

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING AGENDA

For Wednesday, September 16th, 2020

<https://juneau.zoom.us/j/97561990298?pwd=TjN5WGQ5ZEILMFNHT0tnS3kwQW0xUT09>

Meeting ID: 975 6199 0298

Passcode: 865674

[or via phone (253) 215 8782 Passcode: 865674]

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

MOTION: TO APPROVE THE AGENDA AS PRESENTED OR AMENDED
- IV. Public Participation on Non-Agenda Items** (not to exceed five minutes per person, or twenty minutes total)
- V. Approval of Wednesday, August 19th, 2020 Operations/Planning Meetings Minutes**
– Not Available
- VI. Consent Agenda** - None
- VII. Unfinished Business** - None
- VIII. New Business** - None
- IX. Items for Information/Discussion**
 - 1. Harbor Security Camera Update
Presentation by the Port Engineer

Committee Discussion/Public Comment
 - 2. Code of Conduct
Presentation by the Port Director

Committee Discussion/Public Comment
 - 3. LUMBERMAN Update
Presentation by the Acting Harbormaster

Committee Discussion/Public Comment

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING AGENDA
For Wednesday, September 16th, 2020

4. Center For Disease Control & Prevention (CDC) – Request for Information (RFI)
Presentation by the Port Director

Committee Discussion/Public Comment

5. Commercial Use of Docks & Harbors Property Policy
Presentation by the Port Director

Committee Discussion/Public Comment

6. Regulation Update – Skateboarding Prohibitions
Presentation by the Port Director

Committee Discussion/Public Comment

7. Territorial Sportsmen, Inc – Derby Thanks
Presentation by the Port Director

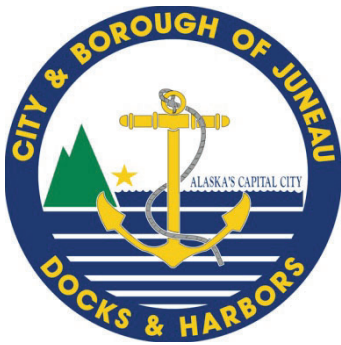
Committee Discussion/Public Comment

X. Staff & Member Reports

XI. Committee Administrative Matters

1. Next Operations/Planning Committee Meeting- **Wednesday, October 21st, 2020.**

XII. Adjournment



Port of Juneau

155 S. Seward Street • Juneau, AK 99801
(907) 586-5255 Phone • (907) 586-2507 Fax

March 27th, 2015

SUBJ: HARBOR CODE OF CONDUCT

Background:

The Docks & Harbors vision is TO BE THE SOUTHEAST ALASKA MARINE CENTER OF EXCELLENCE PROVIDING SAFE, SECURE, MODERN, VIBRANT FACILITIES MEETING THE NEEDS OF THE USERS WE SERVE. In pursuit of our goals, Docks & Harbors is obliged to act in the best interests of all customers. Our employees work collaboratively with other CBJ employees, stakeholders and customers to deliver quality services to the Juneau public. The following Harbor Customer Code of Conduct is designed to allow Docks & Harbors to preserve its tradition of providing safe and secure facilities. This Code applies to all harbor clients who frequent CBJ owned property, including but not limited, to vessel owners and their guests, live-aboard residents, charter and commercial operators, launch ramp users and pedestrians along Docks & Harbors managed properties.

Recently, several issues have surfaced regarding the conduct of some harbor customers which merit the development of guidelines to safeguard all user groups. The establishment of a Harbor Customer Code of Conduct provides the expectations following a “reasonable person” standard. The intent is to codify rules to ensure customers are made aware that illegal or prohibited behavior, affecting other customers or Docks & Harbors employees will not be tolerated.

Personal conduct:

As a reminder, using CBJ Harbors is a privilege. Any continuing or repeated breach of Docks and Harbors policies, rules and regulations duly established by the Docks and Harbors Board, Port Director or Harbormaster may result in forfeiture of the privilege to use some or all facilities.

The owner of a vessel will be responsible for the conduct of those on board the vessel. Behavior of the owner, operator or occupants of a vessel which disturbs or creates a nuisance for others in the boat harbors is prohibited. Examples of prohibited conduct include but are not limited to:

- (1) Violating any federal, state, or CBJ criminal law, including but not limited to:
 - (a) The distribution and production of drugs;
 - (b) Assault;
 - (c) Harassment;
 - (d) Disorderly conduct; and
 - (e) Criminal mischief on private or CBJ property.

(2) Consistent with CBJ 42.20.095, to make or continue, or to cause or permit to be made or continued, any unreasonable noise so as to cause public inconvenience, annoyance or harm. Unreasonable noise means any excessive or unusually loud sound that disturbs the peace, comfort, or repose of a reasonable person of normal sensitivity.

(3) Damaging any Docks & Harbors property through reckless behavior that could be reasonably avoided.

(4) Causing, provoking or engaging in any fight, or to commit an act in a violent or reckless manner whereby the safety, life, limb or health of another is placed in fear of immediate jeopardy;

(5) Being found under the influence of alcoholic beverages, or other drugs including prescription drugs, in such a condition as to be unable to exercise care for their own safety or the safety of others, except aboard a vessel;

(6) Engaging in the use of or being instrumental in the exchange or production of illegal drugs or other illegal substances.

(7) All commercial, for profit enterprises conducting business aboard a vessel in a Docks & Harbor facility must have a commercial use permit. This does not apply to commercial fishing vessels.

(8) Behavior, language or mannerisms by harbor users toward any harbor employee during the performance of their duties by using threats or actions that place staff in reasonable fear of immediate jeopardy.

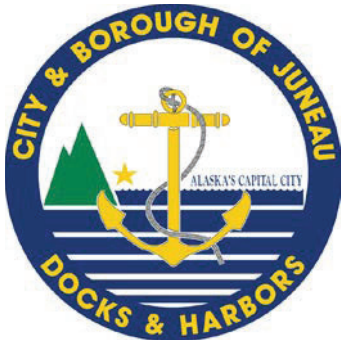
Pet Owners:

Live-aboard customers, boat owners, transient vessels, and guests that have a dog or cat residing onboard for a period longer than fourteen (14) days shall be required to complete an additional registration form indicating the type, breed, name and gender of the animal and pay the applicable fee. Failure to meet the below requirements may result in infractions or penalties as provided in CBJ's Animal Control Code and Docks and Harbors Title 85.

Animal owners will also be required to ensure the following:

- (1) During registration, dog owners shall provide proof the animal is licensed in accordance with current CBJ regulations.
- (2) Be leashed at all times when on Docks and Harbors floats, fingers, moorings and municipal wharves to include the Seawalk.
- (3) Clean up after your animal on docks, parking areas, and all adjacent CBJ Docks & Harbors properties. Use of waste bags or other waste removal products are mandatory on all Docks & Harbors properties.
- (4) Ensure animals are properly confined in the vessel.
- (5) Persons living with pets aboard boats in the harbor are responsible for their pets' safety, health and quality of life.

