

Agenda

**Planning Commission - Regular Meeting
City and Borough of Juneau
Mike Satre, Chairman**

August 11, 2015
Assembly Chambers
7:00 PM

I. ROLL CALL

II. APPROVAL OF MINUTES

A. July 14, 2015 Regular Planning Commission Meeting Minutes

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

IV. PLANNING COMMISSION LIAISON REPORT

V. RECONSIDERATION OF THE FOLLOWING ITEMS

VI. CONSENT AGENDA

A. CSP2015 0012, City project review for a new park and extension of the seawalk.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

VIII. UNFINISHED BUSINESS

IX. REGULAR AGENDA

X. BOARD OF ADJUSTMENT

XI. OTHER BUSINESS

XII. DIRECTOR'S REPORT

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

A. July 2, 2015 Marijuana Committee Worksession Minutes

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XV. ADJOURNMENT

MINUTES

Regular Planning Commission Meeting CITY AND BOROUGH OF JUNEAU Mike Satre, Chairman

July 14, 2015

I. ROLL CALL

Mike Satre, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:00 pm.

Commissioners present: Mike Satre, Chairman; Dennis Watson, Vice Chairman; Michael LeVine, Ben Haight, Matthew Bell, Paul Voelckers, Dan Miller

Commissioners absent: Nicole Grewe, Bill Peters

Staff present: Hal Hart, Planning Director; Beth McKibben, Planning Manager; Laura Boyce, Senior Planner, Rob Steedle, Deputy City Manager; Robert Palmer, Assistant City Attorney

II. APPROVAL OF MINUTES

- May 26, 2015 – Regular Planning Commission Meeting Minutes
- June 9, 2015 – Regular Planning Commission Meeting Minutes

MOTION: *by Mr. Miller, to approve the minutes for the May 26, 2015 Regular Planning Commission meeting and the June 9, 2015 Regular Planning Commission meeting with any minor modifications by staff or Commission members.*

The motion was approved with no objection.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Margo Waring told the Commission she would like addresses listed when items for North Douglas Highway come up on the agenda for Planning Commission meetings, so that the public is informed of the actual location of the items under consideration.

On another topic, Ms. Waring said that while she supported the increase in density for portions

of North Douglas, that she hoped the Commission would keep in mind the building of the bench road in the future, when considering density on North Douglas.

Commission Comments and Questions

Chairman Satre commented that addresses are no longer listed on the agendas, which he found problematic.

IV. PLANNING COMMISSION LIAISON REPORT - None

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

Chairman Satre announced that cases SMF2015 0004 (a combined Preliminary and Final plat for three two-unit common wall buildings resulting in six lots) and VAR2015 0009 (Variance to allow subdivision with frontage along a minor arterial that does not meet D-1 lot size requirements) have been pulled from the Consent Agenda and will be rescheduled for a later date.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

AME2015 0008: Title 49 amendments about Transitional Housing.
Applicant: City and Borough of Juneau
Location: Borough-wide

Staff Recommendation

Staff recommends that the Planning Commission forward the draft text amendment to the Assembly with a recommendation for approval.

Providing background for the amendment, Ms. McKibben said this is partially the result from the Use Not Listed case for Haven House which found transitional housing for people coming out of prison to be similar to other Miscellaneous Rooms for Rent, which is a category in the Table of Permissible Uses (TPU). This finding necessitates an amendment to the TPU to reflect the Planning Commission decision which was upheld by the Assembly, said Ms. McKibben.

The process also brought to light issues regarding the definitions in the TPU for the uses “halfway house” and “correctional facilities”, said Ms. McKibben.

The proposed language was presented to the Title 49 Committee on June 12, (2015) The Committee agreed to forward this text amendment to the Planning Commission for

consideration, said Ms. McKibben.

The categories “Group Homes” and “Halfway Houses” have been struck from the TPU, said Ms. McKibben, with “transitional housing” added to the “Miscellaneous Rooms for Rent” category (1.610).

The decision made by the Planning Commission on the Use Not Listed was specific to the D-5 zoning district, said Ms. McKibben. This proposal specifies that it be applied to all zoning districts, she said.

“Nursing Care” and “Sheltered Care” have been eliminated from 7.200 in the TPU, said Ms. McKibben.

A definition has been created for “Transitional Housing”. This definition was crafted from information based upon discussion of the Planning Commission which found it similar to other uses, and other Miscellaneous Rooms for Rent, explained Ms. McKibben.

The staff proposes amending 49.80.120 to include the following definition for Transitional Housing: “transitional housing means a residential use for people released from a correctional facility or similar facility. Residents may be on probation and parole. An owner or manager must live on site.”

A new definition for “Correctional Facility” has been proposed, said Ms. McKibben. Staff proposes that TPU 7.500 define a correctional facility as “... a facility providing for the imprisonment or physical confinement of persons under guard or 24-hours physical supervision such as a prison, jail, detention center, halfway house, and similar facilities.” This definition reflects the changes in the TPU to remove the verbiage for a halfway house, and it also eliminates the conflict in the TPU regarding halfway houses that housing more than nine individuals is regulated as a correctional facility, said Ms. McKibben. Halfway houses are under the purview of the Department of Corrections, she added.

It is also proposed to delete the definition of “Halfway House” because it is clarified and included in the definition for a correctional facility, said Ms. McKibben. It is also proposed to amend the definition of “family” to: “...one or more persons living as a single housekeeping unit.” People occupying a group home are a protected class of persons under the Fair Housing Act, said Ms. McKibben, which is why this phrase should be deleted from the definition.

It is proposed that the definition for “Group Home” be eliminated from the TPU, said Ms. McKibben. They found that the definition for “Group Home” is redundant because people with federally recognized disabilities cannot be treated differently than those without disabilities. The Group Home term is redundant because people with federally recognized disabilities could live in a variety of residential and institutional uses, like single-family dwellings, multifamily

dwellings, and assisted living facilities.

The staff has proposed the addition of a definition for “Assisted Living”, said Ms. McKibben. “Assisted Living” existed as a category within the TPU, but it was not previously accompanied by a definition. The definition for “Assisted Living” states that it is: “a facility providing housing and institutional care for people unable to live independently or without assistance. ‘Assisted Living’ includes facilities that provide nursing care services that are not located in a single family dwelling.”

The staff also proposes the deletion of the definitions for “handicapped” or “infirm institution” or “home” as well as “intermediate care home”, and “intermediate care institution”, said Ms. McKibben. This is because they fall within the proposed definition of “Assisted Living”, she explained.

“Sheltered Care” exists as an item within the TPU; however it does not have a definition, said Ms. McKibben. Staff has concluded that this is an outdated term that is already encompassed by definitions within the other uses previously mentioned and the use should be deleted from the TPU.

Commission Comments and Questions

Referring to the definition for “Assisted Living”, Mr. Miller clarified that an “Assisted Living Facility” could be located within a single family dwelling or a dwelling that was not for single families. Since this was the case, he asked if the last sentence of the definition for “Assisted Living” was really needed.

Ms. McKibben responded that it was just pointed out to her by the Assistant City Attorney that the definition as written in the document before the Commission was incorrect. Ms. McKibben said that definition should read: “Assisted living means a facility providing housing and institutional care for people unable to live independently or without assistance. Assisted living includes facilities that provide nursing care services. Assisted living use that occurs within a single family dwelling is regulated as a single family dwelling use.

Mr. Miller said that the definition now made sense to him.

The proposed text amendment to Title 49 is consistent with the goals and policies in the Comprehensive Plan as well as Title 49, said Ms. McKibben. This change would not create any internal inconsistencies within any plans or codes. Additionally, in Chapter 4, the Housing Element states that Juneau is suffering from a housing crisis. Ms. McKibben said that Policy 4.1 is: “To facilitate the provision and maintenance of safe, sanitary and affordable housing for CBJ residents. “

Ms. McKibben noted that Implementation Action 4.1 IA7 states that it is to: “Facilitate the

provision of special needs and adaptive housing and supportive services in residential neighborhoods that are readily accessible to public transit, shopping, public amenities and supportive services.” She added that the Juneau Economic Plan also speaks to the need for housing in Juneau. This plan identifies a specific need for the homeless, low income and special needs population.

Reading from the report, Ms. McKibben stated that additionally this plan states that the number of Juneau residents over the age of 65 will double in 10 years, and that to support the ability to age in Juneau a mix of housing is needed, including assisted living and long-term care facilities.

Commission Comments and Questions

Referring to the staff analysis on the definition of a correctional facility, Mr. Miller said he felt that the verbiage stating that: “For clarity, a person released from a correctional facility but on probation or parole could live in many types of housing, including transitional housing” is also an important explanation for transitional housing.

Missing from the definition for Transitional Housing is the important point that a resident is not required to live in such a facility, said Mr. Miller. He said he felt perhaps that should be listed in the definition for Transitional Housing since it is in his opinion a critical distinguishing feature.

MOTION: *by Mr. Miller, incorporating a friendly amendment offered by Mr. LeVine, to approve AME2015 0008 with staff’s findings and recommendations, with the insertion of one sentence before the last sentence of the definition for Transitional Housing stating that: “Residents live in Transitional Housing by choice and may be on probation or parole.”*

Mr. Voelckers asked the Assistant City Attorney if he felt the motion as stated would be acceptable.

Mr. Palmer suggested that the additional sentence to the definition of Transitional Housing read: “People on probation or parole are not required to live in Transitional Housing.”

In support of his amendment, Mr. LeVine stated he felt the important point was that residents have a choice to live in this housing and are not required to do so.

Speaking in support of Mr. LeVine’s amendment, Mr. Voelckers commented that there may also be people in Transitional Housing who are not on probation or parole.

Mr. Palmer said the amendment may need to be edited a little bit to fit within legal constraints. Chairman Satre said the Planning Commission is making its recommendation to the Assembly and that it is up to the Assembly to either accept or reject the Planning Commission recommendation or add its own language. He added that the Law Department would have its

chance to adjust the language in the future should it be required.

The motion passed with no objection.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS - None

XII. DIRECTOR'S REPORT

Ribbon Cutting Ceremony

Mr. Hart informed the Commission that on Wednesday, July 15, (2015) at 10:00 a.m. there would be a ribbon cutting ceremony for the remodeled IGA grocery store, formerly known as Foodland. The owner of IGA has recently purchased the Super Bear grocery store, said Mr. Hart.

Auke Bay Charrette

There will be an Auke Bay charrette this week on Thursday, July 16, (2015) at 5:30, said Mr. Hart. The focus of the charrette will be on creating an urban core village in Auke Bay, said Mr. Hart. A 43 unit townhouse development will be built in Auke Bay, said Mr. Hart. Parking will be one of the issues addressed at the charrette, he added.

The management of views and making them available to the public will also be discussed, said Mr. Hart. Establishing connections within the community will add to the village appeal of Auke Bay, said Mr. Hart, by establishing trails that lead to the school for example. It would be nice to construct a pocket park in the area where people can gather which would help develop a sense of community, said Mr. Hart.

Representatives from the Department of Transportation and Public Facilities, the Coast Guard, UAS and the Douglas Indian Association will be attending these meetings, said Mr. Hart.

Two more charrettes will be held; one on July 30, (2015) and one on August 20, (2015). Mr. Hart said he plans on having the recommendations from the Auke Bay Steering Committee presented to the Commission by the end of September.

Commission member Mr. Matthew Bell will act as the new Planning Commission liaison to the Auke Bay Steering Committee.

Commission Comments and Questions

Mr. Watson asked when work on the Lemon Creek area plan would begin.

Ms. McKibben responded that they had begun preliminary research on the boundaries and historical boundaries of the Lemon Creek area. When the new senior planner arrives in the fall, she will be taking the lead on this project, said Ms. McKibben.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Subdivision Review Committee

Mr. Voelckers reported that the Committee had a small discussion related to why the two items were removed from the Consent Agenda this evening, which was some ambiguity over interpretation of legitimate access from frontage.

Marijuana Committee

The Marijuana Committee met several weeks ago, reported Chairman Satre, and it will be meeting on the same dates that the Planning Commission has meetings scheduled which is the second and fourth Tuesday of each month. At the last meeting the Fire Department attended to answer questions about fire code compliance.

- May 4, 2015 Lands Committee Meeting Minutes
- May 6, 2015 Title 49 Committee Work Session Minutes
- May 4, 2015 Public Works and Facilities Committee Meeting Minutes
- May 26, 2015 Title 49 Committee Work Session Minutes
- May 21, 2015 Marijuana Committee Meeting Minutes
- June 6, 2015 Marijuana Committee Meeting Minutes

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XV. ADJOURNMENT

The meeting was adjourned at 7:40 p.m.

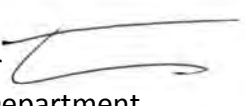


Community Development

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

DATE: July 31, 2015

TO: Planning Commission

FROM: Teri Camery, Senior Planner 
Community Development Department

FILE NO.: CSP2015 0012

PROPOSAL: A City Project Review for a new park and seawalk extension

GENERAL INFORMATION

Applicant: CBJ Engineering and Public Works Department

Property Owner: City and Borough of Juneau;
State of Alaska Department of Transportation

Property Address: 1300 W. 9th Street

Legal Description: TIDELANDS ADDITION BL 58 LTS 11 & 12 FR & BL 87
ATS 3 FR TIDELANDS ADDITION BL 87
TIDELANDS ADDITION BL 87 FR & ATS 3 FR SPIT
TIDELANDS ADDITION BL 67 LTS 1 & 4-18

Parcel Code No.: 1-C06-0-K58-006-0
1-C10-0-K83-003-2
1-C06-0-K63-005-0
1-C06-0-K67-001-0

Site Size: 1800 linear feet of seawalk; 1.5 acre park; 2.7 acre habitat island

**Comprehensive Plan Future
Land Use Designation:** CBJ Recreational Service Park; Marine Commercial

Zoning: Waterfront Commercial

Utilities: CBJ water and sewer

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Access: Egan Drive

Existing Land Use: CBJ tidelands and vacant adjacent uplands

Surrounding Land Use:

- North - Egan Drive; State of Alaska Department of Labor; State of Alaska Department of Fish and Game; Juneau Hotel
- South - Gastineau Channel
- East - 10th Street; Juneau-Douglas Bridge
- West - Gastineau Channel; Egan Drive

VICINITY MAP



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ATTACHMENTS

Attachment 1	Development Permit Application
Attachment 2	DOT property owner authorization
Attachment 3	City Project Review Application
Attachment 4	Project Narrative
Attachment 5	Site Plan, including property ownership map
Attachment 6	Project History
Attachment 7	U.S. Army Corps of Engineers Application (excerpts)
Attachment 8	Final Corps of Engineers Permit

PROPOSAL

The applicant, CBJ Engineering and Public Works Department, requests a City Project Review for development of a park and seawalk which extends from the 10th Street Juneau-Douglas Bridge to the eastern edge of Gold Creek.

The development includes three main elements: 1) a park area under the Juneau-Douglas bridge; 2) a pile-supported seawalk; and 3) habitat enhancement along the shoreline and on a restored habitat island.

The applicant, CBJ Engineering and Public Works, has divided the project into five plan sheets that correlate with the project narrative (Attachments 4 and 5) to simplify a complex project description, as follows:

- 1) **Bridge Park, site plan sheet L-101.** The Bridge Park serves as the gateway to the seawalk. This section of the development, the primary attraction, includes the following: upland park area; bus and vehicle parking; a bus waiting shelter; stair access to fishing areas; a 28-foot bronze whale statue (donated to the CBJ); infinity pool; and a plaza surrounding the sculpture. The whale and pool will be constructed on intertidal fill. (This issue will be discussed in the Habitat section of the staff report.) The project will include site furnishings which have not been finalized at this time, as shown in the northwest corner. Restrooms are planned for the future.

In accordance with the CBJ Long Range Waterfront Plan, this area also includes a mixed-use building, which may be a maritime center or other similar facility in the future. The basic site of the building is shown, however the site will be maintained as grass until construction begins. CBJ Docks and Harbors also has plans to open a fish market on the north side of the bridge.

Site access will be from both 8th and 9th streets. Buses will be required to exit on 9th Street and take a right turn onto Egan. The applicant notes that 8th Street is in poor condition, and will be addressed in a separate CBJ project that will happen following the park/seawalk construction.

- 2) **Seawalk West, site plan sheet L-205.** From the east end of Bridge Park, the seawalk starts off as a pile-supported structure similar to other seawalk segments downtown. The seawalk connects to directly to the ADF&G parking lot at an enlarged area that serves as a scenic overlook, picnic area, and access point to the tidelands with stepping stones.
- 3) **Habitat Island, site plan sheet L-206.** This island is the primary mitigation area for the intertidal fill placed in the Bridge Park (discussed in detail in the Habitat section). The seawalk transitions to an at-grade boardwalk along the island before returning to a pile-supported structure that extends the remaining distance to the west side of Gold Creek. This area will include many interpretive signs and will serve as a hub for environmental education along the path. Final designs for this signage system are in process. The area includes two viewpoints and a stepping stone path through the intertidal area, which will be flooded at high tides.
- 4) **Cove Beach, site plan sheet L-207.** This section provides pedestrian access to the park area from the Egan Drive sidewalk. The stepping stone path in this section follows through to the stepping stone path noted above which goes through the intertidal area to the habitat island. Like the habitat island path, this path will be flooded during high tides. This area includes many habitat restoration features such as an enhanced tidal pond. It serves as the main access point for construction of the habitat island.
- 5) **Seawalk East, site plan sheet L-208.** In the final project section, from the island to west edge of Gold Creek, the seawalk returns to a pile-supported structure. The seawalk connects to Egan Drive. CBJ is the negotiating process with DOT to allow a designated pedestrian crossing at this point, however this is not currently allowed. Signage will direct seawalk users to an appropriate crossing location.

Property Ownership. Site plan sheet G-010 (Attachment 5) shows property ownership in the development area. The project is located primarily within CBJ-owned tidelands and adjacent upland areas; however certain sections, primarily the Cove Beach area, fall within the ADOT right-of-way. The Bridge Park area is the former location of the CBJ Streets shop, which was removed in 2012. The applicant has worked extensively with ADOT and adjacent property owners throughout the planning process, as described in the Background section of this report.

Construction Schedule and Park Management. Construction is expected to begin this winter to move fill into the park area, construct the habitat island, and conduct pile-driving for the seawalk. Truck traffic to and from the project site will be restricted during the peak traffic times of 4:30-5 p.m. Construction will continue through spring and summer 2016. The expected completion date is approximately September 2016. The area will be managed by the CBJ Parks and Recreation Department when final. The park area will be lit, while the seawalk will have

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pedestrian-level lighting for added safety.

BACKGROUND

The applicant has provided a partial history of the project in Attachment 6. This history does not include the many individual state and federal resource agency meetings that resulted in the final habitat restoration plan.

The public review process for the project first began in 2008 as CBJ prepared to construct a new Street Maintenance facility in Lemon Creek and abandon the Juneau-Douglas bridge site. The park-seawalk project, based on the guidance of the date Long Range Waterfront Plan, was introduced in 2009. The first full public review of the project took place in 2010, when the applicant presented three park/seawalk options to several CBJ committees and in public meetings.

Placement of a whale statue on site was first discussed in 2010, while alternatives to the whale were discussed throughout 2011. The bronze whale statue was officially added to site plans in 2012 after adoption by the CBJ Assembly (Resolution #2620). The statue has been donated.

The CBJ Streets Shop building was demolished in 2012. CBJ acquired the “spit” property from the property owner shortly afterwards, which provided CBJ with ownership of the entire park/seawalk area with the exception of the ADOT right-of-way along Egan Drive.

In May 2013, the applicant held a public meeting with resource agencies to discuss habitat restoration details and develop final plans. These meetings resulted in the final intertidal fill and mitigation plan presented to the U.S. Army Corps of Engineers. The Corps permitting process took almost two years and the final permit was received in April 2015.

The Assembly gave final approval to move forward with the project in June 2015. The seawalk is funded by marine passenger fees, while sales tax funds the park/ parking. The whale statue will be donated. The total project cost is approximately \$10-15 million depending on which factors are included.

The applicant has been actively working with adjacent property owners on the project for the last five years. Currently, the applicant has ongoing communication with owners regarding the construction schedule and parking and access issues. All adjacent property owners generally support the project due to the amenities and likely increase in property value.

CBJ Engineering is in the process of developing a Memorandum of Agreement with ADOT to guide ongoing coordination efforts with different construction activities and future pedestrian crossings in this area. The park/seawalk project will begin before ADOT’s Egan Drive reconstruction project begins, which addresses the bridge to Main Street.

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ANALYSIS

The seawalk is specifically described and mandated in CBJ Code 49.70.960(c)(6), below:

Seawalk. A pedestrian access easement and walkway intended to provide a continuous pedestrian path along the entire downtown waterfront area, shall be included with all future development or redevelopment along the downtown waterfront shoreline. This walkway, to be known as the seawalk, shall be a continuous path along the entire downtown waterfront as depicted in the Long Range Waterfront....Unless the alignment of the seawalk requires otherwise, owners of property...shall dedicated all easements necessary for construction of a seawalk 16 feet in width.

