

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING AGENDA
For Thursday, November 2nd, 2017

- I. Call to Order** (5:00 p.m. in the CBJ Assembly Chambers)
- II. Roll** (Weston Eiler, Don Etheridge, Bob Janes, David Lowell, Robert Mosher, Mark Ridgway, David Seng, Budd Simpson, and Tom Donek)

III. Approval of Agenda

MOTION: TO APPROVE THE AGENDA AS PRESENTED.

IV. Approval of September 28th, 2017 Board minutes.

- V. Public Participation on Non-Agenda Items** (not to exceed five minutes per person, or twenty minutes total time).

VI. Consent Agenda - None

VII. Unfinished Business

- 1. Urban Design Preferred Plan Presentation
Presentation by the Port Engineer

Board Questions

Public Comment

Board Discussion/Action

MOTION: TO BE DETERMINED AT THE MEETING

VIII. New Business

- 1. Resolution 2017-01 in support of full funding (\$9,820,141) for the State of Alaska Municipal Harbor Facility Grant Program in the FY2019 State Capital Budget.

Board Questions

Public Comment

Board Discussion/Action

**MOTION: THAT THE ASSEMBLY APPROVE A RESOLUTION IN
SUPPORT OF FULL FUNDING (\$9,820,141) FOR THE STATE OF ALASKA**

**MUNICIPAL HARBOR FACILITY GRANT PROGRAM IN THE FY2019
STATE CAPITAL BUDGET.**

2. Resolution 2017-02 in support of Senate Bill 92: An Act relating to Abandoned and Derelict Vessels.

Board Questions

Public Comment

Board Discussion/Action

**MOTION: THAT THE ASSEMBLY APPROVE A RESOLUTION IN
SUPPORT OF SENATE BILL 92: AN ACT RELATING TO ABANDONED
AND DERELICT VESSELS.**

3. Funds Transfer Resolution \$200,000 to Harris Bathroom CIP
Presentation by the Port Director

Board Questions

Public Comment

Board Discussion/Action

MOTION: TO BE DETERMINED AT THE MEETING

IX. Items for Information/Discussion

1. Statter Harbor ESA Permitting
Presentation by Bre Austin – Staff Engineer PND Engineers

Committee Discussion/Public Comment

2. Notice of Intended Sale of Boat Shelter AG-024 by Stephen Crapo
Presentation by the Port Director

Committee Discussion/Public Comment

3. Request for Information – Disposal of Used Waste Oil
Presentation by the Port Director

Committee Discussion/Public Comment

4. Lumberman Status Update
Presentation by the Harbormaster

Committee Discussion/Public Comment

5. Vessel Impounds
Presentation by the Harbor Operations Manager

Committee Discussion/Public Comment

6. Boat Insurance
Presentation by the Harbor Operations Manager

Committee Discussion/Public Comment

X. Committee and Member Reports

1. Operations/Planning Committee Meeting- Wednesday, September 20th, 2017
2. ~~Finance Committee Meeting~~ CANCELLED
3. Member Reports
4. Assembly Lands Committee Liaison Report
5. Auke Bay Steering Committee Liaison Report

XI. Port Engineer's Report

XII. Harbormaster's Report

XIII. Port Director's Report

XIV. Assembly Liaison Report

XV. Board Administrative Matters

- a. Ops/Planning Committee Meeting – Wednesday, November 15th, 2017 at 5:00pm
- b. ~~Finance Committee Meeting~~ CANCELLED
- c. Board Meeting – Thursday, November 30th, 2017 at 5:00pm

XVI. Adjournment

CBJ DOCKS AND HARBORS
REGULAR BOARD MEETING MINUTES
For Thursday, September 28th 2017

I. Call to Order

Mr. Donek called the Regular Board Meeting to order at 5:02 pm in the Assembly Chambers.

II. Roll Call

The following members were present: Weston Eiler, Don Etheridge, Bob Janes, David Lowell, Robert Mosher, Mark Ridgway, Budd Simpson, and Tom Donek.

Absent: David Seng

Also present were the following: Carl Uchtyl – Port Director, Gary Gillette – Port Engineer, and Dave Borg – Harbormaster.

III. Approval of Agenda

Mr. Uchtyl requested to move #2 Cruise Ship Art Work to #1 under Items for Information.

MOTION By MR. ETHERIDGE: TO APPROVE THE AGENDA AS AMENDED AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

IV. Minutes from the August 31st, 2017 Regular Board Minutes.

Mr. Eiler said on page four of the minutes Bonnett was misspelled and should only have one t.

Hearing no objection, the August 31st, 2017 Regular Board minutes were approved as amended.

V. Public Participation on Non-Agenda Items – None

VI. Special Order of Business

Mr. Uchtyl read three letters of appreciation to seasonal Harbor Technicians. Ms. Laura Slaught received one for her quick response and aid to a cruise ship passenger who collapsed and was suffering an apparent heart attack. Mr. Kenneth Davis and Mr. Shawn Mckeown both received one for aiding an individual who was unable to pull himself from the water during a water side patrol. They both pulled the individual onto the boat and began treatment for hypothermia and transported him to awaiting CCFR emergency personnel on shore. Their efforts aided in saving the individual's life.

Mr. Uchtyl read employee of the year 2017 award to Ms. Jennifer Shinn. This award will be recognized at the AAHPA conference in Petersburg next week.

VII. Consent Agenda – None

VIII. Unfinished Business- None

IX. Items for Information/Discussion

1. Urban Design Plan Concepts Presentation

Mr. Gillette said staff is moving forward on the downtown urban design plan. Corvus Design is the lead consultant on this project and has Northwind Architect, Raincoast Data, and PND Engineers working for them. There was a Board workshop about a month ago and early September there was a public meeting that was an introduction to this project. There was also a full day studio held at the Senate Building. At all of the meetings the design team made presentations and sought out input from all. This is the first iteration of a series of concepts that address the different comments that was heard. Here tonight you will see four concepts. The team will listen to what you like and don't like in the concepts and work on getting it down to one or two concepts.

Committee Discussion/Public Comment

Mr. Simpson said he is recusing himself from participating in this matter due to a possible conflict of interest.

Mr. Mertl said this project goes from the wedding cake in Marine Park to Taku Fisheries Dock and from Franklin Street to the Seawalk. He provided a brief recap of the project process so far with Melani Shijvens starting the process with a study on trends to cover the economic opportunities and how this area could generate revenue from this project as well as meet the needs of visitors and local residence. Next it was to develop a criteria for development which was to improve pedestrian flow, increased visitor experience, sales tax, year around draw, a growing sector, Juneau does this well, proven local need, quality of life and good location. At the top of the list was public open space, restaurants, drinking places, and food trucks. Near the bottom of the list was Jewelry stores, gift stores and housing only. He asked the Board to vote on priorities. Based on what was provided, the Boards priority list was housing, jewelry stores and gift retail received no votes. Mixed housing received some response as well as children focused facility. Food trucks/carts was the next priority. Hotels, drinking establishments and restaurants were all close together at about 12%. Cruise ship support facilities received 19%. The highest priority was public open space with 27%. This same voting exercise was repeated with the public on September 9th with roughly 35 people in attendance. Jewelry Store and housing was on the bottom of the priority list. Drinking establishment and restaurants were a lower priority than the Boards priority. Gift retail, mixed housing, and retail came out higher than the Boards priority list. Hotel, children focused facilities, public open space and food carts were also all high priorities from the public. He provided a quick synopsis of what he heard the Board and public want.

- Public open spaces and seawalk are the highest priority.
- Develop the entire seawalk within the project area to be similar to the seawalk adjacent to the tram and Cruise Ship terminal.
- Support local retail and creation of small start ups.
- Consolidate food and carts into a unified area.
- Facilitate cruise truck business.
- Develop a market building or galarea similar to Pike's Street market.
- Provide a year around waterfront destination.
- Provide more B-Zone parking.
- Maintain view to the water.
- Provide shelter from the rain.
- Deck over undeveloped areas in the seawalk.

- Create more welcoming gateways.
- Eliminate vehicle/pedestrian congestion at the berths.
- Be true to Juneau/build it for locals and the visitors will love it.
- Provide kid facilities.
- Replace the old visitor center kiosk by the Library.
- Consider alternative transportation for cruise ship passengers to and from the downtown waterfront.
- More restrooms.
- Provide winter off season destination and attractions.
- Support brick & mortar businesses and include art culture interpretations.
- Improve the seawalk connection through Marine Park to Merchant's Wharf and beyond.
- Improve or replace Marine Park pavilion.
- Beautify the Library parking garage.
- Allow visual and physical access to the water.
- These are all concepts and themes to incorporate into our designs.

Mr. Mertl said these were all concepts and themes to incorporate into our designs and four concepts have been developed. He went over all the concepts and pointed out the different ideas in each. He then asked each Board member to point out the ideas they liked or didn't like in the different concepts.

Mr. Donek said his likes are;

- USS Juneau Memorial and floating dock in option 1.
- The ramp and stairs outside the parking garage and the visitor center in the corner of the parking garage in option 4.
- The B-zone parking in the north end of this area in option 3, his second choice for the B-zone parking area is in option 1.
- The pavilion in the center of the area.

He does not like;

- The open water in the Seawalk in option 2.
- The B-zone parking area in the middle of the site in option 4.

Mr. Etheridge said his likes are;

- The USS Juneau memorial, and the floating dock in option 1.
- The B-zone parking area in option 1 and option 3.
- The playground in option 4.

He does not like;

- The open water area in the seawalk.

He said he has a concern with all of these options of creating more problems with people camping out. How are those problems going to be addressed?

Mr. Janes said his likes are;

- Option 3 because of the inviting feel bringing the seawalk through the area and to the downtown sidewalks.
- He supports the B-zone parking at the Marine Park area.

- The reconfigured space in front of the Library with the stairs and the ramp.
- The park with canopy in option 4
- The deck over patio in option 1

He said he wants the service access to be public space as well.

Mr. Eiler said his likes are;

- The USS Juneau Memorial and the playground but unsure where the best place is.
- Adding to the downtown parking garage in option 2. He asked if the B-zone vehicles could go through the parking garage to alleviate some of the parking needs.
- The 150' floating dock and gangway in option 1.
- The combined concept of vendor and visitor center in option 2. He questioned if the Board wants to have the vendor booths directly on the seawalk like in option 4 and wants more discussion.
- The 45 degree angle off the seawalk into the Archipelago lot in option 3. He said he cautioned whether we want the buildings with retail to be that large of a foot print. He suggested a smaller foot print.
- Extending the seawalk is great.

He does not like;

- The open water area in the seawalk in option 2.
- He has a concern with option 3 turning marine park as we know it now into parking.
- The location of the B-zone parking in option 4.

He said the main thing he would emphasize is we look at how we can use the parking garage better.

Mr. Mosher said he likes option 3 the best.

Mr. Ridgway said his likes are

- Incorporation of the playground.
- The USS Juneau Memorial somewhere in the plan.
- Incorporating the south side of the parking garage into any design concept.

He does not like;

- Open water in the seawalk.

He encouraged the design team to get these plans out to the downtown business community for their input.

Mr. Lowell said his likes are

- Option 3 is most favorable. He asked if there was enough room for the existing demand of food carts in option 3?
- The seawalk extension in option 3.
- Restoring access to the water in both option 1 and option 2.
- Option 3 provides larger scale buildings to blend in with existing structures in this area
- The pavilion for events and open thorough fare throughout the Archipelago property.
- He likes the playground in option 4.
- The B-zone permit parking in a separate congregated area, and the covered walkways in option 3.

- The arrangement of the vendor booths and visitor center in option 4 which is along the parking garage and the edge of the seawalk.

Mr. Janes asked if the purchase of the Archipelago property was going to be figured into the final decision cost and will the current land owners be able to move forward with the design that the Board chooses? How does this all come together?

Mr. Uchtyl said our planning efforts here are to look at what is best for the Community and Docks & Harbors with the idea that we own everything. As this is refined he would like to have the discussion with the Board on what the public policy aspect of the use of Docks & Harbors managed property is and how much and under what circumstances should the property be a lease open to the community. At this time, we are trying to find out the full potential for this property.

Mr. Janes asked if the vendors in the options are referring to the vendor booths?

Mr. Mertl said yes.

Mr. Janes said he would like to explore the idea of the vendor booths leaving the public dock space and moving into private retail or market space indoors.

Mr. Mertl said that is in option 1.

