable Members of the Planning Commission,

As owners of the parcels listed above, we are writing in support of the rezoning efforts to reclassify these parcels from Industrial to Light Commercial. Having worked at the Alaskan Brewery since its inception, which has been located in this neighborhood for the last 40 years, we have seen the area evolve into a mixed community of retail, housing, manufacturing, government and industry. Light Commercial fits in with this neighborhood.

We purchased these parcels from the Alaskan Brewery when the brewery was able to secure contiguous property to its existing production facilities, negating the need for this site to be utilized as a disconnected brewery production facility. While we are proponents of industrial development, we also are acutely aware of the need for housing in our community. The present project being entertained by the applicant could yield a block of studio and one-bedroom apartments. Regardless of the specifics of this particular proposal, additional housing in whatever form is beneficial for our community. And the rezoning designation from Industrial to Light Commercial allows this option for this site, in a well-suited location.

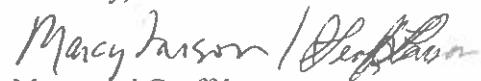
This 3.8 acre parcel is on the outer edge of the industrial zone area. On its perimeter it has, as its largest boundary neighbor, CBJ Rural Reserve Lands. The other neighbors include Home Depot, Construction Machinery Inc., Costco and Cheeseman Construction. Adjacency to industrial land is a consideration for any potential resident and this parcel would be similar to other residential uses in the area adjacent to this industrially zoned land in Lemon Creek.

This site has existing subdivision utility access including water, wastewater, electrical, communication, and adjacent road access. The site is ready for residential construction. This site has had significant foundation engineering work completed by its previous owners, including:

- Office Depot had a CBJ conditional use permit approved with site planning that included six test pits documented by engineering consultants Peratrovich, Nottingham and Drage Inc., characterizing the subsurface supporting their proposal to the CBJ planning commission,
- Tlingit Haida Regional Housing Authority (THRHA) performed extensive site preparation for their warehouse installation. However, THRHA secured a site closer to their offices on Jenkins Drive, where they located their warehousing, and
- Alaskan Brewing completed due diligence work with Jensen Yorba Lott Inc. for a proposed production facility, including subsurface investigation comprised of 25 foot drilling depth assessments with R&M engineering, leading to preliminary confirmation of sound subsurface foundation characteristics for a three-story manufacturing facility.

Juneau needs more housing and this rezone from Industrial to Light Commercial can facilitate additional housing with substantial utility and site engineering already accomplished. This site is ready to build. It is located in a convenient central area in Juneau. We ask for your support in this rezoning endeavor.

Sincerely,



Marcy and Geoff Larson
PO Box 240575
Douglas, AK 99824

Proposal for rezoning of property on commercial blvd from industrial to light commercial

From patrick quigley <pquigley@me.com>

Date Thu 10/9/2025 9:26 PM

To PC_Comments <pc_comments@juneau.gov>

Cc Brandon Robinson <brandon.robinson@juneau.gov>

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

If the current proposal to rezone from industrial to light commercial goes through several issues should be addressed and mitigated.

1. Potential impact on water flow and water quality in regard to Vanderbilt Creek, which is an impaired salmon stream. Waterflow/quality has been an issue since the early 1990s and has involved at least eight federal state and local agencies as well as private corporations and private land owners. The issue seems to wax and wane but never really gets resolved. In fact, it seems like the situation is slowly getting worse over time. Will the potential point source pollution and impact on water flow be addressed or not if this or another large scale project is approved because there is no doubt there will be an impact. None of the agencies that have been historically concerned with these issues seem to be weighing in on this large scale project. Puzzling.
2. Part of this proposed project is butting up against a Natural Park land use designation of CBJ's own making as well as right of way used by the Lemon Creek trail. Seems like these designations are worthy of maintaining intact if this project is approved. Habitat destruction is of concern to the bears, deer and other wildlife that routinely use this area way more than most people realize.
3. As an adjacent landowner whose property butts up directly to part of this project, I have concerns about how a large scale industrial or light commercial project would impact us. In various forms, our homestead ,which Cbj sees as a small subdivision , goes back to before Alaska even became a state so forgive me if I'm a little concerned that 92 units and a 8,000 sf office

building has a significant potential to degrade the watershed. Some mitigation guidelines will surely be needed but what would they be is an open question.

Sincerely,
Pat Quigley

Sent from my iPhone



5429 Shaune Drive • Juneau, AK 99801-9540 • Ph: 907.780.5866 • Fx: 907.780.4514 • Web: alaskanbeer.com • Email: info@alaskanbeer.com

October 10, 2025

City and Borough of Juneau - Community Development
Attention: Planning Commission
155 Heritage Way
Juneau, AK 99801

RE: Letter of Support for Rezoning Case #AME2025 0002
Property Address: 5200 and 5220 Commercial Boulevard, Juneau, AK.

Honorable Members of the Planning Commission,

I am writing on behalf of Alaskan Brewing Co. to express our strong support for the application to rezone property located at 5200 and 5220 Commercial Boulevard, from its current zoning of Industrial (I) to Light Commercial (LC). We believe this change is not only appropriate, but also essential for the continued health and growth of the surrounding neighborhood businesses and the community at large.

