

**CBJ DOCKS & HARBORS BOARD**  
**OPERATIONS/PLANNING COMMITTEE MEETING AGENDA**  
**For Wednesday, February 17<sup>th</sup>, 2021**

Zoom Meeting  
<https://bit.ly/3rYsz3a>  
or via Phone 1-253-215-8782  
Meeting ID: 938 0535 0685  
Passcode: 256843

- I. Call to Order** (5:00 p.m. via Zoom)
- II. Roll Call** (James Becker, Lacey Derr, Chris Dimond, Don Etheridge, 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 Thursday, January 20<sup>th</sup>, 2021 Operations/Planning Meetings Minutes**
- VI. Consent Agenda - None**
- VII. Unfinished Business - None**
- VIII. New Business - None**
- IX. Items for Information/Discussion**

1. Commercial Availability of Individual Vessel Security Camera Systems  
Presentation by the Chris Ruschmann, SnowCloud

Committee Discussion/Public Comment

2. Lease rent deferment – Rocovich Property (vincity of Pier 49)  
Presentation by the Port Director

Committee Discussion/Public Comment

3. CY20 Anchorage Consumers Price Index (CPI)  
Presentation by the Port Director

Committee Discussion/Public Comment

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4. Capital Improvement Projects – Update & Direction  
Presentation by the Port Engineer

Committee Discussion/Public Comment

5. Tideland Request – ADNR Preliminary Decision  
Presentation by the Port Engineer

Committee Discussion/Public Comment

6. CY2021 Cruise Ship Prospects  
Presentation by the Port Director

Committee Discussion/Public Comment

7. Downtown Parking Availability  
Presentation by the Port Director

Committee Discussion/Public Comment

**X. Staff & Member Reports**

**XI. Committee Administrative Matters**

1. Next Operations/Planning Committee Meeting-**Wednesday, March 17<sup>th</sup>, 2021**

**XII. Adjournment**

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**I. Call to Order** Mr. Ridgway called the meeting to order at 5 p.m. in a Zoom meeting at the Port Directors Office.

**II. Roll Call**

The following members were present in person or on zoom meeting: Jim Becker-in person, Don Etheridge-in person, Annette Smith, Bob Wostmann, and Mark Ridgway-in person.

Absent: Chris Dimond, James Houck, David Larkin

Also present at the Port Directors Office: Carl Uchytel – Port Director (via Zoom) and at the Port Director’s Conference Room: Erich Schaal – Port Engineer, Matthew Creswell – Harbormaster and Ashley Bruce - Administrative Assistant II (via Zoom).

**III. Approval of Agenda**

**MOTION by MR. ETHERIDGE: TO APPROVE THE AGENDA WITH AMMENDMENT AND ASK UNANIMOUS CONSENT.**

The Agenda was approved with the addition of a preface to the Port Director’s Presentation, by Mr. Wostmann, regarding the FY21 and FY22 Budget

**IV. Public Participation on Non-Agenda Items –**

Kirby Day, Juneau, AK

Mr. Day said he wanted to bring the committee up to speed on Tourism Best Management Practices (TBMP) updates moving forward to 2021 season. TBMP along with the Visitor Industry Task Force (VITF) have initiatives for addressing the impacts of tourism to a concerned community. Mr. Day said a health and sanitation addendum has been added to address COVID19. The addendum will not be mandatory to sign up for TBMP but they will include the best practices towards providing a safe and healthy visitor experience, and strongly recommend members utilize these and other resources to develop and implement a health and safety plan. Mr. Day added the addendum is not a final and will change as guidance from federal, regional, and local resources are received.

Mr. Ridgway asked if Mr. Day knew what the status of the rough draft guidelines from the CDC regarding the industry was in development.

Mr. Day said if the question is in regards to the 40-page document from the CDC regarding framework for restart, Cruise Lines International Association (CLIA) as a global entity is working with the CDC for clarifications of items in the document. Mr. Day said companies are working on certifying ships to operate in the US, but some of the clarification hasn’t been returned, which is why the TBMP guidelines has an

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addendum with a caveat they are subject to CDC, and then state and local approval. Mr. Day said he understands CLIA is communicating with the CDC the status is unknown.

Ms. Smith asked Mr. Day if he knew if immunization would make things easier or is it being taken into consideration.

Mr. Day said he thinks the vaccine will be helpful in restarting the cruise industry once more people are inoculated but we will still have to rely on protocols after people are vaccinated. Mr. Day said the document was developed in November of 2020, and the roll out of a vaccine wasn't a consideration yet.

**V. Approval of Thursday, December 9th, 2020 Operations/Planning Meeting Minutes**

Minutes of December 9, 2020 were approved as presented.

**VI. Consent Agenda – None.**

**VII. Unfinished Business –**

**1. Regulation Change to 05 CBJAC –“B Zone” Vehicle Description**

Mr. Uchytel said the proposed regulation update, page 17 of the packet, has been brought to the Operations Committee and the Harbor Board. Mr. Uchytel said with the development of the Archipelago Lot, the department desires to update the B Zone definition from a vehicle with less than 18 passengers, to a vehicle 27 feet in length or less before the 2021 cruise season. Previous modeling was compared to vehicles known and the auto-turn modeling indicated vehicles up to 27 feet could be accommodated in the lot. Mr. Uchytel said the one caveat is the 27-foot vehicle will not be able to fit in the first loading space as they come around the southwest side of the lot, smaller vehicles can make the turn but the largest will not without having to back up the vehicle.

Mr. Uchytel said we intend to use this lot for only the airporter size vehicles managed through the permitting processes. There will not be taxis, crew shuttles, and sedans. This lot will accommodate vehicles from 21-27 feet.

Committee Questions

None.

Public Comment-

None.

Committee Discussion/Action

Ms. Smith reiterated her comments from previous meetings and the reason she will vote against this change, Mr. Uchytel said there will be no private vehicles here and it will only be exclusive use for airporter type vehicles. Ms. Smith said one of the problems we have at all of our docks is there is very little space, if any, for the people who live in this town to pick up guests at the ships. Ms. Smith said she thinks there needs to be some allowance.

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Mr. Ridgway asked Mr. Uchytel where he would pick up visiting family off a cruise ship.

Mr. Uchytel said the Marine Park Parking garage is available and the Taku Lot near the Twisted Fish has paid parking available and we add confusion by comingling the public in the Archipelago lot because it is not the standard travel path. Users unfamiliar with this create a dangerous situation and a safety issue.

Mr. Becker asked if the spots would be in use constantly and could the indent used for delivery truck drivers be used for people picking up friends and family from the cruise ships.

Mr. Etheridge commented the requested change does not change what the lots or spaces are for, it only changes the designation of what B Zone permits are.

Mr. Becker asked if there was a loading zone at the Taku lot or must you pay for parking.

Mr. Uchytel said there is not a designated loading zone but there are reserved spaces for US Customs, Travel Juneau volunteers, and parking permits available for the vessels using the Intermediate Vessel Float.

Mr. Wostmann requested to add the topic of a single space loading zone to the future agenda.

Mr. Creswell said we are actively managing the lots and do not ask someone actually unloading or loading to leave. We treat loading or unloading different from someone parking and leaving their car for a period of time.

**MOTION By MR. ETHERIDGE: TO PROCEED WITH THE REGULATION CHANGE REDEFINING B-ZONE TO BE VEHICLES OF 27 FEET OVERALL OR LESS, FROM 18 PASSENGERS OR LESS. A ROLL CALL VOTE WAS CONDUCTED:**

Mr. Becker	YES
Mr. Etheridge	YES
Ms. Smith	NO
Mr. Woostman	YES
Mr. Ridgway	YES

The motion passed.

**VIII. New Business**

1. FY21 & FY22 Budget Submission

Mr. Wostmann prefaced the presentation with a report of the finance committee's previous meeting. Mr. Wostmann said the Budget and associated tables have been reviewed line by line, and questions developed and answered by Mr. Uchytel. The proposed budget was compared with general ledger reports and the training budget. Mr.

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Wostmann said he feels confident expressing the opinion of the committee, no significant issues or discrepancies were found, and are very comfortable the spreadsheets to be presented are an accurate representation. Mr. Wostmann pointed out the assumptions of cruise ship revenue for 2021 summer season has been unchanged from what has been discussed before and did not venture to review further feeling the season is still too far away.

Mr. Uchytel said the budget presented in tonight's packet represents a best guess, and the cruise ship season is still at the developing stages of what we expect to see for the end of FY21 and the beginning of FY22.

Mr. Uchytel said for the Docks Enterprise we anticipate \$848,500 revenues for the remainder of the fiscal year and will still require a fund balance draw. Mr. Uchytel said this draw likely won't be completed until after the fiscal new year unless the Finance Department needs us to do so earlier, consistent with the requirements of the charter. This would leave an ending fund balance of \$1,617,639. Mr. Uchytel said the projected revenue is based on half the passenger count of 2019. Mr. Uchytel said we do not anticipate seeing 50% of the passengers in 2019 but the future is unknown.

Mr. Uchytel said the Harbors are running into the black as expected, and have updated our projected revenues and expenses, including debt services.

Mr. Uchytel said at the end of this fiscal year on June 30, 2021, we anticipate an increase in the fund balance.

Mr. Uchytel said a big unknown in the FY22, and the reason for a decreased fund balance, is the University of Alaska property. Mr. Uchytel said for 33 years, Docks and Harbors has leased property from the University, at a very bargain rate and the lease expires May 4, 2021. Mr. Uchytel said unless we acquire the property outright, we will be required to pay fair market value for the uplands, which could be upward of \$100,000. Mr. Uchytel said we also have the issue with the DOT right-of-way at the Auke Bay Loading Facility, which will be another \$18,000. Mr. Uchytel said these are the big perceived changes for FY22.

Mr. Uchytel said the anticipated Ending Available Fund Balance will be \$764,000 for FY21, and \$946,000 for FY22, and anticipate maintaining a Less Reserve of \$749,500 for FY21 and FY22.