Mr. Janes said he would like that incorporated in option 3 also.

Mr. Eiler asked to explain the market place open space building?

Mr. Mertl said the concept is there is a solid roof with sliding removal doors as walls on the sides and this would house all the small development and move it to a centralized building. This will provide shelter, restrooms, restaurant, and consolidate the uses. It is basically putting all the smaller elements under one roof and create an environment inviting people to come down to this location. It will be a multi-purpose/multi-use facility that special events could also be held in.

Mr. Ridgway asked if the study indicated how many Juneauties go south of the Parking Garage in the winter time currently?

Mr. Mertl said no.

Mr. Ridgway asked if the general thought is if a pavilion is built they will come.

Mr. Mertl said one of the comments heard was to build for the locals and the visitors will love it.

Mr. Eiler asked which of the options meet the projected growth in tourism passengers.

Mr. Mertl said in all the options we are trying to address congestion related issues.

Mr. Gillette said the team will relook at all the new input. They will look at the ideas that are a real need for the public space and what can be offered to the private sector to join Docks &

Harbors in development of this space. The plan is to come back with only one or two concepts for the next go around.

Mr. Donek asked what the next step is in this process?

Mr. Gillette said we also want public comment on these options.

Mr. Donek asked if tonight would work for public comment or do it in a special public meeting.

Mr. Uchytel suggested to take the public comment tonight. He said he received two letters and they will be added to the minutes and entered into the record.

Public Comments

Renee Recer, Douglas, AK

She said she likes the central market place under a big covered area with removable walls. She suggested to have it have two floors with the second floor enclosed being dedicated to permanent retail and open year around. She said she likes option 3.

Anna Edgerly-Moore Visitors Service Manager for Travel Juneau

She said in terms of the Visitor Center, option 3 incorporates most of the elements that seem important to people in a functional space and is her favorite. It connects nicely to the angle of the flow of traffic created in the center area by the market. The market is a large foot print but she doesn't know the projected demand for that space. She said she is concerned about the issues the canopy area is going to attract. She said she thinks the playground is a great idea.

Bob Jacobsen

He said the 150' floating dock in option 1 is a safety concern for the float planes.

Mr. Gillette said to contact Chris Mertl or himself if anyone has further comments.

Mariann Cummings, Juneau, AK

She said she is one of the owners of the vendor booths on the dock. All the options have wonderful concepts in each one. Option 3 is her favorite. She likes the parking and the openness of the area. She wants to see the USS Juneau and the playground added to this option. As a business owner, if the vendor booths are not out in the open and in the eye of the visitors coming off the ships, they won't be able to assist and help them with their tours and that is what they are there for. She also pointed out that she is unsure if the public knew they would be able to speak at tonight's meeting and voice opinions. Other vendor booth holders would have attended if they knew they would have been able to speak. She requested to have another public meeting so they could voice their opinions as well.

Mr. Mertl asked her preferred location of the Vendor Booths?

Mariann said location they are at now which is in option 2.

Odin Brudie, Juneau, AK (sp) -

Three of the things he really likes in the options. The access to the water, the historical interpretative opportunities like the USS Juneau Memorial and expanding the B-Zone parking.

Mr. Donek recommended to have another public meeting for public input.

Mr. Eiler also recommended another public meeting. He asked if there was specific outreach to property owners within this zone of planning?

Mr. Mertl said a lot of the property owners came to the open studio sessions and we worked one on one with them. We did not specifically reach out to all the property owners in the project area. This was also not in our scope of work.

Mr. Eiler recommended staff reach out to property owners in this area.

Mr. Donek asked if the scope of work could be increased to include what Mr. Eiler suggested or an additional public meeting?

Mr. Uchytel said the term contract that was used limits this work to \$50,000 and that was maxed out. We could descope something. The plans are posted on our website and he said he did reach out to Reecia Wilson, Bill Heumann, Diamonds International manager, and the Archipelago property representative. We are getting the word out and people know what Docks & Harbors is doing. People who are interested will show up and provide comments. We also receive comments from our website.

2. Cruise Ship Berths Artwork Update

Mr. Gillette said the artist that did the artwork is Cliff Garten and he is here tonight.

Mr. Garten said this was a great project. The sculptures were installed today and they really look great. The sculptures provide a welcome for the cruise ships as well as a prominent space for the community.

Mr. Gillette said the sculptures will be lit and they will experiment tonight.

Committee Discussion/Public Comment

Mr. Donek asked if there was a ribbon cutting ceremony planned?

Mr. Gillette said a thought was to have it on the first Friday of the gallery walk. No exact time planned yet.

5 Minute Break – 6:32 pm

6:40 pm the meeting resumed

3. End of Season Meeting Summaries

Mr. Uchytel said at the end of every summer staff holds three meetings for the Vendor Booth Holders, Loading Zone Permit Holders, and Statter Harbor Users.

- The vendor booth meeting take away was there is a lot of tension between the vendor booth sales representatives and it was proposed by the vendor booth owners to work on a TBMP type guideline. It would be similar to the Whale Sense program for the Charter Operators that they come together with voluntary rules about how they engage one another. This is something the vendor booth holders will move forward with over the winter.

- The loading zone holders meeting was well attended and they said the summer was very efficient even with the increased number of people coming off the AS dock. Docks & Harbors staff did a great job managing those conflicts. One complaint was there was a tree limb obstructing the line of site coming out of the CT dock and one of our Harbor Officers is going to trim that limb.
- Statter Harbor users gave the Harbormaster huge compliments on how smooth the operations went this year. The process to take the boat yard out of that area and the new launch ramp facility and the new uplands bus area was great. There was very little drama.

Mr. Borg said hand sanitizer and pot holes were the issues at Statter Harbor. He said another complaint from the loading zone users downtown was having more B-Zone access.

Committee Discussion/Public Comment- None

4. CY2018 Docks & Harbors Meetings Schedule

Mr. Uchtyl pointed out differences in the normal scheduled times.

The January OPS Committee meeting will be held on Thursday the 18th to facilitate the Legislative Reception at Centennial Hall on the 17th.

There are no Finance Committee meetings scheduled. He thought to have the budget discussions at the OPS meetings. We can schedule a Finance meeting if it was needed.

Mr. Uchtyl asked what room was the preferred location for the OPS meetings?

Committee Discussion/Public Comment

Mr. Simpson said the Assembly Chambers or a fixed location so not to have a lot of moving around.

Mr. Uchtyl said looking at the meeting schedule for October this year, he recommended to move the October Board meeting to November 2nd and cancel the October OPS meeting. Items of discussion can be Boat Insurance, Qualified Vessels, and Title 85 review.

X. Committee and Member Reports

1. Operations/Planning Committee Meeting- Wednesday, September 20th, 2017

Mr. Simpson reported the Committee had discussions on;

- The Boat Insurance issue. The Committee directed staff to work on a specific proposal for next meeting.
- The concept of having operable vessels and how to define that.
- Developing a policy for vessels anchored on our submerged lands.

2. ~~Finance Committee Meeting~~ CANCELLED

3. Member Reports

4. Assembly Lands Committee Liaison Report – Mr. Eiler said the Lands Committee did not meet. He said something staff should be prepared for is a proposal regarding Indian Cove.

5. Auke Bay Steering Committee Liaison Report – No Report

XI. Port Engineer's Report

Mr. Gillette said his written report is in the packet. One thing he wanted to point out is that the Auke Bay Loading Facility boat yard buildings and fabric structure are complete and he is doing project close out.

Mr. Lowell asked for a project update on Phase II of Aurora Harbor.

Mr. Gillette said they have been going through the submittal review process and fabricating a lot of the steel. PND's Seattle office have been performing inspections. They are building some floats. He said they will be in town about the middle of October.

XII. Harbormaster's Report

Mr. Borg reported;

- North Douglas floats will be pulled out the first part of October
- In our efforts to continue the seaworthy test, there are about 10 impounds in the works.
- There was a 10" water line break in the parking lot at Statter Harbor. Secon came out and dug it up. They found the break, repaired it, and it is ready for paving today. They did a great job.
- The Breakwater repair was completed by Trucano.
- The waterline breaks in Aurora have been taken care of.
- Seasonal staff finishing up this week. There will be a few stay on for another week to get ready for winter.

XIII. Port Director's Report

Mr. Uchytel reported;

- Next week will be the AAHPA Conference in Petersburg.
- The projected large Cruise Ship passenger count for this year is 1,046,000 which is a record high and about 8,500 small Cruise Ship passengers.
- Statter Harbor Phase III moving forward with the dredging part of the project
- Staff is working on three TIGER Grant applications.
- Working on the Auke Bay Marine Station land transfer.

Mr. Eiler said he would be interested to hear from the AAHPA if anyone other than Juneau and Seward is looking at boat insurance requirements. He also asked for an update on the Lumberman.

Mr. Uchytel said he was given a deadline and we have not heard anything. If we don't hear anything Mr. Borg will engage Law to start the process.

XIV. Assembly Liaison Report – None

XV. Board Administrative Matters

- a. Ops/Planning Committee Meeting – Tuesday, October 17th, 2017 at 5:00pm - Cancelled

b. Finance Committee Meeting – Cancelled

c. Board Meeting – Thursday, October 26th, 2017 at 5:00pm – Moved to November 2nd.

XVI. Executive Session

1. Discussion of Personnel Matters relating to the Port Director's Evaluation

MOTION By MR. ETHERIDGE: MOVE TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSION ON THE PORT DIRECTORS EVALUATION AT 7:07 PM AND ASK UNANIMOUS CONSENT.

MOTION By MR. EHTERIDGE: RETURN FROM EXECUTIVE SESSION AT 7:14PM.

XVII. Adjournment – The regular Board Meeting adjourned at 7:14 pm.

JUNEAU'S WATERFRONT RESTAURANTS

September 28, 2017

Thank you Docks & Harbors, Corvus Design, and Northwind Architects for your hard work on this project. I very much like what I'm seeing from these sketches and think this site will be a gem for all of Juneau to enjoy.

We operate an outdoor restaurant business in the building directly south of the Archipelago Lot at 406 South Franklin Street. The waterfront and downtown views are essential parts of our business and our exciting future plans for the entire building.

We would like to ask the board and the designers consider adopting a site plan where the view planes of established private businesses are better protected from view obstruction. I believe there is an option being presented today that addresses this concern while also achieving a wonderful blend of public space and facilities, private enterprise, and a van staging solution.

Charlie Herrington



Marketing and Communications Director

Juneau's Waterfront Restaurants

(907) 419-4433



September 28, 2017

DOWNTOWN JUNEAU, ALASKA

CBJ Docks & Harbors Board:

RE: Urban Design Plan Concepts Presentation

Dear Board Members,

As downtown waterfront property owners with year round tenants, we support the use of public funds to purchase property and address infrastructure needs on the waterfront, such as transportation and staging areas, restrooms and open space for the public. Based on preliminary drawings and discussions, these items appear to be addressed. As a related matter, we do not support any use of public funds to purchase property, which, once owned by the City will be used to create commercial opportunities for select individuals. We look forward to your findings and decisions regarding the waterfront, and would be happy to discuss any issues with members of the board or architectural/design team.

Sincerely,

Reecia Wilson

Merchants Wharf, LLC

10/27/17

Dear Port Director, Juneau Docks and Harbors Board Members and to whom it may concern,

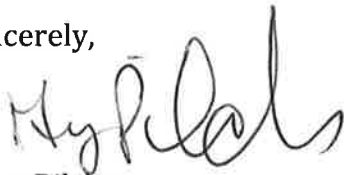
Thank you for allowing me to comment and for your work to maintain and improve the marine facilities around Juneau and for your ongoing work on the Taku Dock to Marine Park Urban Design Plan.

Owners and operators of 9 local vendor businesses have hundreds of employees with hundreds of thousands of dollars of pay roll. Together we contribute nearly \$300,000 in booth permits fees on top of hundreds of thousands of dollars in sales tax revenue. The sales positions in the booths are some of the highest paying, if not the highest paying, tourism jobs in Juneau.

As you work through the planning process, I wanted to make you aware of our needs to continue to be successful and responsible business, and provide great service to visitors. As I look through some of the plan options, vendor booths are not always included or the number of booth locations has been reduced. Hopefully this is an oversight, but for the reasons we listed above, I believe that maintaining our current locations are critical to our future and our significant economic contribution to the city. Again I and other owners would like the vendor booths left where they are.

