

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING AGENDA
For Thursday, May 30th, 2013

- I. Call to Order** (5:30 p.m. at the CBJ Assembly Chambers.)
- II. Roll** (Greg Busch, John Bush, Tom Donek, Eric Kueffner, David Logan, Budd Simpson, Scott Spickler, Michael Williams, and Kevin Jardell).

III. Approval of Agenda

MOTION: TO APPROVE THE AGENDA AS PRESENTED.

- IV. Approval of April 25th Regular Board Meeting Minutes and May 7th Special Board Minutes and May 23rd Special Board Minutes.**

- V. Public Participation on Non-Agenda Items** (not to exceed 5 minutes per person, or twenty minutes total time).

VI. Items for Action.

- 1. Approval of Taku Dock Modification Bid Results
Presentation by Port Engineer

Board Questions

Public Comment

Board Discussion/Action

MOTION: TO BE DEVELOPED AT THE MEETING

- ~~2. 05 CBJAC 25 Regulation Changes~~
~~Presentation by Harbormaster~~

~~Board Questions~~

~~Public Comment~~

~~Board Discussion/Action~~

~~**MOTION: TO BE DEVELOPED AT THE MEETING**~~

- 3. 05 CBJAC 20 and 05 CBJAC 40 Regulation Changes
Presentation by Port Director

Board Questions

Public Comment

Board Discussion/Action

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING AGENDA (CONTINUED)
For Thursday, May 30th, 2013

MOTION: TO BE DEVELOPED AT THE MEETING

4. Planning Commission Decision of Statter Harbor Conditional Use Permit
Presentation by Port Director

Board Questions

Public Comment

Board Discussion/Action

MOTION: TO BE DEVELOPED AT THE MEETING

5. Contract Services – Modification to Admin & Inspection Services at Statter Harbor
Presentation by Port Engineer

Board Questions

Public Comment

Board Discussion/Action

MOTION: TO BE DEVELOPED AT THE MEETING

6. Alaska Glacier Seafoods – Lease Amendment
Presentation by Port Director

Board Questions

Public Comment

Board Discussion/Action

MOTION: TO BE DEVELOPED AT THE MEETING

VII. Items for Information/Discussion.

1. Mega Yacht Harbor and Snow Storage Facility Update
By Manager, Juneau Port Development
2. Environmental Permitting Update
Invitation to USACE Juneau Regulatory Field Office
3. Environmental Permitting Update
Invitation to EPA Juneau Field Office

VIII. Committee and Board Member Reports

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING AGENDA (CONTINUED)
For Thursday, May 30th, 2013

1. Operations Committee Meeting – May 21st, 2013
2. CIP/Planning Committee Meeting – May 23rd, 2013
3. Finance Committee Meeting – May 28th, 2013
4. Member Reports

IX. PRAC Representative Report

X. Port Engineer's Report

XI. Harbormaster's Report

XII. Port Director's Report

XIII. Assembly Liaison Report

XIV. Committee Administrative Matters

- a. Operations Committee Meeting – June 18th, 2013
- b. CIP/Planning Committee Meeting – June 20th, 2013
- c. Finance Committee Meeting– June 25th, 2013
- d. Board Meeting – June 27th, 2013

XV. Adjournment

CBJ DOCKS AND HARBORS BOARD
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Public Comment

Board Discussion/Action

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CBJ DOCKS AND HARBORS BOARD
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For Thursday, May 30th, 2013

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XV. Adjournment

CBJ Docks and Harbors Board
REGULAR BOARD MEETING MINUTES
For Thursday, April 25th, 2013

I. Call to Order.

Mr. Jardell called the Regular Board Meeting to order at 5:30 p.m. in the Assembly Chambers

II. Roll Call.

The following members were present: John Bush, Tom Donek, Eric Kueffner, David Logan, Budd Simpson, Scott Spickler, and Kevin Jardell.

Absent: Greg Busch, and Michael Williams

Also present were the following: Carl Uchtyl – Port Director, Gary Gillette – Port Engineer, Dwight Tajon – Harbormaster, Dixie Hood – PRAC Liaison.

III. Approval of Agenda.

Mr. Jardell asked to move the PRAC Liaison Report to after Public Participation on Non-Agenda Items.

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

Motion was approved with no objection.

IV. Approval of Previous Meeting Minutes.

Hearing no objection, the March 28th, 2013 Regular Board Meeting Minutes were approved as presented.

V. Public Participation on Non-Agenda Items

Howard Lockwood, Juneau, AK

Mr. Lockwood said he is here as the Manager of the Juneau Port Development LLC. He handed out an attachment with a copy of title 58 and some current work that is being done on the property. He said he is here to answer any questions on the handout.

Mr. Simpson asked what was the work being done in the picture?

Mr. Lockwood said it is a \$700,000 major snow storage and process system.

IX. PRAC Representative Report (moved per amended agenda)

Ms. Hood reported there were two main items at the last PRAC meeting.

The first item was reviewing the regular agenda format and voted to adopt the new CBJ requirement which will have no information items at the meeting preceding the following month inclusion as an action item. The new format will have new business and old business. This will mean an item can

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For Thursday, April 25th, 2013

be brought up for the first time and without advance public notice be voted on.

The second item is on Monday May 6th, the Committee of the Whole will take up the Auke Lake Management Plan. PRAC accepted the proposal by the Director of Parks and Recreation on the proposed limits of use unless additional funding was available for training, certification and enforcement.

VI. Items for Action

1. Public Hearing – Amendment of Title 05, Chapter 20 – Small Boat Harbor Fees and Charges – Moorage and Title 05, Chapter 40 Small Boat Harbor Moorage Management Regulations.

Mr. Uchtyl said this is a public hearing required by CBJ Law to move this forward. Essentially this will harmonize the new floats at Statter Harbor from old DeHarts to the new Statter and make it consistent with the other aspects of the Harbor.

Board Questions- None

Public Comment –

Dennis Watson, Juneau, AK

Mr. Watson's recommended changes to the regulation;

- Page 1, 05 CBJAC 20.020(2) he would like the part taken out that reads "unless the docks and harbors board takes action to keep the fee the same as the previous year." Mr. Watson said the CPI needs to be applied to all of the rates. He said this is basically saying you may or may not charge more for skiffs. He said he doesn't have a problem with it, but in the past the Harbor Board appears to have not applied that throughout because rates haven't risen much since 2007 according to the revisions that Mr. Uchtyl is proposing.
- Mr. Watson said there is also some confusion on the rates of the CPI. There appears to be inconsistency when it comes to the Harbors, but not so great inconsistency when it comes to the commercial users. He said if the CPI is going to be used as a calculator, it should be consistent throughout the document.

Mr. Jardell asked if he thought the CPI was being calculated wrong, or the commercial rates are not automatically CPI adjusted?

Mr. Watson said the commercial rates are not CPI adjusted, and that should be considered.

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- Page 5, 05 CBJAC20.80 (d)1 & 2. Under item one, he said figuring CPI calculator for this item for the last five years, the Harbor would have taken in an additional \$49,000 in revenue, and that is just one item. Adjusting these rates with the CPI would make it consistent with the other rates. 05 CBJAC20.80 (e) 1 – These rates have gone from \$7.00 to \$15.00 and that would have been more than the CPI adjustment.
- Page 6, 05 CBJAC 20.090 (c) 1 – Mr. Watson said again, if the CPI was used on an annual basis, the Harbors wouldn't be playing catch up. The CPI has raised about 13% since 2007, but the rates have not changed.
- Page 8, 05 CBJAC 40.045 "The assignee has 72 hours to respond." This would be difficult if an e-mail is sent out on a Friday and you give them 72 hours to respond. He thinks it would be appropriate to make that 3 business days.

Mr. Watson said his other comment is on rates. If there are special rates or non-rates for specific users, they should be part of the regulation. This is something the Board should keep an eye on to ensure all patrons are charged correctly. This comment is just a general comment and not directed to a particular part in this regulation.

- Parking rates talked about in the "moorage section" – Douglas, Harris and Aurora are free with a permit, he said it is time the non-permit holders are assessed a parking fee. At Statter Harbor, everyone has to pay for parking and that is understandable because of the lack of parking.

Mr. Uchytel said he doesn't dispute anything Mr. Watson is saying, but this change to the regulation was to harmonize the regulation moving forward to the new Statter Harbor. Mr. Uchytel said Mr. Watson brought up questions on rates. He said in 2007 for some reason the Board elected to link certain moorages to the CPI and not others. Mr. Uchytel said Mr. Watson did raise questions on the 72 hour and parking issues also, but the change being proposed tonight to the regulation was just to expedite the change from DeHarts to the new Statter Harbor regulation. Mr. Uchytel suggested at some point to re-look at the rates and other recommended changes made by Mr. Watson.

Board Discussion/Action

Mr. Jardell asked if after this public hearing would it move forward.

Mr. Uchytel said yes.

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Mr. Logan asked if this does not move forward tonight if there would be a problem with charging rates?

Mr. Uchytel said no, he was hoping to have a clean set of regulations in place by the ribbon cutting ceremony.

Mr. Jardell recommended to send this regulation to the Finance Committee to look into the comments made by Mr. Watson and make suggestions.

Mr. Simpson said the purpose of this public testimony is to hear input and act on that input. Mr. Watson's comments deserve further looking into. He said he would like this to go to the Finance Committee and come back with further suggestions. He does not see a rush to act on this tonight.

Mr. Donek said the changes being proposed tonight is just one piece of this regulation and other areas need to be looked at. His concern is he doesn't want to bog the process down.

Mr. Jardell said this regulation will be sent back to the Finance Committee to put some more time and effort into this change.

NO MOTION

2. Public Hearing – Amendment of Title 05, Chapter 15 – Fees and Charges.

Mr. Uchytel said this is an administrative matter. A resolution was passed years ago for the current fees of \$3.00 per passenger, but the regulation was never updated. This needed to go through a formal process to make this change. This is just to bring the regulation up to date with the current fees that are being charged now.

