

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING AGENDA
For Thursday, May 27th, 2021

Zoom Meeting
<https://bit.ly/3oO6125>
via Phone 1-253-215-8782
Meeting ID: 926 9319 5387
Passcode: 911429

- I. Call to Order** (5:00 p.m. via Zoom)
- II. Roll** (Lacey Derr, Chris Dimond, James Houck, Mark Ridgway, David Larkin, Annette Smith, Bob Wostmann, Jim Becker and Don Etheridge)
- III. Approval of Agenda**

MOTION: TO APPROVE THE AGENDA AS PRESENTED.
- IV. Approval of May 3rd, 2021 Board minutes and May 19th, 2021 Special Board minutes.**
- V. Public Participation on Non-Agenda Items** (not to exceed five minutes per person, or twenty minutes total time).
- VI. New Business**

- 1. CY2021 Dockage Special for Cruise Ship Fees in accordance with 05 CBJAC 15.030(i)
Presentation by the Port Director

Committee Questions

Public Comment

Committee Discussion/Action

MOTION: TO SET A PUBLIC HEARING DATE OF JUNE 24TH TO CONSIDER A SPECIAL PROMOTIONAL FEE FOR CRUISE SHIPS THIS SEASON AT THE RATE ESTABLISHED IN THE PORT DIRECTOR'S MEMO OF JANUARY 7, 2021.

VII. Items for Information/Discussion

- 1. Professional Consultanting Support for potential Harbor Rate Study
Presentation by the Port Director

Committee Discussion/Public Comment

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For Thursday, May 27th, 2021

2. Dock Electrification Study Briefing
Presentation by Ben Haight (Haight & Associates)

Committee Discussion/Public Comment

3. ADNR Tideland Conveyance - ADL 10905 (in vicinity of Franklin Dock)
Presentation by the Port Director

Committee Discussion/Public Comment

4. CY2021 Cruise Ship Update
Presentation by the Port Director

Committee Discussion/Public Comment

5. Docks & Harbors Board Applications
Presentation by the Port Director

Committee Discussion/Public Comment

VIII. Committee and Member Reports

1. Operations/Planning Committee Meeting- Thursday, May 19th, 2021
2. Member Reports
3. Assembly Lands Committee Liaison Report
4. Auke Bay Neighborhood Association Liaison Report
5. South Douglas/West Juneau Liaison Report

IX. Port Engineer's Report

X. Harbormaster's Report

XI. Port Director's Report

XII. Assembly Liaison Report

XIII. Board Administrative Matters

- a. Finance Sub-Committee Meeting – Monday, June 7th, 2021
- b. Ops/Planning Committee Meeting – Wednesday, June 16th, 2021
- c. Board Meeting – Thursday, June 24th, 2021

XIV. Adjournment

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING MINUTES
For Monday, May 3rd, 2021

Zoom Meeting

- I. Call to Order** – Mr. Etheridge called the Regular Board meeting to order at 5:00 pm via zoom meeting.
- II. Roll** - The following members were present via zoom or in person; Lacey Derr (arrived at 6:46pm), James Houck, Mark Ridgway, David Larkin, Annette Smith, Bob Wostmann, and Don Etheridge)
Absent - Chris Dimond, and Jim Becker
Also Present – Carl Uchytel – Port Director, Erich Schaal – Port Engineer, Matthew Creswell – Harbormaster, and Teena Larson – Administrative Officer.
- III. Approval of Agenda**
MOTION By MR. RIDGWAY: TO APPROVE THE AGENDA AS PRESENTED AND ASK UNANIMOUS CONSENT.
Motion passed with no objection.
- IV. Approval of March 25th, 2021 Board minutes**
Hearing no objection the March 25th Board minutes were approved with no changes.
- V. Public Participation on Non-Agenda Items**
Mr. Matt Leither, Juneau, AK
Mr. Leither said he wanted to make sure the Board members received his email regarding the liveaboard rate increase proposal. He said with the proposal on the table, it seems that Harbors expects to collect \$230,000 annually and all of the garbage, sewer and water combined is \$231,000 annually. If we are looking for fairness, that does not seem fair.
- VI. Consent Agenda** – None
- VII. Unfinished Business**
1. RAISE (formerly BUILD & TIGER) and Port Infrastructure Development Program Grant
<https://www.transportation.gov/sites/dot.gov/files/2021-04/FY%202021%20RAISE%20grants%20NOFO%20%28Final%29.pdf>
<https://maritime.dot.gov/office-port-infrastructure-development/port-and-terminal-infrastructure-development/2019-port-1>
Mr. Schaal provided information on two grant opportunities and Harbors current plan for leveraging the grant opportunities to improve our facilities. The RAISE Grant has a minimum ask of \$1M and a Maximum of \$25M. Because we are a rural applicant, there is no match requirement and we are limited to three applications. The Port Infrastructure Development Program Grant (PIDP) has a minimum ask of \$1M, it is unclear what the maximum ask can be but the grant limit per state is \$57.5M. There is only \$230M available in the program. There is a match requirement but it could be waived by the secretary. There is a limit of only one application per entity.

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REGULAR MEETING MINUTES (CONTINUED)
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Staff recommends to submit the three applications for the RAISE grant. The application for the Fisherman's Terminal would be \$3M will be for planning efforts to allow us to tie into existing facilities to be able to continue operations during construction. We have applied for this project for the last five or six years. The Docks Electrification project would be \$12M per dock so based off the electrification study, we will look at electrification for either one or both of the docks. Even with electrification for both docks, it is still within the maximum amount of \$25M. For the Small Cruise Ship Infrastructure project, staff would recommend to apply for the \$25M.

For the PIDP grant application, staff believes the Juneau Fisherman's Terminal meets the requirements for this grant opportunity of \$25M.

Mr. Schaal said staff had a meeting today with the acting Administrator of MARAD, Lucinda Leslie who is the top person with the Maritime Administration. Staff was given an opportunity to speak about Juneau and Alaska's maritime needs. Staff was able to gain information on what they look for in a grant application.

Committee Questions –

Mr. Ridgway asked with the cost of lumber increase, which of the construction cost estimate will be most impacted?

Mr. Schaal said the Small Cruise Ship Infrastructure project is the most current and the Docks Electrification project has been around since 2015 so he believes there would be cost adjustments with the Dock Electrification project.

Mr. Ridgway asked out of the projects discussed, which has the greatest potential to generate revenue for Docks & Harbors?

Mr. Uchytel said it would probably be the Small Cruise Ship project to generate the most revenue. The Juneau Fisheries Terminal is rebuilding an aging facility and adding infrastructure for commercial fishing, and then the dock electrification would be the least revenue generator.

Ms. Smith asked with the new administration if the Dock electrification project would have a better chance to be successful?

Mr. Uchytel said the new administration is focused on clean energy so the Dock electrification could be the most compelling.

Ms. Smith asked because the Dock electrification project would benefit AEL&P, would there be any funding opportunity from AEL&P?

Mr. Uchytel said no, AEL&P has never approached Docks & Harbor with a recommendation to expand electrical power for the existing cruise ship docks.

Mr. Ridgway asked about how much revenue the surcharge would generate from the electric at the Docks?

Mr. Schaal said we are RCA regulated so we can not charge a per unit cost for electricity. Any fees will be a use fee. Whether we are a firm or interruptible customer, Docks will pay AEL&P as a facility owner. If a vessel uses power, we would be wise to charge

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REGULAR MEETING MINUTES (CONTINUED)
For Monday May 3rd, 2021

more than what we are charged to cover our infrastructure investment. To make this worth while, we would need to recoup about \$500,000 annually.

Mr. Ridgway asked if the infrastructure is paid by a grant, what would the surcharge fee pay back?

Mr. Schaal said the rate would be low if we did not have very much out of pocket expense. We are still waiting for the rate study to be completed.

Public Comment-

Mr. Steve Benke, Juneau Commission on Sustainability

Mr. Benke said he believes the RAISE grant is a great opportunity for money to fund the Docks Electrification project for several reasons;

- Climate & Renewable Energy Goals
- Assembly Goals
- Community Support
- Federal Funding
- Meets Criteria the Closest

The Juneau Commission on Sustainability is willing to help Docks & Harbors apply for this grant and he urges the Board to approve the motion.

Mr. Duff Mitchell, Juneau, AK

Mr. Mitchell said climate change is addressed 16 times in the RAISE grant. The grant application also asks how does your project affect the climate action plan. Many communities do not even have a climate action plan. Juneau is uniquely situated because of our action plan. Docks electrification is not going away. This is an opportunity to use federal money for this project and he believes Juneau will compete very well for this grant.

Committee Discussion/Action

MOTION By MR. RIDGWAY: TO DIRECT STAFF TO PROCEED WITH FEDERAL GRANT APPLICATIONS FOR JUNEAU FISHERIES TERMINAL (PLANNING ONLY), SMALL CRUISE SHIP INFRASTRUCTURE MASTER PLAN, MARINE SERVICES CENTER AND DOCK ELECTRIFICATION - CONSISTENT WITH AVAILABLE FUNDING AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

2. Update of FY21/FY22 Budgets Reflecting Zero Large Cruise Ships in CY2021

Mr. Uchtyl said after the Assembly Finance meeting where our budget was approved six to three we were asked to come back with an updated budget. The updated budget is on page 32 in the packet. This is the best information we have to date because we may now see cruise ships so this could change again. We will need to draw approximately \$717,400 from our Docks fund balance and Harbor fund balance will increase by approximately \$177,400.

