

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
Wednesday, May 18, 2016

I. Call to Order

Mr. Simpson called the meeting to order at 5:00 pm at the Yacht Club.

II. Roll Call

The following members were in attendance: John Bush, Tom Donek, Robert Janes, and Budd Simpson.

Also in attendance were: David Borg – Harbormaster, Gary Gillette – Port Engineer, and Carl Uchtyl – Port Director.

Absent: David Summers.

III. Approval of Agenda

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

The motion passed with no objection.

IV. Public Participation on Non-Agenda Items –

William Quayle, Juneau Alaska

He said he is trying to get a Pedicab business started with just him as the owner/operator. He said the system is set up for bus companies. He said Docks & Harbors fees are too much for him with his small social security check as his only income. He wanted to offer an alternative to paying the \$300.00 company and seat fee upfront. He is offering one or two percent per month of his sales for six months which would be paid on the first of the month. This way, he could start the business and Docks and Harbors would not be in the business to kill a business before it starts. He said he is sure he is not the only person going to be in this situation. He is asking the Board to make an exception to the \$300.00 company fee.

Mr. Simpson asked what program he is operating under? What is the basis for the proposed charge?

Mr. Uchtyl said after many years of not having Pedicabs in Juneau, we just had a company start with three Pedicabs. They were issued a Class C zone permit which has a definition of how that Pedicab can operate. Under this permit, we follow the same financial requirement that we do for coaches using the A and B zone which is a \$300 company fee and \$7.00 per seat fee. Mr. Quayle is asking relief from Docks & Harbors for the \$300.00 with some other type of arrangement, but the bigger issue will be with the \$1,500 dollar requirement to JPD.

Mr. Quayle said that is another hurdle he needs to get over.

Mr. Uchtyl said he is just trying to follow a system, procedures, and process.

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Mr. Simpson informed Mr. Quayle that this Committee can't just make a ruling on this, but we can ask staff to evaluate if there is any way to give relief. Mr. Simpson said it will be tough to do because if we do it once, we will have to do this for everyone.

Mr. Quayle said he isn't going to be the only one person Pedicab trying to do this. He is not trying to make an exception for just him. The situation is when someone tries to start something new, it is stifled even before it starts. By charging me the \$300.00 is treating me like I am more than one person which is not fair.

V. Approval of Wednesday, March 9th, 2016 Operations-Planning Meeting Minutes

Hearing no objection, the Wednesday, March 9th, 2016 Operations/Planning Meeting minutes were approved

VI. Consent Agenda – None.

VII. Unfinished Business - None

VIII. New Business

1. Letter Ordering Anchored Vessel LUMBERMAN off CBJ Submerged Lands

Mr. Uchytel said at the last Board meeting to make room for the Manson Construction Derricks and 400'x50' pontoon being towed to Juneau, I directed Steve Hamilton and his vessels as well as the Lumberman owned by Lucas Drake out of the area to make room for Manson. At the April Board meeting, testimony was received from the Drake's which led the Board directing Mr. Uchytel to pursue a survey to determine the location of the Lumberman. We were looking into a survey and the quote that was provided was \$3,000. Subsequent to getting the quote, Manson came in and placed their derrick barges and pontoon on CBJ managed submerged lands. It is obvious from the location of all the anchored vessels now that the Lumberman is clearly anchored on CBJ submerged tidelands. He is not recommending to go through the process to get this area surveyed. He would like to move forward with directing Mr. Drake off CBJ submerged tidelands by September 1st. That is the date Manson will come back and relocate for the next phase of the 16B project. He said he received a call from Doug Trucano today and even though Docks & Harbors went through the Corps of Engineers and Coast Guard to locate the pontoon on our submerged lands, Petro Marine and their fuel barge believe it is hampering their ability to get into the fuel dock. Mr. Trucano is asking Docks & Harbors to work with Manson to relocate the pontoon.

Committee Questions

Mr. Donek asked if he knew how far the pontoon will need to come in to give enough room for the fuel barge?