The rezone would replace the existing, more intensive industrial use with a land use that is more compatible with changes in the demographics and needs of the neighborhood. Additionally, we support this rezone for the following specific reasons:

- **Availability of Housing:** The rezone would allow for the development of multi-family housing and fill a much-needed community-wide shortage of housing. As one of Juneau's largest manufacturing companies, one of the ongoing challenges we face in attracting employees to the Company is the availability of housing. Housing not only for existing employees, but those desiring to move to Juneau and come to work for Alaskan Brewing. We also have had countless occasions where valuable employees have made the difficult decision to leave Juneau due to housing constraints including availability and affordability. Furthermore, the availability of housing will only be exacerbated with the large influx of US Coast Guard personnel and their families in the coming years. This rezone goes a long way towards the opportunity to address, develop and fill a much-needed shortage in a meaningful and deliberate manner.
- **Economic Development:** The rezone would provide construction jobs during development and once completed, would provide economic activity for the surrounding retail businesses including, Costco, Home Depot, O'Reilly Auto Parts, and service and hospitality interests including yoga/fitness, pet boarding, brewery tasting room, food trucks and others.
- **Marketability of the Property:** The proposed rezone will afford the current property owners the opportunity to market to a wider variety of potential developers due to less restrictive property and disruptive uses as it is currently zoned.
- **Improved Compatibility:** The proposed Light Industrial use will reduce the potential for noise, odor, and traffic impacts on neighboring properties. The new use will be less intrusive than the existing Industrial zoning allows.

I urge and ask for the approval of this rezone application. Thank you for your time and consideration of this important matter.

Sincerely,

Maxwell S. Rule
CEO



October 23, 2025

Erik Pedersen, Chair
City and Borough of Juneau Planning Commission
155 Heritage Way
Juneau, Alaska 99801

Submitted via email: pc_comments@juneau.gov

Re: Support for the Juneau Hydropower Utility System Conditional Use Permit

Dear Chair Pedersen and Members of the Planning Commission,

As a fifth-generation Juneauite and owner of Alaska Concrete Casting, I have spent my life and career working to build and strengthen the infrastructure that keeps our community moving. From foundations and bridges to docks and utilities, I understand that none of it can happen without reliable, affordable, and locally generated power. Without new generation, transmission, and grid growth, there can be no meaningful growth for Juneau's economy or its people. This project has been in the making for 15 years to help Juneau. It is now time for the CBJ Planning Commission to approve Juneau Hydropower's Conditional Use Permit without conditions.

The proposed Juneau Hydropower Utility System, which includes the Sweetheart Lake Hydroelectric Project and the 69 kV Northern Transmission Line, is exactly the kind of project that will keep Juneau strong for generations to come. It provides clean, renewable baseload energy, supports housing and industrial expansion, and ensures that power is available where growth is needed most—north toward Berners Bay and Cascade Point. The single fact that this project would work to eliminate approximately 3,500,000 gallons per day of diesel consumption at the Kensington mine is enough to justify the project. Up to 10% of Juneau's carbon footprint could be eliminated, and for us to not enable this is simply unacceptable.

This project is fully aligned with the City and Borough of Juneau Comprehensive Plan and the CBJ Land Use Code, including:

Comprehensive Plan Consistency

Chapter 6 – Energy

- Policy 6.1: Encourage the development of local, renewable, and low-cost energy sources to reduce dependence on imported fuels and lower the cost of living for Juneau residents.
- Policy 6.2: Support expansion of renewable generation and transmission systems in an environmentally responsible manner.
- Implementing Action 6.1–IA1: Actively support projects such as the Sweetheart Lake Hydroelectric Project to increase Juneau's renewable energy capacity.

Chapter 8 – Transportation

- Policy 8.5: Promote energy infrastructure that supports the electrification of marine and vehicle transportation systems, such as the Cascade Point Ferry Terminal.
- The City and Borough of Juneau Assembly’s Resolution 2632 (adopted December 5, 2012) expresses support for extending electrical power along the Veterans Memorial Highway to Cascade Point to improve highway safety, provide emergency services, reduce electrical costs and emissions, and facilitate economic development.
- The transmission infrastructure of the Juneau Hydropower Utility System directly enables that electrification by delivering reliable renewable power and extension to northern service areas.

Chapter 10 – Land Use

- Policy 10.3: Ensure that essential public utilities and energy facilities are allowed and encouraged in appropriate zones to support community needs.

Chapter 11 – Public and Private Utilities and Facilities

- Policy 11.1: Encourage development of utilities necessary to support growth and economic resilience.
- Policy 11.3: Support systems designed to be reliable, resilient, and environmentally sound.

CBJ Code Compliance

The project meets all requirements under CBJ 49.15.330(d) for a Conditional Use Permit, including:

1. Harmonious Development: Facilities are designed to blend with the environment and minimize impacts.
2. Protection of Adjacent Property: Improves reliability of essential services without negative effects on surrounding properties.
3. Public Health, Safety, and Welfare: Provides clean, reliable power that strengthens Juneau’s energy independence.
4. Consistency with the Comprehensive Plan: Implements multiple goals of the CBJ Comprehensive Plan and the Juneau Renewable Energy Strategy.

Additionally, the project satisfies CBJ 49.70.310 – Flood Hazard Standards. Documentation prepared by Electric Power Systems, Inc. (EPS, Inc.), an Alaska-based electrical engineering firm with offices in Juneau, Anchorage, Honolulu, Seattle, and Guam, confirms that the limited transmission structures near Cowee Creek comply with Federal Emergency Management Agency (FEMA) and Rural Utilities Service (RUS) standards, will not obstruct natural flows, and will not raise base flood elevations.