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REGULAR MEETING MINUTES (CONTINUED)
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Committee Questions

Mr. Wostmann asked Mr. Uchytel to explain why with no cruise ships there is less needed from our fund balance?

Mr. Uchytel explained that is due to not hiring our seasonal staff and water expense.

Public Comment - None

Committee Discussion/Action

MOTION By MR. RIDGWAY: TO UPDATE THE ASSEMBLY WITH THE REVISED BIENNIAL BUDGET REFLECTING ZERO LARGE CRUISE SHIPS FOR THE UPCOMING SEASON AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

VIII. New Business –

1. Letter of Award – FY20 ADOT Harbor Facility Grant - Acceptance

Mr. Uchytel said in CY19 staff applied for Alaska Department of Transportation Harbor grant for Harris Harbor Pile Anodes. We were successful for up to \$125,000. Does the Board want to accept this grant?

Committee Questions - None

Public Comment - None

Committee Discussion/Action - None

MOTION By MR. RIDGWAY: TO ACCEPT AN HARBOR FACILITY GRANT FOR UP TO \$125,000 TO INSTALL HARRIS HARBOR PILE ANODES AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

2. Bid Award for Project DH21-036 Harris Harbor Pile Anode Installation

Mr. Uchytel said the results of the bid opening are on page 39 in the packet. The Engineers estimate was \$253,600 and Global Diving & Salvage was the low bidder at \$174,650. If approved tonight this will go to the Assembly for approval on May 12th.

Committee Questions - None

Public Comment - None

Committee Discussion/Action - None

MOTION By MR. RIDGWAY: TO RECOMMEND THE ASSEMBLY APPROVE A BID AWARD TO GLOBAL DIVING & SALVAGE, INC FOR \$174,650 FOR HARRIS HARBOR ANODES AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

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3. Proposed CY2021 – Passenger for Hire & Loading Zone Permit Fees

Mr. Uchytel said at the Operations meeting this item was discussed and approved but the C-Zone operations were not included. The C-zone is in red on page 41 in the packet and that would include the Pedicabs.

Committee Discussion - None

Public Comment

Mr. Kirby Day, Juneau, AK

Mr. Day commented on behalf of TBMP that this decrease in fees should help and thanked the Board.

Committee Discussion/Action - None

MOTION By MR. RIDGWAY: THAT DUE TO THE EXTRAORDINARY ECONOMIC CONDITIONS FOR CY21 THAT THE BOARD CHARGE FLAT FEE FOR “A ZONE” AND “B ZONE” BUSES \$200 PER COMPANY; THAT “C ZONE” PEDICAB COMPANIES BE CHARGED \$200 PER COMPANY; THAT STATTER HARBOR BUS PERMITS BE CHARGED \$200 PER COMPANY; THAT INSPECTED PASSENGER FOR HIRE VESSELS BE CHARGE \$150 PER VESSEL AND \$1.50 PER PASSENGER; AND THAT UNINSPECTED PASSENGER FOR HIRE VESSELS BE CHARGE \$100 PER VESSEL AND \$1.50 PER PASSENGER AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

IX. Items for Information/Discussion

1. Security Gate Installation at Harris Harbor

Mr. Schaal shared information on a security gate for Harris Harbor. This would be a good test harbor because there is only one ramp access and an engaged live-aboard community that provided ideas. Harris Harbor patrons with permanent stalls have asked for a gate at the top of the ramp preventing a person who does not have a vessel in Harris Harbor from accessing the facility during a predetermined time frame, example 10pm to 6am. Key fob access would control the door lock, just like the Harris bathroom. Video surveillance of the gate access would provide information about the reliability of the system and the rules enacted about allowable uses of D&H key fobs.

Goals -

- Control access during set times
- Allow access to approved Harbor users only during certain hours
- Allow access to emergency responders
- Allow all public access during daytime hours

Systems -

- Keyfob Control
- Cypher Lock- transient boaters could be given a number to unlock the gate
- Security Camera's

Options –

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- Magnetic door prop so the door can be held open and closes automatically at set times
- Lighting – this helps with security
- Cover for inclement weather

Structure –

- Aluminum Fabrication
- Integrated Facility Name Sign
- Constructed on approach dock

Mr. Schaal showed a rendering of a gate at the top of the gangway at Harris Harbor.

Mr. Uchytel said staff put this together from a ask from the Board Chair but the Board has the final decision to move forward with this project. “Does it make sense to put a gate on a public facility”, is still for the Board to decide.

Committee Discussion

Mr Etheridge asked if the Police and Fire would be able to use their key cards in our systems?

Mr. Schaal said if the key fobs Police and Fire carries is not compatable with our system, we will have a knox box like on all of our facilities.

Mr. Ridgway asked what the expense is for this gate and if there are gates on a roller versus a swing? What is the plan to introduce this to the public?

Mr. Uchytel said according to the City Attorney this is a policy decision to enact or not to enact.

Mr. Schaal said with the prior Harbormasters research on a gate, the expense will probably be less than \$25,000.

Ms. Smith asked how much rates would need to be increased for this gate system.

Mr. Uchytel said this would be about \$25,000 and he would need to ask the Board how fast this needs to be recouped and if we even have this in our budget. We need to plan for this and fund appropriately.

Ms. Smith said with the already proposed fee increase she would not like to hit the live-aboards with anymore of an increase but she believe they should have to pay something.

Mr. Etheridge said in the meeting with some of the live-aboards, they said they would be willing to pay extra. He believes we need to get this gate installed and see how it works.

Mr. Ridgway said he agrees with Mr. Etheridge. Nothing will eliminate the crime in our Harbors but this will go along way. He encourages staff to continue finding the funds to move this forward.

Mr. Larkin said he supports moving forward with this.

Mr. Larkin left the meeting at 6:18pm

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No public comment

No objection from the Committee to move forward with this.

2. University of Alaska – Juneau Fisheries Terminal – Lease Extension

Mr. Uchytel said UAS has proposed an amendment to our lease to extend for an additional year.

3. State of Florida Lawsuite v. Centers for Disease Control & Prevention (CDC)

Mr. Uchytel said Alaska is also in this lawsuit against CDC. It basically says that no other industry has been subject to so much ownerous oversight and the four phase opening that is required. Since then, the CDC has given guidance now that if the cruise lines can prove that 95% of their crew has been vaccinated and 98% of their passengers have been vaccinated they will relax their requirements from 60 days to five days for opening. This does open the door a little for cruises this summer but there is still the Canadian Ports to get through. He is unsure where those negotiations are.

Committee Discussion

Mr. Ridgway asked how much time will Docks be given before a ship arrival and how much time does staff need?

Mr. Uchytel said we will know two months in advance and we will bring back our seasonal staff and turn the water and wastewater on. It is not that big of a lift for staff.

Ms. Smith asked if the cruise industry comes to town will they be asking for reduced rates?

Mr. Uchytel said they have not. However, one of the fees proposed to raise is the dockage fee. If this fee increase is passed, he would ask the Board to not raise it this calendar year for the cruise ship industry.

Mr. Ridgway asked once the cruise ships can sail again, are we going to be in competition with the private docks?

Mr. Uchytel said there will not be a bidding war for dock space. NCL has a contract with the AJ Dock and that will be honored and the Princess ships at the Franklin Dock will be contractually obligated. We will see the normal ships that come to our docks.

Public Comment

Mr. Kirby Day, Juneau, AK

Mr. Day said in terms of fees, in general, if you are going to raise rates, do it far enough in advance so it can be budgeted.

4. Assembly COW Meeting – May 10th

Mr. Uchytel said he has been working with Mr. Watt regarding the UAS property. He knows the Assembly is interested in helping procure the property. The process is still being decided by Mr. Watt. It may need to go to the Lands Committee prior to the COW.

Committee Discussion

Mr. Ridgway asked how the Board members can help?

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REGULAR MEETING MINUTES (CONTINUED)
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Mr. Uchytel recommended to talk to the appropriate Assembly members to request help in procuring the UAS property.

Public Comment –

Mr. Nathan Leigh, UAS Facility Services Director

Mr. Leigh wanted to make sure everyone knows that UAS is committed to the programs that are currently being held and anything UAS does they will need to accommodate for those programs. He does not want any rumors of programs being discontinued because of the efforts here. The University is committed to those programs.

5. Preparation for May 19th Public Hearing – Resident Surcharge/Dockage Fees

Mr. Uchytel said he is bringing this up at this meeting to let the Board know the public hearing will be held at a Special Board meeting prior to the Operations/Planning meeting. This is for the Resident Surcharge and the Dockage Fees.

Committee Discussion

Mr. Ridgway suggested to have staff continue to research comparative rates to keep adding to the packet and be prepared to discuss the fees.

Mr. Uchytel asked if the Board wants the power point presentation that was presented at an earlier meeting or just hear public input. The Board should be asking the question, “are all our fees fair and reasonable”?

Mr. Etheridge said at the public input hearing it should be just public input and no presentation. He said we can ask staff for additional information at that time if needed.