Mr. Uchytel said later this week, or next week prior to the board meeting, we hope to have access to the templates provided by the Finance Department, to show expenses and revenues in the desired format, for the board to approve.

Committee Questions –

Ms. Smith asked if it is legal or possible to transfer money from the harbors to the docks if needed with some form of guaranteed payback?

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Mr. Uchytel said last year the topic was reviewed, and in the past we have legally moved money into the Harbors. Last year we decided the vendor booth revenue could be put in the Harbor fund. Mr. Uchytel said lease and tideland rents have been moved into harbors.

Mr. Uchytel said last year, prior to the pandemic, we were considering combining the Docks and Harbors Enterprises under one unit. Mr. Uchytel said until last year we were unaware this was possible and thought there were constitutional issues. Our CBJ Finance Director has suggested there might not be a difference in a 24-foot slip and a 1000-foot berth when it comes to management. Mr. Uchytel said we were not confident comingled enterprises last year.

Mr. Ridgway asked since we do have some outlook on the budget should we renew efforts to comingle the Docks and the Harbor Enterprises?

Mr. Uchytel said by having them segregated benefits the harbors. The fund balance draw is only going from the Docks Fund to the Dock Operations, which will firewall the Harbors. Mr. Uchytel said we would need to review the fund balances of both enterprises and decide if it is opportunistic to do it now.

Ms. Smith commented she does not completely support merging the two funds. Ms. Smith said the public perception is everything is done for the cruise ships and not for the harbors and feels if we merge the enterprises we might feed the public perception and was only inquiring about a loan.

Public Comment –

Dennis Watson, Juneau, Alaska

Mr. Watson said commented the Finance Sub-Committee did an awesome job at covering the difficult budget at last night's meeting. The meeting supports these numbers and there doesn't seem to be much meat left to trim.

Mr. Watson said he does not know the last time the cruise ships had a rate increase. He sees there are price increases built into the harbors moorage but does not see increases on the port dockage. The time may not be right but in 2022, it may be time to look at rates and see if there is a better way. Mr. Watson says this includes ground transportation. There is no way to make lost money up, and if you have to make it on the volume, it is going to be a long time, and quite frankly there is no other way except for raising prices and should be considered.

Mr. Watson said a likely reason we have seen an improvement of harbor profitability is because of the Port Director and Harbormaster getting more serious about people who are delinquent, paying, and open up more moorage. He encourages the department to continue. He said sometimes boats not only don't pay, but they tie up moorage for other users.

Mr. Watson said it is time to get creative. There is a block of space in the harbor where it appears there are no current plan for the next couple of years so there has got to be a way that can be turned into a bit of a moneymaker.

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Committee Discussion –

Mr. Ridgway asked if we advertise to the yachts the use of the IVF.

Mr. Uchytel said we have an advertising budget but we don't use it for advertising our facilities, we use it for newspaper advertising of required public or legal notices, of construction or engineering projects, or impound notices. Mr. Uchytel said we have not advertised at any regional level, and while not right or wrong, it's just not what we have spent our scarce resources on.

**MOTION by MR. ETHERIDGE: TO FORWARD THE FY21 AMENDED AND THE FY22 BUDGET TO THE BOARD AND ASK UNANIMOUS CONSENT.**

**Motion passed with no objection.**

2. Project Prioritization for State of Alaska – Infrastructure Bond Consideration

Mr. Uchytel said the Governor's budget, required by the Alaska Constitution, is proposed by the Governor and we wait to see what money is put towards the Alaska Department of Transportation, Harbor Grant Program. He said this year zero money was applied to the grant program and the administration has shown a desire to go forward with a statewide infrastructure bond.

Mr. Uchytel said in a meeting at the City Manager's office, it was said the Assembly via the Public Works Finance Committee, needs a list of projects by February 1<sup>st</sup>, to be considered for this yet to be determined process.

Mr. Uchytel said tonight's goal is to determine how the committee would like to proceed in prioritizing the list and determine what should be submitted.

Mr. Schaal presented a list of infrastructure projects in order of staff suggested prioritization for the committee to decide what should be prioritized and submitted to the Juneau Assembly for infrastructure bond consideration. Mr. Schaal said this list, developed by staff, represent the big projects and are ranked by the few guidelines known.

- 1) Aurora Harbor Phase III
- 2) Small Cruise Ship Moorage Facility
- 3) Fisherman's Terminal
- 4) Statter Harbor Phase IIIC and IV
- 5) North Douglas Launch Ramp Expansion
- 6) Statter Harbor Breakwater Replacement
- 7) Cruise Ship Electrification

Mr. Schaal said Aurora Harbor Phase III was ranked first because it was the closest to the Governor's request, it has economic value, and it replaces revenue generating harbors. He said we also selected the Small Cruise Ship Moorage Facility which was ranked high, although the master plan is still under development. He said we see this project as meeting those requirements as it enhances the economic impacts for small cruise ships and it adds more moorage to the downtown harbors by freeing up space at the



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Intermediate Vessel Float and the Inner Cruise Terminal. He said third is the Fisherman's Terminal, we have applied for grants, and it would be an improvement to Juneau facilities. He said the Statter Harbor Breakwater Replacement 3C and 4, Douglas Launch Ramp Replacement and the Cruise Ship Electrification. He said the Statter Harbor Breakwater replacement and the Cruise Ship Electrification project ranked low because we foresee other opportunities for funding. He said we would like to have the Army Corps to build the new facility and take maintenance responsibility. He said he thinks it would be wise to make the breakwater a federal facility and would benefit Docks and Harbors that way in the long run. He said the Cruise Ship Dock Electrification is better suited for the normal funding used for the 16B project.

Mr. Schaal recapped; Aurora Phase 3 is the replacement of the North End of Aurora Harbor that was just demolished. He said there may be opportunities to fine tune that development and provide new or interim moorage, barge storage, or other ideas. He said the Small Cruise Ship Facility is a conceptual plan for adding a new float near the Seadrome dock to serve as a development for the industry, and could be used to create an extension to connect the Seawalk. We believe this project would relieve pressure on the docks serving cruisers and yachters, by relieving pressure on the other harbors and to serve more boaters, but to also accommodate the transient community that gets turned away when our harbors are full. He said, in the long-term development of Juneau's waterfront, a successful project like this could be the impetus to add more sections of the Seawalk. He said the Fisherman's Terminal improvements, we have applied for the TIGER and the BUILD grants for the last four or five years to rejuvenate this area. He said our typical grant application is \$25M but the most recent application was for \$30M because part of the redevelopment is the new harbormasters office and the \$25M cap is the grant's maximum ask without match from the applicant. He said to add a couple million would really improve the facility. He said Phase IIIC and Phase IV of Statter Harbor. He said Phase IV encompasses the possibility of a new float between the A Float and the new Passenger-for-Hire Floats or replacing what we call the "horseshoe" across the main float from the A float. He said the vision includes six pack vessels to load from this area so it is a nexus for tour operations. He said project five is the master plan, or what we envision, the North Douglas Launch Ramp could look like if we can find a way to capitalize on cheap fill. He said we've been in discussions with Fish & Game to see if this would support the sport fishing industry and they voiced to us they get the most calls during the king salmon fishery. He said the comments have been that boat launch being tied up or one lane, and this would alleviate much of the commentary they are getting. He said project six is the Statter Harbor Breakwater Replacement and the ultimate goal is to have this at least be partially a federal facility and that would alleviate Docks and Harbors of major replacement and maintenance costs and we think this harbor should be part of a federal project as opposed to just the City's. He said lastly is the Cruise Ship Electrification for the cruise ship docks and we feel there are better funding sources than to have it compete in this grant opportunity.

Committee Discussion –

Mr. Ridgway asked if any design packages are complete or more shovel ready?

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Mr. Schaal said the Aurora Phase III has both the conceptual and the 35% design drawings for what we've asked DOT for over the years. He said we have worked to determine if we could do all of the main walk and then a couple of side tie floats to get every bit of floats out of the funds that we could. He said nothing is shovel ready to go to bid tomorrow but it is the furthest along and has been vetted multiple times.

Mr. Becker commented he sees nothing for the commercial fishing industry on this list. He said the Fisherman's Terminal is his priority and would like to see that project move to the number one position.

Mr. Etheridge said the total package is between \$300-\$350M for the total package proposed and there are 40 districts applying for that funding.

Mr. Ridgway said the term replacement is not an attractive word to use in a presentation in a bid for a limited amount of funding, but the terms expansion oriented shows a clear economic value. He said he's seen more and more commercial activity at the North Douglas Launch Ramp, and that facility appeals to fishing games perspective of needs.

Ms. Wostmann asked if there was any emphasis on new infrastructure versus older infrastructure in need of upgrade and replacement as having a priority?

Mr. Schaal said very little is known about ranking and what was provided was the page provided in the packet so we are waiting for more information to come out.

Mr. Etheridge said he believes we could expect to get \$7M out of this grant. He said the process is not what the Governor wants but what the Legislature wants. He said the Governor has asked the Legislature to put money in and designate where it goes. It won't go to a lump sum but anyone, but they will put a bond package together and not just to a single entity.

Ms. Smith asked how sure are you that money will come from other sources for the Statter Harbor Breakwater replacement and has the North Douglas Launch Ramp extension made progress and will that allow the dock to stay in the water longer than it currently does.

Mr. Schaal said we feel confident the repairs needed can be done on the chains in a couple of years. He said we have already started the Army Corps process for consideration for projects and with the current Federal Administration's infrastructure program, we are hopeful to see funding from the Corps in the next couple of years for new projects. He said we apply every year for the last four years, but the edict has been to prioritize projects that existed and not new works. If the current administration changes course and spends more than a trillion dollars, there is a higher probability that we can get them to join us as partners for a new breakwater. He said the chains that we have repaired have not been critical to structure and we are working to address critical issues in the next few months with the resources we have as the grant process would not cover these immediate repairs anyway.

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Mr. Schaal said regarding the North Douglas Launch Ramp conceptual layout, yes, we've tried to design a new alignment that does a better job of naturally protecting the new boarding float from the winter storms. It would be designed similar to the Auke Bay facility for strength against the elements and ideally a year round float that does not require being removed.

