

CBJ Docks and Harbors Board
REGULAR BOARD MEETING MINUTES
For Thursday, May 26th, 2016

I. Call to Order.

Mr. Donek called the Regular Board Meeting to order at 5:01p.m. in the CBJ Assembly Chambers.

II. Roll Call.

The following members were present: John Bush, Weston Eiler, David Lowell, Bob Janes, Budd Simpson, David Summers, and Tom Donek.

Absent: Robert Mosher, and Tom Zaruba.

Also present were the following: Carl Uchtyl - Port Director, Gary Gillette - Port Engineer, David Borg- Harbormaster, and Jerry Nankervis - Assembly Liaison.

III. Approval of Agenda.

Mr. Uchtyl wanted to add an item for Information/Discussion - #5 Immersion Park

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

Motion passed with no objection

IV. Approval of March 24th 2016 Docks Fee Review Committee Minutes, April 28th, 2016 Harbor Fee Review Committee Minutes, and April 28th, 2016 Regular Board Meeting Minutes.

Hearing no objection, the March 24th 2016 Docks Fee Review Committee Minutes, April 28th, 2016 Harbor Fee Review Committee Minutes, and April 28th, 2016 Regular Board Meeting Minutes were approved as presented.

V. Public Participation on Non-Agenda Items - None

VI. Consent Agenda - None

VII. Unfinished Business - None

VIII. New Business

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

Mr. Uchtyl said this has been through three Harbor Fee Review Committee meetings, the OPS/Planning Committee Meeting, and the motion written is the motion that has been presented at both meetings. There is an additional letter from Kathy Hansen handed out tonight on this topic. Mr. Uchtyl said if this does pass tonight he recommends this go out for a 21 day public notice process because of the requirement that moorage must be paid a year in advance.

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Board Questions

Mr. Simpson said when this was discussed in the Committee's, paying in advance was the intent all the time and this is simply clarifying how it is implemented.

Mr. Uchytel said he just wants to make sure that it is fully understood.

Mr. Simpson said the motion is all existing language. The part in discussion is "the owner of a fishing vessel that pays annual fees". The Committee was clarifying and not changing the existing regulation annual fees are paid and not just being an annual resident.

Public Comment - None

Board Discussion/Action

Mr. Janes said as a Committee, this is the best way to move forward right now. He recommended to relook at this in the fall with more fisherman input.

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

Motion passed with no objection

Mr. Donek said the Board will refer to Mr. Uchytel's judgment if this needed to have the 21 day public notice.

Mr. Uchytel said if this is going to be opened in the fall, he will leave it as is until then.

Mr. Donek said he doesn't see much gained from opening this up in the fall. He suggested to look at the bigger picture on what's happening with the fishing Industry.

IX. Items for Information/Discussion -

1. Cruise Ship Berth Vibration Monitoring Report

Mr. Uchytel said Ms. Kristen Kolden from Alaska Seismic & Environmental is here to give a presentation on the vibration monitoring from Docks & Harbors 16B project which started in September. Her company was hired to do vibration monitoring around the areas Manson Construction was working.

Ms. Kolden said she was hired to monitor construction vibrations from pile driving and pile driving related activities during the 16B South Berth construction. She showed a power point presentation that went over how they monitored and the results. A specific program was developed to address concerns of upland owners in the project area specifically there were concerns that the potential construction vibrations would create new

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or exasperated existing cracks at the Fisherman's Memorial and the Mount Roberts Lower Tram building. Also, the perception that pile driving construction could influence ongoing settlement in the area. There were three monitoring locations, the People's Wharf, the Tram building and the Fisherman's Memorial. At the People's Wharf, a geophone was installed in the ground to continuously monitor ground vibrations. The geophone measures three different directions of ground motion which is recorded as peak particle velocity in inches per second. The geophone and the seismograph measured continuously throughout the project in histogram mode which records the highest vibration. That is measuring once every minute, every day, and every hour. If a trigger level is exceeded the seismograph will go into burst mode and it records inches per second at 2,048 samples per second for three seconds to be able to get an idea of what is actually happening. If an event was recorded, she took a peak particle velocity and compared that to established standards for the safe protection of buildings. This type of monitoring was done at all three locations. At the People's Wharf, the vibrations remained below 0.025 inches per second. At this level it is not possible for construction vibration to cause any damage in buildings. At the tram building a more specific program was developed to measure vibrations from pile driving. A geophone was mounted to a piling below the dock in front of the Tram building between the Tram building and the pile driving activities. The reason for this location was to ensure everything was being recorded that was going on. The vibrations were so low at the Tram building we needed to have the geophone located closer to the source to measure the vibration. There was a specialty candidate crack selected inside the Tram building on the floor slab. Crack motion was monitored for the duration of the project. We took pre and post construction photos, of existing cracks in the Tram building. Approximately 300 to 400 photos were taken on the inside of the Tram building. There was a level loop survey of elevations around the outside and interior of the Tram building. The highest vibration recorded at the pile where the geophone was mounted was 0.46 inches per second. The finding is the construction induced vibration remain well below established safe criteria and is not possible to cause cracking and damage in the Tram building. The changes in the cracks in the Tram was due to weather. Based on the changes, it is not possible they were caused by construction. At the Fisherman's Memorial, there was a geophone installed in the ground that measured movement in three different directions. From those results, they performed a shear strain analysis to look at the possibility that construction could have caused settlement. They performed pre and post construction surveys at this location. The vibration monitoring results was the highest at 0.25 inches per second which is well below the safe established criteria. The construction induced vibration was well below the established safe criteria. It is not possible that construction could have contributed to cracking or settlement at the Memorial. Monitoring at all three locations we were able to determine that construction vibrations were not high enough to actually cause any damage at the People's wharf, the