Conclusion

The Juneau Hydropower Utility System will provide the power backbone Juneau needs for housing, industry, and transportation. It is a practical, long-term investment in our future. I have also met with leadership from Ameresco, Juneau Hydropower's engineering and construction partner, and I am impressed by their proven ability to deliver major energy projects safely, on time, and on budget. Their expertise gives me confidence that this project will be completed successfully and serve Juneau for decades to come.

I respectfully urge the Planning Commission to approve Juneau Hydropower, Inc.'s Conditional Use Permit without delay or unnecessary conditions. It is an essential project that will enable Juneau's continued growth and support our community's future energy security.

Sincerely,

Dave Hanna
Owner, Alaska Concrete Casting
5761 Concrete Way
Juneau, AK 99801
(907) 780-4225

From: [Aldon Zellhuber](#)
To: [PC Comments](#)
Cc: [Darylann Cryts](#)
Subject: Support of Juneau Hydropower Inc's conditional use permit
Date: Monday, October 20, 2025 11:12:47 AM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Plumbers and Pipefitters Local Union 262
1751 Anka St., Juneau, Alaska 99801
Office: 907-586-2874 / Cell: 907-419-4527
Email: azellhuber@uanet.org

October 20, 2025

Chairman Mandy Cole
City and Borough of Juneau Planning Commission
155 Heritage Way
Juneau, Alaska 99801

Subject: Support for Juneau Hydropower Inc. Utility Project and Conditional Use Permit

Dear Chairman Cole and Members of the Planning Commission,

On behalf of the members of Plumbers and Pipefitters Local 262, I am writing to express our strong support for Juneau Hydropower Inc's (JHI) application for a Conditional Use Permit for the Juneau Hydropower Utility Project.

Our community urgently needs new, reliable, and renewable energy infrastructure to power Juneau's future. The city's existing hydroelectric and transmission systems are near capacity, limiting housing development, dock electrification, district heating development, and new industrial and technology growth, such as data centers. Juneau also requires energy security to support upcoming projects, including the U.S. Coast Guard's new icebreaker STORIS, which is to be homeported in Juneau with an estimated \$300 million budget for dock and shore facilities that will require full electrification. In addition, there will be increased electrical demand with Goldbelt's planned \$500 million dock and upland facilities to be constructed on the back side of Douglas. Juneau has a growing need for energy production.

JHI's integrated hydropower and transmission system directly addresses these challenges to our community's energy needs. This project provides firm renewable power generation, 50.63 miles of high-voltage transmission, and a Battery Energy Storage System that strengthens Juneau's energy resilience, reliability, and redundancy. Together, these components form the foundation for economic expansion, and security, as well as sustainable, affordable energy for Juneau's future.

JHI's investment—of about \$270 million—creates local construction and maintenance jobs that will employ Alaska's skilled pipefitters, electricians, laborers, and equipment operators and support their apprenticeship programs, creating more career opportunities for Juneau's youth. These are high-quality, family-supporting careers that strengthen Juneau's workforce and keep local dollars circulating in the community.

This project is also beneficial to Juneau's existing ratepayers. JHI will pay Alaska Electric Light & Power (AEL&P) and Alaska Industrial Development and Export Authority (AIDEA) more than \$1 million per year in transmission fees—funds that AEL&P can and should use to reduce the cost of power for customers in its service area. These ongoing payments help to lower rates while improving reliability across the regional grid and should improve Juneau's affordability.

The project also would be beneficial to the environment by supplying clean hydropower energy to the Kensington mine as well as future developments, reducing the need for diesel generated power and pollution.

JHI's project has already received a prior Conditional Use Permit for the Sweetheart Lake Hydroelectric Project. This current application covers the entire Juneau Hydropower Utility System and expands that earlier approval to include the transmission network that connects the system together. The result is a unified, renewable energy backbone for Juneau and northern Southeast Alaska.

This project aligns with and advances the City and Borough of Juneau's Comprehensive Plan, Renewable Energy Strategy, and Climate Action Plan—each calling for clean energy, economic development, and infrastructure that supports a prosperous, resilient community.

Without question, the CBJ Planning Commission should unanimously approve Juneau Hydropower Inc's Conditional Use Permit without delay or conditions so our community can reap the full benefits of this transformative \$270 million investment. The Juneau Hydropower Utility System is not just a local infrastructure project; it is a catalyst for energy

security, job creation, and the economic development that our community needs and deserves.

Sincerely,

Aldon Zellhuber
Business Manager / Financial Secretary
Plumbers and Pipefitters L.U. 262
1751 Anka St. Juneau
Office: 907-586-2874 / Cell: 907-419-4527
Email: azellhuber@uanet.org



October 24, 2025

David Burlingame
President
Electric Power Systems, Inc. (EPS, Inc.)
Anchorage Office: 3305 Arctic Blvd.
Anchorage, Alaska 99503
Juneau Office: 2213 Jordan Avenue
Juneau, Alaska 99801

pc_comments@juneau.gov

Erik Pedersen and Distinguished Commissioners
City and Borough of Juneau Planning Commission
155 Heritage Way
Juneau, Alaska 99801

Re: Support – Case No. USE 2025-010 – Juneau Hydropower Utility System Conditional Use Permit

Dear Chair Pedersen and Distinguished Commissioners,

Electric Power Systems, Inc. (EPS, Inc.) has assisted Juneau Hydropower, Inc. (JHI) in the planning, design, and engineering of the Juneau Hydropower Utility System, including the Sweetheart Lake Hydroelectric Project and the Northern Transmission Line. EPS has supported JHI with transmission and interconnection studies, transmission accommodation agreements, feasibility studies, system impact studies, and facilities studies.

