

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING AGENDA
For Wednesday, May 18th, 2016

- I. **Call to Order** (5:00 p.m. at the Juneau Yacht Club)
- II. **Roll Call** (John Bush, Tom Donek, David Summers, Bob Janes, and Budd Simpson)
- III. **Approval of Agenda**
- IV. **Public Participation on Non-Agenda Items** (not to exceed five minutes per person, or twenty minutes total)
- V. **Approval of Wednesday, March 9th, 2016 Operations/Planning Meetings Minutes**
- VI. **Consent Agenda** - None
- VII. **Unfinished Business** - None
- VIII. **New Business**

- 1. Letter Ordering Anchored Vessel LUMBERMAN off CBJ Submerged Lands
Presentation by the Port Director

Committee Questions

Public Comment

Committee Discussion/Action

MOTION: THAT THE PORT DIRECTOR REINSTATE THE RELOCATE ORDER OFF CBJ SUBMERGED LANDS TO THE VESSEL LUMBERMAN.

- 2. Active Fishing Vessel Discount at Statter Harbor (05 CBJAC 20.044)
Presentation by the Port Director

Committee Questions

Public Comment

Committee Discussion/Action

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

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IX. Items for Information/Discussion

1. Aurora Harbor Phase II - Planning
Presentation by the Port Engineer

Committee Discussion/Public Comment

2. Harbor Waste Management Plan
Presentation by the Harbormaster

Committee Discussion/Public Comment

X. Staff & Member Reports

XI. Committee Administrative Matters

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

XII. Adjournment

CBJ DOCKS & HARBORS BOARD
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I. Call to Order

Mr. Simpson called the meeting to order at 5:00 pm in City Hall Room 224.

II. Roll Call

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

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

Absent: John Bush and David Summers.

III. Approval of Agenda

Mr. Uchytel said VIII. New Business 2. IVF Needs and Expansion of Usage Options needs to be combined with Information Items 1. Future of IVF and New Dock – Competing Interests, Longer Range Plan, Usage options. VIII. New Business 3. CPI Adjustment needs to be combined with VIII. New Business 1. Moorage Rate Proposal.

MOTION By MR. JANES: TO APPROVE THE AGENDA AS AMENDED AND ASK UNANIMOUS CONSENT.

The motion passed with no objection.

IV. Public Participation on Non-Agenda Items – None.

V. Approval of Wednesday, February 10th, 2016 Operations-Planning Meeting Minutes

MOTION By MR. DONEK TO APPROVE THE Wednesday, February 10TH, 2016 OPERATIONS-PLANNING MEETING MINUTES.

The motion passed with no objection.

VI. Consent Agenda – None.

VII. Unfinished Business

1. Enforcement Regulation for User Fee Collection (Passenger for Hire Non-Payment Issue)

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Mr. Uchytal said if you turn to page 16 of your packets you will find the Passenger for Hire (PFH) non-reporting and non-payment penalties proposal. Staff has difficulty with some PFH boat operators providing their reports and paying on time. This proposal is to support administrative staff in collecting the reports and payments. Pages 17 and 18 show what the law department recommends.

Committee Questions – None.

Public Discussion – None.

Committee Discussion/Action

Mr. Janes said I recommend we move forward with this. It is not burdensome for the businesses to submit the reports and payment monthly. Let's give staff this tool to help in collecting the reports and payments.

MOTION By MR. JANES TO FORWARD THE PASSENGER FOR HIRE NON-REPORTING AND NON-PAYMENT PENALTIES PROPOSAL TO THE FINANCE COMMITTEE AND RECOMMEND MOVING FORWARD AND ASK UNANIMOUS CONSENT.

The motion passed with no objection.

VIII. New Business

1. Moorage Rate Proposal

Mr. Uchytal said the suggested motion states that the Operations Committee should recommend that the board exercise its option to not allow moorage fees to be adjusted by the CPI for the period of July 2016 through June 2017. For subsequent CPI adjustments; adjust Aurora, Harris, and Douglas fees by the applicable CPI percentage and adjust Statter fees by the dollar amount applied to the Downtown Harbors. Allow a 10% discount on 12 month advance payments and 5% discount on 6 month advance payments. Leave the IVF/reservations rates as is and ask unanimous consent.

This suggested motion could be separated into several smaller motions. I recommend in the future we separate motions by regulation to make it easier. It was recommended by the Fee Review Committee the Board waive the CPI increase for FY17. The adjustment would be 0.5% for FY17.

Mr. Simpson said waiving the CPI adjustment for 1 year does not affect any of the regulations because it is already in the regulation that we have that option. So, that does not need to be separated out. Since Statter Harbor costs more than the downtown harbors when we apply the CPI the Statter rates raise by a higher dollar amount than

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the Downtown rates; which is why it was recommended we adjust the downtown rates based on CPI and adjust the Statter rates by the same dollar amount the downtown rates increase.

Committee Questions – None.

Public Discussion

Dennis Watson of Juneau, AK

Mr. Watson asked with the new launch ramp and parking at Statter Harbor will the operating cost increase. I remember when DeHarts Marina opened you were charging the equivalent of a fulltime employee to track the activities. Look at the anticipated operating costs and determine if there is enough money to cover the expenses. Next year we might see a higher increase because of the operating costs.

Paul Swanson of Juneau, AK

Mr. Swanson asked are the Statter moorage rates raising \$0.05 and can I pay for 6 months and receive the 5% discount.

Mr. Simson said paying in advance for 6 months will get you a 5% discount.

Jennifer Mejia of Juneau, AK

Mrs. Mejia said the new fiscal year's rates are not approved until 3 months or less before the fiscal year begins. Staff cannot invoice for moorage six months in advance if we do not know what the rates will be for that period. Currently patrons have to prepay for the entire fiscal year before the fiscal year begins (July 1st), but after we know the new rates in order to receive the discount (no sooner than mid-April). If someone came in today and wanted to prepay for 6 months or a year I would not know what to charge them.

Mr. Simpson said you can take the payment for the current rates and offer a rebate if it turned out to be less or send them a bill if it turns out to be more.

Mrs. Mejia said we could do that and keep track of who paid, but if we had staff turnover the patrons who prepaid might fall through the cracks.

Mr. Uchytel said I assumed we were referring to 6 months from July 1 – December 31, and January 1 – June 30. Not just any 6 month period.

Mr. Simpson said I don't think we specified which 6 months.

Drew Maples of Juneau, AK

Mr. Maples said I read this as any 6 months advance payment will receive a 5% discount.

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Committee Discussion/Action

Mr. Simpson said the rate sheet needs to be updated to show the updated rates.

Mr. Donek said the purpose of this is to make it easier for administrative staff. Set the dates from July 1 – December 31, and January 1 – June 30 and that should solve the issue. We need another line or two added to the rate sheet showing the new 6 month discount and the date ranges of July 1 – December 31, and January 1 – June 30.

Mr. Simpson said I agree. Also, the rate sheet needs to be updated to show the updated rates and dates.

Mr. Janes said \$0.05 is a modest increase for Statter Monthly Moorage. I think we should consider accepting this rate this year. This will help us prepare for more tumultuous times.

Mr. Donek said for many years we have not increased other fees yet we have increased the daily and monthly moorage rates. This would help to even that out and give our locals a bit of a break.

Mr. Simpson said there was discussion about reducing the downtown rate, but that idea didn't get much support. The idea of raising the Statter Harbor monthly rate by the same dollar amount that the downtown rates increase annually was the compromise.

Mr. Donek said there are 4 parts to this motion. I will split the motions up.

MOTION By Mr. Donek TO RECOMMEND THAT THE BOARD EXERCISE ITS OPTION TO NOT ALLOW MOORAGE FEES TO ADJUST BY THE CPI FOR THE PERIOD OF JULY 2016 THROUGH JUNE 2017 AND SEND TO THE FINANCE COMMITTEE AND ASK UNANIMOUS CONSENT.

The motion passed with no objection.

MOTION By Mr. Donek TO RECOMMEND THAT THE BOARD FOR SUBSEQUENT CPI ADJUSTMENTS, ADJUST AURORA, HARRIS, AND DOUGLAS FEES BY THE APPLICABLE CPI PERCENTAGE AND ADJUST STATTER FEES BY THE DOLLAR AMOUNT APPLIED TO THE DOWNTOWN HARBORS AND SEND TO THE FINANCE COMMITTEE AND ASK UNANIMOUS CONSENT.

The motion passed with no objection.

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MOTION TO RECOMMEND THAT THE BOARD ALLOW A 10% DISCOUNT ON 12 MONTH ADVANCE PAYMENT FOR PAYMENTS MADE FOR THE FY MOORAGE BEFORE JULY 1ST AND 5% DISCOUNT ON 6 MONTH ADVANCE PAYMENTS FOR PAYMENTS MADE BEFORE JULY 1ST FOR JULY 1-DECEMBER 31ST MOORAGE AND FOR PAYMENTS MADE BEFORE JANUARY 1ST FOR JANUARY 1-JUNE 30TH MOORAGE AND SEND TO THE FINANCE COMMITTEE AND ASK UNANIMOUS CONSENT.

The motion passed with no objection.

MOTION By Mr. Donek TO RECOMMEND THAT THE BOARD LEAVE THE IVF/RESERVATION RATES UNCHANGED AND SEND TO THE FINANCE COMMITTEE AND ASK UNANIMOUS CONSENT.

The motion passed with no objection.

2. Live-aboard Parking at Statter Harbor

Mr. Uchytel said you will find the letter from Drew Maples in your packet. Mr. Maples is a live-aboard in Statter Harbor, but he is not assigned moorage. As policy we have provided parking at no cost to the Statter Harbor assigned stallholders. Mr. Maples pays \$69.00 monthly for the live-aboard fee. He will be charged \$5.00 per day for parking. We do have the new rate of \$100.00 per month for a limited amount of spaces. That's mostly for the Shelter Island patrons and fishermen. There are 11 boats that have live-aboards year-round. This summer we are offering free parking at the University of Alaska Southeast and at Auke Bay Elementary School. We might be able to offer those free options in the future too. We do have additional uplands available this summer now that the boatyard has been moved and we have not started construction for the bus drop-off.