The 2004 Long Range Waterfront Plan (adopted by Ordinance 2004-40) also requires the seawalk to be 16 feet wide. The applicant has confirmed that 16 feet is the minimum width of the walkway, which is necessary to accommodate bicycles, pedestrians, and site amenities. The path is wider in several places with bump-outs that allow placement of benches, trash cans, signage, etc.

CBJ Code does not list a specific parking requirement for parks. The Bridge Park area (site plan sheet L-101, Attachment 5) shows four bus parking spaces, 11 standard vehicle spaces, and a crosswalk and bus shelter. Parking is available in the adjacent state agency lots on weekends and before and after state working hours. Site access will be from both 8th and 9th streets. Buses will be required to exit 9th Street and take a right turn onto Egan. As noted earlier, the applicant is negotiating with ADOT to provide an additional pedestrian crosswalk and/or overpass across Egan Drive to connect with the nearby grocery store and retail area.

CONFORMITY WITH ADOPTED PLANS

2013 Juneau Comprehensive Plan

The project area has two designations in the 2013 Comprehensive Plan: CBJ Recreational Service Park and Marine Commercial. These areas are defined as follows:

Recreational Service Park. Recreational Service Parks include CBJ-owned lands with parks developed for active recreation, programmed use, and/or community gardens. Recreation, parking, playgrounds and fields, ski lifts, All-Terrain Vehicle (ATV) riding parks, rifle ranges, operations and maintenance-related structures are possible uses or components of RS-designated lands.

Marine Commercial. Land to be used for water-dependent commercial uses such as marinas/boat harbors, marine vessel and equipment repair services, convenience goods and services for commercial and sport fishing, marine recreation and marine tourism activities such as food and beverage services, toilet and bathing facilities, bait and ice

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shops, small-scale fish processing facilities, hotels and motels, and similar goods and services to support mariners and their guests.

The project clearly complies with the Recreational Service Park designation with its many park amenities. Compliance with the Marine Commercial designation is less obvious, however the project substantially conforms with this designation because the seawalk is a water-dependent, marine recreational service that may accommodate commercial use.

The project complies with several Comprehensive Plan policies including the following:

Policy 7.11 To preserve and protect a diversity of fish and wildlife habitat throughout the CBJ.

7.11 – SOP2 Include protection of important fish and wildlife habitats in Capital Improvement Projects and Land Use Planning.

The project includes extensive habitat restoration measures in this section of coastline, since the coastline has been severely altered and degraded over time. These measures, described in detail in the Habitat Section of this report, include restoring natural intertidal contours, removal of invasive species, and extensive re-vegetation efforts.

Policy 9.1 To provide quality dispersed outdoor recreational opportunities and to acquire and develop sufficient local parks and recreational facilities in locations convenient to all areas of the CBJ. Places given priority for new facilities include rapidly developing areas and currently developed areas that lack adequate parks and recreation facilities.

The project provides a unique urban waterfront park located out of the primary congested area of downtown. The park includes amenities for a variety of users, including sitting and viewing areas, shoreline fishing access, an infinity pool, environmental education, and the extended seawalk for walkers, runners, and cyclists.

Lastly, the Subarea 6 Guidelines and Considerations (for downtown Juneau) specifically mentions the seawalk:

7. Preserve public access to the shoreline and waterfront areas. Provide for public access, open space/natural areas and water-dependent and water-related uses on the downtown waterfront via the seawalk with connections to the existing pedestrian system.

The project provides extensive public access to the shoreline while enhancing habitat with innovative restoration efforts.

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2004 Long Range Waterfront Plan

The 2004 Long Range Waterfront Plan, an officially adopted element of the 2013 Comprehensive Plan, has been the primary guidance document for development of the Bridge Park and seawalk. The plan identified the project area for environmental enhancement/open space/recreation, as shown on the following page:



Area A above is further described in the Plan below:

“One of two primary waterfront areas in need of redevelopment, Area A holds promise as a mixed-use redevelopment area supportive of two and three story office, residential, hospitality, and recreational uses. Enhancement of the area should at minimum include improvement of the visual character of the area, creation of a gateway into downtown, traffic calming elements along Egan Drive, and enhancement of tidelands and natural areas found with and surrounding Gold Creek.”

The project addresses all of these elements, though the mixed-use development is not clearly defined at this stage, as noted in the Project Description. The park includes recreational opportunities for many different types of users, re-vegetation and beautification elements, and extensive habitat enhancement and restoration measures. Future stages of the project will provide connections between 8th and 9th Streets and additional pedestrian crossings to promote a mixed-use district that crosses Egan Highway and creates a new sense of neighborhood and community in the area.

HABITAT

The project requires approximately 3.2 acres of intertidal fill to construct the Bridge Park and the habitat island. The habitat island will be created as mitigation for the Bridge Park fill, in conjunction with adjacent re-vegetation and restoration efforts.

The final permit from the U.S. Army Corps of Engineers (Attachment 8) lists project elements below:

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Project Description: Place dredged and/or fill material into waters of the U.S. below the high tide line, including special aquatic sites, as well as the placement of structures into waters of the U.S. below the Mean High Water to facilitate the construction of a habitat island, park, and elevated walkway. Specifically the work includes:

1. Discharge 410 cubic yards of riprap, soil material, cobble, and gravel below the high tide line (HTL) (+20.8 feet above the 0.0 foot contour line) impacting 0.1 acres of marine intertidal substrate to vegetate the existing riprap side slopes.
2. Discharge 11,500 cubic yards of shot rock and riprap below the HTL impacting 0.58 acres of marine intertidal substrate to construct a park.
3. Discharge 30,000 cubic yards of shot rock and riprap below the HTL impacting 2.69 acres of marine intertidal and subtidal substrate including 0.12 acres of vegetated shallows to construct a recreational island.
4. Discharge 360 cubic yards of shot rock below the HTL impacting 0.07 acres of marine intertidal substrate to access the proposed island.
5. Discharge 127 cubic yards of rock below the HTL impacting 0.05 acres of marine intertidal substrate to construct two pedestrian paths for access to the proposed recreational island and intertidal waters.
6. Install 65 each 14-inch to 16-inch diameter steel piles below the Mean High Water Mark (+15.4 feet above the 0.0 foot contour line) to construct two viewing platforms and one pedestrian and bicycle path.
7. Create a total of 0.37 acres of tidal wetland vegetation through transplanting, and new plantings including the transplanting of 0.12 acres of existing Alkali grass and other native species on site.

Corps permit conditions include extensive erosion control and re-vegetation measures, in addition to an invasive plant survey and mandatory removal of invasive species. These conditions are noted on page 3 of the permit. Monitoring reports are also required.

The applicant's Corps Permit Application, included in part as Attachment 7, provides a detailed history of the development that includes planning efforts as well as natural history. The application has a description of the original coastline before modern development, which provided the foundation for the restoration plan. The restoration plan was further developed from scientific data obtained from the following reports:

1. Biological data taken by Pat Harris in her report "Biological Inventory: Habitats, Fish Use, Pond Water Quality Gold Creek Delta, Juneau, Alaska" June-July 2013.
2. A report by Catherine Pohl, "Preliminary Summary of Bird Survey Results: Juneau Seawalk Project Area", May 2013; and additional vegetation analysis by Koren Bosworth.
3. A functional lift analysis was performed by Hans Ehlert/CH2MHILL, "Assessment of Functions and Compensation for the Proposed Seawalk Habitat Island near Gold Creek, Juneau, Alaska" February 2014.

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4. Engineering data that was collected includes a technical memorandum by Coast and Harbor Engineering, "Gold Creek Seawalk Project- Basis of Coastal Engineering Design" December 2013.
5. "Geotechnical Findings and Recommendations: Juneau Seawalk Upgrades" by Golder Associates Inc., 2013.
6. Engineering analysis and design performed by Tetra Tech, Inc.
7. Landscape architectural services performed by JA Brennan Associates.
8. A historical photo report, "Historical Series for Gold Creek Delta Project Area" by Richard Carstensen of Discovery Southeast, July 2013.

The restoration plan is best summarized by the following paragraph, copied directly from the applicant's Corps application:

The intent of the project is to restore and enhance coastal shoreline, provide safe access to the water and downtown for commuters, and to create educative and interpretive elements on the waterfront. To do this, this project proposes to construct a park that is partially on fill, and a pile and fill supported seawalk that works to restore and enhance the shoreline to its condition prior to development. However, because the entire project area has been filled in the last century and now supports residential neighborhoods, commercial areas, a highway, bridge abutment, civic structures and parks, the fill cannot be removed. The project proposes to restore the shoreline in its new location and create additional shoreline to offset the loss of habitat from fill.

The project represents the most extensive habitat restoration project in the downtown area for many decades, and easily complies with the Habitat Standard of the Juneau Coastal Management Program, CBJ Code 49.70.950(c)(3):

"Wetlands and tideflats shall be managed so as to ensure adequate waterflow, nutrients, and oxygen levels, to avoid the adverse effects on natural drainage patterns, the destruction of important habitat, and the discharge of toxic substances."

FINDINGS

Staff finds that the proposed development complies with CBJ Code Title 49, the 2013 Juneau Comprehensive Plan, the 2004 Long Range Waterfront Plan, and the Juneau Coastal Management Program, as described in the preceding analysis.

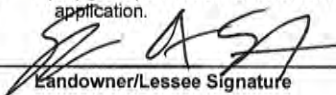
RECOMMENDATION

Based upon the proposed plan (identified in Attachments 1-8), and the findings and conclusions stated above, the Community Development Department Director recommends that the Planning Commission **RECOMMEND APPROVAL** to the Assembly for the request, which would allow development of a park and extended seawalk.

DEVELOPMENT PERMIT APPLICATION

Packet Page 21 of 91

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

INFORMATION	Project Description Seawalk- Bridge to Gold Creek. The project involves the construction of a park under the JD bridge, which includes a bronze whale sculpture (on fill), plaza, accompanying parking, covered bus waiting, picnic shelter, lighting, and other site amenities. A pile supported seawalk runs from the bridge park to Gold Creek. A habitat Island is proposed to be created along the seawalk, in the flats off Gold Creek. The seawalk project used the Long Range		
	PROPERTY LOCATION		
	Street Address 1300 W. 9th St	City/Zip Juneau, AK 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Tidelands Addition BL 58 Lts 11 & 1, BL 87, BL 87 FR & ATS 3, BL 67 LTD 1 & 4		
	Assessor's Parcel Number(s) 1C060K580060, 1C100K830032, 1C060K630050, 1C060K670010		
	LANDOWNER/ LESSEE		
	Property Owner's Name City & Borough of Juneau	Contact Person: Skye Stekoll	Work Phone: (907) 586-0887
	Mailing Address 155 S. Seward St Juneau, AK 99801	Home Phone:	Fax Number:
	E-mail Address Skye.Stekoll@juneau.org	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			7/9/15
		Landowner/Lessee Signature	Date
X			
		Landowner/Lessee Signature	Date
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name SAME		Contact Person:	Work Phone:
Mailing Address		Home Phone:	Fax Number:
E-mail Address	Other Contact Phone Number(s):		
X		7/9/15	
	Applicant's Signature	Date of Application	

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE			
	☒	Permit Type	***SIGN	Date Received
		Building/Grading Permit		7/13/15
		City/State Project Review and City Land Action		7/13/15
		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)		
		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
			TC	

Holly Kveum

From: Buck, Joseph T (DOT) <joe.buck@alaska.gov>
Sent: Monday, July 13, 2015 2:16 PM
To: Teri Camery
Cc: Skye Stekoll
Subject: CBJ Development Permit Application: Seawalk - Bridge to Gold Creek

Teri,

To follow up on our conversation today, DOT&PF will work with the City & Borough of Juneau to develop an appropriate agreement and permits necessary for those portions of the proposed project impacting the State's public rights-of-way.

Please consider this email as a landowner's consent to proceed with the CBJ's land use or activity review for development with respect to DOT&PF rights-of-way interests.

Joe Buck, PE

Right-of-way chief
Southcoast Region

Alaska Department of Transportation & Public Facilities
Right-of-Way & Utilities Section
6860 Glacier Highway
P.O. Box 112506
Juneau, AK 99811-2506
Ph: 907.465.4541
Fax: 907.465.4414
joe.buck@alaska.gov

"KEEP ALASKA MOVING through service and infrastructure"

CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

Packet Page 23 of 91

Project Number	Project Name (15 characters)	Case Number CSP <u>15-012</u>	Date Received <u>7/13/15</u>
----------------	------------------------------	----------------------------------	---------------------------------

TYPE OF PROJECT REVIEW:

☒ City Project Review
 ☐ City Land Acquisition /Disposal
 ☐ State Project Review

DESCRIPTION OF PROJECT

Seawalk- Bridge to Gold Creek. The project involves the construction of a park under the JD bridge, which includes a bronze whale sculpture (on fill), plaza, accompanying parking, covered bus waiting, picnic shelter, lighting, and other site amenities. A pile supported seawalk runs from the bridge park to Gold Creek. A habitat island is proposed to be created along the seawalk, in the flats off Gold Creek. The seawalk project used the Long Range Waterfront Plan to guide the design.

Please attach a cover letter to fully explain the project if there is not adequate space on this form.

CURRENT USE OF LAND OR BUILDING(S):

Under the bridge is currently used by CBJ Public Works Department for winter support facilities. All Public Works activity and support facilities are being relocated. The other properties are used for recreation.

PROPOSED USE OF LAND OR BUILDING(S):

Park and Recreation

PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:

Is this project associated with any other Land Use Permits? ☒ No ☐ Yes Case No.: _____

Capital Improvement Program # (CIP) H51-091

Local Improvement District # (LID) _____

State Project # _____

ESTIMATED PROJECT COST: \$ \$10,000,000.00

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.	CITY/STATE PROJECT FEES				
		Fees	Check No.	Receipt	Date
	Application Fees	\$ <u>1600</u>			
	Total Fee	\$ <u>1600</u>	<u>via PAC</u>		<u>7/13/15</u>

TO BE COMPLETED BY THE APPLICANT

**NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM
&
EVEN IF THE PROPOSED PROJECT IS ASSOCIATE WITH OTHER LAND USE PERMITS, THIS
APPLICATION MUST BE FILLED OUT**

Seawalk- Bridge to Gold Creek

Overall Plan:

The proposed Seawalk project runs from the Juneau Douglas Bridge to Gold Creek. The project has closely followed the Long Range Waterfront Plan (LRWP) as a guide for all planning and design work.

For the ease of interpretation, we've divided the project into 5 plan sheets for clarification of design. The sections are Bridge Park, Seawalk West, Habitat Island, Cove Beach, and Seawalk East. Starting at the JD Bridge, Bridge Park serves as the gateway to the Seawalk. The Seawalk West portion of the Seawalk extends from Bridge Park along the shoreline in front of the Department of Fish & Game Building on an elevated pile supported deck (similar design to previous Seawalk projects). At the "spit", an enlarged area of the Seawalk serves to connect to the ADF&G parking lot, provide an enlarged seating area, and provide access down to the tidelands. From the "spit", the elevated pile supported Seawalk structure extends out away from the shoreline, where it connects into the Habitat Island. From the Habitat Island, a stepping stone pathway leads through the tidelands to the Cove Beach area. Seawalk East is the last segment of this project, connecting the Habitat Island with Egan Drive, while also continuing towards Gold Creek for a future connection across the Gold Creek Delta.

There are three main elements to the Seawalk- Bridge to Gold Creek project. 1) A park area under the JD Bridge. 2) A pile supported Seawalk. 3) Habitat Enhancement along the shoreline and on the Habitat Island. The Habitat Island is a self mitigating component of the project, offsetting impacts of the fill at the park.

The shoreline area throughout the project will be enhanced. Invasive species will be removed and replaced with native plants. The existing shoreline has chunks of concrete, scrap metal, and asphalt that will be removed. Rip rap will be placed in some areas to ensure slope stability. The slopes will be covered with a mix of small cobbles, gravel, and topsoil to allow for re-vegetation (including within the riprap).

Many details from previous Seawalk segments are incorporated into this project, to create a sense of continuity along the waterfront. The Seawalk is a pile supported structure with pressure treated wood plank decking. The standard Seawalk width (dictated as the minimum standard in the LRWP) is 16'. The Seawalk has bump outs to provide rest areas, often fitted with benches and trash cans. The Seawalk has a cable rail system with pedestrian level lighting embedded into the posts. Larger poles with lights and banners are located periodically throughout the Seawalk. Wayfinding signage templates from other projects will be continued through this section.

Property Ownership Plan:

The Property Ownership Plan distinguishes CBJ property from private property and DOT ROW within the project boundaries. The Bridge Park area shows CBJ property, where the former CBJ Streets shop was located. Under the JD Bridge is a mix of CBJ owned property with an airspace easement given to DOT for the JD Bridge and DOT ROW. The property in the Bridge Park area will be managed between CBJ

Parks & Rec and Docks & Harbors. Another important area of property boundaries is along the Cove Beach section of the project. This will be the main access point for construction of the Habitat Island and runs through DOT ROW and CBJ property.

Bridge Park:

The park area serves as a gateway to the Seawalk. In the LWRP the area was meant to be programmed as a mixed-use development, open space, and recreation hub. The proposed plan is comprised of upland park area, parking, bus parking, covered bus waiting, stair access to fishing areas, a picnic shelter, and a 28' lifesize bronze whale sculpture (donated to the CBJ), infinity pool, and plaza surrounding the sculpture. The park area will be lit to increase visibility and to create an appropriate ambiance. Site amenities, including both fixed and moveable site furnishings, are included. The whale and pool are proposed to be constructed on fill.

CBJ Docks and Harbors has plans to open a Fish Market on the North side of the JD Bridge. There is also a mixed use building to be located on the site, as shown in the LRWP. The basic location of the building has been shown, but the area will be grass and asphalt paths until the programming of the building is determined and construction commences. If a building is constructed and the fish market concept goes through (Docks and Harbors is currently studying the area from the Yacht club to the JD Bridge), additional parking for the site will be needed. These areas are left as gravel for the time being to be flexible for current/ future uses (under the bridge and on the North side of the bridge). The future mixed use building likely will include public restrooms and a pump room (if the fountain aspect of the whale pool goes forward).

It is noted that traffic in this area is not ideal, especially at rush hour. The site is set up for tour visitors to come on their way back to town, with buses only exiting the site by turning right onto Egan Drive. West 8th Street is in poor condition and will be addressed in a parallel project that will go into design this winter and construction should follow the Seawalk- Bridge to Gold Creek project. This project will connect West 8th and West 9th to give traffic more options. A future possibility is to connect them under the bridge to the harbor road.

Seawalk West:

From Bridge Park, the Seawalk starts off as a pile supported structure with wood decking, similar to what we've constructed on past Seawalk segments. At the "spit" (or corner of the ADF&G building), there is a widened deck area. There is a connection between the Seawalk and ADF&G parking lot to at the "boat deck" area. This enlarged portion of the Seawalk serves as a scenic overlook, picnic area, and access down to the tidelands. The staircase to the tidelands switches from standard Seawalk details to a fiberglass stair/ rail system once below the tideline. Parts of this stair system will be underwater at high tide. The deck area is in the shape of a boat, which is not only an aesthetic feature but functional as well. The railing in the boat area switches to a wood slat system that is tilted to provide a wind block as well. A tensile fabric structure provides some relief from rain.

From the boat deck towards the Habitat Island, the vertical profile of the structure was narrowed, to minimize the visual impact.

Habitat Enhancement:

The Island serves as the main focus of the habitat enhancement efforts on the project. The goal was to take our existing shoreline/ flats area and create a more natural setting than we see today. As described in Richard Carstensen's report for the project, creating a "natural" area is no small task with the great history of disturbance to Gold Creek and its delta. The design team studied other streams/ creeks in the area to assist in determining what vegetation could grow at different elevations. The design team then inventoried plants and animals that were seen in the area between the Bridge and Gold Creek over a summer. The design team was able to pick out prominent and important habitat areas and features to maintain, including the old dredge pond which was frequently visited by fish and shore birds.

The Island is designed to maximize the amount of area at specific elevations and slopes that are conducive to the riparian habitat we are trying to create. It will take years for the vegetation to fully take hold and we are required by the Army Corps permit to monitor the site for 5 years, to ensure the native plants we want to take hold are thriving and invasive species are removed. A restrictive covenant was created for the habitat enhancement areas, complying with Corps permit.

The Seawalk transitions to an at-grade boardwalk along the Island. The Seawalk then returns to a pile supported structure from the Island to Gold Creek and the Egan Drive connection.

The Habitat Island serves as the hub for environmental education interpretive elements as well. The entire project will have an extensive interpretive element and the design for that system is currently underway. Elements that need to be completed during construction will be added to this contract.

Cove Beach:

The Cove Beach area of the project is proposed to be the main access point for construction of the Island. A zone of 2" rock will be constructed in the DOT ROW to assist with cleaning wheels during trucking.