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Tram building, or at the Fisherman's Memorial. Although there were changes, it wasn't as a result of construction activities related to pile driving.

Board Discussion/Public Comment - None

2. Aurora Harbor Phase II - Planning

Mr. Gillette said Phase I has been constructed and the balance of the Harbor is left for future phases based on available funding. It is looking like there may be \$4M to move forward with. The Municipal Harbor Grant program is still in the budget. If this is not pulled from the State budget, we are in line to receive \$2M and we have committed \$2M of our own funds. This will give us \$4M for construction. The \$4M will give us enough to do the head walk, main walk, and fingers for the boat shelters. We will meet with PND next week to go through the strategy for the next phase. If we get the money we will move forward. This area should be easy to permit and go quickly. This is simply replacing in kind. The big issue is how to handle moving the boat shelter. The boat shelters are privately owned and some are not kept in good repair. There will need to be some accommodations made for them and it will probably impact the construction, construction sequencing, and the cost. If we were able to pull everything out and give the contractor an empty area to work in it is a lot easier than moving one row at a time. The Harbor staff has put a list together of all the boat shelter owners so they can be notified and have a meeting to talk about the different options. Docks & Harbors would like to keep their liability as little as possible.

Mr. Uchytel said as Douglas is rebuilt and ready, we can move as many of these vessels out in January and February and allow the contractor to come in and do that work in the winter. The larger vessels may be able to go to the inside of the new pontoon or IVF. We don't want to bring any of the Boat shelters outside the breakwater. We will check with risk to see who is going to assume the responsibility. Is it the Contractor, Docks & Harbors, or the boat owner?

Board Discussion/Public Comment -

Mr. Eiler asked why this area is going to be completed next?

Mr. Uchytel said because the \$4M of funding Docks & Harbors has to work with will do the boat shelter area.

Mr. Janes asked how the boat shelters are connected to our docks?

Mr. Gillette said the walls are floating on their private floats. The only connection is the dock.

Mr. Janes asked if they are floating like a vessel tied to a dock?

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Mr. Gillette said correct.

Mr. Donek said if we go to move these shelters and we find a lot of rot, that is the owners responsibility, but if the contractor crashes into one of them, then that would be the contractors fault.

Mr. Bush asked how the new floats are connected to the old float?

Mr. Gillette said there are piles at each end and then an aluminum transition plate.

Mr. Eiler asked if there is any work needed to the breakwater?

Mr. Gillette said no.

Mr. Eiler asked how many house boats are currently in Aurora?

Mr. Borg said between 16 and 20. He has room for six more.

3. Harbor Waster Management Plan

Mr. Borg said the Assembly signed the Clean Harbor provision and we have a letter into Rachel Lord to begin the process. In our current regulation on waste disposal, there is nothing that covers human waste. In Chapter 85.25.80, the duty of boat owners to use all reasonable precautions keeping in his or her charge in a reasonable clean and sanitary condition and special attention to pure water and sanitary toilets. Reading this, if you keep your toilet clean in your boat, you are in compliance. There is nothing that addresses the federal law that requires any vessel that is in the Harbor to have their valve secured. People are dumping waste right into the waterways in our Harbors. This is against the law and despicable. Ketchikan has been trying to address this issue also and they have come up with a reasonable cure to a serious problem. We don't have much of a regulation and we need to have one. This is the right thing to do.

Board Discussion/Public Comments

Mr. Summers asked what the time frame is? He asked Mr. Borg if he knows what percentage of the live-aboard and Harbor users use the pump out? He would like to know what percentage actually uses it now and what the use should be?

