



CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY



BOARD OF ADJUSTMENT
NOTICE OF DECISION

Date: July 12, 2006

File No.: VAR2006-00024

State of AK DOT/PF
Attn: Reuben Yost
P.O. Box 112506
Juneau, AK 99811-2506

Application For: A Variance request to allow construction of Juneau Access Road within 330 feet of three trees with eagles' nests.

Legal Description: n/a

Parcel Code No.: n/a

Hearing Date: July 6 and July 11, 2006

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated July 3, 2006 and approved the Variance to be conducted as described in the project description and project drawing submitted with the application and with the following conditions:

1. Construction activities in the vicinity of bald eagle nests will be coordinated with the USF&WS to determine the need for alignment changes (for newly discovered nests), blasting plan changes, or other measures to avoid impacts to eagles.
2. On-the-ground nest surveys will be conducted before clearing takes place to confirm the location of trees with eagle nests.
3. No construction will occur within 330 feet of an eagle nest, and no blasting will occur within 0.5 mile of an eagle nest during the March 1 to May 31 nest selection period unless agreed to by the USF&WS. If a nest is active, no construction or blasting will occur within these distances until after August 31, unless the USF&WS approves a plan to avoid impacts while operations continue.
4. In areas where clearing occurs to within 100 feet of a nest tree, DOT&PF and USF&WS will jointly assess the potential for windthrow and DOT&PF will stabilize the tree or adjacent trees, if determined necessary.
5. During construction, DOT&PF and USF&WS will assess the sufficiency of natural screening between the highway and any eagle nests below the elevation of the road within the 330-foot zone. Additional screening will be developed if necessary.

6. DOT&PF will continue to fund USFWS aerial surveys for a period of five years to assess the impact, if any, of the project on the Lynn Canal bald eagle population.

Attachment: July 3, 2006 memorandum from Dale Pernula, Director, Community Development, to the CBJ Board of Adjustment regarding VAR2006-00024.

This Notice of Decision does not authorize any construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain a building permit for any and all improvements requiring such.

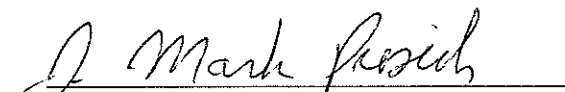
This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030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

Effective Date: The permit is effective upon approval by the Board on July 11, 2006.

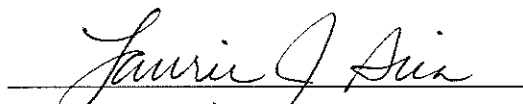
Expiration Date: The permit will expire 18 months after the effective date January 11, 2008, if substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days before the permit expires.

Project Planner:


Dale Pernula, Director
Community Development Department


J. Mark Pusich, Chairman
Planning Commission

Filed With City Clerk


7/12/2006

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 - 1-800-949-4232, or fax 360-438-3208.