Board Questions- None

Public Comments – None

Board Discussion/Action

MOTION By MR. KUEFFNER: TO ADOPT THIS REGULATION AND ASK UNANIMOUS CONSENT.

Motion Passed with no objection.

3. Corrected FY14 Moorage Rates

Mr. Uchytel said in going over the regulations, staff realized that certain moorage rates are rounded per regulation, and reservation rates are not

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linked to CPI adjustments. In your packet is the corrected moorage rates that were adopted in February.

Board Question -

Mr. Jardell asked if this needed to be adopted by the Board?

Mr. Uchytel said no, but the Board has the option to take action.

Mr. Jardell asked if no action is taken, will these rates be in place?

Mr. Uchytel said that is correct.

Public Comment – None

Board Discussion/Action

No Action – New Moorage rates are in place.

VII. Items for Information/Discussion.

1. Update on Loading Zone

Mr. Tajon said there was a meeting at the Valley Public Library on the proposed loading zone area at Statter Harbor. This was well attended by the charter boat operators. He received comment cards with the following;

- *Leave the 2nd gang ramp in place.*
With doing this, PND said there would need to be substantial reinforcement on the floatation under the float. As is, the float cannot withstand the weight of the gangway. If this 2nd gangway is left in, and reinforce the bottom of the float, it would cost approximately \$600,000. It would be better to just build a brand new float.
- *Staff have flexibility to set the overnight moorage time.*
Mr. Tajon talked to Statter Harbor staff and they concluded that 9 p.m. to 8 a.m. for open moorage would work.

Mr. Donek said leaving the second gang ramp in was a good idea that just won't work.

Mr. Logan asked if it is the live load that PND is concerned with or the weight of the ramp?

Mr. Tajon said the live load.

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Mr. Logan said when you pull the gangway, there will still be a large live load because that is the new passenger for hire loading area. Can the float withstand this weight or is there a bigger liability issue?

Mr. Tajon said it is capable of holding a live load without the gangway on it.

Mr. Donek said he went and looked at the float and noticed the float is in bad condition.

Mr. Bush said he went and looked at the float also and he recognized it was in bad shape.

Mr. Kueffner said he went to look at the float also, he wanted to know what will the gang ramp be used for if not here?

Mr. Tajon said it will be used on the Douglas breakwater so people can access the breakwater from the shore side

2. Aurora Harbor – South Approach Dock – Condition Assessment

Mr. Uchtyl said this dock has been condemned for vehicular traffic. The engineers were doing the assessment for the Aurora Harbor phase I and determined this dock should not be driven on.

Mr. Jardell asked if this dock was in one of the phases for the Aurora Harbor rebuild?

Mr. Uchtyl said it is in Phase I. The most impacted company would probably be Nordic Tug.

3. Thanks to M/V MORGAN ANNE

Mr. Uchtyl said M/V Morgan Anne helped out when a vessel broke way in a gale and the Morgan Anne took care of it before staff could get there. He just wanted to recognize them for their rapid and confident action.

4. Impound – AK8400M

Mr. Uchtyl said this is just showing that staff is trying to be more proactive on derelict vessels and this boat will actually be impounded on Saturday. There is approximately \$5,000 in moorage fees for this vessel and staff has been unable to locate the owner.

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5. Update on HB131 – Abandoned and derelict vessels

Mr. Uchytel said after the Governor signs this bill, Docks and Harbors staff will have more authority to act on derelict vessels on any State waters and not just waters governed by CBJ.

6. Statter Ribbon Cutting Ceremony

Mr. Uchytel said there is a formal ribbon cutting ceremony on May 15th at noon. This will be in conjunction with Docks & Harbors annual customer appreciation day.

7. Employee of the Quarter Recognition

Mr. Uchytel said the City Manager has money that can be used to recognize superior employees. A plaque and a \$100 award will be given to the selected employee. Staff and Board members can nominate employees for this prestigious award.

VIII. Committee and Board Member Reports

1. Operations Committee Meeting – April 16th, 2013

Mr. Logan reported the Committee discussed the following;

- Port-a-potties at Statter Harbor, and the Harbormaster was authorized to put three in if needed.
- Arrow Refuse provided garbage weights for the different harbors and the Committee is trying to figure out how much of that is rain weight?
- The second gangway was discussed
- The Committee decided to move ahead with live-aboard regulation.

2. CIP/Planning Committee Meeting – Cancelled

3. Finance Committee Meeting – Cancelled

4. Member Reports –

Mr. Kueffner said he was approached by a Docks & Harbors patron when he was on the dock at the Harbor and this patron was complaining about multiple people living on boats. Mr. Kueffner explained to the patron that live – a-boards were charged based on people living on the boat and the harbor staff polices the docks. Mr. Kueffner indicated the patron said his concern was how many people were living on the boat and that the patron wanted to remain anonymous.

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X. Port Engineers Report

Mr. Gillette said the Statter Harbor project is moving forward and is still scheduled to complete on time. The ribbon cutting ceremony is on May 15th. The Cruise Ship terminal phase I is moving along and will be completed by the time the first ship arrives on May 2nd.

The bid opens next Tuesday for the Fisheries Dock project.

The Taku dock modification documents are at 100% and bid ready. As soon as the Fisheries dock bids are finalized, staff will send out a request for bids for the Taku dock modifications.

The Cruise ship staging area phase II will go out for bid in mid to late May for the project to start in October.

Staff is waiting for the final drawings on the cruise dock project and then that will go out to bid in July or August.

XI. Harbormaster's Report –

Mr. Tajon said a vessel inside one of the float houses on G float sank. This vessel has been raised by Juneau Marine Services. The reason it sank was because a through hole fitting froze and broke.

Mr. Jardell asked about the plan for the North Douglas gravel?

Mr. Tajon said the ramp should be scrapped tomorrow morning.

XII. Port Director's Report

Mr. Uchytel said he is working with Mr. Tajon and H.R. to create a new position from the seasonal Operations Maintenance Supervisor position. This new position will be a Senior Harbor Officer with the idea that this person would be in charge of the seasonal dock personnel and revert back to working for an Operations Maintenance Supervisor in the winter. He is hoping to have this approved with H.R and have a hire within CBJ in the next couple of weeks.

The lease for the Coast Guard Cutter Liberty has been completed and finally collecting rent. Staff is looking at other Government agencies to make sure they are paying for use of Docks & Harbors facilities as well.

Mr. Uchytel said there is currently no waiting lists for Aurora, Douglas, or Harris harbors.

At the next CIP meeting there will be a public meeting to discuss a plan or improvements for the North Douglas launch ramp. Harold Moeser, who is Docks & Harbors part time employee, has been working on this project.

Mr. Uchytel said he received a call from a TV network Discovery. They have a show called "Buying Alaska" that they want to film in the harbors.

Mr. Uchytel said he speaks on "Action Line" every month and he is inviting a board member to speak with him.

CBJ Docks and Harbors Board
REGULAR BOARD MEETING MINUTES
For Thursday, April 25th, 2013

XIII. Assembly Liaison Report- Mr. Jones was absent

XIV. Committee Administrative Matters

- a. Operations Committee Meeting – Next meeting is May 21st, 2013 at the Aurora Harbor at 5:00 p.m.
- b. CIP/Planning Committee Meeting – Next meeting is May 23rd, 2013 in CBJ Room 224 at 5:00 p.m.
- c. Finance Committee Meeting – Next meeting is May 28th, 2013 in CBJ Room 224 at 5:00 p.m.
- d. Board Meeting – Next meeting is May 30th, 2013 in the Assembly Chambers at 5:30 p.m.

XV. Adjournment

The regular Board Meeting adjourned at 6:24 p.m.

CBJ DOCKS & HARBORS BOARD
SPECIAL BOARD MINUTES
For Tuesday May 7th, 2013

I. Call to Order

Mr. Jardell called the Special Board meeting to order at 12:00 p.m. in CBJ Room 224.

II. Roll Call.

The following members were present: Greg Busch, Tom Donek, Eric Kueffner, Scott Spickler, Michael Williams and Kevin Jardell.

Also Present: Dwight Tajon – Harbormaster, Gary Gillette – Port Engineer, and Carl Uchtyl – Port Director.

Absent Members: John Bush, David Logan, and Budd Simpson.

III. Approval of Agenda

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

Motion passed with no objection.

IV. Public Participation on Non-Agenda Items.

Jim Becker, Juneau, AK

He said he is the current chairman of the Juneau Fisheries Development Committee. An issue that has been taken up by his committee is the fisheries infrastructure. He would like to work on a master plan and coordinate with the Docks and Harbors Board. There is still a need for a larger lift. A lot of larger boats need to leave town to have their boat lifted out of the water. There is a spot that will work for this lift at the Juneau Fisheries Terminal. The Committee plans to go through the process of developing the fishing industry needs in Juneau.

Mr. Uchtyl said he is hoping to leverage the Fisheries Development Committee to strategically plan the needs of the commercial fishing industry, to help Docks and Harbors facilitate their needs.

Mr. Uchtyl said North Pacific Fisheries Management Council will be meeting in Juneau the first week in June.

CBJ DOCKS & HARBORS BOARD
SPECIAL BOARD MINUTES
For Tuesday May 7th, 2013

The City Manager has asked if Docks & Harbors wanted to facilitate hosting a evening reception on Junea 5th with the Juneau Fisheries Advisory Committee. The process is moving forward.

Mr. Jardell asked if this was any cost to Docks & Harbors?

Mr. Becker said the industry is going to contribute, and this should be a nice event.

V. Items for Action

1. Juneau Fisheries Dock Bid Results Award

Mr. Gillette said in the packet is a memo with the posting notice of bids. Three bids were received and Trucano was the low bid of \$106,489, and they have met all the requirements. Staff recommends this be awarded to Trucano and this will go to the Assembly on May 15th for final approval.