Mr. Borg said the live-aboard fee is \$69.00 a month whereas parking would cost \$150.00 per car for a month. I anticipate patrons claiming they are live-aboards to save money if we offer live-aboards a discount on parking.

Committee Questions

Mr. Donek asked will all the parking spaces be paid parking except for the assigned stallholder spaces.

Mr. Uchytel said yes.

Public Discussion

Drew Maples of Juneau, AK

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Mr. Maples said I have been a live-aboard in Statter Harbor since DeHarts was moved over. I recently upgraded my boat, but it's too long for the 32 foot assigned stall I had. Now I'm back to being transient in Statter Harbor. I am on the waitlist for a 42 foot assigned stall. Every other harbor in Juneau has free onsite parking; Statter Harbor is the only harbor that has paid parking. I recommend live-aboard boats receive one parking space. The uplands from the old boatyard do not have a designated use this summer. A good use for that site would be for live-aboard parking. Even with the new \$100.00 a month I am not guaranteed a space. When I go shopping and come back I might not find a parking space. I don't know how to deal with the potential problem of patrons claiming to be live-aboards to get cheaper parking. It's not currently a problem and it might not become a problem. Parking will cost me \$1,500.00 for the summer because between me and my partner we have 2 cars. Statter is the most expensive harbor in the system.

Dennis Watson of Juneau, AK

Mr. Watson said I have an assigned stall at Statter and receive a parking pass for the DeHarts area that has 20 parking spaces. There are times when I've gone to Statter on a weekend and I can't find a place to park in those 20 parking spaces and I have to pay to park or walk from one of the schools. It's life. I also recommend the Board look at how many live-aboards they want to allow in Statter Harbor. They are taking up a lot of space and are there year-round.

Mr. Maples said I am asking for the same consideration you give to assigned stallholder for parking given to live-aboards. You don't have to specify a specific space for each live-aboard.

Mr. Uchtyl said at the next Harbor Fee Review Committee meeting we will be discussing the live-aboard fees. The possibility exists to look at implementing a downtown live-aboard fee and a separate Statter Harbor live-aboard fee. We can look at including parking costs in the Statter Harbor live-aboard fee.

Mr. Donek asked Mr. Maples, do you pay for the year.

Mr. Maples said no, we pay monthly and are on auto-pay.

Mr. Donek said you are not taking advantage of the discount.

Mr. Simpson asked Mr. Maples, do you have to move your boat in the summer time.

Mr. Maples said yes, every 10 days. My policy with my partner is that we don't worry about it. There are times we have to move to the Breakwater, but we deal with it.

Mr. Simpson asked Mr. Maples, why do you choose to be at Statter Harbor.

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Mr. Maples said my partner Laurie works at the University, and it's a much nicer area.

Mr. Watson said there are only 20 parking spaces set aside for all the assigned stallholders.

Mr. Donek said in the busiest marinas, on average, only 28% of the boats are out of the marina. That is one of the reasons why there are 20 parking spaces set aside for the assigned stallholders. This is also how many marine designers plan parking spaces.

Mr. Maples said parking is a problem. The uplands provide more space for parking this season. You can revisit the parking topic again after this season. Live-aboards are paying more at Statter than any other harbor and we're paying for parking too.

Mr. Simpson asked why are live-aboards at Statter Harbor different than any of the other users.

Mr. Maples said I am paying a live-aboard fee of \$69 per month. If people are claiming to be a live-aboard to get the parking spaces you can require them to be on the waitlist to show they are serious about getting a space at Statter. I am a long-term patron and I am not getting the same services that every other harbor is providing. I am paying more for moorage. It's a lot to require live-aboards with two cars to pay \$1,500.00 for summer parking.

Mr. Borg said the patrons with breakwater reservations who rent a vehicle are required to pay for parking too. People have options. There is moorage space available downtown with free parking. The live-aboard fee covers trash, water, facility usage, and wear and tear. In Seattle people pay \$350.00 a month to park their cars in a parking garage.

Mr. Janes said I am also a longtime user of Statter Harbor. I pay about \$40,000.00 a year to use the facility to load passengers quickly. I go there at least 5 times a week and I pay to park if I can find a space; otherwise I have to walk from one of the schools. I recommend we give Dave the authority to manage the lots as he sees fit. One of the only ways to regulate the lots is to charge.

Committee Discussion/Action

Mr. Simpson said Statter is meant to be for transient users. It's always packed with boats. I am surprised there are live-aboards in Statter. I understood it to be for transient users other than the assigned spaces. We have places in our system we have designated to live-aboards because they are more difficult to have access to. Most of those places have free parking. Making living-aboard in Statter easier does not seem

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like a good solution. Maybe when we look at the fees we can deal with the live-aboard topic at Statter Harbor.

Mr. Janes said there are boats in Statter Harbor with people living on them that are not capable of going out beyond Auke Bay and surviving anything. I do not like that for Statter Harbor. It is just becoming a cheap subdivision rather than a live-aboard that uses their boat for recreational purposes.

Mr. Simpson said that is a distinction we can make too; is it a boat you can use recreationally or is it just for living on?

Mr. Janes said this year is going to be a year of discovery for us with the new parking lot. We do not know how this is going to fall into place. I recommend giving Dave the authorization to manage the boatyard as he sees fit for this season.

Mr. Donek asked is the old DeHarts lot set aside for the Statter Harbor assigned stallholders.

Mr. Borg said yes 20 parking spaces. Doug Unruh and I are looking at how best to manage the site for the summer parking. The construction crew wants to store the floats in the area until mid-May, so that will take up space. There will be designated parking spaces for the Statter Assigned Stallholders in the new parking arrangement too.

Mr. Simpson asked is the parking fee in addition to the launching fee.

Mr. Uchytel said yes, same as it is now. You pay to launch and you pay to park.

Mr. Borg said we will offer a \$100.00 per calendar month option for parking, but we will be limiting the amount of those we are going to sell. We've always planned on opening the uplands for parking this season.

Mr. Donek said I do not want to start something this year as an interim thing because trying to pull that back next year would be difficult.

Mr. Simpson said I am not in favor of providing free parking spaces at Statter Harbor.

Mr. Borg said if we do not charge for parking the area would become long-term free storage which is what we are trying to avoid.

Mr. Janes said I recommend closely monitoring the parking situation at Statter Harbor. If the parking is under-utilized we can look into offering the live-aboards a parking area at a lower cost.

Mr. Borg said our parking machines offer useful feedback.

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3. Nordic Tug (Alaska Memories) Sublease Application

Mr. Uchytel said we lease this property from the University of Alaska and we sublease to Nordic Tug (Alaska Memories). They have a small shed on the property. The current lease is for 5 years with options to extend the lease in 3 year increments. I recommend we extend the option to renew for 3 years. The lease payments are 10% of the assessed value, which comes to a total of \$4365.00 per year for this sublease. For future leases we know to base lease payments on appraised value.

Committee Questions

Mr. Janes asked when is the master plan scheduled to be complete and how will that shed interfere with the master plan.

Mr. Uchytel said the master plan will be done in October, but we won't have the funds to do anything major. Therefore we can continue with extending this lease. In the master plan we can find something suitable to replace the shed, perhaps a mix-use building.

Public Discussion

Mr. Watson said the Fuel Dock is cluttered and that is not permitted anywhere else in the harbors.

Mr. Borg said I was under the impression the way they were using the dock was part of a former agreement. The same goes with their lease for the shed. I will address this with the manager of the Nordic Tugs.

Committee Discussion/Action

Mr. Simpson said we are entitled to make conditions and ask the manager to clean up their areas.

Mr. Janes said a 3 year extension is fine, but with the master plan we may not want to renew the lease after this extension.

Mr. Simpson said inform the lessee he should not count on another extension in the future because of the master plan. The Youth Sailing Club has a connex near the Yacht Club that Nordic Tug might be able to utilize.

MOTION By Mr. Donek TO APPROVE THE SUBLEASE EXTENSION FOR 3 YEARS CONDITIONED UPON THE SITE BEING CLEANED UP AND ADVISE THIS IS THE LAST SUBLEASE RENEWAL AND ASK UNANIMOUS CONSENT AND FORWARD TO THE FULL BOARD FOR APPROVAL.

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The motion passed with no objection.

IX. Items for Information

1. Future of IVF and New Dock – Competing Interests, Longer Range Plan, Usage options

Mr. Uchtyl said there are an increasing number of smaller cruise ships wanting to embark to Juneau. Currently, we don't have any rates for water or trash. We have been working with Drew Green of Cruise Line Agency to find a solution. Also, we need to discuss how we want to use the new lightering float that is under construction. We have the opportunity to manage the new lightering float how we see fit.

Mr. Borg said the Intermediate Vessel Float (IVF) has been reserved by the smaller cruise ships for most of the summer. This leaves less availability for the fishing vessels. We could use the lightering float for the fishing fleet. Wilderness Explorer wants to moor at the lightering float over the winter. With regards to the trash, Cruise Line Agency takes care of their boats trash, but not all the boats using the floats are from Cruise Line Agency.

Mr. Uchtyl said we will be adding 480 electric service on the lightering float.

Committee Discussion/Public Comment

Mr. Donek said we had the issue of trash come up in Statter Harbor too with regards to the bigger boats in the reserved area. Are the boats at the IVF paying the same rates as the boats in the reserved area in Statter Harbor?

Mr. Borg replied yes.

Mr. Donek said we could increase the moorage rate or we could add a garbage surcharge.

Mr. Borg said we could put the responsibility on the vessel operators to remove their trash. Skookum Yarder used to go to the boats and remove the trash.