Critical habitat that is within the construction access and Island fill areas will be transplanted prior to construction. After construction, disturbed areas will be returned to a "natural state". An access pad will be created across the tidelands, which will eventually turn into a stepping stone path. Lower elevations of the path will be inundated during high tides.

Seawalk East:

From the Island to Gold Creek, the Seawalk transitions back to a pile supported structure. The Seawalk connects into Egan Drive just North of Gold Creek. The connection point is aligned for a potential future crossing across Egan Drive. DOT will not allow a designated crossing at this time. Seawalk users, will therefore, be encouraged to continue along the waterside of Egan drive to an appropriate crossing location.

The Seawalk continues right up to the edge of Gold Creek and dead ends into an enlarged view deck. A future “bridge” crossing over the Gold Creek Delta will connect the future Seawalk segment. Planning for the next segment of Seawalk, from Gold Creek to the Subport area will begin shortly.

Management:

The project area will be managed by Parks & Recreation upon completion.

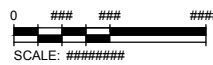


ILLUSTRATIVE
SITE PLAN

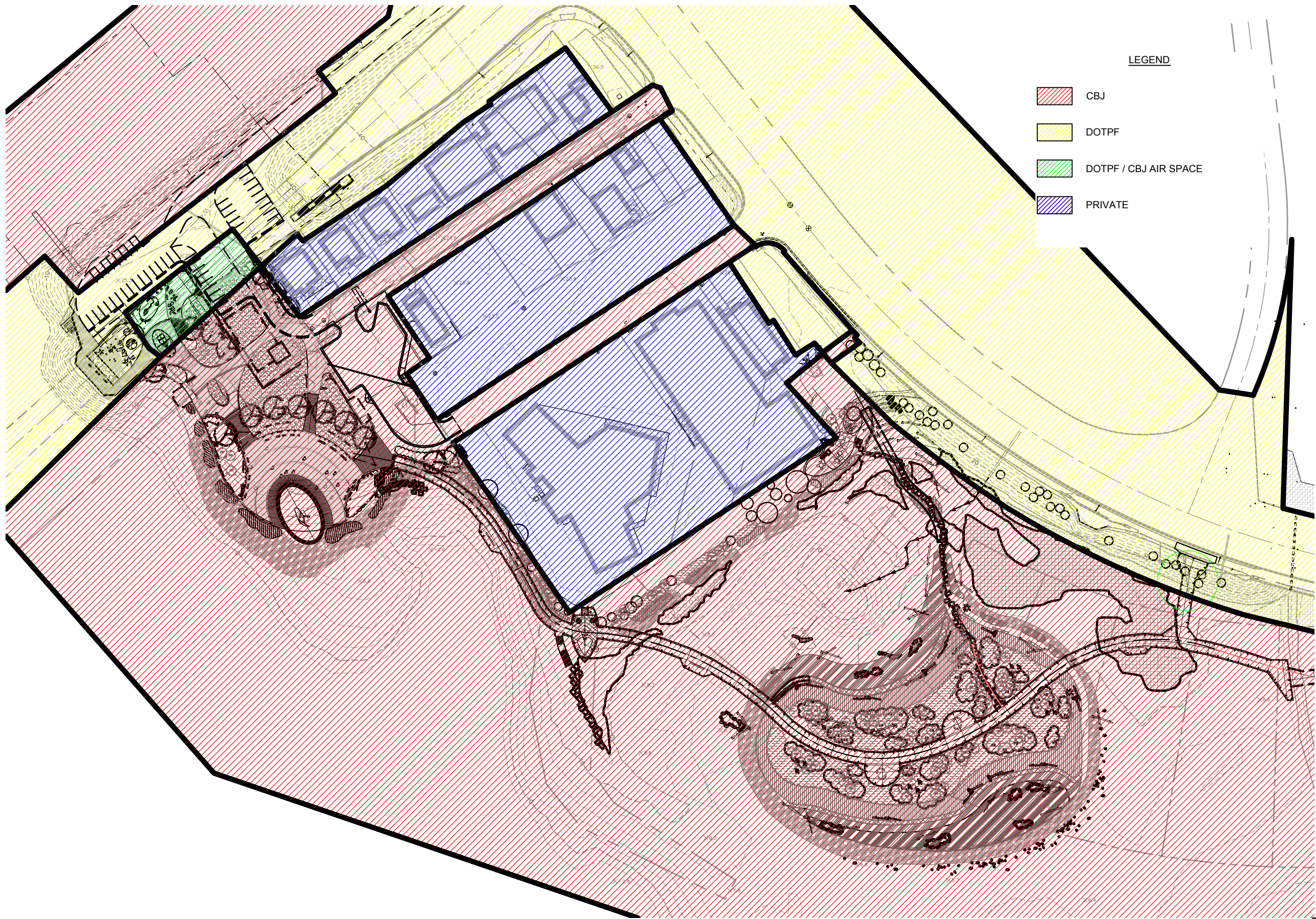
CITY AND BOROUGH OF JUNEAU
E16-411, DOWNTOWN SEAWALK - BRIDGE TO GOLD CREEK

G-003

Copyright: Tetra Tech



7/20/2015 1:43:16 PM - P:\12554\135-12554-15003\CAD\SHEETFILES\G-010 - PROPERTY OWNERSHIP.DWG - ONEILL, SEAN



LEGEND

- CBJ
- DOTPF
- DOTPF / CBJ AIR SPACE
- PRIVATE

**TETRA TECH**

www.tetratech.com
217 SECOND STREET, SUITE 207
JUNEAU, AK 99801
MAIN: (907) 586-6400 FAX: (907) 463-3677

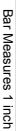
MARK	DATE	DESCRIPTION	BY

CITY AND BOROUGH OF JUNEAU
E16-011, DOWNTOWN SEAWALK - BRIDGE TO GOLD CREEK
PROPERTY OWNERSHIP

Project No.: 135-12554-15003
Designed By: DRB
Drawn By: SRO
Checked By: DRB

G-010

Bar Measures 1 inch

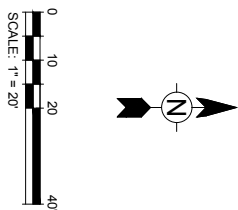


j.a. brennan
associates PLLC

Landscape Architects & Planners
100 South King Street, Suite 200
Seattle, WA 98104
t. 206.583.0620 f. 206.583.0623



217 SECOND STREET, SUITE 207
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L-205

Project No.: 135-12554-15002

Drawn By: MP

Checked By: JB

CITY AND BOROUGH OF JUNEAU

E16-011, DOWNTOWN SEAWALK - BRIDGE TO GOLD CREEK

LANDSCAPE
PLANTING PLAN
SEAWALK WEST

MARK	DATE	DESCRIPTION	BY

j.a. brennan

associates LLC

Landscape Architects & Planners
100 South King Street, Suite 200
Seattle, WA 98104
t. 206.583.0620 f. 206.583.0623

WASHINGTON
REGISTERED
LANDSCAPE ARCHITECT
JAMES A. BRENNAN
CERTIFICATE NO. 453



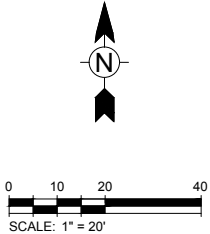
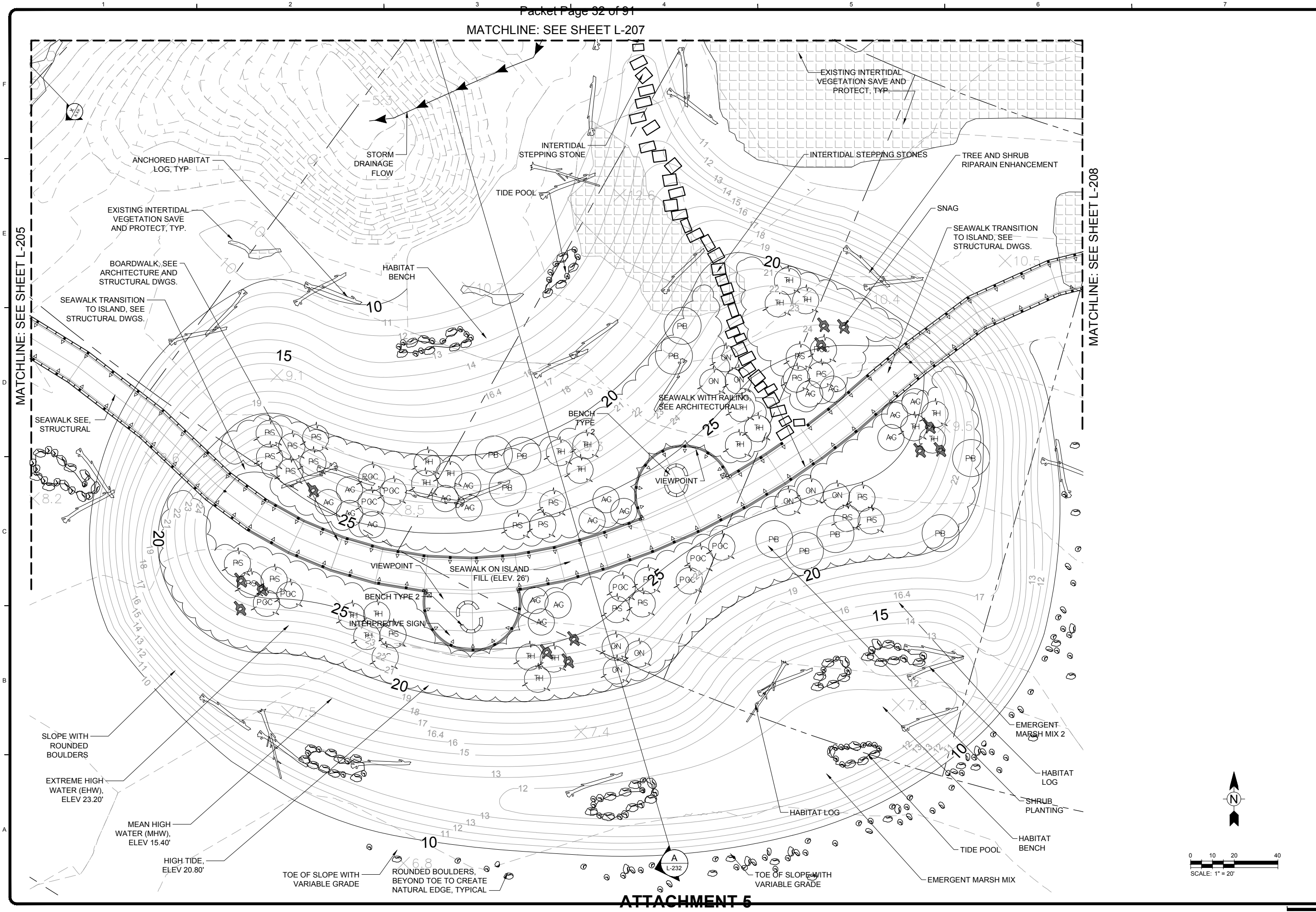
Tt

TETRA TECH

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JUNEAU, AK 99801
MAIN: (907) 586-6400 FAX: (907) 463-3677

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ATTACHMENT 5

Packet Page 32 of 91

MATCHLINE: SEE SHEET L-207

MATCHLINE: SEE SHEET L-205

MATCHLINE: SEE SHEET L-208

ANCHORED HABITAT LOG, TYP.

EXISTING INTERTIDAL VEGETATION SAVE AND PROTECT, TYP.

BOARDWALK, SEE ARCHITECTURE AND STRUCTURAL DWGS.

SEAWALK TRANSITION TO ISLAND, SEE STRUCTURAL DWGS.

SEAWALK SEE, STRUCTURAL

SEAWALK ON ISLAND FILL (ELEV. 26')

VIEWPOINT

BENCH TYPE 2

INTERPRETIVE SIGN

SLOPE WITH ROUNDED BOULDERS

EXTREME HIGH WATER (EHW), ELEV 23.20'

MEAN HIGH WATER (MHW), ELEV 15.40'

HIGH TIDE, ELEV 20.80'

TOE OF SLOPE WITH VARIABLE GRADE

ROUNDED BOULDERS, BEYOND TOE TO CREATE NATURAL EDGE, TYPICAL

INTERTIDAL STEPPING STONE

TIDE POOL

SEAWALK WITH RAILING, SEE ARCHITECTURAL

VIEWPOINT

BENCH TYPE 1

SEAWALK TRANSITION TO ISLAND, SEE STRUCTURAL DWGS.

SNAG

EXISTING INTERTIDAL VEGETATION SAVE AND PROTECT, TYP.

INTERTIDAL STEPPING STONES

TREE AND SHRUB RIPARIAN ENHANCEMENT

EMERGENT MARSH MIX 2

HABITAT LOG

SHRUB PLANTING

HABITAT BENCH

TIDE POOL

EMERGENT MARSH MIX

BY

DATE

DESCRIPTION

MARK

CITY AND BOROUGH OF JUNEAU

E-16-011, DOWNTOWN SEAWALK - BRIDGE TO GOLD CREEK

LANDSCAPE ARCHITECT

J.A. BRENNAN ASSOCIATES LLC

100 South King Street, Suite 200

Seattle, WA 98104

L-206.583.0620 F-206.583.0623

Project No.: 135-12554-15002

Designed By: MP

Drawn By: DS

Checked By: JB

L-206

Bar Measures 1 inch

TETRA TECH

www.tetratech.com

217 SECOND STREET, SUITE 207

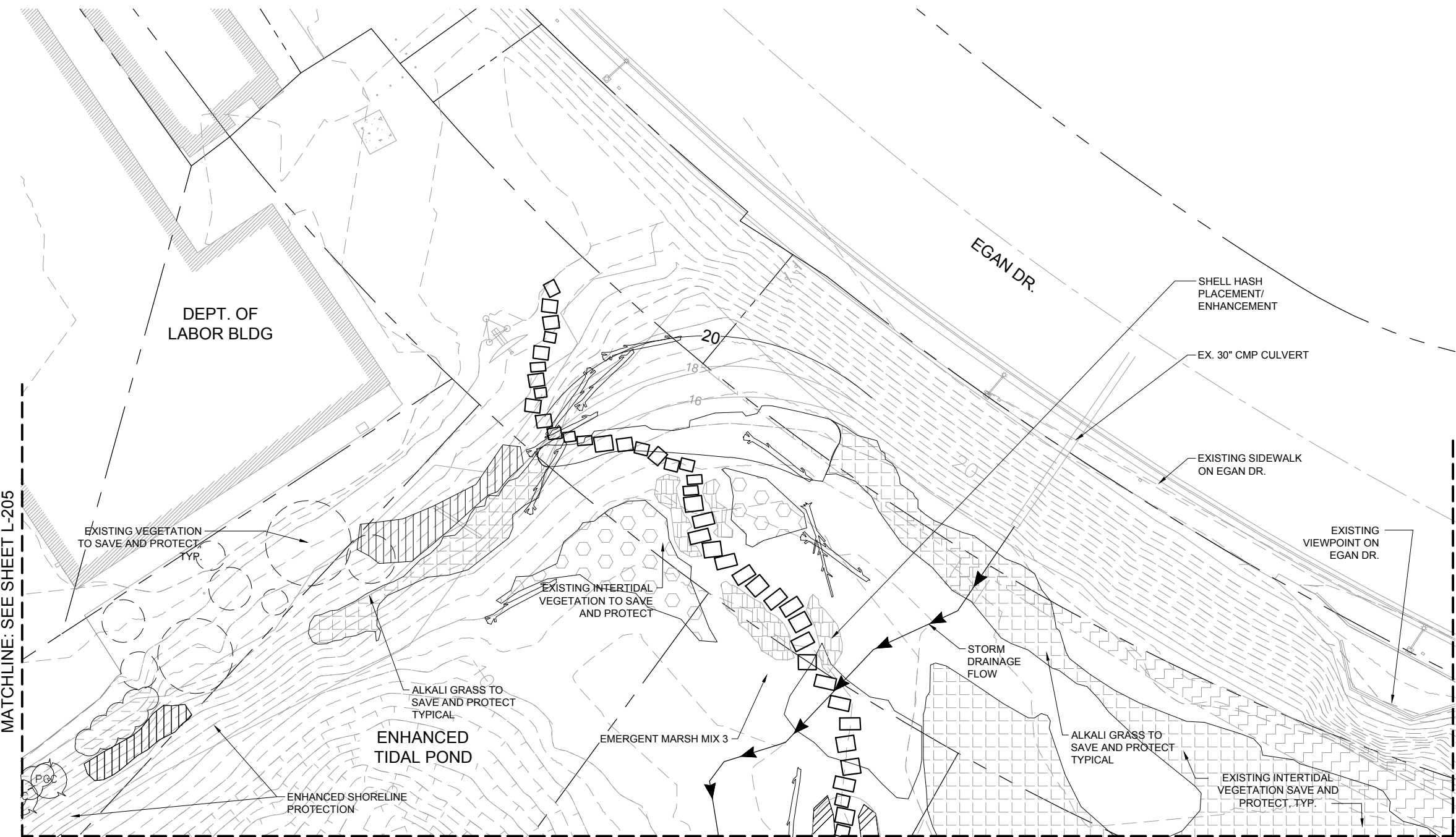
JUNEAU, AK 99801

MAIN: (907) 586-6400 FAX: (907) 463-3677

WASHINGTON REGISTERED LANDSCAPE ARCHITECT

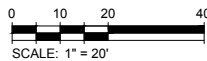
JAMES A. BRENNAN

CERTIFICATE NO. 433



MATCHLINE: SEE SHEET L-208

MATCHLINE: SEE SHEET L-206



SCALE: 1" = 20'

WASHINGTON
REGISTERED
LANDSCAPE ARCHITECT

JAMES A. BRENNAN
CERTIFICATE NO. 452



j.a. brennan
associates p.l.c.

Landscape Architects & Planners
100 South King Street, Suite 200
Seattle, WA 98104
206 583 0620 f 206 583 0623

[illegible]

CITY AND BOROUGH OF JUNEAU
DOWNTOWN SEAWALK - BRIDGE TO GOLD CREEK

LANDSCAPE
PLANTING PLAN
COVE BEACH

Project No.: 135-12554-15002

Designed By: MF

Drawn By:	DS
-----------	----

Checked By: JE

L-207

Bar Measures 1 inch

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A B C D E F

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2

3

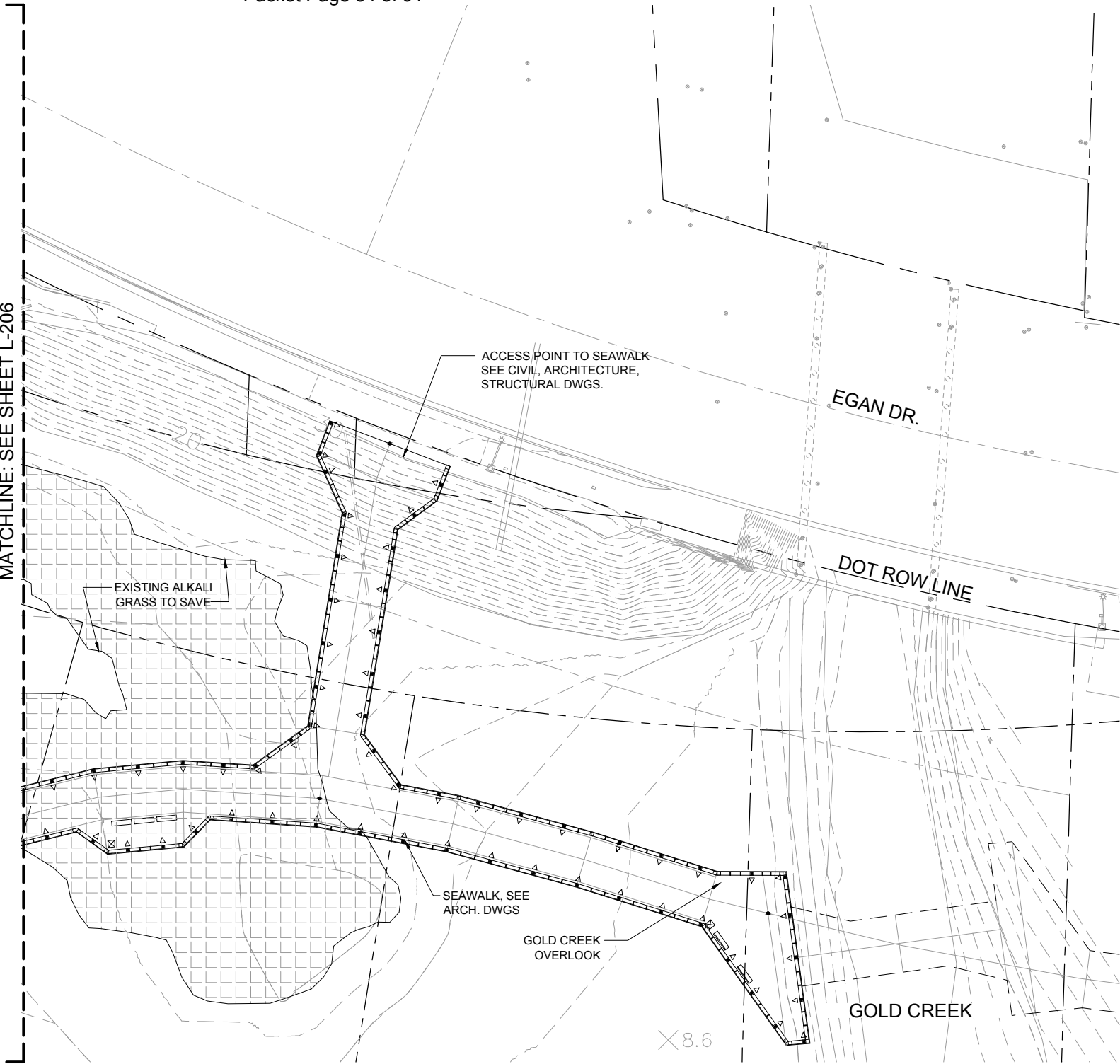
4

5

6

7

MATCHLINE: SEE SHEET L-206



ACCESS POINT TO SEAWALK
SEE CIVIL, ARCHITECTURE,
STRUCTURAL DWGS.