Board Questions-

Mr. Kueffner asked if this replaces the dock?

Mr. Gillette said the fisheries dock next to the boat lift was hit by a boat and damaged beyond repair. The gang ramp and the float will remain.

Mr. Jardell asked for an update for Risk Management paying for this.

Mr. Uchytel said this is insured through CBJ Risk Management, but the reason this is taking so long, the responsible party is not being responsible. The boat owner is unwilling to talk to Risk Management. Docks and Harbor will be reimbursed through Risk Management with a \$1,000 deductible. This is for construction of the pier only.

Public Comment- None

Board Discussion/Action-

MOTION By MR. WILLIAMS: TO APPROVE THE JUNEAU FISHERIES DOCK BID AWARD TO TRUCANO CONSTRUCTION AND SEND TO THE ASSEMBLY FOR FINAL APPROVAL AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

CBJ DOCKS & HARBORS BOARD
SPECIAL BOARD MINUTES
For Tuesday May 7th, 2013

Staff Report:

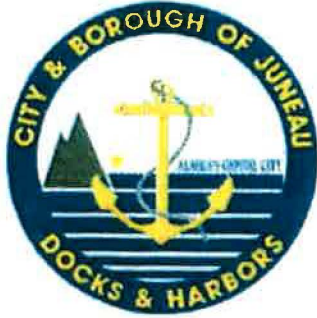
Mr. Uchytel said there is a TIGER V Grant program coming up at the end of the month. This is \$700 Million grant that ADOT will have available. Staff is looking at having Greg Fisk write the grant. This could be used at Statter Harbor, or Aurora Harbor. One of the requirements for this grant is that your project needs to be shovel ready in place by June 30th, 2014. What could be a problem at Statter would be the permitting. Staff is leaning toward submitting this grant for the Alaska Maritime Center, which is the building under the bridge. This project will have qualities the grant is looking for and there won't be a permitting issue. The application is due by June 3rd.

Mr. Jardell asked to put this on the CIP agenda, and asked if this grant required a matching funds.

Mr. Uchytel said there are two tiers of this TIGER V Grant. The one for rural areas is \$1 Million with no match. The other is non-rural, for \$10 Million it requires a 20% match. He said only 5% of all applications will be successful.

VI. Adjournment.

The Special Board Meeting adjourned at 12:18 p.m. with no objection.



Port of Juneau

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

To: Operations Committee
From: Dwight Tajon- Harbormaster
Date: May 8, 2013
Re: 05 CBJAC 25 Regulation Changes

Attached are the regulations 05 CBJAC 25 pertaining to Statter Harbor Management. In talking with Staff, recommendations for some of the regulations have been marked to move to the 05 CBJAC 40 Small Boat Harbor Management so as to streamline the regulations in to one chapter at the advice of the Law Department.

Two regulations in the chapter appear to contradict six of the previous listed regulations.

These two regulations are as follows:

05 CBJAC 25.050
05 CBJAC 25.070

The question remains as to whether or not these two regulations should be moved to chapter 40 as written, reworded or struck out.

05 CBJAC 25.060 needs to be reworded to reflect Statter Summer Transient Management.

The first line of 05 CBJAC 25.090 needs to be struck out to better streamline when the official time of winter moorage management begins and ends.

Recommendation:

Staff recommends that the Operations Committee amend the 05 CBJAC 25 regulations as marked and move to 05 CBJAC 40 for full Harbor Board approval.

Chapter 25 - STATTER HARBOR MANAGEMENT REGULATIONS ✓

05 CBJAC 25.010 - Designated moorage areas.

05 CBJAC 25.020 - Administration of designated moorage areas.

05 CBJAC 25.030 - Visiting vessel arrival zone.

05 CBJAC 25.040 - Reservations zone.

05 CBJAC 25.050 - Docks and harbors board approval.

05 CBJAC 25.060 - Summer management.

05 CBJAC 25.070 - Daily moorage zones.

05 CBJAC 25.080 - Winter management.

05 CBJAC 25.090 - Winter management waitlisted vessel moorage zone.

05 CBJAC 25.100 - Exclusion.

05 CBJAC 25.110 - Effective date.

05 CBJAC 25.120 - Daily fee review.

05 CBJAC 25.010 - Designated moorage areas. ✓ Move to title 40

At any time during the year, the harbormaster, in his discretion, may designate moorage areas within the harbor for specific uses, such as the loading and unloading of passengers, crew, or cargo, fish cleaning, boat repair, commercial, recreational, and other types of moorage.

(Amended 3-14-2005, eff. 5-27-2005)

05 CBJAC 25.020 - Administration of designated moorage areas. ✓ Move to title 40

When designating an area, the harbormaster shall establish written procedures for administering moorage in the designated area. There shall be no moorage fee for use of a loading zone designated under this regulation. No person may moor a vessel in a designated moorage area unless actively engaged in the use specified for the designated area, except in an emergency or in the interests of effective space management, the harbormaster may allow a vessel that is not actively engaged in the use specified for the designated area to temporarily moor in the designated area.

(Amended 3-14-2005, eff. 5-27-2005)

05 CBJAC 25.030 - Visiting vessel arrival zone. ✓ Move to title 40

The harbormaster may establish a zone for visiting vessels to moor upon their arrival from out-of-town and establish written procedures for administering this moorage. The purpose of the zone is to provide temporary moorage for visiting vessels while the harbormaster finds appropriate moorage within the facility. No person shall moor a vessel in this zone without the approval of the harbormaster. The harbormaster shall charge daily moorage fees for use of this zone. The time allotted under the daily fee is transferable to other moorage areas within the facility.

(Amended 3-14-2005, eff. 5-27-2005)

05 CBJAC 25.040 - Reservations zone. ✓ Move to title 40

The harbormaster may accept reservations for daily moorage on both sides of the breakwater and establish written procedures for administering this moorage. No person shall moor in an area marked for reservation without the approval of the harbormaster.

The harbormaster shall assess daily moorage fees under this section the same manner as the regulations set out in 05 CBJAC 15.030.
(Amended 3-14-2005, eff. 5-27-2005)

05 CBJAC 25.050 - Docks and harbors board approval. ✓ Should this be struck out or should the previous 4 codes be struck out?

Prior to administering moorage as set out in sections 010 through 040 of this regulation, the harbormaster shall obtain the approval of the docks and harbors board.
(Amended 3-14-2005, eff. 5-27-2005)

05 CBJAC 25.060 - Summer management. ✓ Should say, "Statler Summer Transient Management"

Except for a loading zone, from May 1 through September 30 each year, a vessel may moor at the facility, including the breakwater, for up to ten consecutive calendar days, after which the vessel must clear the facility for at least six consecutive hours. Unless directed otherwise by the harbormaster in accordance with procedures established under this regulation, all moorage during this period shall be on a first-come, first-serve basis.
(Amended 3-14-2005, eff. 5-27-2005; Amended 12-11-2006, eff. 5-1-2007)

05 CBJAC 25.070 - Daily moorage zones. ✓ Move to title 40, does this contradict 25.050 of this same code?

The harbormaster shall have the discretion to establish a daily moorage zone within any harbor facility at any time of year. The harbormaster shall assess the daily moorage fee as set out in 05 CBJAC 20.030 to each owner mooring a vessel in the daily zone. The daily moorage zone is intended for active vessels and, unless directed by the harbormaster in accordance with written procedures established under this regulation, is available on a first-come, first-serve basis.
(Amended 3-14-2005, eff. 5-27-2005; Amended 12-11-2006, eff. 5-1-2007)

05 CBJAC 25.080 - Winter management. ✓ Move to title 40

(a)

From October 1 through April 30 each year, the harbormaster may assign moorage to vessels for all or part of this period. Moorage will be assigned as follows:

(1)

During the month of August each year, a person wishing to obtain a moorage assignment may apply on an application form provided by the harbormaster. The person shall submit a \$100.00 application fee, refundable if the person does not receive a moorage assignment and creditable towards docks and harbor department charges;

(2)

During the month of September each year, the harbormaster shall assign moorage by lottery until all of the designated space is assigned or all of the applications are processed.

(3)

After assigning moorage by lottery, the harbormaster may assign moorage if space is available at the facility.

(b)

No person, other than the moorage assignee, shall moor in an assigned space without harbormaster approval. Moorage assignments under this section will terminate if the assignee does not pay all applicable fees on a timely basis. Moorage assignees shall

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notify the harbormaster of departure and arrival times as required by 05 CBJAC 40.020(d).

(Amended 3-14-2005, eff. 5-27-2005; Amended 12-11-2006, eff. 5-1-2007)

05 CBJAC 25.090 - Winter management waitlisted vessel moorage zone.

~~From the day after Labor Day through the Thursday before Memorial Day. Should be changed to say, "From October 1 to April 30" in line with 25.080~~ each year, the harbormaster may assign space to vessels that are on the reserved moorage waitlist when space cannot be assigned in the downtown harbor system and there is excess space at the facility after the daily and monthly moorage zones have been established. The harbormaster shall assess moorage fees to the owner of each vessel as follows:

(a)

No additional fee for vessels who pay the full annual fee on or before July 1 in accordance with the applicable small boat harbors fees and charges schedule; and

(b)

75 per cent of the full annual fee for all other waitlisted vessels.

(Amended 3-14-2005, eff. 5-27-2005)

05 CBJAC 25.100 - Exclusion.

This regulation does not limit or restrict the harbormaster's authority to prioritize and manage moorage in a manner to accommodate vessels that are temporarily displaced from reserved moorage due to harbor reconstruction activities, displaced during the winter due to safety concerns, or as provided by CBJ Ordinance Title 85.10.050.

(Amended 3-14-2005, eff. 5-27-2005)

05 CBJAC 25.110 - Effective date.

This regulation takes effect on May 27, 2005.

