

# MEMORANDUM

CITY/BOROUGH OF JUNEAU  
155 South Seward Street, Juneau, Alaska 99801

**DATE:** August 3, 2005

**TO:** Board of Adjustment

**FROM:** Teri Camery, Planner  
Community Development Department

**FILE NO.:** VAR2005-00043

**PROPOSAL:** A Variance request to allow construction within 330' of nesting eagles between March 1 and August 31.

## GENERAL INFORMATION

**Applicant:** John & Sheri Williams

**Property Owner:** John & Sheri Williams

**Property Address:** 1080 Reischl Way

**Legal Description:** Woodland Acre Estates LT 5

**Parcel Code Number:** 4-B20-0-102-017-0

**Site Size:** 39,443 square feet

**Zoning:** D-1

**Utilities:** CBJ water and Sewer

**Access:** Reischl Way

**Existing Land Use:** undeveloped residential lot

**Surrounding Land Use:** North - D-1 undeveloped residential lot  
South - D-1 residential home and eagle tree  
East - Reischl Way  
West - D-1 residential lot



## **PROJECT DESCRIPTION**

The applicant requests a Variance permit to construct a home within 330 feet of an actively nesting eagle tree between March 1 and August 30. The estimated distance from the nest to the property line is 85 feet. The estimated distance from the property line to the home site is 70 feet. Mike Jacobson of the U.S. Fish and Wildlife Service has verified that the nearby eagles nest typically has actively nesting eagles.

Under Article III Sensitive Areas Section §49.70.310 the CBJ Land Use code states:

§49.70.310 HABITAT. (a) There is adopted the sensitive areas map dated September 9, 1987, as the same may be amended from time to time by the assembly by ordinance. **Development in the following areas**, some of which are designated on the map, **is prohibited**:

- (1) On Benjamin Island within the stellar sea lion habitat;
- (2) Within three hundred thirty feet of an eagle nest on public land;
- (3) **Within fifty feet of an eagle nest on private land, provided that there shall be no construction within three hundred thirty feet of such nest between March 1<sup>st</sup> and August 31<sup>st</sup> if it contains actively nesting eagles;**

The applicant has provided an analysis from Dunn Environmental Services (Attachment 3), which states that these eagles have been highly tolerant of construction activity as demonstrated during the construction of Reischl Way several years ago. Phone discussion and email correspondence with Mike Jacobson, Wildlife Biologist with the U.S. Fish and Wildlife Service, confirms this statement (Attachment 8).

Mr. Jacobson has explained that the eagles in this area formerly had a significant tree buffer around their nest. That buffer is now gone due to heavy clearing in the area, which makes the trees vulnerable to blow-down. This also makes the eagles potentially more sensitive to disturbance, because construction activity has a greater impact without a tree buffer. Mr. Jacobson writes,

"The best way to avoid a violation of the Bald and Golden Eagle Protection Act is to conduct construction activities during the non-nesting season - September through February. The early nesting period, during courtship and nest establishment, is the period when eagles are most sensitive to disturbance. In order to permit eagles to initiate nesting activities, the use of heavy equipment or noisy construction activity should not take place at 1080 Reischl Way from March 1 through May 31.

From June 1 through August 31, work that does not result in significant disturbance to bald eagles can proceed. Adult eagles are less prone to disturbance and less likely to abandon the nest after May 31 (near and after hatching). However, flushed adults leave eggs and young unattended. Eggs are susceptible to cooling and predation; and young nestlings are particularly vulnerable to the elements. In order to ensure disturbance does not occur, a qualified eagle monitor may need to be employed during early June and when heavy equipment is being used (Attachment 8)."

Mr. Jacobson does not define what "noisy construction activity" includes. Given the greater sensitivity of the nest due to the loss of the tree buffer, staff recommends prohibiting any exterior construction activity during the critical period of March 1 through May 31. Exterior construction activity could begin after this date if a qualified monitor sees no signs of disturbance or agitation.

## **BACKGROUND**

VAR2003-00027 addressed the same eagle nest, located on Lot 19, for purposes of constructing a road and other subdivision improvements. This variance was granted on July 11, 2003 with a condition that the monitoring program described in the staff report be implemented.