Ms. Derr arrived at 6:46pm

Public Comment –

Mr. Matt Leither, Juneau, AK

Mr. Leither commented it would be helpful if these meetings are published well in advance as well as the meeting minutes.

X. Committee and Member Reports

Mr. Etheridge said Ms. Derr has been officially appointed to the Finance Sub-Committee.

1. Operations/Planning Committee Meeting- Thursday, April 21st, 2021

Mr. Ridgway reported the members heard a presentation from the Rotary Club about building a shelter at North Douglas Launch ramp facility, Ms. Derr provided a presentation on refuse in the Harbors and there was discussion on projects and grant opportunity as well as permit fee adjustments.

2. Member Reports – None

3. Assembly Lands & Resources Committee Liaison Report – Ms. Derr said there will be updates to the urban avalanche mapping. The maps currently in place were primarily focused on mitigation for damages trying to move flows away from housing and that was what the maps were generated for and the research. Now they are working to track flow paths with the technology we have today and map where the flows go.

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4. Auke Bay Neighborhood Association Liaison Report – Mr. Wostmann said nothing to report.

5. South Douglas/West Juneau Liaison Report – Ms. Smith said nothing to report.

XI. Port Engineer's Report – Mr. Schaals report is in the back of the packet.

Mr. Schaal reported;

- Statter Harbor Phase III(b) is moving along. The floats are almost all put together and the electrical is almost completed. They are completing the parking lots and installing the hand rails at the top of the gangway. It looks like it will be ready for our ribbon cutting next week Friday. There is a delay with getting the sewer pumping supplies so that may not be ready by next week but everything else should be.
- Answering Mr. Ridgway's question on how much is Docks & Harbors worth? Looking at reports generated from CBJ Finance, Docks & Harbors is worth between \$200M and \$300M.

XII. Harbormaster's Report –

Mr. Creswell reported;

- The Lumberman has been scuttled this weekend.
- The past weekend was Liter Free – there was Docks & Harbors crew and trucks aiding with the cleaning efforts.
- Echo Cove and North Douglas Launch ramps have been scraped and cleaned.
- Staff has been sweeping the gravel out of our parking lots.
- Crane one is back up and running at Fisherman's Terminal.
- Statter Harbor Breakwater chain repair is completed.

XIII. Port Director's Report –

Mr. Uchytel said Infrastructure week is the week starting May 10th. He said he is planning ribbon cutting events for Thursday at the Archipelago lot and Friday at Statter Harbor. Both events will be at noon. Customer Service appreciation is May 14th after the ribbon cutting event. Another event over the last weekend that Docks & Harbors staff participated with was putting up the flags with TBMP. He thanked Kirby Day for organizing that event.

XIV. Assembly Liaison Report - None

XV. Board Administrative Matters

- a. Finance Sub-Committee Meeting – Mr Wostmann suggested to send out a doodle poll for sometime before the next Operations meeting to continue on the items that were not discussed at the last meeting.
- b. Special Board Meeting – Wednesday, May 19th, 2021
- c. Ops/Planning Committee Meeting – Wednesday, May 19th, 2021
- d. Board Meeting – Thursday, May 27th, 2021

XVI. Adjournment – The Meeting adjourned at 7:05pm.

CBJ DOCKS & HARBORS BOARD
SPECIAL BOARD MEETING MINUTES
For Wednesday, May 19, 2021

via Zoom

I. Roll Call -

The following members were present in person or on zoom meeting: Lacey Derr, David Larkin, Mark Ridgway, Annette Smith, Bob Wostmann, James Becker and Don Etheridge.

Absent: Chris Dimond, and James Houck

Also present at the Port Directors Office: Carl Uchytel – Port Director, Erich Schaal – Port Engineer, Jeremy Norbryhn – Deputy Harbormaster, and Teena Larson – Administrative Officer.

II. Approval of Agenda -

MOTION By MR. RIDGWAY: TO APPROVE THE AGENDA AS PRESENTED AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

IV. Public Participation on Non-Agenda Items –

Mr. Paul Swanson, Juneau, AK

Mr. Swanson said he likes the new location and the installation of the new commercial docks. This is a much better situation than what was planned a long time ago.

He said he would like to know if the new slips are going to be assigned to the commercial boats, are they going to be paying year around like thte rest of us, and how many people will be able to come off the waitlist with this new dock.

Mr. Uchytel said the new docks will not alleviate any persons on the waitlist for Statter Harbor. This is a transient facility and will be managed by the specific users. There will not be assigned slips but the Deputy Harbormaster will work with the various inspected vessels to organize it in a matter that is most efficient for the entire harbor system.

Mr. Matt Leither, Juneau, AK

Mr. Leither asked if the commercial vessels will be paying year round fees or just the time they are there?

Mr. Uchytel said this is a seasonal for-hire float. This is not reserved moorage and not a year round facility for that purpose.

III. Public Hearings

1. Proposed Rate Increase to 05 CBJAC 20.050 (Residence surcharge)

Mr. Uchytel said this meeting is specifically to hold a public hearing required by CBJ ordinance. After the Board reviewed fee increases, they elected to move forward with a fee increase of \$69 per month for the resident surcharge(live-aboard charge). At this meeting, the Board will decide if this will move forward to the Assembly for action. The Assembly can do one of four things per ordinance.

1. Not take up consideration of the regulation change by moving the regulation with orders of the day, which means the regulations are approved.

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2. Discuss the regulation and move to adopt the regulations.
3. Discuss the regulation and direct the manager to consider reasons to review the regulations again.
4. Direct the Attorney to prepare ordinance or resolution for consideration of the substance of the regulation.

This will go to the Assembly next Monday May 24th. If the Board decides to modify what has been publically noticed that will trigger another 21 day public notice period and another public hearing.

Board Questions - None

Public Comment –

Mr. Etheridge said people wishing to comment will be limited to three minutes.

Mr. Erik Wiseman

Mr. Wiseman said he submitted questions to the Board after the last meeting and asked will the questions be answered before a decision is made? He asked why the harbor moorage is decreased but the rent for live-aboards is increased?

Mr. Clayton Hamilton, Juneau, AK

Mr. Hamilton read a prepared statement-

He said these are unprecedented times and we all agree that the harbor needs to pay for the services provided. He would like to raise criticism about this proposed rate hike and he does not think the Harbor should move forward with the rate hike at this time. This year the City was providing housing assistance, for a different agency to raise the live-aboard fee right now is contradictory and it is deaf to current events and potentially very harmful to some of our residence. There are no harbor to residence on the Board. He is concerned about that. It was decided 225 years ago there should not be taxation without representation. He is concerned with how these fees are being assessed. The fees should be related to the services provided. For instance, if a launch ramp is costing more than what it is taking in with the fees, than the difference should be assessed and then the fee raised. Instead he hears the Board simply discussing what fees they can get away with raising and how they could justify this later. He said he is concerned because this is poor management and poor governance. He also heard the Harbor has to support the Port side of operations. He said this is insane. One single Port project is equivalent to an entire annual Harbor budget. His impression is that the Port is spending millions in Capital improvements for as long as he has lived here. Meanwhile the Douglas Harbor remains unlit, unpaved, and without any restroom facilities. This is a bad time to move forward with any fee increase but specifically live-aboard fees.

Mr. Russell Peterson, Juneau, AK

Mr. Peterson said he thinks it is crazy that everyone on the Board voted to discount their own moorage by a nickle and selectively only double the live-aboard fee which is not a right thing to begin with back when Joe Graham first introduced it at \$19.99 in the 90's. He said everyone pays for trash and water. When you pay moorage part goes for trash and part goes for water for everyone, and it is not selective. We all share the same stuff. Nobody uses more than anyone else except for the commercial users making money at what they are doing. He also saw people claim that we are getting so many things like

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lighted parking lots and security. He said his gas just got siphoned again which cost him \$150. There is no security and nothing extra for the \$70 per month and he does not believe he should even be paying that. There is a legitimate challenge for even that because of all of this, we do not get anything extra for that. He said this is shameful the optics of this that the Harbor Board has no live-aboards. There are 500 slips and there are 148 live-aboards making it 30% of all user groups yet no representation on the Board. That is more than the commercial fisherman combined, and charter operators combined. That is 30% of the entire harbor that is unrepresented and not even a recognized user group. The Board chose to decrease everyones stall rent by a nickle and brag about it, and then double the live-aboard fee to make up for an extra \$117,000 all while we secretly or openly talk about spending \$8M on buying the UAS property which we do not even need in the first place. We are talking about spending \$8M in one breath but talking about raising the live-aboard fees in another.

Barbara and Norval Nelson, Juneau, AK

Ms. Nelson said she just printed the information off about five minutes ago and not sure she can process all the information of the amended detail of the charges. She said her and her husband are in favor of the opposition and support the greivances heard tonight. She said her family pays close to \$15,000 annually for stall fees, but what confuses her is that the agenda item states Port fees and Charges and she is not sure how this impacts them. She said her request is to have this item tabled and moved to the September meeting or August meeting giving her more time as a stakeholder to process this. She thought this hearing would unpack the language in these proposed changes and we would learn and be able to take a position on it that is more informed.