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Port of Juneau

City & Borough of Juneau • Docks & Harbors
155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

August 5th, 2020

Betsy McCracken
U. S. Environmental Protection Agency
Water Division/Regional Administrators Division
222 W. 7th Avenue
Anchorage, Alaska 99513

Subj: REQUEST FOR VESSEL DISPOSAL AT SEA – DERELICT VESSEL LUMBERMAN

Dear Ms. McCracken,

Please consider this the City & Borough of Juneau (CBJ) Docks & Harbors formal **One Month EPA Notice** for the purpose of disposing the derelict vessel LUMBERMAN at sea in accordance with federal guidance. LUMBERMAN has plagued CBJ since its unannounced arrival and unlawful anchorage within Gastineau Channel as early as 2015. It was the source of nefarious activity for years and unfortunately lead to the demise of two individuals who sought to board the vessel during heavy weather in December 2017. The LUBMERMAN was initially anchored on CBJ managed submerged lands, dragged anchor onto Alaska Department of Natural Resources property in May 2018 and then back to CBJ managed property in January 2020. The US Coast Guard opened the Oil Spill Liability Trust Fund on two occasions once to remove hazardous materials from the hull in January 2018 and again to relocate the vessel to safe refuge at a CBJ owned port facility in January 2020. Throughout its infamous tenure and despite no legal mandate to do, CBJ Docks & Harbors has provided a watchful eye on this vessel whose owner is absent and believed indigent. Docks & Harbors coordinated with the US Coast Guard and non-profits such as the Marine Exchange of Alaska and DIPAC Hatchery to ensure the anchored vessel did not become a wrecked vessel requiring salvage operations as was the case with the TUG CHALLENGER in 2016. Although Docks & Harbors has received no revenue for managing the LUMBERMAN, we have expended over \$30K in direct costs in the administration of and for pumping out the vessel and for removal of over 250 cubic yards of trash and materials. Additionally we have contracted with a marine salvage company to flush and clean the fuel tanks and lines for an additional \$32K.

As an enterprise arm of the City & Borough of Juneau, Docks & Harbors receives no city or borough financial support for its operational budget in managing the Port of Juneau and harbors. The Harbor fund balance as of June 30th is only \$84,802. The request to dispose of the LUMBERMAN at sea is a fiscal need. In its fiduciary role to the harbor patrons of Juneau, Docks & Harbors' responsibility is to remove this derelict in the lowest cost, legally available manner. After cursory investigations, CBJ Docks & Harbor believes this to be an at sea disposal.

The LUMBERMAN is well suited for an at sea disposal as envisioned under EPA guidance and Docks & Harbors has executed a plan to take all reasonable precautions to mitigate significant impact to the marine environment. It is unfortunate that there is not a cohesive regional derelict policy on disposal of abandoned or derelict vessels. CBJ Docks & Harbors has led efforts and lobbied strongly through its voice on the Board of the Alaska Association of Harbormasters & Port Administrators (AAHPA) to address situations similar to that of the LUMBERMAN. The Port Director has provided testimony to the Alaska legislature and met with elected officials throughout the state including Governors for HB131 and SB 92 which both strengthen Alaska statutes pertaining to abandoned and derelict vessels.

I have reviewed the Notice of Funding Opportunity for the NOAA Marine Debris Removal grant program (<https://marinedebris.noaa.gov/funding/funding-opportunities>). The award of the grant, if successful, would not be available until September 2021. The LUMBERMAN is currently at a secure Juneau cruise ship port facility but will have to be relocated ahead of arriving cruise ships in the spring of 2021. We do not have other locations to moor the LUMBERMAN and are concerned that it could become an attractive nuisance at unsecure locations while awaiting funding opportunities.

CBJ Docks & Harbors respectfully submits the attached enclosure – **One Month EPA Notice** for the Derelict Vessel LUMBERMAN which is prepared in accordance with guidance provided <https://www.epa.gov/ocean-dumping/disposal-vessels-sea>.

Please do not hesitate to contact me or Harbormaster Matt Creswell with questions.

Sincerely,


Carl Uchytel, P.E.
Port Director

Enclosure: One Month EPA Notice – DERELICT VESSEL LUMBERMAN

Copy: Coast Guard Sector Juneau

1. **Need-for-disposal statement:** LUMBERMAN is a 107' steel hulled vessel that was built in New York in 1941. The vessel served as a towing vessel gainfully employed and in operation until removed from service in 2006. The vessel has become derelict and has passed through several owners and is currently owned by the City and Borough of Juneau Docks and Harbors Department through the impound process. The vessel is currently moored to the Cruise Ship Terminal float in downtown Juneau where it was towed to after it broke free from anchor on state of Alaska tidelands where it had been in an unauthorized anchoring/grounding situation for 19 months. There are no other feasible options available to Docks and Harbors other than to dispose of the vessel. A public auction was held in February 2020 with no bidders interested in the vessel. Docks and Harbors published a request for information to salvage companies to dispose of the vessel and estimated costs ranged from \$250,000 to \$550,000. D&H is an Enterprise organization and all of our operating revenue comes from our customers. As such, we do not have the available funds to cover this large expense. After much research and collaboration with our federal partners, it has been decided that offshore disposal at sea is the most cost effective option to deal with this problem vessel that has been plaguing the CBJ for several years now. Docks and Harbors believes that the final costs associated with this disposal option will be under \$100,000.

2. **Vessel and Cargo description:**

- Vessel Name: *LUMBERMAN*
- USCG Doc. No.: 240840
- Vessel Service: TOWING VESSEL
- IMO Number: 5016676
- Trade Indicator: Coastwise Unrestricted
- Call Sign: WUU8160
- Hull Material: STEEL
- Hull Number: 287
- Ship Builder: JAKOBSON SHIPYARD
- Year Built: 1941
- Length: 107.4
- Hailing Port: JUNEAU, AK.
- Hull Depth: 11.4
- Hull Breadth: 25
- Gross Tonnage: 192

- Net Tonnage: 130
 - Previous Vessel Names:
Dauntless No. 15, Col. Albert H. Barkley, Andrew Foss, PACHENA, LUMBERMAN
 - Previous Vessel Owners:
Dauntless Towing Co., United States Army, Foss Launch and Tug Co., Puget Sound Freight Lines Inc., Western Towboat Co., Channel Construction Co., STEVEN D HAMILTON
3. **Disposal Plan:** Docks and Harbors is requesting a permit to transport and dispose of the LUMBRMAN at sea. Two disposal locations have been identified as potential disposal sites. Both sites are in excess of 50NM offshore of Cross Sound, AK. The locations are in excess of 1,000' of water depth and clear of any sensitive marine habitat and underwater cables.
- **Location 1:** 57-54N, 138-21W
 - **Location 2:** 57-33N, 137-23W

Proposed disposal date would be between 9/15/2020 – 10/15/2020.

A qualified towing contractor would tow the vessel to the disposal site, under a USCG approved tow plan. Once in the designated disposal location, either a scuttling valve or small explosive charge will be used to facilitate the rapid sinking of the vessel.

