

CBJ DOCKS AND HARBORS BOARD
REGULAR BOARD MEETING MINUTES
For Thursday, November 21st, 2019

I. Call to Order

Mr. Etheridge called the Regular Board Meeting to order at 5:00 pm in the Assembly Chambers.

II. Roll Call

The following members were present: Steven Guignon, Mark Ridgway, Annette Smith, Bob Wostmann and Don Etheridge.

Absent: Jim Becker, Christopher Dimond and Budd Simpson.

Also present were the following: Dave Borg – Harbormaster and Erich Schaal, Port Engineer

III. Approval of Agenda –

Mr. Etheridge noted that the agenda needed one correction. The Consent Agenda – None which none should be removed.

MOTION BY: MS. SMITH TO APPROVE THE AGENDA WITH THE CORRECTION AND ASKED UNANIMOUS CONSENT.

IV. Approval of October 31st, 2019 Board Minutes.

Hearing no objection the minutes of October 31st, 2019 were approved as presented.

- V. Public Participation on Non-Agenda Items** – Katharine Miller and her four students from the Tundra Wolves Lego Robotics Team - Kennedy White, Eva Miller, Rosina Wolfenberger and Jerallyn White, spoke to the Board about a research project they would like to build at the Archipelago Lot themed: City Shapes - H2O Juneau. Each year they work on a research project and this year their inspiration is to provide an entertainment area for young cruise passengers and local youth. It is a pavilion of interactive displays showing the natural beauty of Juneau from the sea to the summit. It has four parts: Under the Pier, Into the Wetlands, High Country and Forest. They presented a handout with drawings and descriptions of their project.

Board Comments:

Mr. Wostmann said he really like some of their ideas and found them very cool and doable as well as the tiles. Hopefully some of their ideas can be implemented. He very much appreciated their ideas and said it would be passed along as the project progresses.

Mr. Borg asked if there are more members of the group or was it just the four of them that came up with this idea. He also thanked the group and said their presentation was outstanding and that they were very eloquent. Well done.

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Public Comments – none.

VI. Consent Agenda-

Mr. Ridgway said they had suggested last time that staff add a graph to the letter to the Assembly from the finance committee showing the operations budget. He just wanted to make sure it was added and it was.

Mr. Ridgway moved that the consent agenda be accepted as presented and amended ask unanimous consent. No objections.

1. Resolution in Support of Full Funding the ADOT Harbor Facilities Grant Program
2. Annual Letter to the Assembly

VII. Unfinished Business – None

VIII. New Business-

1. Resolution in Support of Commercial Fishermen to be Automatically Registered with DMV if already enrolled in the Commercial Entry Commission Database.

Mr. Borg said there was a lot of conversation at the Operations/Planning Committee meeting and that Mr. Uchytel put it back on the agenda for further discussion.

Committee Questions:

Mr. Wostmann asked Mr. Borg about boat titles. Having a title is very helpful in dealing with abandoned vessels. As he understands it, commercial boats do not have to have an AK number because they are documented. Is the documentation sufficient as a proof of title?

Mr. Borg said that documented vessels are not the issue, it is the undocumented vessels that are the issue. Documented vessel can also quit documenting if they don't fish anymore and become unregistered with Commercial Entry Commission Database. Then they put on AK numbers. You have to title a trailer and you have to title vehicles. The situation Mr. Borg runs across now is that is it extremely easy for someone to run up a high moorage bill and become 90 days behind and then turnaround and sell their boat for \$1 thinking they have passed the debt with the sale of the boat to someone else, who then runs up a high bill as well. When it is titled, it attaches the ownership to both the previous and current owners and gives us documented proof of ownership of the vessel. A title makes it more difficult to pass along debt versus just a bill of sale. Without a title it doesn't tie ownership to anyone else with a title it shows previous ownership. The Lumberman is an example of an owner selling a vessel to someone and thinking they are putting the debts on the new owner because there is not a title. It is still registered in the old owners name, the new owner has a bill of sale, which he never registered with the

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state or titled it, it's never been involved in coast wide trade, and it has never been documented. So technically, they both still own the vessel. A title would have made the new owner register the boat and be documented as the new owner of the vessel and responsible for it. A bill of sale does not necessarily mean you have to register your vessel, if you want the title proving ownership you definitely have to register it.