Mr. Donek asked are the large cruise ships leaving their trash in Juneau.

Mr. Borg replied not often.

2. Boat Shelters – Longevity & Management

Mr. Uchtyl said we need a plan for what happens in the next phase. Are we in charge of moving the boat shelters or are the owners?

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Committee Discussion/Public Comment

Mr. Janes asked how should we manage the aging boat shelters. In the future we don't want to have to bear the cost of dealing with it because the owners are nonresponsive. Are we putting new floats under the float houses?

Mr. Gillette replied no. The new floats are going on the main.

Mr. Borg said we have no requirement for marine inspection or marine insurance.

Mr. Donek said the conditions vary wildly. Some have been completely rebuilt recently. The south wall takes the most weathering. Some of the float houses have lots of rot and are in need of repair and painting.

Mr. Janes said I recommend we look into funding for an assessment for the float houses. The need for a management plan is only going to grow.

Mr. Donek said that will go with the next phase of the rebuild. The contractor will have an inspection done on the float houses. Then it will be a requirement of the float house owners to turn the repairs of the float house over to the contractor if they want to keep it in the harbor. There is a section in the regulations that covers float houses. Within the regulations the float house owners can have 2-6 gallon cans of fuel that are not on the boat. I recommend Dave inspect the float houses. You can give the owners notification you are going to be inspecting their float houses. After all, they are in a public harbor.

Mr. Watson said there is a marina in Portland, Oregon that is similar to Juneau's float house area. The owner added a nice restaurant and fireplace in the Marina. It burned to the ground last week and had 200+ boats. Someone had fuel where they should not have had. I recommend float house owners be required to have fire extinguishers in their float houses since they are permitted to have 2-6 gallon fuel cans.

Mr. Janes asked what is Docks and Harbors liability if there is a fire?

Mr. Uchytel said we require patrons to have insurance or pay a \$0.25 per linear foot per month fee. We do not specify what type of insurance they are required to provide. I recommend we require boat shelter owners have insurance that meets minimum national standards.

Mr. Gillette said I recommend we have the boat shelters surveyed when they are for sale.

Mr. Donek said the float houses are worth in excess of \$1.5M. The owners are paying property taxes. Also, I recommend the Port Director and Harbormaster review the

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current regulations and let us know what changes you would like to see. I do not like the idea of people living-aboard in the float houses.

Mr. Uchytel said we should consider buying the float houses, rebuilding them to our standards, and leasing them back.

3. Taku Harbor and Stockade Point Assessment

Mr. Uchytel said there is pile jacking at Taku Harbor. Fresh water is getting into the piles and freezing. This is causing the piles to jack up. It could be caused by a freshwater stream or rainwater getting in from the top.

Committee Discussion/Public Comment

Mr. Simpson asked with the caps on them, how does water get in?

Mr. Donek said the caps are pile tips that were welded on at a few points and not welded completely around. I don't think enough rainwater dripped in from the top to make this happen. I'm going to talk with PND Engineers and suggest drilling a hole in each piling below the waterline. The water would then drain with the tide and it doesn't fill above the waterline and freeze. Mr. Donek recommended to put the Taku Harbor and Stockade Point Assessment on the Finance Committee agenda to approve the cost.

X. Staff, Committee and Member Reports

Mr. Uchytel said noon tomorrow we will have a tour of the new docks. Also, there's a net float at the Auke Bay Loading Facility (ABLF) that was sold to Alaska Glacier Seafood's (AGS). We may not be able to use the net float now that it has a new owner.

Mr. Borg said the raising of the Challenger is complete. We hired most of our seasonal staff for the summer.

XI. Committee Administrative Matters

1. Next Operations/Planning Committee Meeting – Wednesday, April 20th, 2016.

XII. Adjournment

The Operations-Planning Committee Meeting adjourned at 7:52 pm.



Port of Juneau

155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

April 19th, 2016

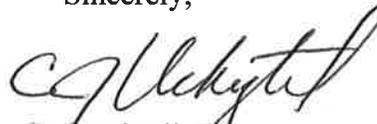
Galen Drake
PO Box 35272
Juneau, AK 99803

Dear Mr. Drake,

On behalf of the CBJ Docks & Harbors Board, I am directing you to relocate all vessels, owned by you or which are under your responsible charge, anchored or moored seaward of the Aurora Harbor breakwater by May 3rd, 2016. My authority to direct vessels off CBJ submerged properties rests within the general powers provided by CBJ ordinance and delegated thorough the CBJ Assembly.

The primary purpose of this order is to provide safe mooring for the cruise ship berth contractor over the summer. However, in response to the M/V CHALLENGER sinking, I do not anticipate allowing vessels to use CBJ managed submerged lands in the future.

Sincerely,



Carl Uchtyl, PE
Port Director

Encl: Map

Copy: CBJ Docks & Harbors Board
CBJ Law Department
CBJ Manager

Lucas Drake

4.28.2016

My name is Lucas Drake, I am the owner of the vessel LUMBERMAN which is currently anchored outside of Aurora Basin.

I have been notified by the Port Director via registered mail that I am to "relocate all vessels anchored or moored seaward of the Aurora Harbor breakwater." The Port Director stated "My authority to direct vessels off CBJ submerged properties rests within the general powers provided by CBJ ordinance and delegated through the CBJ assembly."

I have done a considerable amount of research to which I've found the following;

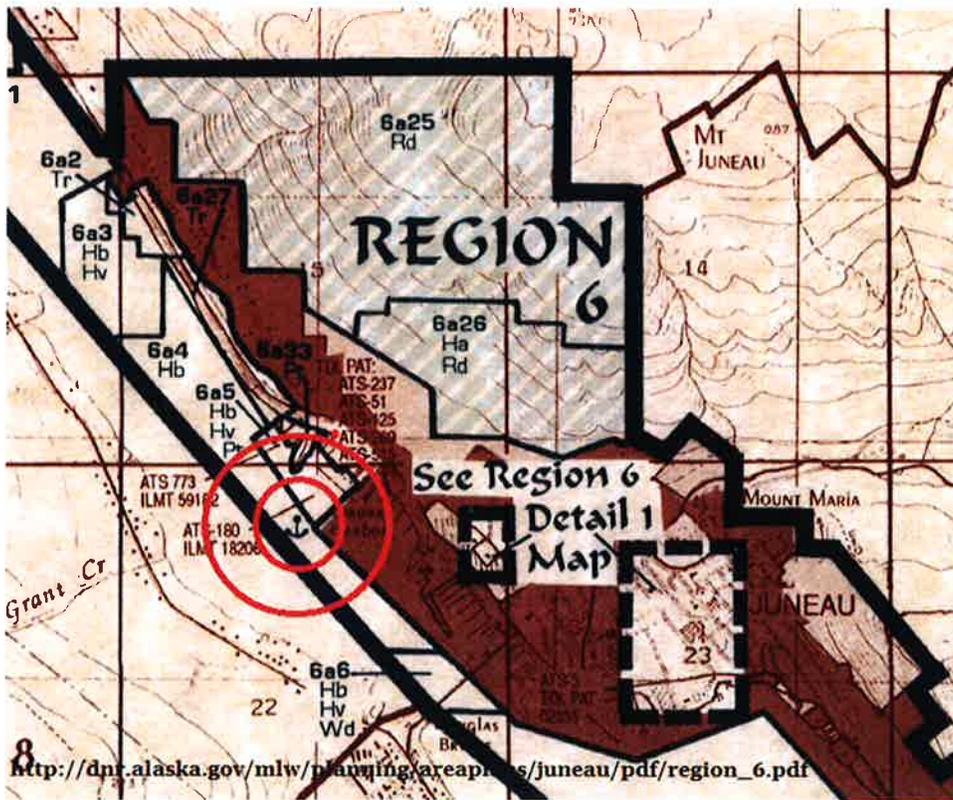
My vessel is located in a State designated anchorage, which is protected under the Federal Navigable Waters Act.

Any action, control or enforcement over my vessel is outside the authority and jurisdiction of the Port Director.

If the Port Director can show any information contrary to what I have presented, please provide such information in writing.

Lucas Drake

Vessel LUMBERMAN





Port of Juneau

155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

May 11th, 2016

Galen & Lucas Drake
PO Box 35272
Juneau, AK 99803

Dear Mr. Drake,

On April 29th, I sent you a letter holding in abeyance an order relocating the vessel LUMBERMAN from CBJ Docks & Harbors submerged lands - until such time a legal survey could be conducted. Since then Manson Construction has placed construction derricks, tugs and materials on the CBJ owned submerged lands with Docks & Harbors approval.

Based on the location of the Manson Construction derricks, tugs and material, it is not plausible that the LUMBERMAN is on DNR controlled submerged lands as you stated at the April 28th Docks & Harbors Board meeting. If you still wish to contest the location of the LUMBERMAN, I am willing to split the \$3000 cost of the marine survey from Chilkat Surveying & Mapping.

Manson Construction was successful in negotiating around your vessels to set up for the summer. My letter dated April 19th which orders you off the CBJ submerged lands is hereby reinstated. You have until September 6th, 2016 to relocate the LUMBERMAN off CBJ submerged lands.

Sincerely,

Carl Uchtyl, PE
Port Director

Copy: CBJ Assembly
CBJ Docks & Harbors Board
CBJ Law Department
CBJ Manager
Department of Natural Resources (Doug Sanvik)

05 CBJAC 20.044 - Active fishing vessel discount at Statter Harbor.

- (a) Discount. In lieu of the requirement to pay daily fees for use of Statter Harbor as set out in 05 CBJAC 25.060 and 05 CBJAC 25.070, the owner of a fishing vessel that pays annual fees as set out in 05 CBJAC 40.020 may, for up to 20 days in a calendar year, use Statter Harbor without paying daily fees, provided:
 - (1) The owner registers with Statter Harbor Office in advance or upon arrival at Statter Harbor;
 - (2) The owner does not owe past due fees to the Docks and Harbors Department;
 - (3) The owner provides the Harbormaster with proof of significant fish landings within the City and Borough of Juneau during each calendar month the owner uses Statter Harbor; and
 - (4) If the owner has reserved moorage, the owner informs the Docks and Harbors Department of the departure date from and estimated return date to their preferred stall.
- (b) Exclusions. This section does not relieve an owner from complying with other applicable requirements for use of Statter Harbor such as maximum time limits or the requirement to pay monthly fees during the winter moorage period.