Representatives from our businesses will attend the next meeting on the plan and future docks and harbors meetings. We would all be happy to provide further comment so that this urban design planning process can be beneficial for everyone. Thank you for your consideration and please do not hesitate to contact me or any owner with any questions or concerns. Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Greg Pilcher', with a stylized, cursive script.

Greg Pilcher
Whale Tales

October 26, 2017

To: Juneau Docks and Harbors Board

First of all, thank you Docks and Harbors Board and employees for your public service and the time you are dedicating to working with Corvus Design in planning the future of Juneau's waterfront.

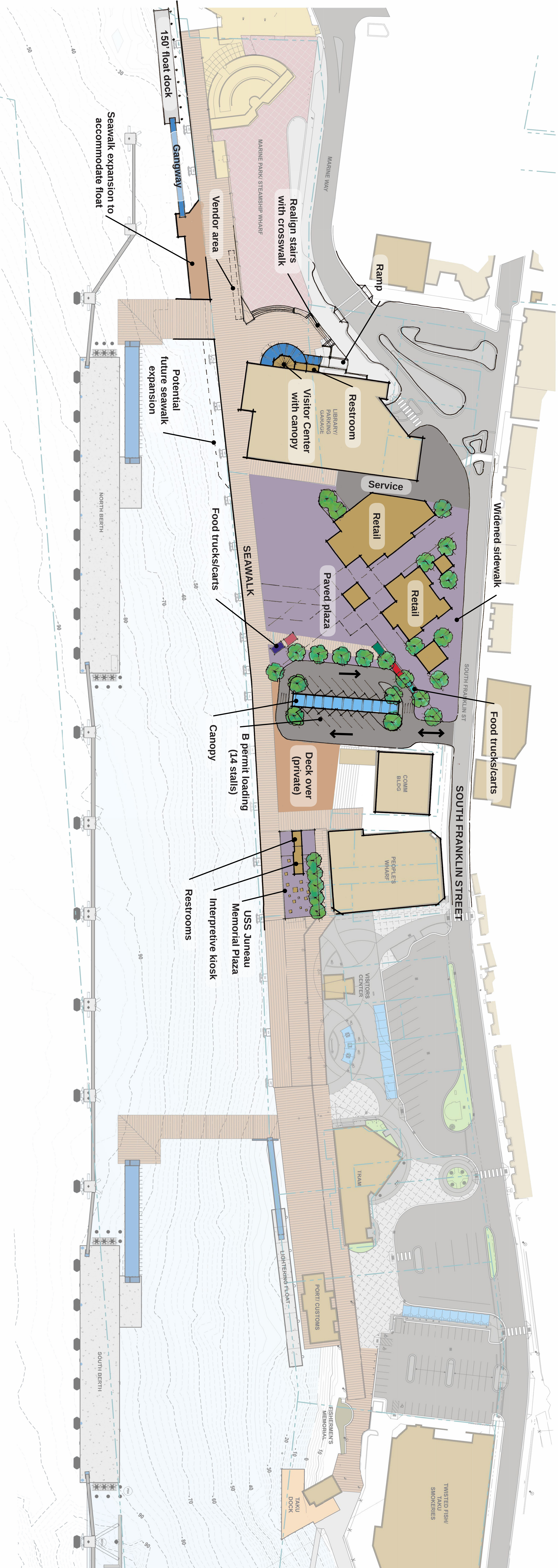
As a waterfront sales permit holder, I would like to voice my preference in maintaining the current position of the waterfront kiosks at their three locations. Future location changes could have the potential to negatively impact foot traffic, which could devalue the waterfront sales permits. So I ask that during this redesign process, you please consider the importance of vendor kiosk locations to the many Juneau tourism businesses that rely on our services. The location of these kiosks is crucial to our success and I would be happy to provide any further input that could be helpful during the redesign process.

If you have any questions, please feel free to contact me at any time.

Sincerely,

A handwritten signature in black ink, reading "Jeff Fanning". The signature is written in a cursive, flowing style with a large, stylized "J" and "F".

Jeff Fanning, President
Liquid Alaska Tours
jeff@liquidalaskatours.com



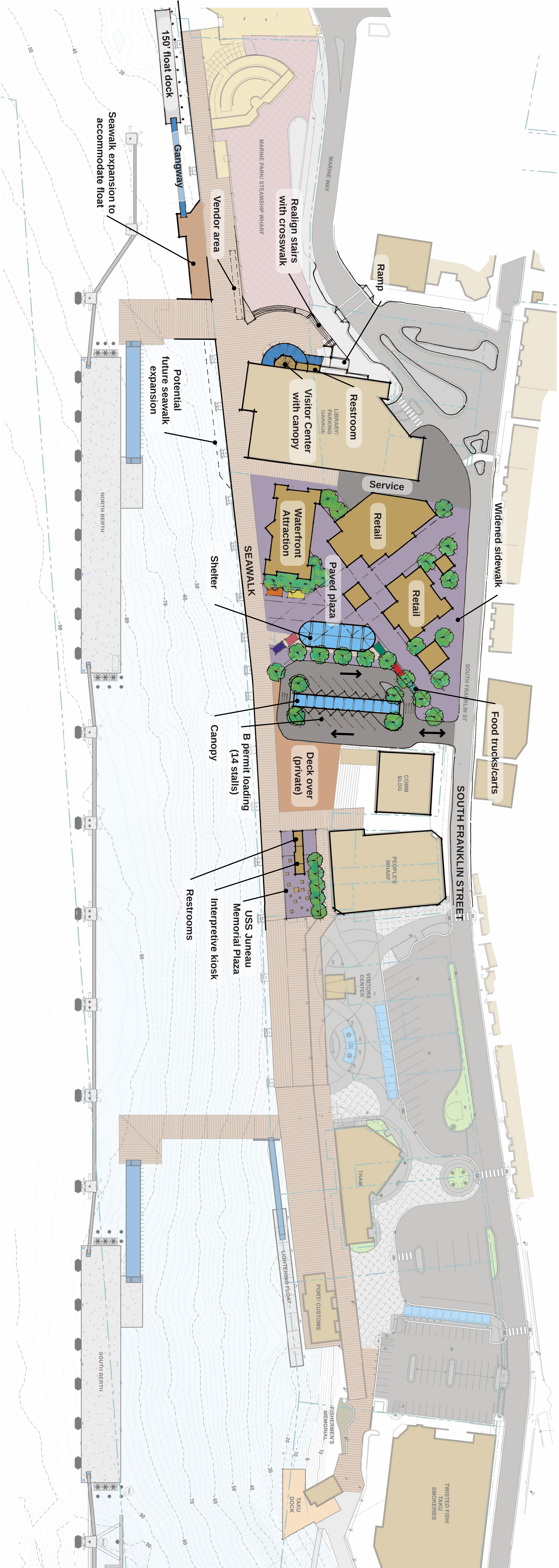
Taku Dock to Marine Park Urban Design Plan

Preferred Master Plan - Phase I



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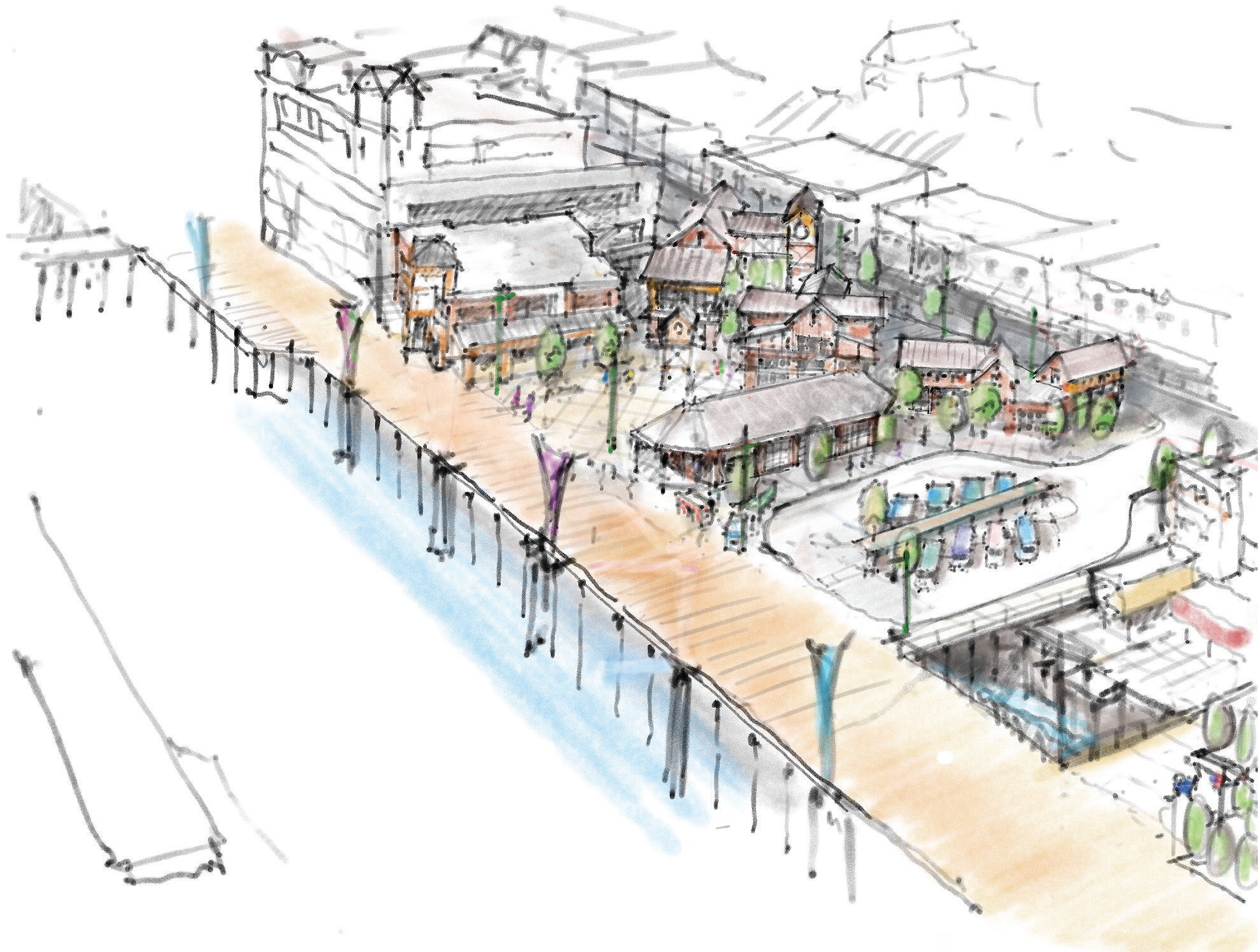
Taku Dock to Marine Park Urban Design Plan

Preferred Master Plan - Phase II



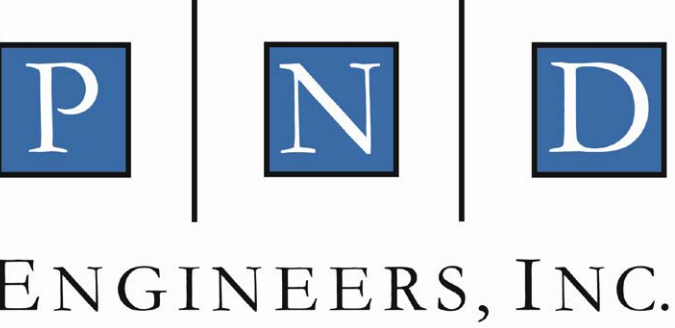
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Taku Dock to Marine Park Urban Design Plan

Preferred Master Plan - Sketch





Port of Juneau

RESOLUTION NO. 2017-01

A RESOLUTION IN SUPPORT OF FULL FUNDING (\$9,820,141) FOR THE STATE OF ALASKA MUNICIPAL HARBOR FACILITY GRANT PROGRAM IN THE FY 2019 STATE CAPITAL BUDGET.