4. **Environmental Impact:** Docks and Harbors expects little to no impact to the marine environment in the vicinity of the disposal location. Prior owners previously removed the main engine and the majority of the auxiliary equipment from the vessel. We have worked tirelessly to remove over 250 CY of debris from the vessel to ensure nothing floats free once scuttled. Global Diving and Salvage is currently under contract to remove all remaining petroleum from the tanks and lines, flush, and again pump down to the lowest level practicable. Dahlberg Design was contracted to perform an environmental hazards assessment of the vessel and our staff has been working to mitigate/remove all identified hazards that were mentioned in the survey. We have been in constant contact with the USCG inspectors during this process and they have been supportive of our efforts thus far. All remaining clean-up efforts should be complete by 9/1/2020.
5. **Disposal Alternatives:** Several alternatives have been explored and rejected. We received a quote for uplands disposal/scraping that amounted to between \$250,000- \$550,000. We do not have the funding to award a contract of this magnitude. We reached out to the local dive community to explore the option of creating an artificial reef for recreational diving and received no positive interest. The vessel is past the point of being able to be refit and made operational again. This has been a multi-year effort, all available options have been explored, and offshore disposal has been identified as our only viable option given our finite resources.

September xx, 2020

Maritime Unit
Centers for Disease Control and Prevention
1600 Clifton Road NE, MS V18-2
Atlanta, GA 30329

Re: Docket No. CDC-2020-0087

The American Association of Port Authorities (AAPA) is the unified voice of the seaport industry in the Americas, representing leading public port authorities in the United States, Canada, the Caribbean and Latin America. Our hemisphere's seaports play a critical role in local and national economic growth.

Since the beginning of the COVID-19 pandemic, AAPA has remained in regular contact with our members to monitor the impact of the pandemic and to give our member ports the opportunity to share best practices with one another. This is especially true of our member cruise ports.

AAPA appreciates the opportunity to provide comments to Docket No. CDC-2020-0087 regarding cruise ship planning and infrastructure and resumption of passenger operations. This issue is of vital importance to our cruise port members as the CDC considers future public health guidance and preventative measures relating to travel on cruise ships.

In response to the questions posed in July 21, 2020 request for information, we offer the following responses to questions relevant to the expertise of public port authorities.

Question 4. b. How frequently should cruise ship operators test all passengers and crew?

Cruise ports agree that testing is critical to the resumption of cruise. Both passengers and crew should be tested prior to embarkation, as well as on regular intervals throughout the duration of the cruise. In addition to testing, passengers and crew should be screened (either by checking temperatures or reporting symptoms) on a more regular basis through the cruise. If a passenger or crew member exhibits symptoms, he/she should be tested immediately.

Question 7. What pre-arrangements should be made to ensure that all U.S. seaport communities will accept a returning ship after a COVID-19 outbreak is identified?

Pre-arrangements and agreed-upon plans are critical to ensuring that ports can and will accommodate cruise vessels dealing with COVID-19 outbreaks. Vessel operators, ports and port communities should be prepared for such scenarios. Coordination between ports and local health officials is critical to accepting ships that have identified COVID-19 outbreaks. A "one size fits all" approach may not be helpful and may not work in all situations. Local communities must feel that they have a voice in the decision-making process, so involving relevant local health

officials in identifying criteria and designing cruise ship acceptance plans may avoid conflict and uncertainty during COVID-19 outbreaks on cruise ships. Acceptance plans and pre-arrangements should address the need to quarantine infected or exposed persons, treat sick individuals and provide transportation for those deemed safe to travel.

Question 8. What plans should cruise ship operators have for operationalizing shoreside quarantine facilities in the event of a COVID-19 outbreak on board a ship, without exposing the public and without relying on Federal, State, or local resources?

Similar to question 7, coordination among vessel operators, ports and local health officials is critical to addressing the need for shoreside quarantine facilities. Additionally, vessel operators must ensure that there is adequate space on board for quarantine facilities to accommodate a COVID-19 outbreak until a ship can be accepted and shoreside facilities can be utilized.

Question 10. How should cruise ship operators address specific country travel restrictions that emerge as COVID-19 activity increases in geographical areas, such as
b. seaport closures preventing porting of ships?

Shorter, more flexible itineraries will afford vessel operators the ability to accommodate COVID-19 activity that increases in certain geographical areas. Vessel operators may be required to shift calls to different port cities or remove stops from itineraries to address COVID-19 activity.

Question 11. What measures should cruise ship operators be required to take to reduce the burden on U.S. government resources if foreign seaports deny cruise ships the ability to come into port during a voyage?

There are a variety of tactics vessel operators could employ to reduce the burden on U.S. government resources if foreign seaports deny entry to cruise ships. Similar to question 4, testing and screening will ultimately reduce the likelihood of a COVID-19 outbreak onboard. Similar to question 7, pre-arrangements and pre-approved plans for port accommodation of vessels with COVID-19 outbreaks will enable local ports and communities to be prepared for such scenarios. Similar to question 10, shorter, more flexible itineraries reduce the likelihood that a vessel will be a significant distance from its port of embarkation. Collectively, these measures can reduce the likelihood of unplanned-for scenarios that could burden U.S. government resources.

Question 16. What steps should cruise ship operators take to prevent the introduction of COVID-19 onto ships after resuming passenger operations?

Vessel operators should adhere strictly to an approved COVID-19 plan that may include such measures as social distancing, facial covering requirements, enhanced cleaning and sanitization procedures and reduced vessel capacity. These plans should be developed in conjunction with and approved by relevant health agencies.

Question 16. c. What methods should cruise ship operators use to screen for exposures and detect COVID-like illness in passengers seeking to board the ship?

Temperature screening, health and symptoms questionnaires and COVID-19 testing are critical tools that vessel operators should seek to employ in screening cruise passengers. Vessel operators should plan to employ these methods on a regular basis to reduce the likelihood of COVID-19 outbreaks.

Question 16. e. How should cruise ship operators manage embarking crew with COVID-like illness, known exposure, or coming from high-incidence geographic areas after resuming passenger operations?

It is critical that vessel operators isolate ill or exposed individuals until a negative COVID-19 test result is achieved. In order to prevent possible spread on a cruise ship, such crew members should be isolated and tested before being permitted to embark. Similar to question 8, coordinating with local officials to identify shoreside resources for quarantine and isolation facilities will be necessary.

Question 16. f. Should cruise ship operators test passengers and crew pre-boarding? If yes, what should the testing protocol be?

Regular, reliable testing of both passengers and crew is critical to the resumption of cruise. Both rapid tests that can be employed just prior to embarkation and testing conducted 48-96 hours prior to embarkation should be considered as part of a testing protocol for both passengers and crew.

Question 19. Should cruise ship operators limit shore excursions?

Limiting shore excursions, at least initially after the resumption of cruise, is likely to be a helpful tool in minimizing the potential spread of COVID-19 from cruise ships to port communities. Individual communities, through the agency of their local health departments, should ultimately determine and clearly communicate any protocol for shore excursions.

Question 19. a. What precautions should cruise ship operators take during shore excursions to prevent passengers and crew from being exposed to COVID-19?