(Amended 3-14-2005, eff. 5-27-2005)

05 CBJAC 25.120 - Daily fee review.

The docks and harbors board will review the requirement to pay daily fees under Section 6 of this regulation prior to July 1, 2007.

(Amended 3-14-2005, eff. 5-27-2005)



Port of Juneau

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

NOTICE OF PROPOSED CHANGES TO REGULATION

Notice of Public Comment Period

Amendment of Title 05, Chapter 20 Small Boat Harbor Fees and Charges – Moorage

And

Title 05, Chapter 40 Small Boat Harbor Moorage Management Regulations

The above regulations are proposed for adoption pursuant to CBJ 01.60 and CBJ 85.02.060 and CBJ 85.20.010.

Resulting from the demolition of DeHart's marina and construction of reserved moorage at Statter, Docks and Harbors Board is proposing to adopt amended sections of 05 CBJAC 20 & 40. The proposed changes would remove and update parts of the regulation pertaining to "DeHart's Marina" and update the fee schedule to the current year.

Interested persons may obtain a copy of the proposed regulations at the Harbor offices, at the CBJ libraries, at the CBJ Clerk's office, and online at www.juneau.org/harbors. The Board is accepting public comments until COB on May 8th, 2013. Written comments may be submitted at the Docks and Harbor Offices, to the Port Director at 155 S. Seward Street, Juneau, 99801 or by email to carl_uchytel@ci.juneau.ak.us There will be a public hearing at Docks and Harbors Regular Board meeting on April 25th at 5:30 p.m. held in the Assembly Chambers.

This will go before the CBJ Assembly for review on May 13th, 2013.
Contact the Port Office at 586-0292 for more information.

A REGULATION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

**Amendment of Title 05, Chapter 20
Small Boat Harbor Fees and Charges – Moorage**

and

**Title 05, Chapter 40
Small Boat Harbor Moorage Management Regulations**

PURSUANT TO AUTHORITY GRANTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, THE DOCKS AND HARBORS BOARD IS PROPOSING TO ADOPT THE FOLLOWING AMENDMENT TO REGULATIONS:

Section 1. Authority. These regulations are proposed for adoption pursuant to CBJ 01.60 and CBJ 85.02.060 and CBJ 85.20.010.

Section 2. Adoption of Regulations. The City and Borough of Juneau Administrative Code is amended by the adoption of new regulations in Title 05, Chapter 20 Small Boat Harbor Fees and Charges – Moorage; and Title 05, Chapter 40 Small Boat Harbor Moorage Management Regulations, reading as follows:

Adopt an amended section 05 CBJAC 20.020, to read:

05 CBJAC 20.020 - Special annual moorage fee for skiffs.

An owner with an open-hulled vessel 21 feet or less in length, excluding engines, may apply to the harbormaster for moorage in the limited access areas of the small boat harbors. The harbormaster will assign moorage in these areas on a first-come, first-serve basis. If assigned moorage by the harbormaster, all requirements pertaining to annual moorage apply, except the annual moorage fee that the owner shall pay, which shall be as follows:

- (1) ~~\$500.00~~ **\$580.00** from July 1, ~~2007~~ **2013** through June 30, ~~2008~~ **2014**; and
- (2) Each moorage year after June 30, ~~2008~~ **2014**, a fee equal to the previous year's fee adjusted by the Anchorage Consumer Price Index (CPI) as reported by the Alaska Department of Labor for the calendar year preceding the start of the moorage year, rounded to the nearest \$5.00, unless the docks and harbors board takes action to keep the fee the same as the previous year.

Adopt an amended section 05 CBJAC 20.025, to read:

...

05 CBJAC 20.025 - Assigned moorage credit.

- (b) Administration. Once each year, the harbormaster shall issue a credit memo to the account of a person with a moorage assignment that makes their private shorepower available for temporary moorage assignments. The credit shall ~~equal \$1.00~~ *be equal to the daily shorepower access fee charged in 05 CBJAC 30.010(e)* for each day that the harbormaster uses their stall for a temporary moorage assignment and the temporary moorage assignee uses the private shorepower connection. The credit is redeemable only against docks and harbors charges levied against the account of the moorage assignee.

Adopt an amended section 05 CBJAC 20.030, to read:

05 CBJAC 20.030 - Daily moorage fees.

- (a) Definition. The fee charged on a daily basis to the owner of a vessel for berthing the vessel at the Douglas Boat Harbor, Harris Boat Harbor, Aurora Boat Basin, Norway Point Float, National Guard Float, Fisherman's Terminal, Statter Boat Harbor, DeHart's Marina, and moorage appurtenant to any of these facilities.

...

- (d) Daily moorage fees. Except as provided for reserved daily moorage, daily moorage fees will be assessed for each 24-hour period or portion thereof as follows:

- (1) From July 1, ~~2007~~ 2013 through June 30, ~~2008~~ 2014, \$0.45 *0.53* per foot; and
- (2) Each moorage year after June 30, ~~2008~~ 2013, a fee equal to the previous year's fee adjusted by the Anchorage Consumer Price Index as reported by the Alaska Department of Labor for the calendar year preceding the start of the moorage year, rounded to the nearest cent, unless the docks and harbors board takes action to keep the fee the same as the previous year.

Adopt an amended section 05 CBJAC 20.040, to read:

05 CBJAC 20.040 - Downtown monthly moorage fees.

- (a) Definition. The fee charged to the owner of a vessel for berthing the vessel at the Douglas Boat Harbor, Harris Boat Harbor, Aurora Boat Basin, Norway Point Float, National Guard Float, Fisherman's Terminal, and moorage appurtenant to any of these facilities, *on a monthly basis*.

...

- (d) Monthly moorage fees. Monthly moorage fees will be assessed for each calendar month or portion thereof as follows:

- (1) From July 1, ~~2007 2013~~ to June 30, ~~2008 2014~~, ~~\$3.60~~ 4.15 per foot; and
- (2) Each moorage year after June 30, ~~2008 2014~~, a fee equal to the previous year's fee adjusted by the Anchorage Consumer Price Index as reported by the Alaska Department of Labor for the calendar year preceding the moorage year, rounded to the nearest five cents, unless the docks and harbors board takes action to keep the fee the same as the previous year.

Adopt an amended section 05 CBJAC 20.041, to read:

05 CBJAC 20.041 - ~~Auke Bay Statter Boat Harbor~~ monthly moorage fees.

- (a) Definition. The fee charged to the owner of a vessel for berthing the vessel at the Statter Boat Harbor ~~and DeHart's Marina,~~ and moorage appurtenant ~~to these facilities to this facility,~~ on a monthly basis.

...

- (d) Monthly moorage fees. Monthly moorage fees will be assessed for each calendar month or portion thereof as follows:

- (1) From July 1, ~~2007 2013~~ to June 30, ~~2008 2014~~, ~~\$6.00~~ 6.95 per foot; and
- (2) Each moorage year after June 30, ~~2008 2014~~, a fee equal to the previous year's fee adjusted by the Anchorage Consumer Price Index as reported by the Alaska Department of Labor for the calendar year preceding the moorage year, rounded to the nearest five cents, unless the docks and harbors board takes action to keep the fee the same as the previous year.

Adopt an amended section 05 CBJAC 20.060, to read:

05 CBJAC 20.060 - Recreational boat launch fees.

...

- (d) Recreational launch ramp fees. Recreational launch ramp fees will be assessed for each calendar year, calendar day, or portion thereof as follows:

Fee Period	July 1, 2005 to December 31, 2005	January 1, 2006 to December 31, 2006	January 1, 2007 to December 31, 2007
Calendar Year	\$50.00	\$70.00	\$90.00
Calendar Day	\$10.00	\$12.00	\$14.00

Adopt an amended section 05 CBJAC 20.070, to read:

05 CBJAC 20.070 - Fees for commercial use of boat launches.

- (a) **Definition.** The fees assessed to an owner for using one or more of the Douglas Harbor Boat Launches, the Harris Harbor Boat Launch, the North Douglas Boat Launch, the Statter Harbor Boat Launch, the Tee Harbor Boat Launch, the Amalga Harbor Boat Launch, and the Echo Cove Boat Launch for any type of commercial use.
- (b) **Annual fee.** A commercial user of the launch ramps must pay an annual fee prior to using a launch ramp each calendar year as follows:

Fee	July 1, 2005 to December 31, 2005	January 1, 2006 to December 31, 2006	January 1, 2007 to December 31, 2007
\$ per calendar year	\$175.00	\$200.00	\$225.00

- (c) **Freight use fee.** In addition to other fees set out in 05 CBJAC 20, a person using a launch ramp for freight use must pay the fees set out in this subsection. Freight use means the use of a launch ramp for any purpose other than launching and recovering a recreational vessel. A person may pay the personal use freight fee set out in this subsection if the freight use is limited to non-commercial use. All other persons must pay the commercial use fee. The harbormaster shall assess freight use fees by duration of use per calendar day as follows:

Fee Type	January 1, 2006 to December 31, 2006	After December 31, 2006
Commercial Use Fee	Up to ½ hour: \$25.00 Over ½ hour: \$25.00 + \$1.25 for each minute beyond ½ hour	Up to ½ hour: \$30.00 Over ½ hour: \$30.00 + \$1.50 for each minute beyond ½ hour
Personal Use Fee	Up to ¼ hour: no charge Over ¼ hour: \$10.00 per half-hour of use beyond ¼ hour with \$10.00 minimum charge	Up to ¼ hour: no charge Over ¼ hour: \$15.00 per half-hour of use beyond ¼ hour with \$15.00 minimum charge

...