Whereas, the City & Borough of Juneau recognizes the majority of the public boat harbors in Alaska were constructed by the State during the 1960s and 1970s; and

Whereas, these harbor facilities represent critical transportation links and are the transportation hubs for waterfront commerce and economic development in Alaskan coastal communities; and

Whereas, these harbor facilities are ports of refuge and areas for protection for ocean-going vessels and fishermen throughout the State of Alaska, especially in coastal Alaskan communities; and

Whereas, the State of Alaska over the past nearly 30 years has transferred ownership of most of these State-owned harbors, many of which were at or near the end of their service life at the time of transfer, to local municipalities; and

Whereas, the municipalities took over this important responsibility even though they knew that these same harbor facilities were in poor condition at the time of transfer due to the state's failure to keep up with deferred maintenance; and

Whereas, consequently, when local municipal harbormasters formulated their annual harbor facility budgets, they inherited a major financial burden that their local municipal governments could not afford; and

Whereas, in response to this financial burden, the Governor and the Alaska Legislature passed legislation in 2006, supported by the Alaska Association of Harbormasters and Port Administrators, to create the Municipal Harbor Facility Grant program, AS 29.60.800; and

Whereas, the City & Borough of Juneau, is pleased with the Department of Transportation and Public Facilities administrative process to review, score and rank applicants to the Municipal Harbor Facility Grant Program, since state funds may be limited; and

Whereas, for each harbor facility grant application, these municipalities have committed to invest 100% of the design and permitting costs and 50% of the construction cost; and

Whereas, the City & Borough of Juneau along with the municipalities of the City of Anchorage, City of Ketchikan, City and Borough of Sitka, City of Whale Pass, City of Whittier have offered to contribute \$9,820,141 in local match funding for FY2019 towards eight harbor projects of significant importance locally as required in the Harbor Facility Grant Program; and

Whereas, completion of these harbor facility projects is all dependent on the 50% match from the State of Alaska's Municipal Harbor Facility Grant Program; and

Whereas, during the last ten years the Municipal Harbor Facility Grant Program has only been fully funded twice; and

Whereas, during the last ten years the backlog of projects necessary to repair and replace these former State owned harbors has increased to over \$100,000,000.

Now therefore be it resolved that the City & Borough of Juneau urges full funding in the amount of \$9,820,141 by the Governor and the Alaska Legislature for the State of Alaska's Municipal Harbor Facility Grant Program in the FY 2019 State Capital Budget in order to ensure enhanced safety and economic prosperity among Alaskan coastal communities.

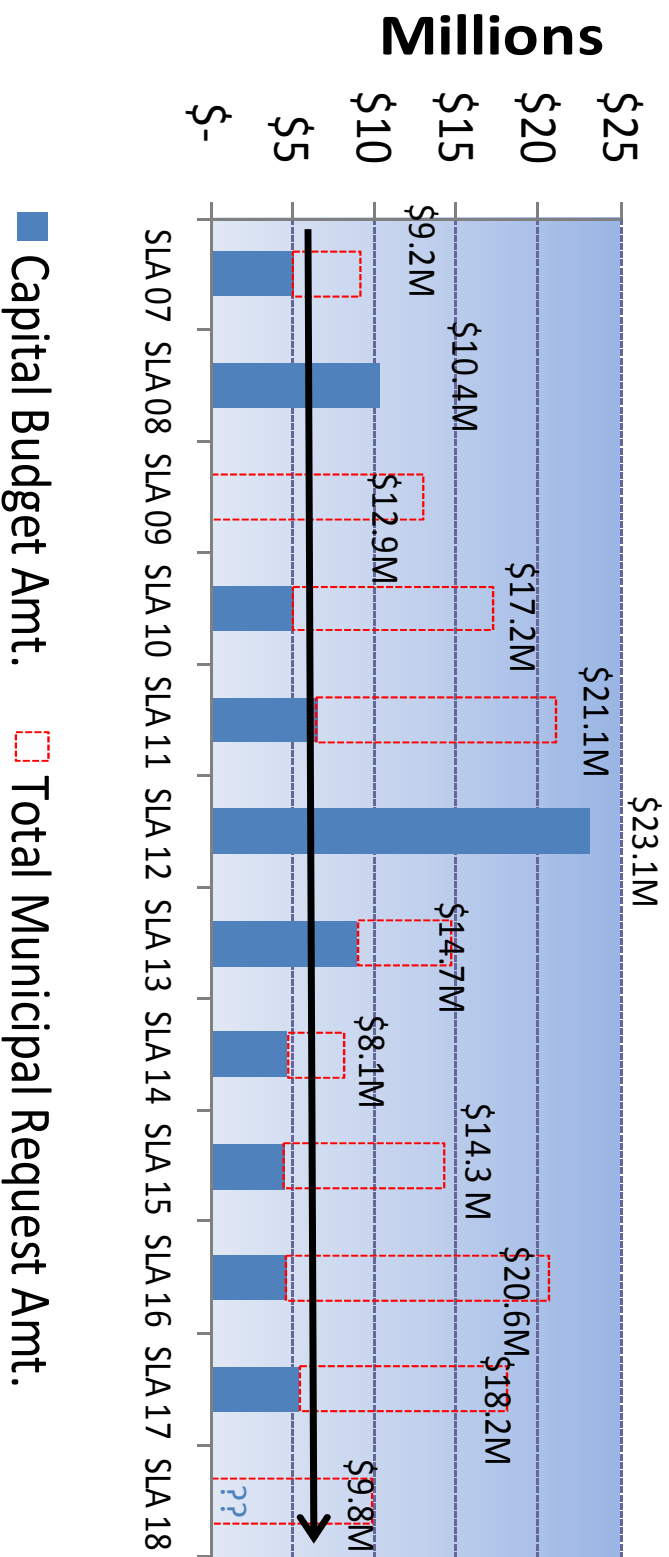
Passed and approved by a duly constituted quorum of the City & Borough of Juneau Assembly on this _____ day of _____ 2017.

Ken Koelsch
City & Borough of Juneau Mayor

Attest:

Harbor Facility Grant Program

(AS 29.60.800)



For FY19:

Number of applications:

8

Tier I, (1 applicant):

\$ 5.0 M

Tier II, (7 applicants):

\$4.8 M

Total amount:

\$9.8 M

FY19 (SLA 18) ranked list

24

Applicants by Tier, in ranked order	Project Name	Tier	Score	Amount Requested
Sitka, City and Borough of	Crescent Harbor	I	142.0	\$ 5,000,000
Whittier, City of	Whittier Small Boat Harbor	II	126.4	\$ 1,345,300
Sitka, City and Borough of	Eliason Harbor	II	119.8	\$ 1,500,000
Ketchikan, City of	Bar Harbor North	II	104.0	\$ 627,055
Anchorage, Municipality of	South Float	II	99.8	\$ 997,786
Whale Pass, City of	Whale Pass Small Boat Harbor	II	98.2	\$ 90,000
Juneau, City and Borough of	Douglas Harbor	II	81.0	\$ 140,000
Juneau, City and Borough of	Harris Harbor	II	81.0	\$ 120,000
Total				\$ 9,820,141



Port of Juneau

RESOLUTION NO. 2017-02

A RESOLUTION IN SUPPORT OF SENATE BILL 92: AN ACT RELATING TO ABANDONED AND DERELICT VESSELS

Whereas, hundreds of derelict vessels currently litter Alaska's coastline and harbors and these numbers will increase every year unless action is taken to address aging fleets and changing commercial fisheries; and

Whereas, in the past two years alone there have been numerous derelict vessel situations that have cost the state, municipalities, and the federal government considerable expense, including two ex-Navy tugs in Adak, abandoned barges in Steamboat Slough near Bethel, and the tug Challenger that sunk off Juneau,

Whereas, the City & Borough of Juneau recognizes the widespread costs and environmental and navigational risks for both municipalities and the state associated with derelict vessels; and

Whereas, neighboring states have dramatically strengthened their derelict vessel prevention laws in the past five years to better prevent, track and manage derelict vessels, including raising fees to support state management of derelict vessels and requiring vessel insurance; and

Whereas, in 1990 the Alaska legislature passed a resolution acknowledging the need to better understand and address the existing and growing problem of derelict vessels around the state; and

Whereas, the State of Alaska has outdated statutes regarding derelict vessels which lack the ability to track vessel owners, agency enforcement authority, statewide coordination of response, funding or vessel insurance requirements; and

Whereas, in 2013 the AAHPA supported the creation of the ad-hoc derelict vessel task force which includes representatives from state and federal agencies, AAHPA, regional tribal representatives, federal and state legislative offices, and private industry; and

Whereas, over nine full-day meetings, the task force developed thoughtful, robust and meaningful proposed changes that will help all stakeholders around the state, including harbor facilities, better address and prevent derelict vessels; and

Whereas, this will help our members protect harbor infrastructure, keep valuable moorage space in our harbors available, and will prevent unsustainable economic, environmental and navigational hazards; and

Whereas, the proposed changes will improve communication and coordination between Alaska's harbors and state and federal agencies, directly leading to decreased costs associated with managing derelict vessels.

Now therefore be it resolved that the City & Borough of Juneau fully supports the passage by the state legislature of Senate Bill 92.

Passed and approved by a duly constituted quorum of the City & Borough of Juneau Assembly on this ____ day of _____, 2017.

Ken Koelsch
City & Borough of Juneau Mayor

Attest:



Derelict Vessels: Accountability in Alaska

Senate Bill 92: Overview & Briefing



Overview

In March 2017, Senator Peter Micciche introduced Senate Bill 92, which holds people accountable for abandoning boats on public waters and streamlines the state's ability to prevent and manage derelict vessels. As a boat ages, the costs to keep it running increase – sometimes dramatically. Too often, the easiest thing to do is to walk away and leave the problem in someone else's hands. There are hundreds of abandoned boats around Alaska. They are navigational, environmental, safety, and economic hazards. Under current law, the state and our local communities too often end up with the huge economic burden of these boats on the water, tied up at the dock, or abandoned along the shore. With aging boats, and increasingly tight laws in neighboring states, the number of derelict vessels in Alaska is going to increase dramatically in the coming years. Alaska's current derelict vessel laws are outdated and leave an open door to becoming an even bigger dumping ground for old boats. The current law is unclear and incomplete, and makes it too easy for boat owners to deny responsibility when they abandon a boat – **we now have an opportunity for commonsense protections in Alaska.**

Solutions in SB92

Increased clarity for defining a derelict vessel and an owner and for the impoundment process including clarified hearing and notice requirements.

Increased penalties and enforcement authority for agencies and municipalities working to hold owners accountable and prevent derelict vessels from sinking on public waters.

Clarified liability section that is straightforward in stating that the owner of a vessel is liable for all costs associated with impoundment, storage, and removal of a derelict vessel.

Streamlined capacity for prevention and management of derelict vessels through the establishment of a derelict vessel prevention program at the Department of Natural Resources. Numerous staff throughout ADNRR are currently doing this work, and by concentrating those efforts into a single position other states have seen dramatic improvements and reduced costs for dealing with derelict vessels.

Sets the stage for vessel disposal, scrap, and salvage solutions. There is no denying that boats, at some point, reach the end of their life. Through the derelict vessel prevention program the state will have some capacity to begin looking at local and regional options for vessel disposal, scrap, and salvage solutions that can benefit the private sector and be a reasonable alternative to vessel abandonment.

Required insurance for certain vessels. Vessels over 30' that are engaged in commercial activity and operating in Alaska for more than 90 days would be required to have a marine insurance policy that covers the cost of removal if the vessel becomes derelict. Most commercial mariners will already have P&I coverage in place. If someone is considering a long-

term commercial venture on the water, an insurance policy will protect them, their assets and investments, and the public in the event the commercial endeavor does not work out as planned.

Increased accountability of ownership through state registration and titling. SB92 would require all vessels operating in Alaska, including those documented with the USCG and barges, be registered with the state Department of Motor Vehicles. It also requires the DMV to establish a titling system for vessels, similar to the titling system in place for motor vehicles. The state and municipalities have found establishing ownership to be one of the major hurdles in holding owners responsible for derelict vessels. This is a commonsense solution to improve accountability.

Please take a minute to send a letter of support for SB92 to Sen. Micciche
(Senator.Peter.Micciche@akleg.gov) and to Senate Resources Chair Sen. Cathy Giessel
(Senator.Cathy.Giessel@akleg.gov).

The Problem.

Alaska has over 60,000 vessels along our coast and rivers. Ranging from small skiffs to commercial vessels well over 100', Alaska has diverse fleets of vessels that are integral to life in many communities. Unfortunately, boats of all sizes have a finite usable life and they generally get more expensive to upkeep as they age. With federal and state fishing rationalization programs, economic downturns, and the inevitable aging and increased maintenance costs, many boats have become uneconomical to operate as intended and are increasingly being left moored in a public harbor or anchored over public tidelands. There are over 20 large barges abandoned along fishing grounds and a busy navigational channel outside of Bethel, and the State is currently in criminal court over one of them. Twelve large old boats line the shores of Port Graham Bay in Cook Inlet. Two ex-Navy tugs, one of which has sunk, are anchored on state tideland just outside of Adak. A massive floating facility is breaking into pieces and littering the shores of Saginaw Bay outside of Kake. The U.S. Coast Guard just oversaw the removal of the 71-year-old tugboat Challenger from Gastineau Channel outside of Juneau. The USCG estimated the final cost at \$2 million. In 2011 the US Coast Guard helped the City of Cordova remove the Sound Developer – a 117' landing craft – which had sunk in their harbor. That removal took over two years and cost nearly \$1.2 million, also paid for by the federal oil spill liability trust fund.