Similar to question 16, vessel operators should work with shore excursion operators to adhere strictly to an approved COVID-19 plan that may include such measures as social distancing, facial covering requirements, enhanced cleaning and sanitization procedures and reduced activity capacity. These plans should be developed in conjunction with and approved by relevant health agencies.

Question 19. b. During shore excursions, how should cruise ship operators prevent transmission of COVID-19 into land-based communities?

Similar to question 16 and question 19. a., vessel operators should work with shore excursion operators to adhere strictly to an approved COVID-19 plan that may include such measures as social distancing, facial covering requirements, enhanced cleaning and sanitization procedures and reduced activity capacity. Similar to question 4, testing and screening of passengers prior to shore excursions will be helpful in identifying possible cases of COVID-19 and thus reducing opportunities for transmission to port communities. Collectively, these measures can help to prevent the transmission of COVID-19 into port communities.

Question 22. What precautions should the cruise line industry take to safely disembark passengers and crew without transmitting COVID-19 into local seaport communities?

Similar to question 16. c., temperature screening, health and symptoms questionnaires and COVID-19 testing are critical tools that vessel operators should seek to employ in screening both cruise passengers and crew before disembarkation. Strictly adhering to a clearly defined protocol for testing and screening will reduce the likelihood of transmission of COVID-19 into port communities.

Question 26. How should cruise ship operators decrease or eliminate the risk for COVID-19 transmission for both passengers and crew in the following group settings?
a. Embarkation and disembarkation?

Similar to question 16 and question 19. a., vessel operators should work with embarkation and disembarkation ports to adhere strictly to an approved COVID-19 plan that may include such measures as social distancing, facial covering requirements and enhanced cleaning and sanitization procedures. Similar to question 4. b., both passengers and crew should be tested prior to embarkation, as well as on regular intervals throughout the duration of the cruise. Similar to question 22, in addition to testing, passengers and crew should be screened (either by checking temperatures or reporting symptoms) prior to disembarkation.

Question 26. How should cruise ship operators decrease or eliminate the risk for COVID-19 transmission for both passengers and crew in the following group settings?
e. Shore excursions?

Similar to question 19. a., vessel operators should work with shore excursion operators to adhere strictly to an approved COVID-19 plan that may include such measures as social distancing, facial covering requirements, enhanced cleaning and sanitization procedures and reduced activity capacity. Additionally, many shore excursions should explore the utility of keeping passengers together in well-defined groups to limit any possible COVID-19 exposure to a small subset of passengers.

Thank you for consideration of AAPA's responses to this request for information. AAPA's member seaports stand ready to help the CDC however possible as it considers how to best respond to the COVID-19 pandemic.

Sincerely,

DRAFT

Chapter 01 - COMMERCIAL USE OF LANDS AND FACILITIES

05 CBJAC 01.010 - Policy.

The policy of the City and Borough concerning the commercial use of lands and facilities regulated by the docks and harbors department is to:

- (a) Maintain and improve docks and harbors department lands and facilities for their primary use by the public, to include visitors and residents alike, and preserve them from activities inconsistent with that primary use.
- (b) Preserve and maintain these public assets for all users, preserve the maritime experience unique to each area, consider impacts upon other users and neighboring property, and ensure public safety on docks and harbors department lands and facilities.
- (c) Establish rules to minimize environmental damage and mitigate impacts from the commercial use of docks and harbors department lands and facilities.
- (d) Charge for commercial use of docks and harbors department lands and facilities at a fair rate which reflects the cost of providing any improvements, maintenance, services, and administration necessary for the use.
- (e) Establish and enforce uniform rules for commercial use of docks and harbors department lands and facilities.

(Eff. 5/16/2000)

05 CBJAC 01.020 - Lands and facilities regulated.

These regulations apply to all docks and harbors department lands and facilities designated by the port director pursuant to title 85 as department properties and to all areas owned by the City and Borough dedicated to maritime purposes.

(Eff. 5/16/2000)

05 CBJAC 01.030 - Permit required.

- (a) No person may conduct commercial activities on docks and harbors department lands and facilities subject to these regulations except as authorized by a permit issued by the director. A permit under this chapter is not required for activities conducted under a permit issued pursuant to other chapters in this title.
- (b) The director may issue a permit for commercial activities within a docks and harbors department land or facility as subject to such conditions as the director may impose and only upon a determination that the use as proposed:
 - (1) Will not unreasonably impact the resources and facilities of the docks and harbors department;
 - (2) Will not endanger the public health, safety, and welfare; and
 - (3) Is not inconsistent with the docks and harbors department master plan and all subsidiary plans.
- (c) A permit may contain conditions reasonably required for the protection and use of the docks and harbors department land or facility for which the permit is granted, including limitations as to time, area, equipment, user loading, traffic, parking, discharges, noise, and other factors.
- (d) The director may deny a proposed use upon a reasonable determination that the use, alone or in combination with other uses, would exceed the carrying capacity of the area. The director shall determine the carrying capacity of an area taking into account the nature and extent of the use, the

number of users, and the impacts likely to result from the use, including traffic, noise, public access, loading, the availability of parking and other factors. The director shall find that the carrying capacity of an area would be exceeded if it were more likely than not that the proposed use would unreasonably impact the resources and facilities of the docks and harbors department.

If the cumulative impact of proposed uses would exceed the carrying capacity of the area, the director shall not award any permits for that area until the following procedure is followed:

- (1) The director shall notify all members of any group of applicants whose applications, taken together, propose uses in excess of the carrying capacity of an area. The notice shall identify the nature and extent of the impacts exceeding the carrying capacity, and shall invite the applicants to confer among themselves for the purpose of negotiating a resolution to the excess impacts issues.
- (2) The applicants may re-submit their applications which shall be granted if the director finds that the excess impact issues have been resolved and the applications otherwise meet the requirements of this section. If excess use issues remain unresolved, the director shall grant permits by lottery to the extent that such uses do not exceed the carrying capacity of the area.
- (e) A permit is transferable only with the permittee's entire business interest in activities conducted under the permit and only to a person who has successfully completed the permit application process. No credit will be given for any permit payments made by the previous holder of the permit.

(Eff. 5/16/2000)

05 CBJAC 01.040 - Application process.

(a) *General Requirements.*

- (1) Applications for permits will be accepted only from persons who have, or upon issuance of the permit, will have the legal authority to take action in accordance with the permit. All applications must be signed by the owners of the business to be subject to the permit. The director may require an applicant to submit evidence of authority to apply under this section.
- (2) All applications for permits must be on forms provided by the department. Applications will not be considered unless they are complete, signed, accompanied by the applicable fee, and filed together with any required attachments or exhibits at the offices of the docks and harbors department.
- (3) Public notice of the director's consideration of commercial use permits shall be provided as follows: Notice of the application shall be posted in the docks and harbors department land or facility in which the permit will be used.
- (4) Applications for commercial use permits will be available at the docks and harbors department office no less than 30 days before the close of the application period. Applications received after 4:30 p.m. on the day that the application period ends will not be considered for a permit.