EXISTING ALKALI
GRASS TO SAVE

SEAWALK, SEE
ARCH. DWGS

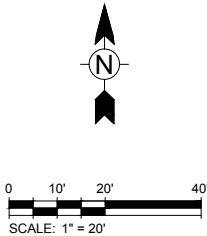
GOLD CREEK
OVERLOOK

GOLD CREEK

EGAN DR.

DOT ROW LINE

× 8.6

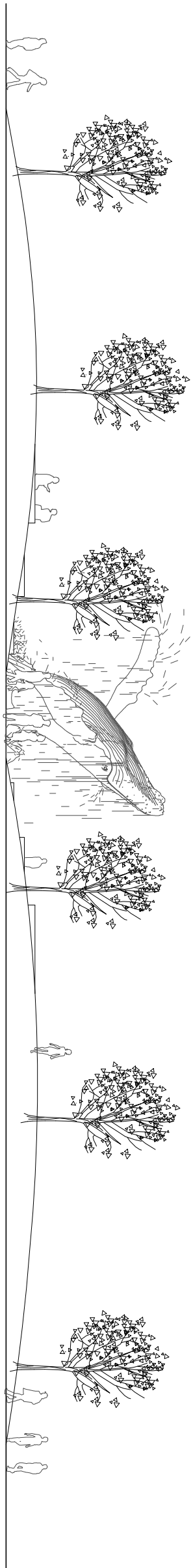


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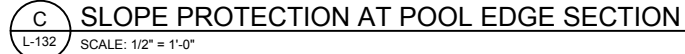
CITY AND BOROUGH OF JUNEAU
E-16-011, DOWNTOWN SEAWALK - BRIDGE TO GOLD CREEK
**LANDSCAPE
PLANTING PLAN
SEAWALK EAST**

Project No.: 135-12554-15002
Designed By: MP
Drawn By: DS
Checked By: JB

L-208



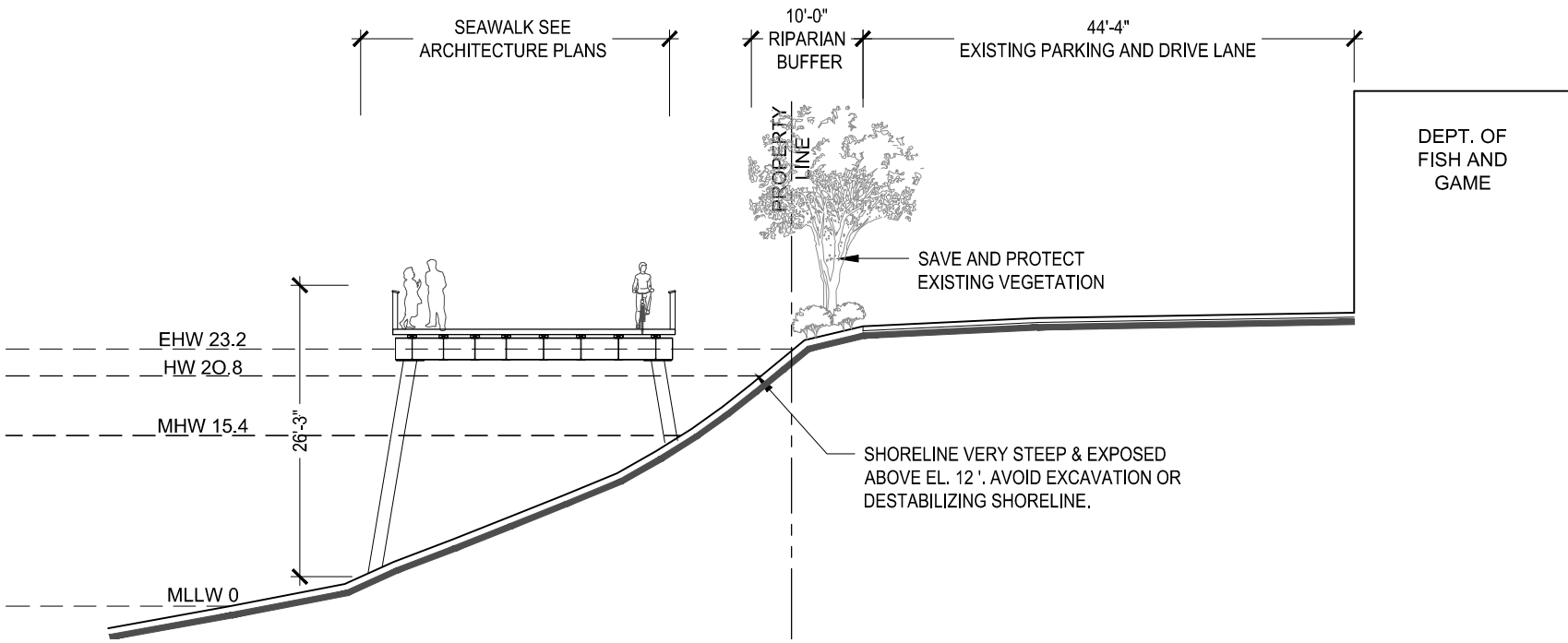
L-131

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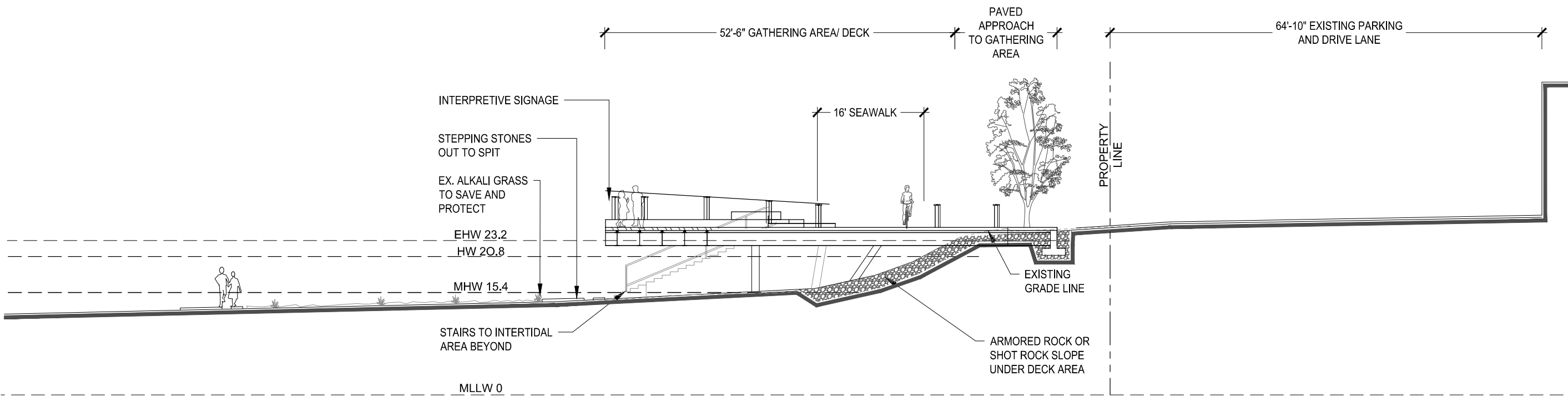
CITY AND BOROUGH OF JUNEAU
E/16-011: DOWNTOWN SEAWALK - BRIDGE TO GOLD CREEK

Project No.:	135-12554-1500
Designed By:	M
Drawn By:	D
Checked By:	J

L-132



A SEAWALK SECTION AT DEPT. OF FISH AND GAME
SCALE: 1/8"=1'-0"



B SECTION AT COASTAL INTERPRETIVE AREA
SCALE: 1/8"=1'-0"

TETRA TECH
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JUNEAU, AK 99801
MAIN: (907) 586-6400 FAX: (907) 463-3677

WASHINGTON
REGISTERED
LANDSCAPE ARCHITECT
JAMES A. BRENNAN
CERTIFICATE NO. 453

j.a. brennan
associates llc
Landscape Architects & Planners
100 South King Street, Suite 200
Seattle, WA 98104
T 206.583.0620 F 206.583.0623

BY	DATE	DESCRIPTION

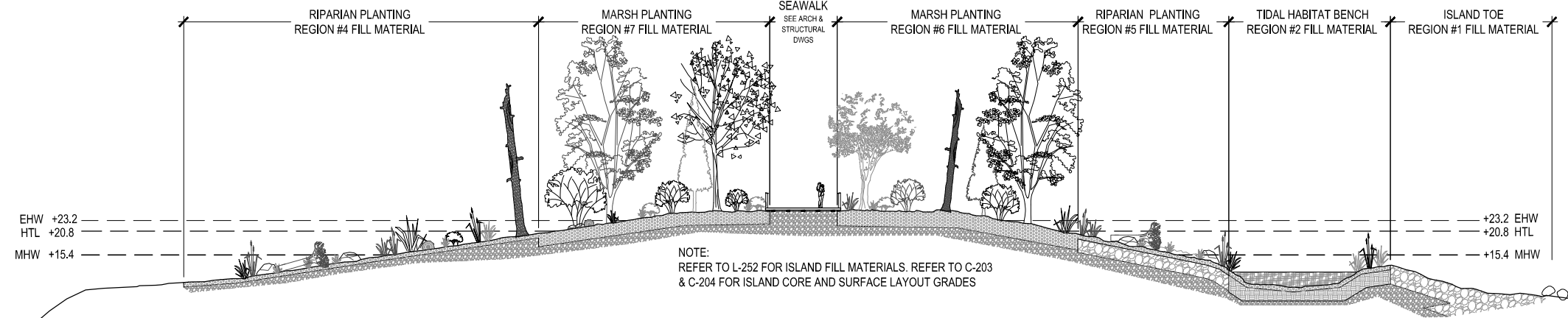
CITY AND BOROUGH OF JUNEAU
E:16-011, DOWNTOWN SEAWALK - BRIDGE TO GOLD CREEK

LANDSCAPE SECTIONS SEAWALK WEST

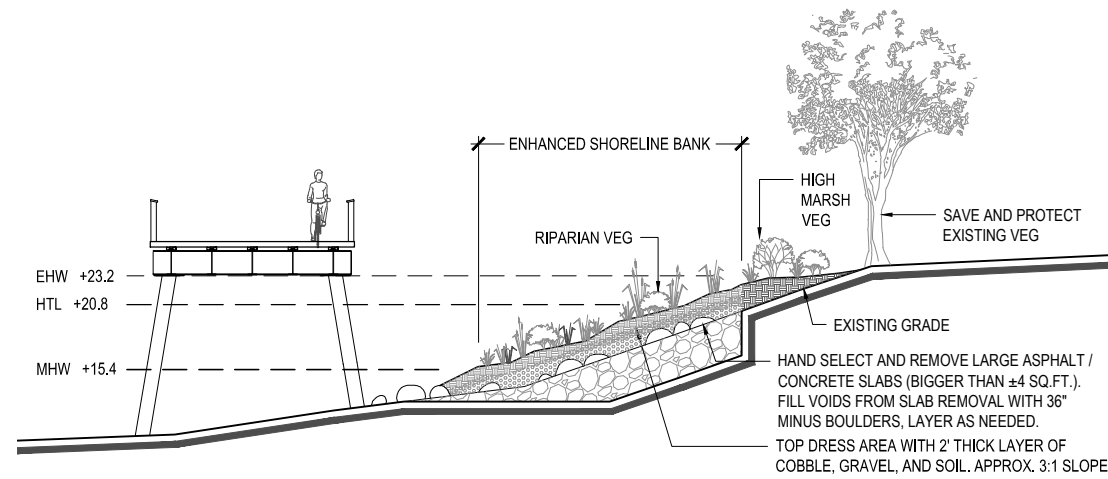
Project No.:	135-12554-15002
Designed By:	MP
Drawn By:	DS
Checked By:	JB

L-231

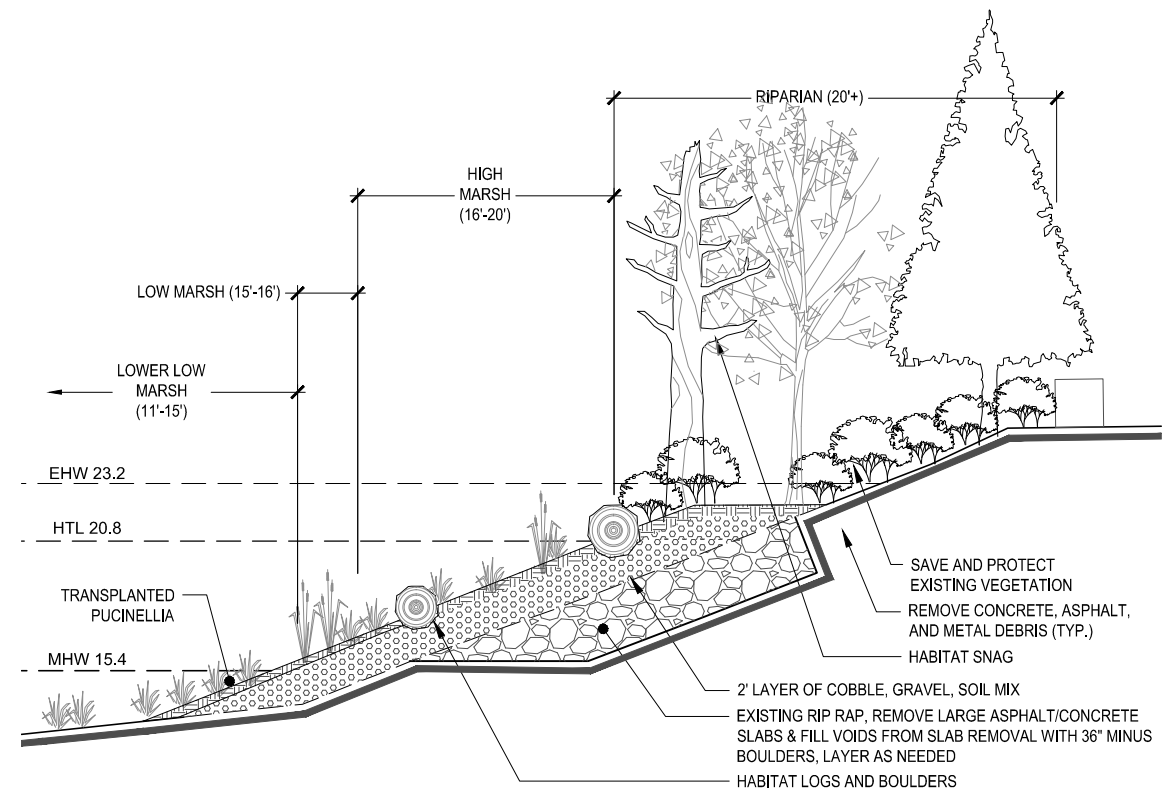
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A ISLAND PLANTING SECTION
SCALE: 1/16" = 1'-0"



B SECTION AT SOUTH END OF DEPT OF FISH AND GAME
SCALE: 1/8" = 1'-0"



E SHORELINE BANK ENHANCEMENT SECTION TYP.
SCALE: 1/4" = 1'-0"



www.tetratech.com
217 SECOND STREET, SUITE 207
JUNEAU, AK 99801
MAIN: (907) 586-6400 FAX: (907) 463-3677



JAMES A. BRENNAN
LANDSCAPE ARCHITECT
CERTIFICATE NO. 453



Landscapes Architects & Planners
100 South King Street, Suite 200
Seattle, WA 98104
L 206.583.0620 F 206.583.0623

MARK	DATE	DESCRIPTION	BY

CITY AND BOROUGH OF JUNEAU E:16-011, DOWNTOWN SEAWALK - BRIDGE TO GOLD CREEK	LANDSCAPE SECTIONS - HABITAT ISLAND AND SHORELINE ENHANCEMENTS
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Project No.:	135-12554-15002
Designed By:	MP
Drawn By:	DS
Checked By:	JB

L-232

Bar Measures 1 inch

Seawalk- Bridge to Gold Creek

Brief History:

The public process began in 2008 with CBJ Lands Department, as CBJ Streets began planning their new facility in Lemon Creek and were to abandon the site once that project was completed. The recommendation after a series of meetings was to use the LRWP as guidance for development and not sell the property to private entities.

In early 2009, the result of a joint PRAC/ Docks & Harbors meeting, the concept of a maritime museum was recommended for the site to encourage mixed use. A building condition report was done on the CBJ Streets building to determine if it would be reusable, for other purposes. It was determined that the building was in too bad of shape and the best course of action was to demolish the existing structure.

A process to determine ownership/ management of the surrounding property led to a joint agreement between CBJ Parks & Rec and Docks & Harbors. The first public review of the project began in 2010, when three options for a seawalk location were presented to the PWFC, D&H, & the Fisheries Development Committee. Tetra Tech was awarded the contract for design in 2010 and hosted the first of a couple public meeting in late 2010. The result of those meetings, was a design that took the Seawalk away from Egan Drive and through a habitat Island- what the final design is today.

The concept of the whale statue landing on this site became a possibility in 2010. It was determined that the whale would serve as an anchor/ gateway feature to the Seawalk and encourage use of the area. Alternatives with the whale were drawn up and presented through 2011. The Whale was officially adopted into the site in 2012 by the CBJ Assembly.

A boundary line on the site was adopted between Parks & Rec and Docks and Harbors in 2011, at a joint meeting. The line has been used as a guide, but throughout design there has been coordination between both Parks & Rec and Docks & Harbors to ensure the area is developed as a functional whole.

The CBJ Streets Shop building was demolished in 2012. CBJ was able to acquire the “spit” property from private owners shortly afterwards. The purchase of the property gave CBJ ownership of the entire Seawalk route, with the exception of DOT ROW at Egan Drive.

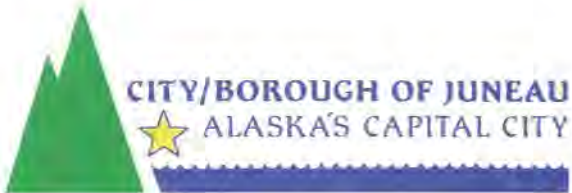
In May 2013, a public meeting with the agencies was hosted. The goal was to encourage discussion on habitat details and learn from the agencies past experiences.

After 2012, PWFC, D&H and PRAC have received periodic updates on the project.

The Corps permitting process took approximately 2 years and the permit was received in late April 2015.

The Assembly gave approval to move forward with the project in June. There were some efforts to reconsider the whale relocation but that has been resolved and now we have applied for permits.

The current plans show a direct market fisheries area (Docks & Harbors), a multi-use building (the original desire from both P&R and D&H), and additional parking that are future projects.



March 17, 2014

Matthew Brody
 Department of the Army
 U.S. Army Engineer District, Alaska
 Juneau Regulatory Field Office
 8800 Glacier Highway, Suite 106
 Juneau, Alaska 99801

Dear Mr. Brody,

The City and Borough of Juneau is submitting an application for the construction of the next segment of the downtown Juneau Waterfront Seawalk and Bridge Park. This segment, extending from the Douglas Bridge to Gold Creek, is the sixth segment to be constructed based on the Long Range Waterfront Plan for the City and Borough of Juneau as adopted by the Assembly in 2004. Bridge Park is located at the Douglas Bridge, at the beginning of the seawalk. The City and Borough of Juneau will be responsible for the funding, design, construction, inspection, and maintenance of the seawalk.

This packet includes the completed application, associated drawings, and various reference documents and reports. There is information in Attachment A and B explaining the long term plan for the Waterfront Seawalk development. The Seawalk is being constructed in segments due to the complexity of land ownership along the downtown waterfront and the availability of funding for construction. The waterfront is divided into many small privately and publicly owned parcels. For the City and Borough of Juneau to construct a Seawalk along the waterfront, we must either wait until a land owner plans a development project on their land or negotiate individually with each owner to acquire an easement and build along their property. This can be a very slow process. Additionally, funding is generated annually by marine passenger fees. There is not enough money available to develop the entire Seawalk at one time. The incremental nature of the Seawalk project is typical for waterfront development and the Long Range Waterfront Plan predicted the phasing of the seawalk construction.