## **ANALYSIS**

### **Variance Requirements**

Under CBJ §49.20.250 where hardship and practical difficulties result from an extraordinary situation or unique physical feature affecting only a specific parcel of property or structures lawfully existing thereon and render it difficult to carry out the provisions of Title 49, the Board of Adjustment may grant a Variance in harmony with the general purpose and intent of Title 49. A Variance may vary any requirement or regulation of Title 49 concerning dimensional and other design standards, but not those concerning the use of land or structures, housing density, lot coverage, or those establishing construction standards. A Variance may be granted after the prescribed hearing and after the Board of Adjustment has determined:

- 1. That the relaxation applied for or a lesser relaxation specified by the Board of Adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.***

The relaxation applied for would allow the property owner to construct a home within the summer season, and it is not possible to develop a home on the lot outside of the 330 foot boundary. Therefore the relaxation would provide substantial relief and be consistent with justice to other property owners.

**This criterion is met.**

- 2. That relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare be preserved.***

The intent of Title 49 is established in Section 49.05.100 Purpose and Intent. Those sections, which are applicable to the requested variance, are as follows:

- 1) To achieve the goals and objectives and implement the policies of the Juneau Comprehensive Plan and the coastal management program;*
- 2) To ensure that future growth and development in the city and borough is in accord with the values of its residents;*
- 3) To identify and secure, for present and future residences, the beneficial impacts of growth while minimizing the negative impacts;*
- 4) To ensure that future growth is of the appropriate type, design, and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;*
- 5) To provide adequate open space for light and air; and*
- 6) To recognize the economic value of land and encourage its proper and beneficial use.*

The proposed relief preserves the intent of Title 49 by promoting the beneficial impacts of growth while minimizing the negative impacts including impacts to eagles' nests, with the acceptance of proposed conditions on monitoring, which are outlined under Criteria 6.

**This criterion is met.**

**3. *That the authorization of the variance will not injure nearby property.***

No evidence indicates that authorization of the variance will injure nearby property. With acceptance of the recommended conditions, there will be no impact to the eagle nest on the nearby property

**This criterion is met.**

**4. *That the variance does not authorize uses not allowed in the district involved.***

Construction of a home is authorized in the D-1 zoning district.

**This criterion is met.**

**5. *That compliance with the existing standards would:***

**(A) *Unreasonably prevent the owner from using the property for a permissible principal use;***

The purpose of CBJ§49.70.310 is to protect the viability of eagle nest sites. With acceptance of the conditions suggested by the U.S. Fish and Wildlife Service, the nest will receive sufficient protection. Therefore it would be unreasonable, with acceptance of the conditions, to prevent the owner from constructing a home during the nesting season.

**This sub-criterion is met.**

**(B) *Unreasonably prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearance or features, with existing development in the neighborhood of the subject property;***

The developer could pursue a schedule outside of the nesting season and still construct a home. This would extend development time and require construction to take place in relatively poor weather and potentially significantly extend the timeframe required for overall completion. Even considering these factors, it is possible for the development to be completed without a variance in a manner that it is consistent with existing development in the neighborhood.

**This sub-criterion is not met.**

**(C) *Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive;***

There are no unique physical features of the property.

**This sub-criterion is not met.**

**or**

- (D) *Because of preexisting nonconforming conditions on the subject parcel the grant of the variance would not result in a net decrease in overall compliance with the Land Use Code, CBJ Title 49, or the building code, CBJ Title 19, or both.***

There are no pre-existing non-conforming conditions on the subject parcel.

**This sub-criterion is not met.**

- 6. *That a grant of the variance would result in more benefits than detriments to the neighborhood.***

With acceptance of the recommended conditions, a grant of the variance would allow construction of a home during the nesting season while protecting the nearby eagles nest, therefore resulting in more benefits than detriments to the neighborhood.

**This criterion is met.**

### **JUNEAU COASTAL MANAGEMENT PROGRAM**

The eagle tree code section is not part of the JCMP, therefore the JCMP is not applicable.

### **FINDINGS**

- 1. *Is the application for the requested variance complete?***

Yes. The application for the requested variance is complete.