(b) *Application information.*

(1) *Applicant information.*

- (A) The application shall identify each individual or business entity responsible for the use intended; all officers, partners, or joint ventures of such entities; and all persons with any ownership interest in such entities. Notice to any of the persons listed shall be sufficient to notify all, and each person listed shall be jointly and individually responsible for compliance with permit conditions;
- (B) The permanent, temporary, local, and foreign residence and mailing addresses of each person, owner, and company responsible for the use, service or activity intended;

- (C) Current phone numbers of each company and individual providing services in the area applied for;
 - (D) A copy of a current driver's license or other government identification card which includes a photograph, date of birth and a written physical description of the applicant;
 - (E) Physical descriptions and license numbers of each vehicle to be used in the activity for which the permit is sought.
- (2) *Proposed use.*
- (A) A description and a map of the location of each proposed use;
 - (B) A description of transportation to the site and proposed parking plans for vehicles, and a statement of any additional accommodations or improvements needed for the proposed use;
 - (C) A description of the use, the mode of transport at the site, and the services being provided at the site;
 - (D) A description of the number, scheduling, and size of participant groups at the site, with a calendar indicating which days and times the use is proposed.
- (3) *Fees to be charged by permit holder.* A schedule of fees and charges to customers and a description of any collection, disbursement, royalty, commission or similar arrangements with others including tour brokers, agents, or cruise ship companies.

(Eff. 5/16/2000)

05 CBJAC 01.050 - Permit fees.

The applicant shall pay a fee, established by the docks and harbors board, which fee will give the docks and harbors department a fair and reasonable return in light of the cost of administering the activity permitted under the permit, the impact of the proposed activity on the area, the cost of any improvements required, and the value of the benefit conferred upon the user. The fee shall be paid to the department by the 15th day of each month for fees owed in previous calendar month.

(Eff. 5/16/2000)

05 CBJAC 01.060 - Insurance and indemnification.

- (a) Prior to issuance of a permit, the permittee must provide the department with a broker's certificate of insurance showing that the permittee has obtained public liability insurance in the amount and for the risks determined by the risk manager of the City and Borough for the proposed use. The certificate must establish that the City and Borough is named as an additional insured on the policy, and that the insurer shall notify the City and Borough if the policy is modified, canceled, or terminated.
- (b) Permittees, upon acceptance of a permit, shall execute an instrument under the terms of which the permittee shall agree to indemnify, defend, and hold harmless the City and Borough from any and all claims for injury or damage to persons or property suffered in connection with the permittee's activities unless such injury or damage is caused by the gross negligence of the City and Borough.

(Eff. 5/16/2000)

05 CBJAC 01.070 - Permit duration.

- (a) Permits may be issued for a period not to exceed one year.

- (b) Permits are valid only for the dates, times, activities and areas specified.
- (c) Permits are not renewable. Issuance of a permit shall not entitle the permit holder to any priority or preferential consideration for subsequent, new, or additional permits for the same or related uses or areas. A new application must be submitted each year for each permit.
- (d) The director may issue a temporary permit at any time, valid for no more than ten days and not renewable. The application process for a temporary permit shall be the same as for other permits.

(Eff. 5/16/2000)

05 CBJAC 01.080 - General operating requirements.

- (a) Permittees shall have a copy of the permit immediately available for inspection at all times while engaged in activities pursuant to the permit. A copy of the permit shall be prominently displayed on any vehicles used in the recreation area.
- (b) Permit holders shall be responsible to the city for their actions and those of their agents, employees or customers while engaged in permit activities. The following operating requirements apply to activities conducted under the permit unless otherwise specified in a permit:
 - (1) No one may obstruct traffic, litter, use glass containers, nor disturb, damage, deface or remove natural objects including trees, plants, moss, rock, gravel, or minerals, nor disturb or remove cultural, archaeological, or historical material.
 - (2) Activities conducted under the permit shall be confined to the area specified in the permit except as required for safety reasons.
 - (3) No alterations or improvements to the permitted area are allowed, nor may anything be posted or signs of any kind be displayed in the area, except as may be required by the director.
 - (4) No one may camp, light fires, fish, hunt or harass wildlife under activities relevant to the permit.
 - (5) The permit holder shall promptly notify the director of any accident, injury or claim relating to the permitted activity.
 - (6) The permit holder shall promptly notify the director of any repair or maintenance needed to the improvements located in the permitted area, or any natural condition which constitutes a hazard. The permit holder shall not make any repair or alteration to the area unless required by an emergency, and shall promptly report such repair or alteration to the director.
 - (7) Permit holders shall comply with all state, federal, and local laws applicable to their activities.
 - (8) Permit holders shall clean up the area used and shall properly dispose of all litter found thereon.
 - (9) The permit holder shall reimburse the City and Borough for any damage to municipal property caused by the permittee while engaged in permit activities, including the cost of litter abatement.
 - (10) No pets shall accompany any person engaged in permit activities unless the pet is restrained on a leash and all fecal material is promptly removed and properly disposed of.
 - (11) No equipment or supplies may be stored at any City and Borough facility or permit area unless approval of the director is secured in advance.
 - (12) All vehicles under the ownership or control of the permittee shall be lawfully operated or legally parked while the permit holder is engaged in permit activities. The permittee shall be responsible for following all parking restrictions and requirements imposed by permit conditions.

(Eff. 5/16/2000)

05 CBJAC 01.090 - Enforcement and penalties.

- (a) A permit may be suspended by the director without advance notice for a period not to exceed ten days if any activities conducted under the permit present an immediate danger to the public health, welfare, or safety.
- (b) A permit may be suspended or revoked by the director upon written findings that the permittee has violated these regulations. The permittee shall be provided at least ten days' notice and an opportunity to be heard at an informal hearing on the suspension or revocation. The director's decision may be appealed to the docks and harbors board by filing a notice of appeal setting forth the reasons the decision is appealed with the docks and harbors department office within ten days of the director's decision.

(Eff. 5/16/2000)

05 CBJAC 01.100 - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial use and *commercial purpose* mean the sale, delivery, or solicitation to provide, goods or services in exchange for valuable consideration, except for activities related to the commercial and charter boat harvest and transport of seafood products, and does not include vessel support or repairs. The terms "commercial use" and "commercial purpose" include a service offered in conjunction with another sale of goods or services whether or not it is incidental to, advertised with, or specifically offered in the other sale. All guide, outfitter, and transportation services, except charter boat services, are commercial activities if any payment or valuable consideration through barter, trade, cash or other commercial means is required, expected or received beyond the normal and customary equally shared cost of food and fuel for any portion of activities conducted within the lands and facilities of the docks and harbors department.

Department means the City and Borough of Juneau, docks and harbors department.

Docks and harbors department lands and facilities and *maritime areas* mean all lands and facilities owned by the city, or state-owned lands and facilities owned by the state and administered by the docks and harbors department and designated by these regulations as subject to docks and harbors department regulation.

Permittee and *permit holder* mean the business entity or its authorized representative conducting commercial activities in a recreation area according to a permit issued under these regulations.