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Mr. Uchytel said no. The pontoon is located 1300' from the Petro Marine Dock. Last night the fuel barge needed to hire the tug the Kodiak King to help moor it. Docks & Harbors wants to be good neighbors and not impede traffic even though the Corp and Coast Guard are content with the location of the pontoon.

Public Discussion

Lucas Drake, Juneau, AK

He said he is the owner of the Lumberman. He wanted to know who determined the pontoon was located on CBJ submerged tidelands? It appears to be located in the navigable water area. He thought the need to move the Lumberman was dismissed. He would like to petition the Board to let everyone share the water.

Dennis Watson, Juneau, AK

He said in Mr. Uchytel's letter, in the last sentence he stated he does not anticipate or allow vessels to use CBJ managed submerged tidelands in the future. He said he is unsure when the future is? Is it after the barge leaves? The way he reads the letter, Manson should not be in this area either. However, you say you are not allowing any vessels, but in fact you are allowing Manson to be there until next fall. He said another point is he sees a lot of vessels anchor out on CBJ Tidelands which come and go through the summer months and have for years. How does Docks & Harbors police this, and charge for the anchoring out?

Howard Lockwood, Juneau, AK

He asked who is Chilkat Surveying and Mapping and what are they going to use as a base for determining the CBJ lines?

Mr. Uchytel said Chilkat Surveying is owned by Josh Ivaniszek. This is the surveyor used by Manson Construction and the surveyor Docks & Harbors provided a scope of work to give a quote for surveying the Lumberman location.

Mr. Lockwood asked what he uses for his starting point in establishing the lines?

Mr. Uchytel said he doesn't know.

Mr. Simpson said he didn't survey this yet so he hasn't used any starting points.

Mr. Lockwood said it is going to be done and he has to start somewhere.

Mr. Simpson said Mr. Uchytel is recommending the survey not be completed because it costs \$3,000.

Mr. Lockwood asked how do you establish the lines?

Mr. Simpson said that is what we are working on. We are not sure the lines in the areal maps are correct.

Doug Trucano, Juneau, AK

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He said the concrete float is in the way. Petro came in with a loaded fuel barge to our facility and they needed to take three passes to get in. When they went to leave, they needed to hire an assist tug to get out. The assist tug cost them \$1,000 per hour with a two hour minimum. If the City is going to leave the concrete float at the current location, they should be prepared to pay the charges for the assist tug. He said he knows Steve Hamilton is going to move all his boats and floats out of town, and there is plenty of room in front of that to put the concrete float. He has a hard time understanding the float has to be in the center of the channel. The Coast Guard chased Steve Daniels from that location when he was anchored there and now the concrete float is there. It's hard for him to understand why all of a sudden the Drakes have to move their boat just when they get ready to move the concrete float. Docks & Harbors knew since last October the float was going to be here. Docks & Harbors should have given the Drakes a good length of time to move the boat if it was going to create this much trouble.

Galen Drake, Juneau, Alaska

He said if you drive over the bridge and site down the end of the jetty and the breakwater, the concrete float is located way outside that. The position of the Lumberman never interfered with any of the traffic coming in for Petro Marine. He said doesn't understand why the concrete float is so far out in the channel. The float could have been placed inside their position or ahead of the Lumberman's position and on the same line. If you look at any of the surveys and look at the lines, you can see the position of the float is way outside the lines. The float is impeding vessel traffic up and down the channel. If no survey was completed, how was it determined that the concrete float is on CBJ submerged lands? Just by the Port Director saying it is on CBJ submerged lands, does it automatically make it CBJ land? When we worked on a location for the Lumberman, we worked with the actual survey plats to determine we are just outside the CBJ tidelands. Even outside the CBJ land, this causes another issue with DNR. We received a letter from them stating under no circumstance would they even issue a temporary permit to anchor anywhere north of the bridge. DNR also said once the Lumberman is moved, they have no intention in the future of ever allowing any vessel to anchor in this location because of the Challenger incident. I don't see how that can even fit in the State Constitution which gives citizens the right to use the waterways in the State of Alaska whether it is City or State owned. He would like to know who determined the concrete float was located on CBJ tidelands?