- 2. *Will the proposed development comply with the Juneau Coastal Management Program?***

**Not applicable.**

- 3. *Does the variance as requested, meet the criteria of Section 49.20.250, Grounds for Variances?***

Yes. The variance meets criteria 1, 2, 3, 4, 5a, and 6.

### **RECOMMENDATION**

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and grant the requested variance for construction of a home within 330 feet of actively nesting eagles between March 1 and August 31, with acceptance of the following conditions:

- 1) No exterior construction activity may take place between March 1 and May 31.
- 2) If exterior construction begins after May 31, a eagle monitor who has been approved by the U.S. Fish and Wildlife Service shall monitor the nest during construction activity to watch for signs of agitation and disturbance up until June 15 . If agitation and disturbance is apparent, construction shall cease until authorized by a qualified wildlife biologist at the U.S. Fish and Wildlife Service.

# DEVELOPMENT PERMIT APPLICATION

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

Project Number	<b>CITY and BOROUGH of JUNEAU</b>	Date Received: <u>6/24/05</u>
Project Name (City Staff to assign name)	<u>Williams eagle nest VAR</u>	

PROJECT / APPLICANT INFORMATION

Project Description	<u>New Construction / Residence</u>		
<b>ATTACHMENT 1</b>			
<b>PROPERTY LOCATION</b>			
Street Address	<u>1082 Reischl</u>	City / Zip	
Subdivision (if known)	<u>Woodland Acre Estates</u>	Survey (if known)	Block / Tract (if known) Lot (if known) <u>5</u>
Assessor's Parcel Number (if known)	<u>48200102 0170</u>		
<b>LANDOWNER / LESSEE</b>			
Property Owner's Name	Contact by E-Mail	Contact Person	Work Phone No.
<u>Williams, John &amp; Shen</u>	<u>John.Jun@aal.com</u>		
Mailing Address	Home Phone No.	FAX No.	
<u>PO Box 35915 JUN AK 99803</u>			
<b>LANDOWNER/LESSEE CONSENT</b> (Required for Planning permits not needed on Building/Engineer permits)		<b>INITIAL ALL THAT MAY APPLY</b>	
I am (we are) the owner(s) or Lessee of the property subject to this application and I (we) consent as follows:		APPLICATION TYPE	OWNER'S INITIALS
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.		ALLOWABLE USE	
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.		CONDITIONAL USE	
<input checked="" type="checkbox"/>	<u>John Williams</u> Date <u>6-24-05</u>	VARIANCE	
<input checked="" type="checkbox"/>	<u>John Williams</u> Date <u>6/24/05</u>	DESIGN REVIEW	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission and/or the Design Review Board may visit the property and may do so during the weekend before the scheduled public hearing date.		SUBDIVISION	
		OTHER	
<b>APPLICANT</b> (If same as OWNER, write "SAME" and sign and date at X below)			
Applicant's Name	Contact by E-Mail	Contact Person	Work Phone No.
<u>same</u>	<u>Johnjun@aol.com</u>		
Mailing Address	Home Phone No.	FAX No.	
<u>John Williams</u>			
<input checked="" type="checkbox"/>	<u>John Williams</u>	<input checked="" type="checkbox"/>	<u>6/24/05</u>
Applicant's Signature		Date of Application	

(OFFICE USE ONLY BELOW THIS LINE)

STAFF APPROVALS

CK	PERMIT TYPE	SIGN	DATE RECEIVED	APPLICATION NO.	CK	PERMIT TYPE	DATE RECEIVED	APPLICATION NO.
	ALLOWABLE USE APPROVAL					WATER PERMIT		
	CONDITIONAL USE APPROVAL					SEWER PERMIT		
<input checked="" type="checkbox"/>	VARIANCE		<u>6/24/05</u>	<u>VAR05-43</u>		GRADING PERMIT		
	DESIGN REVIEW APPROVAL	MINOR MAJOR				DRIVEWAY PERMIT		
	SUBDIVISION	MINOR MAJOR PLIN				RIGHT-OF-WAY PERMIT		
	STREET VACATION					PUB. FAC. TRANSMISS. & EXCAV. PERMIT		
	SIGN APPROVAL LOCATED IN HISTORIC DISTRICT?	YES NO				OTHER - (Describe)		
	BUILDING PERMIT					Permit Intake Initials	<u>lun/TSC</u>	