Mr. Borg said currently it is 0 participation in live-aboard's that use our pump out system. There may be two or three that will use it coming back from a trip, but there are zero signed up for the pump out. The majority of the transient's use the pump out.

Mr. Summers asked if this gets implemented, is there going to be a significant increase in our labor cost?

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Mr. Borg said that is hard to gauge. Looking forward, I would put a schedule together to make it not a heavy lift for the Docks & Harbors. We are working toward a clean harbors certification by June 1st, 2017.

Mr. Janes asked if it should be put in regulation that for a charge, staff will bring the pump out cart around to the different vessels?

Mr. Borg said some of the house boats don't even have a holding tank. He would like all live-aboards to provide him with their waste management plan for their human waste, trash, and dog waste. In their plan they could provide staff with a schedule for the use of the pump out. There are some incinerating toilets and other options. Another discussion would be limiting live-aboard's to reduce the impact on our Harbors.

Mr. Janes asked if staff has notified the live-aboard's that this may be happening?

Mr. Borg said not yet. I was notifying the Board first and then I would ask for input from the live-aboards.

Mr. Uchytel said Statter Harbor's pump out is used extensively in the summer months. He does not see a problem with limitation based on the infrastructure.

Mr. Summers asked if the current policy for a live-aboard is they have to be self reliant and mobile on its own.

Mr. Borg said there is nothing in the regulation that said if a vessel is non-moving, we will create an area for you to park. He said he supports that. We need a healthy and vibrant Harbor and derelict vessels is not that.

Mr. Donek said he likes what Ketchikan has started and would like to work on something similar. He would like this to go to OPS/Planning and come back with something more concrete to take out to the public.

Public Comment

Renee Rieser, Douglas, AK

She said it would be good to have public meetings in the different harbors to be able to inform the live-aboard's what is coming and what to expect.

Mr. Borg agreed that would be a good idea.

4. Vessel LUMBERMAN Update

Mr. Uchytel said Chilkat Surveying has been instructed to do a survey of the location of the pontoon. For Manson to move closer to the breakwater, a notice to mariners was submitted to the Coast Guard on the last week of April done in accordance of Coast Guard procedures. In our Corps permit, we said the pontoon would be moored outside our

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breakwater. Doug Trucano came to the last OPS/Planning meeting and said Petro Marine was concerned about the location of the Pontoon. The distance between the south buoy and the Petro Marine dock is 1,272'. The Alaska Marine Exchange showed a track of various tugs. He showed the exact track line for the Petro Marine tug that came in on the 19th. They cleared by 486'.

Board Discussion/Public Comments

Mr. Donek asked if the issue of having to hire a second tug when Petro Marine comes to the fuel dock is resolved?

Mr. Uchytel said if they seem to think they need a second tug, then bring a second tug. He doesn't think that is something he needs to be concerned about. Mr. Uchytel said there should be enough space. If Manson were to move, it would cost approximately \$19,000. Chilkat surveying is out today surveying and then we will need to know what to do with squatters on our submerged lands.

Mr. Lowell asked if the track points on the slide he showed represent the position of the barge or the tug. An articulated tug was used and that will be 200 plus feet in front of the barge leaving only 200 feet from the pontoon.

Mr. Uchytel said this is an AIS and the AIS is probably on the pilot house.

Public Comments

Dennis Watson, Juneau, AK

He commented he didn't think it was appropriate for Mr. Uchytel to use the word "squatter" yet. They may be, but this should not be used in reference to these people.

What kind of security measures is required by Docks & Harbors? Is there going to be someone on the barge during the winter months or does it just sit there by itself?

Mr. Donek said the contractor owns that pontoon until it is installed.

5. Immersion Park

Mr. Uchytel said an RFP went out a year ago and staff and some members of the Board graded the evaluations for the best use of this area. Central Council Tlingit & Haida was the selected finalist to move forward with the lease. They were told he would not entertain a lease until they have everything needed for operation and a conditional use permit in place before a lease is signed. They have been working with CDD and will go before the Planning Committee on June 14th for their Immersion park. He showed a small presentation. Mr. Uchytel said he facilitated a meeting with State of Alaska Fish & Game Dan Teske and Central Council Tlingit & Haida. One of the requirements that was in the RFP and will be in the lease is to provide five parking spaces for roadside fisheries. Mr.

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Teske just wanted to make sure the parking would still continue and extend the time frame for parking. Mr. Uchytel said he is confident they will get their conditional use permit and he will bring the lease to the committee meetings and the Board to approve in June.

Board Discussion/Public Comments - None

X. Committee and Member Reports

1. Operations/Planning Committee Meeting- Wednesday, May 18th, 2016

Mr. Simpson reported the Committee spent a lot of time discussing the Lumberman moorage situation, and the commercial fishing credit at Statter Harbor.

