



CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

BOARD OF ADJUSTMENT
NOTICE OF DECISION

Date: May 21, 2002

File No.: VAR2002-00011

John Stone
City and Borough of Juneau
Engineering Department
155 South Seward Street
Juneau, AK 99801

Application For: A request for a variance to reduce the required 330-foot development setback from eagle nests located on public land.

Legal Description: Lots 2, 3, 4A, 5, 6 Tract A, USS 3809, Lot 2 a Fr. of Tract C, USS 3808, and Lot 3, Lena Marie Sub.

Parcel Code No.: 8-B33-0-101-011-0, 012-0, 013-0, 014-0, 014-1 and 015-0

Hearing Date: May 14, 2002

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 8, 2002 and approved the variance requests to reduce the required 330-foot development setback from an eagle nest located on public land. The request is being made to allow the construction of a new CBJ roadway to cross the interior of the Point Lena peninsula to provide improved access in conjunction with the proposed NMFS facility. The proposed NMFS access roadway will be within 275, 315, 285, and 190 feet of four trees containing eagle nests located along the roadway alignment. The project is to be conducted as described in the project description and project drawing submitted with the application.

1. The applicant shall assure that the road construction operations are scheduled consistent with the recommendations of the U.S. Fish and Wildlife Service for the protection of nesting eagles;
2. The applicant shall insure that blasting until after August 31, 2002. If there is no active eagle nest within 330 feet of the blast zone, then blasting may begin in July;
3. No blasting from March 1 through May 31, 2003.

4. The applicant shall insure that no heavy construction activity (Excluding Blasting) take place within 330 feet of an eagle nest tree from March 1 through May 31, 2003 without the presence of a qualified eagle monitor to observe eagle activity. If no adult bald eagle is observed at the nest for a period of 14 consecutive days then, no further monitoring may be required. If disturbance to the eagles occurs, the disturbing activity must be terminated or modified to prevent recurrence. If a nest is not in active use by the eagles by May 31, construction activities within 330 feet can proceed throughout the remainder of the year without monitoring after March 31, subject to modification from the USFWS.
5. From June 1 through August 31, work that does not result in significant disturbance to bald eagles may proceed. In order to ensure disturbance does not occur, the applicant may need to employ a qualified eagle monitor. If disturbance occurs, the disrupting activity must be terminated to prevent further annoyances.
6. The applicant shall attach standards for eagle monitoring and construction scheduling that reflect these conditions of approval, to the bid specifications and contact for construction of the NMFS access roadway.

Attachment: May 8, 2002 memorandum from Tim Maguire, Community Development to the CBJ Planning Commission regarding VAR2002-00011.

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). Y

Effective Date: The permit is effective upon approval by the Commission, May 14, 2002

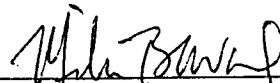
Expiration Date: The permit will expire 18 months after the effective date or November 14, 2003, if no building permit, right of way permit or similar permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days before the permit expires.

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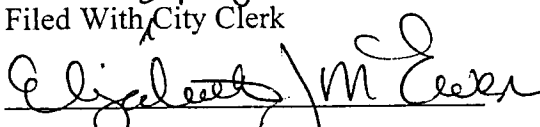
Project Planner:



Tim Maguire, Planner
Community Development Department

for 

Johan Dybdahl, Chairman
Planning Commission

Deputy
Filed With City Clerk


May 24, 2002

cc: Steve Gilbertson
Gary Jenkins
Malcolm Menzies
Mike Jacobson
Bob Millard
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 - 1-800-949-4232, or fax 360-438-3208.