Mr. Wostmann asked if this Resolution passes for automatic registrations, would the vessels automatically registered with the Commercial Entry Commission then avoid the requirement of having to get a title.

Mr. Borg said no, vessels are already in the system and are registered if they are over twenty-four feet. It has nothing to do with titling.

Mr. Wostmann asked if the registration is already held with the Commercial Entry Commission does it provide the same benefit as titling.

Mr. Borg said yes, this resolution would automatically register the boat with Department of Motor Vehicles (DMV). The DMV realized they made a mistake because they did not advertise it at all and clarify the requirements that you must register a vessel. The owners asked if they are already registered with the Commercial Entry Commission Database which already has their information, why not share the information with the DMV and register their boats automatically. It is more efficient and saves fishermen a lot of time standing in line at the DMV.

Mr. Guignon asked what happens if you sell me a boat, is it similar to selling a car. Is it like transferring a car to me and then me never go and register it?

Mr. Borg said if you don't register a car, then the title does not transfer to the new owner. Boats over twenty-four feet have to be titled. The way Mr. Borg understands it, boats that have to be titled, the state okays the title and the state holds it for 5 years and if no one contests the title, it will be given to the owner after the waiting period. It applies only to commercial fishing vessels. This resolution is nothing more than saying if you are in the Commercial Entry Commission Database, we are going to share the information with the DMV and you will be registered with them automatically with the same information.

Ms. Smith said her understanding is a Senate bill already requires fishermen to register.

Mr. Borg said that is correct with AK numbers. It just keeps them from standing in line at the DMV.

Ms. Smith said we are not solving anything other than keeping them from having to go to DOT. Her second question is a person who accrues a \$3000 moorage bill, using your example of a delinquent bill, why does it just go away?

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Mr. Borg said that it does not go away. The first person who owned the boat goes to collections for the amount owed against that owner but not against the new owner unless the new owner becomes delinquent after he takes ownership, then they would also go to collections for the amount they owe. The debt from the previous owner does not belong to the new owner.

Mr. Ridgway asked generally if vessels active in commercial fisheries that are registered with the Commercial Entry Commission Database are generally not derelict vessels?

Mr. Borg said no, they are not derelict boats.

Public Comment – Mr. Paul Swanson of Juneau, AK asked if his documented boat is required to be registered with an AK number and be titled.

Mr. Borg said the resolution speaks only to Commercial Vessels, not recreational boaters. Recreational boaters still have to go into the DMV.

Committee Discussion/Action:

MOTION By: MR. RIDGWAY MOVED TO REQUEST THE ASSEMBLY SUPPORT A RESOLUTION FOR COMMERCIAL FISHERMAN TO BE AUTOMATICALLY REGISTERED WITH DMV IF ALREADY ENROLLED IN THE COMMERCIAL FISHERIES ENTRY COMMISSION AND ASKED UNANIMOUS CONSENT.

There was one objection. A rollcall vote was made:

Mr. Guignon	YES
Mr. Ridgway	YES
Ms. Smith	NO
Mr. Wostmann	YES
Mr. Etheridge	YES

Passed 4-1.

IX. Items for Information/Discussion

1. Update: Army Corps of Engineers Maintenance Dredging – Aurora & Harris Harbors

Mr. Schaal, Port Engineer said that he will give background information on the dredging and maintenance projects that the Army Corps of Engineers is going to start in late winter. Normally we are in charge of all of harbor projects but many of our basins were built by the Corps of Engineers and they have maintenance requirements that goes along with that. They have been working for several years to address some issues within Aurora and Harris Harbors. The work will encompass both of the harbors and will involve some dredging and breakwater repairs. Most of the breakwater repairs will be

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focused in Aurora Harbor. The dredging spoils dumping will happen in the same general location as the Douglas Harbor dredging. The Corps uses a lot of aerial photos in their designs for the contractors and Mr. Schaal displayed those on the overhead projector. The Corps of Engineers did a condition study of both breakwaters. The Aurora Harbor breakwater is a unique design in that half of it is rubble mound and half is steel piles with wood in between that block the waves during high tide. The H piles are not in great shape and the wood is the main concern, however, all of it needs to be replaced. The Corps does not want to come back again so they will be replacing all the steel and wood and so we will have a new breakwater for all intents and purposes when they are done. The breakwater will not need attention again for probably fifty years. The Corps also looked at the Harris breakwater. A year or so ago, the Corps trimmed the trees on the breakwater but they did not remove the debris, so they have a work item for the contractor to do that as well as disposal of some driftwood. The Corps also identified a section at the very end of the breakwater where the material has sluffed off and they need to add some rip rap to shore that up and provide for long-term service.