Zone	Total Lot Area	Required Setbacks	
		Front	Back Side Other

COMMENTS:

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# VARIANCE APPLICATION

(APPLICANT PLEASE FILL IN SHADED AREAS AS A MINIMUM)

Project Number	Project Name <b>Williams eagle nest var</b>	Case Number <b>VAR05-L13</b>	Hearing Date	Date Received <b>6/24/05</b>
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VARIANCE TYPE:  Setback  Height  Bulk  Other (Describe) \_\_\_\_\_

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:  
*New Construction w/in 330' of nested eagles*

**ATTACHMENT 2**

PREVIOUS VARIANCE APPLICATIONS:  Yes  No  
 Date of Filing: \_\_\_\_\_  
 Variance from which standards:  Setback  Height  Bulk  Other (Describe) *Eagle Nest*  
 Was variance granted? . . . . .  Yes  No

EXISTING USE OF LAND OR BUILDING(S):  
*Vacant*

PROPOSED USE OF LAND OR BUILDING(S):  
*New Home Construction*

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

PROPOSED SETBACKS (If variance changes setbacks):  
 Front \_\_\_\_\_ ft. Rear \_\_\_\_\_ ft. *N/A* Side \_\_\_\_\_ ft. Other \_\_\_\_\_ ft.

UNIQUE CHARACTERISTICS OF LAND OR BUILDING (Difference from other properties in the area):

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?  
*Yes*

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?  
*Delay*

REVIEW APPROVALS		VARIANCE FEES			
	INITIALS	DATE	ISSUED TO:	RECEIVED:	DATE
Buildings	_____	_____	_____	_____	_____
Engineering	_____	_____	_____	_____	_____
Planning	_____	_____	_____	_____	_____
Application Fees			\$		
Adjustment			\$		
Total Fee			\$	<i>350.00</i>	<i>Charge 20030 6/24/05</i>

developva.als rev. 5/19/97

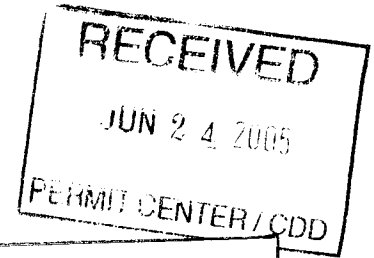
# DUNN ENVIRONMENTAL SERVICES

John Williams  
PO Box 35915  
Juneau, AK 99803

June 13, 2005

Re: Bald Eagle Nest near 1080 Reischl Way

John:



**ATTACHMENT 3**

Per our conversation, I have done a bit of research on the bald eagle nest located on the lot adjacent Lot 5, Woodland Acres Subdivision, on Spruce Point, Mendenhall Peninsula. Mike Jacobsen of the US Fish and Wildlife Service (USFWS), Raptor Management Division, tells me that the nest is active this year and has been active since the Spruce Point subdivision was constructed, years ago. The eagles in this nest are apparently very tolerant of human activity in close proximity.

The eagles tolerated heavy equipment operation during construction of Reischl Way several years ago, and would likely tolerate the heavy equipment operation necessary for construction of your proposed house On Lot 5.

In light of the activity in the area, and the obvious acclimation of this nesting pair of eagles to urban activity and heavy equipment operation, it is my professional opinion that heavy equipment operation on your lot on Reischl Way within 330 ft. of the active nest would not likely result in disturbance of the nesting eagles. However, in order to protect yourself from possible violation of the Bald Eagle Protection Act, and comply with CBJ ordinances, I would advise the use of a bald eagle nest monitor for heavy equipment operation on your lot, if the heavy equipment must be used during the bald eagle nesting season of March 1 – August 31.

Sincerely:

A handwritten signature in cursive script that reads "Art Dunn".

