

VISITOR INDUSTRY TASK FORCE
THE CITY & BOROUGH OF JUNEAU, ALASKA

January 21, 2020 12:05pm

City Hall – Chambers

MINUTES

1. CALL TO ORDER/ROLL CALL

Meeting called to order at 12:05pm

Members present: Chair Carole Triem, Vice-Chair Craig Dahl, Holly Johnson, Meilani Schijvens, Paula Terrel, Dan Blanchard, Kirby Day. Assemblymember Wade Bryson, Alida Bus and Bobbie Meszaros.

Members absent: none

Others Present: Assemblymember Maria Gladyszewski, P&R Deputy Director Michele Elfers, City Attorney Robert Palmer, P&R Administrative Officer Myiia Wahto, D&H Port Operations Supervisor Scott Hinton, Mayor Beth Weldon, Port Director Carl Uchytel, City Manager Rorie Watt, Assemblymember Alicia Hughes-Skandijs, Finance Director Jeff Rogers, Planning Manager Alix Pierce and MEBA Rep. Ben Goldrich.

2. Scheduling

- a. Some still need to do doodle poll.
- b. 2/25 – Noon confirmed
- c. Rescheduling public comment meeting, Saturday, 2/1, 10:00 in Chambers.
- d. 2/4 meeting – SE Conference in town, consider adding this meeting after public comment – will consider that option.

3. Presentation by CBJ Law Department Robert Palmer and City Manager Rorie Watt with discussion. Mr. Palmer read his memo and then took questions.

Mr. Palmer started the discussion with the following statement - Legal issues regulating tourism – balancing act, best when policy makers come up with ideas and run through legal test. Less effective when and attorney is offering policy advice. Mr. Palmer read his memo and explained each point.

Mr. Blanchard – works with ships, uses BMP's, all voluntarily. Is there a time when BMP's have become pseudo law? Example, what if we decide we don't want hot berthing, and all cruise lines sign up voluntarily with Tourism Best Management Program (TBMP) and say they won't hot berth. What happens when a cruise line decides something different?

Mr. Palmer – TBMP enforcement is complicated, social pressure can happen, but it is not through the city. Special agreements with Docks or cruise lines could happen where we put in consequences.

This can be a legal tool. Regulatory approach, government tries voluntary compliance through TBMP, then contracts, then regulatory realm. Maybe we get to a point where we work with USCG to prevent hot berthing or maybe USCG says no, and we need to figure out what to do.

Mr. Blanchard – Do we put ourselves at risk if we put CBJ funds to help TBMP? Can we do this legally?

Mr. Palmer – CBJ gives grant, no contractual agreement. No special standing given.

Mr. Day – TBMP could recommend could recommend an act to manage an impact and present to Assembly and CBJ could decide if money would be given.

Mr. Palmer – Yes, you could tie grant to some act/policy.

Ms. Terrell – CBJ can't limit capacity by limiting number of individuals?

Mr. Palmer – this has never been challenged.

Ms. Terrell – Can we limit number of ships that come in?

Mr. Palmer – yes, on public docks, cognizant of debt service payments, bond requirements

Ms. Terrell – If we can control ships that come in, is there any way we can control scheduling so we don't have two ships with 6000 people on board at 4 docks? Any way to spread out?

Mr. Palmer – CBJ doesn't schedule city docks now, if we desire what boats come and how long they are in town, we can probably look at those options. We could encourage Norwegian at City Docks on Tuesdays with larger ships so we can control traffic impacts, and then limit hot berthing.

Ms. Johnson – Has USCG worked with communities in past on hot berthing type issues?

Mr. Palmer – USCG has indicated they are willing to work with us, not sure how far, imagines if there is a policy direction, he recommends formulating policy and then we would go talk to USCG.

Mr. Day – Suggesting anchorage closed by USCG, are you suggesting just large ships or any ships?

Mr. Palmer – just large ships

Mr. Day – Dynamic positioning is not considered anchoring, is there CBJ control over ships that are underway?

Mr. Palmer – For anchoring or ships lightering, he will figure out arguments to help CBJ if this is a policy decision

Ms. Triem – who would take action against us?

Mr. Palmer – Bond holders, not sure how many or who they are?

Mr. Dahl – Other communities, ideas or communication?

Mr. Palmer – hasn't reached out to other attorneys in AK, in world other places doing this, but they are not subject to AK and US constitution.

Mr. Dahl – What is our access to you to run things by you?

Mr. Palmer – Through chair and if asked I will provide legal guidance.

Ms. Terrel – With Rob's help, we can look at specific issues and make a decision of options that can be used to put that into effect. Not saying we would set the policy, but give an option, like, whale watching, if we can come up with options on how to work with that and use that as a tool to the Assembly, then Assembly decides what they will do and how they will do it. Come up with solid recommendations with options for tools Assembly can use.

Ms. Triem – Four broad charging questions, to come up with multiple specific policy options will take more time than we have, Assembly is decision making body, Assembly may not want certain policies, don't waste time.