Adopt an amended section 05 CBJAC 20.080, to read:

05 CBJAC 20.080 - Passenger-for-hire fee.

- (a) Definition. The fee assessed to a person conducting passenger-for-hire activities at Douglas Boat Harbor, Harris Harbor, Harris Harbor Launch Ramp, Aurora Boat Harbor, ~~DeHart Marina~~, Statter Boat Harbor, or Statter Boat Harbor Launch Ramp.
- ...
- (c) Requirements. The owner of a vessel must apply to and obtain a permit from the Harbormaster in order to conduct passenger-for-hire activities at Douglas Boat Harbor, Harris Harbor, Harris Harbor Launch Ramp, Aurora Boat Harbor, ~~DeHart Marina~~, Statter Boat Harbor, or Statter Boat Harbor Launch Ramp. Applications are available at any of the Docks and Harbor Department Offices. The Harbormaster is authorized to issue permits with reasonable conditions concerning insurance, operations, and the payment of fees.
- (d) Inspected vessel fees. The Harbormaster shall assess permit fees to the owner of a vessel engaged in passenger-for-hire activities that is regulated under Subchapter T and S of 40 CFR 33 as follows:
- (1) ~~Before January 1, 2007,~~
 - ~~(A) Calendar year permit: \$300.00 plus \$7.00 per certificated passenger seat; or~~
 - ~~(B) Calendar day permit: \$100.00; or~~
 - (2) On or after January 1, 2007,
 - (A 1) Calendar year permit: \$300.00 plus \$1.10 per passenger each calendar day that one or more facilities is used for passenger-for-hire activity; or
 - (B 2) Calendar day permit: \$1.00 per certificated passenger seat; or
 - (3) No charge for non-profit use when approved by the Harbormaster on a case-by-case basis.
- (e) Uninspected vessel fees. The Harbormaster shall assess permit fees to the owner of a vessel engaged in passenger-for-hire activities that is not regulated under Subchapter T and S of 40 CFR 33 (six-pack vessels) as follows:
- (1) ~~Before January 1, 2007,~~
 - ~~(A) Calendar year permit: \$50.00 per vessel plus \$7.00 per passenger seat; or~~
 - ~~(B) Five or fewer uses in a calendar year permit: \$50.00 per vessel; or~~
 - (2) On or after January 1, 2007,
 - (A 1) Calendar year permit: \$50.00 per vessel plus \$15.00 per passenger seat; or
 - (B 2) Five or fewer uses in a calendar year: \$75.00 per vessel; or

Regulations of Docks and Harbors

Title 05 Chapter 20 Small Boat Harbor Fees and Charges – Moorage

Title 05 Chapter 40 Small Boat Harbor Moorage Management Regulations

- (3) No charge for non-profit use when approved by the harbormaster on a case-by-case basis.

Adopt an amended section 05 CBJAC 20.090, to read:

05 CBJAC 20.090 – Statter Boat Harbor Lower Parking Lot permit fee.

...

- (c) Fees. The Harbormaster shall assess permit fees to the owner of a vehicle using the Statter Boat Harbor Lower Parking Lot to pick-up and discharge passengers for passengers-for-hire activities as follows:

~~(1) Before January 1, 2007,~~

~~(A) Calendar year permit: \$300.00 per company plus \$7.00 per passenger seat; or~~

~~(B) Occasional and off-peak time use permit: \$15.00 per vehicle per calendar day or \$250.00 per vehicle per calendar year; or~~

~~(2) On or after January 1, 2007,~~

(A 1) Calendar year permit: \$300.00 per company plus \$15.00 per passenger seat; or

(B 2) Once per week permit: \$25.00 per vehicle per calendar day for companies that use the lot to drop-off passengers for passenger-for-hire activities no more than once per week; or

- (3) No charge for non-profit use when approved by the Harbormaster on a case-by-case basis.

Adopt an amended section 05 CBJAC 20.100, to read:

05 CBJAC 20.100 - Grid usage fees.

...

- (d) *Grid usage fees.* Grid usage fees shall be assessed as follows:

Fee	July 1, 2005	July 1, 2006	July 1, 2007
	to June 30, 2006	to June 30, 2007	to June 30, 2008
\$ per foot per day	\$0.65	\$0.80	\$.95

Adopt an amended section 05 CBJAC 40.010, to read:

05 CBJAC 40.010 – General moorage management policy.

...

- (b) *Applicability and other regulations.* CBJ Administrative Code Title 05, Chapter 40 applies to the small boat harbors under the jurisdiction of the City and Borough of Juneau Docks and Harbors Board. These include the Douglas Small Boat Harbor, the National Guard Dock, Harris Boat Harbor, the Fisheries Terminal Float, Aurora Boat Basin, Statter Boat Harbor, ~~DeHart's Marina~~ and moorage facilities appurtenant thereto. Where the requirements of 05 CBJAC 40 differ from other small boat harbor regulations in CBJ Administrative Code Title 05, the regulation that is more specific or restrictive shall take precedence.

...

Adopt an amended section 05 CBJAC 40.020, to read:

05 CBJAC 40.020 – Reserved moorage policy.

...

- (c) *Availability.* A limited amount of reserved moorage is available in Douglas Small Boat Harbor, Harris Boat Harbor, Aurora Boat Basin, the Fisheries Terminal Dock, and ~~DeHart's Marina~~ Statter Boat Harbor. The Harbormaster assigns this moorage in accordance with this regulation. Maps of reserved moorage are available at the Aurora Harbor Office.

...

- (j) *Reserved Moorage for Former DeHart Marina Patrons.* Former DeHart Marina patrons eligible for reserved moorage at Statter Boat Harbor will be provided preferred moorage, notwithstanding the size requirements under 05 CBJAC 40.010(f), until the vessel is sold, lost, destroyed or stolen. Vessels procured with the intent to retain reserved moorage under 05 CBJAC 40.020(e), must meet the requirements under 05 CBJAC 40.010(f).

Adopt an amended section 05 CBJAC 40.040, to read:

05 CBJAC 40.040 – Reserved moorage waitlists.

...

- (f) *Notification of assignment.* When a moorage assignment becomes available, the Harbormaster will notify highest-ranked applicant on the applicable waitlist and provide the applicant 15 days after mailing of the notice to respond to the Harbormaster. If the applicant declines or does not respond within 15 days after service of the notice, the Harbormaster will offer the stall to next highest-ranked applicant. The Harbormaster will continue

notifying applicants in this manner until an applicant accepts the assignment or all applicants decline. Upon acceptance of the assignment, the Harbormaster shall process the assignment as set out in 05 CBJAC 40.035. ~~Except for a DeHart's Marina assignment, an~~ applicant that declines an assignment or does not respond will be removed from the applicable waitlist.

...

Adopt an amended section 05 CBJAC 40.045 to read:

05 CBJAC 40.045 – Reserved moorage reassignments.

A reserved moorage assignee, ~~including a DeHart's Marina assignee,~~ may apply to the Harbormaster for reassignment to a similar slip or space size class at a different location. The Harbormaster shall maintain waiting lists for this purpose. ~~Except for reassignments to Dehart's Marina, a~~ Assignees with the earliest sign-up date on the applicable list will be given the highest priority. ~~For reassignments to Dehart's Marina, assignees with the earliest date the assignee was assigned reserved moorage in any one of the City and Borough small boat harbors will be given the highest priority on the DeHart's Marina waitlist.~~ When a similar slip or space in the applicable size class becomes available, the Harbormaster shall notify the reserved moorage assignees on this waiting list according to priority and offer the available slip or space for reassignment. The assignee has 72 hours to respond. If the assignee fails to respond or declines the reassignment, the Harbormaster may offer the slip or space to the next assignee on the waiting list. The refusal of an offered slip or space will not cause the assignee to lose waiting list priority.

Adopt an amended section 05 CBJAC 40.065 to read:

05 CBJAC 40.065 – DeHart's Marina Moorage Management.

(a) ~~Applicability of this regulation.~~ All requirements of 05 CBJAC 40 apply to the slip or space assignees of DeHart's Marina, except as follows:

- (1) ~~Assignees with a reserved slip or space at DeHart's Marina on July 1, 2005 may transfer assignment of their reserved slip or space to another person as part of the sale of their assigned vessel. In order for the transfer of the assignment to be effective, the assignee shall provide the Harbormaster with proof of the sale to the new vessel owner; and~~
- (2) ~~Assignees of a reserved slip or space at DeHart's Marina on July 1, 2005 may continue to keep their annual or seasonal assignment provided they meet the applicable requirements set out in 05 CBJAC 40. For the moorage period from April 1, 2006 through June 30, 2006, assignees may keep their moorage assignment by paying to the Harbormaster the applicable moorage fee for this period no later than March 30, 2006. A renewal application is not required for the period of April 1, 2006 through June 30, 2006. For the moorage year starting July 1, 2006, a DeHart's Marina assignee shall follow the renewal moorage application provisions set out in 05 CBJAC 40.030 and the Harbormaster shall process the application in accordance with the procedures set out in~~
05 CBJAC 40.035

(b) ~~DeHart's Marina Fees. Reserved~~

...

Section 3. Notice of Proposed Adoption of a Regulation. The notice requirements of CBJ 01.60.200 were followed by the agency. The notice period began on _____, 2013, which is not less than 21 days before the date of adoption of these regulations as set forth below.

Adoption by Agency

After considering all relevant matter presented to it, the agency hereby amends these regulations as set forth above. The agency will next seek Assembly review and approval.

Date: _____

Carl Uchtyl
Port Director

Legal Review

These regulations have been reviewed and approved in accordance with the following standards set forth in CBJ 01.60.250:

- (1) Consistency with federal and state law and with the charter, code, and other municipal regulations;
- (2) The existence of code authority and the correctness of the required citation of code authority; and
- (3) Its clarity, simplicity of expression, and absence of possibility of misapplication.

Date: _____

John W. Hartle
City Attorney

Assembly Review

These regulations were presented to the Assembly at its meeting of _____. They were adopted by the Assembly.

Date: _____

Laurie J. Sica, Clerk

Filing with Clerk

I certify, as the clerk of the City and Borough of Juneau, that the following statements are true:

- (1) These regulations were accepted for filing by the office of the clerk at ____:____ a.m./p.m. on the _____ day of _____, _____.
- (2) After signing I will immediately deliver or cause to be delivered copies of this regulation to the attorney and the director of libraries.
- (3) A permanent file of the signed originals of these regulations will be maintained in this office for public inspection.
- (4) Effective date: _____.