The transmission and interconnection infrastructure proposed by EPS meets or exceeds any Alaskan standards as well as those in the Lower 48. JHI is committed to continue to meet or exceed prudent utility practice in both design, construction and operation.

EPS has had an office in Juneau for well over 20 years. Our personnel both in the Juneau office as well as our other Alaskan offices are very familiar with the Juneau system as well as the other electrical systems in Southeast Alaska.

The advent and integration of the JHI Battery Energy Storage System (BESS), in cooperation with the Transmission Operator, has the capability to improve grid stability and substantially reduce the frequency and duration of outages that have historically affected Juneau's electric system.

PHONE (907) 522-1953 · 3305 ARCTIC BLVD., SUITE 201, ANCHORAGE, ALASKA 99503 · FAX (907) 522-1182 · WWW.EPSINC.COM

2213 JORDAN AVENUE, JUNEAU, ALASKA 99801 · 4020 148TH AVENUE, NE, SUITE C, REDMOND, WA 98052



EPS and its sister companies is an Alaska-based electrical engineering firm with approximately 145 employees providing detailed engineering, construction, construction support, and operational services to major utilities in Alaska and the Pacific Northwest, including Seattle City Light, Chugach Electric Association, Golden Valley Electric Association, and others.

EPS' sister company, Electric Power Constructors provides full-service Operations & Maintenance (O&M) and lineman services across Alaska and has built a strong reputation for not only restoring service after outages but also designing and upgrading systems to prevent outages before they occur. This practical field experience gives our engineers and line crews unique insight into developing systems that perform reliably in Alaska's demanding conditions.

EPS is deeply familiar with ensuring that utilities meet and exceed North American Electric Reliability Corporation (NERC) standards. With knowledgeable staff and technical resources based in both Juneau and Anchorage, EPS will ensure that JHI's systems meet all CBJ codes and regulations—providing a safe, reliable, and strengthened grid for all of Juneau.

EPS supports approval of Juneau Hydropower, Inc.'s Conditional Use Permit (Case No. USE 2025-010) and respectfully requests that the Planning Commission approve the application without conditions or reservations. The JHI Utility System will extend reliable, renewable power to unserved areas. It has the capability to strengthen grid performance and improve reliability, and support long-term community and economic growth for the Juneau community and Juneau residents.

Sincerely,

David Burlingame
President
Electric Power Systems, Inc.
Anchorage Office: 3305 Arctic Blvd., Anchorage, AK 99503
Juneau Office: 2213 Jordan Avenue, Juneau, AK 99801

From: [JimMary Becker](#)
To: [PC Comments](#)
Subject: Support for Juneau Hydro Power Conditional Use Permit
Date: Thursday, October 23, 2025 5:55:38 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Erik Pedersen and Commissioners
City and Borough of Juneau Planning Commission
155 Heritage Way
Juneau, Alaska 99801

Re: Support – Case No. USE 2025-010 – Juneau Hydropower Utility System
Conditional Use Permit

Dear Chair Pedersen and Commissioners,

As someone who has served Juneau for many years as a School Board member and President, Assembly member, and Mayor, I have always believed that strong communities depend on reliable and affordable power. Juneau Hydropower, Inc. (JHI) has been working toward this goal from day one, and I have supported their vision from the start.

As Mayor, the CBJ Assembly and I issued a strong letter of support on March 22, 2016, endorsing the Sweetheart Lake Hydroelectric Project and its connection to the Juneau grid. That letter expressed the Assembly's confidence that the project would create Juneau jobs, reduce diesel fuel dependence, and lower greenhouse gas emissions. I continue to stand by those same principles today.

Juneau needs more clean and dependable power to secure our community's economic future, protect our schools and families from rising energy costs, and ensure long-term stability. JHI's project provides that opportunity through local renewable hydropower generation and modern transmission infrastructure that will serve Juneau for generations.

JHI has also painstakingly ensured that its hydropower operations are fish-friendly and designed to protect aquatic habitat. The project has the support of Douglas Island Pink and Chum, Inc. (DIPAC), recognizing JHI's responsible approach to clean energy development that safeguards the fishery resources vital to our community.

This project will strengthen our local economy, create good jobs, and increase energy security for homes, businesses, and schools throughout the Borough. For these reasons, I strongly support approval of Juneau Hydropower's Conditional Use Permit (Case No. USE 2025-010) without conditions or reservations.

Sincerely,

Mary E. Becker

Former Mayor, Assembly Member, and School Board President
2616 Douglas Highway, Unit 205
Juneau, Alaska 99801

From: [Starr Parmley](#)
To: [PC Comments](#)
Subject: Public Comment on JHI Hydropower Project
Date: Tuesday, October 21, 2025 1:38:37 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Good Day,

I respectfully oppose support of this project. Further, I support paid opposition to this project, to which I will personally donate \$5000 to the legal fees for any challenge that will stick.

I frequently anchor my very nice sailboat with very nice clients in that exact spot. They pay handsomely and I support this town by bringing bands of cash back to our community. I am already fed up with the construction on the backside of Douglas that will threaten my revenue once completed. I live on North Douglas and this will be too much. I can live somewhere else in Alaska that is dedicated to being Alaskan - not a slave to tourism or a mine that will run dry in less than ten years.