Mr. Uchtyl said to make abundantly clear, staff as an organization, does not pursue the best projects but the projects with the best chance at funding, with that there are pros and cons to all projects. He said Aurora Harbor, for small boat harbors there is no opportunity of federal funding and barely state funding for harbor recapitalization. He said this projects is in line with the governor's statements and decision to not put money in the harbor grant program. He said the Small Cruiseship Moorage Facility has that economic nexus, there are other sources of funding and we think would be of interest to the administration due to the economic potential and tourism in general. He said head tax could be used for this project so there are other sources of funding. He said the Fisherman's Terminal, the reason we think it's a great project but the new administration's commitment to a trillion plus in infrastructure makes this a high priority but there are other sources of funds for this project. He said the Statter Harbor Breakwater improvement project, at least Phase IIIC is for certain funded three-quarters by head tax. He said similarly, a strong argument can be made for the horseshoe also supports charter operators in Statter Harbor. He said the North Douglas Launch Ramp Expansion, we have local support to use Dingell-Johnson money which requires a match, we also believe this is a former State facility, making it eligible for a DOT harbor grant matching program. He said we think there are opportunities more appropriate than this bond package as we know it. He said we have been cautious about moving the Statter Wave Attenuator project forward because we would have to build and maintain into perpetuity, where as if we work with the Army Corps they have federal responsibility of breakwaters, groins, and jetties, they should be the ones funding it, and we should be working with them. He said there will be a match required going forward. Mr. Uchtyl said the Cruise Ship Electrification project should be head tax funded or grant monies for electrification and carbon reduction. Mr. Uchtyl said the list is made where we think money is available at the expense of other grant opportunities.

Mr. Wostmann asked if a Doodle Poll to board memebers to have the results reviewed at the next harbor board meeting, is that enough time or too late for submission.

Mr. Uchtyl said that schedule is acceptable.

Public Comment –

Dennis Watson, Juneau, Alaska

Mr. Watson said he would review projects to determine which would have the greatest resistance from citizens of Juneau, some projects may get push back from the locals and end up hurting us in the long run.

**MOTION By MR. WOSTMANN: TO ASK HARBOR STAFF TO STRUCTURE A DOODLE POLL FOR THE BOARD MEMBERS TO VOTE ON THEIR TOP**

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**TWO PRIORITIES FOR A DECISION ON FINAL ACTION AT THE NEXT FULL HARBOR BOARD MEETING AND ASKED FOR UNANIMOUS CONCENT.**

The motion passed with no objection

**IX. Items for Information/Discussion**

1. FY22 Marine Passenger Fee (MPF) Request Correspondence

Mr. Uchtyl said after previous discussions with the board, a request was submitted to the City Manager for Marine Passenger Fees for FY22. He said request list in the agenda packet submitted includes:

- Support for the downtown operations
- Support for the two visitor centers and one Customs/Port building
- Landscaping services
- Safety guard rail along the dock face
- Recapitalization of our weather sensors and monitors in cooperation with the Marine Exchange of Alaska and host on their website
- Training, staffing, and supplies to meet the Coast Guard's new vessel security requirements of identification and purpose for ship access.

Mr. Uchtyl said he submitted an additional and separate request after meeting with the managers of the Alaska-Juneau Dock( Drew Green) and the Franklin Dock(Kirby Day)to ensure the same understanding of procedures when the CDC or industry comes out with sanitary requirements for shoreside activities. He said the three docks' managers should operate the same and function equally in regards to COVID, this means PPE, contractual cleaning of high touch services, and surveillance testing or isolation/quarantine needs. He said this list represents things we don't know about yet, and are asking for consideration before the first ship arrives from the City Manager. He said, he expressed that Docks and Harbors would be willing to provide funding for this fiscal year with the idea that we would be compensated in FY22.

Committee Discussion --

None

Public Comment –

None

2. University of Alaska – Option to Extend Lease Correspondence

Mr. Uchtyl said per terms of the contract with the University of Alaska, we need to give notice of our intent to renew the lease at least 90 days but not more than 180 days before the lease expires on May 4, 2021. He said we are about 110 days to the end of the lease and have formally notified the University we would like to extend the lease at a minimum and are aware we would be willing to negotiate a purchase. He said the last he spoke with Horan they would be done with the appraisal in February.

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Mr. Becker asked how long the extension request would be for?

Mr. Uchytal said the terms of the existing lease allow for a one time 33 year extension with notification.

Mr. Becker asked if that was at the same price?

Mr. Uchytal said no, the terms of the lease were very favorable because Docks and Harbors contributed money towards the building of the Egan Library. The terms are very clear that the extension will be at fair market value.

Mr. Wostmann asked if extending the lease, do we have any rights to terminate or are we committed for 30 years, since we wont know the potential purchase price until late February?

Mr. Uchytal said he does not have a legal and definitive answer but he believes the University will acknowledge the appraisal is late and offer a month to month lease extension until we negotiate the next lease agreement. Mr. Uchytal offered to follow up with Mr. Kito of the University to confirm these details if needed.

Mr. Wostmann said we should have those monthly extensions in writing until the new lease or purchase takes affect.

Public Comment

None.

**IX. Staff and Member Reports.**

Mr. Etheridge said he met with Mr. Uchytal and the legal department to determine the best approach towards delinquent accounts that sell their vessel for a low cost such as \$1 to avoid resolving their debt. He said it needs to be put out to the harbors that if you buy a boat, especially a very low cost one, you have also purchased the boats debts to the harbor. He said the legal department has advised us the debt goes with the boat, not the person.

Mr. Creswell said the harbors have been busy, and the lack of snow has allowed for projects to be accomplished. He said we are working on increased inhouse training for staff. He said he is prepairing for the return of seasonal staff and are waiting to see what the cruise ships are doing. He said in the mean time we are prepairing for projects in the event the cruise ship season is late.

Mr. Creswell said the Deputy Harbormaster position closes next Friday.

Mr. Schaal said Harris Harbor dredging is going swiftly as they catch up. He said they have pulled the piles that used to secure the seaplane float and have told us they will remove the fingers from one float early next week. He said the Army Corps expects them to be out of the harbor mid February and start again in Aurora about April.

Mr. Schaal said all of the new floats are in at Statter Harbor and then construction will move to the Auke Bay Marine Station in a few weeks when the drilling crew is ready.

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He said the steel for the gangway has been delivered and was welded in today. He said we have identified two more chains broken on the Breakwater and we are going to secure the parts needed to replace links and do the repair in the next couple of months. He said we will contract divers to get the chains ready for a marine crew to make that repair. He said while the weak links are our focus we are not worried about section loss, we will continue to monitor and make a plan.

**XI. Committee Administrative Matters**

1. Next Operations/Planning Committee Meeting – Wednesday, February 17, 2021

**XII. Adjournment at 7:10 p.m.**

Respectfully Submitted by: Ashley Bruce



## Port of Juneau

**From:** Carl Uchytel  
**To:** Docks & Harbors Operations Committee  
**Date:** February 12<sup>th</sup>, 2021  
**Re:** Lease Deferment Request

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Staff has received the first request for lease deferment due to the uncertain cruise ship season to come. Mr. Ian Simpson is requesting on behalf of Reecia Wilson of Rocovich LLC (Pier 49 Tideland Lease), to have their lease payments deferred to future years. His request went on to say, *“After the latest news from Canada we think this is going to be necessary to keep our expenses in line with the projected loss of income”*. The current annual lease rent for Harbors revenue from this lease is \$26,082.

This is the first and probably not the last of this type of request. Staff is asking this Committee for direction on how to move forward with this request and how to address any future requests like this.

#



## Port of Juneau

**From:** Carl Uchytel  
**To:** Docks & Harbors Operations Committee  
**Date:** February 12<sup>th</sup>, 2021  
**Re:** Moorage & Passenger For Hire rates adjusted by CPI

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The previous year's Anchorage CPI, which some of our rates are based off, has had a decrease of 1.1%. Our regulation states that our annual rates will be adjusted by the Anchorage CPI unless the Docks and Harbors Board takes action to keep the fee the same as the previous year.

If the Board does not elect to keep the rates the same, as of July 1<sup>st</sup>, 2021, our monthly rate will decrease by \$.05 for downtown and Statter Harbors which will mean the downtown rate changes to \$4.40 and the Statter rate changes to \$7.30. Our daily rate will remain the same at \$.58.

The Passenger for Hire rates will also have a decrease. The inspected vessel fee currently at \$525 will decrease to \$519 and the uninspected vessel fee currently at \$158 will decrease to \$156. The passenger fee of \$1.50 will not change.

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# Consumer Price Index (CPI)

**Consumer Price Index for Urban Alaska (formerly Municipality of Anchorage) and the U.S.  
Not Seasonally Adjusted – All Items – Urban Consumers  
1960-Present**

Note: the percent change is from the same period of the previous year.