Without a clear and pro-active response strategy and program for dealing with and preventing derelict vessels in Alaska's public waters, the number of abandoned and derelict vessels will continue to increase and will leave the public to pay the consequences—including vessel salvage and clean-up and disposal of fuel, oil and other hazardous materials. Without stronger laws, the state is incredibly vulnerable to irresponsible owners walking away from their problem boats.



Top: An out-of-state owner with dreams of a floating lodge has essentially walked away from this floating facility in Saginaw Bay, outside of Kake.

Bottom: Two ex-Navy tugboats (one is sunken) are left on state tidelands outside of Adak.



Top: The F/V Leading Lady and F/V Kupreanof sank in Jakolof Bay on Christmas Eve 2012. Commercial oyster farms had to conduct testing throughout that summer because of pollution concerns from this incident. Bottom: There are dozens of derelict barges along sloughs of the Kuskowim River near Bethel, including Shenk's Arc pictured above.

The Alaska Legislature knew this in 1990, and passed HCR 53: Relating to abandoned vessels on the beaches of Alaska. This resolution recognized the scope of the problem and, "...the state does not currently have statutory authority to impose liability on the owners of abandoned vessels for the cost of salvaging or demolishing abandoned vessels..." It concludes by requesting the governor "...study the problems posed by abandoned vessels and to make appropriate recommendations...for legislation necessary to remedy existing problems and prevent future problems." (a copy of HCR 53 is on the next page).

In 2013, the Alaska Legislature passed HB131. Despite the requests in HCR53, this was the first update to our derelict vessel laws since originally enacted in the 1970s. HB131 allowed all agencies and municipalities' the authority to act on derelict vessels under state statutes. This right had been reserved in the original statutes to the Department of Transportation, since the state originally built and operated all of our public harbors. Since that time, ADOT has divested itself of all but an estimated 25 facilities, and lacking both funding and a mandate they do not wade into derelict vessel cases.

The Alaska Department of Natural Resources, however, is the manager and steward of our state lands, including public tidelands. Under our current statutes in AS30.30, ADNRS is nearly impotent when it comes to enforcing the law. They are able to write trespass and warning letters, to deny permits, and to threaten criminal action. In practice, the costs and burden of court have been a

major barrier to actual enforcement of any derelict vessel cases, with a few notable exceptions. After years of attempts to encourage action from the owner of a sunken barge in Steamboat Slough (Bethel), the state is currently in court and suing Bethel-based Faulkner Wash Constructors for damages resulting from negligent and intentional trespass on state lands (['In a first, state sues company over an abandoned barge in a slough near Bethel', ADN Nov. 24, 2016](#)).

In 2014, the ad-hoc Abandoned & Derelict Vessel Task Force formed as a group of state, local, federal and private stakeholders concerned about the increasing costs and damages of derelict boats throughout Alaska. Over the course of nine full-day meetings, the group examined Alaskan case studies, looked at success stories from other states, and discussed current authorities and tools available for preventing derelict vessels. In the end, Task Force members agreed that a full revision of our state statutes was necessary for any progress on derelict vessels. With the help of the law firm Birch, Horton, Bittner & Cherot the Task Force drafted a full re-write of AS 30.30. The Task Force received comments on the draft over a five-month period, and the Alaska Association of Harbormasters and Port Administrators presented the final version to Senator Micciche for his consideration in February 2017. On March 10, 2017 Senate Bill 92 was introduced and referred to Resources and Finance.

Please take a minute to send a letter of support for SB92 to Sen. Micciche (Senator.Peter.Micciche@akleg.gov) and to Senate Resources Chair Sen. Cathy Giessel (Senator.Cathy.Giessel@akleg.gov).

Offered: 3/30/90
Referred: Rules

6-2169E

Post-It™ brand fax transmittal memo 7671		# of pages
To	Mike Sullivan	From KQ
Co.		Co.
Dept.		Phone #
Fax #		Fax #

Original sponsor(s): REP. JACKO

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2 CS FOR HOUSE CONCURRENT RESOLUTION NO. 53 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 Relating to abandoned vessels on the
6 beaches of Alaska.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 WHEREAS many abandoned vessels, including merchant vessels, fishing
9 vessels, and other vessels, are grounded on the coast of Alaska; and

10 WHEREAS abandoned vessels are an environmental hazard and are aesthet-
11 ically unpleasing; and

12 WHEREAS the state does not have the resources to salvage or dispose of
13 abandoned vessels; and

14 WHEREAS the state does not currently have statutory authority to
15 impose liability on the owners of abandoned vessels for the cost of salvag-
16 ing or demolishing abandoned vessels; and

17 WHEREAS communities are not compensated for the aesthetic and physical
18 trespass resulting from abandoned vessels;

19 BE IT RESOLVED by the Alaska State Legislature that the governor is
20 respectfully requested to study the problems posed by abandoned vessels and
21 to make appropriate recommendations to the First Session of the Seventeenth
22 Alaska State Legislature for legislation necessary to remedy existing
23 problems and prevent future problems.

Press Quotes and Excerpts

"By 2025, the Alaska fleet will include roughly 3,100 vessels between 28' and 59' that are more than 45 years old...the Alaska fleet also includes 75 passenger vessels, tugs, and barges over 50 years old..." - *Trends & Opportunities in the Alaska Maritime Industrial Support Sector, McDowell Group (2014)*

"Graham Wood, a program manager at DEC, said the issue of derelict vessels left on state land is "more common than you'd think." ... "There's no good solution to deal with this problem," Wood said. "Until there's some kind of legislation to deal with these kinds of vessels statewide," it will continue to be an issue." - *Frustration lingers over two derelict tugboats in Adak (ADN, May 20, 2016)*

"The mess in Steamboat Slough, just a quick boat ride from the Southwest Alaska hub of Bethel, is both menacing and ghostly...It's an enormous problem, but according to those involved, it remains frustratingly hard to fix. Weak state laws, difficulties with vessel owners, limited jurisdictions and pinched public budgets hamper the effort.

The cost of removing the hundreds of abandoned and derelict vessels littering shorelands around the state is easily in the tens of millions of dollars, say members of a task force trying to turn around the situation. - *Abandoned vessels litter Alaska's shorelines while officials work on a fix (ADN, September 28, 2016)*

"We must have liability insurance on our automobiles to drive in Alaska. It seems reasonable to require liability insurance of vessel owners, at least for those anchoring on Alaska tidelands.

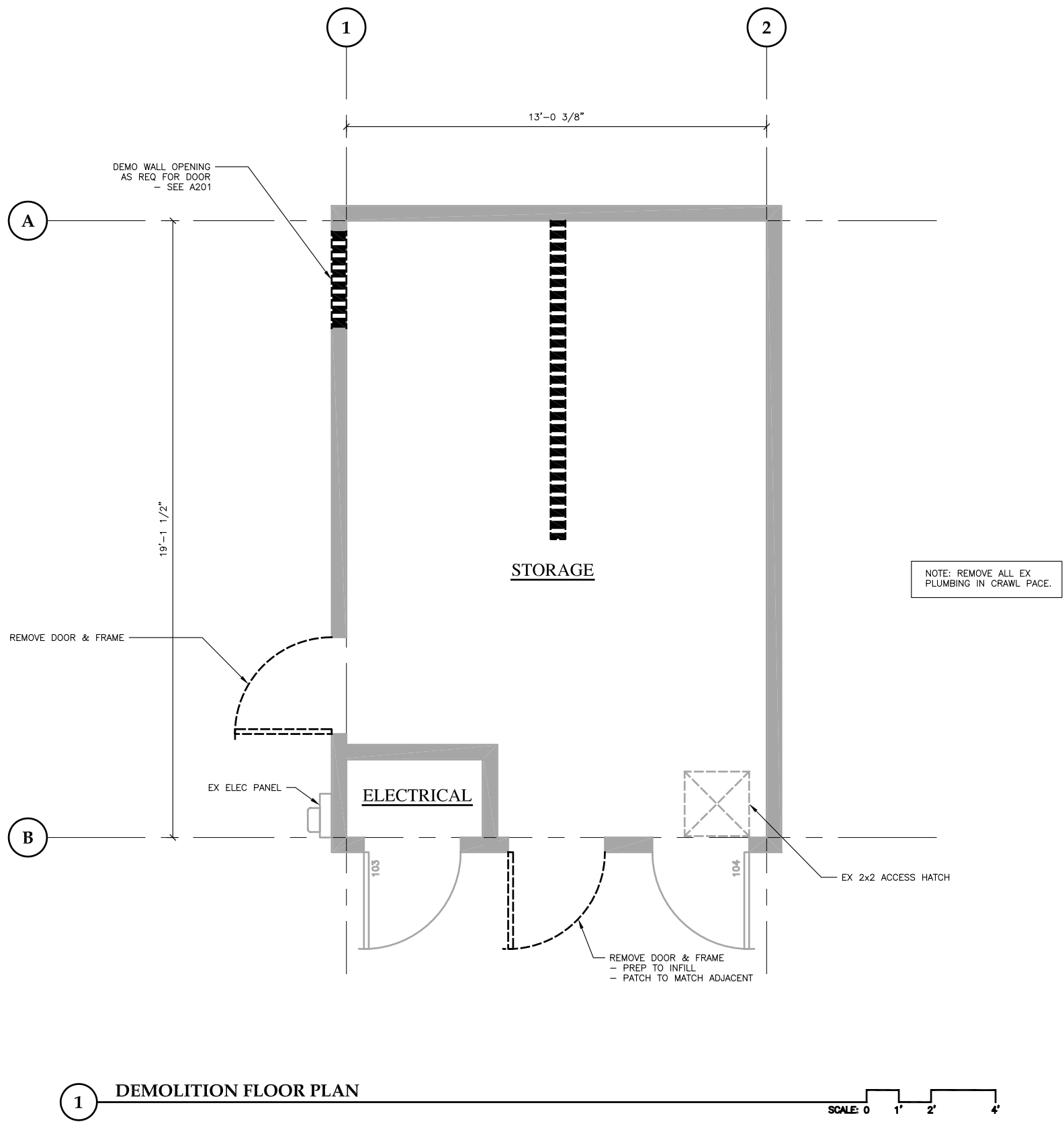
I had no idea a person could sink his or her vessel in Alaskan waters and walk away leaving the state with the responsibility and great expense of raising and disposing of a derelict vessel. It appears that Alaskan laws regarding responsibility for derelict vessels are weak, and we are accumulating these junk vessels around the state. The sunken vessel creates hazards to navigation." - *My Turn: Responsibility for abandoned and derelict vessels in Alaska (Phillip Gray for the Juneau Empire, October 8, 2015)*

