APPEAL OF USE 2012-0019
LEMON CREEK GRAVEL EXTRACTION
BEFORE THE CITY AND BOROUGH OF JUNEAU
ASSEMBLY

SUPPLEMENTS TO THE RECORD
SUBMITTED BY COMMUNITY DEVELOPMENT
DEPARTMENT
FEBRUARY 28, 2013
Greg Chaney

From: Ronald Schramm
Sent: Thursday, February 28, 2013 2:12 PM
To: Greg Chaney
Subject: Secon gravel extraction information.

Greg,

When I initially took the photographs on 20 February 2013, I observed backhoes (as noted in the photographs) digging gravel out of the seep to the south of Lemon Creek, dump trucks (also as noted) being filled with the gravel, and one excavator doing some work on light tree clearing.

It did not appear that neither the backhoes nor the dump trucks were in Lemon Creek, but rather were in the sandbars to the south of the creek path.

RON SCHRAMM
Code Compliance Officer II
CBJ Community Development Department
155 South Seward Street
Juneau, AK 99801
Phone: (907) 586-0467
Fax: (907) 586-3365
E-mail: Ronald_Schramm@ci.juneau.ak.us
CITY AND BOROUGH OF JUNEAU

CBJ 19.01.114

STOP WORK ORDER

DATE: February 20, 2013

To the Owner, Agent, Contractor, Workers or any other person or person engaged in doing or causing work to be done at or in the Lemon Creek Streambed on or about Mendota Park Parcel 2:

The City and Borough of Juneau Building Official has inspected the above Premises and has found work being performed without proper permit(s) in violation of CBJ 19.01.105.1.1.1 and CBJ 19.12.030. Pursuant to the authority of CBJ 19.01.114,

You are hereby ordered to CEASE ALL WORK and extraction activities at or in the above referenced location, IMMEDIATELY.

Work may not be resumed or this Stop Work Order removed until the work is permitted and authorized in writing by the Building Official.

Negligent violation of this order is a Class B misdemeanor punishable by up to 90 days incarceration and a $5,000 fine. Reckless or intentional violation of this order is a Class A misdemeanor punishable by up to one year of incarceration and a $10,000 fine. Each day on which a violation occurs is a separate offense.

Issued by: Charlie Ford, CBJ Building Official

Date: 2/20/13

Time: 4:00 PM
Ron King and I went to look at the Lemon Creek SECON extraction project this morning to confirm the placement of stake 10' away from the creek bed. The grading permit has not been issued. So far, SECON has finished extraction on Bar 1, created a pathway and bridge from Bar 2 to Bar 3, and has extracted material from Bar 3. Bryce Kidd, SECON, said once the grading permit is issued they will be done with Bar 3 in a day or so and Bar 2 will only take a few more days. There were stakes at Bars 2 & 3; I couldn’t access or see stakes at Bar 1 because SECON had removed the bridge to access it. After taking many pictures and discussing their project, I told Bryce that construction needs to stay away from crossing the stakes and that I would talk to my supervisor about whether or not we can issue the grading permit. One thing I noticed was some amount of gravel in the creek being pushed towards Bars 2 & 3 to narrowing the crossing point for a bridge.

The pictures can be found here: I:\ERIC\Secon Lemon Creek Gravel Extraction\2-22-13 Pictures

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Eric Feldt, Planner II, C.F.M.
Community Development Dept.
155 South Seward Street
City & Borough of Juneau, Alaska
Ph: (907) 586-0764
Fax: (907) 586-3365

Please consider the environment before printing this email.

The Truth will set you free.
February 25, 2013  
Parcel No.: 5-B12-0-131-004-1  

Bryce Kidd, Project Manager  
Secon, Inc.  
1836 Anka  
Juneau, Alaska 99801  

Subject: Rescindment Stop Work Order of SECON Gravel Extraction operation  
Mendota Park Parcel 2  

Dear Mr. Kidd:  

This letter is to document rescindment of the Stop Work Order of the above subject premises which has been posted on February 22, 2013.  

A Grading Permit, BLD2013 0065, has been issued on February 25, 2013 by the CDD Permit Center.  