Year	Urban Alaska						U.S.					
	1st Half	Percent Change	2nd Half	Percent Change	Annual	Percent Change	1st Half	Percent Change	2nd Half	Percent Change	Annual	Percent Change
2020	225.049	-1.7	227.258	-0.5	226.153	-1.1	257.557	1.2	260.065	1.2	258.811	1.2
2019	228.858	2.6	228.495	0.2	228.676	1.4	254.412	1.7	256.903	1.9	255.657	1.8
2018	223.099	2.1	227.992	4.0	225.545	3.0	250.089	2.5	252.125	2.4	251.107	2.4
2017	218.616	0.7	219.131	0.2	218.873	0.5	244.076	2.2	246.163	2.0	245.120	2.1
2016	216.999	-0.1	218.660	0.9	217.830	0.4	238.778	1.1	241.237	1.5	240.007	1.3
2015	217.111	1.1	216.706	-0.1	216.909	0.5	236.265	-0.1	237.769	0.3	237.017	0.1
2014	214.777	1.9	216.833	1.4	215.805	1.6	236.384	1.7	237.088	1.5	236.736	1.6
2013	210.853	2.7	213.910	3.5	212.381	3.1	232.366	1.5	233.548	1.4	232.957	1.5
2012	205.215	2.5	206.617	2.0	205.916	2.2	228.850	2.3	230.338	1.8	229.594	2.1
2011	200.278	2.8	202.576	3.6	201.427	3.2	223.598	2.8	226.280	3.5	224.939	3.2
2010	194.834	2.5	195.455	1.0	195.144	1.8	217.535	2.1	218.576	1.2	218.056	1.6
2009	190.032	1.3	193.456	1.1	191.744	1.2	213.139	-0.6	215.935	-0.1	214.537	-0.4
2008	187.659	4.6	191.335	4.5	189.497	4.6	214.429	4.2	216.177	3.4	215.303	3.8
2007	179.394	1.5	183.080	2.9	181.237	2.2	205.709	2.5	208.976	3.1	207.342	2.8
2006	176.700	4.2	177.900	2.2	177.300	3.2	200.600	3.8	202.600	2.6	201.600	3.2
2005	169.600	2.4	174.100	3.8	171.800	3.1	193.200	3.0	197.400	3.8	195.300	3.4
2004	165.600	2.8	167.800	2.4	166.700	2.6	187.600	2.3	190.200	3.0	188.900	2.7

2003	161.100	2.3	163.900	3.1	162.500	2.7	183.300	2.5	184.600	2.0	184.000	2.3
2002	157.500	2.0	159.000	1.9	158.200	1.9	178.900	1.3	180.900	1.9	179.900	1.6
2001	154.400	2.9	156.000	2.7	155.200	2.8	176.600	3.4	177.500	2.2	177.100	2.8
2000	150.000	0.9	151.900	2.4	150.900	1.7	170.800	3.3	173.600	3.5	172.200	3.4
1999	148.600	1.3	148.300	0.9	148.400	1.0	165.400	1.9	167.800	2.5	166.600	2.2
1998	146.700	1.8	147.000	1.1	146.900	1.5	162.300	1.5	163.700	1.6	163.000	1.6
1997	144.100	1.6	145.400	1.2	144.800	1.5	159.900	2.6	161.200	2.1	160.500	2.3
1996	141.800	2.6	143.700	3.0	142.700	2.7	155.800	2.8	157.900	3.1	156.900	3.0
1995	138.200	2.9	139.500	2.7	138.900	2.9	151.500	2.9	153.200	2.6	152.400	2.8
1994	134.300	2.1	135.800	2.3	135.000	2.1	147.200	2.4	149.300	2.8	148.200	2.6
1993	131.500	3.3	132.800	2.9	132.200	3.1	143.700	3.2	145.300	2.8	144.500	3.0
1992	127.300	3.2	129.100	3.5	128.200	3.4	139.200	3.0	141.400	3.1	140.300	3.0
1991	123.300	5.5	124.700	3.6	124.000	4.6	135.200	5.1	137.200	3.5	136.200	4.2
1990	116.900	5.4	120.400	7.0	118.600	6.2	128.700	4.9	132.600	5.8	130.700	5.4
1989	110.900	2.3	112.500	3.3	111.700	2.9	122.700	5.1	125.300	4.7	124.000	4.8
1988	108.400	0.1	108.900	0.7	108.600	0.4	116.800	3.9	119.700	4.2	118.300	4.1
1987	108.300	0.0	108.100	0.7	108.200	0.4	112.400	3.0	114.900	4.4	113.600	3.6
1986	108.300	3.4	107.400	0.5	107.800	1.9	109.100	2.3	110.100	1.5	109.600	1.9
1985	104.700	1.9	106.900	2.9	105.800	2.4	106.600	3.6	108.500	3.4	107.600	3.6
1984	102.700		103.900		103.300	4.1	102.900		104.900		103.900	4.3
1983					99.200	1.8					99.600	3.2



DOCKS & HARBORS  
 155 S. Seward St.  
 Juneau, AK 99801  
 (907) 586-5255 tel  
 (907) 586-2507 fax  
 www.juneau.org/harbors

## FY22 Proposed Moorage Rates

<b>DOUGLAS, HARRIS AND AURORA HARBORS</b>		
	Effective thru June 30, 2021	Effective July 1, 2021
Skiff	\$300 per calendar year	\$300 per calendar year
Daily	58¢ per foot	58¢ per foot
Calendar Month	\$4.45 per foot	\$4.40 per foot
Bi-Annual (July 1 - Dec 31) & (Jan 1 - June 30)	5% discount on 6-month advance payment	5% discount on 6-month advance payment
Annual (July 1 - June 30)	10% discount on 12-month advanced payment	10% discount on 12-month advance payment

<b>STATTER HARBOR</b>		
	Effective thru June 30, 2021	Effective July 1, 2021
Skiff	\$300 per calendar year	\$300 per calendar year
Daily	58¢ per foot	58¢ per foot
Calendar Month	\$7.35 per foot	\$7.30 per foot
Bi-Annual (July 1 - Dec 31) & (Jan 1 - June 30)	5% discount on 6-month advance payment	5% discount on 6-month advance payment
Annual (July 1 - June 30)	10% discount on 12-month advanced payment	10% discount on 12-month advance payment
Reservations (May 1 - Sept 30)	Fishing Vessels Other Vessels <65' Other Vessels ≥ 65' Other Vessels ≥200'	\$0.75 per foot \$1.50 per foot per day \$2.50 per foot per day \$3.00 per foot per day

<b>INTERMEDIATE VESSEL FLOAT (IVF)</b>		
	Effective thru June 30, 2020	Effective July 1, 2020
Daily (Oct. 1 - Apr. 30)	58¢ per foot	58¢ per foot
Monthly (Oct. 1 - Apr. 30)	\$4.45 per foot	\$4.40 per foot
Reservations (May 1 - Sept 30)	Fishing Vessels Other Vessels <65' Other Vessels ≥ 65' Other Vessels ≥200'	\$0.75 per foot \$1.50 per foot per day \$2.50 per foot per day \$3.00 per foot per day

## Residence Surcharge

Per Month	\$69 +\$23/person above four persons
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- A 5% City & Borough of Juneau sales tax may apply to all fees

## Launch Ramp Rates

Recreational – Calendar Year (includes Kayaks) Matching registrations are required to obtain two additional permits. Please see 05 CBJAC 20.060 – Recreational Boat Launch Fees.	\$90  \$5 per additional permit
Recreational – Day	\$15
Commercial – Calendar Year	\$250 per trailer
Commercial – Day	\$30
Freight Use – Commercial	Up to 1 hour \$60 Over 1 hour \$30 for each additional hour

## Parking Rates

Douglas, Harris, Aurora Harbors	Free w/ permit (permits available at Aurora Harbor office, current vehicle registration required)
Statter Harbor – Summer (May, June, July, August, September)	\$1 per hour/\$5 per calendar day
Statter Harbor – Winter (October through April)	Free w/permit (permits available at Statter Harbor office, current vehicle registration required)
Downtown Taku Lot - Summer	\$2 per hour/3 hour limit

## Shorepower

Connection Type	Daily Fee
20 amp (120V, 1 phase)	\$6.00
30 amp (120V, 1 phase)	\$9.00
50 amp (208V, 1 phase)	\$25.00
100 amp (208V, 3 phase)	\$86.00
100 amp (480V, 3 phase)	\$198.00

Connection Type	Summer Liveaboard Monthly	Summer Non-Liveaboard Monthly
20 and 30 amp	\$90.00	\$54.00
50 amp	\$180.00	\$108.00
100 amp/208 volt	\$420.00	\$252.00

Connection Type	Winter Liveaboard Monthly	Winter Non-Liveaboard Monthly
20 amp	\$120.00	\$72.00
30 amp	\$162.00	\$96.00
50 amp	\$300.00	\$180.00
100 amp/208 volt	\$720.00	\$420.00

## Services Provided

### Power

- Potable water (Year round downtown and Statter A&B Floats)
- Restrooms (Aurora Harbor, Harris Harbor & Statter Harbor)
- Showers (Harris Harbor & Statter Harbor)
- Free Sewage pump-out (Aurora, Douglas, Harris, and Statter)
- Sewage pump-out cart available at Aurora Harbor & Douglas Harbor
- Harris Harbor Grid (Fee: \$1.00 per foot per day)**

*Please make Grid reservation at Aurora Harbor Office*

## **05 CBJAC 20.030 - Daily moorage fees.**

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

(b) *Payment deadline.* The owner of a vessel must register with the docks and harbors department as soon as possible after arriving in the harbor system. The owner shall pay the daily moorage fees for the expected stay when registering.

(c) *Daily moorage period.* The period of time for which daily moorage will be assessed shall commence when the vessel is made fast to an allocated berth, is moored, or comes within a slip, and shall continue until such vessel casts off and has vacated the position allocated. All time is counted and no deductions are allowed because of weather or other conditions. The Harbormaster may establish check-in and check-out times to administer the daily moorage period.

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

(1) From July 1, 2013 through June 30, 2014, \$0.53 per foot; and

(2) Each moorage year after June 30, 2013, a fee equal to the previous year's fee adjusted by the Anchorage Consumer Price Index as reported by the Alaska Department of Labor for the calendar year preceding the start of the moorage year, rounded to the nearest cent, unless the docks and harbors board takes action to keep the fee the same as the previous year.

(Amended 4-11-2005, eff. 4-19-2005; Amended 12-5-2005, eff. 12-12-2005; Amended 3-5-2007, eff. 3-13-2007; Amended 12-11-2006, eff. 7-1-2007; Amended 4-7-2008, eff. 4-15-2008; [Amended 7-15-2013, eff. 7-23-2013](#).)

## **05 CBJAC 20.035 - Monthly moorage fees.**

(a) *Applicability.*

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

(2) *Statter Harbor.* The fee charged to the owner of a vessel for berthing the vessel at the Statter Boat Harbor and moorage appurtenant to this facility, on a monthly basis.

(b) *Monthly moorage time period.* Monthly moorage will be assessed on a calendar month basis.