Mr. Simpson asked if there was insurance on the Lumberman?

Galen Drake said not at this time, but we could put a policy on it if it was deemed necessary.

Mr. Simpson said the concern is with the Challenger incident if something were to happen, who's liability is it?

Galen Drake said it would be our liability.

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Mr. Simpson asked if he thought the Lumberman would be insurable and has he tried to get insurance?

Galen Drake said yes the Lumberman is insurable, but he has not tried yet. He said with his boat in Aurora, if you don't have insurance, there is a policy that you can pay an additional \$6.50 a month extra in your moorage in the event you would have to be lifted.

Mr. Uchytel said it is \$.25 per lineal foot, but this is not an insurance policy.

Galen Drake said it is a fee that a person is charged when you are not insured. He said in his own way he is self insured. He would be liable for whatever happens. If CBJ would ask us to have insurance as a condition to stay where we are, he would get the insurance policy.

Committee Discussion/Action

Mr. Donek asked if it was fair to say that Manson's surveyor located their equipment location?

Mr. Uchytel said no.

Mr. Donek asked if Manson had some way of knowing they are located on CBJ tidelands?

Mr. Uchytel said we gave Manson everything we had to determine property lines.

Mr. Donek asked without a survey, how do we know Manson Construction is on our land.

Mr. Gillette said we don't.

Mr. Donek asked if Manson certified back to CBJ they were on our land?

Mr. Uchytel said we took the information provided by the Corps and the Coast Guard and gave that information to Manson. We have not heard anything saying they are on DNR land. DNR has said the Lumberman is on CBJ land. We have two issues. One is the issue of the Petro Marine barge not being able to get into the fuel dock. I will work with Manson on that. The other issue for tonight is what do we do with the Lumberman? What is the direction for me from the Board?

Mr. Donek said we do have a side issue now that needs to be corrected, but that is not the issue tonight.

Mr. Gillette said when Manson first proposed to bring the barge to this location, the vessels that were anchored there were notified to move. When the vessels didn't move, Manson said they could move the pontoon out further, but were nervous about being to close. They picked the location and it appeared to be in the boundary so that is where they set it.

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Mr. Bush asked if there was progress being made with Mr. Hamilton's removal of his vessels?

Mr. Uchytel said he is working on it.

Mr. Janes said at this time he is unsure the Lumberman is on CBJ Tidelands or not. If he is on CBJ Tidelands, then we talk about what the requirements are or if he is asked to leave. If the Lumberman is not on CBJ Tidelands, this topic is a moot point. A survey is critical for future direction.

Mr. Donek said he wants a survey because we are wasting our time.

Mr. Bush said he wanted to clarify what was said at the last Board meeting. One of the Drakes indicated that the Lumberland was not originally placed on CBJ Tidelands, however, it may have drifted since then.

Galen Drake said yes.

Mr. Bush asked Mr. Drake if it is determined the Lumberman is on CBJ Tidelands, would you still be willing to move your vessel when the crane to move it has returned to Juneau, as you stated at the last Board meeting?

Lucas Drake said that would be if we had a location to move it to. He has talked to the Coast Guard and just about everyone in town, there is nowhere else to go.

Mr. Bush said he recommends getting the survey.

Galen Drake said either way the survey goes, if we are on CBJ land, we have to move, if we are on DNR land, we have to move. DNR said they will not issue any permits north of the bridge. Either way they will have to move.

Mr. Simpson said going back to the statement in Mr. Uchytel's letter that Docks & Harbors has no intention of allowing anyone to moor on CBJ Tidelands. He is unsure that statement is accurate for the overall policy. This Board maintains Docks & Harbors Tidelands for the purpose of using them for something. They may be useful to somebody for something such as mooring the pontoon or other vessels that don't have anywhere else in the harbor system they can use. He said it is imperative that we know where the lines on the tidelands are. It would seem logical that staff could charge them a fee for mooring in CBJ Tidelands when there isn't any other place for them. He recommends a survey be completed that could be laid on an aerial photo. He asked Mr. Gillette if Manson could still move to a different location?