Mr. Starr Parmley, Juneau, AK

Mr. Parmley said the optics are bad and the timing has a shortness of compassion that he can not agree with. COVID is happening and this is not the time. He urges one of the options to send this back to review. His connections to the Assembly, it does not seem it will make it through the Assembly. He would be really disappointed that all our time was waisted because of that. He would recommend user networks, and speaking with people on the Assembly and really see if this will move forward first before we all get riled up. He said the pot is stirred now and there are a lot of people that have something to say. Having representation on the Board is an issue that should be discussed a little more. He would like to see that on the agenda minutes in the future. He said he is a land owner in Douglas, owns a couple of businesses, and lives in Douglas Harbor. He said his neighbors and him find this a little embarrassing. It seems like their peers on the Board are either not fighting for them or not prioritizing. There is no doubt fees need to increase, but maybe 4% increase written in the regulation but to raise our rates 100% seems a little short on compassion. Being a guardian of the people and the peoples wills he would like to see the tribute.

Eric Antrim, Juneau, AK

Mr. Antrim said he is not happy having to attend this meeting to say what should be obvious that he does not want to pay for services he does not receive. He said he opposes the proposal to double the residential surcharge. He said he is happy to pay the actual cost for the facility and services he uses. He said he wants to see the accounting. The extra water and garbage he uses as a resident can not possibly total \$69 per month little alone

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\$138 per month. He has not seen any public notice for this proposal. He said he would not have known about this meeting if it were not for his concerned neighbors. Juneau is a small community and we can treat people better than this. We can simply and transparently total the costs and charge it to the beneficiaries. He does not understand why the fees should suddenly double and where those funds would go.

Mr. Matthew Leither, Juneau, AK

Mr. Leither said one of the things frustrating about this whole process is that it does not feel like there is any accounting or financial reasoning behind this fee change. He said he wrote a letter looking at different costs of the services we receive with garbage and sewer, and we would pay \$230,000 under the new proposal and all the cost for water, sewer, and garbage totals \$231,000 in the whole harbor, so it boggles him. He said someone brought up at the last meeting capital expense and that we need to take into account for the cost of repairs. He said he can get behind that if we can show him the math, but so far the only people showing the math are people testifying publicly. We have not seen any math from the Director and he would like to see that. In his opinion, this is a cost that benefits the whole harbor and the whole harbor should pay for it. If there is a need for additional revenue, then all the people in the Harbor should pay for that.

Paul Marks, Juneau, AK

Mr. Marks said he just found out about this meeting a few minutes ago. To increase this fee 100% is not fare without giving any notice. We have a commercial business but we have not been able to capitalize on that. The tours have not been able to come in and he is sure they brought in a lot of revenue. He does not see why live-aboards have to pay for the revenue that was generated from the tours without even giving a warning. He said he is in agreement with a lot of the testimony here tonight. He is not happy and this is not a good idea. This will make a lot of people very unhappy.

Amanda Neyenhouse, Juneau, AK

Ms. Neyenhouse said she wanted to echo the prior statements from her fellow live-aboard community. One issue she has with the current system, especially with the proposed increase of charge, is that we are being charged the same amount for live-aboards be it one person on the boat, or four people on a boat. After the fourth person, there is an increase of \$23 per person. That times four is \$92. Where are those rates coming from. She does not believe four people are using as little resources as one person. She is curious why there is that aspect to the rate. As other people have stated, there is minimal security at the harbors and she has had to file police reports for damage to her boat. In the winter, the live-aboards are not guaranteed water. In Douglas Harbor, you can not have permanent connection to water. In the spring and summer the garbage is overflowing but not in the winter. In Douglas Harbor there are three port-a-johns in the summer and only two in the winter. She said the live-aboard community provides an invaluable service to the harbor and community. They have presence in the Harbor 24/7 and see problems, help neighboring boats, contact the harbor to report wind damage, and various things. She does not think there is enough of a police force currently to provide adequate security to the Harbors if the live-aboard community were to become smaller or non-existent. She said she is against this proposed increase and she would like the answers to the questions we have all asked.

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Board Discussion/Action

Mr. Wostmann said he read all the letters sent to the Board and listened tonight. He believes there were several comments tonight that the Committee did not adequately consider initially. He is struck by the opposition to this fee increase is unanimous. No one has spoke in favor of this increase. He believes there is valid reasons for this increase but he would like to send this back to the Board for further consideration.

Mr. Ridgway said this Enterprise is tasked with a way to maintain \$300M worth of infrastructure with very limited funding sources. The Harbor is in a tough spot and we need to raise rates. There were some things pointed out tonight that he had not considered, specifically, is the equation regarding four people versus one person.

Ms. Smith said she read the letters and listened to the testimony tonight. She said the Board got ourselves into this situation for continually kicking the can down the road and as a result of that instead of having regular small increases, we are catching up for 12 years. She believes to move forward with the increase.

Mr. Larkin said he read all the letters sent to the Board and listened carefully to all the public testimony tonight. Everything tonight has been appropriate. He said it occurs to him that the Board has done a poor job of articulating the reason for moving this things forward in a manner that people would understand. Some of the things heard was that we are considering spending \$8M on the UAS property but we have not educated that we will be spending that money anyway for the lease and if we purchased the property we would end up owning it. He heard the live-aboards do not have representation on the Board. Clearly the Board has done a poor job explaining that the Board members are their representation. He would recommend any of the live-aboard to apply for a Board seat next time an opening comes up. He said the Board is open to suggestions.

Mr. Etheridge said a correction to Mr. Larkins comments is that the Board is looking at purchasing the UAS property for just over \$2.5M and we are looking to the Assembly to help with that purchase. This fee increase is not for that purchase.

Mr. Ridgway said after this meeting is the Operations/Planning Meeting where we will discuss a security gate at Harris Harbor which may be the first of several. Clientele in the Harbor has been asking for this item in addition we will be discussing increased Harbor Security measures including patrol, but these things need to be paid for. The last time this fee was raised was 2008.

Ms. Smith said 2021 there is going to be a large increase in water & sewer, in 2022 another increase, 2023 another increase, and 2024. Those are increases coming to us from the City that we will have to deal with.

Ms. Derr said she read all of the letters and listened and she has tried to do her homework. She has called condo associations to see what services they provide and at what cost. The average condo association cost is over \$400. She looked into garbage and sewer and observed patron behavior. She watched an individual flood the Harbor parking lot with the Harbor spigeot just to feed birds. That was thousands of gallons of water and that bill came to us. She said the research could have been presented by the Board better, and the reason for this increase, but this has not been addressed since 2008. If we continue to keep

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putting this off, we will be in a much worse position than we are now. She said she is in support of the increase, but maybe double is not the way to go and maybe go half one year and half the next year. She also commented that she was also in support of keeping the moorage rate the same this year and not decreasing them which was based on the Anchorage CPI.

Mr. Ridgway commented that this has been before the Board members for two months now. Everything is getting more expensive and rate increases are coming.

Ms. Smith said in the motion, she added that this would be tied to the Anchorage CPI and it would be increased or decreased by the CPI. That way, in the future, there will be smaller increases.

Mr. Etheridge commented the Finance Sub-Committee is working on how to have smaller annual adjustments.

Mr. Wostmann lost connection.

Mr. Becker said he read the letters and heard the comments. Sending this back to the Finance Sub-Committee, the approach will be somewhat different. Rate increases are coming and we can not afford to do all the things the Harbors needs to do with the current financial situation we are in. The Board wants to be sympathetic to people, but the service we provide is very important to people and he respects that, but there will be an increase coming. If anyone is in a financial situation that they can not pay this fee, there are a lot of agencies that provide financial assistance.

Mr. Etheridge said the comments that this was not advertised is not true. The Board held several different meeting on this topic during a two month period. This was noticed for 21 days and has been in the public for comment.

Mr. Uchytel said people new to our process, we had public notice ahead of our Finance Sub-Committee meetings, before two of the Operations Committee meetings, and before two Board meeting. This was published in the public libraries, on our website and Facebook page, and in the Juneau empire. When he spoke on Action Line he talked about this public hearing date. Before the first meeting on this item we also sent out a letter or email to all the live-aboards. This item was put in Docks & Harbor monthly newsletter. Staff tries to get the word out on all items. Anyone wanting to be on the list to receive the monthly newsletter can let any staff know and we can get you set up to receive one electronically.

Mr. Schaal said he has been listening to the concern that people have not been notified about this fee change. If anyone feels they have not been contacted, please contact staff at harbormaster@juneau.org and let staff know your preferred notification so we can include that communication avenue. We have our webpage, Facebook, our newsletter, and the City Public Information Officer who posts information for Docks & Harbors.

Mr. Wostmann is back in the meeting.

Mr. Wostmann said sending this back to the Finance Sub-Committee does not mean this rate will not be increased. He agrees that the Board has not done a very good job justifying

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the proposed rate increase and items brought up that were not considered. He commented that a rate change of some degree is almost certainly going to be required but there needs to be more work on how and what. The other item he heard tonight is the CPI being applied to the general moorage rates. This was decided by the Board several years ago and he felt this was keeping faith with the community to apply the CPI whether it is up or down. The general moorage rates are on our next Finance Sub-Committee meeting agenda whether the moorage base rate needs to be adjusted. The Committee approach was to first look at the rates that have not been adjusted at all in a long period of time, and the last step would be to look at the base moorage rates to see if an adjustment is necessary to balance our books. We are an Enterprise Board and we are required to generate enough revenue necessary to cover our expenses.