(c) *Payment deadline.* Monthly moorage fees must be paid in advance before the first day of the calendar month for which the owner is obtaining moorage, unless the owner agrees to be billed on a recurring monthly basis and the department establishes an account for the owner. An owner that does not or cannot pay the monthly moorage fee will be assessed a daily moorage fee in accordance with these regulations.

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

(1) *Downtown harbors.* From July 1, 2016 to June 30, 2017: \$4.25 per foot.

(2) *Statter Harbor.* From July 1, 2016 to June 30, 2017: \$7.15 per foot.

(e) *Moorage fee adjustment.* Each moorage year, beginning July 1, 2017, the moorage rates at the Statter and Downtown Harbors will be adjusted by an amount equal to the change in the Downtown harbors moorage rate when adjusted by the Anchorage Consumer Price Index as reported by the Alaska Department of Labor for the calendar year preceding the moorage year, rounded to the nearest five cents, unless the Docks and Harbors Board takes action to keep the fee the same as the previous year.

( [Added 6-13-2016, eff. 6-21-2016](#).)

## 05 CBJAC 20.080 - Passenger-for-hire fee.

(a) *Definition.* The fee assessed to a person conducting passenger-for-hire activities at Douglas Boat Harbor, North Douglas Boat Launch, Amalga Harbor Boat Launch, Echo Cove Boat Launch, Tee Harbor Launch Ramp, Harris Harbor, Harris Harbor Launch Ramp, Aurora Boat Harbor, Statter Boat Harbor, or Statter Boat Harbor Launch Ramp.

(b) *Relationship to other fees.* This fee applies in addition to other fees set out in 05 CBJAC 020, except as follows:

(1) A person paying moorage fees for reservations moorage at Statter Harbor as set out in 05 CBJAC [25.040](#) shall not be required to pay this fee;

(2) A person paying freight use fees as set out in 05 CBJAC [20.070](#) shall not be required to pay this fee if the passengers are loaded at a launch ramp;

(3) A person conducting passenger-for-hire activities at the Douglas Boat Harbor Launch Ramps, North Douglas Launch Ramp, Amalga Harbor Launch Ramp, Tee Harbor Launch Ramp, and Echo Cove Launch Ramp are assessed fees as set out 05 CBJAC 01 in lieu of this fee; and

(4) A person conducting passenger-for-hire activities at the Intermediate Vessel Float or the Marine Park Lightering Float are assessed moorage fees as set out in 05 CBJAC 15 in lieu of this fee.

(c) *Requirements.* The owner of a vessel must apply to and obtain a permit from the Harbormaster in order to conduct passenger-for-hire activities at Douglas Boat Harbor, North Douglas Boat Launch, Amalga Harbor Boat Launch, Echo Cove Boat Launch, Tee Harbor Launch Ramp, Harris Harbor, Harris Harbor Launch Ramp, Aurora Boat Harbor, Statter Boat Harbor, or Statter Boat Harbor Launch Ramp. Applications are available at any of the Docks and Harbor Department Offices. The Harbormaster is authorized to issue permits with reasonable conditions concerning insurance, operations, and the payment of fees.

(d) *Inspected vessel fees.* The Harbormaster shall assess permit fees to the owner of a vessel engaged in passenger-for-hire activities that is regulated under Subchapter T and S of 40 CFR 33 as follows:

(1) Calendar year 2015 permit: \$300.00 per vessel plus \$1.25 per passenger each calendar day that one or more facilities is used for passenger-for-hire activity. Calendar year 2016 permit: \$400.00 per vessel plus \$1.50 per passenger each calendar day that one or more facilities is used for passenger-for-hire activity. Calendar year 2017 permit: \$500.00 per vessel plus \$1.50 per passenger each calendar day that one or more facilities is used for passenger-for-hire activity.

(2) Each calendar year after 2017, a fee equal to the previous year's fee adjusted by the Anchorage Consumer Price Index (CPI) as reported by the Alaska Department of Labor for the calendar year preceding the start of the moorage year, rounded to the nearest \$1.00 for the vessel permit and nearest \$0.10 per passenger, unless the docks and harbors board takes action to keep the fee the same as the previous year.

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

(e) *Uninspected vessel fees.* The Harbormaster shall assess permit fees to the owner of a vessel engaged in passenger-for-hire activities that is not regulated under Subchapter T and S of 40 CFR 33 (OUPV - operator of uninspected passenger vessels) as follows:

(1) Calendar year 2015 permit: \$50.00 per vessel plus \$1.00 per passenger each calendar day that one or more facilities is used for passenger-for-hire activity. Calendar year 2016 permit: \$100.00 per vessel plus \$1.25 per passenger each calendar day that one or more facilities is used for

passenger-for-hire activity. Calendar year 2017 permit: \$150.00 per vessel plus \$1.50 per passenger each calendar day that one or more facilities is used for passenger-for-hire activity.

(2) Each calendar year after 2017, a fee equal to the previous year's fee adjusted by the Anchorage Consumer Price Index (CPI) as reported by the Alaska Department of Labor for the calendar year preceding the start of the moorage year, rounded to the nearest \$1.00 for the vessel permit and nearest \$0.10 per passenger, unless the docks and harbors board takes action to keep the fee the same as the previous year.

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

(Amended 4-11-2005, eff. 4-19-2005; Amended 12-5-2005, eff. 12-12-2005; Amended 4-24-2006, eff. 5-2-2006; [Amended 7-15-2013, eff. 7-23-2013](#); [Amended 4-1-2015, eff. 4-8-2015](#))



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

# Port of Juneau

February 18th, 2021

John King, Natural Resource Specialist  
Alaska Department of Natural Resources  
Division of Mining, Land, and Water  
410 Willoughby Ave., Suite 500  
Juneau, Alaska 99801

Re: AS 38.05.825 Tideland Conveyance - ADL 109052 Preliminary Decision

Dear Mr. King,

Thank you for your efforts in the process to convey State tidelands to the municipality of the City & Borough of Juneau through Alaska statute.

The City and Borough of Juneau (Docks & Harbors) respectfully requests the rationale and reconsideration behind the conveyance decision on ADL 109052 reducing the area to 4.73 acres. In the preliminary decision (page 11) the alternatives are considered. CBJ Docks & Harbors requests additional reasoning to what the public interest is that may outweigh our interest in the requested parcel in Alternative 2.

*Alternative 2: Convey requested parcel  
Approve the conveyance of the requested 10.2-acre tide and submerged land parcel to CBJ.  
This alternative would have the same effect as Alternative #1 but would convey additional tide and submerged land to CBJ where the municipality's interest in obtaining the tideland parcel may not outweigh the public interest in retaining State ownership.*

The Recommendation and Preliminary Decision stated on page 13:

*“Under AS 38.05.825, no direct economic benefit is realized by the State, but further development of this parcel will serve the needs of the community of Juneau. Facilitating community development activities in Juneau indirectly provides economic benefit to the State by encouraging settlement and related economic activity.”*

We realize this was referring to the 4.73 acre area but Docks & Harbors believes that the requested area of 10.2 acres under the municipality management would provide the best economic benefit for Juneau due to the surrounding parcels already under Docks & Harbors management and providing for future growth.

Sincerely,

Carl Uchytel, P.E.  
Port Director



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

STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND AND WATER

**PRELIMINARY DECISION**  
**ADL 109052**

**Proposed Tideland Conveyance**  
*AS 38.05.035(e), AS 38.05.825*

**RELATED ACTIONS:**

**Proposed Amendment to the Juneau State Land Plan - AS 38.04.065**  
**Proposed Land Classification Order – AS 38.05.065 and AS 38.05.300**

**PUBLIC COMMENT PERIOD ENDS 5:00 PM, THURSDAY, FEBRUARY 18, 2021**

**I. Proposed Actions**

*Preliminary Decision: Proposed Tideland Conveyance to a Municipality ADL 109052*

*Attachment A: Vicinity Map*

*Attachment B: Public Notice*

*Public is invited to comment on the proposed related actions:*

*Draft Land Classification Order CL SE-93-004A10*

*Draft Amendment to the Juneau State Land Plan SE-93-004A10*

Primary Proposed Action: The Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS), proposes to convey one parcel of State-owned tide and submerged land to the City and Borough of Juneau (CBJ), pursuant to Alaska Statute (AS) 38.05.825 *Conveyance of Tide and Submerged Land to Municipalities*. The parcel is located within Gastineau Channel in the downtown Juneau harbor and is approximately 4.73 acres in size, final acreage will be determined by completing survey requirements. See *Attachment A: Vicinity Map* for a depiction of the project area.

This decision determines whether the tide and submerged land selection by the City and Borough of Juneau meets the requirements for conveyance in accordance with AS 38.05.825 *Conveyance of Tide and Submerged Land to Municipalities*, the Submerged Lands Act of 1953, and the Equal Footing Doctrine.

Proposed Related Actions: The Preliminary Decision is dependent upon adoption of the Amendment to the Juneau State Land Plan and the Land Classification Order. Drafts of these documents accompany this Preliminary Decision for public review.

*Area Plan Amendment:* DNR proposes to amend the Juneau State Land Plan (JSLP adopted 1993). The amendment will more accurately represent the existing and future maritime development activities within Subunit 6a8. Following the amendment, the JSLP Subunit 6a8 will retain the two existing designations and the current description of the management intent. The JSLP will be amended to add the designation of Waterfront development (Wd) and add the classification of Waterfront development land to Subunit

## Preliminary Decision

AS 38.05.825 Tideland Conveyance – ADL 109052

Page 2 of 13

6a8. Refer to **Section IX. Planning and Classification** of this document for more information on this proposed related action.

*Land Classification Order:* In relation to the Area Plan Amendment, DNR proposes to reclassify the project area in a Land Classification Order that adds Waterfront Development Land to the Wildlife Habitat Land classification. Refer to **Section IX. Planning and Classification** of this document for more information on this proposed related action.

These related actions will be developed separately. However, approval of the proposed actions is dependent upon one another in that one action will not proceed without approval of all actions.