If you require additional information or would like to discuss this further, please call me at (907)586-0887. I look forward to working with you on this project.

Sincerely,

Skye Stekoll, Project Manager
 Engineering Department
 City and Borough of Juneau

U.S. ARMY CORPS OF ENGINEERS APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT 33 CFR 325. The proponent agency is CECW-CO-R.		OMB APPROVAL NO. 0710-0003 EXPIRES: 28 FEBRUARY 2013	
Public reporting for this collection of information is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters, Executive Services and Communications Directorate, Information Management Division and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.			
PRIVACY ACT STATEMENT			
Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.			
(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)			
1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
(ITEMS BELOW TO BE FILLED BY APPLICANT)			
5. APPLICANT'S NAME First - Skye Middle - A Last - Stekoll Company - City and Borough of Juneau E-mail Address - Skye_Stekoll@ci.juneau.ak.us		8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First - Koren Middle - S Last - Bosworth Company - Bosworth Botanical Consulting E-mail Address - bosworth@alaska.com	
6. APPLICANT'S ADDRESS: Address- CBJ Engineering Department 155 S. Seward St. City - Juneau State - AK Zip - 99801 Country - USA		9. AGENT'S ADDRESS: Address- 165 Behrends Ave City - Juneau State - AK Zip - 99801 Country - USA	
7. APPLICANT'S PHONE NOS. w/AREA CODE a. Residence b. Business c. Fax 907-586-0887		10. AGENTS PHONE NOS. w/AREA CODE a. Residence b. Business c. Fax 907-586-4837 907-723-1931	
STATEMENT OF AUTHORIZATION			
11. I hereby authorize, _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.			
_____ SIGNATURE OF APPLICANT		_____ DATE	
NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY			
12. PROJECT NAME OR TITLE (see instructions) Seawalk - Bridge to Gold Creek			
13. NAME OF WATERBODY, IF KNOWN (if applicable) Gastineau Channel		14. PROJECT STREET ADDRESS (if applicable) Address W. Eighth St.	
15. LOCATION OF PROJECT Latitude: +N 58.2987 Longitude: +W -134.4229		City - Juneau State- AK Zip- 99801	
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID IC06 K58 Lot 0060 Municipality City and Borough of Juneau Section - 23 Township - 415 Range - 67E			

17. DIRECTIONS TO THE SITE

On Egan Drive going southeast, two short blocks south of the Juneau Douglas bridge/ Egan Dr. intersection turn right onto W. Eighth St. The project is off the ADF&G building parking area at the Gastineau channel end of W. Eighth St..

18. Nature of Activity (Description of project, include all features)

See attached, Tab #2

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

See attached, Tab #3

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

See attached, Tab #4

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type	Type	Type
Amount in Cubic Yards	Amount in Cubic Yards	Amount in Cubic Yards

See attached, Tab #5

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres See attached, Tab #6

or
Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

See attached, Tab #7

24. Is Any Portion of the Work Already Complete? ☒ Yes ☐ No IF YES, DESCRIBE THE COMPLETED WORK

The City and Borough Streets Maintenance Shop was demolished and equipment moved to the new Streets facility at Mile 7 in anticipation of the conversion of the land to park and seawalk.

Additionally, snow hauled from downtown and Douglas streets was hauled and dumped from this area into Gastineau Channel. An upland storage site and treatment pond was constructed in 2013 on Thane for the snow in order to allow for park and seawalk construction.

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list)

a. Address- Juneau Hotel - DNM Rental PO Box 032399

City - Juneau State - AK Zip - 99803

b. Address- Alaska Dept. of Fish and Game Building - owner - Capital Office Park - 1255 W. 8th St

City - Juneau State - AK Zip - 99801

c. Address- Alaska Dept. of Labor Building - owner - Juneau 1 LLC - 1111 W. 8th St.

City - Juneau State - AK Zip - 99801

d. Address- Cycle Alaska building - owner - Alaskan Kiwis LLC - 1107 W. 8th St

City - Juneau State - AK Zip - 99801

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
N/A					

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application 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

DATE

SIGNATURE OF AGENT

DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

**CITY & BOROUGH OF JUNEAU
DOWNTOWN SEAWALK
BRIDGE TO GOLD CREEK**

POA-2014-108

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Supporting Reports & Plans

- A. Excerpts from the Long Range Waterfront Plan
- B. Seawalk Construction Timeline
- C. "Historical Series for Gold Creek Delta Project Area" by Richard Carstensen of Discovery Southeast, July 2013
- D. "Biological Inventory: Habitats, Fish Use, Pond Water Quality Gold Creek Delta, Juneau, Alaska" by Pat Harris, June-July 2013
- E. "Preliminary Summary of Bird Survey Results: Juneau Seawalk Project Area", by Catherine Pohl, May 2013
- F. "Assessment of Functions and Compensation for the Proposed Seawalk Habitat Island near Gold Creek, Juneau, Alaska" by Hans Ehlert/CH2MHILL, February 2014
- G. "Gold Creek Seawalk Project- Basis of Coastal Engineering Design" by Coast and Harbor Engineering, December 2013
- H. "Geotechnical Findings and Recommendations: Juneau Seawalk Upgrades" by Golder Associates Inc, 2013

Block 18 “NATURE OF ACTIVITY (DESCRIPTION OF PROJECT, INCLUDE ALL FEATURES)”

PROJECT BACKGROUND AND SITE HISTORY

This application encompasses two projects that are physically connected and will be constructed in the same contract. Each has a different funding source and a distinct project history and evolution.

1. Seawalk – Bridge Park to Gold Creek: Funded by Marine Passenger Fees, planning began in 2008. The Seawalk portion of this project will be the sixth segment constructed along the downtown waterfront. The Seawalk plan was outlined in the 2004 Long Range Waterfront Plan (LRWP) to extend as a continuous, linear walkway from Douglas Bridge to the AJ Dock at the Rock Dump. There will be small gathering areas and lookouts along a boardwalk and pathway. In a future phase the seawalk will continue along the shoreline to the subport area to connect with other seawalk sections. See Attachment A for excerpts from the LRWP and Attachment B for a map of current and previous seawalk phases.
2. Bridge Park – Open and Recreational Waterfront Space: Funded by private entities and CBJ Sales Tax, planning began in 2009. The Bridge Park plan was outlined in the 2004 Long Range Waterfront Plan as public open space at the beginning of the seawalk. It was programmed as mixed-use development, open space, recreation and a gateway feature. The proposed plan is comprised of upland park area, a building housing a maritime museum, office space and public restrooms, a parking area, bus pullout and drop off, stair access to fishing areas, shelter, landscaping, a 28 foot bronze whale sculpture and infinity pool with fountains around the sculpture (gateway feature). The pool and fountain are proposed to be constructed on fill.

The project process and design is based on studies, scientific observation and inventory taken over the past year at the site to understand the current conditions, restoration and enhancement potential of the site. Scientific data that was collected includes:

1. Biological data taken by Pat Harris in her report “Biological Inventory: Habitats, Fish Use, Pond Water Quality Gold Creek Delta, Juneau, Alaska” June-July 2013.
2. A report by Catherine Pohl, “Preliminary Summary of Bird Survey Results: Juneau Seawalk Project Area”, May 2013; and additional vegetation analysis by Koren Bosworth.
3. A functional lift analysis was performed by Hans Ehlert/CH2MHILL, “Assessment of Functions and Compensation for the Proposed Seawalk Habitat Island near Gold Creek, Juneau, Alaska” February 2014.
4. Engineering data that was collected includes a technical memorandum by Coast and Harbor Engineering, “Gold Creek Seawalk Project- Basis of Coastal Engineering Design” December 2013.
5. “Geotechnical Findings and Recommendations: Juneau Seawalk Upgrades” by Golder Associates Inc., 2013.
6. Engineering analysis and design performed by Tetra Tech, Inc.

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USACOE Permit Application*

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7. Landscape architectural services performed by JA Brennan Associates.
8. A historical photo report, “Historical Series for Gold Creek Delta Project Area” by Richard Carstensen of Discovery Southeast, July 2013.

These reports and memoranda are attached to this application. This information was used for the design of the project and the enhancement/restoration proposal as well as the functional lift analysis performed by Hans Ehlert, CH2M Hill.

The intent of the project is to restore and enhance coastal shoreline, provide safe access to the water and downtown for commuters, and to create educative and interpretive elements on the waterfront. To do this, this project proposes to construct a park that is partially on fill, and a pile and fill supported seawalk that works to restore and enhance the shoreline to its condition prior to development. However, because the entire project area has been filled in the last century and now supports residential neighborhoods, commercial areas, a highway, bridge abutment, civic structures and parks, the fill cannot be removed. The project proposes to restore the shoreline in its new location and create additional shoreline to offset the loss of habitat from fill. The following is a brief description of the history of the land in this area in the past 100 years. It is important to understand the history of the filling of the shoreline to understand how the restoration and enhancement of this area will be accomplished. A historical photo report by Richard Carstensen illustrates the history of this land and will be referred to in this project description. See Attachment C for the report.

At the turn of the twentieth century, during the Gold Rush, the project area was the delta at the mouth of Gold Creek. Gold Creek was a dynamic stream system affected by landslides, mudslides and avalanches. The 1899 photo shows this alluvial fan created by Gold Creek that covers a good part of what is now called the Federal Flats and the project area by the Douglas Bridge. The fan was deforested at the beginning of the century and was most likely a spruce – hemlock forest with cottonwoods and alders in areas where the creek was actively moving.

With the intense mining activity at the beginning of the century, Perseverance Valley was deforested, roads were built in the valley along the creek and there was severe erosion and increased sediment transport down Gold Creek. The mining began a century long process of filling in the tidelands at the mouth of Gold Creek in the project area. The photos in the Carstensen report show the Gold Rush era shoreline at Willoughby Street back against the bluffs where the Governor’s Mansion and the State Office Building currently sit.

By 1929, the photos show Gold Creek channelized in its current location and the filling of the tidelands for development in the Douglas Bridge area. Most likely, waste rock from mining was used partially for fill in the project area. In the 1948 photo, the spit is visible and was potentially formed by tides and filling of this area. An area was dredged along the shoreline where the land turns west from Egan Drive towards the spit. It is believed that gravels were extracted for further infill in this area.

Today, the shoreline in this area is composed of riprap, chunks of concrete slabs, metal debris, and rock from snow hauling and disposal from city streets. This project aims to restore and enhance 1765 linear feet (LF) of the shoreline to a condition similar to the pre-Gold Rush

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riparian and tideland composition: creating habitat for native species and providing water quality filtration functions and erosion control. This would consist of enhancements to 830 LF of existing shoreline and 935 LF related to the new Habitat Island at the 20.8-foot high tide line.

Existing Shoreline at Bridge Park



DESIGN PROGRAM AND DETAILS

1. Program

The design program was initially established by the Long Range Waterfront Plan (LRWP), which was adopted in 2004. See Attachment A. The development of the design program from the basic planning directives in the LRWP include various elements:

- a. Enhance and restore shoreline habitat
- b. Increase vegetative areas for habitat, stormwater treatment and erosion control
- c. Create a natural, scenic and accessible gateway to Juneau and the Seawalk
- d. Improve pedestrian safety and movement into and out of the downtown area
- e. Create areas for active and passive recreation and viewing
- f. Improve access to existing fishing areas per the Alaska Department of Fish and Game request
- g. Improve vehicular flow in the area, create parking and universal access
- h. Provide interpretive elements pertaining to the restoration and enhancement of shoreline habitat

2. Shoreline (Non-Island) Riparian Design, +20 feet elevation and above

The existing slopes consist of concrete chunks, scrap metal, and riprap. The proposed design will regrade 830 LF of the existing slopes, removing concrete and metal waste material.

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Additional riprap will be placed if needed for erosion control and slope stability when clean-up is completed. The slopes will then be covered with a mix of small cobbles, gravel and topsoil at a depth of 24 to 36 inches to allow for revegetation (see Planting Design Item 6 below).

3. Habitat Island Design, +9 to +25 feet elevation

The Habitat Island was created to increase valuable shoreline habitat for fish and wildlife both at the perimeter of the Island and along the mainland shore. The island also manages human impact by directing the seawalk and creates a viewing point for users of the seawalk. The grades of the slopes were designed to balance the goals of providing maximum habitat value for ecological lift, creating a naturalistic and beautiful shoreline, and minimizing the fill footprint. Surface materials are sized to increase habitat value while also maintaining a stable slope with minimal maintenance given the tidal conditions. The Habitat Island creates 935 LF of enhanced shoreline at the +20.8 foot high tide line.

The island will be constructed with shot rock imported to the site, see the table below for material fill quantities. On top of this shot rock core, a 2' – 3' layer (depending on slope condition) of variable, naturally rounded aggregate will be placed. Areas to be planted will be top dressed with a mix of cobble, gravel and soil. This gravel/soil mix will be partially created using surface material that is removed when creating the island. It will be mixed with additional imported rock and topsoil.

The design waves at the island were determined to be 3.8' in height with a 5-second period. With this data, slopes were designed at primarily 7:1 on the protected side and 5:1 with some toe areas at 3:1 on the exposed channel side. Some portions of the protected side are steepened to 5:1 to add diversity and minimize the footprint of the island.

Following the wetlands inventory, the island footprint was modified to avoid vegetated tidal wetlands. Protected areas of wetland vegetation, primarily alkali grass, will be delineated and avoided during construction. Other areas of alkali grass that cannot be avoided will be transplanted within the impacted project area. Other enhancements include placement of root wads, logs, snags and boulders, the creation of tide pools and the placement of shell hash substrate. The previously dredged area will be preserved and a sheltered area for species diversity will be created by the island. The island has been shifted away from the previously dredged area to allow for better shorebird habitat and to increase shoreline buffering and riparian development. The planting plan is discussed below.

- a. Island, Exposed Side/Channel Side
 - i. Elevation +10 to +13: The toe slope of the island will be constructed at a 3:1 grade with 2'-3' layer of rounded boulders 24" - 38" diameter.
 - ii. Elevation +12: A habitat bench will be created with a slope of 10:1 to 12:1 and a width of 5'-50' wide. A 12" thick layer of small cobble, gravel and topsoil will be placed. Soil pockets will be incorporated for alkali grass and similar species plantings. Boulders will be installed on the exposed side of the bench to protect the substrate.

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- iii. Elevation +13 to +20: A 5:1 slope will be created using 24” – 30” rounded boulders. On the surface a 6” thick layer of small cobble, gravel and topsoil mix will be placed.
 - iv. Elevation +20 to +25: On top of the shot rock core, 24” – 30” large boulders will be placed. A 3’ layer of small cobble, gravel and topsoil mix will be added to allow for a diverse riparian environment.
- b. Island, Protected Side
- i. Elevation +9 to +20: The slopes on the lee side range from 7:1 to 5:1 to allow for habitat diversity and aesthetics. Place a 12” thick layer of small cobble, gravel and topsoil mix over the shot rock core.
 - ii. Elevation +20 to +25: The slopes on the lee side range from 7:1 to 5:1 to allow for habitat diversity and aesthetics. Add a 3’ thick layer of small cobble, gravel and topsoil mix.

4. Bridge Park Shoreline Design

The majority of the park will be constructed on existing uplands. The whale sculpture and infinity pool will be constructed on a fill pad. A concrete slab will support the pool and the whale sculpture will have a concrete foundation. The structures shall be supported by shot rock core, 12” minus. A layer of armor rock will be placed on the outer edge of the fill pad for slope stability; the rock shall have an approximate diameter of 24” – 38”. See the table below for fill quantities.

5. Seawalk Design

The proposed seawalk will construct approximately 1800 LF of walkway from the bridge to Gold Creek. The first section will be an upland walkway through the park, approximately 495’ long, then the seawalk will continue 625 LF on a pile supported boardwalk approximately 16’ wide along the shoreline, across a habitat island constructed on fill for 355’ and connecting back to the sidewalk along Egan Drive on a pile supported boardwalk for 325’. The pile-supported length of the boardwalk is a total of 950 linear feet. There will be two pile supported viewing platforms, one at the existing spit, and one at Gold Creek. 80 steel piles with a diameter of 14” to 16” will support the structures. Sixty-five piles will be placed below +15.4’.

6. Planting Design

All plantings will be native to the Gastineau Channel coastal area and selections will be based on observations at this site and similar reference sites around Juneau. The species chosen will be appropriate for the planting elevation based on the Pat Harris report (see Attachment D). Plantings will be seeds, transplanted or purchased plugs or transplanted or purchased container plants. Where possible given availability and access, transplanted or locally sourced plants will be used at the site. In each zone, care will be taken not to transplant any invasive plants and invasive plants found in these areas will be removed.

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- a. Lower Low March, Elevation +11 to +15. Native plants such as Alaska alkali grass, *Puccinellia nutkaensis* will be established. These will be transplanted in small clumps or plugs small enough to manage without damaging the plants.
- b. Low Marsh, Elevation +15 to +16. Native plants such as *Carex lyngbyei*, Lyngbye sedge. These plant will be transplanted as plugs, root masses will be dug and carefully transplanted, a typical size would be a root mass of 6-12", groupings of 5-10 plugs and spacing of 2-4'.
- c. High Marsh, Elevation +16 to +20. Native plants such as *Elymus mollis*, Beach Rye; *Festuca rubra*, red fescue; and *Deschampsia beringensis*, Tufted Hairgrass will be established. Beach rye will be transplanted as plugs similar to *Carex lyngbyei* and the *Festuca* and *Deschampsia* will most likely be seeded to allow for maximum coverage and prevent invasives from establishing.
- d. Riparian, Elevation +20 and above. Native plants such as *Cornus stolonifera*, Red Osier Dogwood; *Picea sitchensis*, Sitka Spruce; and *Populus balsamifera*, Black Cottonwood will be established. These plants may be transplanted or purchased and will be planted with root stocks intact at approximate spacings of 4-12' on center. Disturbed areas within the riparian zone will also be seeded with native seed such as *Festuca rubra*, *Deschampsia cespitosa*, and *Calamagrostis canadensis*.

Most of these plants have been transplanted successfully in many projects in Southeast Alaska. However, transplanting alkali grass has occurred less frequently. In 2013, a project on Prince of Wales Island, designed by CH2MHill, successfully transplanted alkali grass. This project will be monitored this growing season to see how the transplants overwintered. The 'Alaska Coastal Revegetation & Erosion Control Guide' by the State of Alaska Plant Materials Center describes the successful transplanting of alkali grass in the Anchorage Coastal Mudflats Restoration Project. This project worked with *Puccinellia phryganodes*, a similar variety to the *Puccinellia nutkaensis* present at the project site. The restoration of these mudflats in Knik Arm of Cook Inlet began in 1999. It was found that seeding alkali grass was not very successful in some areas, but transplanting of plugs proved successful. The report can be found at <http://plants.alaska.gov/reveg/coastal.htm>. Based on findings from the Anchorage and Prince of Wales sites, slow release fertilizer may be used during the transplanting. Cobble mulch and / or jute netting or coir fabric will be used in some areas to prevent surface erosion from wave run-up and spray.

CONSTRUCTION

The site will be accessed from the shore for most of the construction. However to drive piles for some of the boardwalk leading to the island, water access may be necessary. A barge could be utilized for equipment staging. To place the fill material for the habitat island, a reinforced path will be created from the upland area between Egan Drive and the Department of Labor building leading down the slope to the island footprint. This will be done by carefully removing the top layer of surface material and removing it to an offsite permitted location. The reinforced road would be created with 30" of 12" minus shot rock with a cap of 4" of 2" minus shot rock. After construction a top layer of 6" of clean sand will be placed over the shot rock. The path will be delineated during construction with markers that will be removed after construction is

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completed. A similar construction method was used for the sewer main work on the beach at North Douglas, Gastineau Channel and the path was quickly covered with seaweed within a few tide cycles and remains unnoticeable.

Throughout the site, the project area will be carefully delineated to ensure that vegetation outside of the project area is not disturbed.

Erosion and sediment control will consist of appropriate “Best Management Practices” such as filter rock strips, catch basin inserts, check dams, silt fences, and other measures as appropriate. In water work such as driving piles and placing fill material will be contained using silt curtains. Construction is planned to begin in spring or summer of 2015 and be completed in 2016. The contractor will coordinate with the CBJ to sequence the construction activities to minimize disturbance and erosion and to allow for efficiency of construction tasks.