Art Dunn

cc. Mike Jacobsen, USFWS

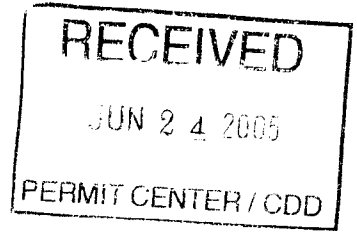


19890 Cohen Drive  
Juneau, Alaska 99801  
907-463-3243  
Fax 907-463-3272



**Initial Work Plan, Lot 5**

**Woodland Acres Estates**



This is to accompany our request for a variance from the no-build restriction within 330-feet of an active eagle nest.

Beginning next month, it is our desire to initiate dirt work for the construction of a single-family residence at 1080 Reischl Way, as noted above. The initial work will include excavating for the house foundation (see attached site map), digging trenches for the installation of serpentine loops for a ground-source heat pump heating system, trenching for utilities from Reischl Way, installation of a waste-water treatment plan, and some lot grading associated with elevation changes related to a driveway, etc. Following the dirt work will be the forming and pouring of a Styrofoam-block foundation.

The work will not include any tree falling, stumping, or burning.

Date: June 24, 2005

**ATTACHMENT 4**

*Sheri J. Williams*

Sheri J. Williams, Owner

*John D. Williams*

John D. Williams, Owner

Enclosures:

- Site Map, Lot 19, Spruce Point Estates - Site of nest
- Site Map, Lot 5, Woodland Acres Estates - Subject
- Letter in Support from Dunn Environmental Services

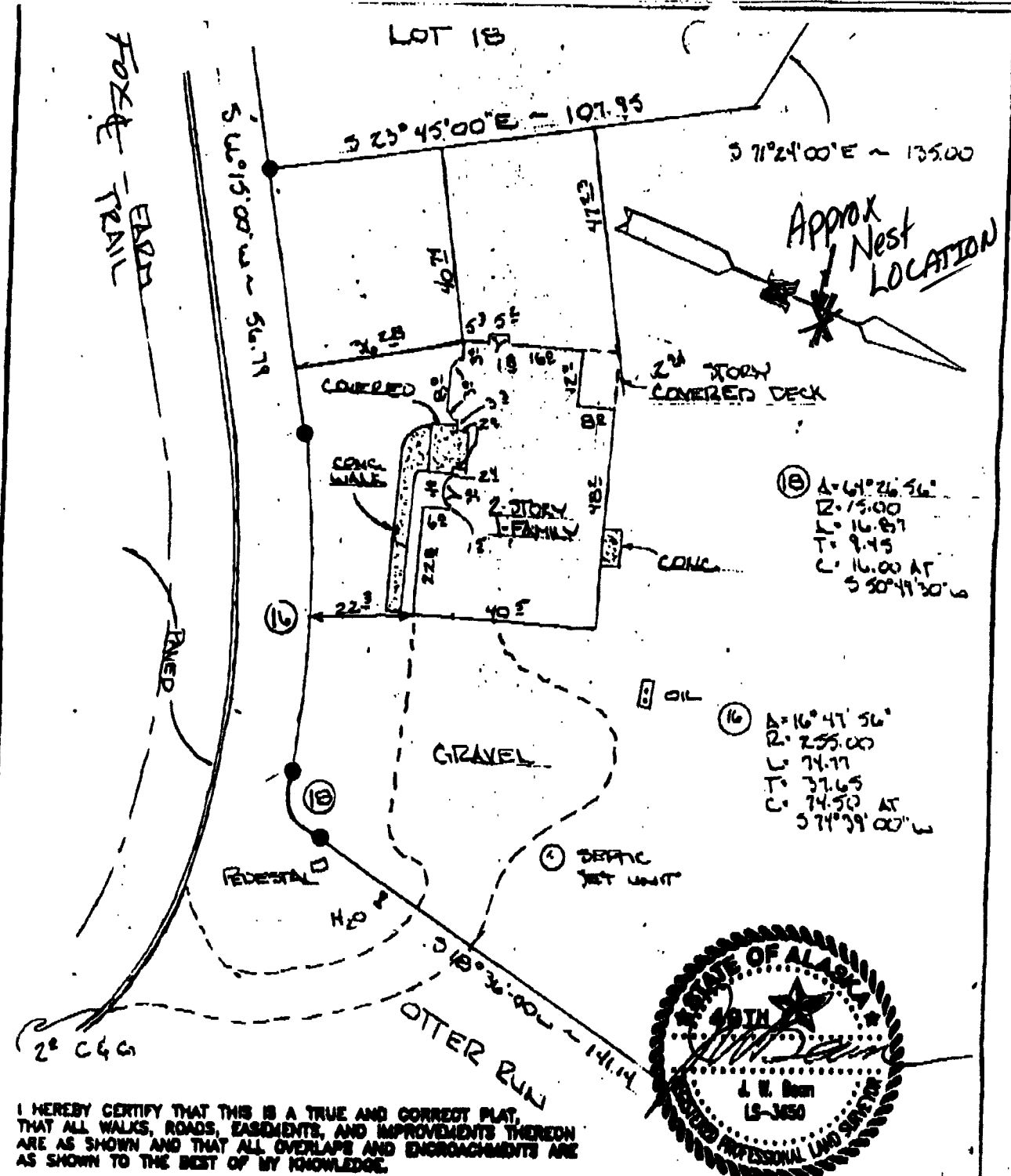
*Estimated distance from nest to property line = 85 ft.  
" " " " property line to home site = 75 ft.*