Mr. Ridgway asked with staff using Lucity, our maintenance program, would this be able to track how much time is spent dealing with live-aboard type issues. He suggested a rate be established from the overall refuse cost, the utility cost, the maintenance cost and then what percentage would be the live-aboard fee. At that time, we would have tools that we did not have in the past to establish the base line rate and whether it should be linked the the CPI.

Mr. Uchytel said Lucity probably could track that, but it would be very onerous for a Harbor Officer to have to enter that he took a call from a live-aboard versus another user. He said Mr. Etheridge could also testify that the vast majority of his security efforts are for the live-aboard patrons but it is not tracked in that manor.

Mr. Ridgway asked Mr. Etheridge to verify what Mr. Uchytel just mentioned.

Mr. Etheridge said most all the complaints he has received are from live-aboards. They want more security patrol and they feel insecure in the Harbors. He has increased his patrols on the floats and in the parking lots to help with that and 90% of the people he encounters at night are the live-aboards.

Mr. Ridgway said his experience on the Board has been complaints of theft from the Commercial users.

Mr. Schaal said Lucity is used in several ways. We keep track of the work on the frozen water lines and it does not specifically note for live-aboard but there is the expense to maintain the water lines year round. The other work tracked is the snow removal so we know how much time and what equipment it takes to keep the floats and parking lots cleared. Another time tracked is the impounded vessels, with pumping, inventory, and such. As indicated in previous meetings there is a high correlation between a vessel being a live-aboard and at risk of being a derelict vessel.

Mr. Ridgway asked with our costs increasing, what will be the impact if this did not take affect for a couple of months.

Mr. Uchytel said staff receives multiple requests for better lighting, security gates, up and out ladders, and a number of things that should be done, but he would not move forward without the assurance of a revenue stream that would make them happen.

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Mr. Ridgway said if this is delayed, will there be an impact to improvements in our harbors? Does that extend to the Harbor services?

Mr. Uchytel said the services would be status quo. For the current Harbors budget, we should have a surplus of about \$70,000 and this is not very much.

Mr. Etheridge said that will not even cover the Douglas launch ramp lights. We could maybe only do the Harris gate project.

Mr. Ridgway said if this vote is sent back to Committee for more review, that should impact the Operations/Planning meeting agenda items of Harris gates and more security if we can not afford them.

Mr. Etheridge said yes.

Mr. Etheridge said this is the second time he has been on the Board going through major fee changes and it is never a good time and it is never easy and that is why it has been over 10 years. Setting this up so there are small increases over time will be easier on patrons and keep Harbors on track. This has to happen in order to maintain what we are trying to accomplish in the Harbors and make some of the improvements patrons have been asking for. He said he fully supports the increase.

MOTION By MS. DERR: TO RECOMMEND THE ASSEMBLY ADOPT PROPOSED FEE CHANGES AS PUBLICLY NOTICED AND ASK UNANIMOUS CONSENT.

Mr. Wostmann objected. He said there have been enough issues raised to justify sending this action back to Committee for more work and incorporate some of the suggestions heard from the public.

Roll Call Vote

Lacey Derr – Yes

David Larkin – No

Mark Ridgway – No

Annette Smith – Yes

Bob Wostmann – No

James Becker – No

Don Etheridge – Yes

The motion does not pass 4 – No , 3 – Yes.

Mr. Uchytel asked if this will go back to another meeting?

Mr. Etheridge said yes.

Mr. Uchytel provided for clarity that this will go back to a Finance Sub-Committee meeting and then to the Board for approval to go out with another 21 day public notice with the new proposal.

2. Proposed Rate Increase to 05 CBJAC 15.030 (Dockage Charges)

Mr. Uchytel said this proposed amendment is on page 6 of this meeting. This fee amendment proposes fees associated with the Steamship Wharf, the Cruise Ship Terminal,

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the Intermediate Vessel Float (IVF), the Port Field Office Float (PFO), and the Inside of the Cruise Ship Terminal (ICT). This also affects patrons that make reservation at the Statter Harbor Breakwater. This does not affect small boat harbor moorage fees. This is primarily the larger yachts as well as the large cruise ships that come to Juneau. The proposed change for vessels under 65' will be \$3.00 per foot from \$1.50, vessels 65' up to 200' will be \$5.00 per foot from \$2.50, and vessels over 200' will be \$6.00 per foot from \$3.00. There is also a dockage fee for fishing vessels that is rarely used but will go from \$.75 to \$1.50 per foot.

Board Questions

Mr. Ridgway said he believed there was one person that spoke against this proposed increase but did not see a letter.

Mr. Uchtyl said Mr. Drew Green from Cruise Line Agencies spoke against the increase at one of our earlier meetings. He said Mr. Green did indicate that maybe he could be in favor of the proposed increase with the reduction in the Port Maintenance fee. The fees we charge for the yachts are much less than what other's charge in Juneau for similar facilities.

Mr. Etheridge said the other part of that request was to provide enough notice to be able to adjust their rates.

Mr. Uchtyl said staff sends a letter every year indicating what our fees are for the current calendar year. Within ordinance, the Board has the discretion for special promotional rates. Even after this is passed, the Board has the discretion to reduce a fee for a purpose. Should this be passed, he would suggest a promotional rate for this calendar year.

Mr. Ridgway asked if staff logs their time in Lucity based on where they work?

Mr. Uchtyl said we do not ask staff to do that. Typically when the Port Field Office is in full operation, that staff would take care of vessels at the IVF.

Public Comment - None

Board Discussion/Action

Mr. Ridgway said he believes this is well supported in the documentation from the Port Office.

MOTION By MR. RIDGWAY: TO RECOMMEND THE ASSEMBLY ADOPT PROPOSED FEE CHANGES AS PUBLICLY NOTICED FOR 05 CBJAC 15.030 (Dockage Charges) AND ASK UNANIMOUS CONSENT.

The motion passed with no objection.

IV. Staff or Member Reports –

VII. Adjournment – The meeting adjourned at 6:17pm.



Port of Juneau

155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

From: *Carl J. Uchytel*
Carl Uchytel, Port Director
To: Drew Green, Cruise Line Agencies of Alaska
Date: January 7th, 2021
Re: 2021 City and Borough of Juneau Port Charges

The charges applicable to cruise ships visiting Juneau are listed below. The only change to last year's fees is a 2% increase for potable water, set by CBJ Utilities Division:

<https://beta.juneau.org/engineering-public-works/utilities-division/rates-metered>

The charges applicable to cruise ships visiting Juneau are listed below.

More detailed information is available:

http://library.municode.com/HTML/13307/level3/PTIVADCORE_TIT05DOHA_CH15FECH.html

http://www.juneau.org/clerk/Notices/documents/Ord2012-27_Final_Marine_Passenger_Fee.pdf

1. Dockage Charges (05 CBJAC 15.030) - \$3 per foot per day
2. Port Maintenance Fee (05 CBJAC 15.040 - \$0.055 per net ton/lightering operations less than 3 hours at \$0.0225 per net ton
3. Potable Water Fee (05 CBJAC 15.050) through June 30th, 2021 – \$5.19 per 1000 gal.
Unmetered Smaller cruise ships flat fee \$26.00
Potable Water Fee July 1st, 2021 - \$5.30 per 1000 gal. Unmetered Smaller cruise ships flat fee will be \$27.00.
4. Wastewater hook up fee - \$150.00 Staff member monitoring fee - \$450.00
5. Vessel Lightering Fee (05 CBJAC 15.060) - \$600 per day
6. Marine Passenger Fee (CBJ Ordinance 69.20, applies at private and public docks) - \$5 per arriving passenger
7. Port Development Fee (CBJ Resolution 2552, applies at public and private docks) - \$3 per arriving passenger.

Please contact me or Ms. Teena Larson if you have questions at 586-0282.

#

Copy: Kirby Day

05 CBJAC 15.030 Dockage charges.

- (a) *Definition.* The charge assessed to vessels for berthing at the Steamship Wharf, the Cruise Ship Terminal, the Intermediate Vessel Float (IVF), the Port Field Office Float (PFO), and the Inside of the Cruise Ship Terminal (ICT).
- (b) *Basis for computing charges.* Dockage charges are assessed upon length-over-all (LOA) of the vessel. Length-over-all is defined as the linear distance, in feet, from the forward most part at the stem to the aftermost part of the stern of the vessel, measured parallel to the base line of the vessel.

Length-over-all of the vessel, as published in "Lloyd's Register of Shipping" will be used and, when not published, the Port reserves the right to measure the vessel or obtain the length-over-all from the vessel's register.