Mr. Etheridge asked if they are reusing material for that work.

Mr. Schaal said no, they would be bringing in new material for the work. Mr. Schaal showed a diagram showing the current breakwater at Aurora. The H piles are about six foot on center and they have wood staggers back and forth which overlap. The top of the breakwater is about plus twenty-five feet and the top of the rock is at a plus thirteen feet. The contractor is Western Marine Construction, Kriss Hart; they are located next to DiPAC on Channel Drive in Juneau. The plan is to remove some of the riprap right at the very top of the wall, peel it back, so that when they pull the steel piles out they do not want rock to fall in the holes. Western Marine Construction are going to install new piles in the existing holes so the spacing is the same. It is a remove and replace operation for them. They will strategically replace the riprap that they moved. Most of the work will happen from the waterside but they will have to maneuver some on the inside of the breakwater. Western Marine Construction will be working closely with our Aurora Harbor office and staff for access to limit the impact to the users as much as possible.

Mr. Schaal said in the Hydrographic Survey the Corps of Engineers that showed in different colors the areas where the dredging would focus which is the north end of Aurora. The Corps of Engineers have a design depth that they must maintain and they have done material sampling to look for contamination. The Corps have a certain amount of money allocated for the project, so they are trying to dredge in an area that is not contaminated and they get the best bang for their buck.

Mr. Ridgway asked if the Corps has lab data back and have they said what contaminants they are trying to avoid and does they city generally have liabilities for those materials if they should inadvertently move/transport the contamination off site.

Mr. Schaal said the Corps had it tested for PCB's, oils and other materials that you would find in a harbor. He personally has not fully read the long report but in some spots in Harris Harbor, they found some contamination that the Corps did not want to touch

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because of permitting and the material quantities in that area did not warrant them moving them. Liability wise we did not receive any notice from the Corps when we talked about this. There was not any concern from their data that migration was an issue. The Corps desire was to leave it and their reasoning was navigation was not drastically impacted by the depth so they decided to leave it alone.

Mr. Wostmann asked if we have a photo that shows the depths closer to the southern entrance. There is an area where he has touched bottom a couple of times at a minus four tide. Are they dredging there at all?

Mr. Schaal said no, not at this time.

Mr. Etheridge said they when the tug used to tie up on the end on a minus tide they would stir up an oil slick every time they came and went in that area.

Mr. Wostmann said as he recalls that in Douglas Harbor there was a concern about mercury. Is there a concern here?

Mr. Schaal said that he is not aware of a mercury concern.

Mr. Wostmann asked if there is a requirement for a cap.

Mr. Schaal said is an excellent question that he will to need to look into. Mr. Schaal believes that there was grace granted and they looked at the speed of getting their own permit, so there may be a capping requirement to speed along their own permitting. Mr. Schaal knows that the Corps are not specifically dumping it into the Douglas zone so they will not impact that cap and the ongoing process for monitoring that. He will look into that and give you an answer.

Mr. Ridgway asked if the petroleum is that what the Corps are trying to avoid in contamination.

Mr. Schaal said it is mostly hydrocarbons.

Mr. Ridgway asked if that is the area the city leased to a fuel company. Is that where the fuel dock was.

Mr. Schaal said he does not have the data on the hot test samples.

Mr. Ridgway was curious because we now have new information coming in the from the Corps study and new information about the potential contamination beneath the area that we lease, is it a liability for us and have we appropriately pursued who might have put it there.

Mr. Etheridge said the lease area is where the contamination is at the end of A float.

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Mr. Schaal said the point he wants to make is that there is areas that we want to dredge in the future. hat leads us to developing a plan for containment, probably uplands similar to Douglas in the first phase, where we have a system of some sort of wrap and this was a push by the Corp to dredge where they could and deposit it in the water. We are not done with dredging at this site.