Date: _____

Laurie J. Sica, Clerk

P.O. BOX 20734
JUNEAU, ALASKA 99802
PHONE (907) 209-4250
FAX (907) 463-3055
juneau_port_dev@hotmail.com



RECEIVED
MAY 17 2013

BY: _____

May 17, 2013

Regards,

Regards,

Howard Lockwood

Manager
Juneau Port Development LLC



ENGINEERS, INC.

May 7, 2013

PND 102069.05

Gary Gillette
Port Engineer
CBJ Docks & Harbors Department
155 South Seward Street
Juneau, Alaska 99801

Subject: Statter Harbor Moorage Improvements
Contract Administration and Inspection Services

Dear Mr. Gillette:

As previously discussed, PND will exhaust our original contract budget for contract administration and inspection services this week. PPM's contract has been extended until May 30, 2013 due to increased work scope and it could possibly go longer for additional work items associated with the timber float reconfiguration and contract closeout issues. Attached for your review please find an estimated T&E proposal for continuation of services on the referenced project.

We hope that we have perceived your needs appropriately and offer the attached scope and fee proposal breakdown for your consideration. We propose to proceed on a time and expenses (T&E) basis in accordance with our May 2012 billing rates. We will monitor expenditures with you on a monthly basis and will not exceed the estimated budget without your prior authorization.

Feel free to call me at any time should you have any questions or need additional information regarding this proposal. We look forward to working with you towards the successful completion of this project.

Sincerely,
PND Engineers, Inc. | Juneau Office

Dick Somerville, P.E.
Vice President

Enclosure

Scope of Services

Scope of Services	PND Senior Engineer VII	PND Senior Engineer VI	PND Senior Engineer I	PND Staff Engineer V	PND Staff Engineer IV	PND Staff Engineer III	CAD Designer V	PND Tech IV	Line Item Costs	Task Subtotal Costs
	\$175.00	\$165.00	\$110.00	\$100.00	\$95.00	\$90.00	\$95.00	\$90.00		
ANTICIPATED TASKS										
1. Contract administration - direct subconsultants & inspectors, prepare or review contract correspondence, pay applications, change orders, RFI's, DCVR's. Assume 4 weeks	16	32	80					4		\$17,240
2. Design assistance for field mods.	2	8	12				4			\$3,370
3. Attend bi-weekly progress meetings with CBJ & Contractor & prepare reports	4	8	16							\$3,780
4. On site construction inspections w/ daily reports & photos - assume 1 inspector on site 3 weeks at 60 hrs/wk through substantial completion				180						\$18,000
5. Substantial Completion Inspection & Prepare Final Punch List	4	4	8							\$2,240
6. Punch List Inspections through Final Completion & Contract Closeout Documentation, O&M Manual	2	8	32	60						\$11,190
7. Transfer contractor provided as-built data to electronic files	2	2	8	8			16			\$3,880
Total Estimated Manhours	30	62	156	248			20	4		\$59,700
Estimated Third Party Expenses										
Haight & Associates	Electrical Engineering Services								\$5,000	
Materials Testing	Independent Lab Testing Allowance								\$1,000	
Misc. Expenses	Job consumables, fuel, freight, small tools, field supplies, goldstreaks, etc.								\$250	\$6,250
Total Estimated T&M Fee										\$65,950

Mr. John Hartle
City Attorney, CBJ Law Department
155 S. Seward St.
Juneau, Alaska 99801
Re: BID E13-151 Downtown Snow Storage Site Facility

RECEIVED
MAY 16 2013
CBJ Dept of Law

Copy

May 16, 2013

Mr. Hartle,

Attached, please find a letter to Mr. Hal Hart, Director, CBJ Community Development Department, dated Friday, May 10, 2013.

Mr. Hart has since told me that the questions that I asked were being reviewed by the Law Department.

Would you please answer the questions listed below, directly to me:

1. Why was there *not* a CSP "City/State Project" review done on this project?
2. Why is there *no* grading plan or grading permit for this project?
3. There has been an estimated "2.75 acres disturbed".
 - a. This information was presented in the Storm Water Pollution Prevention Permit (SWPPP) #AKR10E152, submitted to Alaska Department of Environmental Conservation (DEC) and received by Admiralty Construction on March 12, 2013.
4. Based on the fact above, why wasn't there a final plan review or conditional use permit process revisited, due to the total size and impact to the community of the final bid project?
5. Why was there *no* public comment provided to the Community on the revision to the Long Range Waterfront Plan, as a result of the "change of intent" for that specific property, from a proposed Harbor Marina complex with upland facilities and park, to a contaminated snow dump, storage and drainage site with heavy construction equipment working through all hours of day and night?
6. Who had the authority to eliminate public comment and review on the following, to list just a few?:
 - a. The impact to the downtown Juneau road system.
 - b. The impact to Thane Neighborhood Association with the dangers involved with large snow dump-trucks pulling in and out of the new "access road" onto Thane Road.
 - c. The impact of back-up horns and tail gate banging on the residents of Douglas Island.
 - d. The impact of the "change of intent" for that specific property, with regard to the Long Range Waterfront Plan, without public comment.

I have listed my email address below, for ease of contact in answering the above questions. Your prompt review and reply is much appreciated:

CC: Mr. Merrill Sanford, CBJ, Mayor
Ms. Kim Kiefer, CBJ, Manager
Mr. Hal Hart, Director, CDD

MAY 16 2013

CBJ Manager's Office

Sincerely,
JoAnn Lockwood
Jo Ann Lockwood
joann_lockwood@hotmail.com
209-4248

RECEIVED

MAY 16 2013

PERMIT CENTER/CDD

Mr. Hal Hart
Director, CBJ Community Development Department
155 S. Seward St.
Juneau, Alaska 99801



RE: BID E13-151 Downtown Snow Storage Site and Facility

May 10, 2013

Mr. Hart,

To resolve my question regarding the correct area square footage of the snow storage pad and treatment pond contained, Mr. Gary Murdoch, GDM Graphics, was hired by me as an independent professional engineer/surveyor to retrace the survey coordinates from the final bid drawings included in BID E13-151.

I had relied on DOWL HKM calculations, which were received by me and written on the company notepad by their engineer on April 10, 2013, at their Juneau office.

However, I now suspect that the beams may have been included in DOWL HKM calculations of 49,620 S.F. combined, for the pad and pond, compared to Mr. Watt's calculations at 41,549 S.F. combined, for his use of the most inside line footprint for the survey of both pad and pond.

Upon further research in this matter, I find that the following questions still need to be answered:

1. Was a "New Project Review" completed by CBJ on the Downtown Snow Storage Site Facility?
2. Was a grading review or permit completed on that project?
3. There has been an estimated "2.75 acres disturbed", as presented in the Storm Water Pollution Prevention Permit (SWPPP) #AKR10E152, submitted to Alaska Department of Environmental Conservation (DEC) and received by Administly Construction on March 12, 2013. Based on this fact, should this not have been reviewed by the Planning staff under the "New Project Review"?
4. Was public comment provided to the Community on the revision to the Long Range Waterfront Plan, as a result of the "change of intent" for that specific property, from a proposed Harbor Marina complex with upland facilities and park, to a contaminated snow dump, storage and drainage site with heavy construction equipment working through all hours of day and night? (see attached)
5. Was a conditional use permit required for this project, based upon any of the above answers?

Thank you for your time. My contact information is listed below for prompt resolve.

With Kind Regards,
JoAnn Lockwood
JoAnn Lockwood
joann_lockwood@hotmail.com
209-4248

RECEIVED
MAY 10 2013

Mr. Hal Hart
Director, CBJ Community Development Department
155 S. Seward St.
Juneau, Alaska 99801

MAY 13 2013

CBJ Manager's Office

RE: BID E13-151 Downtown Snow Storage Site and Facility

May 13, 2013

Mr. Hart,

Attached, please find a semi-chronological vision of the proposed Harbor Marina Project at ATS 556A, which has been ongoing from 2001 until current date.

ATS 556A is the same location on which an original CBJ Engineering design, CBJ BID E13-151 and Admiralty Construction's work in progress, is taking place for the new Downtown Snow Storage Site Facility, as shown in the last pages of the attachment pictures.

This new Downtown Snow Storage Site Facility was superimposed over a Harbor Development plan already in progress, which is supported by a City Lease, recorded on December 10, 2007, Recording No. 2007-007947-0 and also with an accompanying City Ordinance #2007-43.

As further research is revealing, it looks as though the Snow Storage project was never processed through the normal planning review nor CBJ Conditional Use Permitting requirements for a project of such magnitude.

The construction at ATS 556A is currently taking place without proper notice to *all* vested interest and title holders in that specific property.

For your convenience I have attached some of the chronological history for the ongoing Harbor Marina and Upland Facilities, which is currently proposed to the Docks and Harbors Board for that area.

It is my request that all work on Project BID E13-151 be stopped immediately for the lack of proper CBJ permitting processes and current permits.

Further, that the entire proposal for Downtown Snow Storage Site Facility at that area be brought to the Planning Commission for the necessary review so as to address the total dynamic impact that the Downtown Snow Storage Site Facility will have upon visitors, community members and that portion of the pristine Juneau Waterfront.