Block 19 - PROJECT PURPOSE

In 2004, the adoption of the Long Range Waterfront Plan (LRWP) by the City and Borough of Juneau Assembly made the construction of a seawalk and Bridge Park a priority for the community. The seawalk is a public use, linear walkway along the downtown waterfront extending from Douglas Bridge to the Rock Dump. The purpose of the seawalk is to bring the public to the water's edge. Bridge Park is a public open space at the starting point of the seawalk that will offer the community a place for various types of recreation and easy access to the water. These projects were developed in the LRWP through a lengthy public process that brought together public and private interests to give the city a unified vision for the development of the downtown waterfront. Since its adoption, the CBJ has been allocating funds from marine passenger fees for the construction of the proposed seawalk extending from the Douglas Bridge to the AJ Cruise Ship Dock at the Rock Dump. The LRWP can be found at: http://www.juneau.org/plancomm/Final_LRWP_112204.php. Relevant excerpts from the plan are in Attachment A. The proposed project areas are identified in the LRWP as Area A and various goals are listed for this area:

- Tideland and Gold Creek Protection Zone Enhancements
- Open Space and Recreation
- Improve visual character of upland parcels
- Artistic Gateway
- Traffic Calming Features
- Commencement of Downtown Seawalk

The general goals have been refined for the project to create a design program for both the seawalk and Bridge Park. The design program is listed in the Project Description section of the application. The goals and program can be distilled to three main elements that demonstrate the purpose and need of this project.

1. Habitat Restoration And Enhancement

The LRWP designates this area for environmental enhancement. The site sits on a fill pad that has its roots in the mining days in the early part of the century. During that time, the natural shoreline was developed and filled, destroying habitat and leaving the remnants of a hodgepodge of development and industry. This can be seen in the armored slopes, concrete and asphalt slabs and metal debris on the site's shoreline. The project cannot restore the shoreline to its original location, but it can restore the quality of the shoreline and enhance it to increase habitat, scenic and experiential value. Currently, diverse bird species already use the area as well as various species of anadromous fish. Increasing vegetation along the shoreline, modifying slopes, and adding structural elements such as woody debris, snags, and tide pools will enhance habitat for wildlife. As is often the case, enhancing habitat value often coincides with improving recreational value such as bird watching and other wildlife viewing, fishing, walking, and biking.

2. Public Access, Safety And Transportation

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With the whale sculpture and pool being located at this site, a maritime museum, two large state office buildings adjacent to the park, and the seawalk connection to Douglas Bridge and the Federal Flats residential areas, the park will become not only a destination, but a gateway for commuters to access downtown. The alternatives analysis discusses the need for the fill pad for the whale and pool to accommodate large numbers of park and seawalk users and allow for safe movement and emergency response.

Access is a key component of the proposed project. This includes access to the waterfront, environmental enhancements, viewpoints, and interpretive elements that comply with ADA regulations. This section of the seawalk and Bridge Park represents the only beach and coastal habitat that is available to the community in downtown Juneau. Other areas are too close to Egan Drive, the slope is too steep, composed of rip rap, privately owned, covered by decking, or unsafe due to boat traffic. Improved access at the site will be provided to the beach and to existing fishing and other recreational activities on the waterfront through stairs.

The seawalk extends from the Douglas Bridge to the Gold Creek area and future phases will create a continuous transportation corridor along the downtown waterfront to the AJ Dock at the Rock Dump. This corridor pulls people off Egan Drive and busier roads and is a safer route for non-motorized commuters.

3. Education And Interpretation

The project area is within walking distance of Juneau Douglas High School, Harborview Elementary School, Montessori School, and residential areas. With a design intent of habitat restoration and enhancement, the site offers a perfect opportunity to bring the community and visitors to Juneau to a coastal environment and create access to the beach and water. People from cruise ships can actually touch the saltwater and students can observe migratory birds and set traps to study juvenile fish in the proposed tidal pond.

The life size bronze breaching whale sculpture and infinity pool with fountains is the artistic gateway element that the CBJ Assembly, the Long Range Waterfront Plan and the public have requested for the downtown Juneau waterfront. The whale sculpture will be the most apparent interpretive waterfront element, but the maritime museum, the Coastal Interpretive Area and interpretive signage will also contribute to the educational value of the proposed project.

Block 20 - REASONS FOR DISCHARGE

- **Shot Rock Core-** The shot rock will ensure the Island has structural stability and serves as the foundation.
- **Armor Rock Slope Protection-** Armor rock will help prevent erosion due to wave action. The angular shape of these quarry rocks will help hold finer surface materials in place.
- **Large Boulder Slope Protection-** The larger boulders provide erosion control, habitat perches, and areas for finer material to congregate.
- **Large Cobble Habitat Slopes-** Large cobble habitat slopes provide another variety of shape and size of material for habitat diversity, while protecting the sand/ gravel/ topsoil mix.
- **Small Cobble Habitat Slopes-** Small cobble habitat slopes place the smallest possible size of cobble material on the slope that will be stable to maximize habitat diversity.
- **Sand and Gravel Beach Habitat-** The mix, which includes topsoil, provides nutrients in order to facilitate plant growth. The mix will settle in around larger gravel to help stabilize the slopes.
- **Stepping Stones-** The stepping stones provide safe access across variable native material. The stepping stones help direct pedestrian traffic in order to minimize the disturbed area. The stepping stones also provide a more accessible surface than the surrounding native cobbles.
- **Shot Rock With Cap of Clean Sand-** This fill is for the construction access pad. We will remove the top 3' of native material and place 30" of shot rock as a base. Then we will cap the shot rock with smaller shot rock and clean sand. This access path will create a stable path for vehicles during construction but will have little visual or habitat impact.
- **Piles-** 14-16" steel piles to support the seawalk and minimize fill footprint.
- **Large Woody Debris and Snags-** Native material to create habitat features.

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**Block 21 - TYPES OF MATERIAL BEING DISCHARGED AND THE AMOUNTS OF THOSE
TYPE IN CUBIC YARDS**

Summary of Proposed Fill

Project Location	Total Fill <+20.8 [cy]	Type of Fill	Fill Volume by Type [cy]
Island	30,000	Shot rock core, 12” minus Armor rock slope protection, 38” riprap Large boulder slope protection, 30” Large cobble habitat slopes, 12” Small cobble habitat slopes, 3-4” Small cobble, gravel and topsoil beach habitat	21,300 1,500 1,800 2,500 2,200 700
Existing Slopes	410	Armor rock slope protection, 38” riprap Small cobble, gravel and topsoil mix	60 350
Bridge Park	11,500	Shot rock core, 12” minus Armor rock slope protection, 38” riprap	8,000 3,500
Throughout	127	Stepping Stones	127
Construction Access Pad	360	Shot rock (12” minus) with cap of 2” minus and clean sand	360

14-16" Steel Piles- 65
below +15.4

Block 22 - SURFACE AREA IN ACRES OF WETLANDS OR OTHER WATERS FILLED

Fill Impacts Total- 3.5 Acres

- Habitat Island: 2.69 Acres
- Existing Slope Enhancement: .1 Acre
- Bridge Park: .58 Acre
- Stepping Stones: .05 Acre
- Access Path: .07 Acre
- Piles: .01 Acre

Material to be excavated and placed by backhoe.

Shoreline Impact- 830 Linear Feet

Vegetated Tidal Impact (Alkali Grass)- .12 Acre

Non-Vegetated Tidal Impact- 3.38 Acre

Block 23 - DESCRIPTION OF AVOIDANCE, MINIMIZATION, AND COMPENSATION

Throughout the planning and design of the Downtown Seawalk – Bridge to Gold Creek, the City and Borough of Juneau (CBJ) considered ways to avoid impacts to waters of the U.S. by considering alternative design approaches and alternative locations for elements. Where avoidance is not possible, the impacts are minimized through design strategies and for the unavoidable impacts compensatory mitigation is proposed.

1. Avoid And Minimize– Alternatives Analysis And Design Process

In 2004, the Long Range Waterfront Plan (LRWP) presented a series of alternatives for the proposed project area, Area A. This effort represents a first attempt at comprehensive planning of this area that was developed through multiple public meetings. The LRWP divides the downtown area into 6 sections: Areas A-F. Each of these sections is meant to house a different theme and has unique design guidelines. The area of this project, Area A, was set to incorporate a Gateway Feature, Redevelopment/ Mixed use, and Environmental Enhancement/ Open Space/ Recreation. See Attachment A for excerpts from the LRWP.

The LRWP shows 3 alternatives, ranging from simple upland intervention schemes (Alt A1) to progressively more sophisticated mixed-use upland and waterside approaches (Alt A2 & A3). Each Alternative contemplated the relocation of the CBJ Streets Downtown Maintenance Shop (demolished in 2012) and the expansion of the park and recreation areas along and adjacent to the water's edge. One option in the LRWP for Area A (Alt 3) did have a marina as part of the plan. Note the early concepts presented extend the seawalk to the Subport area. This application limits the project area from the Douglas Bridge to Gold Creek due to funding limitations and lack of a plan for development of the Subport property.

In early 2010, a decision to build a new CBJ shop off site and abandon the existing shop triggered a series of meetings to discuss the future of the site. This began a design process to shape a vision of the old city shop site and seawalk from the Juneau Douglas Bridge to the Subport. Using the alternatives from the LRWP as a starting point, three layout alternatives were created for the park, seawalk and vehicular movement through the neighborhood, and the project site.

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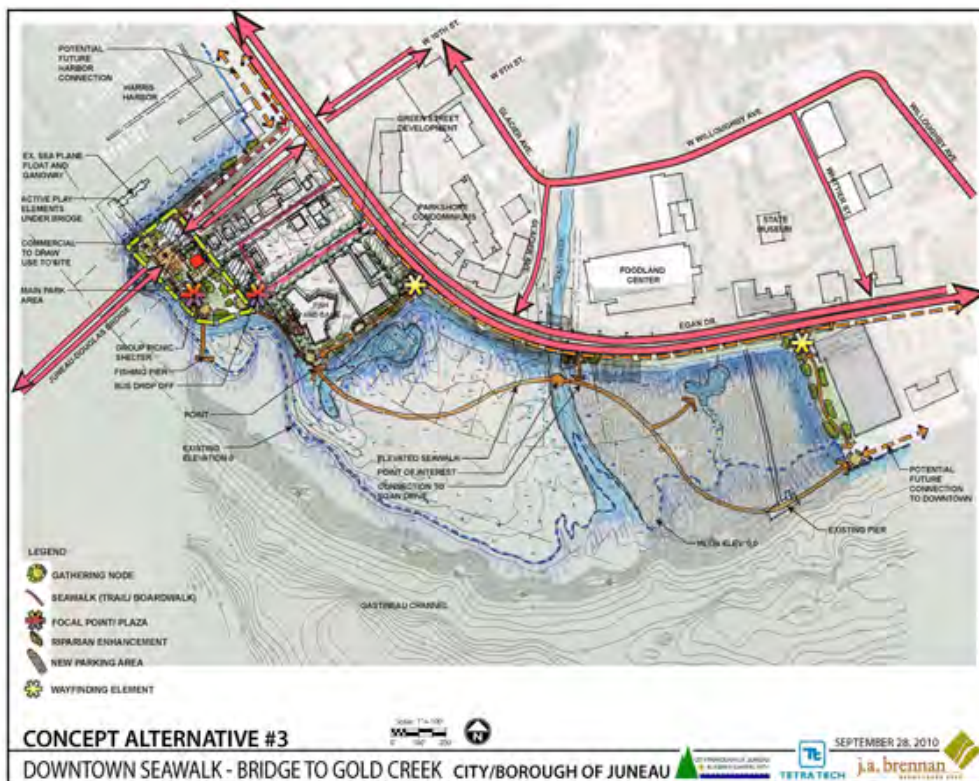


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With these preliminary layouts, public meetings were held to gauge public opinion and direct the design process. Comments received indicated that Option 2 was preferred. The consultant Tetra Tech, Inc. and the sub consultant J.A. Brennan Associates were hired to further refine the alternatives and assist in the public process. Please see the three alternatives below provided by the consultant.



[illegible]

These concepts were presented at a public meeting and posted to the CBJ website with a request for comments. The CBJ received a significant amount of comments and there was widespread interest from the public and organizations in Juneau. Alternative 1 was selected as the preferred alternative. Below is a summary of public comments:

- There was significant public outreach during the formation of the LRWP. There was a lot of thought put into the development of this area. Use the LRWP as a guideline.
- LRWP calls for this area to be an Environmental Enhancement Area.
- The site is the beginning of the seawalk and should have a grand gesture or gateway feature to ground it as such.
- This is the one area of the downtown waterfront where access to the water is possible. It should be designed in a way that reflects its uniqueness.
- The site is used for fishing, especially on the “spit”. Maintain fishing areas and provide safer access down the currently treacherous slopes to the water.
- Alternative 3 pushed the seawalk too far from land. This limits the amount of connections from surrounding paths and could cause a sense of isolation and being trapped.
- Alternative 2 kept seawalk patrons too close to Egan Drive. People wanted to get away from traffic noise and the splashing from vehicles.
- Alternative 1 was the compromise solution that would get users away from Egan Drive but allowed for more connections to paths and Egan.
- The Island in Alternative 1 was encouraged, as there is little or no natural shoreline in downtown Juneau. The Island would give a sense of grounding to the seawalk and allow users to feel closer to the water.
- Creating an environmental enhancement area was seen as a great tool for education- both for the nearby schools and also for visitors.

With the basic layout established, the design team focused on the design of the park area. Concurrent with the seawalk and park design was a process to locate a 28’ lifesize bronze whale sculpture and infinity pool with fountains along the downtown Juneau waterfront and to locate a building housing a maritime museum, the marine exchange center, CBJ offices and public bathrooms at the site. The process of locating the whale sculpture and pool will be discussed in more detail below. The design team incorporated the whale and Maritime Center into five design alternatives to study the layout and programming of the park and uplands area.

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The alternatives went for public review and comments are listed below:

- A park by itself could lead to increased use by inebriates and otherwise undesirable visitors. The space needs a bigger draw to bring people to the site, which will help discourage undesirable activities.
- This is a good spot for a maritime museum/ Marine Exchange. If the Marine Exchange is on site, then there is 24 hour a day 7 day a week presence in the park.
- The seawalk typical section was designed with biking in mind. There is a bike shop a block away for the proposed park location and interest in utilizing the seawalk for bike tours. The site must accommodate the loading/ unloading of passengers, bikes, and gathering space for multiple groups.
- Keep the site as open as possible to allow flexibility of use
- The Whale Committee has designed the whale to have an infinity pool. The infinity pool only works when the pool is adjacent to the water.
- The site needs plenty of gathering space/ open plaza area. The site will need to accommodate tourists arriving by bus, van, taxi, biking, and walking. The site should allow for other events to take place there as well.

From this review, the final design was created.



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The preferred alternative meets the purpose and need of creating a habitat island to perform environmental enhancement and provide a showcase project for education and interpretation of the tidal area. The routing of the seawalk allows creates multiple connections for safe access to the mainland as well as safe access to the beach and fishing areas. The lifesize whale sculpture and infinity pool with fountains is water dependent and so it is placed along the edge of the park and the park area is opened up for safe passage and movement of seawalk and park users.

In an attempt to further minimize and avoid impacts, the following strategies were employed during design development of the preferred alternative:

- Project design minimizes excavated area to the minimum amount necessary to build construction access.
- Impacts to the previously dredged area (proposed tidal pond) and associated outlet channel were avoided because the area was identified by members of the project team to provide unique habitat functions and wildlife use.
- Impacts to the existing spit near the ADFG parking lot were avoided because it includes estuarine wetlands, offers unique habitat functions and wildlife use, and provides recreation for fishing.
- The overall fill footprint (below the high tide line, HTL) for the Habitat Island was kept

to a minimum (2.69 acres). The island slopes were steepened where possible to minimize fill while also allowing for diversity of habitats and slope stability.

- The Habitat Island will be created with fill to realize the many environmental benefits including increased shoreline and diversity of habitat along the slopes such as woody debris, tide pools, and increased vegetation. However, the geometry and location of the habitat island was shifted to minimize impacts to wetlands (0.12 acre) and to avoid impacts to the remaining 0.7-acre of mapped estuarine wetlands at the site.
- The overall fill footprint (below HTL) for the whale sculpture at Bridge Park was kept to minimum (0.58 acre)
- The seawalk and viewing area along the shoreline will be supported by 14”-16” piles to minimize fill and extend 950 linear feet. Approximately 3/4 of the overwater seawalk will be supported by piles.

As mentioned above, a concurrent analysis of the location of the whale sculpture was being performed by a local volunteer group called the Whale Committee. The sculpture, by Skip Wallen, is a replica in size and detail of a breaching humpback whale. The Whale Committee looked at several different sites for the whale, fountain, and pool. The committee requires a downtown site that is adjacent to the water, as the design of the whale pool is an infinity pool. They also looked for a site large enough to safely handle the large crowds of visitors with proximity to development and infrastructure. An infinity pool as seen by a viewer shows a pool of water stretching to the horizon, the viewer does not see the edge of the pool, only the continuation of the water in the ocean beyond. It is critical to the effect and function of the pool that it be located on the edge of the water. The infinity pool and fountain around the whale is sized to allow for spray and splashing around the whale to create a dynamic breaching effect and to create the ‘infinity’ effect of the pool edge. Reducing the size of the sculpture and pool would not allow for the artistic intent of a life size breaching experience. For more information on the Whale Committee process and history see www.alaskawhaleproject.org.

In the alternatives analysis, the first site considered was Marine Park. The Committee liked the central location and visibility the site offered. However, upon further analysis it became apparent that Marine Park was too small of an area to house the whale and plaza space required for the amount of people already using the site, let alone additional traffic generated by the whale and pool. Extending the pool out over the water was an option, but due to the close proximity of the new Cruise Ship dock and Wings Airways, it was determined to be unsafe and possibly limited by navigational regulations.

The second location considered was the subport area, owned by Alaska Mental Health Trust. The Mental Health Trust had no formal proposals to develop the property and therefore could not commit to locating the whale on site. The Whale Committee looked at moving the whale onto property adjacent to the Mental Health Trust property but this site was too isolated from downtown development.

The committee ultimately settled on Bridge Park for the location of the whale and the pool as it

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has more room for visitors to the site than other sites previously considered, vehicles and buses to arrive and drop off visitors, close proximity to existing development, and satisfies the need for a gateway feature called for in the LRWP and public comment.

The current proposal for the location of the whale sculpture and pool, supported by the whale committee, the public and CBJ, is the Bridge Park location. For this location, an alternative was considered to locate the whale on the existing uplands. However, with the maritime building, parking and bus drop off necessary to accommodate the park needs, there would not be enough space to ensure the safety of the estimated number of visitors. The CBJ Parks and Recreation Department and the Docks and Harbors Department estimate 250 users could visit the park on a midweek day at the lunch hour in the summer. This number is based on adjacent professional offices, tourism visitation, users of the seawalk as a linear transportation route (bikers, strollers, joggers) and estimates of park visitation at other Douglas and Downtown parks. If the whale were located entirely on uplands, the available space in the park per person would be a 5.2' diameter circle. With bicycle use and the need for emergency response, this would create an unsafe situation and the park would not be built. The "Pedestrian Facilities Guidebook" by the Washington Department of Transportation, indicates that a 6' diameter circle for personal space is the lowest end of the comfort level often found at public events. For pleasurable walking, at the other end of the spectrum, a 35' diameter circle is preferred.

To increase the space for users for public safety, an alternative was considered to extend the plaza area and place the whale and pool on pilings. However, for structural stability of the site, this approach is problematic. Along the entire downtown waterfront, wherever a pile structure is connected to the uplands there is a transition joint. There is always differential settlement occurring at this joint as the uplands settles and moves at a different rate than the piles. In some areas downtown, CBJ has seen differential settlement of up to 1-2 inches per year at the transition joint. At Bridge Park, the transition joint would extend approximately 140' across the middle of the plaza and at the edge of the infinity pool. A significant safety hazard would be created.

With the safety and structural limitations, the current proposal is to construct the whale sculpture and pool on a fill pad. This approach allows for minimal space for the safe movement and flow of people arriving to the site as a destination as well as users of the seawalk moving through the site as a linear transportation route. At peak user times, there is approximately a 6.3' diameter circle of personal space per person. This barely meets public event criteria for personal space according to the Washington Department of Transportation publication, however, to minimize additional fill at the site, the minimal fill pad is being proposed.

From a funding perspective, the fill pad is less expensive than a pile supported structure. From an environmental analysis, the shoreline and tidelands to be filled is low functional quality as discussed in the scientific and environmental reports by Ehlert that are attached to this application.

Other strategies to minimize impact to the waters of the U.S. include the following:

- Consult with NOAA to plan construction of in water work outside of any fish migration

windows.

- Utilize a silt curtain to contain any sediment during filling and pile driving operations.
- Utilize other best management practices (BMP's) such as silt fence, wattles, catch basin inserts, etc. during and after construction to minimize transport of sediment from the upland areas and slopes to Gastineau Channel.
- Prepare a spill control plan, keep spill clean up equipment on site during construction and perform daily inspections of equipment for fuel and fluid leakages.
- Staging areas and construction access points will be located away from the channel.

2. Compensate

The CBJ proposes onsite, in kind, permittee responsible mitigation for the unavoidable impacts to the project area. The mitigation is located on public land. The proposed project as described in the application is self-compensating and is based on the restoration and enhancement of shoreline and intertidal areas. The construction work for the mitigation aspects of the proposal will happen concurrently with all other proposed work. The mitigation plan is included in the project design drawings. The need for diversity of habitats and intertidal zones is evident by the lack of any diverse habitat structure from the Douglas Bridge to the Rock Dump. Along the downtown waterfront, there is no natural shoreline; it is entirely composed of riprap and imported fill. The impacts are classified by the USFWS Cowardin class as marine, intertidal and the project includes some areas in the hydrogeomorphic class tidal fringe/estuarine.