(Amended 7-11-2005, eff. 7-19-2005; Amended 6-5-2006, eff. 6-13-2006)

CBJ DOCKS & HARBORS BOARD
OPERATIONS/CIP/PLANNING COMMITTEE MEETING
Thursday, November 14th, 2013

~~ABLF. It does not make sense to lease a major property to people then not allow them access to it. I think we, because I was on the Board when this decision was made, made a mistake by not allowing access. I think the reasons we were not allowing access was due to political concerns that were not relevant.~~

Committee Discussion/Action

~~Mr. Uchytel asked how formal will we make this agreement. For the last two years we have made a consideration for AGS.~~

~~Mr. Simpson said structurally we can characterize it as an amendment to the lease based on actual usage and experience over the first few years that this is in place. If it is a substantive change, we will take it to the Assembly.~~

~~MOTION: FORWARD TO THE BOARD THAT WE RECOMMEND TO CONTINUE WITH THE TEMPORARY AMMENDMENT TO AGS' 2010 LEASE AGREEMENT, ALLOWING ACCESS TO THE ABLF FOR UP TO 3 MORE YEARS DURATION.~~

~~The motion passed with unanimous consent.~~

2. Statter Harbor Fish Credit.

Mr. Uchytel said commercial fishermen who have an assigned stall in the downtown harbors get up to 20 days in free moorage at Auke Bay annually. Previously, fishermen who sell fish to a tender that takes the fish to be processed outside Juneau have not qualified for the fish credit. There are 75 fishermen who qualify for the fish credit. Last year 49 fishermen took advantage of the fish credit, with a cumulative total of just under 600 days, and \$12,500 of free moorage. I have been directed to send a letter to the fishermen. I would like to specify in the letter that the fish tickets need to be turned in within the same month and fishermen are not exempt from paying other accrued fees like power and crane fees.

Committee Questions

CBJ DOCKS & HARBORS BOARD
OPERATIONS/CIP/PLANNING COMMITTEE MEETING
Thursday, November 14th, 2013

Mr. Logan asked where in the policy does it state the fish need to go to a Juneau based plant.

Mr. Uchtyl said in the past we have allowed tenders to take advantage of the fish ticket credit. I can state that fishermen are required to sell to AGS or Taku in order to be eligible for the fish ticket credit. The fish need to be destined for a fish processing plant in the City and Borough of Juneau.

Mr. Simpson said two things need to be taken care of, one, that the clarification is accurately stated in the policy, two, discuss if we want to make a substantive change to the policy.

Mr. Bush said the clarification is to encourage landings here.

Mr. Busch said I would like to limit this discount to local fishermen who are paying for moorage downtown as well as selling their fish in Juneau.

Public Discussion

Mr. Fisk said I was on the board when we considered this and I do believe the interpretation given tonight is correct. It was to encourage landings in Juneau. Fishermen are required to inform the office when they will be out of their downtown slips so that space can be utilized.

Mr. Uchtyl said there is another regulation that states if the boat is out of the slip for 96 hours the patron is required to notify the Harbor Office. So, there are two regulations that require the Harbor Office to be notified when the boat is gone.

Committee Discussion/Action

MOTION: TO MOVE THAT THE PORT DIRECTOR ISSUE A LETTER TO COMMERCIAL FISHERMEN INCORPORATING THE CHANGES RECOMMENDED BY THIS COMMITTEE.

Motion passed unanimously.

VII. Items for Information/Discussion.



Port of Juneau

155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

From: Carl Uchtyl, Port Director
To: Commercial Fisherman with Permanent Downtown Moorage
Date: January 17th, 2014
Re: ACTIVE FISHING VESSEL DISCOUNT AT STATTER HARBOR

The Docks and Harbors Board was asked to reaffirm the policy and purpose of a regulation pertaining to commercial fishing vessel discount (05 CBJAC 20.044). The question was whether Harbor Staff was narrowly defining the regulation thus excluding commercial fisherman who sell to tenders which are landed outside the Juneau Borough.

05 CBJAC 20.044 Active fishing vessel discount at Statter Harbor.

(a) *Discount.* In lieu of the requirement to pay daily fees for use of Statter Harbor as set out in 05 CBJAC 25.060 and 05 CBJAC 25.070, the owner of a fishing vessel that pays annual fees as set out in 05 CBJAC 40.020 may, for up to twenty days in a calendar year, use Statter Harbor without paying daily fees, provided:

- (1) The owner registers with Statter Harbor Office in advance or upon arrival at Statter Harbor;
- (2) The owner does not owe past due fees to the Docks and Harbors Department;
- (3) The owner provides the Harbormaster with proof of significant fish landings within the City and Borough of Juneau during each calendar month the owner uses Statter Harbor; and
- (4) If the owner has reserved moorage, the owner informs the Docks and Harbors Department of the departure date from and estimated return date to their preferred stall.

(b) *Exclusions.* This section does not relieve an owner from complying with other applicable requirements for use of Statter Harbor such as maximum time limits or the requirement to pay monthly fees during the winter moorage period.

The Board has interpreted “significant fish landings” as fish product which is landed at Juneau fish processing plants and subject to Shared Fisheries Business Tax and Fishery Resource Landing Tax. Fish must be destined and delivered to Juneau processing plants to be applicable under this regulation. Thus commercial fisherman and tenders who deliver to processing plants outside of the Juneau Borough would not be eligible for this discount. This has been the customary interpretation by the Auke Bay Harbor Staff.

Other items for clarification purposes include:

1. Under this regulation, only commercial fishermen are entitled to this discount, it does not apply to recreational and charter fishing operations.
2. Fish Tenders are recognized as Fishing Vessels under this regulation.
3. This regulation applies the discount only to Statter Harbor moorage and not moorage at the Auke Bay Loading Facility.
4. This regulation applies only to moorage charges and does not exempt electrical fees while at Statter Harbor.
5. Paragraph (a)(3) requires proof of significant fish landings (fish tickets) to be presented during each calendar month of the date of the landing. This is liberally interpreted to allow until the end of the next calendar month. For example, fish delivered to a processing plant on 1 May would have until 30 June to provide validation of the activity. **Late proof of significant fish landings (fish tickets) will not be accepted.**
6. Commercial fishermen assigned Statter Harbor permanent moorage are not eligible to receive this discount.
7. Commercial fishermen are required to notify Docks & Harbors of their departure date and estimated return date of their downtown moorage stall.

#

Copy: Alaska Glacier Seafood
Taku Smokeries
SeaFisk Consulting

CBJ Docks and Harbors Board
Harbor Fee Review Committee Meeting Minutes
For Wednesday March 9th, 2016

- I. Call To Order – Budd Simpson called the meeting to order at 12:00 p.m. in CBJ room 224.
- II. Roll Call – The following members were present: Tom Donek, Robert Mosher, Bob Janes, and Budd Simpson.

Absent – David Lowell

Also present were the following: Carl Uchytel – Port Director, Doug Unruh – Operations Maintenance Supervisor at Statter Harbor, and Dolly Raster - Administrative Assistant III.

- III. Approval of Agenda.

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

Motion Passed With No Objection

- IV. Approval of February 10th, 2016 Harbor Fee Review Committee minutes.

MOTION By MR. DONEK: TO APPROVE THE FEBRUARY 10TH, 2016 HARBOR FEE REVIEW COMMITTEE MINUTES AS PRESENTED AND ASK UNANIMOUS CONSENT.

Motion Passed With No Objection

- V. Public Participation on Non-Agenda Items – None

- VI. Unfinished Business – None.

- VII. New Business

1. Active Fishing Vessel Discount at Statter Harbor ([05 CBJAC 20.044](#))

Mr. Uchytel said in regulation, we have the opportunity for fishing vessels that have reserved moorage downtown to receive up to 20 days in a calendar year of credit to use Statter Harbor. There are certain requirements to be eligible for those 20 days per calendar year. Fish tickets need to be provided to the office showing that you have landed fish and sold to a processor in the Juneau Borough. In 2014, the requirement for fish to come to a Juneau processing plant came up as an issue at the Ops/Planning Committee. Former Board Member Fisk had said that when the regulation was created in 2005, the intention was to incentivize patronizing local businesses.

Committee Questions

Mr. Simpson pointed out in the minutes from 2013 there were 75 fishermen who qualified for the credit in 2012, and 49 fisherman took advantage of it for a total of

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just under 600 days and \$12,500 in free moorage. He asked if that is a steady number or if more or less people are taking advantage of it now?

Ms. Raster said last year 76 fishermen were eligible and 35 participated, she can find out how many days were used and what the cost for moorage was.

Mr. Uchytal said it's possible that the number has decreased from 49 to 35 fishermen taking advantage of the credit because 14 are selling their fish outside the Borough.

Mr. Simpson said the revenue derived from fishermen making landings is a foundation for this policy.

Mr. Uchytal said the raw fish tax that Docks & Harbors received in 2015 was \$384,000, in 2014 was \$395,000, and in 2013 was \$425,000.

Public Discussion- None

Committee Discussion/Action

Mr. Mosher said having to turn in fish tickets is a ridiculous rule. Docks & Harbors does not need to know where people are selling their fish or strong-arm fishermen into who they sell to. Out of town boats sell to local companies and we're getting all of their fish tax. There is a lot of revenue being brought in by any of the fishing boats that come here. He resents having to show his pay stub to get free moorage. These are all local boats that are going to take advantage of this because they're going to have yearly moorage downtown. He suggested having the 20 days apply during May through September, and having no charge during the rest of the year when the harbor is not full.