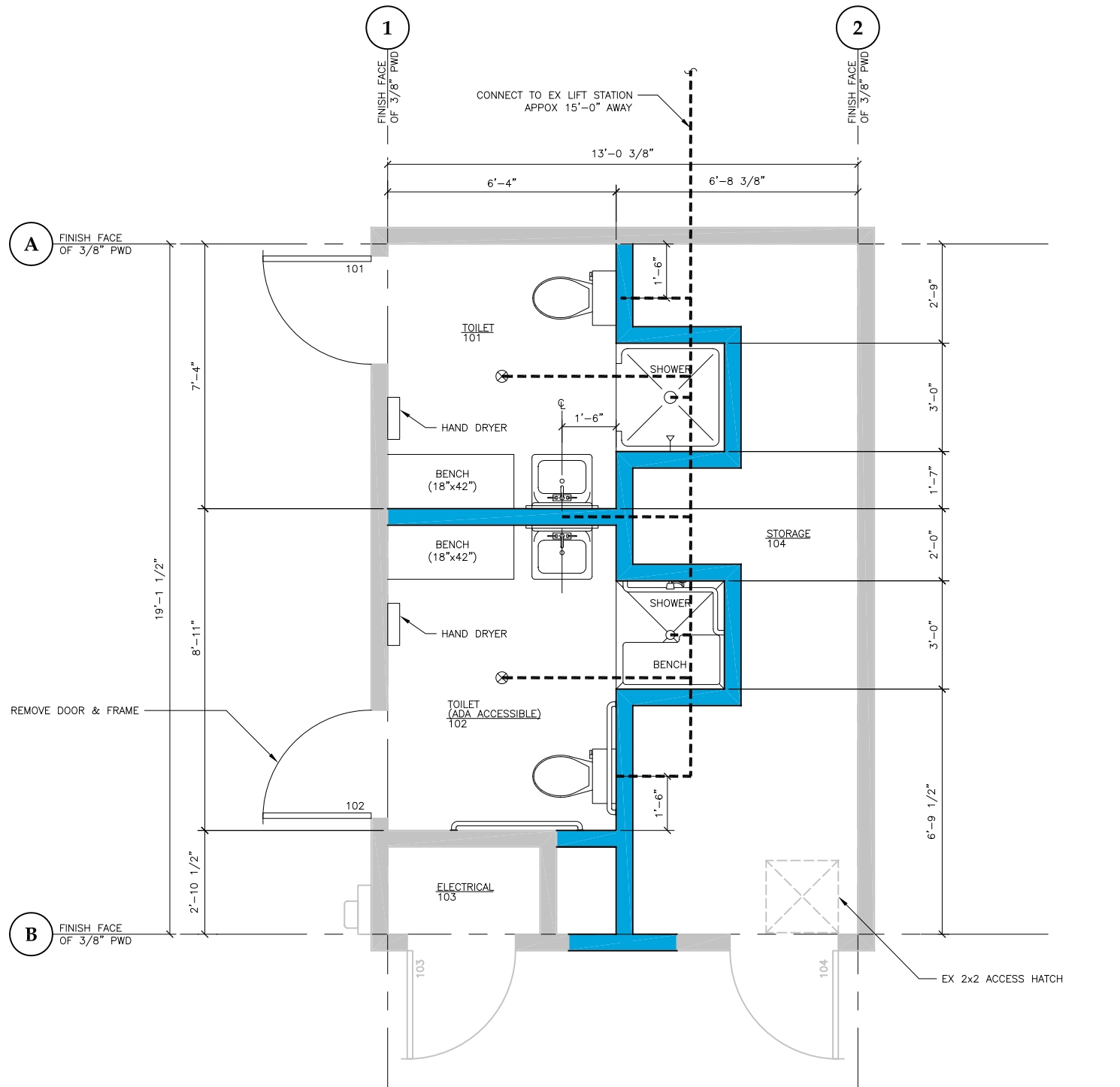
"Alaska has a big problem beneath the surface. For Juneau, that problem has been breaking the surface a lot recently. It's the issue of derelict and abandoned boats. Right now, there's not much anyone can do about it....The boat's owner is supposed to be liable for cleaning up the wreck, but what do you do when they don't have insurance and can't pay the bill? Unlike cars, boats don't have to carry insurance.

...It's going to be difficult for the state to even hold the Challenger's owner accountable. Recreational boats must be registered with the Department of Motor Vehicles, but the Challenger was originally a working boat. It didn't have to be registered with the DMV. It also wasn't registered with Fish and Game, since it wasn't a fishing boat....That means that even though Juneauites know it was owned by Douglas artist R.D. Robinson, it's going to be difficult for the state to find legally binding documentation that Mr. Robinson is the owner....Even if the state can tie Mr. Robinson to the Challenger, it doesn't have a way to force him to pay — barring a lengthy court case.

...The Alaska Department of Natural Resources — now overseeing the Challenger because it litters the state land at the bottom of the channel — lacks even the authority to fine Mr. Robinson for littering....we could instead simply mandate the registration of all boats — commercial and recreational alike — through the DMV. We could also mandate that boats of a certain size, like all cars, carry insurance sufficient to cover their salvage.

At the very least, we could grant the Department of Natural Resources the simple authority to levy fines on those who pollute Alaska's waters." - *Empire Editorial: Strong action needed to avoid repeat of Challenger sinking. (Juneau Empire, October 15, 2015)*





1 FLOOR PLAN



REVISIONS



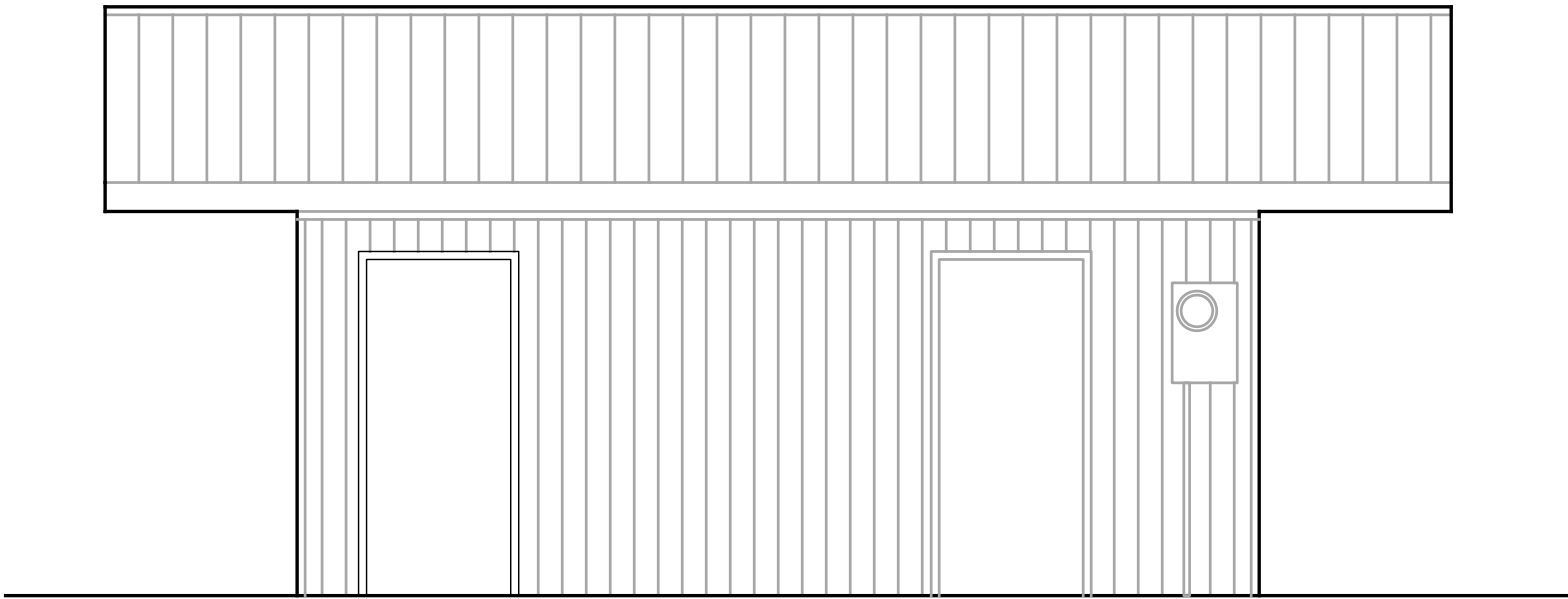
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FLOOR PLAN

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DATE: September 2017

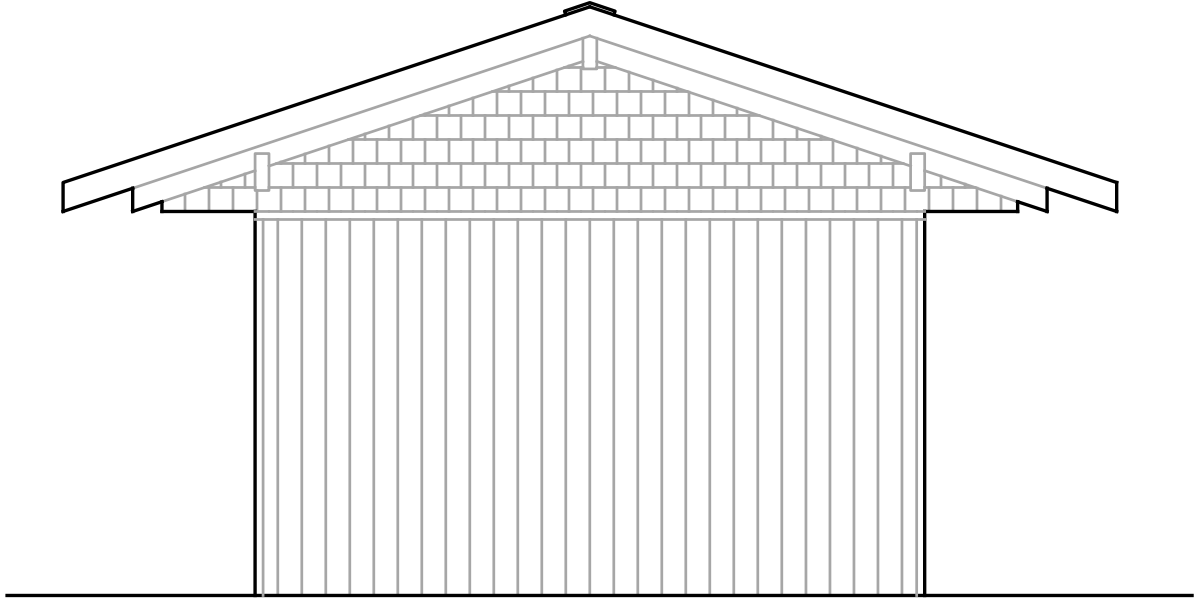
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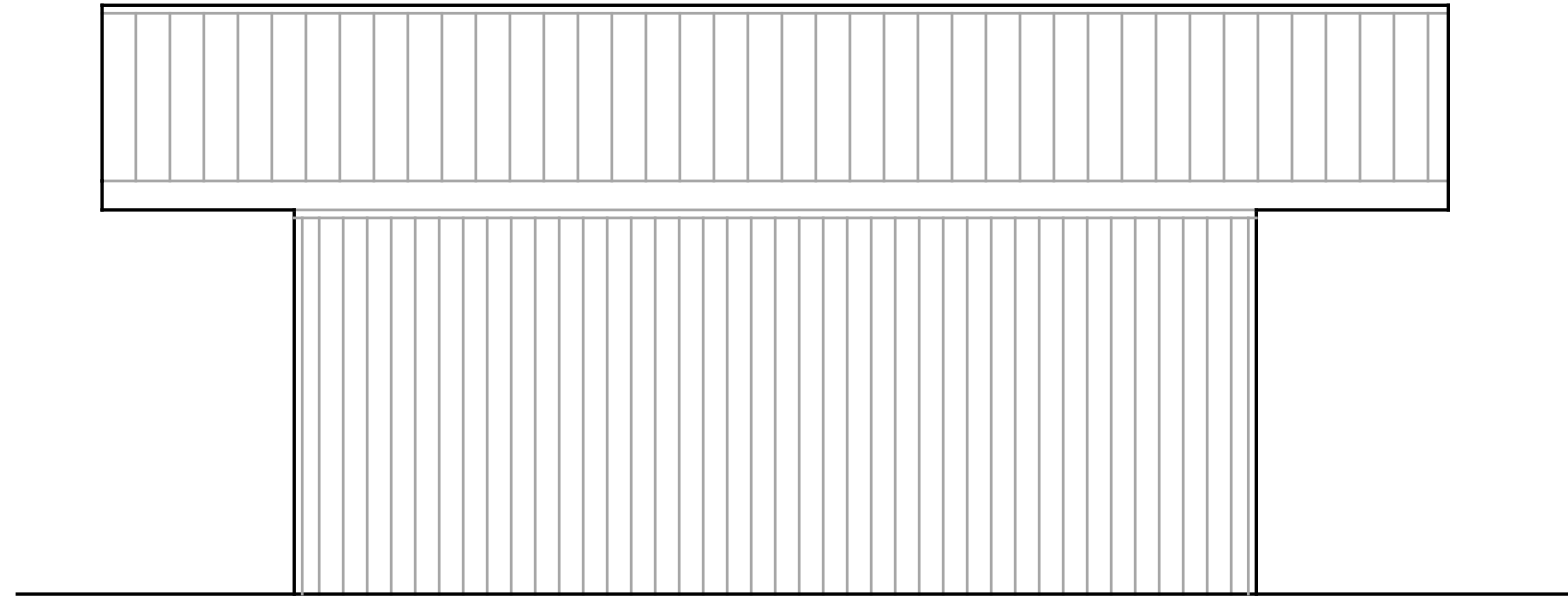
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EXTERIOR ELEVATION