Mr. Wostmann said that during the construction of the wooden portion of the breakwater, there would be a openings for periods of time. Are we concerned about that at all. Are there any contingencies that have to be put in place in case the weather blows up during construction?

Mr. Schaal said in the pre-construction meeting they looked at prevailing winds. Western Marine Construction also discussed how that they don't intended to open a large of a section at a time. Western Marine Construction wants to replace in shorter sections so they stay in one barge location. We will be monitoring that in case something changes.

Mr. Wostmann said he is envisioning an opening that would be about the size of their barge in front of it.

Mr. Schaal said it would be more along the reach of the crane. Western Marine Construction will remove and replace with the crane as they move along. Western Marine Construction does not want to drill new piles and they are going to be very careful with the riprap they salvage.

Mr. Schaal showed slides showing areas that need dredging in the future. In Harris Harbor the Hydrographic Survey notes that the Fish & Game float where the Medeia ties up has been having a lot of trouble in the past five or six years. Alaska Fish & Game is a sponsor of this project as well, so they have quite a bit a say in what is happening. You see it mostly in the first sections of the harbor. This is where they identified some materials in Harris that would not work for in water disposal, so they did not address this area. We will have to work with them for an uplands disposal in future dredging.

Mr. Ridgway recalls a discussion of using the Little Rock Dump as a potential marine disposal drop site. One aspect would be mass amounts of fill. One of the items that came up in discussions was while the Corps permits themselves can they permit for placement, assuming given the time line, that the permit is already written in ink. Do you see any opportunities for other land that the City & Borough of Juneau and/or Docks & Harbors has control of that could benefit from placement of marine sediments?

Mr. Schaal said yes, we pay attention for opportunities like that. One of the sites that we were trying to capitalize is on the north end of Aurora. We have talked about it in master planning in moving the grid or building a bulkhead for many uses. We asked the Corps of Engineers to help us build the bulkhead, if it goes in well, would you put the material behind it? It was an uphill battle to get them to look at the cost benefit analysis. We did not have the excess funds to build the bulkhead. This is definitely an area that we still would like to turn into useable uplands. Mathematically it is a difficult project to pencil

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out because it is long, narrow and linear. A broad area may be easier. We also looked at an area by the Yacht Club. We are looking for places to use fill to maximize the development of our uplands.

Mr. Schaal showed the schedule for Western Marine Construction who plan to begin the breakwater work March 1st, 2020 and be done in early June of 2020. Western Marine Construction will also start the dredging in October 2020 and finish in January of 2021.

Public Comment – none.

2. Update of the 2021-2026 Capital Improvement Project (CIP) List

Mr. Schaal directed attention to pages 18, 19 and 20 in the agenda packet. Docks & Harbor staff wanted to bring in front of you the draft of our yearly Capital Improvement Project (CIP) form that we submit through the CIP Engineering Department at City Hall – John Bohan. This is a document that the city produces every year. On page 18 of the agenda packet is the draft that Mr. Uchytel and Mr. Schaal put together. On page 20 is what last years looked like. So in general it's a shifting of fiscal year 2020 to fiscal year 2021. So there really aren't any additions. Mr. Schaal foresees this changing minorly with whatever the strategic planning brings forward. This is a Strategic Planning Capital Improvement Project (CIP) document. It breaks down the estimated costs of projects that Docks and Harbors would like to get to on a reasonable time scale. We have a long list in the harbors of future funded ideas. You can see there are four projects at least, that Docks & Harbors carry on this because we keep applying for Build Grants. Those specifically would be the Juneau Fisheries Terminal Development, Marine Services Center and the Auke Bay Non-motorized Coastal Transportation Link. These are projects that are most important to Docks & Harbors. There is a cost share with the Army Corps of Engineers for the new Statter breakwater feasibility study. There is long range planning such as the last item number sixteen Taku Harbor Stockade Point Float Replacement. This is the holding tank for projects that we know will need to be addressed in the future and it allows us to keep a dollar amount attached to it.

Mr. Ridgway said specifically on the Deck Over at Peoples Wharf, he remembers it being in discussions, what is the critical need that that serves?