As a self-compensating project, the seawalk and bridge park proposal represents an overall ecological benefit, because equal or greater ecological functions and values are anticipated to result from the project than will be impacted. The increased area and functions of wetlands resulting from the creation of the Habitat Island will compensate for the unavoidable impact to 0.12 acre of estuarine emergent wetland and for the fill at Bridge Park. The existing wetland at the project site near Gold Creek was assessed as having low overall functions (see discussion provided in Technical Memorandum by Hans Ehlert/CH2MHILL dated February 2014, Attachment C).

According to the 2009 U.S. Army Corps of Engineers (USACE) *Alaska District Regulatory Guidance Letter* (RGL) 09-01 (USACE 2009), a sample ratio of 1:1 would be needed to compensate for impacts to wetlands with low functions using restoration and/or enhancement. Therefore, to compensate for 0.12 acre of unavoidable permanent impact to low function wetland, the CBJ proposes to reestablish or restore 0.12 acre of lower low marsh wetland on the Habitat Island by salvaging the 0.12 acre of marsh vegetation that will be impacted and transplant it to areas onsite and within the same elevation zone.

Furthermore to compensate for the loss of low intertidal habitat from the fill at Bridge Park and at the Habitat Island, the CBJ proposes to:

- Re-establish a diversity of intertidal and upland habitats at the Habitat Island by creating an additional 1.19 acre of marsh that consists of the following planting areas:

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- o 0.56 acre lower low marsh planting
 - o 0.09 acre of low marsh planting
 - o 0.54 acre of high marsh planting
- Re-establish or enhance a 2.25 - acre sheltered intertidal habitat area behind the Habitat Island that includes the previously dredged area and outlet channel.
- Enhance 830 linear feet of existing rock revetment shoreline by removing concrete and metal debris, adding soil between the rocks, and establishing riparian plantings.

Upland riparian and intertidal wetland functions will increase as a result of implementing the Seawalk Habitat Island near Gold Creek. Primarily water quality and habitat functions are expected to increase substantially following wetland and riparian re-establishment and enhancement at the Seawalk Habitat Island near Gold Creek. As presented in Table 1 below, the pre-and post-construction wetland function attributes were compared to demonstrate the anticipated functional “lift”.

In summary, creation of the Habitat Island near Gold Creek will improve topographic variation and hydrologic regimes, diversify vegetation communities, add habitat structures (habitat logs and snags, and boulders), increase the number of vegetation classes and wetland size, and increase the diversity of substrates. Table 1 summarizes the existing and proposed wetland function attributes at the proposed Habitat Island near Gold Creek and Bridge Park.

The restoration/enhancement project area is owned by the CBJ and will be designated by the City and Borough of Juneau as park land and maintained and protected in a similar manner that other park land and the seawalk is throughout CBJ.

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TABLE 1. Existing and Proposed Function Attributes for the Seawalk Habitat Island near Gold Creek (Estuarine Intertidal)

Function attribute	Existing Condition	Proposed Habitat Restoration	Resulting Condition
WATER QUALITY FUNCTION ATTRIBUTES			
Vegetation classes and vegetation area (Rationale: More habitat niches are provided as the number and types of vegetation structures increase.)	One vegetation class is present (emergent), approximately 0.82 acre. Few, small existing patches of riparian shrubs and trees along existing rock revetment.	The existing emergent vegetation class will be enlarged and enhanced, which will become approximately 1.19 acre. Two vegetation classes will be added (riparian shrub and forest) on the Habitat Island (approx. 0.93 acre) as well as enhancement of vegetation on portions of the existing rock revetment.	Overall emergent wetland vegetation area will increase by 23 percent (0.82 to 1.19 acre). New riparian forest and shrub vegetation classes will increase by 100 percent (0 to 0.93 acre). Area and complexity of understory vegetation will increase.
Shoreline condition	1,936 linear feet of existing steep rock revetment, broken concrete and asphalt; snow dump at former CBJ maintenance facility (Bridge Park) and at ADF&G parking lot.	830 linear feet of shoreline will be enhanced, and up to 20 tons of asphalt and concrete slab slope will be selectively removed and replaced with armor rock.	Water quality will substantially improve by removing potential sources and enhancing conditions along approximately 43 percent of the existing shoreline.
HABITAT FUNCTION ATTRIBUTES			
Vegetated shoreline buffer (Rationale: The condition of the shoreline buffer affects the ability of the tideland to provide appropriate habitat for a wide range of aquatic dependent and aquatic-associated species.)	Existing vegetated buffers along the 1,936 linear feet of shoreline are relatively narrow and disturbed. Includes steep revetments consisting of riprap, concrete and asphalt chunks, large metal debris.	Approximately 830 linear feet of existing revetment shoreline will be enhanced with soil and native riparian plantings near the Dept. of Labor and Dept. of Fish and Game.	Riparian plantings will substantially improve the vegetation, habitat condition, and aesthetics of the shoreline. The shoreline buffer will substantially improve by enhancing vegetation along approximately 43 percent of the existing shoreline.
Length of shoreline edge (Rationale: the length of shoreline edge is a direct measure of the number of potential ecological niches. As the length of shoreline increases, so does the number of niches.)	The existing length of shoreline at the 20.8-foot high tide line is 1,936 linear feet.	Creation of the Habitat Island would create 935 linear feet of additional shoreline at the 20.8-foot high tide line.	A nearly 50% increase in the length of shoreline edge is a substantial increase that will result from creation of the Habitat Island. This understates the fact that the Habitat Island will have a nearly continuous vegetated riparian edge (unlike the existing shoreline), and the gentle slopes on the Habitat Island will result in an increasingly greater edge of available functional intertidal habitat as water levels ebb from the high tide line).
Interspersion of habitats (Rationale: interspersed among different physical structures (e.g., open water, island, and shoreline) and types of vegetation emergent and riparian tree/shrub increases the suitability for some wildlife by increasing the number of ecological niches.)	The existing steep revetment shoreline is relatively linear and has a low to moderate degree of interspersed with habitats such as the spit, previously dredged area, and stream from the previously dredged area. The total existing length of shoreline at the 20.8-foot high tide line from Bridge Park to Gold Creek is 1,936 linear feet. The total existing length of shoreline at the 12-foot elevation from Bridge Park to Gold Creek is 2,412 linear feet. The interspersed index is 1.2 (2,412 divided by 1,936).	By creating the Habitat Island, the proposed length of shoreline at 12-foot wetland elevation is 3,532 linear feet. This results in an interspersed index of 1.8 (3,532 divided by 1,936).	A nearly 50% increase in length of shoreline at the 12-foot elevation from Bridge Park to Gold Creek will increase the potential for wetland marsh vegetation to establish. This translates to a corresponding increase in shoreline habitat interspersed with structurally complex boundaries by creating intertidal marsh, riparian shrub forest, and enhancing existing riparian shoreline.
Gentle slopes (Rationale: flatter slopes allow easier access and connectivity of wildlife to adjacent habitats, and they allow a broader range of habitats for plants and animals to colonize relative to specific tide elevations.)	The existing embankment slopes are steep (approximately 3:1 or steeper)	Slopes at the Habitat Island will be gentle beaching slopes (ranging from 3:1 to 7:1) to allow a greater variety of habitats.	Gentler slopes will substantially improve access and use by wildlife, provide a greater opportunity for plants and animals to colonize the habitats, and improve aesthetics.
Protected refuge area sheltered from wind and waves	The existing site is exposed to wind and waves without protection.	Creating the Habitat Island will result in an approximately 2.25-acres sheltered backwater refuge area behind the island.	Creation of a barrier island will provide considerable protection from wind and waves for wildlife and encourage establishment of plants and animals that prefer sheltered environments.
Diversity of substrates (Rationale: diverse substrates allow a broader range of species to colonize relative to specific tide elevations; they also provide perches, protection/refuge, and places for material to deposit, such as organics, seed or other propagules.)	The existing tidelands are dominated by intertidal habitat consisting of sand and silt with occasional cobbles. This is a relatively homogeneous substrate.	The finish surfaces of the Habitat Island will consist of a variety of substrates such as: silty sand and gravel, small and large cobble, and large boulders.	The variety of substrates will substantially improve use by wildlife, provide a greater opportunity for plants and animals to colonize the habitats, and improve aesthetics.
Number of vegetation strata (Rationale: More habitat niches are provided as the number and types of vegetation structures increase.)	One vegetation stratum is currently present (herb).	Plant native trees, shrubs, and herbs on the Habitat Island to increase the number of vegetation strata.	Tree, shrub, and herb strata will mostly replace portions of an existing intertidal area that is dominated by sand, silt, and occasional cobbles with scattered rockweed (<i>Fucus sp.</i>) and sea lettuce (<i>Ulva sp.</i>).
Number of habitat snags (Rationale: Snags provide perches and cavities for birds and other animals, and increase the potential to provide a range of habitats.)	There are currently no habitat snags along the shoreline, and none within the intertidal area where the Habitat Island is proposed.	Install approximately 13 vertical habitat snags.	The number of habitat snags will substantially increase. This should increase the use by wildlife.
Number of habitat logs (Large Woody Debris, LWD) (Rationale: large downed woody debris provides perches and niches for decomposers (bacteria and fungi) and invertebrates, and increases the potential to provide a range of habitats.)	There are currently few habitat logs along the shoreline, and none within the intertidal area where the Habitat Island is proposed. Some driftwood accumulates in the northwestern corner near Egan Drive	Install approximately 30 habitat logs. These will be anchored to prevent them from floating away from the site.	The number of habitat logs will substantially increase. The logs should increase the use by various wildlife (decomposers, invertebrates, waterbirds), and help promote accumulation and storage of organic material, sand, and gravel.
Species richness	Approx. 15 native plant species are present, depending on area. No conifers are present.	Plant at least 10 additional native species in riparian areas.	Native species richness will increase.
Non-Invasive Vegetation (Rationale: Vegetation dominated by non-invasive species indicates that the community is relatively undisturbed, and increases the potential to provide a range of habitats.)	Existing riparian areas include weeds such as: European mountain ash (<i>Sorbus aucuparia</i>), creeping buttercup (<i>Ranunculus repens</i>), and common dandelion (<i>Taraxacum officinale</i>).	Weeds will be removed from within the project area, and remove potential for seed to be dispersed by wind and wildlife.	Weed removal will improve the shoreline buffer habitat condition and remove the potential for weeds to spread.
Public access and recreation	Existing public access for recreation (bird watching, dog walking) to spit from ADFG parking lot and near Dept. of Labor.	Continued public access to spit from ADFG parking lot and near Dept. of Labor (stepping stones). Public access to the intertidal area from the Habitat Island will be limited for dogs/pets.	Enhanced public access and recreation opportunities.
Education	Few existing interpretive signs.	New outdoor gathering area, additional interpretive signs, access to intertidal area from Habitat Island for education. Greater ecological diversity and tide pools.	Increased education opportunities from the habitat island.

Mitigation Plan for Permittee Responsible Mitigation

1. Objectives:
 - a. Method of compensation is restoration/enhancement.
 - b. Description of resource types USFWS Cowardin Class is marine, intertidal and the project has some areas of hydrogeomorphic class tidal fringe/estuarine.
 - c. Total Gold Creek tidal flats area is 24 acres, total project impact to this area is 3.5 acres.
 - d. Yes, the project addresses the needs of the area. The land in this area was filled over the last century for development, the natural shoreline habitat was eliminated and this project proposes restoring and enhancing the shoreline habitat to improve riparian and tidal wetland functions at the location of the new shoreline.
2. Site Selection:
 - a. Yes, the project is self-sustaining. Maintenance and monitoring will occur to ensure project success in the first critical years of establishment. The enhancement/restoration portion of the project is designed to be self-sustaining in the long term.
 - b. Yes, the proposed mitigation is onsite.
 - c. Yes, watershed needs were considered as described in 1d.
3. Site Protection Instrument:
 - a. The mitigation work will all be onsite on CBJ owned land. This land is designated as park and seawalk land in the Long Range Waterfront Plan adopted by the CBJ Assembly in 2004.
4. Baseline Information:
 - a. This information is provided in the Harris and Pohl reports.
 - b. This information is provided in the Golder and Coast and Harbor reports.
 - c. This information is provided in the plan drawings, the project is self mitigating.
 - d. This information is provided in the plan drawings.
5. Determination of Credits:
 - a. This information is provided in the Ehlert/CH2MHill report.
6. Mitigation Work Plan:
 - a. This project is self mitigating, the project description, question 18, describes in detail the construction methods, plant community design and establishment, invasive species control, soil management and erosion control measures, the project plans show geographic boundaries, sources of water (Gastineau Channel and Gold Creek).
7. Maintenance Plan:
 - a. The Parks and Recreation Department (P&R) will take over management of the project area and perform daily visits, trash removal, safety inspections, structural, architectural, and landscape maintenance. During the growing season, P&R will water and weed vegetation and replace plants that do not survive over time.
8. Performance Standards:

*Downtown Seawalk – Bridge to Gold Creek
USACOE Permit Application*

February 2014

- a. Within three years, the performance standard is that 100% of the planted vegetation (aerial) has survived or been replaced with similar native colonizers. It is expected that some vegetation will self select according to habitat preference and so exact location of planted species will not be a factor in measuring success. Regarding slope stability, within one to three years, the slope is expected to retain its grade and location. Some mobility of finer materials is expected and natural in a tidal environment.
9. Monitoring Requirements:
 - a. After construction of the project is completed, the habitat enhancement and restoration portions will be monitored by a member of the design science team or another qualified individual contracted by the CBJ. Monitoring parameters will include slope stability and vegetation survival in the various zones.
10. Long Term Management Plan:
 - a. The CBJ will be responsible for funding the management, monitoring work and any additional maintenance required through existing budgets for Parks and Recreation land.
11. Adaptive Management Plan:
 - a. If the performance measures are not met, the CBJ will analyze the results, develop a revegetation plan or slope stability plan through adaptive management strategies and perform the work as needed with necessary permits.
12. Financial Assurances:
 - a. The CBJ is financially responsible for all construction, management, maintenance and monitoring on CBJ Park land.

*Downtown Seawalk – Bridge to Gold Creek
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ATTACHMENTS:

- A. Excerpts from the Long Range Waterfront Plan
- B. Seawalk Construction Timeline
- C. “Historical Series for Gold Creek Delta Project Area” by Richard Carstensen of Discovery Southeast, July 2013
- D. “Biological Inventory: Habitats, Fish Use, Pond Water Quality Gold Creek Delta, Juneau, Alaska” by Pat Harris, June-July 2013
- E. “Preliminary Summary of Bird Survey Results: Juneau Seawalk Project Area”, by Catherine Pohl, May 2013
- F. “Assessment of Functions and Compensation for the Proposed Seawalk Habitat Island near Gold Creek, Juneau, Alaska” by Hans Ehlert/CH2MHILL, February 2014
- G. “Gold Creek Seawalk Project- Basis of Coastal Engineering Design” by Coast and Harbor Engineering, December 2013
- H. “Geotechnical Findings and Recommendations: Juneau Seawalk Upgrades” by Golder Associates Inc., 2013



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

March 4, 2015

RECEIVED
MAR 05 2015
CBJ ENGINEERING

Regulatory Division
POA-2014-251

Mr. Skye Stekoll
City and Borough of Juneau
155 South Seward Street
Juneau, Alaska 99801

Dear Mr. Stekoll:

Enclosed is the signed Department of the Army permit, file number POA-2014-251, Gastineau Channel, which authorizes the construction of a habitat island, park, habitat enhancement activities, and an elevated walkway. The project site is located within Section 23, T. 41 S., R. 67 E., Copper River Meridian; USGS Quad Map Juneau B-2; Latitude 58.298629° N., Longitude -134.42309° W.; in Juneau, Alaska. Also enclosed is a Notice of Authorization which should be posted in a prominent location near the authorized work.

If changes to the plans or location of the work are necessary for any reason, plans must be submitted to us immediately. Federal law requires approval of any changes before construction begins.

Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew T. Brody", is written over a horizontal line.

Matthew Brody
Regulatory Specialist

Enclosures

CF:

Skye.Stekoll@juneau.org
Michel.Elfers@juneau.org
Rorie.Watt@juneau.org

DEPARTMENT OF THE ARMY PERMIT

Permittee: City and Borough of Juneau – Skye Stekoll

Permit No.: POA-2014-251

Issuing Office: U.S. Army Engineer District, Alaska

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Place dredged and/or fill material into waters of the U.S. below the high tide line, including special aquatic sites, as well as the placement of structures into waters of the U.S. below the Mean High Water to facilitate the construction of a habitat island, park, and elevated walkway. Specifically the work includes:

1. Discharge 410 cubic yards of riprap, soil material, cobble, and gravel below the high tide line (HTL) (+20.8 feet above the 0.0 foot contour line) impacting 0.1 acres of marine intertidal substrate to vegetate the existing riprap side slopes.
2. Discharge 11,500 cubic yards of shot rock and riprap below the HTL impacting 0.58 acres of marine intertidal substrate to construct a park.
3. Discharge 30,000 cubic yards of shot rock and riprap below the HTL impacting 2.69 acres of marine intertidal and subtidal substrate including 0.12 acres of vegetated shallows to construct a recreational island.
4. Discharge 360 cubic yards of shot rock below the HTL impacting 0.07 acres of marine intertidal substrate to access the proposed island.
5. Discharge 127 cubic yards of rock below the HTL impacting 0.05 acres of marine intertidal substrate to construct two pedestrian paths for access to the proposed recreational island and intertidal waters.
6. Install 65 each 14-inch to 16-inch diameter steel piles below the Mean High Water Mark (+15.4 feet above the 0.0 foot contour line) to construct two viewing platforms and one pedestrian and bicycle path.
7. Create a total of 0.37 acres of tidal wetland vegetation through transplanting, and new plantings including the transplanting of 0.12 acres of existing Alkali grass and other native species on site.

All work will be performed in accordance with the attached plan, sheets [1-17], dated [January 26, 2015].

Project Location: The project site is located within Section 23, T. 41 S., R. 67 E., Copper River Meridian; USGS Quad Map Juneau B-2; Latitude 58.298629° N., Longitude -134.42309° W.; in Juneau, Alaska.

Permit Conditions:

ENG FORM 1721, Nov 86

EDITION OF SEP 82 IS OBSOLETE

(33 CFR 325 (Appendix A))

-1-

ATTACHMENT 8

General Conditions:

1. The time limit for completing the work authorized ends on **February 29, 2020.**

If you find that you need more time to complete the authorized activity, submit your request for a permit renewal to this office for consideration at least six months before the above date is reached.

2. You must maintain the activity authorized by this permit in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. Effective erosion control measures shall be installed and maintained before, during, and after construction to prevent erosion and the introduction of sediments and/or contaminants into adjacent waters of the United States. These structures shall remain in place until all fills (including side slopes) or other disturbed areas subject to potential erosion have been permanently stabilized.
2. The permittee shall ensure that all synthetic erosion control features (e.g., floating silt curtain, silt fencing, netting, mats), which are intended for temporary use during construction, are completely removed and properly disposed of after their initial purpose has been served. Only natural fiber materials, which will degrade after time, may be used as permanent measures, or if used temporarily, may be abandoned in place.
3. Project boundaries shall be clearly identified in the field (e.g., staking, flagging, silt fencing, etc.) prior to site clearing and construction to ensure avoidance of impacts to waters of the United States, including wetlands, beyond the authorized project footprint. All areas of existing tidal vegetation that are to remain undisturbed, as identified on sheets 5 and 6 of 17 in the project plans, shall be clearly identified in the field (e.g., staking, flagging, silt fencing, etc.) prior to construction.
4. All fill material for the authorized work shall be clean, free from toxic pollutants in toxic amounts. Material used for construction or discharge shall not consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.).
5. Excess fill material shall not be staged or disposed within wetlands or other waters of the United States.