Your decision may be short sighted if you continue down this road. My business and our hundreds of thousands of dollars we spend in this community will certainly leave if Juneau throttles Gilbert Bay to those of us that appreciate and profit off of it.

Respectfully,
Starr Parmley
Sail Alaska LLC

Stephen Ball
General Manager
Coeur Alaska, Kensington Mine
3031 Clinton Drive, Suite 202
Juneau, Alaska 99801

October 23, 2025

Erik Pedersen and Distinguished Commissioners
City and Borough of Juneau Planning Commission
155 Heritage Way
Juneau, Alaska 99801

via email: pc_comments@juneau.gov

RE: Case No. USE 2025-010 – Juneau Hydropower Utility System Conditional Use Permit

Dear Chair Pedersen and Distinguished Commissioners:

Coeur Alaska, Inc.'s Kensington Mine has operated in the Berners Bay vicinity since 2010, providing the region with hundreds of high-paying jobs and contributing significantly to Juneau's economy. As a major industrial employer in the region, we understand that reliable, affordable, and sustainable power is fundamental to supporting both local businesses and long-term community development in the City and Borough of Juneau.

Coeur Alaska has a long history of advocating for clean and affordable energy for mine operations. Our company has held discussions with Juneau Hydropower, Inc. (JHI) for several years, and we are pleased to see the Sweetheart Lake Hydroelectric Facility and Northern Transmission Line project moving forward.

JHI has proposed a renewable energy utility system that aims to strengthen Juneau's grid and provide clean hydropower to both existing and future users, including the Kensington Mine. As

such, their project represents an exciting opportunity for not only the Kensington Mine, but also to help enhance Juneau's long-term energy security and economic development.

For these reasons, Coeur Alaska expresses its supports approval of the Juneau Hydropower Conditional Use Permit (Case No. USE 2025-010).

Best regards,

Stephen Ball
General Manager
Coeur Alaska Kensington Mine
3031 Clinton Drive, Suite 202
Juneau, Alaska 99801

From: wdc@cooganalaska.com
To: [PC Comments](#)
Subject: FW: USE 2025-010 – Juneau Hydropower Utility System
Date: Thursday, October 23, 2025 11:59:57 PM
Attachments: [image002.png](#)

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

October 23, 2025

Juneau Borough Planning Commission

USE 2025-010 – Juneau Hydropower Utility System

As an owner of Coogan Construction and Coogan Alaska, I spent decades developing and building essential infrastructure and public works throughout SE Alaska, but primarily in Juneau. My experience has shown me that reliable, affordable electric energy is foundational for opportunities for Alaskans. New electrical generation and transmission, is direly needed in Juneau to enable housing, transportation, economic development, and general affordability. I believe it is critically important that all new electric generation and transmission projects within our Borough should be proactively supported by our community. Therefore, I strongly support the Juneau Hydropower Utility System. It is critical to our local economy.

Juneau Hydropower, Inc. (JHI) has configured the approved Sweetheart Lake Hydroelectric Project into a fully integrated utility system. It will add over 50 miles of high-voltage transmission to connect the Sweetheart project to the Juneau grid. Under JHI's Regulatory Commission of Alaska certificate, it will serve 106 square miles of currently unserved areas. The security and livability of the entire Juneau Borough will be enhanced. This project will increase property values, create development opportunities, and enable Juneau's economy to grow responsibly and sustainably.

I respectfully urge the Planning Commission to approve JHI's application without delay or unnecessary conditions. This project is critically important to the Borough today and for generations to come.



From: [Bruce Abel](#)
To: [PC Comments](#)
Subject: Juneau Hydropower
Date: Friday, October 24, 2025 5:48:21 AM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

October 23, 2025

Erik Pedersen and Commissioners
City and Borough of Juneau Planning Commission
155 Heritage Way
Juneau, Alaska 99801

Re: Support – Case No. USE 2025-010 – Juneau Hydropower Utility System Conditional Use Permit

Dear Chair Pedersen and Commissioners,

As owner of Don Abel Building Supply and Valley Lumber, I have served Juneau's construction and development community for decades. I can say with confidence that Juneau's growth depends on reliable, affordable, and locally generated power. Without new generation and transmission, our community's economic progress will remain limited.

Juneau Hydropower, Inc. (JHI) is addressing this need with an outstanding team—Ameresco and Electric Power Systems, Inc. (EPS, Inc.)—bringing a deep bench of engineers and construction professionals to the table. Their work will inject approximately \$270 million into the Juneau economy through the construction of new hydropower generation and transmission systems that will serve the community for generations to come.

JHI meets all requirements of the CBJ Code, the CBJ Comprehensive Plan, and other adopted CBJ plans. The Planning Commission now has an unprecedented opportunity to propel our community forward by expeditiously approving JHI's Conditional Use Permit without conditions or reservations. This project will strengthen Juneau's energy security, create local jobs, and ensure prosperity for future generations.

Let the jobs, energy security, and prosperity begin.