Mr. Schaal said it is his understanding that the Deck Over Project at Peoples Wharf grows out of the Marine Park to Taku Fisheries Master planning where it was identified as an open space or some other amenity to be developed out of that. Mr. Schaal has seen masterplans ideas where it is turned to just a straight deck over or a kids area similar to our non-agenda item tonight the Lego League Team talked about. Mr. Schaal has seen ideas for children's play area use, but in general, it is an idea that those are two open areas that could be decked over to meet visions from that masterplan.

Mr. Ridgway said it stands out to him in the list of five that safety railings are clearly needed, the small cruise ship infrastructure meets a growing need, shore power, and the

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NOOA (National Oceanic and Atmospheric Administration) dock and the larger vessels. Mr. Ridgway doesn't see the kid's area as a clear need now but maybe in future planning.

Mr. Schaal says that things can slide to later fiscal years if that is the will of the Board.

Mr. Wostmann said he is trying to reconcile page 19 to page 18 and maybe it is not supposed to reconcile. The projects that are listed here are the same as projects listed on the draft of the six-year plan but the priority numbering is not exactly the same and does not line up with the dollar amounts. Should they reconcile to each other?

Mr. Schaal says he thinks they do. Page 18 is more accurate from our discussions. Mr. Schaal can go back and alter page 19 to better match what page 18 shows. Mr. Schaal thinks there are some inconsistencies on page 19 that would be solved by page 18.

Public Comment - none.

3. FY21 Marine Passenger Fee Request Information

Mr. Schaal said on page 21 of the agenda begins last year's request for Marine Passenger Fees. You will notice the date in December of last year. Mr. Uchtyl wanted me to bring this in front of you so that you could look at what we asked for last year and the mechanism that we use. In preparation for the similar letter that we will submit to the manager in December 2019. This is to prime you for thoughts that you have if you want to modify the letter in some way this year, add, subtract; it's to get you thinking about that. This is similar to the Capital Improvement Project process. Docks & Harbors needs to submit our list of Marine Passenger Fee asks to the City Manager. Mr. Uchtyl wanted to bring last year's form in front of the Board so you have time to think about it before the next OPS meeting.

Mr. Wostmann asked if there would be more detailed discussions about this at the OPS meeting.

Mr. Schaal said yes, that is his understanding was in talking with Mr. Uchtyl.

Mr. Ridgway said in connecting this with the CIP, we have awarded a study for small cruise ship berthing; we did that with last years? Do you believe that has enough funding?

Mr. Schaal said yes and yes, we awarded a study and yes he believes we have enough funding.

Board Discussion:

Mr. Etheridge asked the Board to put on their thinking caps and be prepared for a detailed discussion on the Marine Passenger Fees at the next OPS meeting.

Public Comment – none.

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X. Committee and Member Reports

1. Operations/Planning Committee Meeting Wednesday November 13th, 2019.

Mr. Ridgway said we held an Operations/Planning Committee Meeting last week and primarily it was a follow up to the Board Strategic Retreat. The Board discussed a generic strategic plan that might span two years and the Board looked to provide staff a list of issues and then begin to flush out what the goals might be for those issues. One security is a good example.

2. Finance Sub-Committee – none.

3. Member Reports –

Mr. Etheridge showed some reports that he has filed with Juneau Police Department (JPD) while working with the Citizens Patrol. The reports Mr. Etheridge showed are strictly from the harbors, which he has personally patrolled in the last month and a half. Friday night was especially busy night at Aurora Harbor. Mr. Etheridge has been averaging two to six hours a night patrolling the harbors. According to Mr. Borg, our time is paying off in curbing crime. A lot of the repeat offenders are the issues. Some people I've seen three times trying to open up car doors. We will continue to keep pressure in the harbors to curb crime.

Mr. Guignon thanked Mr. Etheridge for his time and efforts and asked for a little more explanation on what he was doing.

Mr. Etheridge said he is a member of the Citizens Patrol who works directly with JPD. He is a member of The Juneau Citizen Patrol and he communicate through the radio to JPD on issues that he sees while patrolling.

Mr. Ridgway also thanked Mr. Etheridge. Mr. Ridgway asked Mr. Borg if we have ever engaged with the Coast Guard about patrolling on the water or doing some type of joint effort in security.

Mr. Borg said yes he has numerous times. It is a different situation, they are a water born asset and they are limited on what they can do. They have patrolled through the harbors at night and gets people nervous. People have come up to the office asking why the Coast Guard was patrolling through the harbors. They do patrol but not nearly as often as Docks & Harbors would like.