Person means a natural person, firm, partnership, corporation, association, or other entity organized for a common purpose.

Port director and *director* mean the administrator of the City and Borough docks and harbors department or such person as may be designated by the port director to administer these regulations.

Vehicle means a device in, upon or by which a person or property may be transported or drawn including devices moved by human, animal, mechanical or other power source.

(Eff. 5/16/2000)

Docks & Harbors Policy Statement – Availability of Public Land for Private-Sector Use

Background Authority: The Docks & Harbors Board is charged under Title 85, General Powers's clause (85.02.060), to generally exercise all powers necessary and incidental to operation of all port and harbor facilities in the public interest and in a sound business manner. In particular, and without limitation on the foregoing, the board shall be responsible for the operation, development and marketing of municipally owned and operated port and harbors, including such facilities as boat harbors, docks, ferry terminals, boat launching ramps, and related facilities except as designated by the Assembly by resolution.

Existing Properties: Docks & Harbors has management authority, as designated by the Assembly, of several hundred acres of uplands, submerged and intertidal lands through a variety of contractual vehicles including the following:

- 1) **Direct Management:** Most of Docks & Harbors properties are under the department's ownership and managed directly as municipal harbors, launch ramps or commercial loading facilities, and the public downtown cruise ship docks and adjoining public uplands. This includes management of the portion of the Seawalk along the cruise ship berths from Marine Park to the Franklin Street Dock. This section of the Seawalk is a transportation corridor that is used to safely and efficiently move cruise passengers from the ships to downtown businesses and shore side transportation.
- 2) **Leases:** Properties that are generally leased for long terms (10 to 35 years) and typically are vacant lands for private development. Some leases include infrastructure developed by D&H such as the two marine repair facilities. Docks & Harbors has 25 leases with individuals or businesses on parcels which have been competitively offered on tidelands and a few upland properties. These leases are specifically called out in resolution with the properties designated with surveyed information and recorded with the State. Harri Commercial Marine, through two separate leases, manages boatyard facilities in which Docks & Harbors provides critical infrastructure for the haul-out necessary for operations.
- 3) **Use Agreements:** Similar to a permit in that it is for long term on D&H developed facility. The Taku Dock is owned by CBJ but through a "use permit agreement" the facility is managed by Taku Smokeries Fisheries which compensates CBJ based on a valuation formula of fish landings.
- 4) **Permits:** Typically for use of facilities for recurrent uses such as launch ramps, loading; etc. Docks & Harbors provides, at fees established in code, commercial parking lots and loading zones which provide for staging areas in support of the cruise ship industry and general parking needs for local use, including truck and trailer parking at Statter Harbor. Waterfront Tour Permits, established under 05 CBJAC 10, provide the guidance for the commercial loading zones and for tour brokers to sell approved excursions from booths built and maintained by the department. The tour broker kiosks are provided at three locations along the waterfront and are provided for under outcry auction with a minimum bid of \$30K.
- 5) **Special Use Permits:** Generally for support of specific events such as Salmon Derby. These are issued for very limited time to coincide with a specific event.

Docks & Harbors Policy Statement – Availability of Public Land for Private-Sector Use

Public Consideration & the Public Good: Docks & Harbors recognizes private property owners invest significant capital into improvements with the expectation of economic opportunity proportional to their investment. The public good is not advanced when governmental funds are used for the benefit of few individual businesses at the expense of entrepreneurs who have assumed financial risk to develop and grow successful enterprises. Without limitation, the following considerations are established herein:

- 1) Multiple and diverse uses should be encouraged;
- 2) A sound local economy will be promoted;
- 3) Adequate lands for public development and public use, including open space with appropriate uplands, should be reserved;
- 4) Tidelands and other Docks & Harbors controlled areas should be leased only for specific water-dependent and marine-related uses and not sold;
- 5) The development and growth patterns and potentials of different areas of the City and Borough should encourage waterfront services that may be needed as a result of that development and growth;
- 6) Public access to and along public and navigable bodies of water shall be provided where practical;
- 7) Safe and efficient pedestrian ways linking various facilities and destinations shall be provided; and,
- 8) Docks & Harbors operations should not unreasonably interfere with activities on adjacent uplands property.

Docks & Harbors Policy Statement:

- 1) Docks & Harbors' reaffirms support to private-sector enterprise by providing undeveloped land parcels for lease through public process.
- 2) Docks & Harbors will try to complement private activity adjacent to Docks & Harbors managed property when needed property is not available through the private sector.
- 3) Docks & Harbors shall refrain from providing public lands when doing so would compete with private sector investment;
- 4) D&H shall provide safe and efficient access (pedestrian and vehicular) and open space throughout its facilities including the downtown docks and Seawalk. To this end, Docks & Harbors shall not permit future private-sector commercial activities on the Seawalk and other Docks & Harbors managed properties from Marine Park to Franklin Dock unless tied to an existing private property and on a case by case basis where a compelling public purpose is demonstrated.



Port of Juneau

City & Borough of Juneau • Docks & Harbors
155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

From: Port Director
To: Dock & Harbors Board
Via: Docks & Harbors Operations & Planning Committee
Date: September 15th, 2020
Re: CBJ 72.10.140 – Skateboarding Prohibition