6. All fill slopes are expected to retain their design grade and location. The Habitat Island portion of the project shall be within ± 5 feet from the original design elevations.
7. The portion of the project identified in the attached map (sheet 16 of 17) that would include the authorized Habitat Island and enhancement activities on parcel 1C060K670010 within and owned by the City and Borough of Juneau shall be protected from future development and disturbance through the recording of a Restrictive Covenant. The Restrictive Covenant shall be recorded within 6 months of the date of this permit and proof in writing shall be submitted to this office once completed. The restrictive covenant shall be reviewed and approved by the Corps of Engineers Juneau Regulatory Field Office prior to recording. The language in the Restrictive Covenant shall protect the site from degradation and support the continued presence and functions of the current aquatic resources as well as any established or enhanced aquatic resources and their functions. The language in the Restrictive Covenant shall prohibit site degradation through prohibition of development, including any structures, grading, vegetation removal, motorized vehicle use/access. Exemptions to these requirements include structures or work that improves the sites function and/or habitat, site maintenance, and any vegetation removal associated with the control of invasive plant or animal species. The Restrictive Covenant shall be recorded with the Registrar of Deeds or other appropriate official charged with the responsibility for maintain records of title to or interest in real property.
8. Vegetation and plant community establishment proposed as part of the authorized project shall achieve the following by the end of the 5th growing season:
 - a. Achieve aerial cover of native vegetation of at least 50% over 0.37 acres of tidal wetland vegetation such as Alkali grass (*Puccinellia nutkaensis*) Lyngbye sedge (*Carex lyngbyei*) after five full growing seasons from initial planting.
 - b. Achieve aerial cover of native vegetation of at least 50% over 0.93 acres on the authorized Habitat Island of species such as Beach Rye (*Elymus mollis*), Red Fescue (*Festuca rubra*), Tufted Hairgrass (*Deschamosia caespitosa*), Red Osier Dogwood (*Cornus stolonifera*), Sitka Spruce (*Picea sitchensis*), and Black Cottonwood (*Populus balsamifera*) after five full growing seasons from initial planting.
 - c. Achieve aerial cover of native vegetation of at least 50% along 830 linear feet of existing rocky shoreline of species such as Red Osier Dogwood (*Cornus stolonifera*), Sitka Spruce (*Picea sitchensis*), and Black Cottonwood (*Populus balsamifera*) after five full growing seasons of planting.
9. The growth and/or spread of invasive plants onsite is prohibited. Prior to construction the site will be surveyed for invasive plants. All identified invasive plants shall be removed and disposed of offsite prior to construction. Corrective measures shall be implemented to preclude the growth and/or spread of any invasive plants within the project area identified by the annual vegetation cover maps submitted as part of the annual monitoring reports. Invasive plant species are identified as the 37 species listed in table 1.1 of the *Disposal and Control of Invasive Plant Species* report prepared by Alaska Department of Transportation and Public Facilities Southeast Region dated February 2014. The species identified in this report is attached to this permit.
10. An Adaptive Management Plan shall be developed by the applicant in the event of unsuccessful achievement of conditions 6, 8, and 9 of this permit. The plan shall be developed with in consultation with the Corps and any other Federal or State agencies as appropriate. The plan shall analyze any noncompliance with conditions 6, 8, and 9 and develop a strategy to address the issue.
11. All pile driving shall only be performed during low tidal stages (a six hour period beginning three hours before low tide and ending three hours past low tide). Piles shall be driven using a vibratory hammer to the extent practicable. If an impact hammer is required because of substrate type or the need for seismic stability a pile cushion shall be used between hammer and pile.
12. Monitoring reports are required: Annual monitoring reports shall be submitted on the status of the Habitat Island and associated enhancement work. The reports shall be submitted by December 31 following each of the first five growing seasons and produced by a member of the projects design science team or another qualified individual designated by the applicant. The reports shall be

forwarded to the U.S. Army Corps of Engineers Juneau Field Office at: Alaska District, Army Corps of Engineers, Regulatory Division, Juneau Field Office at address P.O. Box 22270, Juneau, Alaska 99802-2270. The reports shall, at a minimum, include the following information:

- a. Vegetation cover maps at an appropriate scale shall be submitted for each reported growing season. Vegetation cover maps shall be submitted for existing vegetation, new plantings (seeds, transplanted or purchased plugs, and transplanted or purchased contained plants), and invasive plants. The vegetation cover maps shall identify the vegetation type (species name), vegetated area, and percent cover for the vegetated area. The maps shall demonstrate compliance with the above special condition number 8 and 9. Photographs illustrating the vegetation identified above shall be included.
 - b. A report documenting the stability of slopes for the Habitat Island and identifying any change from the design slope grade shall be submitted. The report shall document and identify any change in original design elevation of greater than $\pm$ one foot through the submission of a topographic survey. Photographs shall be submitted identifying the surveyed area and slopes. The survey(s) shall demonstrate compliance with the above special condition number 6.
13. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the U.S.
 14. You must install and maintain, at your expense, any safety lights and signals prescribed by the U.S. Coast Guard (USCG), through regulations or otherwise, on your authorized facilities. The USCG may be reached at the following address and telephone number: Commander (oan), 17th Coast Guard District, P.O. Box 25517, Juneau, Alaska 99802, (907) 463-2272.
 15. The permittee understands and agrees that, if future operations by the U.S. require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal or alteration.

Special Information:

Any condition incorporated by reference into this permit by General Condition 5, remains a condition of this permit unless expressly modified or deleted, in writing, by the District Engineer or his authorized representative.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorization required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

SKYE A. STEKOLL
 (PERMITTEE) AND TITLE
 SKYE A. STEKOLL, PROJECT MANAGER
 CBJ ENGINEERING

3/2/15
 (DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Matthew T. Brody
 FOR (DISTRICT COMMANDER)
 Colonel Christopher D. Lestochi
 Matthew Brody
 Regulatory Specialist
 Southeast Section

3/4/2015
 (DATE)

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

 (TRANSFeree)

 (DATE)



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Environmental
Conservation

DIVISION OF WATER
Wastewater Discharge Authorization Program

555 Cordova Street
Anchorage, Alaska 99501-2617
Main: 907.269.6285
Fax: 907.334.2415
www.dec.alaska.gov/water/wwdp

October 28, 2014

Certified Mail: 7012-3460-0002-9326-6629

Skye Stekoll
City and Borough of Juneau
155 South Seward Street
Juneau, AK 99801

Re: Gastineau Channel Waterfront Upgrade
Reference No. POA-2014-251

Dear Mr. Stekoll:

In accordance with Section 401 of the Federal Clean Water Act of 1977 and provisions of the Alaska Water Quality Standards, the Department of Environmental Conservation (DEC) is issuing the enclosed Certificate of Reasonable Assurance for placement of fill material in waters of the U.S. in association with the upgrades to the Juneau Waterfront area.

DEC regulations provide that any person who disagrees with this decision may request an informal review by the Division Director in accordance with 18 AAC 15.185 or an adjudicatory hearing in accordance with 18 AAC 15.195 – 18 AAC 15.340. An informal review request must be delivered to the Director, Division of Water, 555 Cordova Street, Anchorage, AK 99501, within 15 days of the permit decision. Visit <http://www.dec.state.ak.us/commish/ReviewGuidance.htm> for information on Administrative Appeals of Department decisions.

An adjudicatory hearing request must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, PO Box 111800, Juneau, AK 99811-1800, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived.

By copy of this letter we are advising the U.S. Army Corps of Engineers of our actions and enclosing a copy of the certification for their use.

Sincerely,

James Rypkema

Program Manager, Storm Water and Wetlands

Enclosure: 401 Certificate of Reasonable Assurance

cc: (with encl.)
Matthew Brody, USACE, Juneau
Jackie Timothy, ADF&G

USFWS Field Office Juneau
Mark Jen, EPA Operations, Anchorage

**STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CERTIFICATE OF REASONABLE ASSURANCE**

A Certificate of Reasonable Assurance, in accordance with Section 401 of the Federal Clean Water Act and the Alaska Water Quality Standards is issued to City and Borough of Juneau at 155 South Street, Juneau, Alaska for placement of fill material in waters of the U.S. in association with the upgrades to the Juneau Waterfront in Gastineau Channel. The applicant's stated purpose is to restore and enhance the downtown Juneau waterfront by providing public access to bicycles and pedestrians, create a gateway park that incorporates a whale statue, and to provide educational interpretation for coastal environments. The applicant requests authorization for the following work in waters and navigable waters of the United States (U.S.):

1. Discharge 410 cubic yards of riprap, soil material, cobble, and gravel below the High Tide Line (+20.8 feet above the 0.0 foot contour line) (HTL) impacting 0.1 acres of marine intertidal substrate to vegetate the existing riprap side slopes.
2. Discharge 11,500 cubic yards of shot rock, and riprap below the HTL impacting 0.58 acres of marine intertidal substrate to construct a park.
3. Discharge 30,000 cubic yards of shot rock and riprap below the HTL impacting 2.69 acres of marine intertidal and subtidal substrate including 0.12 acres of vegetated shallows to construct a recreational island.
4. Discharge 360 cubic yards of shot rock below the HTL impacting 0.07 acres of marine intertidal substrate to access the proposed island.
5. Discharge 127 cubic yards of rock below the HTL impacting 0.05 acres of marine intertidal substrate to construct two pedestrian paths for access to the proposed recreational island and intertidal waters.
6. Install 65, 14-inch to 16-inch diameter steel piles below the Mean High Water Mark (+15.4 feet above the 0.0-foot contour line) to construct two viewing platforms and one pedestrian and bicycle path.

A State Water Quality Certification is required under Section 401 because the proposed activity will be authorized by a U.S. Army Corps of Engineers permit, reference number POA-2014-251 and a discharge of pollutants to waters of the U.S. located in the State of Alaska may result from the proposed activity. Public notice of the application for this certification was given as required by 18 AAC 15.180 in the Corps Public Notice POA-2014-251 posted from August 19, 2014 to September 18, 2014.

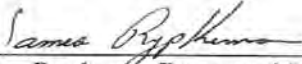
The proposed activity is located within Section 23, T. 41 S., R. 67 E., Copper River Meridian; USGS Quad Map Juneau B-2; Latitude 58.298629° N., Longitude -134.42309° W.; in Juneau, Alaska..

The Department of Environmental Conservation (DEC) reviewed the application and certifies that there is reasonable assurance that the proposed activity, as well as any discharge which may result, will comply with applicable provisions of Section 401 of the Clean Water Act and the Alaska Water Quality Standards, 18 AAC 70, provided that the following alternative measures are adhered to.

1. Reasonable precautions and controls must be used to prevent incidental and accidental discharge of petroleum products or other hazardous substances. Fuel storage and handling activities for equipment must be sited and conducted so there is no petroleum contamination of the ground, surface runoff or water bodies.
2. During construction, spill response equipment and supplies such as sorbent pads shall be available and used immediately to contain and cleanup oil, fuel, hydraulic fluid, antifreeze, or other pollutant spills. Any spill amount must be reported in accordance with Discharge Notification and Reporting Requirements (AS 46.03.755 and 18 AAC 75 Article 3). The applicant must contact by telephone the DEC Area Response Team for Southeast Alaska (907) 465-5340 during work hours or 1-800-478-9300 after hours. Also, the applicant must contact by telephone the National Response Center at 1-800-424-8802.
3. Construction equipment shall not be operated below the ordinary high water mark if equipment is leaking fuel, oil, hydraulic fluid, or any other hazardous material. Equipment shall be inspected on a daily basis for leaks. If leaks are found the equipment shall not be used and pulled from service until the leak is repaired.
4. All work areas, material access routes, and surrounding wetlands involved in the construction project shall be clearly delineated and marked in such a way that equipment operators do not operate outside of the marked areas.
5. Organic overburden soil stockpiles shall be stabilized as soon as practicable after placement to minimize erosion, sediment runoff, or dust generation. Indicators of excess erosion include: gullyng, head cutting, caving, block slippage, material sloughing, etc.
6. Fill material must be clean sand, gravel or rock, free from petroleum products and toxic contaminants in toxic amounts.
7. Fill placed during winter construction within wetlands that during the summer contain surface water that is connected to natural bodies of water, must be stabilized or contained in the spring prior to breakup. This action is to ensure that silts are not carried from the fill to the natural bodies of water in the spring and summer.
8. Prior to fill placement in the spring or summer, a silt fence or similar structure shall be installed on a line parallel to and within five feet of the proposed fill toe of slope within all wetland areas that contain standing water that is connected to any natural body of water or where the fill toe is within 25 feet of such a water body. This structure shall remain in place until the fill has been stabilized or contained in another manner.
9. Any disturbed ground and exposed soil not covered with fill must be stabilized and re-vegetated with endemic species, grasses, or other suitable vegetation in an appropriate manner to minimize erosion and sedimentation, so that a durable vegetative cover is established in a timely manner.

This certification expires five (5) years after the date the certification is signed. If your project is not completed by then and work under U.S Army Corps of Engineers Permit will continue, you must submit an application for renewal of this certification no later than 30 days before the expiration date (18 AAC 15.100).

Date: October 28, 2014



 James Rypkema, Program Manager
 Storm Water and Wetlands



**PLANNING COMMISSION
NOTICE OF RECOMMENDATION**

Date: August 17, 2015

File No.: CSP2015 0012

City and Borough of Juneau
CBJ Assembly Members
155 S Seward Street
Juneau, AK 99801

Application For: Planning Commission Recommendation to the City and Borough Assembly regarding a new park and seawalk extension.

Legal Description
or ROW name: TIDELANDS ADDITION BL 58 LTS 11 & 12 FR & BL 87
ATS 3 FR TIDELANDS ADDITION BL 87
TIDELANDS ADDITION BL 87 FR & ATS 3 FR SPIT
TIDELANDS ADDITION BL 67 LTS 1 & 4-18

Property Address: 1300 W. 9th Street
Parcel Code No.: 1-C06-0-K58-006-0
1-C10-0-K83-003-2
1-C06-0-K63-005-0
1-C06-0-K67-001-0

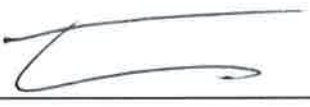
Hearing Date: August 11, 2015

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated July 31, 2015, and recommended that the City Manager direct CBJ staff to design and build the project in accordance with the application materials.

Attachments: July 31, 2015 memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding CSP2015 0012.

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).

City and Borough of Juneau
CBJ Assembly
File No.: CSP2015 0012
August 17, 2015
Page 2 of 2

Project Planner: 
Teri Camery, Senior Planner
Community Development Department


Michael Satre, Chair
Planning Commission


Filed With City Clerk Deputy Clerk

Aug. 17, 2015
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. The CBJ and project 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.

**MINUTES
CITY AND BOROUGH OF JUNEAU
MARIJUANA COMMITTEE
WORK SESSION**

**Thursday, July 2, 2015, 6:00 p.m.
City Hall Assembly Chambers**

I. ROLL CALL

The meeting was called to order by Chair Jesse Kiehl at 6:06 p.m.

Committee members present: Chair Jesse Kiehl, Vice Chair Mike Satre, Debbie White (telephonically), Bill Peters, Maria Gladziszewski, and Dennis Watson.

Committee members absent: Mary Becker.

Staff present: Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Chief Etheridge, CCFR; Hal Hart, Community Development Director;

II. APPROVAL OF AGENDA

Mr. Peters asked to discuss the meeting time. The agenda was approved as presented.

III. APPROVAL OF MINUTES

May 21, 2015 Draft Minutes

Hearing no objection, the minutes of the May 21, 2015 meeting were approved.

June 4, 2015 Draft Minutes

Hearing no objection, the minutes of the June 4, 2015 meeting were approved.

IV. PUBLIC PARTICIPATION – None.

V. AGENDA TOPICS

- A. Capital City Fire/Rescue presentation re: Marijuana Growing and Oil Extraction Processes, by Fire Marshal Dan Jager and Deputy Fire Marshal Sven Pearson

Fire Marshal Dan Jager said he and Mr. Pearson were present to discuss fire code, code related issues or potential issues with commercial grow operations and oil extraction processes. This is relatively new all over the country, and there is no specific fire code chapter dealing with this topic. The processing can impact multiple sections of the building codes, but their focus was only on the fire code. He spoke with the State Fire Marshal who did not have specific guidelines and other communities in Alaska have not addressed this topic yet, so the information has come from Colorado and Washington. Regarding permitting, multiple departments will be involved with

the start up, and for fire issues, there may need to be an annual or every two year inspection through the life of the business. The different types of processing involve Co2, fumigation, use of butane for oil extraction, different types of flammable gases, depending on how the system is set up. The concerns involve fire, asphyxiation, and for properly conducted businesses, there should not be significant problems, but “homegrown” businesses could be potential problems that may not be identified until there is an ambulance call. In the last year there had been three explosions in Alaska involving the use of butane fuel for the oil extraction process.

Deputy Fire Marshal Sven Pearson presented a power point presentation. The Fire Marshal is involved in the review of a change of occupancy of a building or of the plans for new construction for plan review, site inspection and issuance of certificate of occupancy. In addition, they continue enforcement and oversight following the issuance of a certificate of occupancy.

Fire inspection issues specific to marijuana establishments include establishment inspection for fire and life safety, the extraction process of THC from marijuana, Co2 enrichment processes that improve the growing of the product, and hazardous materials. Their concerns include heat, ventilation, electrical, fumigation, Co2 and egress for safely exiting and entering the building. Ideal growing temperatures are between 68 – 72 degrees. The high intensity discharge from lights is the concern due to potential overloaded circuits. If the project goes through plan review that can be addressed, but in non-licensed facilities, that can be a source of trouble. Exhaust fans are important to eliminate excess heat. Photosynthesis is needed for a successful grow and he spoke about Co2 enrichment. Co2 is also used for fumigation and killing pests as well. He showed several photos of unsafe growing conditions, including blocked exits in an attempt to secure the product inside, and maze like interior conditions without clear exit paths, unsafe chemical storage, and the use of visqueen to separate areas of growing can be fire hazards. He spoke about enforcement efforts in other communities, such as Butte County, CA, and Denver, CO. Denver allows a “closed loop system” for THC extraction or an alternative professionally engineered system.

Mr. Watson asked how a large operation was defined. Mr. Jager said it would be based on square footage, and the number of appliances or equipment.

Mr. Watson said that in order to be effective, trained enforcement officers are needed and that would be an additional need. Mr. Jager said he thought visiting other jurisdictions and working along side their counterparts would be most useful.

Ms. Gladziszewski asked if they have looked at codes for other locations for drafting in the CBJ code. Mr. Jager said Seattle and Denver have both drafted codes and they are studying those.

Mr. Satre said this is a potentially new industry but they are all components of existing industries. If we put together a process that encourages compliance through a predictable permitting system, most problems would be nipped in the bud. Mr. Jager said that was correct and many of the components were typical in use but being put together in new ways.

Mr. Kiehl shared Mr. Satre’s assessment and said training would be important to address early on so that when pre-application meetings happen everyone knows what to look for in advance. Mr. Kiehl asked if there was a way to address code issues regarding the Co2 enrichment systems now ahead of other fire code processes. He asked the Fire Marshal to consider that and provide an answer at a future time. Mr. Kiehl asked about fire concerns with home extraction

and if the existing fire code addressed these concerns. Mr. Jager said he did not think so because 1-2 family dwellings were under the jurisdiction of the building code or the residential code and those did not deal with the specific hazards. He thought the only way to address those concerns would be through the fire code, but their jurisdiction is not over 1-2 family dwellings now – it is only over multi-family and commercial properties. Mr. Kiehl asked if there were any concerns raised regarding using extractives to create edibles that were new or were those addressed in existing commercial kitchen operations. Mr. Jager said he thought it was generally regarded similarly to any commercial kitchen.

B. Law Department presentation re: Legal Basis for CBJ to License Marijuana, by Amy Mead, Municipal Attorney

Ms. Mead said research showed it was possible for CBJ to initiate a permit process directly related to marijuana establishments as long as it regarded time, place and manner, unless we moved into a business license with more regulations regarding the business side.

Mr. Satre said it appears the CBJ could create a license locally similar to a liquor license that allows the CBJ to take the license if the rules are not followed. Ms. Mead said some elements of the industry can have more impact on neighborhoods and the requirement of a license and the ability to pull a license is an easier way to get enforcement vs. a penalty or an injunction. Ms. Mead said there are provisions in the fire and building code that are addressing these issues now and whether there can be specific code sections drafted in one section vs. sporadically throughout the code, she would like direction.

Ms. Gladziszewski said centralizing the regulations in one section would likely be more helpful to those attempting to comply with the code.

Ms. White said she agreed with Ms. Gladziszewski about centralizing information in one section and starting this way with these establishments would be a good way to start.

Ms. Gladziszewski said it can have pointers to other code sections, not everything needs to be repeated.

VI. COMMITTEE MEMBER COMMENTS AND QUESTIONS

Mr. Kiehl would like presentations from Sales Tax/Treasury regarding an all cash business and a memo or presentation from the Building Official about building code issues beyond the fire code. The committee has not acted on a licensed place for people to consume, such as a club or other method, and he asked who the committee should hear from about that issue. He asked for public input as well as input from the committee and staff on that issue.

Mr. Satre said the mental health board had a first hearing and there was some discussion about premises legal for consumption and we should get something from the department of law on how it relates to the smoking ordinance.

Ms. Gladziszewski said she would like to learn more about this issue and Colorado also set that aside as a secondary issue. Can we thread the needle to have such clubs and not violate the "no smoking" ordinance?

Mr. Peters said he would like some feedback regarding the smoking ordinance. Could there be a premise with a confined space with ventilation, but with all of the smoking that is taking place on the street now, perhaps this conversation needs to start.

Hearing no objection, the committee agreed to move to a 2nd and 4th Thursday each month schedule.

VII. ADJOURNMENT

There being no further business to come before the committee, the meeting adjourned at 6:45 p.m.

Submitted by Laurie Sica, Municipal Clerk