Ms. Terrel- We don't have to set policy, just come up with options. Would not be too difficult to come up with options.

Mr. Day – If recommendation to Assembly made, one avenue that in 2022, CBJ could tell CLAA, first Saturday of every month in summer no ship at Steamship Dock. If this compromised repaying of bonds, would we have to wait until 2026 to do this?

Mr. Palmer – yes, not until 2026, assuming those facts. We would have to run some math.

Ms. Johnson – head tax dollars involved in paying for city docks? Do we have full control?

Mr. Palmer – We do have full control, only limitation I know of right now is revenue.

Ms. Terrel – lots of comments on Saturday cruise ship days, could Assembly pass resolution saying we want to see a cruise ship free day on Saturday?

Mr. Palmer – Could assembly enact ordinance, yes, we would have to do the math. What is the hammer/enforcement tool? IF resolution said intent, no hammer on the other side, probably okay. IF there is a penalty, that may be different. Depends on tool.

Ms. Terrel – what about MOA with cruise ship that there would be no ships on Saturdays? IS that an option, a contract?

Mr. Palmer – yes, under vision of point A in memo, voluntary contract between CBJ and cruise lines.

Mr. Bryson – Oct. 5th 2019, first day of no cruise ships, DT dead, empty, nice and 55 degrees. To say we are going to change face of Juneau is not going to work. One of big complaints is big peak days, solution is to spread peak throughout week, increase on Saturdays to relieve congestion in community. It will give additional 15k days on other days of the week. I interpret this as our ability to limit traffic is almost nonexistent. We are the capital of AK, our economy is not doing great, shining example of growing economy. Every discussion is about limiting and capping. Rest of economy in state is going in garbage, our discussion is limiting and denying others to come to our state. Our ability to limit tourism before 2026 is not going to happen. Turn discussion into how we can make this more productive and more amicable conversation, not "no, no". How can we smooth it out, create infrastructure, transportation corridor to relieve construction. How can we benefit community and visitors? Focus on what we can do to improve situation.

Ms. Triem – Describe annual consultation process with cruise lines.

Mr. Watt – Settlement of litigation – litigation was about narrow views of the law and what was legal and not legal or legally defensible. Settlement about achieving practical solutions for city and industry. Negotiated payment for Auke Bay and agreed upon because it was a practical solution for industry and CBJ. October, first annual meeting, talked about all of the issues and how to work proactively, some progress to be made. Unclear what our goals are, city should state through assembly actual goals. This summer we let ships with emissions problems know it was unacceptable. But we don't have a city standard or policy on this. Industry made voluntary effort to alternate fuel. Mostly happened at my nagging, didn't have policy. We don't have municipal stance on hot berthing, maybe we should. A lot of what Rob told you, there is a lot of maybe on legal authority. It starts with articulating what we want.

Mr. Day – One public comment to raise price of docking on Saturdays, so no one would come.

Mr. Palmer – tool that is probably available, raise moorage fees for city docks should probably be discussed.

Mr. Day – does city have a way to limit number of whale watching boats in Juneau

Mr. Palmer – probably, needs more research and work with NOAA and USCG

Mr. Day – is cruise ship anchorage on CBJ tidelands? Can we get that answered?

Ms. Terrell – Saturday free day is not about downtown, it is about use of trails or getting out in other places. People want to enjoy one day when they don't have to worry about being crowded on trails and water. I don't see Rob has put up there that we don't have any options or legal... we do have options.

Ms. Schijvens – Rorie what are pros and cons of being involved in dock scheduling?

Mr. Watt – System of dock use based on historical priority and private sector action. Result is not always with regard to community interest, open question about should city try and articulate goals in a way that dock scheduling can help achieve them. A couple meetings ago, we noticed we don't communicate with CLAA on scheduling, lots of complexity. If we start to think about our goals (outside of absolute numbers). We want no visible emissions, we want ships to dock and move ships around in a manner with least congestions. Peak events I see causing most public consternation. What is it we want?

Mr. Dahl – Every meeting devoted to listening to input, we haven't gotten to good discussion or business community and investment, it does have an impact, haven't gotten to this debate. Agree to zero in on task mayor asked us to do, but don't throw a net over whole task force at this point.

Mr. Day – Taking/Inverse condemnation – if task force makes recommendation in 2022 we should prohibit hot berthing, we could do that at city facilities, if we carried that to private facilities, would that create a challenge, would that be a taking?

Mr. Palmer – On city docks we have a lot more control, on private docks we have to be sensitive and guess what income generated on hot berthing is. Assembly may not want to make decision, or say that we don't mind risk of takings challenge.

Mr. Day – On scheduling, used to do scheduling by hand, very complicated. City does have control in liaising with cruise line agencies, this is what we would like to see, and we do have some control. City does have some control over how city docks are used and private docks too.

4. **MEETING ADJOURNED – 1:22 pm.**