2. Finance Committee Meeting- Cancelled

3. Member Reports -

Mr. Janes said he heard good comments on the 16B project. The people like the ship farther out away from the seawalk.

Mr. Eiler said he attended the Chambers Harbor Tour Luncheon with Allen Marine and Mr. Uchytel did a great job narrating where the Board and the Port are heading and it was well received.

XI. Port Engineers Report-

Mr. Gillette said his report was in the packet and could answer any questions. He said at Statter Harbor the concrete planks are down for the ramp and the concrete block wall is complete. They are putting a concrete cap on top which will then tie into the seawalk sidewalk. This project is moving along and will be complete mid July.

Mr. Donek asked how Douglas is moving along?

Mr. Gillette said the plan currently is Trucano will start Douglas in September and be finalized by the end of the year.

XII. Harbormaster's Report -

Mr. Borg reported-

- He finally took control of the old Dehart's boat yard. He had several hundred tons of rip-rap put down, compacted, and stripped. This is temporary, but it added another 60 parking spaces which will provide monthly parking and a nice area for the old Dehart's customers.
- He said he is receiving complaints about the road construction around the Harbor entrances.
- The S-10 used at the Port finally died. We are replacing it with a new F-150.

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- He has a crew of Harbor Tech's and Harbor Officer's heading down to Taku Harbor next week to do pressure washing which will take about two to three days.

XIII. Port Director's Report

Mr. Uchytel reported -

- Statter Harbor phase III is the phase we are trying to use State Marine Passenger fees to accomplish. This project has been removed from the State list. We are still moving ahead with design, surveying, geotechnical work, and soil sampling. Staff is unsure what is going to happen long term with the Legislature.
- At the Land Use Master plan meeting last Wednesday there was about 60 people in attendance, and good input was received. Corvus Design will work on the design some more and bring it back to the Board for review and approval.
- Staff has been working with the Corps of Engineers to try to do some maintenance dredging at Harris and Aurora. They will come in the summer and do some sampling. FY17 would be design work and FY18 would be maintenance dredging with the Operations Maintenance of Rural and Subsistence Harbors funding. The same fund that was used for Douglas Harbor. Hopefully the sediments will be dirty enough that an open water disposal won't be economical and we will use the 30,000 cubic yards of maintenance dredging to back fill and create some uplands near the existing Harbor office or at Norway point as part of the Land Use Master Plan.
- The letter to NOAA to acquire the old NOAA lab property has been sent. In the letter I asked for a year to study the property and GSA came back and said we have until August 29th. Staff will be asking for more time. The plan is to use a term contract architect to come up with documents showing what Docks & Harbors could use the property for.
- Mr. Quayle is the person wanting to start a new pedi cab company. He went to the Assembly on Monday asking consideration to reduce the fees JPD requires for every company and Assembly women Bursell was going to work with him to reduce the fees. JPD told Mr. Quayle as long as he doesn't charge customers for a ride, he can operate. Mr. Uchytel said he has not modified his position because it opens it up for tour operators to operate based on tips. He is not proposing changes until he hears from the Assembly.
- Mr. Janes, Mr. Eiler, and Mr. Zaruba's Board term ends June 30 and will need to resubmit an application.

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Mr. Janes recommended to have a public input meeting before the August 29th deadline to hear public ideas for the use of the NOAA property.

XIV. Assembly Liaison Report

Mr. Nankervis reported -

- On May 23rd the Assembly met and issued a new Public Convenience liquor license for Summer use to Deckhand Dave's.
- The property tax levy rate was set to 10.66 which is down from 10.76.
- We funded the general government, the schools, the CIP, and adopted the updated land management plan.
- Nothing is going to happen with Bridge park housing for the foreseeable future.
- Mr. Nankervis said the 16B is a nice dock. He attended the Fisherman's Memorial Service and he noted how a large tender had no problem navigating in and out of the area between shore and the new dock. He has received no complaints regarding the 16B project but compliments on how good it is.
- He said he would be willing to talk to any of the Board members at length about the 20 day free moorage credit regulation issue.

XV. Board Administrative Matters

- a. Special Board Meeting for Regulation Change Hearing–Monday, June 6th, 2016 at 12:00
- b. Ops/Planning Committee Meeting - Wednesday, June 22nd, 2016 at 5:00pm
- c. Finance Committee Meeting -Thursday, June 23rd, 2016 at 5:00pm
- d. Board Meeting - Thursday, June 30th, 2016 at 5:00pm

XVI. Adjournment - The regular Board Meeting adjourned at 6:39p.m.