Sincerely,

Bruce Abel
Don Abel Building Supply
Valley Lumber Company
Juneau, Alaska



International Union of Operating Engineers

LOCAL 302 • Washington • Alaska • Idaho • AFL-CIO

Daren Konopaski, *Business Manager & General Vice President*

Date: 10/21/25

To:

Chairman Erik Pedersen

City and Borough of Juneau Planning Commission

155 Heritage Way

Juneau, Alaska 99801 via email pc_comments@juneau.gov

Subject: Support for Juneau Hydropower Inc. Utility Project and Conditional Use Permit

Dear Chairman Pedersen and Members of the Planning Commission,

On behalf of the International Union of Operating Engineers Local 302, we write in strong support of Juneau Hydropower Inc.'s (JHI) application for a Conditional Use Permit for the Juneau Hydropower Utility Project, including the Sweetheart Lake Hydroelectric Project and its associated 69 kV Northern Transmission Line.

Operating Engineers Local 302 represents Alaska's skilled heavy equipment operators, mechanics, and service oilers who build and maintain the state's vital infrastructure. Our members are proud to support projects that create good-paying jobs while advancing the infrastructure needed for Alaska's growth and energy security.

Juneau urgently needs new power generation and transmission infrastructure to unlock its next stage of development, for our tax base and our collective prosperity. JHI's regulated and RCA certificated utility system provides the firm baseload renewable power and transmission capacity necessary to open undeveloped areas of Juneau for new subdivisions, housing, and commercial growth. Reliable and affordable energy access is the foundation for sustainable development, and this project provides it.

A previous Planning Commission approved JHI's Conditional Use Permit USE2016 0015in on September 13, 2016, for the Sweetheart Lake Hydroelectric Project. Now the project includes 50.63 miles of high voltage transmission line to electrify Juneau from one end of the borough to the other. Since 2016, JHI has secured all required federal and state permits, obtained a Certificate of Public Convenience and Necessity (No. 768) from the Regulatory Commission of Alaska, and finalized all interconnection and transmission agreements ordered by the RCA. JHI has also hired Ameresco Inc. as their ECP. A firm that has built more generation and transmission than any utility in Alaska, with a proven track record of hiring locals with local trades. With these milestones now achieved, JHI is fully authorized and ready to enter construction.

Sean Jeffries, *President* • Jason Alward, *Vice President*

18701 120th Avenue NE • Bothell, Washington 98011-9514

Telephone: (425) 806-0302 • Toll-free: 1-800-521-8882 • Fax: (425) 806-0030

Washington Branches: Bellingham • Silverdale • Ellensburg • Spokane • Pasco Alaska Branches: Anchorage • Fairbanks • Juneau Idaho Branch: Pocatello





International Union of Operating Engineers

LOCAL 302 • Washington • Alaska • Idaho • AFL-CIO

Daren Konopaski, Business Manager & General Vice President

The Planning Commission should view this project as one significant step toward opening up land for new and affordable housing opportunities in Juneau. The lack of developable, serviced land is one of the greatest barriers to housing and community growth, and JHI's investment in reliable power and transmission directly addresses that challenge.

JHI's certificated service area covers approximately 106 square miles of rural Juneau not served by Alaska Electric Light & Power. By lowering the cost of electricity in these currently unserved areas, JHI's project has a profound impact on extending the productive life of resource developments that pay the bulk of property tax supporting our local schools and community infrastructure. Reliable, affordable power in these areas sustains jobs, stabilizes energy costs, and strengthens the tax base that funds education and public services for Juneau families.

In addition, JHI's Battery Energy Storage System will readily improve reliability during power outages throughout the Juneau grid, providing voltage stability, load support, and backup capacity that benefits all electrical customers connected to the Juneau power system. The BESS adds tangible value across the entire grid and strengthens energy security for the community as a whole.

The JHI utility is a once-in-a-generation opportunity for our Planning Commission to advance and provide true energy security not only for current Juneau residents, but for our children and future generations who will call this community home. The JHI CUP application meets and exceeds all requirements under the CBJ code, Comprehensive Plan, Juneau Renewable Energy Strategy, and the Juneau Climate Action and Implementation Plan. JHI should be applauded for its efforts to advance our community by promoting and emphasizing our strong community values.

We respectfully urge the Planning Commission to immediately approve JHI's Conditional Use Permit and to direct staff to expedite all future building and development permits necessary for JHI to construct its dock, barge landing, and access road at the Sweetheart Lake Hydroelectric Project. Prompt action will accelerate construction, create jobs for our members, and provide significant economic benefit to Juneau's working families and local businesses.

The Juneau Hydropower Utility System represents the kind of forward-looking investment Alaska needs: locally built, privately financed, renewable, and shovel-ready. This project delivers firm baseload power, strengthens energy reliability, supports affordable housing, extends the life of resource development, and creates lasting employment opportunities for our community.

Respectfully submitted,

Corey Baxter

District 8 Representative Local 302

Sean Jeffries, President • Jason Alward, Vice President

18701 120th Avenue NE • Bothell, Washington 98011-9514

Telephone: (425) 806-0302 • Toll-free: 1-800-521-8882 • Fax: (425) 806-0030



ALASKA HYDROSCIENCE

2928 Fritz Cove Rd · Juneau, AK 99801 · (907) 209-9994 · egneal@hotmail.com · www.alaskahydroscience.com

October 24, 2025

Erik Pedersen, Chairman
City & Borough of Juneau Planning Commission
155 Heritage Way
Juneau, AK 99801

Dear Chairman Pedersen:

Referencing: Juneau Hydropower Floodplain Development Permit

Subject: Professional Recommendation – Juneau Hydropower Flood Zone Development Permit

Juneau Hydropower has requested Alaska Hydroscience to assist with a potential request by the City and Borough of Juneau to provide additional hydrologic and hydraulic analysis as part of their Flood Zone Development Permit application originally submitted in February 2024. The permit application applies to a small portion of the Juneau Hydropower overall project and entails about 2.5 miles of overhead powerline traversing through the Echo Ranch Bible Camp property between the Glacier Highway and Berners Bay. The powerline will be supported on single wood poles and will terminate at a proposed 0.3-acre substation on the north end of the property. The line passes through FEMA Zone A and Zone V flood zone boundaries, which is what precipitated the permit requirement.