Ms. Smith asked if some of the reason we have a problem is because our harbor staff, because of regulation or some law, doesn't allow them the authority to move these people out.

Mr. Etheridge said most of them aren't harbor patrons; they are the public trying to camp out and steal from the harbors at night. It's not so much harbor patrons.

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Mr. Borg said that getting rid of most of the derelict boats has helped over the years through our normal process.

Ms. Smith said so it's a case that harbors don't have the authority, or is it that harbors don't have the authority to boot them out.

Mr. Borg said there are two different situations, harbor patrons, those that use the harbor, and then there are folks that just come to the harbor because it is a public place. Those are the people we have a lot more opportunity to trespass and Mr. Borg does that on a regular basis as he catches them. The interesting thing about trespassing somebody is that they have to understand that they are being trespassed and two they have to comply. It can be very difficult with some of those folk that we run into. We aren't law enforcement officers. Mr. Borg feels comfortable talking to some of those folks but many of his staff doesn't. We can't hold folks until the police arrive. There are lots of dynamics we have to deal with, one we get to know them and then get to moving them.

Ms. Smith asked he have ever filed restraining orders against people.

Mr. Borg said they would have to commit a crime that would allow us to file a restraining report. If an individual took a swing at one of our officers, but he has not gone down that road of filing restraining orders. Mr. Borg is not sure if restraining orders could be done.

Mr. Smith said she wasn't sure either but it is a thought.

Mr. Etheridge said the common practice is to trespass them and then catch them there and then get a JPD Officer on site when that happens.

Mr. Borg said JPD has been outstanding whenever Mr. Borg has called them.

Mr. Ridgway said do you think resolutions help. If the Board was to write a letter to District 17 CO and say we would appreciate if you would consider the patrolling the harbors?

Mr. Borg said that every little bit helps. He learned today that two investigators have been assigned to the harbors in handling the uptick in crime. If you want to stop crime in the harbor, you have to get involved as a harbor neighborhood watch. The harbor residents and patrons must get active in a watch program. We don't have enough staff to do that for them at night. The harbor patrons need to become active and start helping each other day and night.

4. Assembly Lands Committee Liaison Report – none.
5. Auke Bay Steering Committee Liaison Report

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Mr. Wostmann said the Auke Bay Steering Committee is currently not functional. They are expecting to organize at some point.

XI. Port Engineer's Report

Mr. Schaal said his report is in the back of the packet. Mr. Schaal wanted to bring to the Boards attention that the Pacific Pile & Marine barge is at Statter Harbor. It's a huge excavator on a barge. It is quite impressive and Pacific Pile & Marine are working from about 6:00 am to 4:00 pm right now.

Mr. Ridgway said that Mr. Gillette's shoes were quite large and he is quite impressed with Mr. Schaal and his grasp of knowledge of all the projects.

XII. Harbormaster's Report

Mr. Borg said we've sold the ten floats from the old launch ramp at Statter Harbor for \$13,250.00 which goes into our fleet fund. The next items to go on auction is the seaplane float docks. We are not required to have that dock; we lost the gangway going down to the seaplane floats this past summer, when we had a crazy high tide. Bottom line is we had only two planes on it and Mr. Borg checked with the State and we aren't required to have it. Docks & Harbors are going to keep the piles but get rid of the floats. We are working on swapping out our fob systems in the harbor. We are switching everything to Millennium which has worked flawlessly. We are doing that as we speak. We will have the Statter Harbor bathrooms done first and when its up and running well we will move to the cranes and pedestals at the Auke Bay Loading Facility next. We actually have somebody in town to maintain the fob system unlike our current fob system.

Ms. Smith asked if in Statter Harbor with the fob replacement, when we they be notified when they need to come in. She hasn't heard anything about that.

Mr. Borg said they are working on that now and everyone will be notified to come in and switch theirs out.

XIV. Port Director's Report - none

XV. Assembly Liaison Report – none.

XVI. Board Administrative Matters

- a. Ops/Planning Committee Meeting – Wednesday, December 11th, 2019 at 5:00 pm.
- b. Board Meeting – Thursday, December 19th, 2019 at 5:00 pm.

XVII. Adjournment- The meeting was adjourned at 6:00 pm.