Thank you for your cooperation. If you have any questions please contact me at the number below, Charlie Ford, Building Codes Official (907) 586-0767, or Jay Srader, Chief Building Inspector at (907) 586-0768.  

Sincerely,  

Ron Schramm  
Code Compliance Officer II  
Community Development  
Tel:(907)586-0467 Fax:(907)586-3365  
Email: Ronald_Schramm@ci.juneau.ak.us  

cc: Kim Keifer, City Manager  
Hal Hart, CDD Director  
Charlie Ford, Building Codes Official  
Jay Srader, Chief Building Inspector  
Jane Sebens, Assistant City Attorney  

155 So. Seward Street, Juneau, Alaska 99801-1397
Your special attention is called to the following:

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

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

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

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

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

Inspections

Inspections can be arranged by telephoning 586-1703 or by written or faxed notification. The Online Building Inspection Request Form is at: www.juneau.org/permits/inspect_request.php. Work shall not proceed until the inspector has approved the various stages of construction. An approved Final Inspection is required. Call before 7:30 AM for same day inspections. Please provide the following information: 1 Permit Number, 2 Address, 3 Type of Inspection, 4 Date and Time and 5 Contact Name and Phone Number.

Job Address: 2025 ANKA ST
Permit Number: BLD20130065
Project Description: Extract 10,000 cy of gravel from Lemon Creek streambed.

Parcel Information: MENDOTA PARK PARCEL 2

Setbacks:
- Zone: 
  - Front: 10.00 Ft.
  - Rear: 10.00 Ft.
  - Street Side: 10.00 Ft.
  - Side 1: 0.00
  - Side 2: 0.00

Comments:

Owner: COLASKA INC
PO BOX 32159
JUNEAU AK 99803-2159

Applicant: SECON
1836 ANKA ST
JUNEAU AK 99801

Fee Type | Date | Receipt | Amount Paid
--- | --- | --- | ---
BLD-Grading Plan Review | 02/12/2013 | 03320 | $54.00
BLD-Grading Permit Fee | 02/12/2013 | 03320 | $184.50
Total Fees Paid: | | | $238.50

Valuation for Permit Fee Calculations:

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<th>S.F. Type</th>
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Total Valuation: $0.00

Project Conditions and Holds:

Custom - All conditions of Conditional Use permit (USE2012-19) apply. Some of these must be met prior to each years mining, others are operational conditions, and some apply at the end of the overall mining season.

Inspections Required: Call for inspection before covering or concealing any of the work described below. Inspections may be combined.

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

**Annual Grading Permit, Bank Protection, and Seismic Monitoring**

1. The operator shall stockpile about 50 cubic yards of broken rap, equivalent to Class I rip-rap, near the project area to address emergencies if the flow becomes redirected towards the bank. If the rock is not used it may be sold when the project ends.

Prior to issuance of the first year's grading permit and approval of the first year mining plan, the operator shall submit a bond of $30,000, sufficient to repair any serious bank damage.

One month before the commencement of each mining season, the applicant shall submit a mining plan. The mining plan shall be processed by the Engineering Department as an annual grading permit. Such plan shall include:
   a. Estimation of material to be removed
   b. Map of area to be worked (showing property lines)
   c. Map showing proposed culverts, access roads, bank stabilizations, berm details (including height, location, material composition and removal plan) stream relocations and other proposed features
   d. Methods for protecting Lemon Creek from oil, fuel and hydraulic fluid (including leaks from heavy equipment)
   e. Prior to the commencement of mining, the applicant shall verify property line location and delineate offset distance to the extraction area.

4. The top of excavation slopes shall be prohibited within 10' of any banks or the property lines.
Habitat Protection -

32. No sediment migration from the truck or ramp shall be allowed in the waterway. Prior to commencement of mining and prior to gravel bar coverage with snow and ice, the applicant shall field stake the exact excavation configuration and setbacks from flowing water.

34. The applicant shall place any large woody debris encountered during excavation activities at the surface of the floodplain, upstream or adjacent to the excavation area to encourage gravel bar formation and/or side channel creation. The woody material shall be partially buried to anchor the material during high flows.