Mr. Gillette said they have the equipment, but not the operators. It is moored with an anchor system. If they made a mistake and is outside our property, they will have to move.

Mr. Simpson said even if it is in our property, it is still in the fairway.

Mr. Trucano said the pontoon is in a bad spot.

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Mr. Janes recommends getting a survey and have a discussion about the tidelands in front of the harbor. Does Docks & Harbor intend to make it available for boats that have nowhere else to go.

Mr. Donek said the Committee is in no position to make a motion. Staff needs to get a survey, and the issue with tideland use is something that needs to be discussed in the future.

MOTION By Mr. JANES: THAT STAFF INITIATE A SURVEY OF THE TIDELAND IN FRONT OF AURORA HARBOR AND PROVIDE THE COMMITTEE WITH THAT SURVEY AS SOON AS POSSIBLE AND ASK FOR UNANIMOUS CONSENT.

Mr. Simpson added a friendly motion that the survey would be able to be placed over an aerial photo that would be useful for regular people to tell where the line is.

Galen Drake said if they just determine the center line on the breakwater they can come out from there. He said his tug is 435' off the breakwater. The survey just needs to determine how far from the center of the breakwater the DNR line is.

Mr. Donek said Docks & Harbors is going to hire a professional surveyor to survey this area.

The motion passed with no objection.

Mr. Simpson asked Mr. Uchytel what he wanted the Drakes to do at this point and what time frame does something need to be done?

Mr. Uchytel said everything was driven by trying to accommodate Manson for the summer. Manson found a work around and he thought they were good for the summer, but he will re-engage Manson to reconfirm the location. He will contact Petro Marine to see what Docks & Harbors needs to do.

Mr. Simpson asked what timeframe is given to the Drakes?

Mr. Uchytel said his understanding from the Committee is to let them stay until a policy is in place.

Mr. Simpson said it would be fair to give them a deadline unless we change the policy.

Mr. Uchytel recommended September 1st because that is when Manson is coming back.

Mr. Janes said we need the survey first.

Mr. Simpson asked how long to get the survey finished?

Mr. Gillette said he is unsure but he is ready to move on it.

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Mr. Simpson said the Committee will defer further action until the survey is completed.

Mr. Mosher recommended to work with Manson to get them moved in and out of Petro Marines way sooner rather than later. He asked because the Lumberman basically can't be on the City or State Tidelands, for a short term solution, why don't the Drake's get an insurance policy on their vessel and move them in closer to the breakwater? He said it is important to get the Manson equipment moved in.

Mr. Simpson said the deadline is September 1st and that will give the Committee time to give it more thought.

Mr. Gillette said when Manson originally picked a location it was further in and the Drake's boat was in the way. If the survey shows they are outside the CBJ Tidelands and Docks & Harbors need to move them in to accommodate Petro Marine and to be back on our property, the Drake's boat could be in the way and will need to move.

2. Active Fishing Vessel Discount at Statter Harbor (05 CBJAC 20.044)

Mr. Uchytel said this has been to the Harbor Fee Review Committee and the motion that is written came from that Committee. The only new information is a letter that came from Southeast Alaska Fisherman's Alliance that was a hand out.

Committee Questions - None

Public Discussion

Zac Worrell, Douglas, AK

He said he has been fishing for three years. He pay's his annual moorage in advance and ties up downtown. He said he leaves his stall June 12th and fishes north so he ties up in Auke Bay occasionally, He comes back downtown about November 14th. He said he was tied up in Auke Bay for more than 20 days so he paid the fees for Auke Bay, but the times I was tied up was late September and into November. Auke Bay is dead at that time and he doesn't see why he has to pay. He said he does not think it is right to make a fisherman sell local. He spends a lot of money in Juneau and feels it is encroaching on his business too much to sell fish at a loss to be able to tie up at Auke Bay. The whole time he is gone, Docks & Harbors has his slip rented out. This is like triple dipping, I paid my annual moorage, my slip is rented out, and I am paying again at Auke Bay.