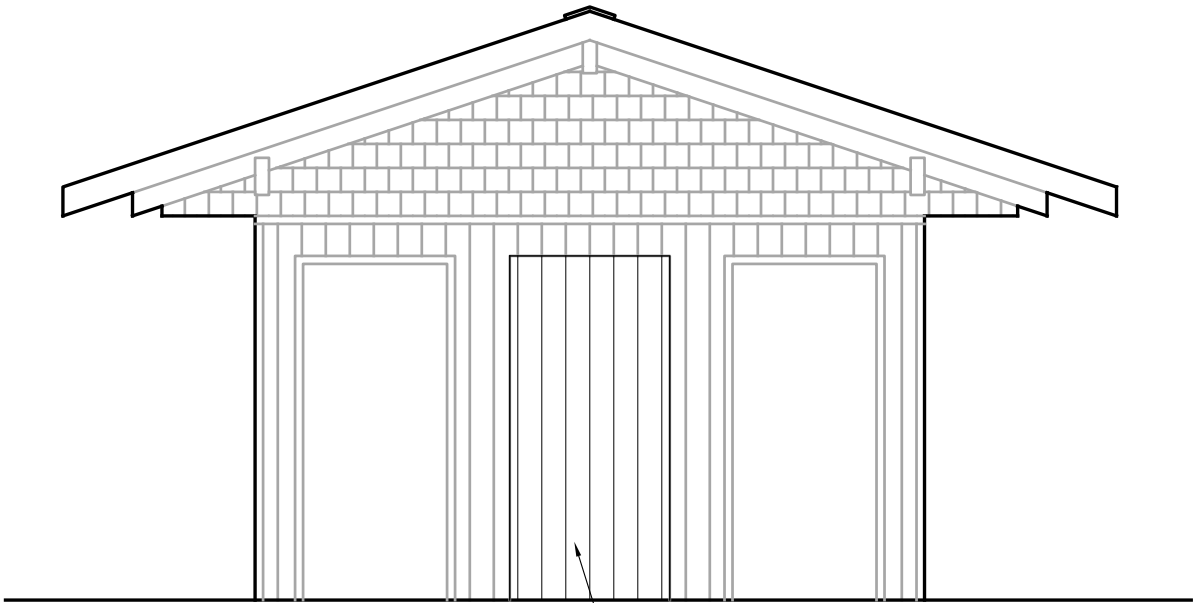
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EXTERIOR ELEVATION

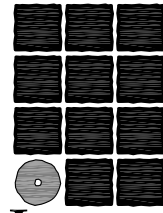
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4

EXTERIOR ELEVATION

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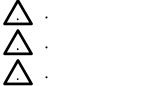


**Jensen
Yorba
Lott**
Inc.

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jensenyorbalott.com

City and Borough of Juneau
Docks & Harbors
**HARRIS HARBOR RESTROOM /
SHOWER RENOVATION**
Juneau, Alaska

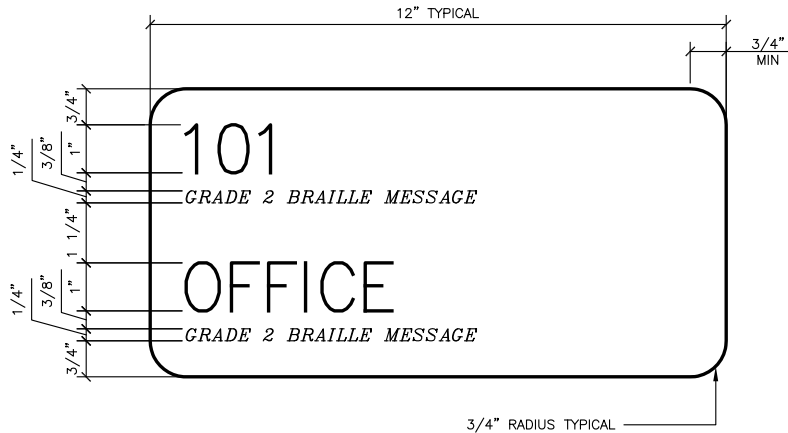
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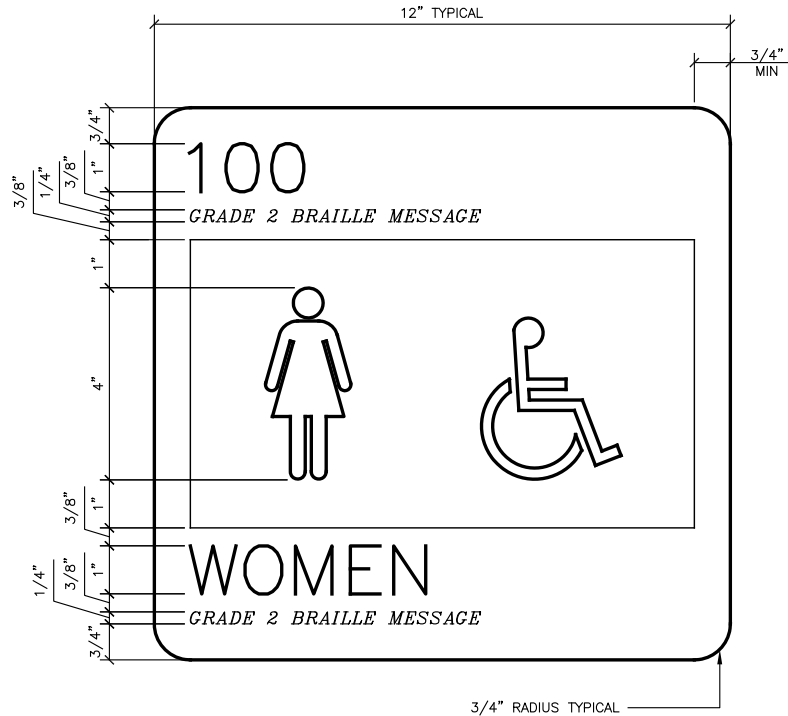
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DATE: September 2017
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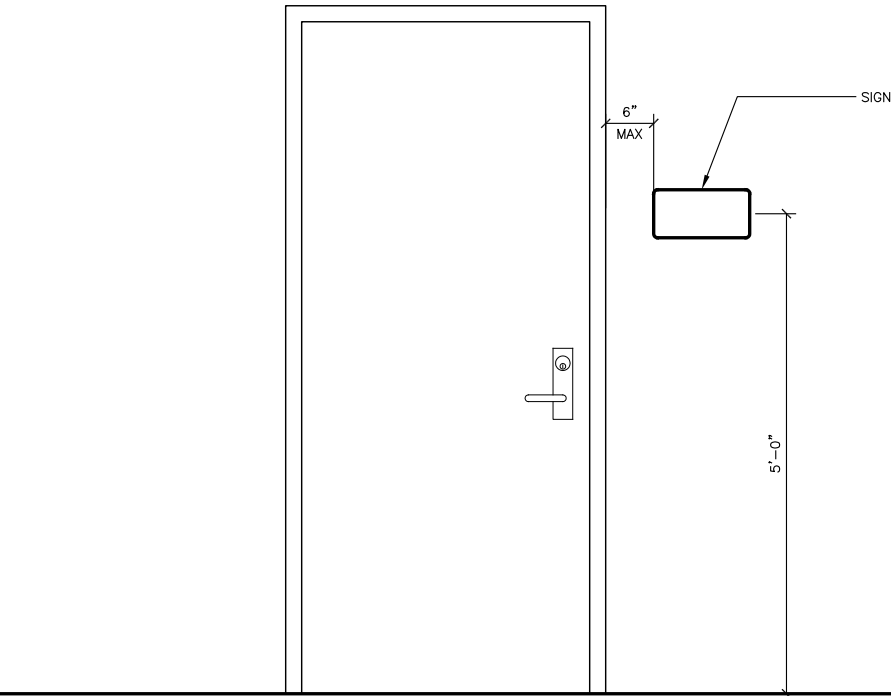
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INTERIOR PANEL SIGN TYPE A
VARY SIZE AS REQUIRED TO FIT MESSAGE TEXT



INTERIOR PANEL SIGN TYPE B
VARY SIZE AS REQUIRED TO FIT MESSAGE TEXT



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- 2 SIGNAGE TYPE B
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- 3 TYPICAL SIGNAGE HEIGHT
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SCALE: 0 6" 1' 2' 3'

MEMORANDUM

To: Gary Gillette, City and Borough of Juneau, Port Engineer Date: October 23, 2017

Cc: Carl Uchytel, P.E., City and Borough of Juneau, Port Director
Erich Schaal, P.E., City and Borough of Juneau, Deputy Port Engineer Project No: 152069

From Bre Austin and Dick Somerville, PND Engineers, Inc. (PND)

Subject: Statter Harbor Phase III Permit Assistance – Permitting Options

Introduction

This memo summarizes the results of analysis and agency correspondence undertaken for the Endangered Species Consultation for Phase III of the Statter Harbor Improvements project. The United States Army Corps of Engineers (USACE) is unable to issue two separate permits for phase III A and B as federal regulations require both USACE and the National Marine Fisheries Service (NMFS) to assess the impacts of the complete project and thus the Endangered Species Act (ESA) consultation cannot be split apart for the two phases. Without installing floats within the dredge basin there is no real purpose to conduct the dredging and blasting and are therefore the two phases are part of a single, complete project leaving two potential permitting paths as outlined below.

Option 1: Informal Consultation under the ESA

An Incidental Harassment Authorization (IHA) will be required for harbor seals under the Marine Mammal Protection Act (MMPA) due to the prevalence of harbor seals within Statter Harbor. This process is handled outside of the USACE permitting process as they only consult on the ESA. This means that if it feasible to drive piles with an anticipate 1128 meter shutdown zone for stellar sea lions and humpback whales the permit can proceed with an informal ESA informal consultation allowing for the USACE permit to be issued upon successful completion of the ESA consultation with NMFS. Meanwhile, the IHA for Phase III B can be worked on and obtained while the first dredging phase is being constructed. However, while this option expedites Phase III A and would allow for construction in 2018 it poses a risk for the City and Borough of Juneau Docks and Harbors Department (CBJ) due to the presence of endangered species, stellar sea lions and humpback whales, within the harbor.

Both sea lions and humpback whales were observed in the harbor over the 2016-2017 winter. The humpback whale observed last winter was observed in the project area on a fairly regular basis entering the project zone for short periods of time. Based on a discussion with Harbor Officer, Tom Boddy, sea lions generally become more frequent in the harbor around December. General observations indicate sea lions infrequently enter the harbor, generally for a few hours at a time before leaving the area, however there is no data available to quantify the presence of sea lions in the harbor.

If informal consultation under the ESA is pursued the Level B exclusion zones will apply. The anticipated exclusion zone is 1128 meters (Figure 1) based on information from the 2015 Alaska Department of Transportation & Public Facilities *Hydro Acoustic Pile Driving Noise Study*. This large exclusion zone and the lack of data for the prevalence of endangered species in the area pose a large risk for shutting down the contractor's pile driving operations which may cost from \$1,000 to \$2,000 per hour.

Tables 1 and 2 outline the anticipated exclusion zones for blasting and pile driving respectively.

Table 1 – Anticipated Blasting Exclusion Zones

Hearing Group	Level A (Injury) Exclusion Zone (m) ¹	Level B (Behavioral) Exclusion Zone (m)
High Frequency Cetaceans (Harbor Porpoises)	874	Behavioral disturbance is not applicable for blasting due to the short nature of the activity.
Low Frequency Cetaceans (Humpback Whales)	110	
Phocid Pinnipeds (Harbor Seals)	95	
Otariid Pinnipeds (Sea Lions)	25	

Table 2 - Anticipated Pile Driving Exclusion Zones

Hearing Group	Level A (Injury) Exclusion Zone (m)	Level B (Behavioral) Exclusion Zone (m)
High Frequency Cetaceans (Harbor Porpoises)	11.5	1128 ²
Low Frequency Cetaceans (Humpback Whales)	16.4	
Phocid Pinnipeds (Harbor Seals)	7.3	
Otariid Pinnipeds (Sea Lions)	0.6	



Figure 1- Anticipated Level B Exclusion Zone for Pile Driving

¹ Level A thresholds were calculated using the NMFS Optional User Spreadsheet

² Level B thresholds are set at 120 dB for all hearing groups and were calculated using a practical spreading model provided from NMFS.