*[Handwritten signature]*

*John Jm@aol.com*

*Sheri Jm@aol.com*






↓ Subject Lot (Lot 5, W.A.E) ↓

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT, THAT ALL WALKS, ROADS, EASEMENTS, AND IMPROVEMENTS THEREON ARE AS SHOWN AND THAT ALL OVERLAPS AND ENCROACHMENTS ARE AS SHOWN TO THE BEST OF MY KNOWLEDGE.



(18)  $A = 61^{\circ}26'56''$   
 $R = 15.00$   
 $L = 16.87$   
 $T = 9.45$   
 $C = 16.00$  AT  
 $S 50^{\circ}49'30'' W$

(16)  $A = 16^{\circ}47'56''$   
 $R = 255.00$   
 $L = 74.77$   
 $T = 37.65$   
 $C = 74.50$  AT  
 $S 74^{\circ}39'00'' W$



**J.W. BEAN**  
 PROFESSIONAL SURVEYOR  
 1070 ASTIC SIGMA  
 ANCHORAGE - ALASKA  
 (907) 788-8288  
 SURVEYOR - PLANNER

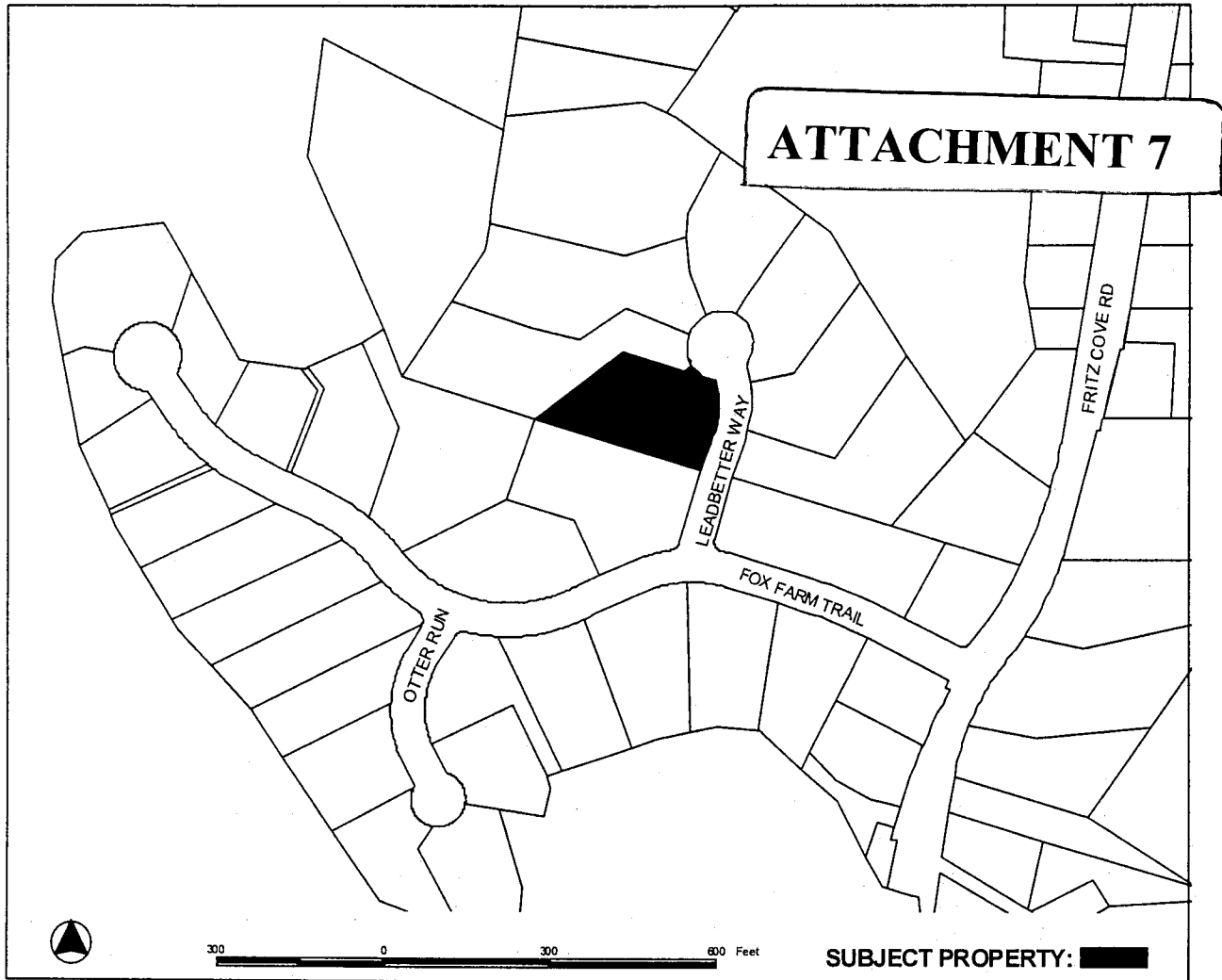
**AS-BUILT SURVEY OF**  
 LOT 19  
 SPRUCE POINT ESTATES

MEM	ASB No	SCALE
703-30	113025	1" = 30'
	DATE	SHEET
	5-15-93	1 OF 1

**ATTACHMENT 6**

**RECEIVED**  
 JUN 24 2006  
 PERMIT CENTER / CDD

# NOTICE OF PUBLIC HEARING



## PROPOSAL:

A Variance request to allow construction within the 330-foot habitat setback of an eagle nest tree

<b>FILE NO:</b>	VAR2005-00043	<b>APPLICANT:</b>	JOHN WILLIAMS
<b>TO:</b>	Adjacent Property Owners	<b>PROPERTY OWNER:</b>	John & Sheri Williams Living Trust
<b>HEARING DATE:</b>	August 9, 2005	<b>PROPERTY ADDRESS:</b>	1080 REISCHL WAY
<b>HEARING TIME:</b>	7:00 P.M.	<b>PARCEL CODE NUMBER:</b>	4B2001020170
<b>PLACE:</b>	<b>ASSEMBLY CHAMBERS</b> Municipal Bldg. 155 South Seward St., Juneau, Alaska 99801	<b>SITE SIZE:</b>	39,433
		<b>ZONING:</b>	D1
		<b>ACCESS:</b>	REISCHL WAY

## PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department no later than 8:30 A.M. on the Wednesday preceding the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a few days before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Teri Camery at 586-0755, or e-mail: [Teri\\_Camery@ci.juneau.ak.us](mailto:Teri_Camery@ci.juneau.ak.us)

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at [www.juneau.org/plncomm](http://www.juneau.org/plncomm).