Public Notice of Proposal: In accordance with *AS 38.05.945 Notice*, during a period of at least 30 consecutive days, the public will have the opportunity to submit written comment on this proposal. Public notice for all actions is being conducted concurrently and will include the PD for tideland conveyance (ADL 109052), draft Area Plan Amendment No. SE-93-004A10, and draft Land Classification Order CL SE-93-004A10.

See **Section XV. Submittal of Public Comments** at the end of this document and *Attachment B: Public Notice* for details on how to submit a comment for consideration. If, after consideration of timely, written comments, LCS moves forward with the proposal, a Final Finding and Decision will be issued.

## II. Authority

DNR has the authority under *AS 38.05.825* to convey State-owned tide and submerged lands if, on preparation and issuance of a written finding, it is determined to be in the best interest of the State, as required by *AS 38.05.035(e) Powers and Duties of the Director*. Article VIII, Section 1, of the Constitution of the State of Alaska states "It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest."

For related actions, *AS 38.04.065 Land Use Planning and Classification*, *AS 38.05.300 Classification of Land*, and *AS 38.05.185 Generally and Title 11, Sections 55.010-030* of the Alaska Administrative Code (AAC) allow for amendments to area plans and land classifications.

## III. Administrative Record

Tideland conveyance ADL 109052 case file constitutes the administrative record for this proposed action. Also incorporated by reference are:

- Juneau State Land Plan for State Lands (JSLP, adopted 1993) and associated land classification files;
- *Alaska Department of Fish and Game Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes*;
- *City and Borough of Juneau Comprehensive Plan (adopted 2013)*;
- *City and Borough of Juneau Long-Range Waterfront Plan (adopted 2004)*; and
- DNR case files: Public easement ADL 106916, tideland sale ADL 18550, tideland lease application ADL 108324, and tideland conveyance ADL 106678;

## **Preliminary Decision**

AS 38.05.825 Tideland Conveyance – ADL 109052

Page 3 of 13

### **IV. Scope of the Proposal**

The scope of this proposal, under the statutes described in the preceding **Section II. Authority**, is limited and specific to the determination of whether it is in the State's best interest to convey the subject parcel to the City and Borough of Juneau under AS 38.05.825. It additionally includes identification of any third-party interests, other interests of record, and stipulations necessary to ensure that statutory requirements have been met. This decision does not consider any future development, or the effects of such development, that may occur after the transfer.

The proposed related actions will be issued concurrently with the Final Finding and Decision. This action is described in more detail in **Section IX. Planning and Classification**.

### **V. Location**

Located within DNR's Southeast Region, the parcel is located on tide and submerged lands within Gastineau Channel, adjacent to Alaska Tideland Surveys (ATS) No. 3, ATS No. 201, ATS No. 1623, and ATS No. 1707 within the City and Borough of Juneau. It is located within Section 25, Township 41 South, Range 67 East, Copper River Meridian.

*USGS Map Coverage:* Juneau B-2

*Municipality:* City and Borough of Juneau

*Regional Corporation:* Sealaska Corporation

*Federally Recognized Tribe:* Central Council of the Tlingit and Haida Indian Tribes of Alaska, Douglas Indian Association

*Village Corporation:* Goldbelt Incorporated

### **VI. Legal Description**

The unsurveyed tideland parcel within the NW1/4 NW1/4 of Section 25, Township 41 South, Range 67 East, Copper River Meridian, within Gastineau Channel, City and Borough of Juneau, Alaska northwest of tidelands previously surveyed as ATS 201 and ATS 1623, and southeast of tidelands previously surveyed as ATS 1707, containing 4.73 acres, more or less. Final acreage will be determined prior to disposal by the required ATS.

Legal Description of the Amendment to the Juneau State Land Plan: Tide and submerged lands within Gastineau Channel containing approximately 542 acres located south and east of downtown Juneau within Sections 22, 23, 25, 26, and 36, Township 41 South, Range 67 East, Copper River Meridian, and referred to as Subunit 6a8 in the Juneau State Land Plan (JSLP).

### **VII. Title**

Information from Title Report No. 20864, current as of April 28, 2020, indicates the State of Alaska received title to the affected tide and submerged lands under the Alaska Statehood Act, Public Law 85-508, the Submerged Lands Act, Public Law 31 and under the Doctrine of Equal Footing upon entry of the State into the Union. Management is subject to the Public Trust Doctrine.

*State Reservation of and Access to Mineral Estate:* In accordance with *Section 6 (i) of the Alaska Statehood Act* and *AS 38.05.125 Reservation [of Rights to Alaska]*, the State retains ownership of the mineral estate that may be in or upon the land that it sells. This retention is for all minerals, including both locatable minerals (such as gold, copper and silver, etc.), and leasable minerals (such as oil, gas, coal, etc.).

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The State and its successors reserve the right to enter onto the land for the purposes of exploring for, developing, and producing these reserved mineral resources. Access reserved to these retained interests is superior to any and all surface uses. The State may also lease these retained interests to mineral developers or allow mining locations to be staked. However, *AS 38.05.130 Damages and Posting of Bond* also provides that the land estate owner will be compensated for damages resulting from mineral exploration and development.

*Navigable Waters:* Gastineau Channel is a navigable body of water. Per *AS 38.05.126(b) Navigable and Public Waters*, "...the State has full power and control of all of the navigable or public water of the state, both meandered and unmeandered, and the State holds and controls all navigable or public water in trust for the use of the people of the state." This trust is in accordance with the principles of the Public Trust Doctrine, which are included in Article VIII, Section 14 of the Constitution of the State of Alaska and protected in the United States Constitution. It is vested in the title to this land, is not transferable, and the State's title to submerged lands under navigable waters cannot be relinquished by a transfer of the property. In holding with this concept, navigability determinations are made and access will be reserved per *AS 38.05.127 Access To and Along Public and Navigable Water*. For more information, see **Section XI. Access, Including Access To and Along Public or Navigable Water** subsection of this document.

### *Other Conflicts or Pending Interest:*

*ADL 18550:* Conveyed tidelands to A J Industries Inc. surrounding the landward side of the requested area.

*ADL 106916:* Public Easement for a 10-foot submerged wastewater line that crosses through the requested area. This Utility Easement is granted to CBJ.

## VIII. Background and Discussion

On December 18, 2019, CBJ submitted an application for conveyance of a 10.2-acre tide and submerged parcel in Gastineau Channel, south of downtown Juneau. The parcel is located adjacent to Alaska Tideland Surveys (ATS) No. 3, ATS No. 201, ATS No. 1623, ATS No. 1635, and ATS No. 1707 within the City and Borough of Juneau. It is located within Sections 25 and 26, Township 41 South, Range 67 East, Copper River Meridian.

CBJ applied for a tideland conveyance of the parcel in order to extend the Seawalk, a public walkway along the downtown waterfront area. The Seawalk project is approved by the 2004 CBJ Long Range Waterfront Plan. The request also includes submerged lands for a mooring dolphin catwalk allowing additional cruise ship moorage area. This parcel is adjacent to submerged lands conveyed to CBJ under ADL 108124 for the purpose of cruise ship moorage. City resolution No. 2878 supporting CBJ's application to acquire tide and submerged land from DNR and extend the Seawalk was adopted on February 24, 2020.

CBJ has previously requested use of this area. In 2014, CBJ submitted a Public and Charitable lease application under *AS 38.05.810 Public and Charitable Use*, requesting approximately 2.9 acres of tide and submerged lands for commercial cruise ship mooring located between ADL 108124 and ADL 106678. This application was serialized as ADL 108324, but a lease was not issued. The application was closed on April 17, 2020 after receipt of the ADL 109052 application for tideland conveyance under *AS 38.05.825* that encompasses the same area.

LCS is proposing to convey a parcel that is approximately 4.73 acres. The proposed parcel encompasses the area required for commercial cruise ship moorage along with the proposed

## Preliminary Decision

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mooring dolphin catwalk and Seawalk extension public development projects that were referenced in the application. The proposed parcel is within Gastineau Channel northwest of ATS 201 and ATS 1623, and southeast of tidelands previously surveyed as ATS 1707. The majority of the construction of the Seawalk extension will occur outside of the proposed parcel and on filled tidelands within ATS 201 owned by Franklin Dock Enterprises, LLC.

A three-acre portion of the proposed parcel contains an existing commercial day use for commercial cruise ship moorage on State-owned submerged lands. This moorage is likely to continue and is associated with the adjacent cruise ship dock and mooring dolphins that are located on conveyed tidelands.

Tourism is the predominant industry along the Juneau waterfront during the April through September cruise ship season. While moored in port, cruise ships frequently idle engines to continue running onboard amenities. The opacity of exhaust from idling ships is monitored by the Alaska Department of Environmental Conservation (DEC), Division of Air Quality, Cruise Ship Monitoring Program, and not the landowner. The program has reported an increase in concern and complaints of odor and visible smoke in recent years, and this application for conveyance has raised concern about increased cruise ship exhaust in the downtown Juneau area. The proposed mooring dolphin catwalk will provide a modified dock for a larger class of cruise ship but will not increase the number of cruise ships that can dock in Juneau. The Cruise Ship Monitoring Program will continue to issue violation notices and fines for violations of the State's air quality standard for cruise ships.

AS 38.05.825(a) requires DNR to convey to the municipality tide and submerged lands suitable for occupation and development when requested by the municipality unless it is found that public interest in retaining State ownership clearly outweighs municipal interest. The municipality must apply for conveyance, the tide and submerged lands must be within the boundaries of the municipality, the use cannot unreasonably interfere with navigation or public access, the land may not be subject to a shore fisheries lease under AS 38.05.082 *Leases For Shore Fisheries Development*, the land classification must be consistent with or compatible with the proposed use, and the land must be required for a public or private development approved by the municipality. CBJ has met the application requirements of the statute through the following:

- Public Interest- The public interest in retaining the lands within the proposed parcel in State ownership does not outweigh the municipal interest in managing these submerged lands. CBJ plans to develop facilities that will be used by the public. LCS believes that there are no other overriding State interests in the proposed parcel for conveyance; the municipal interest clearly rises above the public interest in retaining these lands in State ownership.
- Location- The land is within the boundary of the municipality.
- Navigation- The proposed use would not unreasonably interfere with navigation.
- Public Access- The proposed use would not unreasonably interfere with public access.
- Application- The municipality has submitted an application for conveyance.
- Shore Fisheries Leasing- The land is not subject to shore fisheries lease.
- Land Classification- The land classification will be consistent with the proposed action upon approval of the Juneau State Land Plan area plan amendment.
- Municipal Approval of Development- The Assembly supports the proposed development for this tideland conveyance through City and Borough of Juneau Resolution No. 2878.