Option 2: Obtain IHA's under the ESA and MMPA

The other permitting path is to obtain IHA's under both the MMPA and the ESA concurrently to authorize incidental takes of both harbor seals and endangered species. This route would allow pile driving operations to proceed unless animals entered the Level A exclusion zones shown in Tables 1 and 2. While this process nearly eliminates the risk of shutting down pile driving operations, it can take approximately one year to complete. Obtaining IHA's will involve obtaining field data regarding the number, frequency and activity of the animals within the Level B zones.

Selection of Permitting Path

Should the IHA under both the ESA and MMPA be pursued, a letter needs to be sent to USACE asking for them to suspend the permit until further information can be provided. There is no negative consequences for this and the public review already completed is sufficient. This is something that is necessary on behalf of USACE if no action is being taken on a permit. Timely action is necessary to let USACE know if CBJ wishes to proceed with informal consultation or if CBJ wishes to suspend the application while data can be obtained, otherwise USACE will issue a letter suspending the permit application.

References

Denes, et al., 2015. "*Hydro acoustic Pile Driving Noise Study.*" – *Comprehensive Study. Alaska Department of Transportation and Public Facilities. September 2015.*

MEMORANDUM

To: Carl Uchytel, P.E., City and Borough of Juneau, Port Director Date: November 2, 2017
Project No: 152069

Cc: Gary Gillette, City and Borough of Juneau, Port Engineer
Erich Schaal, P.E., City and Borough of Juneau, Deputy Port Engineer

From Bre Austin and Dick Somerville, PND Engineers, Inc. (PND)

Subject: Statter Harbor Phase III Permit Assistance – Marine Mammals

Introduction

This memo is a follow up to the October 23, 2017 memo to better characterize the prevalence of marine mammals protected under the US Marine Mammal Protection Act within the project area for Phase III of the Statter Harbor Improvements Project, based upon the best available data.

Data from recent records will form the basis for determining the suite of species for which to pursue an Incidental Harassment Authorization (IHA) to cover the inevitable incidental take of marine mammals during upcoming 2018-2020 harbor improvement construction activities. Humpback whales (*Megaptera novaeangliae*), Steller sea lions (*Eumetopias jubatus*) and Harbor seals (*Phoca vitulina*) are the three species of concern under the MMPA within the project area. PND has contacted Oceanus Alaska biologists to assist in developing an estimate of the frequency and number of occurrence of these species in the anticipated exclusion zone during winter months.

Humpback Whales

Discussions with Oceanus Alaska revealed there are more whales present in the project area during the winter than anticipated. Over the last several years there has been an increase in humpback whale populations in the eastern Pacific, and an increase in the number of whales overwintering in Southeast Alaska. Oceanus Alaska observations from 2015 and 2016 indicated that humpback whales were present in Auke Bay across greater than 60 days period during winter months (October-March). The length of time spent in the area is variable, dependent largely on food sources. Recently, the harbor has become a preferred feeding location for several humpbacks in the winter and they have been observed spending significant portions of the day feeding in the area and occasionally sleeping. During recent winters, from one to four individual humpback whales have been in Auke Bay harbor area for 1 to 24 hours per day, up to at least 12 consecutive days, with one individual foraging daily in Auke Bay for several weeks at a time.

Steller Sea Lions

Typically, Steller sea lions are infrequent within the project area until December at which point are commonly observed in the project area for a couple of hours 1-2 days per week. However, sea lion presence in the area often increases when there is aggregated feed in the harbor, particularly herring and pollock. When aggregated food sources are present, Stellar sea lions will spend more time than typical in the harbor. Often this is concurrent with humpback whales in the area as the whales will push the food sources into shallower water, such as the inner harbor, where the sea lions will spend time feeding. Oceanus Alaska observations from 2015 and 2016 indicated over 40 days during the winter months when stellar sea lions were present within the project area. The number of animals ranged from 2 to greater than 50 individuals for periods of 1 hour to 7 hours per day, for as long as 17 consecutive days.

Harbor Seal

Harbor seals aggregate in inner Auke Bay during winter months annually from November through April. A population of 20 to 40 individuals forage, haul out and rear young in the harbor vicinity. Seal consume aggregated herring, juvenile salmon, pollock and other forage fish occurring in and around the existing harbor structures and Auke bay habitats. They occasionally haul out on docks, ramps and other structures, especially when killer whales are present in the vicinity.

Recommendation

An increase of marine mammal activity has been observed over the last several years in Auke Bay, likely due to increasing populations and the availability of food and habitat in the area. Times when Steller sea lions, harbor seals and humpback whales are within the Level B harassment zone may or may not coincide with one another. It is likely that the animals may co-occur in the Level A harassment zone during construction, since harbor seals occupy this zone continuously during winter months. Proceeding without obtaining an IHA under the Marine Mammal Protection Act poses a risk of long shut down times, including the possibility that completing construction phases during a single winter may not be feasible due to anticipated shutdown delays. It is recommended that CBJ request an IHA under the MMPA for these three key species.

Obtaining an IHA can be a long process, sometimes taking close to a year (9-10 months). PND has been in contact with Oceanus Alaska regarding obtaining an IHA. Oceanus Alaska biologists are available to assist PND with data acquisition, analysis and preparation of the IHA. Oceanus Alaska has significant existing data and highly qualified staff members who would be able to help move the IHA along quickly with their expertise. However, the IHA process should be initiated immediately due to the short time window for construction to proceed by October 2018.



Port of Juneau

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

From: Port Director
To: Docks & Harbor Board
Date: November 2nd, 2017
Re: BOAT SHELTER – FOR SALE

1. In accordance with 05 CBJAC 40.020, Stephen Crapo has provided notice of his intentions to sell Boat Shelter (AG-24) in Aurora Harbor. Docks & Harbors has the first right of refusal to purchase this structure at fair market value.

2. The applicable “Boat shelter sales” regulation states:

05 CBJAC 40.020(f) - Boat shelter sales. Reserved moorage status within a boat shelter may transfer between the seller and buyer of a boat shelter. In order to transfer the reserved moorage status within a boat shelter, the owner of a boat shelter shall inform the Port Director of the owner's desire to sell a shelter before offering the shelter for sale to the general public. The Docks and Harbors Board has the first right of refusal to purchase the shelter at fair market value. If the Board does not exercise its first right of refusal within 30 days after notice, the owner may offer the shelter for sale to the general public. If the owner sells the shelter without informing the Port Director and allowing the Docks and Harbors Board its first right of refusal, the reserved moorage within the shelter will not transfer to the buyer. This subsection does not allow an inappropriately sized vessel to be assigned reserved moorage space within a boat shelter.

3. I recommend waiving Docks & Harbors’ right of first refusal allowing Stephen Crapo to sell his Boat Shelter on the open market.

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Request for Information DH18-028 for: DISPOSAL OF USED WASTE OIL

The City and Borough of Juneau (“CBJ”) Docks & Harbors (D&H) requests information from business and/or individuals in finding solutions to used waste oil surplus. This RFI is not a solicitation for contractual services but rather to determine the level of interest from appropriate entities to reduce operational cost to D&H.

As a courtesy to the Juneau boating community, D&H receives used waste oil at its Statter and Aurora Harbors facilities at no charge to the patron. The waste oil from Statter Harbor’s 550 gallon holding tank is typically transported to two of the Aurora Harbor 4,000 gallon holding tanks until it can be burned which provides a heating source for the D&H owned garage. The amount of used waste oil generated exceeds the capacity for D&H to dispose of using the garage oil burner. When the amount of used oil exceeds the storage capacity, D&H contracts with a local provider to hold the waste oil until such time when the Aurora Harbor holding tank is drawn down.

D&H budget is \$12K per year to provide waste oil service to the community. D&H goal is to eliminate this expense altogether and is soliciting this RFI to business or individuals with options to address approximately 4,000 to 7,000 gallons of used waste oil from April through September each year.

There will be a non-mandatory, pre-RFI meeting held at 2 pm on Tuesday November 14th, 2017 for parties wishing to submit solutions. Individual or business wishing to submit information to D&H for consideration are requested to do so by 4 pm on December 8th, 2017. D&H will received these submissions and develop an appropriate bid solicitation, contract or other means to enable any interested party to compete under a future D&H solicitation in a transparent manner.

Interested organizations should submit a response to this Request for Information that includes, at a minimum, the following information:

1. Contact information for your company.
2. Your organization’s experience and distinctive capabilities pertaining to used waste oil, operations & management.
3. Outline your organization’s accessibility, commitment for regular cooperation, ability to coordinate services with D & H.
5. Provide brief synopsis for the removal of the used waste oil. Please include the regulatory risks involved with these operations.
6. Describe your preferred contractual relationship with CBJ. Examples included but are not limited to:
 - a. Full risk whereby you assume full managerial responsibility design, installation and operations of a tank for the storage/transfer of the used waste oil.
 - b. Docks & Harbors necessary infrastructure for a used waste oil tank/s.
 - c. Joint venture relationship.

Docks & Harbors will provide a pre-submission meeting at 2 pm on Tuesday November 14th in Room 224 of City Hall to answer any question pertaining to this RFI.

DEADLINE: The CBJ Docks & Harbors requests submitted responses prior to 4:00 p.m., on Friday, December 8th, 2017. Title or label your submission with DH18-028. Please email or fax submittal responses to D&H via: EMAIL: Carl.Uchytil@juneau.org or FAX: (907) 586-0295. For further information, questions or clarification, contact: Carl Uchytil, Port Director, City & Borough of Juneau, (907)586-0292.

Project	Status	Schedule	Contractor	Notes
Boat Yard at ABLF				
Construction	Complete		ACC	Contract Close-Out
Construction Admin & Inspection	In Progress		MRV	Contract Close-Out
Auke Bay Loading Facility - Phase II				
TIGER Grant Close-Out	On-Going	Sept. 2018		Annual equipment depreciation report
Statter Harbor Launch Ramp				
Construction	Complete		Miller	Contract Close-out
Statter Tidelands Survey	In Progress		PDC	Awaiting Final Plat Mylar
Port of Juneau Cruise Berths				
1% for Art - Install Sculptures	Complete		Garten	Contract Close-Out
1% for Art - Ribbon Cutting	Hold		Staff	Gallery Walk Event Planned
North Berth - Construction Administration	In Progress		PND	Project Close-Out
Vibration Monitoring Services	Complete		AS&E	Awaiting Final Report
DNR Tidelands Survey	In Progress		DOWL	Awaiting preliminary plat
Archipelago Lot Easement	In Progress		Staff	Preparing MOA for owner
Aurora Harbor Re-Build - Phase II				
Fabrication Inspection	In Progress		PND	Floats and Steel in Production
On Site Construction	Hold		NCS	Awaiting NCS Arrival
Substantial Completion	Hold	4/2/18		
Final Completion	Hold	5/2/18		
Statter Master Plan Phase III				
Planning	In Progress		PND	
Army Corps of Engineers Permit	In Progress		PND	Out for Public Comment
Archipelago Property Improvements	Hold		Staff	Awaiting Board Direction
Archipelago Property Procurement	Hold		Staff	Awaiting funding
Amalga Harbor Fish Cleaning Station	Hold		Staff	Re-visit in Jan 2018
Aurora Harbor - Dredging on A Float	Hold			Awaiting funding
Aurora Harbor - Annodes on Piling	Hold			Awaiting funding
Auke Bay Marine Station Acquisition				
Acquisition	In Progress	1 Nov 2017	Staff	Awaiting MARAD Quit Claim Deed
Subdivision	In Progress		Staff	To Be Completed After Transfer on Nov 1, 2017
Norway Point to Bridge Master Plan	Complete		Corvus	Presentation to Planning Commission-no date
Marine Park-Taku Dock Urban Design Plan	In Progress		Corvus	
Presentation of Preferred Plan Concept	In Progress	11/02/17		

Final Approval by D&H Board		11/30/17		
Harris Harbor Restrooms and Showers	In Progress		JYL	Design in progress
Cruise Dock Decking Repair	In Progress		ACC	
Marine Park Cathodic Protection	In Progress		Tinnea	Reviewing Drawings and Specifications
ADOT Grant Application - Annodes	Complete		PND	Awaiting Legislative Action
Little Rock Dump Feasibility Study	In Progress		PND	
Statter Breakwater Safety Improvements	In Progress		Silverbow	