- (c) *Dockage period; how calculated.* The period of time which dockage will be assessed shall commence when the vessel is made fast to an allocated berth or moored, or comes within a slip and shall continue until such vessel casts off and has vacated the position allocated. All time is counted and no deductions shall be allowed because of weather or other conditions, except when the Port Director provides for such allowance for good cause shown.
- (d) *Charges when a vessel shifts to different berth.* When a vessel is shifted directly from one position to another berth or slip, the total time at such berths or slips will be considered together when computing the dockage or charge.
- (e) *From May 1 to September 30, dockage for all vessels, except those vessels paying dockage fees set out in 05 CBJAC 15.030(f) and (h), will be assessed for each 24-hour period or portion thereof as follows:*
 - (1) \$1.50 per foot for vessels less than 65 feet in length overall;
 - (2) \$2.50 per foot for vessels with a length overall from 65 feet up to 200 feet; and
 - (3) \$3.00 per foot for vessels greater than or equal to 200 feet in length overall.
- (f) From May 1 to September 30, fishing vessels will be assessed dockage at \$0.75 per foot of length overall for each 24-hour period or portion thereof, except there will be no charge to vessels staging to offload at Taku Dock, provided the duration of staging is less than four hours.
- (g) From October 1 to April 30, dockage will be assessed as set out in 05 CBJAC 20.030 and 05 CBJAC 20.040.
- (h) From May 1 to September 30, vessels loading passengers as part of a for-hire tour or experience with a duration less than 24 hours shall comply with the requirements set out in 05 CBJAC 20.080(c) and shall pay passenger-for-hire fees as set out in 05 CBJAC 20.080(d).
- (i) *Dockage specials.* The Docks and Harbors Board may after public hearing establish special and promotional rates of a temporary nature in order to encourage use of facilities, to respond to unusual economic circumstances, or to promote revenue development.

(Eff. 5-1-2005; Amended 12-11-2006, eff. 5-1-2007; Amended 5-18-2009, eff. 5-27-2009; Amended 3-15-2010, eff. 3-22-2010; Amended 5-15-2017, eff. 5-23-2017)



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources

DIVISION OF MINING, LAND & WATER

Land Conveyance Section

Southeast Office

P. O. Box 111020
Juneau, Alaska 99811-1020
Main: 907.465.3400
TTY: 711 or 800-770-8973
Fax: 907.500.9011
<http://landsales.alaska.gov>
<http://facebook.com/alaskaland/>

May 19, 2021

Carl Uchytel, P.E.
Port Director
City and Borough of Juneau
155 S. Seward Street
Juneau, AK 99801

RE: AS 38.05.825 Tideland Conveyance – ADL 109052 Final Finding and Decision

Dear Mr. Uchytel,

Thank you for your timely submission of a public comment on the ADL 109052 Preliminary Decision (PD) dated January 15, 2021.

The State of Alaska, Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS) recommends approval of the proposed conveyance and related actions, which are summarized in the attached Final Finding and Decision (FFD), Area Plan Amendment, and Land Classification Order. The FFD provides a summary and response to all comments received during the public notice period. Please reference the FFD for a response to your comment.

Please note the reconsideration provision language on page 6 of the FFD. If a timely reconsideration is not requested or if the commissioner does not order reconsideration on their own motion, this decision goes into effect June 18, 2021 and management authority for the tideland parcel identified under ADL 109052 will be transferred to the City and Borough of Juneau (CBJ). The conveyance is subject to the stipulations included in the PD. The original file will remain with DNR but will be available for review by CBJ staff.

Before a tideland patent can be issued, a recorded Alaska Tideland Survey (ATS) is required for the parcel. DMLW advises that you identify a registered land surveyor and submit a Request for Survey Instructions to DMLW along with survey instruction fees. (Form enclosed.) DMLW's survey staff will review the instruction request and supply the required instructions to your surveyor.

If you have any questions you may contact me at the above address, by telephone at 907-465-3511 or email john.king@alaska.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "John King".

John King
Natural Resource Specialist III

Enclosures: ADL 109052 Final Finding and Decision
Amendment to the Juneau State Land Plan SE-93-004A10
Land Classification Order CL SE-93-004A10
Attachment A
Request for Survey Instructions

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER

FINAL FINDING AND DECISION

of a
Tideland Conveyance in the City and Borough of Juneau
ADL 109052 – City and Borough of Juneau
AS 38.05.035(e), AS 38.05.825

And its
RELATED ACTIONS:
Amendment to the Juneau State Land Plan SE-93-004A10
AS 38.04.065
Land Classification Order CL SE-93-004A10
AS 38.04.065 and AS 38.05.300

This Final Finding and Decision (FFD) complements and updates the Preliminary Decision (PD) dated January 15, 2021. The PD (attached) has received the required public review.

I. Recommended Actions

The State of Alaska, Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS) recommends conveying approximately 4.73 acres of State-owned tide and submerged lands within Gastineau Channel in the downtown Juneau harbor, as described in the ADL 109052 PD, pursuant to *AS 38.05.825 Conveyance of tide and submerged land to municipalities*.

There are two related actions with this proposal:

Area Plan Amendment: DNR proposes to amend the Juneau State Land Plan (JSLP, adopted 1993). The amendment will amend the designation of Subunit 6a8 to add Waterfront development (Wd) to the existing designations of Wildlife Habitat (Hb) and Fish and Wildlife Harvest (Hv). No changes to the management intent are proposed.

Land Classification Order: In relation to the Area Plan Amendment, DNR proposes to reclassify the project area in a Land Classification Order from Wildlife Habitat Land to Waterfront Development Land and Wildlife Habitat Land.

Public notice for these related actions was conducted concurrently with the notice for the primary action's PD.

II. Authority

DNR has the authority under *AS 38.05.825 Conveyance of tide and submerged land to municipalities* to convey State-owned lands suitable for occupation and development when requested by the municipality unless it is found that public interest in retaining state ownership clearly outweighs municipal interest, and if the land is: within the boundaries of the municipality;

Final Finding and Decision

City and Borough of Juneau – ADL 109052

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the use does not unreasonably interfere with navigation or public access; the municipality has applied for conveyance; the land is not subject to a shore fisheries lease under *AS 38.05.082 Leases for shore fisheries development; account*; the land classification is consistent with or compatible with the proposed use; and the land is required for a public or private development approved by the municipality.

For related actions, *AS 38.04.065 Land Use Planning and Classification*, *AS 38.05.300 Classification of Land*, and *AS 38.05.185 Generally* allow for amendments and special exceptions to area plans, land classifications, and mineral orders.

III. Public Participation and Input

Pursuant to *AS 38.05.945 Notice*, public notice inviting comment on the PD for the proposed primary action was published and distributed in the following manner:

- Posted under State of Alaska Online Public Notice from January 15, 2021 to February 18, 2021.
- Notice mailed to the City and Borough of Juneau per *AS 38.05.945(c)(1)*.
- Mailed to the Juneau, Douglas, and Mendenhall Valley public library branches, and postmasters at Federal Station, Mendenhall, Auke Bay, and Douglas post offices with a request to post for 30 days, per *AS 38.05.945(c)(4)*.
- Mailed to the Sealaska Regional Corporation per *AS 38.05.945(c)(2)-(3)*.
- Mailed to 45 landowners within 0.5 miles of the conveyance along with Federally Recognized Tribes and Native Village Corporations.
 - Federally Recognized Tribes
 - Douglas Indian Association
 - Central Council of Tlingit and Haida Tribes of Alaska
 - Village Corporations
 - Goldbelt Incorporated
- Emailed notice to the Southeast Alaska Soil and Water Conservation District, Trustees for Alaska, and all State agencies who received the agency review notice.

The public notice stated that written comments were to be received by 5:00 PM, February 18, 2021 in order to ensure consideration and eligibility to appeal. For more information, refer to the PD.

The final survey will be completed by an Alaska licensed surveyor. The surveyor will submit a platting application including a preliminary plat to the local platting authority prior to survey. This process will be subject to ordinances within Title 49 of the City of Juneau code. During the process, the public will have an opportunity at the local level to provide additional comment and feedback prior to final establishment of lot corners and monuments.

IV. Summary of Comments

DNR DMLW LCS received comments from the public comment period as summarized below.

DNR DMLW LCS received brief comments of non-objection from the following agencies: DNR Division of Oil and Gas, Alaska Department of Transportation & Public Facilities.

DNR DMLW LCS Response: LCS appreciates your review of the preliminary decision.

Final Finding and Decision

City and Borough of Juneau – ADL 109052

Page 3 of 5

Member of the public: As a representative for a landowner near the project area, the commenter supported the proposed tideland conveyance. The commenter stated that the Seawalk extension project will decrease traffic and promote better pedestrian safety in the area.

DNR DMLW LCS Response: LCS appreciates your review of the preliminary decision.

Alaska Department of Environmental Conservation (DEC): The commenter offered updated language to state that the program referred to as the “Cruise Ship Monitoring Program” in *Section VIII. Background and Discussion* of the PD, is called the “Division of Air Quality, Compliance Program”. In addition, the commenter stated that the program issues notice of violation and penalties for violations of the State’s air quality standard for marine vessels under *18 AAC 50.070 Marine vessel visible emission standards*, and not solely for cruise ships.

DNR DMLW LCS Response: LCS appreciates your review of the preliminary decision and will update the language in future references to the Division of Air Quality Compliance Program.

City and Borough of Juneau (CBJ): CBJ requested the rationale behind the choice of Alternative 1 over Alternative 2. Specifically, CBJ requested an explanation to how the public interest is served by retaining the additional acreage in State ownership. CBJ requests the decision of be reconsidered.