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### IX. Planning and Classification

1. *Planning*: The subject parcel is located within the Juneau State Land Plan (JSLP, adopted 1993), Region 6 – Juneau, Unit 6a, Subunit 6a8. The plan designates the subject parcel as Fish and Wildlife Harvest (Hv) and Fish and Wildlife Habitat (Hb). These designations convert to a classification of Wildlife Habitat Land.

AS 38.05.825(a)(5) requires that land to be conveyed must be either “classified for waterfront development or for another use that is consistent or compatible with the use proposed by the municipality, or the proposed use of the land is consistent or compatible with a land use plan adopted by the municipality or the department.” The JSLP defines Waterfront development as the use of tidelands, submerged lands, or shorelands for water-dependent or water-related facilities, usually for industrial or commercial purposes. Waterfront development includes: piers, wharves, harbors, log storage, log or mineral transfer facilities, seafood processing facilities, commercial recreational facilities, and other resource development support facilities. The parcel selected by CBJ is not classified within the JSLP as waterfront development or another use that is consistent or compatible with CBJ’s development plan.

Area Plan Amendment: In order to comply with the statute, concurrent with this decision, DNR is proposing to add the designation of Waterfront development (Wd) to the JSLP. An amendment to the JSLP is necessary to change the designation of subunit 6a8. The plan amendment will add Waterfront development (Wd) to the existing designations of Wildlife Habitat (Hb) and Fish and Wildlife Harvest (Hv). This amendment only affects subunit 6a8. No management intent changes are required, as the proposed activities are allowed according to the existing management intent. Multiple use, factors affecting the area, resource inventory, present and potential land uses, and compatible classifications have been considered. These factors are listed in AS 38.04.065(b) *Land Use Planning and Classification*. The plan amendment will receive public notice. If LCS approves the tideland conveyance, the plan amendment will accompany the Final Finding and Decision. The approval of an area plan amendment is a separate action. However, approval of the conveyance is dependent upon approval of the area plan amendment.

The JSLP “Management Intent” section discusses Subunit 6a8 and the submerged lands adjacent to the Juneau waterfront, and specifically envisions commercial development including development related to cruise ship activity. The JSLP states that the plan’s intent related to Subunit 6a8 is as follows:

[T]o provide both land and water space for uses and activities which are directly related to maritime activities while minimizing significant adverse impacts on habitat and harvest for which these subunits are co-designated. Maritime activities include private boating of all types, tourism (including cruise ships, transient pleasure vessels, and floatplanes), commercial fishing, use by charter boat, floatplane activity, and any other activities involving the human use of waterbodies for sport, recreation, or commerce. Although all existing developments occur on non-state tidelands, portions of future developments such as breakwaters, marinas, and docks may require authorizations for use of State tidelands. Development directly related to maritime activities along the edges of the subunits that extend onto State tidelands and submerged lands are an allowable use if they do not pose hazards to navigation. Fill may be authorized in these subunits if consistent with the Juneau Coastal Management Plan and the guidelines in this plan.

## Preliminary Decision

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The management intent specified within the JSLP is consistent with the current and future maritime activities along the Juneau waterfront. Tourism is the predominant industry along the Juneau waterfront from April through September. The addition of the designation of Waterfront development more accurately reflects the ongoing and significant maritime commercial activities of the Juneau waterfront associated with tourism.

LCS finds that the classification of Waterfront development land as set forth in the plan amendment and LCO, will fulfill the requirement of AS 38.05.825(a)(5). Retaining the Habitat and Harvest designations and Wildlife habitat land classification in the JSLP is also appropriate and reflects the fish and wildlife populations existing and available for harvest along the Juneau waterfront during all seasons.

2. *Land Use Classification:* The State classified the subject parcel as Wildlife Habitat Land under Classification Order CL SE-93-004 based on the (JSLP, adopted 1993).

Land Classification Order: If approved by the Commissioner, the current land classification order will be amended to reclassify the subject parcel from Wildlife Habitat Land to Waterfront development land. This action affects the entirety of subunit 6a8. If LCS approves the tideland conveyance, the land classification order will accompany the Final Finding and Decision. The approval of the land classification order is a separate action, occurring concurrent with the Final Finding and Decision.

3. *Local Planning:* CBJ has a Comprehensive Plan (adopted 2013) and a Long-Range Waterfront Plan (adopted 2004). The proposed parcel is adjacent to the Waterfront Industrial zone of the Long-Range Waterfront Plan. Cruise ship related docks are the primary marine facilities featured along the waterfront. Both plans mention development of the downtown waterfront as a priority. Construction and extension of the Seawalk is included as a priority in both plans due to its ability to create a desirable recreation corridor for residents and visitors. Preserving public access to the shoreline and waterfront areas through water-dependent and water-related uses such as the Seawalk is also listed as a priority. The Comprehensive Plan includes extending the Seawalk as an improvement to facilitate pedestrian usage of downtown while reducing congestion of South Franklin Street.

The amendment to the JSLP to add the Waterfront development land classification is consistent with the local planning documents.

## X. Traditional Use Findings

The subject parcel is located within the City and Borough of Juneau and a traditional use finding is therefore not required per AS 38.05.830 *Land Disposal in the Unorganized Borough*. However, information on current or traditional uses is welcomed and can be given during the public comment period. See **Section XV. Submittal of Public Comments** at the end of this document and *Attachment B: Public Notice* for details on how to submit comment.

## XI. Access, Including Access To and Along Public or Navigable Water

The parcel is accessible by a navigable body of water via boat or float plane. The parcel is adjacent to privately-owned tidelands. Pursuant to AS 38.05.825, the conveyance of tidelands cannot unreasonably interfere with public access and the municipality must provide reasonable access to public waters and tidelands.



## **Preliminary Decision**

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*Access To and Along Public or Navigable Waters:* In accordance with AS 38.05.127 *Access To Navigable or Public Water*, DNR will determine if a water body is navigable or public and establish easements or rights-of-way as necessary to ensure unobstructed access to and along the body of water. Regulations dictating the creation of easements or rights-of-way under this statute include 11 AAC 51.035 *Determination of Navigable and Public Water*, 11 AAC 51.045 *Easements To and Along Navigable and Public Water*, and 11 AAC 53.450, *Buffer Strips, Reserved Areas, and Public Easements*.

### *Easements and Setbacks:*

- that portion of 10-foot public utility easement ADL 106916 located within ADL 109052 shall be dedicated in the platting action; and
- a 50-foot continuous public access easement seaward and landward from the current MHW of public or navigable water bodies shall be reserved to the State in accordance with AS 38.05.127 *Access To Navigable or Public Water*;

Where appropriate, reservations and restrictions will be depicted on the plat and described in plat notes.

## **XII. Hazardous Materials and Potential Contaminants**

There is no known contamination of, or hazardous materials on, the subject parcel. However, according to the Alaska Department of Environmental Conservation's contaminated sites database, several sites located nearby are characterized as having been previously contaminated. The database reports that cleanup is complete at all identified sites.

The applicant is expected to inspect the subject parcel to ascertain the quality and condition of the land. The State makes no representations and no warranties, express or implied, concerning the existence or absence of any hazardous substances, hazardous wastes, contaminants, or pollutants on the land proposed for conveyance to the applicant. The State does not assume any liability for the removal of hazardous substances, hazardous wastes, contaminants, or pollutants, nor for the remediation of the site should such substances ever be identified.

## **XIII. Survey**

Upon DNR approval for conveyance of the parcel, an Alaska Tideland Survey (ATS) performed by an Alaska Registered Land Surveyor under direction of the DMLW Survey Section will be required at the expense of the applicant for parcels that are not adequately surveyed and platted for conveyance. This parcel will require a survey prior to issuance of a state tideland patent, and the applicant will be responsible for the expense of any survey and plat recordation. There is no requirement under state statutes to appraise the land prior to conveyance.

## **XIV. DMLW and Agency Review**

Information and comments received from multiple sections within DMLW prior to and during agency review have been considered and included in the preparation of this PD. The conveyance application documents were distributed to State agencies for review from October 7, 2020 through October 28, 2020. The intent of an agency review is to request comments from agencies that may be affected by a conveyance decision. Agencies are given the opportunity to evaluate and comment on the municipality's land selection to determine if the State should retain all or a portion of the selected lands, and if so, provide supporting reasons for the requested action. Additionally, agencies are requested to identify any stipulations that may be appropriate if the land is to be conveyed out of state ownership.

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DNR DMLW LCS received brief comments of non-objection from the following agencies:

DNR Division of Agriculture, DNR Division of Oil and Gas, Alaska Department of Fish and Game, and the Department of Transportation & Public Facilities.

*DNR DMLW LCS response:* LCS appreciates your review of the application materials.

DEC comment: The applicant responded “unknown” to the question regarding any known previous site contamination on the Environmental Risk Questionnaire. DEC advised that according to their department’s Contaminated Sites database, a number of sites located near the selected parcel are characterized as having been previously contaminated but are now closed projects. DEC advised that the answer to this question should be revised to state that nearby areas had been previously contaminated and if this conveyance is approved, the contractors should be alerted that special attention may be required. Lastly, DEC stated that parts of Gastineau Channel have been filled with mine tailings, so if the City wanted to dredge the area for a cruise ship dock, the sediment might require special handling and/or disposal.