35. There shall be no on-site fueling or equipment maintenance performed within 100 feet of the creek banks. This includes fueling or maintenance of portable equipment such as generators and pumps.

36. There shall be no on-site storage of fuel or other chemicals.

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

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

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

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

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

Project Planner: Greg Chaney for Teri Camery, Planner, Community Development Department

Michael Satre, Chair, Planning Commission

Filed With City Clerk 12/20/12

cc: Plan Review

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

Conditional USE2012-019


Specifications

CBJ Standard Specifications for Civil Engineering Projects and Subdivision improvements December 2003 is being used to establish a monitoring plan for the Lemon Creek gravel extraction. Section 02090 Blasting Controls, 3.10 Vibrations Limits, Part A defines two limits based on frequency that will be used for the upper limits of this plan for a Peak Particle Velocity (PPV). A maximum threshold of 2 inches per second for any frequency over 40-Hz and a maximum threshold of 0.75 PPV for any frequency less than 40-Hz.

Definitions

Active Monitoring – A technician monitors and logs events happening during mining activities from all the vibration monitors, what mining is currently happening and if any noticeable local environmental events occur. Technician is there to notify the supervisor if a threshold is being threatened from the mining activity.

Passive Monitoring – The unit is setup to record vibrations that exceed a limit. It only records when an event happens that triggers the monitor.

PPV – Peak Particle Velocity

Equipment

1 each - Blast Mate III

2 each – Mini Mate Plus
Plan

SECON is establishing a two part plan. First part is a testing phase to determine the impact the gravel extraction has in transmitting energy through the ground to the surrounding structures. The second part is how the monitoring is to transpire based on this test.

There are 46 lots with what appears to be 26 structures that boarder the gravel extraction parcel. Of these properties only one structure has complained as to the mining activities. The monitoring will be orientated to this structure. The property manager has granted permission to set monitoring units on the property.

Mr. Short - I am the Property Manager for the Riveredge Park Association. The HOA Board has requested that I correspond with you to offer two spots to place seismic monitoring devices - the boiler rooms in each of the two buildings. I can provide access to these rooms so you can place the devices and to monitor them as appropriate.

This will go a long way in relieving some of the animosity that has developed as a result of previous extraction activities.

Please contact me directly for access to these rooms. Also, do not hesitate to contact me if you have any questions.

Jim Preston
Broker
Jim Preston Realty
(907) 321-2288

Part 1

SECON will perform a series of tests to determine the ground motion generated from the mining equipment. The monitoring equipment will be setup in a linear alignment from the condominiums property towards the proposed gravel extraction location.

The Monitors will be activated before any mining is started. This is to record the existing environmental activity. This will give a signature of the existing “happenings/activities” and there corresponding wave signature.

To monitor the mining equipment working the following test will be performed. Starting at the farthest extraction point from the monitors/condominiums a test pit will be started. The activity will be recorded. If the vibration results are below the above specifications a new test hole will be perform closer to the monitors. This will proceed until either the PPV threshold is met or a test hole is performed next to a monitoring unit and the PPV threshold as stated in the above specifications has not been achieved.
If during the test procedure the PPV threshold is not achieved:

If the PPV threshold is not achieved during this test, active monitoring will not be required.

1. A single unit will be setup to trigger on the upper thresholds during the mining activities.
2. The test report will be submitted to engineering.
3. A report of the passive monitoring will be submitted to CBJ engineering on a monthly report.

The PPV threshold is achieved during the test phase:

If the PPV threshold is meet/exceeded the distance from the test pit and the monitoring unit is then established. That distance will be used to calculate the nearest that the mining operations can be done safely to the structures.

1. Any time mining operations happen within this established distance active monitoring will happen. A technician will monitor the vibration units for PPV levels and report to the supervisor.
2. When mining is outside of this “safe distance” passive monitoring will take place with daily review of monitoring of the activities.
3. The test report will be submitted to engineering.
4. A report of the monitoring will be submitted to CBJ engineering on a monthly report.
SHADED AREAS INDICATE AREAS TO BE WORKED IN 2013