I reviewed the project with particular attention to the Echo Ranch Bible Camp 69-kV Transmission Line Floodplain Development Permit. It appears that CBJ has requested additional hydrologic and hydraulic analysis in order to approve the floodplain development permit. Generally, a hydrologic or hydraulic analysis is required when a structure alters the watercourse or flow paths in a floodway or has the potential to impact the base flood elevation. In this case, the base flood elevation in both the Zone A and Zone V flood zone regions is generated primarily by tidal or storm-surge influences rather than rainfall runoff from a stream or river. Therefore, the types of analyses typically required for riverine or floodway projects are not directly applicable in this situation.

Respectfully submitted,

Ed Neal
Principal Scientist
Alaska Hydroscience

Alaska Hydroscience · 2928 Fritz Cove Rd, Juneau, AK 99801 · (907) 209-9994

Submitted via email: pc_comments@juneau.gov

October 23, 2025

Erik Pedersen, Chair
City and Borough of Juneau Planning Commission
155 Heritage Way
Juneau, Alaska 99801

Reference: Support for the Juneau Hydropower Utility System Conditional Use Permit—USE2025 0010

Dear Chair Pedersen and Members of the Planning Commission,

As a long-time Juneau resident and retired owner of Reliable Transfer Corp., founded in Juneau in 1914, I have spent my career in the logistics business, employing thousands of Juneauites and injecting millions of dollars into our local community. We transported everything from coal and fuel oil to household goods, personal effects, food, medications, and more. If you bought it, a truck brought it first! These are all foundational factors that have built Juneau's economy and sustained its growth. From the waterfront to the road system, I've seen firsthand that every major project—whether it's a dock, subdivision, or public facility—depends on affordable and reliable energy.

The proposed Juneau Hydropower Utility System, including the Sweetheart Lake Hydroelectric Project and the 69 kV Northern Transmission Line, represents exactly the type of forward-looking renewable energy infrastructure our community needs. It ensures long-term energy stability, reduces dependence on fossil fuels, and supports economic growth consistent with Juneau's Comprehensive Plan.

This project is firmly aligned with the City and Borough of Juneau Comprehensive Plan and the CBJ Land Use Code, including the following:

Comprehensive Plan Consistency

Chapter 6 – Energy

- Policy 6.1: Encourage development of local, renewable, and low-cost energy sources to reduce dependence on imported fuels and lower the cost of living for Juneau residents.
- Policy 6.2: Support expansion of renewable generation and transmission systems in an environmentally responsible manner.
- Implementing Action 6.1–IA1: Actively support projects such as the Sweetheart Lake Hydroelectric Project to increase Juneau's renewable energy capacity.

Chapter 8 – Transportation

- Policy 8.5: Promote energy infrastructure that supports the electrification of marine and vehicle transportation systems, such as the Cascade Point Ferry Terminal.
- The City and Borough of Juneau Assembly's Resolution 2632 (adopted December 5, 2012) expresses support for extending electrical power along the Veterans Memorial Highway to Cascade Point to improve highway safety, provide emergency services, reduce electrical costs and emissions, and facilitate economic development.
- The transmission infrastructure of the Juneau Hydropower Utility System directly enables that electrification by delivering reliable renewable power and extension to northern service areas.

Chapter 10 – Land Use

- Policy 10.3: Ensure that essential public utilities and energy facilities are allowed and encouraged in appropriate zones to support community needs.

Chapter 11 – Public and Private Utilities and Facilities

- Policy 11.1: Encourage development of utilities necessary to support growth and economic resilience.
- Policy 11.3: Support systems designed to be reliable, resilient, and environmentally sound.

CBJ Code Compliance

The project meets all requirements under CBJ 49.15.330(d) for a Conditional Use Permit, including:

1. Harmonious Development: Facilities are designed to blend with the environment and minimize visual and physical impacts.
2. Protection of Adjacent Property: Improves overall reliability of essential services without adverse effects on surrounding properties.
3. Public Health, Safety, and Welfare: Provides clean, reliable power that strengthens Juneau's energy independence.
4. Consistency with the Comprehensive Plan: Fully implements multiple goals of the CBJ Comprehensive Plan and the Juneau Renewable Energy Strategy.

Additionally, the project satisfies CBJ 49.70.310 – Flood Hazard Standards. Documentation prepared by Electric Power Systems, Inc. (EPS, Inc.), an Alaska-based electrical engineering firm with offices in Juneau, Anchorage, Honolulu, Seattle, and Guam, confirms that the limited transmission structures near Cowee Creek comply with Federal Emergency Management Agency (FEMA) and Rural Utilities Service (RUS) standards, will not obstruct natural flows, and will not raise base flood elevations.