Date notice was printed: July 26, 2005

**Teri Camery****ATTACHMENT 8**

**From:** Mike\_Jacobson@fws.gov  
**Sent:** Monday, August 01, 2005 4:46 PM  
**To:** Teri Camery  
**Cc:** Phil\_Schempf@fws.gov; Kent\_Wohl@fws.gov; Robert\_Leedy@fws.gov  
**Subject:** Re: eagle tree near 1080 Reischl Way, for VAR2005-00043

Teri,

Sorry for the delay in replying to your message. You are pretty efficient and did a nice job of quickly summarizing our 7/27/05 phone conversation. I have some added comments to help clarify a few points.

Bald eagles at the nest (#74) near Fox Farm Trail Rd. have shown surprising tolerance toward human activities and surrounding development of the "Spruce Point" (Is it still called that ?) subdivision. I believe a new house located at 1080 Reischl Way will have a low probability of disturbing the eagles provided certain timing guidelines are followed.

The best way to avoid a violation of the Bald and Golden Eagle Protection Act is to conduct construction activities during the non-nesting season - September through February. The early nesting period, during courtship and nest establishment, is the period when eagles are most sensitive to disturbance. In order to permit eagles to initiate nesting activities, the use of heavy equipment or noisy construction activity should not take place at 1080 Reischl Way from March 1 through May 31.

From June 1 through August 31, work that does not result in significant disturbance to bald eagles can proceed. Adult eagles are less prone to disturbance and less likely to abandon the nest after May 31 (near and after hatching). However, flushed adults leave eggs and young unattended. Eggs are susceptible to cooling and predation; and young nestlings are particularly vulnerable to the elements. In order to ensure disturbance does not occur, a qualified eagle monitor may need to be employed during early June and when heavy equipment is being used.

If the above recommendations are carried out, the potential for disturbance to eagles will be reduced and the project should be able to proceed with a decreased risk of violating the Bald and Golden Eagle Protection Act. Probably the greatest potential problem now is not house construction activities, but loss of the nest site due to windthrow. What was, until recently, a rather sizeable stand of trees has been reduced to a narrow little "island" of vulnerable trees less than 50 feet in width. The landscape has been permanently altered, and the buffer of trees that used to protect the eagle nest has been much diminished.

Please contact me if you have any questions or need additional information.

Mike Jacobson  
Wildlife Biologist  
U.S. Fish and Wildlife Service  
Office of Migratory Bird Management (Raptors)  
3000 Vintage Blvd., Suite 240  
Juneau, Alaska 99801

780-1172

8/1/2005

Teri Camery <Teri\_Camery@ci.juneau.ak.us>

To "mike\_jacobson@fws.gov" <mike\_jacobson@fws.gov>

cc

07/27/2005 04:12 PM

Subject eagle tree near 1080 Reischl Way, for VAR2005-00043

Hello Mike,

The purpose of this email message is to confirm and summarize our phone conversation today about the proposed variance to the CBJ prohibition on construction with 330 feet of actively nesting eagles between March 1st and August 31th, for the proposed home at 1080 Reischl Way.

You agreed with Mr. Dunn's assessment that the eagles in this area have been amazingly tolerant of human activities. However the eagles have always had a buffer of trees in the past. Now that buffer is gone due to heavy clearing in the area, and it is too late to revive it. This makes the remaining trees vulnerable to blowdown in fall storms. Thus the biggest threat to this eagle nest is blowdown, not construction. However construction activity within 80 feet of the nest is quite close and has a greater impact without a tree buffer. You believe that construction could be allowed, but there should be no heavy equipment use during the early nesting period between March 1st and May 30th. If eagles are not using the nest by May 30th, they won't be using it for the rest of the year. After May 30th, you recommend having an eagle monitor on site for the next week to watch for signs of agitation and disturbance. The eagle monitor should be on site when the heavy equipment is being actively used. If the eagles show signs of disturbance, you recommend stopping heavy equipment use until the end of August. You noted that you will make an effort to check on the site during this time too.

Please let me know if this summary is accurate and if you have anything else to add.

Thanks so much for your time and help on this!

Teri Camery

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Teri Camery, Planner, Coastal District Coordinator  
CBJ Community Development Department  
155 S. Seward  
Juneau, AK 99801  
teri\_camery@ci.juneau.ak.us  
(907) 586-0755  
(907) 586-3365 fax

8/1/2005