With Kind Regards,
JoAnn Lockwood
Jo Ann Lockwood
joann_lockwood@hotmail.com
209-4248

CC: Ms. Kim Kiefer, CBJ, Manager
Mr. Merrill Sanford, CBJ, Mayor
Mr. John Hartle, CBJ, City Attorney
Mr. Carl Uchytel, CBJ, Port Director

RECEIVED

MAY 13 2013

CBJ Dept of Law

RECEIVED

MAY 13 2013

PERMIT JEN L R CDD

JUNEAU PORT DEVELOPMENT LLC

P.O. BOX 20734
JUNEAU, ALASKA 99802
PHONE (907) 209-4250
FAX (907) 463-3055
juneau_port_dev@hotmail.com



Mr. Bruce Botelho
Mayor, City and Borough of Juneau
155 S. Seward St.
Juneau, Alaska 99801

CITY CLERK
C B J
AUG 21 2012
RECEIVED

August 20, 2012

Bruce,

I have been notified that the Public Works Department and the City Engineers have been pursuing a plan to store and process snow along the entire west side of the already planned and approved Harbor Plan, located at the Little Rock Dump, on a portion of ATS 556A. This came to my attention when I received notice from the State of Alaska, DNR and U.S. Corps of Engineers, that the City Engineers had filed preliminary permitting papers on top of the already approved Harbor plan, which was likewise in their files.

Juneau Port Development LLC, by and through its assigned associates, is in the very final stages of the soils examination phase and is developing the final procedure for proper removal of the contaminated material which exists throughout the entire construction area, thus qualifying the clean material as fill behind the planned containment wall.

As Manager of Juneau Port Development LLC, I am the one soliciting international user investors, in exchange for a specific product and support services. The user investors are depending upon my professional, competent performance to deliver exactly what is being presented in the preliminary financial solicitation papers, describing what is to be provided, together with photos of the Harbor plan, already engineered to scale by PND Engineers Inc. and approved in concept by the full Harbor Board at their regularly scheduled meeting on October 28, 2010.

Construction of the potential snow storage and processing plant, as planned by the Public Works Department today, will terminate Juneau Port Development LLC's ability to finance and construct the 1/3 west side of the Harbor containment wall and boat slips, leaving the other 2/3 for development, along the sand toes, out at approximately +5 ft. mean high tide line. This will negate the potential money stream directly to the benefit to the City and Borough of Juneau of approximately \$35,000,000.00 (35 million) for the Harbor wall and slip construction, plus the tax base rents and money stream to the City and Borough of Juneau and the Docks and Harbors Board throughout the entire term of the existing Lease.

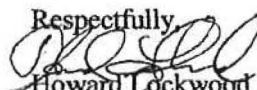
This action by the Public Works Department puts me, as Manager of Juneau Port Development LLC, directly in the position of misrepresentation of a product, together with potential international money fraud, mail fraud and worst of all, internet fraud. The legal overflow of any

potential problem of this magnitude would most likely also involve the City and Borough of Juneau, under these conditions.

In my opinion, the design and construction of this new snow storage and processing facility at a portion of ATS 556A, which was unilaterally superimposed over an already approved Harbor development plan, which is supported by a Lease, recorded on December 10, 2007, Recording No. 2007-007947-0 and also with an accompanying City Ordinance #2007-43, without proper notice to me, my current investors and associates, or potential users, simultaneously places the Juneau Port Development LLC and the City and Borough of Juneau Assembly squarely in the position of dealing in bad faith with a known international money solicitation project.

In the interim, in order to control the potential liability, as listed above, I have stopped all preliminary soliciting activity until this issue is clearly rectified.

Bruce, I am asking for your guidance in setting up the appropriate meeting with the appropriate people, so that the CBJ Public Works Department and Juneau Port Development LLC can agreeably resolve this issue and each move forward smoothly with their endeavors.

Respectfully,

Howard Lockwood
Manager

Enclosed:

Summary of Chronological Events - Letter

Summary Support Pictures

Dept. of Public Works - Joe Buck Letter - June 6, 2011

CBJ Engineers - Snow storage and process - Papers filed with City, State and Federal permitting agencies

JUNEAU PORT DEVELOPMENT LLC

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juneau_port_dev@hotmail.com



CITY CLERK
SEP 10 2012
RECEIVED

Mr. Bruce Botelho
Mayor, City and Borough of Juneau
155 S. Seward St.
Juneau, Alaska 99801

August 22, 2012

Bruce,

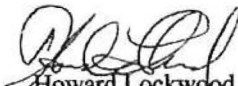
The attached letter and Engineers drawing were presented verbally to the City Engineer, Rorie Watt, at a meeting in the City Engineers conference room on June 29, 2012 at 2:00 pm, during my final attempt to rectify this situation, prior to bringing it to your office.

Present at this meeting were:

Rorie Watt, Director of City Engineering
John Bohan, Chief CIP Engineer
Alan Steffert, Project Engineer
Jo Ann Lockwood, Office Manager
Howard Lockwood, Manager

The idea, which was presented by me, was flatly rejected by the City Engineer. According to Rorie Watt, people in the City and persons in the Law Department currently questioned the continuation of Juneau Port Development LLC's existing Lease. He said further, that he was advised by a lawyer at the City Law Department, that the Public Works Department, through the City Engineers Department, was within its rights to unilaterally proceed with their snow dump and storage plan at the immediate, adjoining area of the already approved, planned Mega Yacht docking facility at the entire northwest side of the Harbor facility.

When I asked the City Engineer, Rorie Watt, the name of the lawyer at the City Law Department, who had made that statement so that I could get some idea of this lawyers resource information and thinking, Rorie's response was that "You will have to hire a lawyer to get that information because that person at the City Law Department will not talk directly to you".


Howard Lockwood
Manager

JUNEAU PORT DEVELOPMENT LLC

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FAX (907) 463-3055
juneau_port_dev@hotmail.com



Meeting: June 29, 2012
Engineers Department
2:00 pm

The information below was presented verbally by Howard Lockwood from his handwritten notes, to Rorie Watt at the meeting on June 29, 2012.

Present at this meeting were:

Rorie Watt, Director of City Engineering
John Bohan, Chief CIP Engineer
Alan Steffert, Project Engineer
Jo Ann Lockwood, Office Manager
Howard Lockwood, Manager

In order to satisfy the Public Works and City Engineers needs for snow storage and processing and still allow the Harbor Plan, which has been approved in concept to comply with its uplands support area, which has always been projected for that area, I am suggesting that we research the following idea.

Attached, is a plat which was prepared by DOWL HKM, with a line drawn from the fence corner of the Wastewater Treatment Plant to the corner post of the GCI receiving station property, which would be considered a tentative borderline between the planned snow storage and processing area and the Harbor upland commercial support facilities, as a starter.

If something, generally along this line were acceptable to you then I would proceed as follows:

1. File for and obtain all permits and paperwork necessary to satisfy State of Alaska Department of Natural Resources (DNR) requirements for compliance with AS 38.05.185 through AS 38.05.275.
2. Clear title: Will work with the CBJ Law Department.
 - a. DNR.
 - b. Eichman.
 - c. AMEx Mining.
 - d. Juneau Port Development LLC.
 - e. CBJ Lease provisions.
 - f. Mountain-West Resources, Inc (Canada).

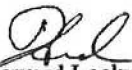
3. Do what is necessary to transfer title to CBJ Engineers Department for the specific purpose of its snow removal and storage project.
4. Change final Harbor draft to include these provisions.
5. Snow storage project to be presented to:
 - a. Docks and Harbors.
 - b. Lands Committee.
 - c. Parks and Recreation.
 - d. Assembly Committee of the Whole.
 - e. Final Assembly, if required.

Engineering Required:

- a. Plug culvert.
- b. Clear trees, as necessary.
- c. Snow storage and process design.

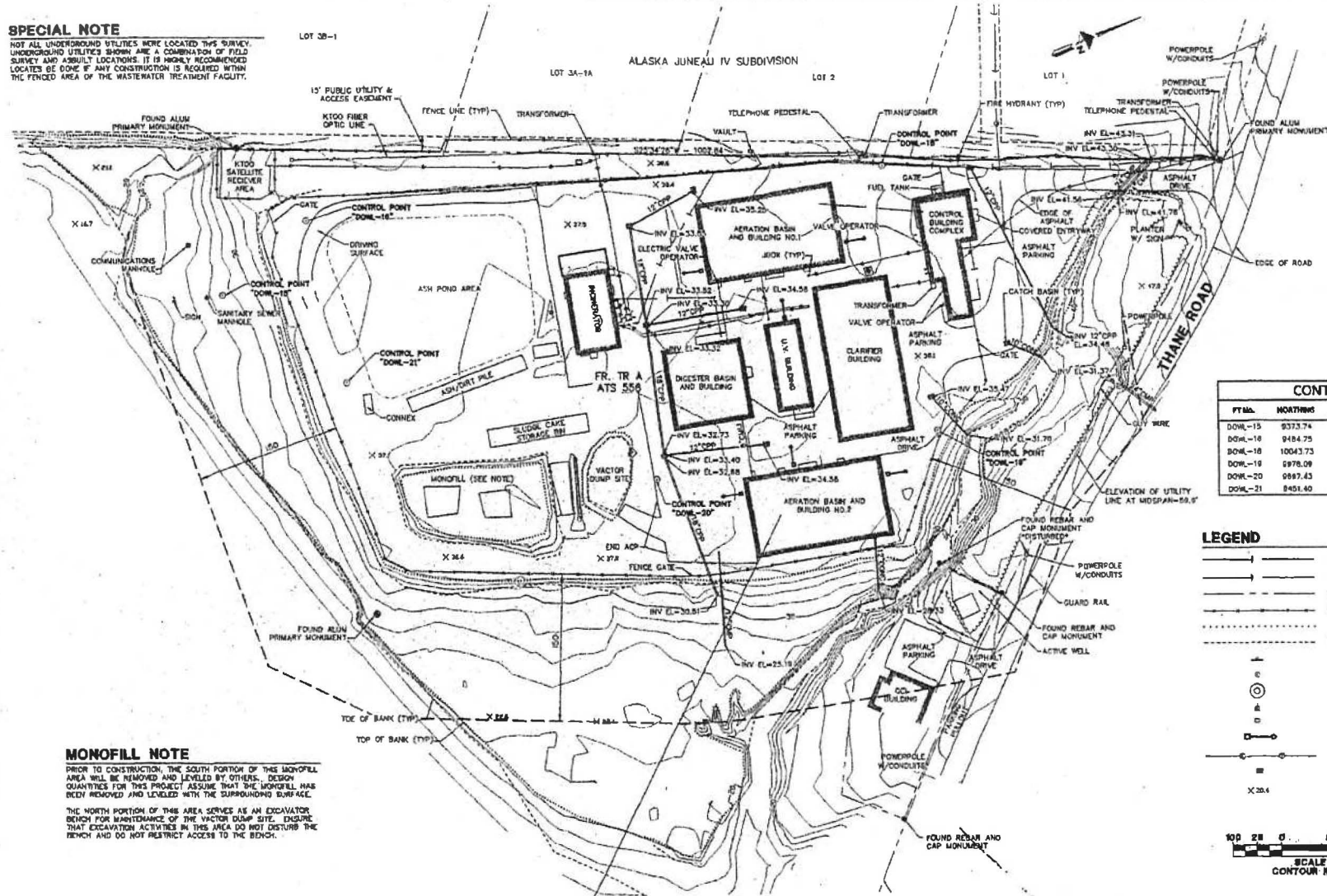
Juneau Port Development LLC:

- a. Drive sheet pile to block drainage.
- b. Clean existing debris.
- c. Clean sand for fill.
- d. Fill area to +27 ft. or to +30 ft. if required.
- e. Work with Trucano Construction.