Mr. Simpson asked if the purpose of showing fish tickets is to verify that you are an active commercial fisherman? It doesn't matter how much fish you're bringing in, as long as you're contributing to the fish tax.

Mr. Mosher said he doesn't fish up the Canal so he's not going to use this in the summer months. What harm would it do if he went sport fishing for king salmon in May? Why should he have to pay extra for moorage if he's already paying for his moorage downtown?

Mr. Simpson said everybody else with moorage downtown has to pay to use Statter Harbor.

Mr. Mosher said he thinks we should change that. Everyone that pays for a stall downtown should get 20 free days at Statter Harbor to do whatever. He sees no reason Docks & Harbors should be double-dipping.

Mr. Simpson said we may be able to look at a seasonal difference, since there is not a problem with space in the winter.

CBJ Docks and Harbors Board
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For Wednesday March 9th, 2016

Mr. Mosher said from a personal perspective he finds it quite intrusive to have to show his fish tickets in order to get free moorage.

Ms. Raster said staff only looks for the name of the boat and month. She never sees dollar amounts.

Mr. Mosher said it's the principle of it, and there are plenty of people that complain about it.

Mr. Unruh said if it was up to him he would do away with free moorage in the summer months completely because Statter Harbor is so overcrowded. We are turning paying people away for people that don't pay.

Mr. Mosher said there has to be some advantage to being a resident.

Mr. Simpson asked what would be another way to confirm you are an active commercial fisherman without having to show fish tickets?

Mr. Mosher suggested using limited entry gillnet or seine permits. He said he would have no problem showing his card.

Mr. Unruh asked if a commercial fishermen who is a stall holder in Auke Bay gets the 20 free days per year?

Mr. Simpson said no because he has an assigned stall. We could give him 20 free days downtown as an offset.

Mr. Janes said due to crowding, he disagrees with allowing 20 free days at Statter Harbor in the summer if you are not actively commercial fishing.

Mr. Donek said you don't have to be actively fishing the day that you're in the harbor in order to get your discount. You've got basically 60 days to turn in a fish ticket, so it doesn't make a lot of difference whether we use the limited entry permit or the fish tickets.

Mr. Simpson suggested accepting a limited entry permit on a trial basis for one season to see if there is a big difference or if it creates any unintended problems. He asked what if the free days were available only on weekdays?

Mr. Mosher said the fisheries always open at noon on Sunday so everyone is there Saturday.

Mr. Unruh agreed the boats will be there regardless.

Mr. Janes asked Mr. Unruh if he is able to sense whether someone is really fishing or just there for a family vacation?

Mr. Unruh said if a boat hasn't moved for ten days he obviously isn't fishing, but most of the seiners and gillnetters are using their boats.

Mr. Janes asked if we get many complaints about this?

CBJ Docks and Harbors Board
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Mr. Uchytel said the clarification memo in 2014 was very helpful.

Ms. Raster asked if we did accept the fishing permit card, wouldn't that give all 76 eligible boats 20 days free?

Mr. Janes said yes, whether they were actively fishing or not. If they are not required to sell their fish locally, all 76 boats may be able to use the credit.

Ms. Raster requested that the Board wait until the Douglas Harbor rebuild is completed to implement this change.

Mr. Donek said he was concerned about the message Docks & Harbors would be sending to local processors if we did away with the fish tickets.

Mr. Mosher said it's none of Docks & Harbors' business whether the local fishermen sell locally or not.

Mr. Janes suggested inviting the local processors to a meeting to hear their comments before making a decision.

Mr. Donek said if it doesn't make any difference to the processors then we don't need this rule.

Mr. Uchytel asked if there are any packers that qualify for the credit?

Ms. Raster said there are two tenders that have year-round stalls downtown and we give them the 20 free days at Statter Harbor.

Mr. Simpson suggested forwarding this item to the next meeting and directed staff to contact the local fish buyers for their comments.

No motion was made.

~~2. Fee for Tenders ([05 CBJAC 20.045](#))~~

~~Mr. Simpson said he was here when this regulation was adopted. Every boat of a certain size has a skiff with it, on a davit or up on the roof. A lot of people were keeping their skiff in the water next to their boat to zip around and run errands, etc. From a policy standpoint, we decided that if people have an assigned stall and they can put the skiff within the footprint of the stall and not extend it out into anyone else's way, then we don't need to charge extra for that. If you're sticking it off your stern and it's projecting into the fairway then you need to be paying for it.~~

~~Mr. Uchytel asked how yachts are charged for their tenders?~~

~~Ms. Raster said if they are in the water we charge them moorage by the foot.~~

~~Mr. Simpson agreed if they are using space in the water at one of our docks then they should be charged for moorage.~~



April 11, 2016

To Whom It May Concern:

This letter is in reference to 05 CBJAC 20.044 "ACTIVE FISHING VESSEL DISCOUNT AT STATTER HARBOR."

Alaska Glacier Seafoods supports this regulation that has been in place for a number of years because this is a way for the CBJ to incentivize local fishermen to make deliveries of fish to local processors. It rewards Juneau fishermen who support other local businesses, while not providing any benefits to out-of-town fishermen.

We certainly recognize that every fisherman has a right to do business with any processor, and we respect the rights of business owners to pursue markets as they see fit. However, as a locally-owned business, we also understand the challenges faced by the CBJ to balance its budget. We know that the more fish that are landed in Juneau, the more Juneau benefits from the shared Fisheries Business Tax. If local businesses are successful, services provided by the local government, like harbor facilities, will benefit. We believe it is appropriate for the Docks and Harbors Board to maintain the discount of 20 free moorage days at Auke Bay because this is one of the few ways CBJ can provide an added incentive for Juneau fishermen for local deliveries.

This benefit applies only to fishermen who are paying annual moorage to the CBJ for downtown harbor slips, so we are not favoring out of town fishermen over local fishermen who deliver to other processors. We also agree with the regulation as written because it only applies to fishermen who are current with their moorage payments. Fishermen who get this benefit are already helping the Docks and Harbors Department by informing them when their annual stalls are empty, and the city is already gaining by hot-berthing other vessels in those stalls. It seems only fair that these particular local vessels get some kind of recognition for their choice to deliver fish in Juneau, because they are helping bring more revenue into CBJ coffers to pay for these services.

Alaska Glacier Seafoods is proud to be a part of Juneau's seafood economy. Thank you for considering our opinion in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Erickson", written over a horizontal line.

Mike Erickson, President

CBJ Docks and Harbors Board
Harbor Fee Review Committee Meeting Minutes
For Wednesday April 13th, 2016

- I. Call To Order – Budd Simpson called the meeting to order at 12:10 p.m. in CBJ room 224.
- II. Roll Call – The following members were present: Tom Donek, David Lowell, Robert Mosher, Bob Janes, and Budd Simpson.

Also present were the following: Carl Uchtyl – Port Director, Dave Borg – Harbormaster, Dolly Raster- Administrative Assistant III, Jennifer Mejia- Administrative Assistant II, and Doug Unruh – Operations Maintenance Supervisor.

- III. Approval of Agenda.

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

Motion Passed With No Objection

- IV. Approval of March 9th, 2016 Harbor Fee Review Committee minutes. Hearing no objection, the March 9th, 2016 Harbor Fee Review minutes were approved as presented.
- V. Public Participation on Non-Agenda Items – None
- VI. Unfinished Business

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

Mr. Uchtyl said the direction given at the last meeting was to reach out to the two fish processors in town, Alaska Glacier Seafood and Taku Smokeries. He said he received a letter from Alaska Glacier Seafood and it is in the packet, Taku Smokeries has not yet responded. The recommendation from Alaska Glacier Seafoods letter was to keep the fishing discount status quo. The other letter in the packet is from Jenny Mejia who is the Administrative Assistant at Statter Harbor. The question was, “whether the requirement to show fish tickets should be removed and just have the fishermen provide their limited entry card to receive the discount”.

Committee Questions

Mr. Mosher said he doesn’t understand why there will be more work involved for staff with just showing the limited entry card.

Ms. Mejia said when someone provided her with fish tickets, she would only need to go into those accounts which are usually only about five or six in a month and apply a credit. By giving a credit with the fish entry card, she would need to go into all 77 accounts each month.

Mr. Mosher said he still doesn’t understand why a copy of his fish entry card doesn’t do the same thing without showing his personal information.

Ms. Mejia said the fish tickets prompt her to go into the specific account and apply the discount. She would need to go into all 77 accounts to see if they used Statter Harbor in that month.

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Ms. Raster said some months they would only get three fishermen turning in fish tickets meaning only three accounts would need to have credits applied. If the fish card was used, she would need to go into 77 accounts to check charges.

Mr. Lowell said the fish card could be used instead of the fish tickets. The three people who sold fish could just show the permit card and those three accounts could be looked at to receive the credit.

Mr. Mosher said he wants to just have to show his fish permit card.

Ms. Raster asked if he wanted to bring his card in every month?

Mr. Mosher said it would only be when he is in Statter Harbor. He doesn't want to show his personal information, and make more work for the office staff.

Ms. Raster said the only thing needed on the fish tickets is the date and the name of the boat. Does the fish permit card mean they can sell to anyone?

Mr. Mosher said yes.

Ms. Raster said the selling local would need to be addressed before we could just take the fish permit card.

Mr. Uchytel asked if anything in this regulation merit's change?

Mr. Mosher said he doesn't agree with having to sell to someone in town. He shouldn't be told to who or where he conducts business. Asking the local fish processing companies if the regulation is good as is isn't helpful because this helps their business.