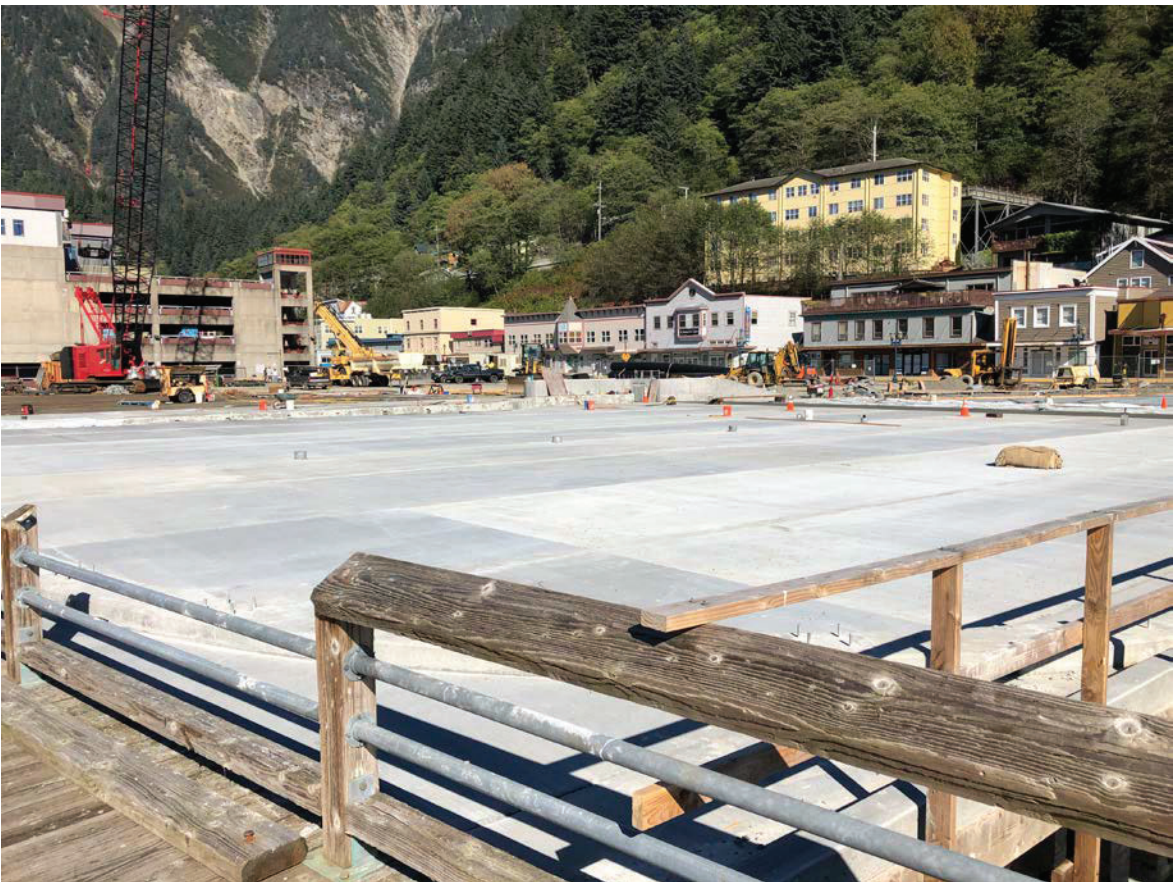
1. Over the past few years, Docks Staff has witnessed skateboarders who have recklessly skated in the vicinity of crowded pedestrian traffic, who have trespassed secure gates to gain access to the cruise ship floats and who have damaged concrete seating areas near the Tram. Photos of the damaged seating is included in attachment 1.
2. With the ongoing construction of the public portion of the Archipelago bus staging area, it appears this could be an attractive nuisance for skateboarders (attachment 2) in the future.
3. CBJ 72.10.140 (Use of skateboards, roller skates, roller blades and similar devices restricted.), is provided as attachment 3. This ordinance approved in 2004, prior to significant waterfront improvements, regulates skateboards and similar devices within the downtown corridor, Marine Park Plaza, Marine Park Parking Area, Marine Park Parking Garage, and near the Fishermen's Memorial. With the recent improved infrastructure along the waterfront, I recommend the Board consider expanding the regulatory oversight of skateboarder on properties we manage.

#

- Encl (1) Photo of area frequently used by Skateboarders
(2) Photo of ongoing construction at the Archipelago Bus Staging Area
(3) CBJ 72.10.140



Enclosure (1)



Enclosure (2)

Presented by: The Manager
Introduced: 03/22/2004
Drafted by: J.W. Hartle

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2004-06

An Ordinance Relating to the Use of Skateboards, Roller Skates, In-Line Skates and Similar Devices.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough code.

Section 2. Repeal and Reenactment. CBJ 72.10.140 Use of skateboards, roller skates, roller blades and similar devices restricted, is repealed and reenacted to read:

72.10.140 Use of skateboards, roller skates, roller blades and similar devices restricted.

(a) No person may operate a skateboard, roller skates, roller blades, unicycle, coaster, scooter, or similar device:

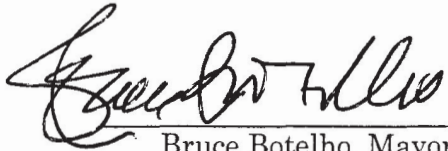
- (1) on a sidewalk, roadway, or street within certain portions of the central business district. The portion of the central business district in which such devices are prohibited is shown on the attached Exhibit A and described as follows: Franklin Street from the Marine Park Parking Garage to Fourth Street, Seward Street from Marine Way to Fourth Street, Marine Way from the Marine Park Parking Garage to Main Street, the following streets between Franklin Street and Main Street--Front Street, Second Street, Third Street and Fourth Street--all of Shattuck Way, Municipal Way and Ferry Way;
- (2) upon any roadway or street except while crossing a roadway or street in a crosswalk;
- (3) on private property which has been posted with a clearly visible sign prohibiting such operation;
- (4) within six feet of the Fisherman's Memorial;
- (5) in the Marine Park Parking Garage;
- (6) at any time a ship is moored at the Steamship Dock, in the upper portion of the Marine Park Plaza, from the Marine Park Parking Garage to the foot of the semi-circular stairs, as shown on the attached Exhibit B; or
- (7) at any time a commercial passenger vehicle is present in the Marine Park Plaza, in the lower portion of the Marine Park Plaza, from the top of the semi-circular stairs to the Miners' Statue, as shown on the attached Exhibit B.

(b) This section does not apply to roadways, streets, or the Marine Park Plaza while those facilities are being used for a parade or other activity for which a permit has been issued under this title if the use of a skateboard, roller skates, roller blades, unicycle, coaster, scooter, or similar device is part of the activity.

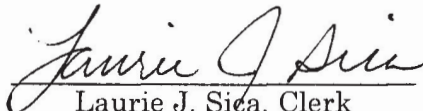
(c) The Manager or his designee may establish rules for use of the Marine Park Plaza.