Conclusion:

Juneau needs dependable, renewable, and locally produced power to sustain its future. The Juneau Hydropower Utility System is designed to meet that need responsibly and efficiently, in alignment with Juneau's planning and energy goals. I have personally met with senior leaders of Ameresco, the engineering, procurement, and construction partner for Juneau Hydropower, and I am confident in their experience and professionalism. Ameresco's proven record of building and managing large-scale utility systems across Alaska and the United States will significantly contribute to Juneau Hydropower's success in completing all construction safely, on time, and on budget. I respectfully urge the Planning Commission to approve Juneau Hydropower, Inc.'s Conditional Use Permit without delay or unnecessary conditions. This project will serve our community for generations and exemplifies Juneau's commitment to clean energy, local investment, and responsible growth.

Peace!

L. Roger Calloway Jr.,
(C): 907-723-2896

Residence:

10835 Glacier Highway
Juneau, Alaska 99801

Mailing:

P. O. Box 210736
Auke Bay, Alaska 99821-0736
Cell Phone: [907-723-2896](tel:907-723-2896)
E-Mail: roger@reliabletransfer.com



Erik Pedersen, Chairman
City & Borough of Juneau Planning Commission
155 Heritage Way
Juneau, AK 99801

October 23, 2025

Reference: Juneau Hydropower – Echo Ranch Bible Camp (ERBC) 69kV Transmission Line
Floodplain Development Permit

Dear Mr. Chairman and Commissioners,

Juneau Hydropower Inc. (JHI) has requested Electric Power Systems Inc. (EPS) assist with providing requested flood plain mitigation details as part of their Flood Zone Development Permit application originally submitted in February, 2024. The permit application applies to a small portion of the JHI overall project and entails about 2.5 miles of overhead powerline traversing through the Echo Ranch Bible Camp property between the Glacier Highway and Berners Bay. The powerline will be supported on single wood poles and will terminate at a proposed 0.3 acre substation on the north end of the property. The line passes through FEMA Zone A and Zone V flood zone boundaries, which is what precipitated the permit requirement.

While flood plain avoidance is the ideal scenario when designing power lines, we did not see how the flood plain in this area was avoidable given the property ownership and nearby terrain constraints. The majority of the poles will be installed with a pole base above the base flood elevation (25 feet) and the few that will be installed below it will have adequate protection from flood loads as shown in JHI's recently amended application. The line is proposed to be located on the outer edge of the flood plain boundary.

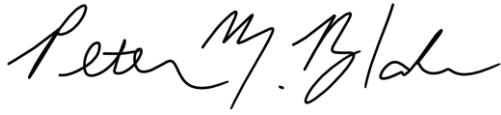
It was brought to our attention that the City may require additional hydrologic and hydraulic analysis in order to approve the flood plain development permit. Typically, hydrologic or hydraulic analysis would be required when a project either alters the watercourse or affects the base flood elevation in a flood plain. It would be a normal course of action for a sub-division or other large foot-print development, but a power line in a flood plain will not alter the water course or the base flood elevation. The poles will be protected from flood waters and the substation will be built above the base flood elevation, all of which will be on the outer edge of the flood plain.

It is our opinion that a hydrologic and hydraulic analysis for this project is unnecessary and an excessive requirement that will not provide any substantive value.

PHONE (907) 522-1953 · 3305 ARCTIC BLVD., SUITE 201, ANCHORAGE, ALASKA 99503 · FAX (907) 522-1182 · WWW.EPSINC.COM

2213 JORDAN AVENUE, JUNEAU, ALASKA 99801 · 4020 148TH AVENUE, NE, SUITE C, REDMOND, WA 98052

Respectfully,

A handwritten signature in black ink, reading "Peter M. Blake". The signature is fluid and cursive, with the first name "Peter" and last name "Blake" clearly legible, and "M." in the middle.

Peter M. Blake, PE
Transmission Line Engineer
Electric Power Systems, Inc.
M: 208-412-0776
Email: pblake@epsinc.com

CC: Jill Lawhorne, AICP CBJ Director Community Development
Ilsa Lund, Planner II
Forrest Courtney, Flood Plain Manager, Sr. Planner

THOMAS C. WILLIAMS
3170 FRITZ COVE ROAD
JUNEAU, AK 99801

October 23, 2025

Erik Pedersen and Commissioners
City and Borough of Juneau Planning Commission
155 Heritage Way
Juneau, Alaska 99801: Sent Via pc_comments@juneau.gov

Re: Support – Case No. USE 2025-010 – Juneau Hydropower Utility System
Conditional Use Permit

Dear Chair Pedersen and Commissioners,

I have lived and worked in Juneau for the past 48 years. Throughout that time, I've learned that reliable and affordable energy is critical to every business and household in this community. From the earliest days of the Juneau Hydropower effort, I and the company I work for have witnessed firsthand their professionalism, community focus, and commitment to using local contractors and services. They take a true "home team" approach to developing projects that benefit Juneau and its residents.

Juneau needs more energy—regardless of the provider. For Juneau Hydropower, Inc. (JHI), their approach has been meticulous and tenacious. They have secured all necessary permits, licenses, and regulatory approvals required to establish a new utility system in Juneau that *supplements* the existing grid and improves overall grid reliability. That level of diligence and local investment deserves our community's full support.

For these and other reasons, I strongly support the JHI Conditional Use Permit application (Case No. USE 2025-010) and respectfully request that the Commission unanimously approve it without conditions. JHI has met and exceeded all CBJ standards found in our CBJ Code and Comprehensive Plan.

Sincerely,

Thomas C. Williams

tcw-ak@gci.net

"Communication is the lifeblood of every organization and relationship."