Public Discussion

Charles Blattner, Juneau, AK

He said he is new to the fishing industry. He said when he went in to pay his annual harbor fee and get the prepayment discount, he was told he could get another discount for being a commercial fisherman if he turned in his fish tickets. He went and got his fish tickets and then they told him he didn't qualify for the discount. The office staff told him he needed to sell to a local vendor to qualify. He said he feels this gives other fishermen an unfair competitive advantage. It should only be his business who decides who he sells to. This savings would have been approximately \$800.00. He said he spends a tremendous amount of money in the community and his property tax has gone sky high. There is nothing other than location for fishing that Statter Harbor offers to him. He said he had a rough year financially last year and \$800.00 in savings meant a lot to him. He said if his community, that he has lived in for 20 years, is not going to give him a break, than maybe he will take his business elsewhere. He said he could keep his boat in a different community for the winter months and come out ahead.

Mr. Janes asked if he was looking at two different issues with the annual prepayment discount and the fisherman's discount?

CBJ Docks and Harbors Board
Harbor Fee Review Committee Meeting Minutes
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Mr. Blattner said no, he thought part of this regulation for the fishermen's discount was to pay a year moorage in advance.

Mr. Uchytel said no, you just have to be an annual stall holder downtown.

Mr. Blattner said because he wasn't told initially that there were qualifiers he was upset when he found out he didn't qualify. He does a lot of business in Juneau and doesn't have to, and pays a ton of money in taxes. He can get better prices out of town and get stuff shipped up on AML. He also said he doesn't want to be told who he needs to sell to.

Mr. Mosher said there were two other fishermen that were unable to come today, but they are also against having to sell to a local fish processor to get the discount.

Committee Discussion/Action

Mr. Donek said the purpose of this regulation in the beginning was to encourage local fish sales. He suggested to figure out what the purpose of this regulation is today. Does the Committee want to encourage fish sales to local fish processors or an encouragement for the local fishing fleet? If it is just for the local fishermen, there are other business' that work off our docks and we don't offer them a discount.

Mr. Simpson said Docks and Harbors receives a good deal of money out of the fish taxes that are collected when fishermen transact business with the local processors. We don't get those funds from the fishermen that sell elsewhere. The money that Docks & Harbors receives is the major part of the original thinking in offering the free moorage. This is giving something back to the fishermen who are helping generate revenue that comes to the department and contribute to our revenue stream. This is not just a random discount and intended to force someone to sell to certain people. It doesn't mean we have to keep it like this.

Mr. Mosher said it has turned into something that coerces you. There are two boats tied side by side and both live in Juneau and both do business in Juneau, one is given a break and one is not depending on his personal business decisions.

Mr. Lowell said it is an opportunity in a business decision. This is not penalizing anyone but giving an incentive to sell local.

Mr. Mosher said the fishermen that doesn't sell local is being levied a fee for not selling local.

Mr. Lowell asked if he thought that was due to not being able to take advantage of the discount?

Mr. Mosher said yes.

Mr. Lowell asked if Alaska Glacier Seafood's fish buyer at Elfin Cove is considered a local fish buyer because they bring the fish back to Juneau?

Mr. Mosher said yes because it is based on where the fish end up. He said Taku Smokeries also owns Hoonah Cold Storage and so if he sells to him in

CBJ Docks and Harbors Board
Harbor Fee Review Committee Meeting Minutes
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Hoonah, he is also selling to a local fish processor but Hoonah is getting the raw fish tax.

Mr. Uchytel said it is where the fish is processed. For example, The City of Homer doesn't get any raw fish tax because all their fish is delivered to Fairbanks to process.

Mr. Janes said another option is to eliminate the discount all together and the fisherman can sell to whoever they want. This would get rid of the disadvantage feeling.

Mr. Donek suggested to open this up to all slip holders. If someone has a slip downtown and they wanted to go north, they would get 20 days free moorage.

Mr. Mosher agreed with Mr. Donek and said there should be some advantage to living in Juneau.

Mr. Donek said as a recreational boater, he spends a lot of money in this town and pays a lot of money on property tax. He is already paying his fair share and doesn't get a discount. Why is it fair for you to get a discount and not sell to the local business'.

Mr. Blattner said he agrees. If you are trying to make it good for one group, you should make it good for all. He said he is shocked by the discrepancies in rates from downtown to Auke Bay. He understands location, there should be some kind of scaled discount for Juneau residence across the board.

Mr. Mosher said everyone that owns a boat is going to end up in Auke Bay at one point or another.

Mr. Simpson said the idea behind the 20 free days was a benefit for the commercial fleet that does do business here because Docks & Harbors receives the raw fish tax. This is the connection and why it is not offered to recreational boaters. The Commercial fishermen do make a contribution to the revenue of Docks & Harbors. He doesn't see the 20 fee day as a punishment if this is not offered to everyone. If this is going to be opened to fishermen that don't do local business, why don't we open this up to recreational, and then Docks & Harbors will be faced with making up the lost revenue. The 20 free days can be justified because we are getting revenue for that to replace what we are losing. If this was offered to recreational boaters, there is no comparable way of making it up unless everyone's moorage rates are increased.

Mr. Janes asked if the local incentive was taken away, how would this affect the fish processors?

Mr. Simpson said with the letter from the local fish processor supporting keeping the discount there has to be some benefit for them, but it would be impossible to determine how much.

CBJ Docks and Harbors Board
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Mr. Donek asked how much of an incentive is this to sell local? If you are going fishing and if you sell local you could get 20 days in Auke Bay, is this a big enough incentive to sell to Glacier Seafoods?

Mr. Blattner said for him it would have been a saving of \$800. Normally, that wouldn't be that much to a commercial fishermen, but last year it was a huge deal. He didn't sell local last year because he was being loyal to someone who helped him out in getting his business started. This year can be different. He asked if the Harbor was considered a public service?

Mr. Uchytel said Docks & Harbors are enterprise operations meaning we don't get any property tax, or sales tax.

Mr. Blattner said so it is a private Industry.

Mr. Uchytel said we are all CBJ employees, but we need to conduct business from the revenue Docks & Harbors generates.

Mr. Janes suggested to offer the discount based on whether someone is a resident of Juneau.

Mr. Simpson said he likes the idea of having some kind of local discount and also likes the idea of benefitting the commercial side because of contributing additional funds that the recreational boaters are not. The questions is how is all of this balanced.

Mr. Blattner said it would be nice for people that live in town to get some kind of discount. He is all about equality. If one group is getting a discount, then the other group should also.

Mr. Simpson said one benefit Docks & Harbors is working on implementing is increasing the discount for annual prepayment which will be for locals.

Mr. Borg said if this were to apply to all fishermen, there would be ways the fishermen would be able to take advantage of the discount. He believes the way the regulation is now is a great service for the commercial fishermen. He doesn't think just because you're a tax payer you should be given a discount because we all do that.

Mr. Simpson suggested this should apply to only customers who paid their annual moorage in advance.

Mr. Janes said he wants to promote the fisherman. He wanted to know how much it would affect the local fish processors if this regulation changed. He would like it so fishermen could sell to whoever they wanted to.

Ms. Raster suggested to give the commercial fishermen that sell locally 23 days, and other commercial fishermen 10 days.

Mr. Simpson asked if this would be easy to track?

Ms. Raster said they would just need to show they have a year around stall and provide the fish tickets so we could tell what discount to use.

Mr. Simpson said that would support the local preference and still provide a general benefit to fishermen.

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Mr. Donek suggested to change (4) of the regulation to add: payment of moorage is on an annual basis. This would then only apply to locals.

Mr. Simpson noted that is already in the regulation “ An annual stall holder that pays annual fees may get 20 days free moorage at Auke Bay”.

Ms. Raster said a person can have an annual stall and pay monthly.

Mr. Simpson said that is how staff is interpreting it but maybe what is meant is the annual fees need to be prepaid. There is nothing annual about it if a person is paying month to month.

Mr. Donek said it doesn't say annual in the fourth paragraph. He can see the confusion with the wording in this regulation.

Mr. Mosher suggested to simplify this regulation. The commercial fishermen with reserved stalls just has to show their fish permit card and they would get 20 days free in Auke Bay and they don't have to show their fish tickets.

Mr. Donek said then there could be all 77 boats in Auke Bay.

Mr. Mosher said that won't happen.

Mr. Donek suggested that commercial fishermen with an annual stall downtown would get the 20 days free moorage at Auke Bay to use in the winter months.

Mr. Simpson asked Mr. Blattner if the 20 free days at Statter Harbor in the winter months would help him.

Mr. Blattner said he doesn't use Statter Harbor in the winter right now. In his five year plan it might help him.

MOTION By MR. JANES: IF A COMMERCIAL FISHERMAN IS A LOCAL RESIDENT AND HAS A YEAR AROUND STALL THEY WILL BE ENTITLED TO TWENTY DAYS OF MOORAGE AT STATTER HARBOR AND ASK FOR A VOTE.

The Committee members discussed the motion.

Mr. Janes retracted his motion.

Mr. Uchytel asked if the goal was to get rid of having to show the fish tickets.

Mr. Mosher said yes.

Mr. Simpson said no, but it is an issue.

Mr. Janes said his goal is to allow fishermen to sell on the open market and yet if they are local residence they are still contributing to Juneau's economy.

Mr. Mosher suggested a local resident or selling to a local processor.

Mr. Simpson said that is too many moving parts.

Mr. Lowell said it would reduce the drama. Some people would get a double discount. A 10% for paying annual up front and 20 days free for selling to a local processor.

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Mr. Simpson asked how the annual stall holder and local resident is determined.

Mr. Borg said he has a hard time trying to get customers to bring in their registration for a launch ramp permit.

Mr. Simpson said the customers that are eligible for these discounts are receiving a large benefit so they should want to supply the required documents.

Mr. Mosher said all you need to do is take away selling to a local processor and show the permit card and it would be the same thing. He said, permit card, reserved stall, and 20 days.

Ms. Raster said no refunds.

Mr. Donek said this is getting away from the original intent.