Tim Mosher, Juneau, AK

He said this is a triple dip on everything. There is no reason a commercial operator shouldn't get 20 days in the summer. The days shouldn't count in the winter. He doesn't think it is appropriate to have to show a fish ticket.

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Dennis Watson, Juneau, AK

He said Auke Bay is empty in the winter because the slip holders, who pay annual moorage, take their boats out in the winter. Docks & Harbors will then lease those slips so they are collecting twice.

Mr. Mosher said that isn't recognizing the fish tax and the economic activity the fisherman are creating above and beyond the average person renting a stall for pleasure use.

Committee Discussion/Action

Mr. Janes said he doesn't think we have the ability to decide where fisherman should sell their fish. He believes if they are a Juneau resident and bring wealth to our economy we should support them. Paying their annual moorage upfront is enough to show they are local.

Mr. Bush said the concept and reason for exemption on moorage is for the fish tax landings. He suggests to leave it as is.

Mr. Simpson said the local sale requirement comes from the fact that this is where the fish tax lands when the fish land here. If they are sold somewhere else, the fish tax lands somewhere else so the economic impact is different. Is this where we want to go with this, or just give them a benefit because they are local?

MOTION By Mr. BUSH: TO MAKE NO CHANGE TO THE REGULATION EXCEPT TO CLARIFY THE REQUIREMENT THAT THE MOORAGE MUST BE PAID A YEAR IN ADVANCE. ALSO TO INSTRUCT STAFF THEY ONLY NEED TO SEE THE PROCESSOR NAME, BOAT NAME, AND DATE ON THE FISH TICKET AND ASKED FOR A ROLL CALL VOTE.

Mr. Bush – Yes

Mr. Donek – Yes

Mr. Janes – No

Mr. Simpson – Yes

The motion passed.

Mr. Simpson said this will move forward to the Regular Board.

IX. Items for Information

1. Aurora Harbor Phase II - Planning

Mr. Gillette said on the last page of the packet is a 2013 cost estimate from PND. Phase I of the Aurora Harbor project has been completed for approximately \$10M which included construction, design and inspection. The future phases are estimated to be \$11.86. Staff is anticipating receiving \$2M from DOT under the municipal harbors grant program and Docks & Harbors has to match that with \$2M. The \$4M grant funds are for construction use only. We then need to work on

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funding for permitting, planning, final design and inspection. The \$2M would come from Harbors account and also the design funds. Our goal is to work with PND and see if we can do the next three main floats, fingers, and attachments for the boat shelters for \$4M. The details for moving the boat shelters still need to be figured out.

Mr. Uchytel said we are going to move on the design for the next phase which includes the boat shelter floats. Staff is anticipating when Douglas is finished to move the boats from Aurora to Douglas. He asked how much the Committee wanted to be involved with making the decisions on moving the boat shelters?

Committee Discussion/Public Comment

Mr. Simpson asked if the rest of the Aurora Harbor project is split into two phases? What is the timing for the phases?

Mr. Gillette said the estimate to finish the rest of the Harbor is \$11.8M, but we only have access to \$4M is why we are phasing the rest of this project. Staff is hoping to have more funding to continue with the rest of the Harbor, but depending on funding will determine if that will need to be split in a smaller phase.

Mr. Uchytel said 1% sales tax will be a good opportunity to fund future phases when it comes up in October 2017.

Mr. Bush asked if we should do the other end of the Harbor before the boat shelter area of the Harbor?

Mr. Gillette said that is something that has been discussed, however it will probably be more expensive.

Mr. Donek said there are 21 boat shelters and some have split ownership. I think the Board needs to be well informed on what is going on with this project.

2. Harbor Waste Management Plan – No information, ran out of time.

X. Staff, Committee and Member Reports - None

XI. Committee Administrative Matters

1. Next Operations/Planning Committee Meeting – Wednesday, June 22nd, 2016.

XII. Adjournment

The Operations-Planning Committee Meeting adjourned at 6:28 pm.