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

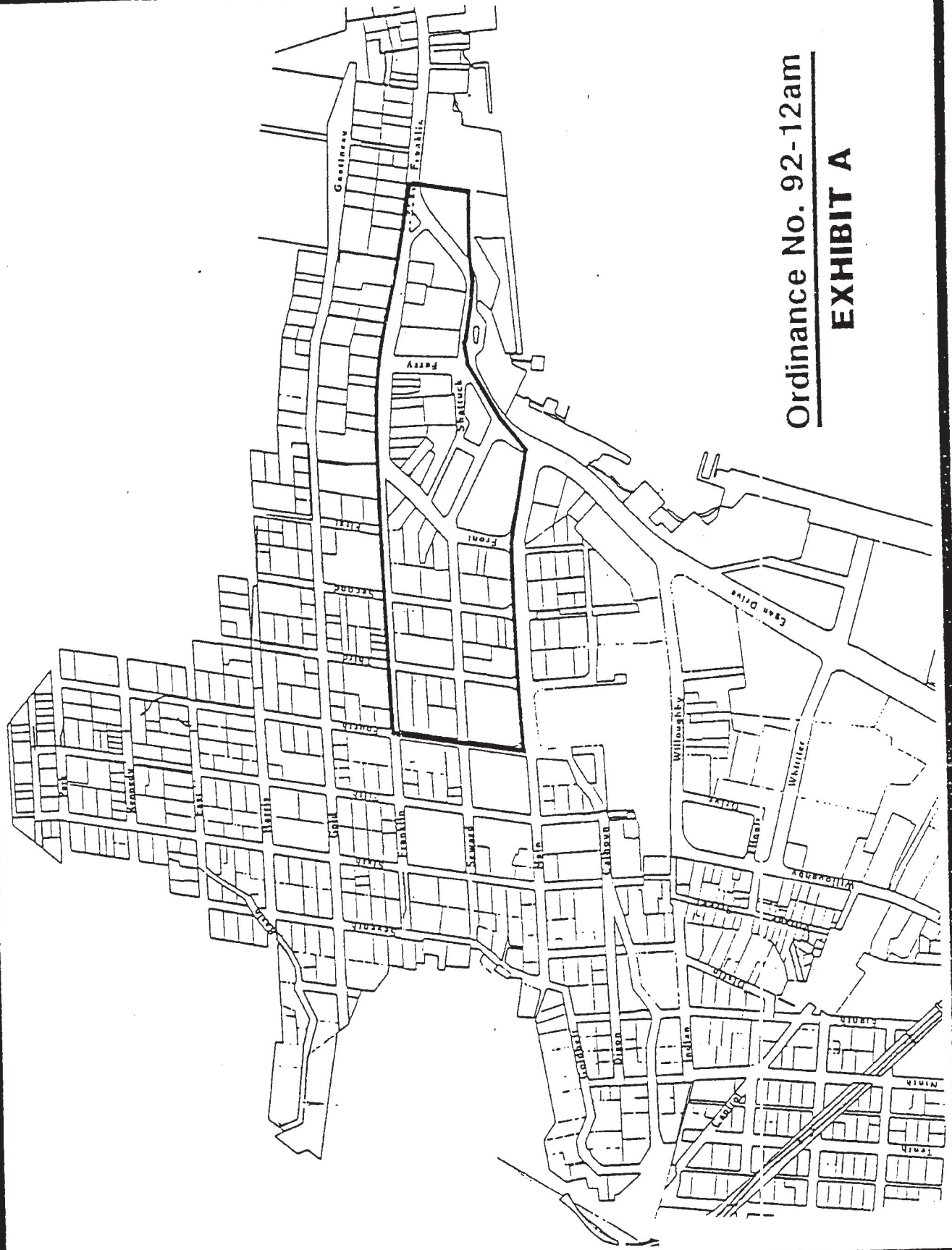
Adopted this 12th day of April, 2004.


Bruce Botelho, Mayor

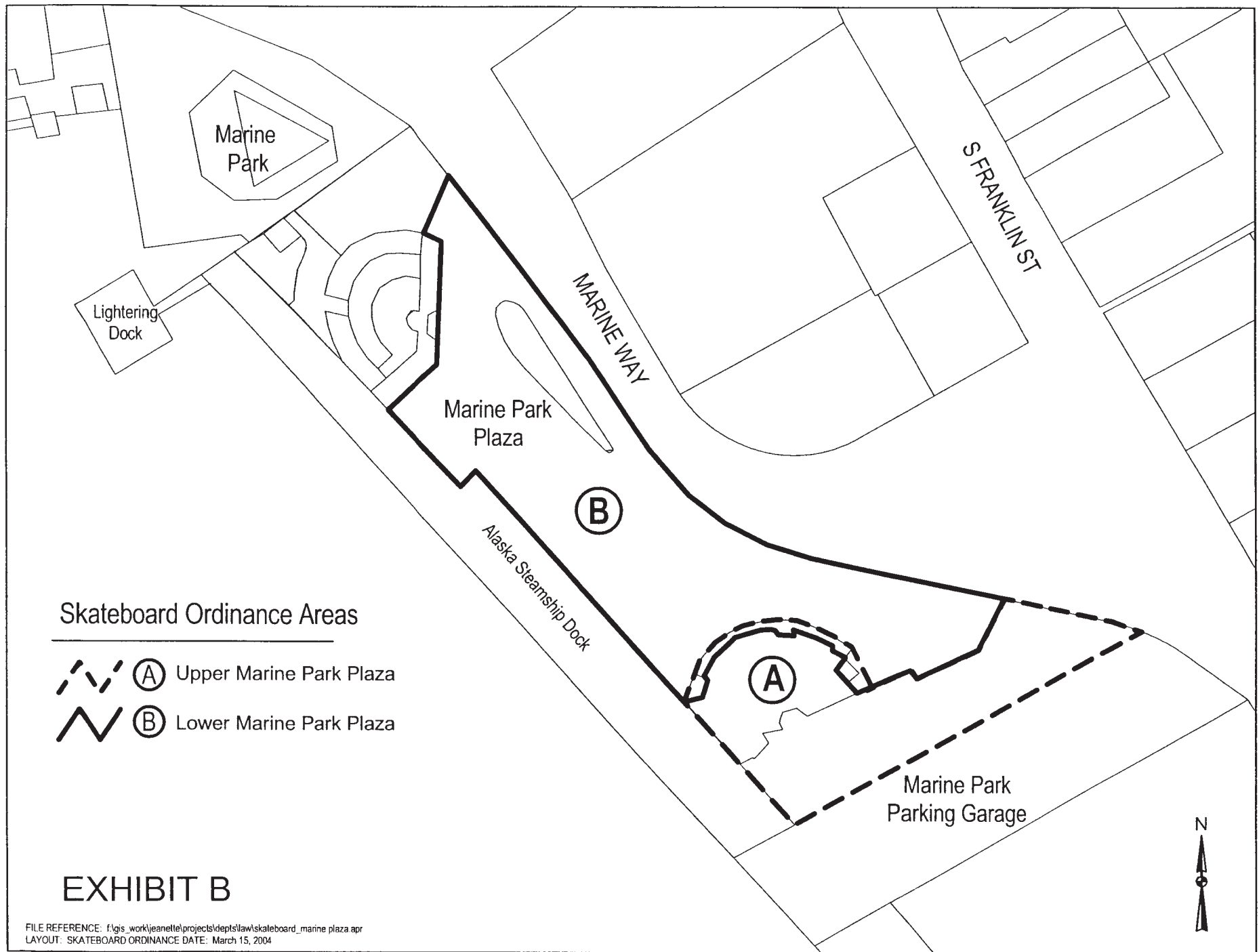
Attest:


Laurie J. Sica, Clerk

Vote: Unanimous



Ordinance No. 92-12am
EXHIBIT A





PO Box 32712

Juneau, AK 99803

August 21, 2020

Carl Uchytel
Port Director, City & Borough of Juneau
155 S. Seward Street
Juneau, Alaska 99801

Dear Carl:

We are writing to express the thanks of the Territorial Sportsmen's Golden North Salmon Derby Committee for the support provided to this year's derby by your Docks & Harbors staff. As has been the case for several years, Docks & Harbors staff dealt with heavy traffic on land and in the water and high demand for services with skill and positive attitudes. We deeply appreciate the hard work and support provided by Matt Creswell and his entire staff throughout the derby weekend.

As in past years, the work by Docks & Harbors staff to manage ice supplies at the various downtown and Douglas locations was a significant help to the derby effort. Jon Osborn's and Doug Liermann's assistance was particularly helpful.

Thank you for supporting a long-time Juneau tradition, enabling TSI to fund scholarships for local students. Please pass along our thanks to all your staff for their deeply-appreciated help!

Sincerely,

Doug Larsen
Co-Chair

Shawn Hooton
Co-Chair

-- 74th Annual Golden North Salmon Derby --