Mr. Simpson directed Committee members and staff to come back to the next meeting with recommendations for motion on this item. He suggested to think about what is trying to be accomplished, and how it can be implemented without driving staff crazy and imposing a huge burden on them. This would be trying to benefit and incentivize local commercial fishermen, provide a break for residence, and not hurt our revenue.

Mr. Bladder made a suggestion to give 20 days if selling to a local fish processor and 15 days to a commercial fishermen that is not selling to a local fish processor.

Mr. Simpson said that would add another layer of inquiry from staff.

Mr. Bladder said at some point you just have to say it is a job.

Mr. Uchytel said the regulation just needs to be simple so there is no question in interpretation.

VII. New Business – This item was not discussed.

1. Residence Surcharge (05 CBJAC 20.050)

VIII. Future Business – This item was not discussed.

1. Grid Usage Fees (05 CBJAC20.100)

IX. Next Harbor Fee Review Meetings – April 20th at Noon.

Mr. Simpson said to only put the Active Fishing Vessel Discount on the next agenda.

Mr. Uchytel asked if the Committee was still going to meet in the summer?

Mr. Donek suggested to get through the commercial fishing item and then start up again in September.

X. Adjournment – The meeting adjourned at 1:22 pm

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I. Call To Order – Budd Simpson called the meeting to order at 12:00 p.m. in CBJ room 224.

II. Roll Call – The following members were present: Tom Donek, David Lowell, Bob Janes, and Budd Simpson.

Absent: Robert Mosher

Also present were the following: Carl Uchtyl – Port Director, Dave Borg – Harbormaster, Dolly Raster- Administrative Assistant III, Jennifer Mejia- Administrative Assistant II, and Doug Unruh – Operations Maintenance Supervisor.

III. Approval of Agenda.

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

Motion Passed With No Objection

IV. Approval of April 13th, 2016 Harbor Fee Review Committee minutes.

Hearing no objection, the April 13th, 2016 Harbor Fee Review minutes were approved as presented.

V. Public Participation on Non-Agenda Items – None

VI. Unfinished Business

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

Mr. Simpson said this was discussed at the last meeting with a direction to Committee members and staff to come back to this meeting with ideas & suggestions for this regulation. Mr. Donek provided a handout with a few suggestions.

Mr. Uchtyl said this regulation is very contentious because we are not giving a break to all the fishermen. He said, if we assumed we had 100 fishing vessels with a 40' length, at \$4.25 per foot over a 12 month time period residing in Juneau, they would produce a revenue of \$204,000 annually. We would be losing the existing Statter Harbor discount of \$12,500, but we could do away with the active fishing discount all together and just give a 6% discount to the 100 fishing vessels.

Committee Questions

Mr. Simpson asked if this would just be a moorage break to all commercial fishermen with the fishermen just having to show a limited entry permit to prove they are a commercial fisherman?

Mr. Janes asked if that would be for residence or not.

Mr. Uchtyl said this would be for fishermen with reserved moorage. This is almost like a coupon that acts as an incentive. He said he disagrees this is a disincentive to some that don't want to choose to use the coupon. We all have free will.

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Ms. Raster said Mr. Mosher and Mr. Blattner provided her with their recommendations. She said;

Mr. Blattner recommended to give the 20 days free rental at Statter Harbor to the commercial fishermen that sell local, and 15 days to the commercial fishermen that sell to vendor's of choice. The commercial fishermen would have to pay a year in advance, and let them moor at Auke Bay in the winter because there is space anyway.

Mr. Mosher recommended to give the 20 days free rental at Statter Harbor to the commercial fishermen by just showing the limited permit card. Have a requirement to show their driver's license to prove residency, have free winter moorage, and the 20 days only apply April through October in the busy season.

Mr. Simpson said he is assuming when they talk about free winter moorage this would apply to commercial fishermen that have paid a year in advance for downtown moorage.

Ms. Raster said yes.

Mr. Simpson said this isn't actually free, but waiving the Statter Harbor separate fee.

Mr. Unruh asked if the free moorage in the winter was for the commercial fleet or everyone?

Ms. Raster said this would be for the commercial fishermen that have annual downtown moorage.

Mr. Unruh asked if there is 20 days free moorage given in the summer and free moorage in the winter, why don't we give the free moorage to any stall holder that wants to come out to Statter Harbor?

Mr. Janes said he does not recommend the commercial fishermen provide proof of significant fish landings. However, he said he does recommend that the owner provide proof of local residency with a current utility bill or a voter registration and payment of a year in advance which would then provide the 20 days free moorage at Statter Harbor during the summer. He feels strongly that we need to do everything we can to encourage our local fishermen.

Mr. Simpson clarified that Mr. Janes recommended just local fishermen as opposed to selling local.

Mr. Janes said yes, get rid of the requirement to sell local because it is problematic, but he does believe in a discount.

Mr. Borg said staff recommends to leave the regulation as is because it works and it is simple. Mr. Borg said he likes Mr. Donek's option "A" which is to keep it as is but clarify to receive this discount you need to be paid a year in advance. He said currently when anyone is required to provide paperwork on anything, (i.e. Registration for additional launch ramp permit), it is a battle. People just don't want to provide anything extra.

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Mr. Janes said that was when a commercial fisherman had to sell to a local fish processor. He asked Mr. Borg if people would bring in a voter's registration or utility bill that proves they live here for 20 days free moorage.

Mr. Borg said he can't say for certain but currently people don't want to bring in their trailer registration to be able to get another launch ramp permit for free. People end up arguing that we sold them one last year and it ends up a fight at the counter.

Mr. Janes suggested to not give them one at that point.

Mr. Borg said he just wants to keep down the drama and a fight at the front counter. Everything we do is a learning curve and the way the regulation is now is working.

Ms. Raster said there are approximately 100 boats eligible. In the last three and a half years since she has worked for Docks & Harbors, only six people disagree with providing their fish tickets.

Public Discussion

Charles Blattner, Juneau, AK

He said the money he pays for moorage in Auke Bay, is money that he could be using on his family.

Mr. Janes asked why he doesn't sell local?

Mr. Blattner said it was because he didn't know any better. He is new to the business, and he didn't know how to get into the business. He went to someone and they said they would set him up. He didn't know the politics when he got involved and thought the moorage would be the same for Statter Harbor and downtown. This was an expensive lesson. However, that being said, he thought it was bad business to tell this person who helped him he wouldn't do business with him anymore because it would cost him more money.

Amanda Mosher, Juneau, AK

She said Tim (Robert) Mosher is her father and asked her to come today. She said she is a permit holder and goes fishing every year. She does not believe she should be asked to sell her fish to certain people. It is not Docks & Harbors business who she sells fish to. It is especially frustrating in the winter months when the Harbor is wide open.

Mr. Janes asked if it would be difficult for her to bring in a current voter registration or a local utility bill to show residency?

Ms. Mosher said she would be much more willing to bring those items versus her fish tickets.

Mr. Blattner said he would bring in those items also.

Committee Discussion/Action

Mr. Lowell asked if the numbers Mr. Uchtyl provided included the annual discount for the downtown moorage?

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Mr. Uchytel said it does not.

Mr. Simpson said there are several options at the table. He said he hears the concerns from the people who testified as well as staff. This is a hard question. He said currently there is an appropriate connection between the policy as it stands now which requires using the local fish processor because it was originally/is based on the fact that we receive revenue from the fish tax from those deliveries. Docks & Harbors does not receive fish tax revenue from commercial fishermen that sell their fish elsewhere. He said there has been testimony that suggests that the City has this to keep commercial fishermen from selling elsewhere, or dictating who they can do business with. He does not find that to be the case because they are doing business elsewhere and it is not costing them more, but they are just not receiving the discount. The discount is designed as an incentive to do something but is not a penalty for failure to do something. Mr. Simpson supports Mr. Donek's option "A" which is to keep the current regulation the same except to require the paid up annual moorage to be in place so this is not offered to monthly tenants. He wanted to remind people also that Docks & Harbors is also working on offering a greater discount for paying annual moorage which will be going to 10%. In regards to the privacy issue with showing the fish tickets, staff doesn't need to see anything on the fish ticket other than where the delivery was made.

Mr. Lowell said he agreed with Mr. Simpson as far as the fish tax and the incentive. He said it should be looked at as an incentive and not a disincentive. He suggested to not break the tie between the fish tax and the discount.

Mr. Simpson said there is a discount offered for all the locals and that is the 10% discount for paying annual moorage which only locals would have.

Mr. Donek said from his options, the ones he preferred is to keep it as is or delete it. His third option which opens up a discount to all commercial fishermen is one he does not agree with. If you start offering one user group a discount, where will it stop? He said he struggles with the lack of information. We know we gave out \$12,500 for the discount, but we don't know what the fish tax was.

Mr. Simpson said we do know there was a fish tax and it only came in from the local fish landings. It is impossible to identify what amount of fish tax comes from what boats.

Mr. Uchytel said we know the fish tax amount which was approximately \$385,000 last year.

Mr. Simpson said it is a substantial amount, and the boats this discount applies to is part of that revenue for Docks & Harbors. There is a financial difference between these commercial fishermen and the average recreational boater, and that is the rationale behind this discount. Mr. Simpson said if it weren't for the raw fish tax, he would not be inclined to offer this discount at all.

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MOTION By MR. DONEK: TO MAKE NO CHANGE TO THE REGULATION EXCEPT TO CLARIFY THE REQUIREMENT THAT THE MOORAGE MUST BE PAID A YEAR IN ADVANCE. ALSO TO INSTRUCT STAFF THEY ONLY NEED TO SEE THE PROCESSOR NAME, BOAT NAME, AND DATE ON THE FISH TICKET AND HAVE THIS GO TO THE REGULAR BOARD FOR CONSIDERATION AND ASK UNANIMOUS CONSENT.