DNR DMLW LCS Response: LCS appreciates your review of the preliminary decision. Pursuant to AS 38.05.825(a), “the commissioner shall convey to a municipality tide or submerged land requested by the municipality that is occupied or suitable for occupation and development if the” criteria listed in sections 1 through 6 are met.

Pursuant to AS 38.05.825(a)(6), the land selected for conveyance must be “required for the accomplishment of a public or private development approved by the municipality”. CBJ’s application for conveyance included Resolution No. 2878 supporting the application to acquire tide and submerged land from DNR. The resolution approves extending the Seawalk as depicted on the supplied “Concept Plan No. 1” diagram. The land required for the Seawalk extension is privately-owned except for a small portion in the southeast corner that extends onto state-owned tide and submerged lands. This portion was included in the proposed parcel for conveyance.

The application and Concept Plan No. 1 also included a proposed mooring dolphin catwalk to allow additional cruise ship moorage area. This catwalk would extend onto state-owned submerged land. The submerged land required for this catwalk and associated mooring area for a cruise ship was included in the parcel for conveyance.

Alternative 1 continues to be the preferred alternative because the proposed parcel encompasses the area required for the mooring dolphin catwalk and Seawalk extension public development projects that were referenced in the application. CBJ’s application for conveyance did not include any additional public or private development projects that warrant the conveyance of the requested 10.2-acre parcel of state-owned tide and submerged lands. The additional requested area does not meet the requirements for conveyance promulgated in AS 38.05.825 and retaining the lands in State ownership is in the best interest of the public and the State. CBJ may apply for a conveyance of additional

Final Finding and Decision

City and Borough of Juneau – ADL 109052

Page 4 of 5

tide and submerged lands when required for a public development approved by the municipality.

V. Modifications to Decision and/or Additional Information

The recommended action has not been modified from the original proposed action described in the PD.

Recommendation and Approval of the Final Finding and Decision follow.

Final Finding and Decision

City and Borough of Juneau – ADL 109052

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VI. Final Finding and Decision

The Land Conveyance Section recommends proceeding with the action as described in the Preliminary Decision. This action is undertaken under relevant authorities. The public interest in retaining the proposed parcel in state ownership does not outweigh the municipal interest.

The findings presented above have been reviewed and considered. Public Notice has been accomplished in accordance with *AS 38.05.945 Notice* and comments received were considered. The project file has been found to be complete and the requirements of all applicable statutes have been satisfied. The actions are consistent with constitutional and statutory intent for State-owned land and this action is undertaken under relevant authorities.

signature on file

May 18, 2021

Recommended by: Rachel Longacre
Natural Resource Manager
Section Chief
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

Date

Under the authority of the applicable statutes, it is hereby found to be in the best interest of the State of Alaska to proceed with the recommended action(s) as described and referenced herein.

signature on file

May 18, 2021

Approved by: Martin W. Parsons
Director
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

Date

signature on file

May 18, 2021

Approved by: Corri A. Feige
Commissioner
Department of Natural Resources
State of Alaska

Date

Reconsideration Provision

A person affected by this decision who provided timely written comment or public hearing testimony on the preliminary decision may request reconsideration, in accordance with *11 AAC 02*. Any reconsideration request must be received within 20 calendar days after the date of "issuance" of this decision, as defined in *11 AAC 02.040(c) and (d)* and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 W. 7th Ave., Ste. 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918; or sent by electronic mail to dnr.appeals@alaska.gov. Under *11 AAC 02.030*, appeals and requests for reconsideration filed under *11 AAC 02* must be accompanied by the fee established in *11 AAC 05.160(d)(1)(F)*, which has been set at \$200 under the provisions of *11 AAC 05.160 (a) and (b)*.

If reconsideration is not requested by that date or if the commissioner does not order reconsideration on their own motion, this decision goes into effect as a final order and decision on the 31st calendar day after the date of issuance. Failure of the commissioner to act on a request for reconsideration within 30 calendar days after issuance of this decision is a denial of reconsideration and is a final administrative order and decision for purposes of an appeal to Superior Court. The decision may then be appealed to Superior Court within a further 30 days in accordance with the rules of the court, and to the extent permitted by applicable law. An eligible person must first request reconsideration of this decision in accordance with *11 AAC 02* before appealing this decision to Superior Court. A copy of *11 AAC 02* may be obtained from any regional information office of the Department of Natural Resources.

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER

JUNEAU STATE LAND PLAN AMENDMENT
SE-93-004A10

Region 6 - Juneau, Management Unit 6a, Subunit 6a8

related to the
Proposed Tideland Conveyance – ADL 109052

The Commissioner of the State of Alaska, Department of Natural Resources (DNR) finds that the following amendment to the Juneau State Land Plan, described more fully in the Attachment, meets the requirements of *AS 38.04.065 Land Use Planning and Classification* and *11 AAC 55.010-030 Land Planning and Classification* for land use plans and hereby adopts the amendment. The Department of Natural Resources will manage state lands within the area of the revision consistent with this designation and management intent.

- Designation: The amendment will amend the designation of Subunit 6a8 to add Waterfront development to the existing designations of Wildlife Habitat (Hb) and Fish and Wildlife Harvest (Hv).
- Management Intent: No proposed changes to the management intent.

Approved: signature on file
Corri A. Feige, Commissioner
Department of Natural Resources

May 18, 2021
Date

ATTACHMENT

to the JUNEAU STATE LAND PLAN AMENDMENT

Region 6 - Juneau, Management Unit 6a, Subunit 6a8

related to the Proposed Tideland Conveyance – ADL 109052

Location and legal description: Located within DNR's Southeast Region, tide and submerged lands within Gastineau Channel adjacent to downtown Juneau within Sections 22, 23, 25, 26, and 36, Township 41 South, Range 67 East, Copper River Meridian, containing approximately 542 acres and referred to as Subunit 6a8 in the Juneau State Land Plan (JSLP).

Authority: The authority to revise plans derives from AS 38.04.065(b) *Land Use Planning and Classification*. 11 AAC 55.030(f) *Land Use Plan* defines when a revision constitutes a plan amendment.

Current Plan: The JSLP designates Subunit 6a8 as Fish and Wildlife Harvest (Hv) and Fish and Wildlife Habitat (Hb). These designations convert to the classification of "Wildlife Habitat Land."¹ Within the JSLP, management intent for the submerged lands within Subunit 6a8 is as follows:

[T]o provide both land and water space for uses and activities which are directly related to maritime activities while minimizing significant adverse impacts on habitat and harvest for which these subunits are co-designated. Maritime activities include private boating of all types, tourism (including cruise ships, transient pleasure vessels, and floatplanes), commercial fishing, use by charter boat, floatplane activity, and any other activities involving the human use of waterbodies for sport, recreation, or commerce. Although all existing developments occur on non-state tidelands, portions of future developments such as breakwaters, marinas, and docks may require authorizations for use of state tidelands. Development directly related to maritime activities along the edges of the subunits that extend onto state tidelands and submerged lands are an allowable use if they do not pose hazards to navigation. Fill may be authorized in these subunits if consistent with the Juneau Coastal Management Plan and the guidelines in this plan.²

The JSLP description of management intent is consistent with the current and future maritime activities along the Juneau waterfront. The JSLP provides further background information on existing and future development along the Juneau waterfront and states that "Subunit 6a8 includes the tidelands and submerged lands off the Juneau waterfront. Most developments are on CBJ (City and Borough of Juneau) and privately-owned tidelands...There are a number of large docks and buildings on pilings and tidelands fill lining the downtown Juneau waterfront.

¹ Area plan "designations" indicate in general how the land described in the plan is to be managed by DNR. The two-letter designations indicate the primary and co-primary uses and resources for each subunit as designated by the plan. (JSLP 3-1) To implement the plan on state lands, DNR must "classify" state lands to reflect the intent of the land use designations made by the plan. Land classification is the formal record of uses and resources and is statutorily required for land planning. (AS 38.05.300; 38.04.065; 11 AAC 55.0200; JSLP 4-1 & 4-3)

² JSLP, 3-116.

Attachment to the Juneau State Land Plan Amendment

Region 6 – Juneau, Unit 6a, Subunit 6a8

related to a proposed Tideland Conveyance ADL 109052

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These docks serve a number of private and public purposes.” Additionally, the JSLP notes: “The waters off the Juneau waterfront are heavily used by pleasure boats, commercial fishing boats, barges, and cruise ships traveling and mooring in the channel. The channel is also used for floatplane landings and takeoffs. These waters are also valuable for sport fishing, wildlife viewing, and sightseeing. The entire area is in the view shed of downtown Juneau and Douglas Island.”³ Thus, the JSLP recognizes the significant maritime development activities that have existed and will continue to exist along the Juneau waterfront.

Proposed Plan Amendment: The amendment to add a Waterfront development (Wd) designation and Waterfront development land classification will more accurately represent the existing and future maritime development activities within Subunit 6a8. Following the amendment, the JSLP Subunit 6a8 will retain the two existing designations of Fish and Wildlife Harvest (Hv) and Fish and Wildlife Habitat (Hb). The JSLP will also retain the attending classification of Wildlife Habitat Land and the current description of management intent.