Howard Lockwood
Manager

SPECIAL NOTE

NOT ALL UNDERGROUND UTILITIES WERE LOCATED THIS SURVEY. UNDERGROUND UTILITIES SHOWN ARE A COMBINATION OF FIELD SURVEY AND AS-BUILT LOCATIONS. IT IS HIGHLY RECOMMENDED LOCATES BE DONE IF ANY CONSTRUCTION IS REQUIRED WITHIN THE FENCED AREA OF THE WASTEWATER TREATMENT FACILITY.



MONOFILL NOTE

PRIOR TO CONSTRUCTION, THE SOUTH PORTION OF THIS MONOFILL AREA WILL BE REMOVED AND LEVELED BY OTHERS. DESIGN QUANTITIES FOR THIS PROJECT ASSUME THAT THE MONOFILL HAS BEEN REMOVED AND LEVELED WITH THE SURROUNDING SURFACE.

THE NORTH PORTION OF THIS AREA SERVES AS AN EXCAVATOR BENCH FOR MAINTENANCE OF THE VACUUM DUMP SITE. ENSURE THAT EXCAVATION ACTIVITIES IN THIS AREA DO NOT OBTAIN THE BENCH AND DO NOT RESTRICT ACCESS TO THE BENCH.



Consulting Engineers • Land Surveyors • Construction Administration

JOB NO. J0009 DRAWN BY: STAFF DESIGNED BY: P. HEDIN CHECKED BY: STAFF DATE: MAY 2008

5368 Commercial Blvd.
Juneau, Alaska 99801
(907) 780-3533 Office
(907) 780-3533 Fax



CITY OF JUNEAU
ALASKA'S CAPITAL CITY

DEPARTMENT OF ENGINEERING

**DOWNTOWN SNOW
STORAGE SITE FACILITY
CONTRACT NO. E12-166**

**HORIZONTAL AND VERTICAL CONTROL
AND EXISTING TOPOGRAPHY**

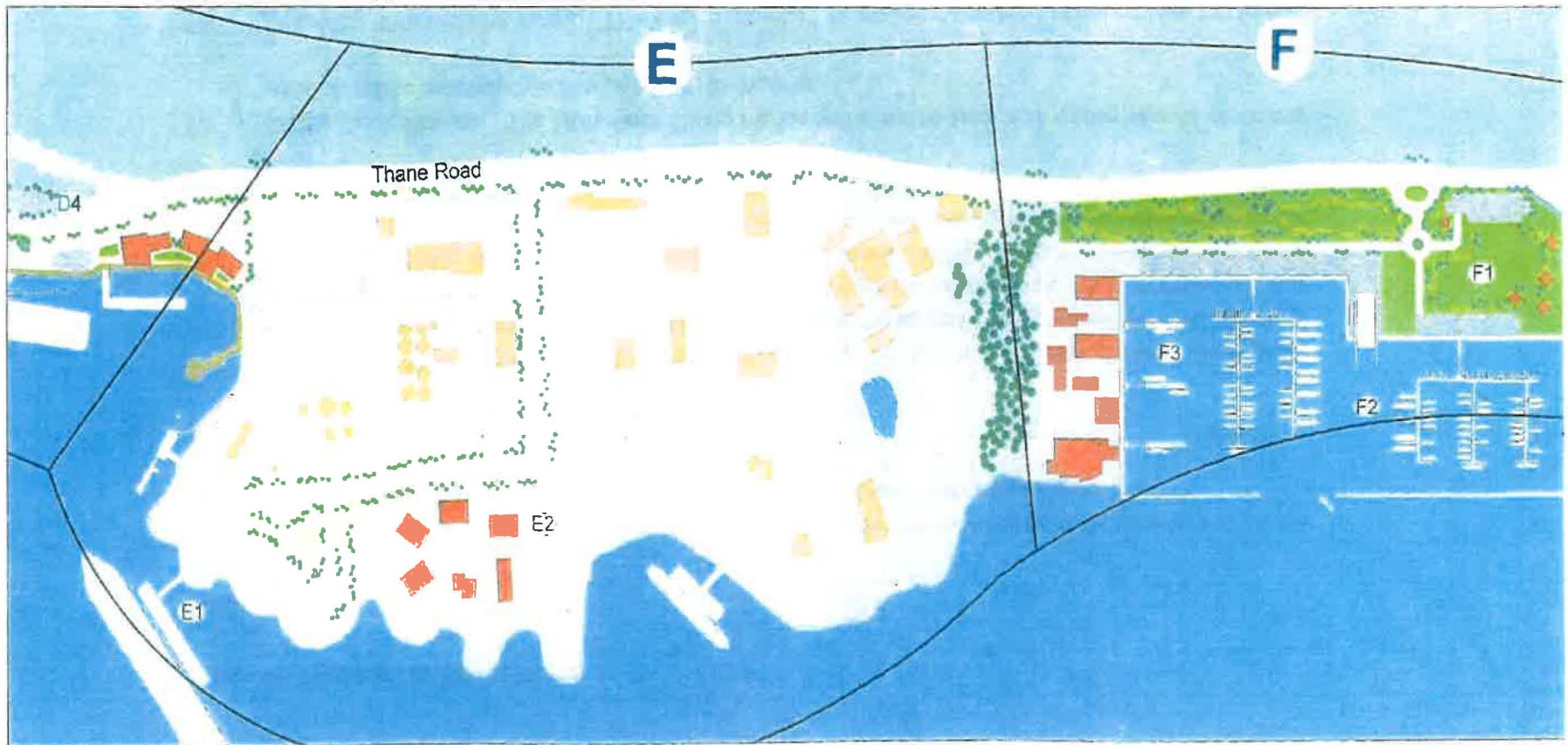
AREA E: AJ ROCK DUMP

Vision Statement

With its present high-level of investment in light-industrial, public works and marine facilities, the AJ Rock Dump area is envisioned to remain similar to present levels of activity and character (see Figure 15).

- E1. **Jacobson Trust Dock.** This project is likely to move forward, becoming Juneau's second private cruise ship dock. Its generally poor position in relation to Downtown needs to be enhanced implementation of land and water shuttle systems. Pedestrian access should be discouraged to This facility should be the farthest extent tourism related activities are permitted on the AJ Rock
- E2. **Additional light-industrial properties.** Additional light-industrial activities could be encouraged be located at the AJ Rock Dump area, especially those correlated to waterborne commerce.

Figure 15: Land Use and Initiatives Plan 2025, Areas E and F



AREA F: THE LITTLE ROCK DUMP

Vision Statement

The Little Rock Dump is remade as an important new recreational and working waterfront area for Juneau, providing marine and park areas for the enjoyment of area residents and visitors (see Figure 15).

Area Features

- F1. **Little Rock Park.** Nearly 8 acres of new park area are depicted in the Concept Plan. These areas could be dedicated to active recreation, picnicking, boating, fishing and other outdoor pursuits. Properly managed, seasonal camping facilities could also be contemplated for this area. A waterfront gateway welcoming arriving vessels to Juneau should also be explored. While available resources suggest the Little Rock Dump is safe for redevelopment, environmental and stability studies would need to occur prior to any upland and marine construction as well as opening of the area to the public.
- F2. **Little Rock Marina.** The Little Rock Dump Marina will cater to local and visiting vessels of varying sizes. A public boat launch is also presented in this area.
- F3. **Working Waterfront Area.** This area is intended to provide increased opportunities for fishing, boat repair, and other marine activities requiring waterfront access.







PRELIMINARY

JUNEAU PORT DEVELOPMENT LLC

ENLARGED SCALE AERIALS

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9360 Glacier Highway, Ste 103
 January, Alaska 99801
 Phone: 907-586-2073
 Fax: 907-586-2090
 www.paid-work.com

P Z D
SPRINGER-VERLAG GMBH

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PRELIMINARY

JUNEAU PORT DEVELOPMENT

CONCEPT NO. 1

JUNEAU PORT DEVELOPMENT



DATE: 02/28/08

1548 Glacier Highway, Ste. 100
Juneau, Alaska 99801
Phone 907-586-2070
Fax 907-586-3049
www.prd.alaska.gov

ENGINEERS INC.

SCALE: 1" = 100'
PLAN
SECTION
ELEVATION
AS NOTED

REV.	DATE	DESCRIPTION	BY	CHK
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ALASKA DEPARTMENT OF TRANSPORTATION
DIVISION OF AERONAUTICS
1548 Glacier Highway, Ste. 100
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