Mr. Janes objected for further discussion. He said he knows there is more to a business relationship than just what is on paper. He said some fishermen may use a certain fish processor because they do a better job. He doesn't like the idea of forcing or having an incentive to sell local. He doesn't like having the incentive there if it compromises our fishermen's business patterns and business principles. He said this should not be our responsibility. He would an even playing field and recommends having no incentive at all which is Mr. Donek's option "C".

Mr. Uchytel said he didn't think this has gone to the OPS/Planning meeting yet.

Mr. Donek said it could go to OPS/Planning.

Roll Call Vote –

Mr. Donek – Yes

Mr. Lowell – Yes

Mr. Janes – No

Mr. Simpson – Yes

Motion Passes

Mr. Simpson said this will move forward to the next OPS/Planning meeting.

VII. New Business – None

VIII. Future Business –

1. Residence Surcharge (05 CBJAC 20.050)

Mr. Donek suggested to not take up the fees and start the discussion on live-aboards.

Mr. Simpson said after the discussion is completed, then address the fees.

Mr. Donek said he doesn't know if we are losing money on this or not at this time.

Mr. Simpson noted the sanitation issues that are involved with the live-aboards. This may be the time to phase in requirements to address the problem with marine sanitation. Have the pump out cart go around to empty live-aboard holding tanks and charge for that service. The boats that can't move and can't go to the pump out, we all know where their sewage is going. He recommended this item go to the OPS/Planning meeting.

IX. Next Harbor Fee Review Meetings –

Mr. Simpson said the Committee will suspend meetings for the summer.

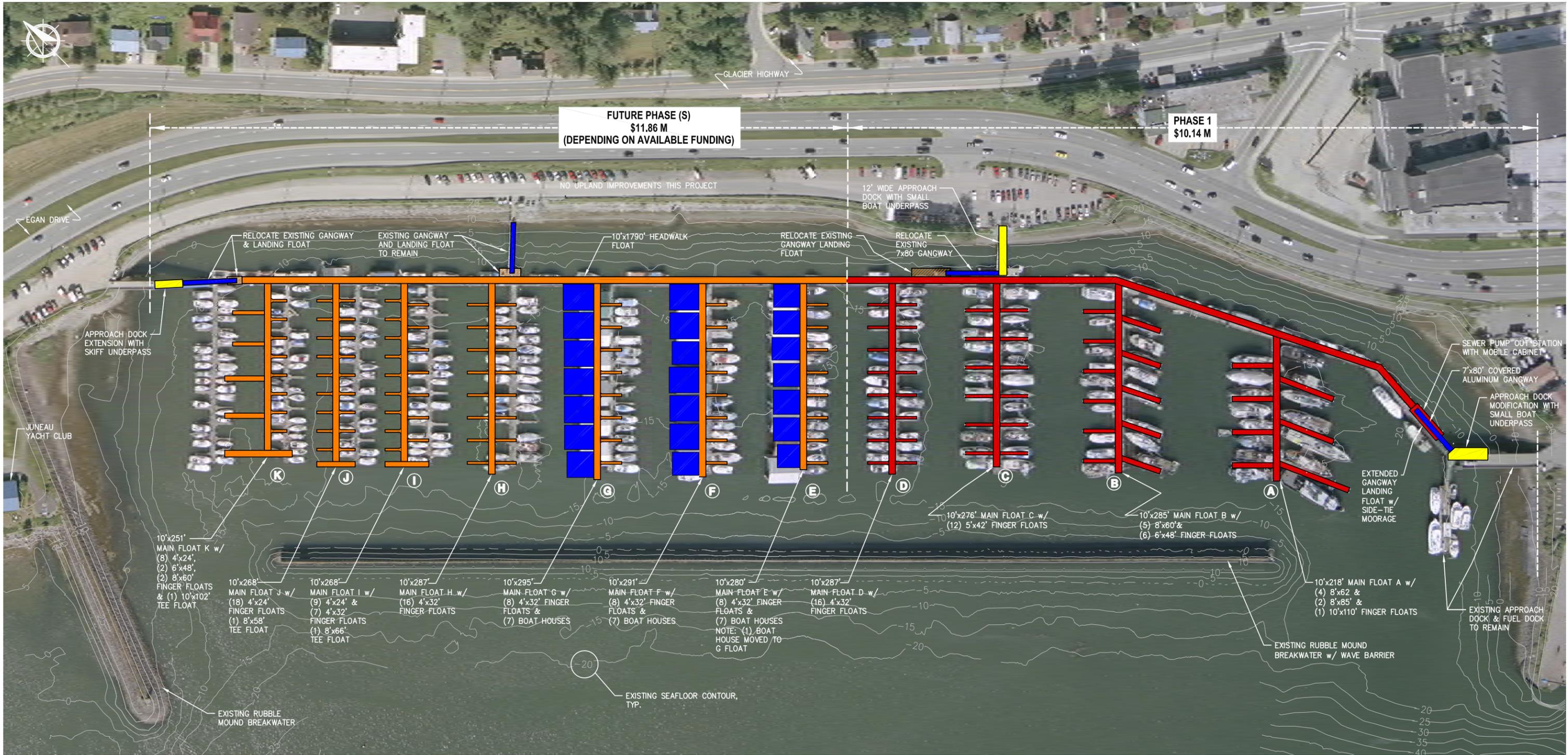


**AURORA HARBOR REBUILD
PRELIMINARY ENGINEER'S ESTIMATE
FUTURE PHASES**



Prepared on: February 4, 2013

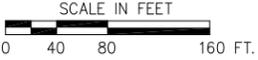
Item	Item Description	Units	Quantity	Unit Cost	Amount
1505.1	Mobilization	LS	All Reqd	10%	\$816,700
2060.1	Demolition & Disposal	LS	All Reqd	\$250,000	\$250,000
2601.1	Domestic Water System	LS	All Reqd	\$400,000	\$400,000
2611.1	Dry Fire Suppression Line	LS	All Reqd	\$300,000	\$300,000
2702.1	Construction Surveying	LS	All Reqd	\$40,000	\$40,000
2726.3	Approach Dock N Modifications	SF	500	\$200	\$100,000
2894.2	Reinstall Existing Gangway & Landing Float	EA	2	\$10,000	\$20,000
2895.1	Headwalk Float, 10' x 895'	SF	8,950	\$100	\$895,000
2895.6	Main Float E, 10' x 280'	SF	2,800	\$100	\$280,000
2895.7	Main Float F, 10' x 291'	SF	2,910	\$100	\$291,000
2895.8	Main Float G, 10' x 295'	SF	2,950	\$100	\$295,000
2895.9	Main Float H, 10' x 287'	SF	2,870	\$100	\$287,000
2895.10	Main Float I, 10' x 268'	SF	2,680	\$100	\$268,000
2895.11	Main Float J, 10' x 268'	SF	2,680	\$100	\$268,000
2895.12	Main Float K, 10' x 251'	SF	2,510	\$100	\$251,000
2895.13	4' x 24' Finger Float	EA	35	\$12,000	\$420,000
2895.14	4' x 32' Finger Float	EA	47	\$15,000	\$705,000
2895.16	6' x 48' Finger Float	EA	2	\$32,000	\$64,000
2895.17	8' x 60' Finger Float	EA	2	\$48,000	\$96,000
2895.22	8' x 58' Tee Float	EA	1	\$48,000	\$48,000
2895.23	8' x 66' Tee Float	EA	1	\$53,000	\$53,000
2895.24	10' x 102' Tee Float	EA	1	\$102,000	\$102,000
2895.25	10' x 12' Electrical Float	EA	2	\$14,000	\$28,000
2895.26	Reattach Boat House	EA	21	\$5,000	\$105,000
2896.1	Steel Pipe Pile, 12.75" dia. x 0.500" thick	EA	50	\$7,000	\$350,000
2896.2	Steel Pipe Pile, 16" dia. x 0.500" thick	EA	54	\$9,500	\$513,000
2896.3	Predrilled Pile Sockets	EA	25	\$5,000	\$125,000
2897.1	Supply Flotation Billet	EA	80	\$150	\$12,000
2897.2	Install Flotation Billet	EA	80	\$300	\$24,000
2899.1	Life Ring Cabinet and Base	EA	21	\$1,100	\$23,100
2899.2	Fire Extinguisher Cabinet and Base	EA	21	\$900	\$18,900
5120.1	Electrical Support Assemblies	LS	All Reqd	\$25,000	\$25,000
16000.1	Electrical System	LS	All Reqd	\$1,500,000	\$1,500,000
16000.2	Spare Electrical Equipment	LS	All Reqd	\$10,000	\$10,000
ESTIMATED CONSTRUCTION BID PRICE					\$8,983,700
CONTINGENCY (15%)					\$1,347,555
PLANNING, PERMITTING & SITE INVESTIGATIONS (2%)					\$179,674
DESIGN ENGINEERING, CONTRACT ADMIN & INSPECTION (15%)					\$1,347,555
TOTAL RECOMMENDED PROJECT BUDGET					\$11,858,484



MOORAGE FLOAT SUMMARY		
SLIP LENGTH	EXISTING CAPACITY	PROPOSED CAPACITY
24 FT	184	75
32 FT	125	135
COVERED MOORAGE (42' TO 45')	42	42
42 FT	39	26
48 FT	0	18
60 FT - 63 FT	20	27
85 FT	7	5
100 - 110 FT	0	3

NOTE:
ADDITIONAL SMALL VESSEL SIDE-TIE MOORAGE IS AVAILABLE ON SHORE SIDE OF HEADWALK FLOAT, NOT COUNTED IN EITHER EXISTING OR PROPOSED MOORAGE SUMMARY, APPROX. 35 VESSELS (UP TO 24' LENGTH).

AURORA HARBOR REBUILD MASTER PLAN



P N D
ENGINEERS, INC.

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AURORA HARBOR REBUILD	
MASTER PLAN	
DATE: 1/31/13	PND PROJECT NO.: 122055.01
1	