*DNR DMLW LCS response:* LCS appreciates your review of the application materials. The applicant has been advised, and has submitted a revised Environmental Risk Questionnaire reporting that nearby areas have been previously contaminated and if the conveyance is approved, contractors will be alerted to focus special attention on potential contamination. The Preliminary Decision will cover the topic of contamination in the *Hazardous Material and Potential Contamination* section.

The following agencies or groups were included in the agency review, but no comment was received:

- Alaska Conservation District;
- Department of Natural Resources;
  - Division of Geologic and Geophysical Surveys;
  - Division of Parks and Recreation;
  - State Historic Preservation Office; and
- Mental Health Trust Land Office.

## **XV. Submittal of Public Comments**

**See Attachment B: Public Notice for specific dates and conditions.**

Pursuant to *AS 38.05.945 Notice*, LCS is issuing public notice inviting comment on this Preliminary Decision and the proposed related actions.

In accordance with *AS 38.05.946(a) Hearings*, a municipality or corporation entitled to receive notice under *AS 38.05.945(c)* may hold a hearing within 30 days after receipt of the notice. If a hearing is held, the Commissioner (or representative) shall attend the hearing. The Commissioner has discretion whether or not to hold a public hearing.

LCS will consider all timely, written comments received. If analysis of such comments indicates the need for significant changes to the Preliminary Decision or proposed related actions, additional public notice for the affected lands will be given. Reducing the amount of land offered

## **Preliminary Decision**

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and making minor changes to any of the proposals will not be considered significant changes requiring additional public notice.

If the proposals are approved and no significant change is required, the Preliminary Decision and proposed related actions, including any deletions, minor changes, and summary of comments and LCS responses will be issued as a subsequent Final Finding and Decision, JSLP Amendment No SE-93-004A10, and Land Classification Order CL SE-93-004A10 without further notice. All related actions will be developed separately. However, approval of any action is dependent upon one another. One action will not proceed without approval of all actions.

Only persons from whom LCS receives timely, written comment during the identified comment period will be eligible to file an appeal OR request for reconsideration of the Final Finding and Decision, JSLP Amendment No SE-93-004A10, or Land Classification Order CL SE-93-004A10. Upon approval and issuance of a Final Finding and Decision OR these actions, a copy of the decision, order, and amendment will be made available online at <http://landsales.alaska.gov/> and sent with an explanation of the appeal OR request for reconsideration process to any party who provides timely written comment.

DNR is prepared to accommodate individuals with disabilities by providing auxiliary aids, services, or special modifications in order to participate in this review. Individuals who may need such assistance should contact DNR's Public Information Center. For more information refer to the attached Public Notice.

### **DEADLINE TO SUBMIT WRITTEN COMMENT IS 5:00 PM, THURSDAY, FEBRUARY 18, 2021**

#### **XVI. Stipulations**

If approved for conveyance, applicable conditions, restrictions and reservations will be imposed upon transfer of equitable title when the Final Finding and Decision is effective and on the final conveyance document, including but not limited to the following:

1. That portion of 10-foot public utility easement ADL 106916 located within ADL 109052 shall be dedicated in the platting action.
2. Administration of state leases and permits in the surface estate, if any, will be transferred to CBJ when the FFD is effective. Applications for state leases or permits in the subject area that have not been adjudicated or issued will be closed.
3. Management authority for the approved tidelands will be transferred to CBJ when the FFD is effective. When approved, CBJ may execute leases and permits prior to issuance of a state conveyance document in accordance with AS 38.05.825.
4. All mineral related permits, licenses, claims and leases affecting the tideland proposed for conveyance, if any, will remain under the authority of the State.
5. CBJ is subject to the requirements of the Public Trust Doctrine as it applies to these lands and to the requirements under AS 38.05.825.

## **Preliminary Decision**

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6. Notification to the Alaska State Historic Preservation Office in accordance with AS 41.35.070(d) is required upon discovery of historic, prehistoric, or archaeological sites, locations, remains or objects.
7. A notice to proceed to survey will be issued if no appeals are received, or when appeals are resolved, after issuance of a Final Finding. The applicant must hire a surveyor and the surveyor must apply to DMLW's Survey Section for Survey Instructions. The applicant's survey must be approved by DMLW and the local platting jurisdiction, if any, as set forth in the Survey Instructions. Survey costs shall be borne by the municipality.
8. The approved tideland conveyance is subject to valid existing rights, all required easements and the following conditions: 1) Grantee may lease the land, but may not sell it; 2) Title to the land conveyed under this authority reverts to the State upon dissolution of the municipality; 3) Grantee takes title to the tide and submerged lands subject to the Public Trust Doctrine that may be enforced by the State in a court of competent jurisdiction; 4) The municipality shall be required to ensure that reasonable access to public waters and tidelands is provided; 5) The municipality may not lease land conveyed under this section for shore fisheries, but after conveyance, the land may be leased by the State for shore fisheries under AS 38.05.082 if the Commissioner determines that the lease is compatible with the municipality's use of the land.
9. Pursuant to AS 38.05.127 *Access To Navigable or Public Water*, a 50-foot continuous public access easement seaward and landward from the current MHW of public or navigable water bodies shall be reserved to the State.
10. Pursuant to AS 38.05.125 the mineral estate shall not be conveyed.

## **XVII. Discussion and Alternatives**

The following alternatives were considered:

### Alternative 1: Convey proposed parcel

Approve the proposed conveyance of the reduced 4.73-acre tide and submerged land parcel to CBJ with management authority to be transferred when the Final Finding and Decision becomes effective. The proposed parcel encompasses the area required for the mooring dolphin catwalk and Seawalk extension public development projects that were referenced in the application. This alternative meets the intent of AS 38.05.825 to convey tide and submerged land to municipalities where the municipality's interest in obtaining the tideland outweighs the public interest in retaining State ownership.

### Alternative 2: Convey requested parcel

Approve the conveyance of the requested 10.2-acre tide and submerged land parcel to CBJ. This alternative would have the same effect as Alternative #1 but would convey additional tide and submerged land to CBJ where the municipality's interest in obtaining the tideland parcel may not outweigh the public interest in retaining State ownership.

### Alternative 3: Retain

LCS will reject and retain the tide and submerged land selection by CBJ. This alternative would, in effect, preclude CBJ's ownership of the tideland considered to be important for their community development and access. This action would be inconsistent with the purpose of

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AS 38.05.825 and inconsistent with the basis for the disapproval of a tideland selection in that section of statute. A tideland selection can only be rejected when the State's interest outweighs that of the municipality, and there is no basis for such a determination.

For the aforementioned reasons, Alternative 1 is the preferred alternative.

Recommendation follows.

**Preliminary Decision**

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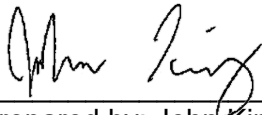
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**XVIII. Recommendation and Preliminary Decision**

This Preliminary Decision for the proposed disposal of State lands, JSLP Amendment No SE-93-004A10 and Land Classification Order CL SE-93-004A10 described throughout this document and its attachments are consistent with the overall management intent for State-owned land. Alternative 1 is the preferred alternative. Under AS 38.05.825, no direct economic benefit is realized by the State, but further development of this parcel will serve the needs of the community of Juneau. Facilitating community development activities in Juneau indirectly provides economic benefit to the State by encouraging settlement and related economic activity. LCS believes that the proposed conveyance complies with the requirements of AS 38.05.825, as discussed above. Unless public comment indicates that the parcel does not qualify for conveyance under AS 38.05.825, or that the public interest in retaining the parcel clearly outweighs the municipality's interest in retaining the parcel, DNR must convey the parcel subject to completion of an ATS.

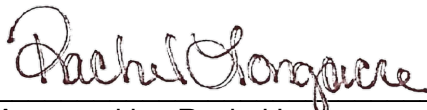
The Preliminary Decision described above, as represented by the preferred alternative, has been reviewed and considered. I find that the recommended action may be in the best interest of the State and that it is hereby approved to proceed to public notice.

This is a Preliminary Decision, and analysis of subsequent public review may result in changes to the preferred alternative of the proposed disposal of State lands, JSLP Amendment No SE-93-004A10 and Land Classification Order CL SE-93-004A10. If the decision is approved, JSLP Amendment No SE-93-004A10 and Land Classification Order CL SE-93-004A10 will accompany and precede any Final Finding and Decision issued.



Prepared by: John King  
Natural Resource Specialist III  
Division of Mining, Land and Water  
Department of Natural Resources  
State of Alaska

January 15, 2021  
Date of Signature



Approved by: Rachel Longacre  
Section Manager  
Land Conveyance Section  
Division of Mining, Land and Water  
Department of Natural Resources  
State of Alaska

January 15, 2021  
Date of Signature







# Attachment A: Vicinity Map City and Borough of Juneau ADL 109052

This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.



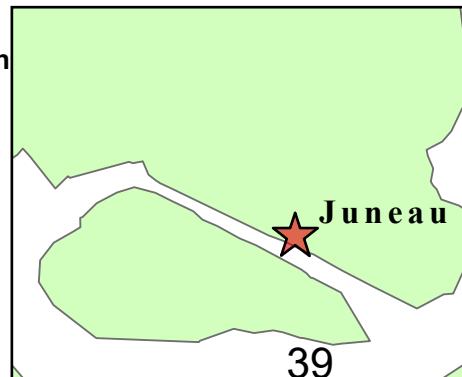
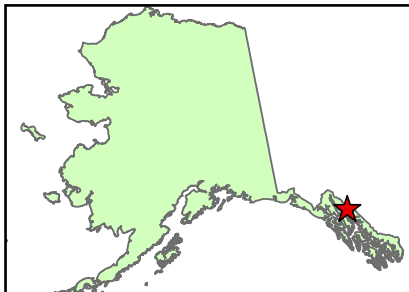
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

**Legend**

-  Proposed Conveyed Parcel
-  Section Lines



**Section 25, Township 41 South,  
Range 67 East, Copper River Meridian**



USGS QUAD 1:63.360  
(Juneau B-2)  
For more information contact:  
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