

Presented by: The Manager
Introduced: 04/16/81
Drafted by: JAL/GLS

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 746

A RESOLUTION DECLARING APPROXIMATELY ONE ACRE AT THE SOUTHEAST END OF TWIN LAKES AVAILABLE FOR LEASING TO THE NORTHERN SOUTHEAST REGIONAL AQUACULTURE ASSOCIATION FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A FISH REARING FACILITY, VISITOR INTERPRETATIVE PAVILION AND OTHER PUBLIC FACILITIES; AND AUTHORIZING THE MANAGER TO NEGOTIATE AND EXECUTE SUCH LEASES, ASSIGNMENTS AND AGREEMENTS AS ARE NECESSARY.

WHEREAS, the Northern Southeast Regional Aquaculture Association (NSRAA) desires to lease approximately one acre of land at the southeastern end of Twin Lakes for the purpose of constructing, operating and maintaining a private, nonprofit fish hatchery for raising of salmon, and

WHEREAS, the City and Borough of Juneau desires to enhance the Twin Lake recreation area with a visitor interpretative pavilion which would coordinate with the hatchery operation, and

WHEREAS, the City and Borough of Juneau desires to have the salmon sport fishery in Juneau enhanced, and

WHEREAS, the Planning Commission has reviewed the proposed lease of the subject property, and

WHEREAS, the assessor has valued the property at \$25,000 per acre when restricted to use as a nonprofit fish hatchery, and

WHEREAS, the assembly finds that the annual fair market rental value of the property is equal to the value to the city and borough of the stocking and maintenance of a coho sport fishery in Twin Lakes and the release of hatchery grown coho smolt into Salmon Creek,

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

1. That approximately one acre at the southeast end of Twin Lakes is available for leasing to NSRAA for

up to thirty years for the purpose of constructing, operating and maintaining a fish rearing facility.

2. That the manager is authorized to negotiate and execute such leases, leases back, assignments and other agreements as are necessary to permit the construction of the proposed hatchery, visitor interpretative pavilion and other public facilities as may be necessary to insure the operation of the hatchery. Such agreements shall include, in substance, the following conditions:

A. In lieu of an annual rental to be paid, NSRAA shall keep Twin Lakes stocked with the maximum number of coho salmon which the lake can support for a healthy sport fishery and shall raise for release in Salmon Creek the maximum number of coho salmon which the proposed hatchery can reasonably accommodate.

B. If sufficient funds for the pavilion and restroom facilities have not been appropriated prior to the execution of the ground lease, the interest of NSRAA relating to its right to use the Twin Lakes for hatchery purposes shall be protected by the city and borough.

C. The city and borough may release or otherwise transfer to NSRAA the city and borough's 9 cfs water appropriation so long as it reserves to itself the right to reacquire up to 3 cfs for domestic water supply purposes without payment to NSRAA for damages which NSRAA may suffer from the loss of such appropriation rights.

D. NSRAA may dredge and fill the lease area as required for its facility and operation.

E. City and borough shall permit Twin Lakes to be drained for the purpose of establishing the environment necessary to support the contemplated fish hatchery and coho salmon sport fishery. Such preparation may include deepening of the lake by dredging and removal of materials and the destruction of marine or plant life determined by NSRAA or the Alaska Department of Fish and Game to be detrimental to the contemplated uses.

F. The use of Twin Lakes by NSRAA for hatchery and rearing purposes may not contribute to nor cause the quality of the water in Twin Lakes to either approach or fall below the standards required for safe swimming.

3. The manager shall include in all instruments authorized under this resolution such terms and conditions as he believes are necessary to protect the public

interest and to insure the successful operation of the hatchery. The manager may execute such leases and agreements as are in substantial compliance with the requirements set forth in this resolution; leases and agreements which contain a significant variation from the intent of these conditions may be executed only upon the approval of the assembly by motion. Notwithstanding the authority to lease a visitor interpretative pavilion and public restroom facility from NSRAA, the manager may contract for the construction of such facilities in lieu of leasing from NSRAA.

Adopted this 16th day of April , 1981.



Deputy Mayor

Attest:



Clerk