Explanation: On any parcel of land, up to three classifications may be used where the dominance of a particular use cannot be determined. As discussed in the JSLP, the submerged lands adjacent to the Juneau waterfront involve significant maritime activities, including the daily arrival and departure of several cruise ships between April and September and associated float plane and lightering activity and private boating of all types. Additionally, fishing activity occurs year-round.

As noted above, the JSLP currently has designated the Juneau waterfront as Fish and Wildlife Habitat (Hb) and Harvest (Hv). Habitat (Hb) is defined as the second-most valuable of habitat types. “Hb” habitats are highly productive components of the ecosystem where alteration of the habitat or human disturbance would reduce the yield of fish and wildlife populations whether directly or cumulatively. Fish and wildlife harvest areas (Hv) are localized, traditional harvest areas of limited size where alteration of habitat could permanently limit sustained yield to traditional users; or areas of intense harvest where the level of harvest has or is projected to reach the harvestable surplus for the resource.

This area plan amendment will add to the designation of Waterfront development (Wd) and classification of Waterfront Development Land to Subunit 6a8. The JSLP defines Waterfront development as “The use of tidelands, submerged lands, or shorelands for water-dependent or water-related facilities, usually for industrial or commercial purposes. Waterfront development includes piers, wharves, harbors, log storage, log or mineral transfer facilities, seafood processing facilities, commercial recreational facilities, and other resource development support facilities.”

The Juneau State Land Plan was adopted in 1993. The addition of the Waterfront development designation more accurately reflects the ongoing and significant maritime commercial activities of the Juneau waterfront associated with tourism. Tourism is the predominant industry along the Juneau waterfront from April through September. However, the retention of the Habitat and Harvest designations and Wildlife Habitat Land classification is appropriate because the area is vital to numerous fish and wildlife populations available for harvest throughout the year. Retaining the current designation and classification will ensure that the impacts future development may have on fish and wildlife habitat and harvest activities will continue to be assessed and mitigated prior to the approval of development projects.

³ JSLP, 3-114, 3-115.

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER

LAND CLASSIFICATION ORDER
NO. CL SE-93-004A10

Related to the Proposed Tideland Conveyance – ADL 109052

I. Name: Proposed tideland conveyance in downtown Juneau, within Gastineau Channel

II. The classifications in Part III are based on written justification contained within the following:

- a Preliminary Decision for the Proposed tideland conveyance within an Organized Borough, dated January 15, 2021; and
- an Amendment to the Juneau State Land Plan No. SE-93-004A10.

III.	Legal Description	Acreage	Acquisition Authority	Existing Classification	Classification by this Action
	Tide and submerged lands within Gastineau Channel located within Sections 22, 23, 25, 26, and 36, Township 41 South, Range 67 East, Copper River Meridian, and referred to as Subunit 6a8 in the Juneau State Land Plan (JSLP).	542 acres	Alaska Statehood Act, Submerged Lands Act, Equal Footing Doctrine	Wildlife Habitat Land	Waterfront Development Land, Wildlife Habitat Land

IV. This order is issued under the authority granted to the Commissioner of the Department of Natural Resources by *AS 38.04.065 Land Use Planning and Classification* and *AS 38.05.300 Classification of Land*. The above-described lands are hereby designated and classified as indicated. Nothing shall prevent the reclassification of these lands if warranted in the public interest.

Approved: signature on file
Corri A. Feige, Commissioner
Department of Natural Resources

May 18, 2021
Date

Attachment to the Juneau State Land Plan Amendment

Region 6 – Juneau, Unit 6a, Subunit 6a8

related to a proposed Tideland Conveyance ADL 109052

Page 2 of 2

Assessment: The following alternatives are being considered:

1. (Preferred) Amend the Juneau State Land Plan as described above to add the Waterfront development designation to Subunit 6a8. Amending the plan is the preferred alternative as it will allow development of commercial maritime activities as approved by DNR.
2. (Status Quo) Do not amend the Juneau State Land Plan. This alternative is not preferred as it would disallow the development of maritime activities in this area.

Requirements of AS 38.04.065 (b): The factors identified in this section of statute have been considered in the Preliminary Decision for the proposed tideland conveyance – ADL 109052 issued on January 15, 2021 and the proposed action is consistent with that portion of the statute.



Attachment A: Vicinity Map City and Borough of Juneau ADL 109052

This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Legend

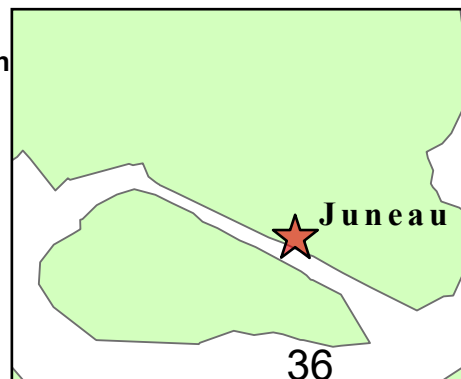
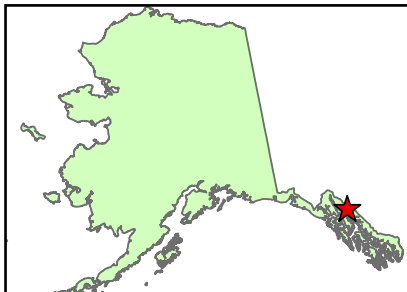
-  Proposed Conveyed Parcel
-  Section Lines

0 0.1 0.2 0.3 Miles

JDK 12/28/2020

**Section 25, Township 41 South,
Range 67 East, Copper River Meridian**

USGS QUAD 1:63.360
(Juneau B-2)
For more information contact:
John King
Department of Natural Resources
Division of Mining, Land, and Water
Land Conveyance Section
Phone: 907-465-3511
Fax: 907-500-9011
Email: john.king@alaska.gov



**STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER**

SURVEY SECTION

**550 W 7th Avenue, Suite 650
Anchorage AK 99501-3576
(907) 269-8523**

SURVEY SECTION USE:

DATE RECEIVED: _____
SURVEY CASE TYPE: _____
FILE NUMBER: _____

**REQUEST FOR SURVEY INSTRUCTIONS (SI) per AS 38.04.065; 11 AAC 05.240
TO BE REQUESTED UPON ISSUANCE OF FINAL DECISION**

Receipt Type: 5F

Non-refundable fee: See current Director's Fee Order¹.

ADL Number: _____

Applicant: _____ **DNR Adjudicator:** _____

Authorization to be surveyed: Select From List: _____

As applicant or representative for the applicant, I request Survey Instructions be sent to the following survey firm. When the applicant is a political entity, such as a municipality or borough, the Survey Instructions may be issued directly to the applicant using the contact information listed below:

Surveyor / Municipal Officer _____ **LS Number:** _____

Firm: _____ **Address:** _____

City: _____ **State:** _____ **Zip Code:** _____ **Phone:** _____

Email: _____

- ☐ A check made payable to the "State of Alaska, Department of Natural Resources" with the ADL number included in the "memo" field, for the amount listed above, is enclosed with this application.
- ☐ The fee for Survey Instructions has been paid electronically. A copy of the receipt must be attached for the Survey Section.

Signature: _____ **Date:** _____

¹ Fees listed with the Authorization Selection are current as of June 18, 2018. A copy of the current Director's Fee Order is available on the home page of the Division of Mining, Land & Water, <http://dnr.alaska.gov/mlw/index.htm>;

Enterprise Board Appointment Process
Docks and Harbors Board Comments
May 2021

Duties and Responsibilities of the Docks and Harbors Board Defined

The duties and responsibilities of the Docks and Harbors (D&H) Board are defined in the D&H Board Bylaws and Title 85. The Board undertook the task of reviewing and updating its Bylaws. The revised Bylaws were approved by the Assembly in June 2014.

The pandemic has severely affected Docks & Harbors. The Board has taken on the task of evaluating expenditures and looking for opportunities for revenue growth. The Board has also review and has given relief to small business who have been impacted.

Overall, the duties and responsibilities of the Docks and Harbors Board are well defined.

Skills and Knowledge Sets Required

An effective Docks and Harbor Board member must have the following attributes:

Cares about what is going on with Juneau's D&H with a balanced, non-biased perspective.

Wants to be involved and is committed to helping make a difference for all D&H users and the community.

Committed to an open public process.

A good listener and active participant in Board discussions.

Capable of critical thinking.

Analytical and forward focused.

Good communication skills - both written and spoken.

Active in some aspect of maritime activity – such as boating in general, sport fishing, commercial fishing, diving, tourism, marine service and supply, marine engineering and construction, etc.

Mind reading skills highly desirable.

The Board is **not** well served by an individual with a personal agenda regardless of their level of knowledge or experience.

Current Docks and Harbors Board Membership (2020 – 2021)

The current members of the Docks and Harbors Board are a diverse group of long time Juneau residents. All have experience in boating and individual members have the following professional experience:

Retired marine construction and maintenance journeyman and tour boat captain

Downtown merchant with a day job

Government relations specialist and Legislative aid

Commercial fisherman

Owner of summer seasonal operation

CFO of information technology company

Captain of whale watching charter

BRH Employee

State Employee

These Board members represent a well-rounded group that possesses the skills and knowledge needed to be an effective board. In addition to what is apparent from their resumes, each board member has gained through Board work, varying degrees of knowledge about all aspects of Juneau's docks and harbors.